

## **1. Welcome**

I would like to introduce Fred Brechbiel as SBE's new Chief Information Officer. Fred comes to SBE from the Motor Vehicle Administration (MVA) where he was the Director of Software Development. During his time at MVA, Fred supported the implementation of the Real ID requirements and other key functions. Fred started on February 26th, and we expect that he will be quickly immersed in ongoing IT projects.

## **2. Announcements & Important Meetings**

### Election Directors' Meeting

We hosted an Election Directors' conference call meeting on February 20th. The minutes will be shared as soon as they are complete.

### Maryland Women's Republican Club

On February 18th, Mike Cogan and Mary Wagner had a question and answer session regarding list maintenance and overall general voter registration questions.

### House Ways & Means Briefing

Each session, the House Ways & Means Committee requests a briefing on election-related issues. On January 23rd, we briefed the committee on the on-going election preparation activities for the special primary election for the 7th Congressional District and the combined special general election and Presidential Primary Election. Representatives from the State agencies that provide automatic voter registration also briefed the committee on their implementation.

### U.S. Department of Homeland Security (DHS) - Executive Elections Table Top Exercise

On January 30th, DHS held a cyber-related table top exercise for State and local election officials, representatives of federal agencies supporting elections, and election system vendors. Approximately 300 people participated in this exercise held in Washington, DC. Scenarios included an infected email distributed to election officials, defaced websites, incorrect addresses for absentee ballots, and altered vote totals.

### National Association of State Election Directors' Winter Meeting

Linda Lamone attended the winter meeting of the National Association of State Election Directors in Washington, DC from January 31st - February 2nd. Conference attendees received briefings from the U.S. Election Assistance Commission, the Department of Justice, and representatives from Congressional committees and discussed the balance between accessibility and security, preparing for recounts, and other voter registration and participation activities.

### FY21 Budget Hearing

On February 24th, the Department of Legislative Services (DLS) issued its analysis of SBE's FY21 budget analysis. On February 25th, the Senate Budget and Taxation Committee held a hearing on the budget, and after DLS presented their analysis, we responded. The budget hearing in the appropriate subcommittee of the House Ways and Means Committee is scheduled for March 2nd. A copy of DLS' budget analysis and our response will be provided in the meeting folder.

### **3. Election Reform and Management**

#### Election Judge Recruitment Efforts

Erin Perrone sent a survey to all the local boards asking for an update of their election judge recruitment efforts for the April elections. A table of the survey results is included in the folder.

#### State Employee Election Judge Service

On January 28th, the Department of Information Technology (DoIT) sent an email to all maryland.gov account holders information on how State employees can earn up to 8 hours of administrative leave if they serve as an election judge during early voting or on election day. As a result of that email, Baltimore City gained about 150 election judges and Howard County gained about 60 election judges for the special primary election.

In an effort to recruit more State employees to become an election judge, we asked the Maryland Department of Transportation (MDOT) to distribute a similar message to State employees who work at MDOT. They did not receive the email sent by DoIT because they do not use maryland.gov email.

### **4. Voter Registration**

#### MDVOTERS

Work transitioning the SBE's data center is ongoing with partner Koniag Government Services. This team is an Alaskan-based company that has partnered with IT-CNP, a local data center company, and will house several key data applications. The data center is currently owned by The Sidus Group. It is anticipated that the new data center will be operational by July 1, 2020.

The MDVOTERS application support team is in place. This team is responsible for the maintenance and development of all components of MDVOTERS including voter registration, candidacy, and the agency election management modules (AEMS).

#### Joint Application Design (JAD) meeting

On February 25th, the MDVOTERS team met to prioritize outstanding identified issues as well as discuss transitioning to an Agile methodology that supports DoIT's mission for implementation of major IT initiatives.

#### MVA Transactions

During the month of January, MVA collected the following voter registration transactions:

New Registration - 9,793	Residential Address Changes - 23,194
Last name changes - 3,036	Political Party Changes - 6,441

#### Non-Citizens

The following summarizes relevant activity from January:

- Submitted to the Office of the State Prosecutor - 3\*
- Removal of non-citizens - 21
- Removal of non-citizens who voted - 3
- Removal of non-citizens who voted multiple times - 0
- Non-citizens reported by Immigration & Customs Enforcement - 0
- Change in status from Office of the State Prosecutor - 0
- Clerical error - 3 - (applicants checked they were not citizens)

\* Due to the legislative session, only the three records with voting history have been referred to the Office of the State Prosecutor. The others with no voting history will be forwarded shortly.

### New Party Petition Effort

The Working Class Party failed to meet the requirement of 10,000 signatures by 133 signatures. They will be submitting more signatures on or about March 2nd. Depending on the amount of signatures submitted, the voter registration team anticipates processing those signatures.

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

### Candidacy

920 candidates filed at SBE for the 2020 election cycle.

We would like to thank the Charles, Frederick and Wicomico County Boards of Elections for serving as SBE satellite offices to accept and process over 200 Delegates to the National Convention candidate filings. This made filing as a delegate more convenient for those individuals who wished to file and live outside of central Maryland, lessened the volume of candidates for the Candidacy and Campaign Finance staff, and probably avoided traffic and parking problems.

### Enforcement Actions

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

1. Friends of Juanita Culbreath Miller paid a civil penalty of \$50.00 on January 14, 2020 for failure to record all contributions and expenditures.
2. Citizens for Max Green paid a civil penalty of \$25.00 on January 15, 2020 for cash disbursement greater than \$25.00.
3. Friends to Elect Troy Berry paid a civil penalty of \$700.00 on January 15, 2020 for failure to record all contributions and expenditures and a failure to maintain bank account books and records.
4. David Warnock for Baltimore paid a civil penalty of \$50.00 on January 21, 2020 for failure to record all contributions and expenditures.
5. Ronald Howard for Sheriff paid \$100.00 civil penalty on January 28, 2020 for failure to report expenditures on a campaign finance report.
6. Patient Care & Access PAC, Maryland paid a civil penalty of \$500.00 on January 29, 2020 for failure to record all contributions and expenditures.

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

### Inventory Management

The PMO is in the process of preparing for the FY2020 statewide inventory audit which is scheduled to begin on March 1, 2020. This audit includes working with the local boards to ensure they are ready to conduct their own inventory audits. In addition, the PMO continued to work on the reconciliation of equipment and supplies purchased and what is in the inventory system.

### Procurements

Delivery of the 219 additional black precinct carts and additional voting booths to the requesting local boards is complete.

### Other

There has been a delay in the completion of the internet and network connectivity into SBE's central warehouse in Glen Burnie. The completion date is now estimated to be sometime in mid to late March.

Recently, SBE was notified of roof leaking issues at the warehouse facility for the Somerset County Board of Elections. SBE is currently working with the Somerset County Administrator, Building Maintenance Director, and the Somerset County Board of Elections on this issue. An industrial hygienist performed an assessment of the storage facility and swabbed surfaces of the equipment. A report is expected in the next few days.

## **7. Voting System**

### Voting System

In preparation for the April elections, SBE conducted a statewide test of EXP, an export utility used to transmit unofficial result files from the 24 local boards of elections back to SBE on election night. The test was successful.

SBE continues to work with ES&S to offer training to the local boards on the voting system database, voting equipment and associated applications for the voting system. Training will cover several election-related activities including creating media, conducting logic and accuracy testing, and uploading election results. Training began in January, and to date, over 67 training requests have been received of which, 40 have been delivered.

## **8. Legislation**

Over 150 legislative proposals have been introduced during the 2020 Session of the Maryland General Assembly that may impact the election, campaign finance process or become a question on the ballot for the voters. Using the General Assembly's website, we created three lists that allows us to separate the issues and focus on the progress of the legislation. Included with this Report are the three lists that provide the status of the legislation as of 2 AM.

Below is a list of bills that we are closely monitoring:

1. SB 4 - Gaming - Sports Betting. Question that might appear on the 2020 General election ballot.
2. SB 10/HB 103 - Special Election to fill a Vacancy in General Assembly: Would require a special election to be held in presidential election year for a member of the general assembly. Question that might appear on the 2020 General election ballot.
3. SB 33/HB 881 - Voting by Absentee Ballot (AB) – Prepaid Postage for Return of Ballots: Requiring that AB return envelopes include prepaid postage; requiring AB instructions include information regarding postage; requiring SBE to reimburse each LBE 50% of the cost of pre-paid postage. Effective date January 1, 2021.
4. SB 56/HB 140 - Petitions and Ballot Questions – Plain Language Requirement: Requiring a petition signature page to contain a plain language description of the subject and purpose of the petition written to be understood by an individual who has attained no higher than a grade 6 level reading comprehension. Effective date January 1, 2021.
5. SB 91/HB 51 - Individuals Released from Correctional Facilities - Voter Registration: Providing individuals, being released from correctional facilities, with information on registering to vote, along with a voter registration application. Effective date of October 1, 2020.
6. SB 129 - Campaign Finance - Protection of Contributor Information: Prohibiting a person from using contributor information from any report or statement for commercial solicitation purposes. Effective date of October 1, 2020.
7. SB 145/HB 37 - References to Absentee Voting in Communications – Mail-In Voting: Requiring SBE and the local boards to refer to absentee ballots as “mail-in ballots” and absentee voting as “mail-in voting” in all communications with voters and the general public; requiring SBE and the local boards to include in public communications regarding “mail-in voting” a statement

that “mail-in voting” is referred to as absentee voting in the Annotated Code of Maryland and the Code of Maryland Regulations. Effective date of January 1, 2021.

8. SB 251, now Chapter 10 - Special Elections - Calendar Revisions: Emergency legislation altering certain deadlines related to a special election.
9. SB 325 - Gaming - Expansion: Question that may appear on 2020 General election ballot.
10. SB 362 - Absentee Ballot - Timing of Canvass: Emergency legislation moving the start of the absentee canvass from 10 am on Thursday to 10 am on Friday after the election. This is emergency legislation.
11. SB 372/HB 568 - Correctional Facilities - Voter Registration and Voting: Requiring the Department of Public Safety and Correctional Services to provide each individual who is released from a correctional facility with a voter registration application. Requiring the State Board of Elections (SBE) in conjunction with Corrections to develop a program for registering detainees and providing for absentee voting. Requiring SBE to provide certain statistical information to the legislature. Effective date of June 1, 2020.
12. SB 396 - Deadline for Selection of Lt. Governor: Proposing an amendment to the Maryland Constitution to repeal the requirement that a candidate for Governor who seeks the nomination in a primary election designate a candidate for Lieutenant Governor at the time of filing a certificate of candidacy. Question may appear on the 2020 General election ballot.
13. HB 142 - Voting Order Priority - Individuals Who Need Extra Assistance: Requiring a chief judge to give voting order priority to certain individuals and authorizing certain individuals to request voting order priority of any election judge serving at a polling place. Effective date of January 1, 2021.
14. HB 216 - Campaign Material - Definition: Altering the definition of “campaign material” to include certain material that is an automated or prerecorded oral communication. Effective date of January 21, 2021.
15. HB 245 - Institutions of Higher Education - Voter Registration and Voting by Students. (Student Voter Empowerment Act of 2020); This legislation has several provisions impacting the State Board of Elections, local boards of elections and public institutions of higher education. Requirements include voter education through links provided on websites, as well as a separate page on the State Board of Elections website devoted to students and voting in Maryland. Effective date of June 1, 2020.
  - Requiring local boards of elections to establish a separate precinct on the campus of certain institutions of higher education to take certain actions to assist the local board with locating and operating a polling place on campus. Requires several reports be submitted Effective date January 1, 2022.
16. HB 392 - Foreign Manufacture of Election Systems - Notification and Termination of Contract: Prohibiting the State Board of Election from approving a contract with an election service provider unless the contract includes a clause requiring the election service provider to report to the State Administrator of Elections is any stage in the manufacturing of a component of the provider’s election system occurred outside the United States. Effective date of January 1, 2021.
17. HB 487 - Early Voting Centers - Accessibility by Public Transportation; requiring that, in a county that has fixed-route public transportation service, each early voting center to be located not more than one-quarter mile. Effective date of January 1, 2021.
18. HB 538 – Campaign Finance – Revisions: Requiring a treasurer of a campaign finance entity to approve, rather than make, all disbursements for the entity; prohibiting the treasurer of a party central committee from approving, rather than making, a disbursement except under certain circumstances. Effective date of January 1, 2021.

19. HB 627 - Prosecution of Election Law Violations - Limitations: Extending the period of time during which a prosecution is required to be instituted for certain violations of State election law. Effective date of October 1, 2020.

20. HB 1094 - Early Voting Centers - Hours of Operation: Altering the hours during which early voting centers are required to be open in elections other than a presidential general election. Effective date of October 1, 2020.

21. HB 1172 - Postelection Tabulation Audits - Risk Limiting Audits: Requiring that the State Board of Elections conduct an automated software audit in collaboration with the local boards of elections; repealing a requirement that the State Board conduct a certain manual audit after each statewide general election; requiring the State Board, in collaboration with the local boards, to conduct a risk-limiting audit of at least one statewide contest and any other contests selected for audit by the State Board after each statewide election; requiring that a risk-limiting audit manually exam certain paper records or batches of certain paper records in a certain manner, be completed before certification of the election results, and be observable by the public to a certain extent; requiring the State Administration of Election to convene a Risk-Limiting Audits Workgroup on or before a certain date; requiring the Workgroup to consist of certain persons selected by the State Administrator; requiring the State Board to select the contest to be audited and determine how the pilot risk-limiting audits are to be conducted; providing that a pilot risk-limiting audit may be conducted after the election results are certified and may not have any effect on the certified election results; requiring the State Board to adopt certain regulations on or before a certain date; defining ceteran terms; altering a certain definition; repealing a certain definition. Effective date of June 1, 2020

22. HB 1222 - Campaign Finance Enforcement and Compliance - New State Positions: Requiring the Department of Budget and Management to create two new State positions for the State Board of Elections for the purpose of employing staff to enforce campaign finance violations and to ensure compliance with campaign finance law. Effective date of July 1, 2020.

## ASSISTANT ATTORNEY GENERAL'S REPORT

February 27, 2020

1. *Fusaro v. Davitt et al.*, No: 1:17-cv-03582 (U.S. District Court, D. Md.). Plaintiff Dennis Fusaro brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. On July 12, 2019, the Fourth Circuit vacated the dismissal order, and remanded the case for further proceedings. The parties have since conducted discovery and briefed dispositive summary judgment motions, and are awaiting a ruling from the Court.

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

3. *Judicial Watch v. Lamone*, No. 1:17-cv-02006-ELH (U.S. District Court, D. Md.). No change from the last update. This case involves the denial of access to Maryland's voter registration database. Under Maryland law, access to the voter registration list is limited to Maryland registered voters and only for non-commercial, election-related uses. Judicial Watch—an elections watchdog group located in Tennessee—requested Maryland's voter registration "database" and was denied because it was not a Maryland registered voter. Judicial Watch filed suit, arguing that the database was required to be disclosed under the federal National Voter Registration Act. On April 24, 2019, Judicial Watch filed a reply in support of its motion for summary judgment. On May 8, 2019, the defendants filed a reply in support of their cross-motion for summary judgment. On August 8, 2019, the District Court awarded summary judgment to the plaintiffs, but requested further briefing on the issue of whether the State

Board of Elections should be compelled to produce the dates of birth of voters along with the other voter information available on Maryland's voter registration lists. On September 13, 2019, the parties filed simultaneous briefs on that remaining issue, and on September 20, 2019, filed simultaneous response briefs. The issue is fully briefed and awaiting determination by the Court.

4. *The Washington Post, et al. v. McManus, et al.*, No. 1:18-cv-02527 (U.S. District Court, D. Md.), *on appeal at* No. 19-1132 (U.S.C.A., 4th Cir.). No change from the last update. This case presents a First Amendment challenge by a coalition of newspaper publishers that maintain an online presence to certain provisions of the recently-passed Online Electioneering Transparency and Accountability Act (the "Act"). On January 4, 2019, the district court granted the plaintiffs' motion for preliminary injunction on the ground that the plaintiffs' "as applied" constitutional challenge to the statute was likely to succeed. On February 2, 2019, the defendants appealed that ruling to the Fourth Circuit. Oral argument was held on October 30, 2019, and on December 6, 2019, the Court issued an opinion affirming the entry of the preliminary injunction. We are currently discussing resolution of the case with the plaintiffs.

5. *Johnston, et al., v. Lamone*, No. 18-cv-3988-ADC (U.S. District Court, D. Md.), *on appeal at* No. 19-1783 (U.S.C.A., 4th Cir.). On December 28, 2018, the Libertarian Party of Maryland (the "Party") and its Chairman, Robert Johnston, filed a lawsuit alleging that the statutory scheme governing the official recognition of minor parties in Maryland, as applied to the Party, was unconstitutional in at least two ways. They alleged that the scheme violates their First Amendment speech and association rights by requiring the Party to undertake the petition process to re-obtain formal recognition under State law, when there are already over 22,000 Maryland voters currently registered as Libertarians. They also alleged that the standard by which Maryland verifies petition signatures is unconstitutionally strict, in that it requires the rejection of signatures of known Maryland voters due to technical noncompliance with the statutory standard. On July 11, 2019, the district court dismissed the plaintiffs' claims, and plaintiffs appealed. Oral argument took place on January 29, 2020.

6. *Phukan v. Maryland State Board of Elections*, No. C-2-CV-19-000192 (Cir. Ct. Anne Arundel Cnty.). On January 23, 2019, Anjali Reed Phukan, who was the Republican nominee for Comptroller in the 2018 election, filed a lawsuit against the State Board of Elections seeking a writ of mandamus directing the State Board of Elections to decertify Comptroller Peter Franchot's campaign committee, an injunction requiring Mr. Franchot and his campaign committee to file corrected campaign finance reports, a declaratory judgment that Ms. Phukan is entitled to examine the documentation



supporting any corrected campaign finance reports that Mr. Franchot or his committee files, and a declaratory judgment that Ms. Phukan be issued the oath of office as Comptroller and be awarded back pay and the costs of suit, should Mr. Franchot or his committee fail to file corrected campaign finance reports. On April 15, 2019, the court granted the defendant's motion to dismiss and dismissed the complaint with prejudice. On May 29, 2019, the plaintiff filed a notice for in banc review by the circuit court. Oral argument before the in banc panel of the circuit court took place on December 30, 2019. On January 31, 2020, the in banc panel of the circuit court issued an opinion in which it affirmed the dismissal of Ms. Phukan's complaint.

7. *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. The Court heard argument on plaintiffs' motion on January 17, 2020. On February 7, 2020, the plaintiffs moved for leave to submit additional evidence in support of their motion, arising from the alleged experiences of voters in the February 4, 2020 special primary election for the 7th Congressional District. On February 10, 2020, the court granted the plaintiffs' motion for leave to submit additional evidence, denied the defendants' motion to dismiss, and denied the plaintiffs' motion for preliminary injunction. On February 24, 2020, the Court entered a scheduling order governing the discovery period for the case, and setting a July 31, 2020 deadline for the filing of dispositive motions.

8. *Hewes v. Alabama Sec'y of State et al.*, No. 1:19-cv-09158-JMF (U.S. District Court, S.D.N.Y.). On October 3, 2019, plaintiff Henry F. Hewes, a putative candidate for the Democratic nomination for President for the 2020 election, sued the unnamed Secretaries of State of 43 states, (including Maryland), alleging that state-imposed limitations on ballot access for federal presidential candidates violate the First and Fourteenth Amendments to the U.S. Constitution. Plaintiff seeks an order

compelling the defendants to place the name of the plaintiff and any other candidate who has registered with the Federal Election Commission on the primary ballots of the states named as defendants. The Defendants jointly filed a motion to dismiss asserting common arguments for dismissal on December 19, 2019. On January 23, 2020, the plaintiff filed an amended complaint, and the defendants thereafter renewed their joint motion to dismiss.

9. *Chong Su Yi v. Hogan*, Nos. 464985-V, 466396-V (Cir. Ct. Montgomery Cty.), *on appeal at* Nos. CSA-REG-1435-2019, CSA-REG-1437-2019 (Md. Ct. Sp. App.). On around March 28, 2019, plaintiff Chong Su Yi filed two complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 2018 elections, naming Governor Larry Hogan as defendant. Specifically, Mr. Chong appears to be arguing that the results 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. On January 13 and 21, 2020, respectively, the circuit dismissed plaintiff's complaints. Plaintiff has appealed from one of the dismissals, which appeal is currently pending in the Court of Special Appeals. A briefing schedule for plaintiff's appeal has not been entered.

10. *Public Interest Legal Foundation, Inc. v. Lamone*, No. 1:19-cv-03564-ELH (D. Md.). On March 19, plaintiff Public Interest Legal Foundation, Inc., filed a lawsuit against the State Administrator, the members of the State Board, and Erin Dennis, seeking access to Maryland's list of registered voters pursuant to the public inspection provisions of the National Voter Registration Act. Plaintiff alleges that the District Court's published decision in *Judicial Watch, supra*, entitles them to access, and that the issue left outstanding by the court in that case does not implicate their request since they are not seeking individuals' dates of birth as part of the information provided for each voter on the list. Plaintiffs filed a motion for summary judgment simultaneously with their complaint. On January 17, 2020, defendants answered the Complaint. On January 24, 2020, defendants moved for a stay of the proceedings pending the resolution of the *Judicial Watch* matter and any appeals therefrom, due to the similarity of the issues between the cases. The parties are awaiting ruling from the Court on that motion.



7<sup>th</sup> Congressional District Special Primary Election Review

1. Pre-Election Call with LBE Counsel

Before each election, we have calls with counsel to the local boards of elections. On January 21st, we had a call with counsel to the three local boards impacted by this special primary election. During the call we discussed “what’s new” for the 2020 elections, explained the State Board policy for the use of ballot marking devices, and provided an update on litigation.

2. Pre-Election Weather and Threat Briefing

Before each election, we plan with the Maryland Emergency Management Agency a pre-election briefing for the local boards of elections and local emergency management officials. This call includes a weather briefing from the National Weather Service, a threat assessment from the Maryland Coordination and Analysis Center, an overview of the critical election dates and locations where critical election functions take place. A call was held on January 27th for the three jurisdictions in the 7th Congressional District. There were no reports of threats related to the election.

3. Notice of Election & Same Day Registration

Before the special primary election, SBE sent two types of mailers to constituents in the 7th Congressional District. In lieu of a sample ballot, SBE mailed a “notice of the election” to each registered voter in the district. This notice included the date and time of the election, the voter’s polling place, and a copy of the ballot. The second mailer was a postcard mailing to individuals in the 7th Congressional District that appeared eligible to vote but were not yet registered. This mailer is required under the law requiring same day registration on election day.

4. Absentee Ballot Delivery

Our mail house vendor mailed to requesting overseas and domestic voters approximately 1,034 ballots from December 21st through January 23rd.

SBE sent emails to 727 voters requesting to download their absentee ballot from SBE’s website. Approximately 545 of these voters logged into their online account. The table below shows the type of voter requesting an electronic absentee ballot and how the voter chose to mark his or her ballot.

	Domestic, Civilian Voters	UOCAVA Voters	Total Voters
Blank Ballot Delivery (Marked ballot by hand)	288 (64%)	45 (56%)	333 (63%)
Online Ballot Marking Tool (Mark ballot with tool)	162 (36%)	35 (44%)	197 (37%)
Total	450	80	530

5. Ballot Marking Devices

Use of the ballot marking devices was significantly more than in prior elections.

- a. In Baltimore City, 178 out of 184 polling places (97%) met the 5-voter minimum. Some of the polling places that did not meet the 5-vote minimum had very few voters. For example, 21 voters voted in precinct 7-2 and two used the ballot marking device. Likewise, six voters in precinct 15-19 voted and none of them used the ballot marking device and 37 voters in

20-10 voted and four used the ballot marking device. 12.7% of election day voters in Baltimore City used the ballot marking device to mark their ballots.

- b. In Baltimore County, all 57 polling places met the 5-voter minimum, and 12.8% of election day voters used the ballot marking device to mark their ballots.
- c. In Howard County, all 52 polling places met the 5-voter minimum, and 11.5% of election day voters used the ballot marking device to mark their ballots.

## 6. Voter Turnout

Approximately 87,000 voters (21.4% of the eligible voters) voted in this election. Turnout was highest in Howard County (24.5%), followed by Baltimore County (23.3%) and Baltimore City (18.9%). 73% of the absentee ballots delivered to voters were returned for counting, and 97.9% of the returned ballots were counted. Two-thirds of the rejected absentee ballots (45) were rejected because they were untimely (i.e., either mailed after election day or received after February 14th).

The vast majority of voters - 84,719, - voted on election day with the remaining voters voting by absentee ballot (2,240). Over 4,700 individuals voted with a provisional ballot. About 25% of these provisional ballots were rejected because the individual was not eligible to vote in this election. This is typical for a primary election, because an individual is not affiliated with either the Democratic or Republican Parties and wants to vote in a primary election. In this election, there were also voters who do not reside in the 7th Congressional District but appeared to vote; they received a provisional ballot.

## 7. Post-Election Audits

*Comprehensive Audit:* After each election, we perform a comprehensive audit of various aspects of the election. The Voting System Division reviews data associated with the pre-election logic and accuracy testing, opening times of election day polling places, reviewing discrepancies between the number of voters checked in to vote and the number of ballots cast, and performing the voting system verification. The Election Reform and Management Division collects various documents from the local boards to complete other auditing tasks, including the polling place evaluation forms and ballot accounting forms. An audit is also performed on absentee and provisional ballots from each local board and the canvassing minutes. Finally, Tracey Hartman collects the canvassing minutes from each local board for the absentee and provisional canvasses and compares the results reported in the minutes against the results from the voting system and voter history information from MDVOTERS.

We have started this audit, and we will provide the local boards with any findings from this election in time for them to take corrective action before the combined special general election and presidential primary election in April.

*Automated Ballot Tabulation Audit:* Clear Ballot Group conducted the post-election automated tabulation audit for this election. Audit reports comparing the voting system results from election day against the audit results ("phase 1" reports) were distributed to the three local boards before the local boards certified the election. Reports comparing all voting system results (including absentee and provisional canvasses) against the audit results ("phase 2" reports) were distributed before the district wide results were certified. For each phase, we received four reports:

- a. Total cards cast for each counter group (election day and each canvass is a "counter group");
- b. Total cards cast by precinct;
- c. Total votes for each candidate in each contest; and

d. Threshold report showing any differences between the sets of results.

There were **no** variances greater than 0.05% between the voting system results and the audit results. In Howard County, the two sets of results were identical. In Baltimore City and Baltimore County, there were very small differences between the two sets of results - 0.005% and 0.004%, respectively. This audit validated that the voting system accurately counted the votes cast in this election. The audit reports are posted on our website under "Ballot Audit Plan."

7. Certification of Election Results

On February 21st, the members of the State Board of Elections certified the final results of this election.

8. Electronic Pollbooks

For this election, we used a network to connect the electronic pollbooks to SBE's server. Overall, the network performed as expected. We received over 72,000 transactions, monitored pollbook activity at over 300 precincts, and loaded voter history into MDVOTERS in time for the three local boards to prepare for the absentee and provisional canvasses. For the first time ever, election officials were able to confirm the on-time opening of polling places in real time and receive immediate feedback if a pollbook was not operating as expected. This information allows us to better serve our voters and improve their voting experience.

While the vast majority of voters voted without issue over 13 hours, a small number of voters encountered delays. Around 5:30 pm, we started receiving reports that the electronic pollbooks were slowing down. During this time, we confirmed that the data was being transferred from the polling places to SBE's server. We turned off the network for all of the pollbooks in one county and saw an immediate improvement in the performance of the pollbooks. As a result, we turned off the network about 6:20 pm for the rest of the pollbooks. The performance of the electronic pollbooks immediately improved, and we left the network turned off for the remainder of election day.

As with any new process, we are committed to reviewing election day performance for areas of improvement. To ensure, however, that voters have full confidence that their voting experience will be safe, timely, and secure, we decided that local boards will not be required to connect electronic pollbooks to SBE's server on election day in the 2020 Primary or General Elections. If local boards choose to connect to the server, we will work closely with them to ensure a smooth and timely experience for voters in their respective counties. Local boards can decide to connect electronic pollbooks to the server in some but not all polling places.

The routers will be used during early voting and on election day to ensure that a voter does not try to vote more than once. During early voting, the electronic pollbooks will be connected to SBE's server - as they have for every election since 2010 - to ensure that a voter does not try to vote at more than one early voting center. On election day, the routers will be used to create a wired connection between the electronic pollbooks in each polling place. This wired connection has been in place for every election since 2006, when we implemented electronic pollbooks, and is necessary to ensure that a voter does not vote more than once in the same polling place. Electronic pollbooks streamline the voter check-in process, and the current electronic pollbooks have performed successfully over the years. **No** data will be transferred unless the local board requests to connect electronic pollbooks to the server.

Since election day, we have been analyzing all parts of the system - the electronic pollbook software, the network connecting the pollbooks to SBE's server, the server, and the pollbook database. We are currently in day four of testing and with all of the local boards, will have tested for over 20 hours. This testing included re-creating the slowness reported on election day, implementing the identified fix, and re-testing. During this statewide test, over 600,000 voter check-in transactions have been processed through a combination of manual and automated transactions.

While we are still testing and analyzing results, we would like to share what we know so far. We have confirmed that the database became locked when performing multiple functions simultaneously. This prevented the electronic pollbooks from retrieving the requested voter information and slowed down the check-in process. In response to this slow down, we disconnected electronic pollbooks from the network and saw significant improvement in the pollbook performance.

After making adjustments to database performance settings, the database did not lock during our test of over 600,000 transactions. Once this round of testing is complete, we will work with external database developers to validate these changes and if appropriate, implement additional recommendations to improve the performance of the database. Any database changes will be thoroughly tested before the change is accepted and used for the April election. This does not alter our decision to allow local boards to choose whether or not to connect electronic pollbooks to SBE's server on election day in the 2020 Primary or General Elections.

Like all decisions we make, we are taking these steps to give voters full confidence that their voting experience will be safe, timely, and secure.

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone  
Administrator

Nikki Charlson  
Deputy Administrator

Memorandum

**TO:** State Board Members  
**FROM:** Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance  
**DATE:** Feb 27, 2020  
**SUBJECT:** Waiver of late filing fees standards

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

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

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

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

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied seven waiver request, for the month of February. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$114,801.00.

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

## Waiver Request 2/27/20

1. Bair, Margaret Peggy Citizens for
2. Baker, Terry, Citizens for
3. Bohrer, Shannon Citizens for
4. C. Steinweg (USA), Inc. PAC
5. Charles County Republican Central Committee
6. David, Mr. (Ray) Raymond for Council
7. District 15 Leadership Team Slate
8. Fitzgerald, (Donald) for Board of Ed
9. Grammer, Robin L. Jr. Friends of
10. Hines, (Frank) Bud Organization to Elect
11. Hornberger, Kevin Friends of
12. Johnson, Joel for Orphans Court
13. Impallaria, Richard Friends Of
14. Kim, Lisa F. Friends of
15. McGee, Trish Committee for
16. Pasti, David Friends of
17. Prince George's Proud Slate
18. StPreux, (Vardly) Citizens for
19. Wagner, Robert Committee for
20. Yoho, Karen Citizens for

## Denied

1. Bair, Margaret Peggy Citizens for
2. Baker, Terry, Citizens for
3. Forde, Lorna Phillips Friends of
4. Hoffmann, Susan Friends of
5. Levi, Gerron Committee for
6. Newcomb Jr., James A. for Caroline BOE
7. Tracy-Soper, Nova Re-Elect Treasurer



## Waiver Request Information Page

### General

<b>Account Name</b>	Bohrer, Shannon Citizens for	
<b>CCF ID:</b>	01012688	<b>Status:</b>
<b>Date Established</b>	2/27/18	
<b>Date Waiver Requested</b>	1/30/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Rose Woodsmall	<b>Start Date: 2/27/18</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Shannon Bohrer	2/27/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15//20		1/22/20	\$140	\$140
			\$	\$
				Total:\$140

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
N/A			

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

We thought we had closed the account with the prior report

### Division Comments

Grant 1<sup>st</sup> request.

### Administrator's Decision

State Board of Elections  
**Financial Compliance Auditor**  
**Audit & Enforcement Unit**  
**Candidacy and Campaign Finance Division**  
151 West Street Suite 200  
P.O. Box 6486

Dear State Board of Elections,  
Reference, Bohrer, Shannon Citizens for CCF ID: 01012688.

On December 30, 2019 I received an email from Maryland State Board of Elections, ref, CCF ID: 01012688. The email was a notification that an annual report was due on 1-15-2020. It also said that I would receive a green postcard in the mail. I was surprised because I believed that the campaign finance reporting was closed.

My campaign treasurer and I had closed, or we believe we closed, the reporting on 01-19-2019. We later received notices after the closing we were required to make amendments. The amendments were made on 6-16-2019. In Part 1, the Campaign Finance Report Summary Sheet, the Final Report box was checked and "Final Report" is stamped across the document.

While I believed the report was closed and the amendments were completed, I was wrong. I received an email on 12-30-2019, advising me that I was required to submit another final report on 1-15-2020. Since I believed the report closed I telephoned the help number and talked to Ms. Lisa Hanzook. She was very helpful and explained that the loans, totaling \$4,000, that I made to my campaign were still open.

After checking my documents, I sent Ms. Hanzook an email, explaining that on 01-07-2019, recorded on a schedule 2 form, I received a check in the amount of \$560.47 as part of the payment for the loan. I also reported on schedule 1B, on the same date, that \$3,439.53 (the balance of the \$4,000 in loans) was converted from a loan to an in-kind donation. I ask her if I could scan the two documents and email them, or did I have to file?

Ms. Hanzook responded by email telling me I still needed to file. "An amendment must be filed to indicate that the candidate loan had been paid or forgiven. If paid, then adjust the report accordingly. If forgiven, then the loan must be converted to an in kind contribution. The State Board of Elections then needs a forgiveness letter which may be emailed to my email address. And finally, mark the amendment 'final' and file to state for processing."

On 01-03-2020, just four days after receiving the email, my treasurer and I completed the filings required and I sent a forgiveness letter to Ms. Hanzook by email. To complete the report, my treasurer called your help desk. The assistance we received was very helpful. The only problem that occurred was that every time we tried to pull up the screen for me to sign off on the report, the screen would not allow me to sign, so the report was submitted without my signing. We were not sure if the problem was with my computer, or with your system.

Shortly after the submission, I received an email stating "that your approval is pending for your campaign finance report which we have received for the 01/16/2019 Annual on 1/3/2020 for the committee 'Bohrer, Shannon Citizens for.'" I signed into the campaign reporting system and approved the report under the verifications section.

## Waiver Request Information Page

### General

<b>Account Name</b>	C. Steinweg (USA), Inc. PAC	
<b>CCF ID:</b>	03008119	<b>Status:</b> Active
<b>Date Established</b>	12/06/04	
<b>Date Waiver Requested</b>	1/27/20	
<b>Account Type</b>	Pac Account	

### Officers

<b>Current Treasurer</b>	Ryan Darin	<b>Start Date:</b> 5/4/12
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Sue Grey	9/18/12
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/22/20	\$140.00	\$140.00
			\$	\$
				Total:\$140.00

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
1/16/19	\$20	paid	
3/22/16	\$40	paid	

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$3,220	\$129	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

We didn't receive the mail, so we didn't schedule a meeting to do the report. When we received the notice about a late filing we immediately filed the report.

### Division Comments

Grant 1<sup>st</sup> request.

### Administrator's Decision



## C. Steinweg ( Baltimore ) Inc.

### Regional Head Office

FTZ#74-1201 Wallace Street  
Baltimore MD 21230 - U.S.A.  
Phone: 1-410-752-8254  
Fax: 1-410-752-8222

Website: [www.steinweg.com](http://www.steinweg.com)

January 23, 2020

Maryland State Board Of Elections  
151 West St #200  
Annapolis, MD 21401

For the Attention of the Board,

I am the Treasurer for the C. Steinweg (PAC) and I am writing to request removal of the late filing fee for the January 15<sup>th</sup> filing.

The committee administrators include only myself and one chairperson, stationed at different geographical locations, with many other core responsibilities to our parent company. We typically rely on the receipt of the mailed notices to schedule a meeting in order to file contribution and expenses reports to the board.


For the January 15<sup>th</sup> filing, no such mailing was received, and therefore the C. Steinweg (PAC) did not schedule a meeting to file the report. On January 22<sup>nd</sup>, an email notice stating that the deadline was missed came to the chairperson and myself, and we immediately arranged our schedules to report the period's activity that day.

This PAC is relatively small in funding, averaging only \$2,500 annually, and due to the circumstances of not receiving a mailed notice and history of our prompt filing, we would greatly appreciate a wave of such late fees.

Please advise of the status of this request to the contacts below.

The C. Steinweg (PAC) is gracious for your time and consideration to this matter.

Kind Regards,

 1/23/2020  
Ryan Darin

Treasurer  
C. Steinweg (PAC)  
1201 Wallace Street  
Baltimore MD 21230  
[ryan@us.steinweg.com](mailto:ryan@us.steinweg.com)  
410-864-1919

Suzanne Grey  
Chairperson

RECEIVED

JAN 27 2020

STATE BOARD OF ELECTIONS

## Waiver Request Information Page

### General

<b>Account Name</b>	Charles County Republican Central Committee	
<b>CCF ID:</b>	05007592	<b>Status:</b> Active
<b>Date Established</b>	1/01/1901	
<b>Date Waiver Requested</b>	2/06/20	
<b>Account Type</b>	Central Committee Account	

### Officers

<b>Current Treasurer</b>	Leighann Hopwood	<b>Start Date:</b> 2/13/19
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Nicole Bennett	10/03/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/22/20	\$140	\$140
			\$	\$
				Total:\$140

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
1/17/18	\$70	Paid	N/A
<b>11/22/16</b>	\$80	Paid	N/A
1/20/16	\$70	Paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$0	\$6,675	\$2,107
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

We have had a few issues with this report and needed a couple of days to review the information for accuracy. We wanted to make sure we were accurate in our reporting.

### Division Comments

Grant 1<sup>st</sup> request.

### Administrator's Decision



Victorica Smith -SBE- &lt;victorica.smith@maryland.gov&gt;

---

**Fwd: Request for Waiver of Late Fees**

1 message

---

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

Thu, Feb 6, 2020 at 9:18 AM

To: Victorica Smith -SBE- &lt;victorica.smith@maryland.gov&gt;, "Ebony R. Parran -SBE-" &lt;ebony.parran@maryland.gov&gt;

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

From: **Nicole Bennet** <info.sbe@maryland.gov>

Date: Wed, Feb 5, 2020 at 5:34 PM

Subject: Request for Waiver of Late Fees

To: &lt;info.sbe@maryland.gov&gt;

On January 14, 2020 I believed that I had fully completed the Accounting Period 01/08/2020 Annual Report by clicking submit after entering our expenditures and contributions. Unfortunately, and unbeknownst to me I did not receive the page 2 of the report due to a communication error with your service and my web browser. The next day, January 15, 2020, our Treasurer, Leighann Hopwood, attempted to access the system to sign the Annual Report and received the following error message:

**"The page cannot be displayed due to an internal server error"**

Ms. Hopwood contacted the State Board of Elections for assistance. On January 22, 2020 Erin submitted the error to the developer. On January 23, 2020 we still had not received a confirmation and our report was missing from CRIS. Once again Ms. Hopwood contacted the State Board and on January 31, 2020 Vickie informed her that the developer was able to restore the data for our report. Finally, on February 2, 2020, Ms. Hopwood submitted our report.

We have had a few issues with this reporting and needed a couple of days to review the information for accuracy. We are very aware that our signatures at the bottom of the report attests to the accuracy of the information entered and wanted to double check all data entered. We want to make sure we are accurate in our reporting.

I am respectfully requesting that we are forgiven the late charges associated with the untimely filing of our Annual Report. Despite our best efforts, the reporting was delayed. We have agreed to make sure that our next reporting is filed early enough to cover any incidence of computer error. This has been a major source of stress for us both and we are looking forward to a much better experience with our next filing.

--

Best,

Nicole Bennett

Chairman

Charles County Republican Central Committee

240-898-8143

## Waiver Request Information Page

### General

<b>Account Name</b>	David, Mr. (Ray) Raymond for Council	
<b>CCF ID:</b>	01013223	<b>Status:</b> Active
<b>Date Established</b>	8/12/19	
<b>Date Waiver Requested</b>	1/27/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Derrick Wright	<b>Start Date:</b> 2/06/20
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Ray David	8/12/19
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/27/20	\$315	\$315
			\$	\$
				Total:\$315

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
N/A			

### Recent Financial Activity History

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

### Reason for Waiver

On January 10, I unknowingly submitted improper paperwork. I contacted the board to try to resolved this issue and was assisted by Ebony Parran.

### Division Comments

Grant 1<sup>st</sup> request.

### Administrator's Decision

Raymond 'Mr. Ray' David  
Ray For Council 2020  
(443) 941-5869

01/27/2020

To Whom It May Concern,

On behalf of the (David, Ray For Council) campaign, I'm writing to request a late-fee waiver for the Affidavit of Limited Contributions and Expenditures for the 01/15/2020 Annual Report. On January 10, 2020 I unknowingly submitted improper paperwork, for which I take full responsibility. Upon discovery of the improperly submitted document, I immediately contacted the Board of Elections to try to resolve this issue. I was assisted by Ebony Parran who ensured that we had submitted the correct documents. It was then that I was advised to request this one-time late-fee waiver.

Warm regards,

Your Name  
Treasurer, (David, Ray For Council)



## Waiver Request Information Page

### General

<b>Account Name</b>	District 15 Leadership Team Slate	
<b>CCF ID:</b>	02008659	<b>Status:</b> Active
<b>Date Established</b>	11/09/2004	
<b>Date Waiver Requested</b>	1/22/20	
<b>Account Type</b>	Slate Account	

### Officers

<b>Current Treasurer</b>	Jerrold Garson	<b>Start Date:</b> 7/17/12
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Nancy George	6/08/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/22/20	\$140	\$140
			\$	\$
				Total:\$140

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
8/15/06	\$250	Paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$1,050	\$1000	\$646	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I filed the report on the 11<sup>th</sup> of January but for whatever reason the transmission didn't go through.

### Division Comments

Grant

### Administrator's Decision

**DISTRICT 15 LEADERSHIP TEAM SLATE  
8308 RAYMOND LANE  
POTOMAC, MD 20854  
301-765-9470**

January 22, 2020

RECEIVED

JAN 23 2020

STATE BOARD OF ELECTIONS

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance  
151 West Street, Suite 200  
Annapolis, MD 21401

I received the attached notice by email today that you did not receive the filing of the 1/15/20 Annual Report and late fees are being assessed for this report.

Attached is the report that I filed for the District 15 Leadership Team Slate on January 11, 2020 at about 12:36 PM or 12:37 PM by electronic filing. It appears that the filing did not reach your office on that date due to some transmission problem. I did notice that the report filing appeared to take more time than I expected for the 4 transactions and bank balance to be transmitted to your server.

I contacted your office today after receiving the notice and then refiled the Annual Report again. The person then confirmed that the State Board of Elections received the report while I was still on the phone with her.

I ask that you waive any late fees since due to a transmission processing error the report was not received by your office on January 11, 2020 when I tried transmitting the report.

If you want to schedule a meeting to discuss, please let me know.

Thank you,



Jerrold Garson, Treasurer

## Waiver Request Information Page

### General

<b>Account Name</b>	Fitzgerald, (Donald) for Board of Ed	
<b>CCF ID:</b>	01012062	<b>Status:</b> Active
<b>Date Established</b>	11/26/17	
<b>Date Waiver Requested</b>	2/07/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Robert Freeman	<b>Start Date:</b> 11/16/17
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Donald Fitzgerald	11/16/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/24/20	\$210	\$210
			\$	\$
				Total:\$210

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
6/15/18	\$130	Paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$300	\$512	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I am requesting a waiver of the fee because I filed the wrong report.

### Division Comments

Grant 1<sup>st</sup> request, confirmed wrong report filed.

### Administrator's Decision

Robert W Freeman  
Fitzgerald (Donald) for Board of Ed Treasurer  
CCF ID: 01012062  
27142 Coach House Lane  
Salisbury, MD 21801

RECEIVED  
FEB 07 2020  
STATE BOARD OF ELECTIONS

February 4, 2020

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance  
151 West Street Suite 200  
Annapolis, MD 21401

Greetings:

I request that the late fee be waived for the above candidate. I am the treasurer and I filed the wrong report.

Thank you for your consideration,



Robert W Freeman

Treasurer

Fitzgerald (Donald) for Board of Ed

## Waiver Request Information Page

### General

<b>Account Name</b>	Grammer, Robin L. Jr. Friends of	
<b>CCF ID:</b>	01009216	<b>Status: Active</b>
<b>Date Established</b>	04/15/13	
<b>Date Waiver Requested</b>	1/24/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Kathy Pietruszka	<b>Start Date: 4/15/13</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Robin Grammer	4/15/13
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/20/20	\$100	\$100
			\$	\$
				Total:\$100

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
5/22/10	\$20	Paid	N/A
11/18/14	\$10	Paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$12,534	\$4,453	\$16,452	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I found a discrepancy in the filing information so I delayed my filing trying to find a solution.

### Division Comments

Grant

### Administrator's Decision

# State of Maryland



## Late Fee Waiver Request Form

**Instructions:** Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. \*Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: Friends of Robin L. Grammer Jr Account Number: 01009216

Date of Request: 01/24/2020 Total Amount of late fees: \$ 100.00

Name of the Requestor(s)\*: Katherine M. Pietruszka

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): Jan 2020

The basis for the request: \_\_\_\_\_

When I attempted to file on the  
due date for the most recent report, Jan 2020,  
I found a discrepancy. I used extra days  
in an attempt to find a solution. Please  
consider waiving the accrued late fees.  
Thank you.

Katherine M. Pietruszka  
(Signature)

01/24/2020  
(Date)

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision: _____	

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance  
P.O. Box 6486 • 151 West Street, Suite 200 • Annapolis, MD 21401-0486  
410-269-2880 • 800-222-8683 • MD Relay 800-735-2258 • [www.elections.state.md.us](http://www.elections.state.md.us)

## Waiver Request Information Page

### General

<b>Account Name</b>	Hines, (Frank) Bud Organization to Elect	
<b>CCF ID:</b>	01012741	<b>Status:</b> Active
<b>Date Established</b>	2/27/18	
<b>Date Waiver Requested</b>	2/07/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Donald Fleming	<b>Start Date:</b> 2/27/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Frank Hines	2/27/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		2/07/20	\$835	\$835
			\$	\$
				Total:\$835

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
N/A			

### Recent Financial Activity History

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

### Reason for Waiver

I thought I had already closed out my account.

### Division Comments

Grant 1<sup>st</sup> request.

### Administrator's Decision



Victorica Smith -SBE- &lt;victorica.smith@maryland.gov&gt;

---

**Fwd: Campaign Finance Reporting Late Fees for Frank "Bud" M. Hines**

1 message

---

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

Fri, Feb 7, 2020 at 2:47 PM

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

From: **Bud Hine**  
Date: Fri, Feb 7, 2020 at 2:47 PM  
Subject: Campaign Finance Reporting Late Fees for Frank "Bud" M. Hines  
To: Ebony Sherbert Parran <ebony.parran@maryland.gov>

Dear Ebony,

I just spoke to you a few minutes ago and you assisted me in filing my affidavit and closing out my account.

I have some late fees associated with my account and I am requesting that you waive those fees. I am no longer running for office, the vote was completed in November 2018, and I thought I had already closed out my account. I received less than \$1,000 in campaign contributions.

My name is Frank M. Hines and I ran for the office of President of the Harford County Council. The election was in November of 2018 and I had filed all my affidavits up until the required time frame which was around July or August of 2109.

I thought I had filed my final affidavit and closed out my account. My wife, Donna M. Hines, running for Maryland State Senate in District 7, closed out her account at the same time. Her closeout was successful.

Thank you for your assistance.

Respectfully yours,  
Frank "Bud" Hines  
443.826.6267

--

Ebony R. Sherbert-Parran

Maryland State Board of Elections

Division of Candidacy and Campaign Finance



## Waiver Request Information Page

### General

<b>Account Name</b>	Hornberger, Kevin Friends of	
<b>CCF ID:</b>	01009749	<b>Status:</b> Active
<b>Date Established</b>	1/29/14	
<b>Date Waiver Requested</b>	1/9/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Betty Stehman	<b>Start Date:</b> 1/29/14
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Kevin Hornberger	1/29/14
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
7/22/19 Audit		8/15/19	\$240	\$240
			\$	\$
				Total:\$240

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
2017 Annual	\$90.00	Paid	
2016	\$90.00	Paid	

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$4,780	\$7,638	\$9,367	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

The report was issued because we didn't list one of the donors profession. My treasurer was unable to update this. We did eventually change the donors profession to retired.

### Division Comments

Reduce to \$120.00

### Administrator's Decision

Jan. 7<sup>th</sup>, 2020

Campaign Finance Division  
Maryland State Board of Elections  
151 West Street  
Suite 200  
Annapolis, MD 21401

RECEIVED  
JAN 09 2020  
STATE BOARD OF ELECTIONS

Dear Jared/Anyone else this may concern,

I hope this letter finds you well. I am writing you today to request a fine waiver from the 8/28/18 Audit. I was assessed this fine after we had submitted our report and SBE already accepted it. SBE later went back and did an audit of our report and found that we did not list the profession for one of the donors. The donor was retired. My treasurer was unable to update this. We did eventually change the donor's profession to retired, but the fine remained issued. Given the miniscule nature of this oversight and the fact that my treasurer was unable to edit due to outside circumstances, I would respectfully request the fines stemming from this report be waived. I can be reached at 443-309-6771 to discuss further. Thank you.

Sincerely,



Delegate Kevin B. Hornberger  
260 Lums Road  
North East, MD 21901

CCFID

01009749

## Waiver Request Information Page

### General

<b>Account Name</b>	Johnson, Joel M. for Orphans' Court	
<b>CCF ID:</b>	01012754	<b>Status:</b> Active
<b>Date Established</b>	2/27/18	
<b>Date Waiver Requested</b>	2/06/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Susan Johnson	<b>Start Date:</b> 2/27/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Joel Johnson	5/22/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/16/20	\$20	\$20
			\$	\$
				Total:\$20

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
4/17/18	\$150	Waived	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$25	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

We had to be out of town for a family emergency, upon returning the day after the report was due we ran into computer problems. A call to your staff solved the problem and we were able to file.

### Division Comments

Grant

### Administrator's Decision

# State of Maryland



## Late Fee Waiver Request Form

**Instructions:** Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. \*Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: JOEL JOHNSON for Republiks Ct. Account Number: \_\_\_\_\_

RECEIVED

Date of Request: 2-3-20 Total Amount of late fees: \$ 100.

FEB 06 2020

Name of the Requestor(s)\*: Joel Johnson STATE BOARD OF ELECTIONS

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 1-15-20  
\_\_\_\_\_  
\_\_\_\_\_

The basis for the request: \_\_\_\_\_

We deeply regret the tardiness of our filing the January 2020 campaign finance report. We hope that you will accept our apology given the following circumstances. First, we had been out-of-state assisting with the heartbreaking intervention for our son, whom, it was discovered, is drug addicted. Second, returning to Easton on the cusp of the filing date, we ran into computer problems – it seems we are IT hapless – which we could resolve until the morning after. That said, we are grateful to staff who walked us through how to complete the tasks at hand. Now that the campaign account is officially closed, our bumbling will not be repeated.

  
(Signature)

2-3-20  
(Date)

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision. _____	

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance  
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410-269-2880 • 800-222-8683 • MD Relay 800-735-2258 • [www.elections.state.md.us](http://www.elections.state.md.us)

## Waiver Request Information Page

### General

<b>Account Name</b>	Impallaria, Richard Friends Of	
<b>CCF ID:</b>	01001935	<b>Status: Active</b>
<b>Date Established</b>	7/01/02	
<b>Date Waiver Requested</b>	1/21/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	George Holy	<b>Start Date: 7/01/02</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Rich Impallaria	7/01/02
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/20/20	\$100	\$100
			\$	\$
				Total:\$100

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
N/A			

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$8060	\$786	\$16,817	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

My report was late due to the treasurer being in the hospital.

### Division Comments

Grant 1 st request.

### Administrator's Decision

# State of Maryland

## Late Fee Waiver Request Form

**Instructions:** Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. \*Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: FRIEND OF RICHARD IMPALLARIA Account Number: \_\_\_\_\_

Date of Request: 1-21-20 Total Amount of late fees: \$ 100.00

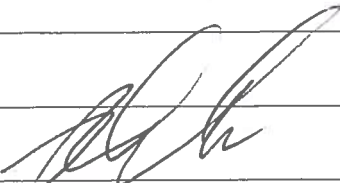
Name of the Requestor(s)\*: Rick Impallaria

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): ANNUAL 2020

The basis for the request: AS PER CONVERSATION WITH JARED, MY TREASURER WAS LATE WITH REPORTING DUE TO BEING ADMITTED TO HOSPITAL. THE REPORT WAS FINALIZED ONCE HE WAS RELEASED FROM HOSPITAL.

RECEIVED  
JAN 21 2020  
STATE BOARD OF ELECTIONS

  
(Signature)

1-21-20  
(Date)

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision. _____	

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Division of Candidacy and Campaign Finance

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## Waiver Request Information Page

### General

<b>Account Name</b>	Kim, Lisa F. Friends of	
<b>CCF ID:</b>	01011727	<b>Status: Active</b>
<b>Date Established</b>	5/25/17	
<b>Date Waiver Requested</b>	1/22/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Seong Baik	<b>Start Date: 5/25/17</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Lisa Kim	5/25/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/22/20	\$140	\$140
			\$	\$
				Total:\$140

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
2019 Annual	\$20	paid	N/A
<b>Pre-General 2</b>	\$20	paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I thought my committee was closed after 2018.

### Division Comments

Grant 1<sup>st</sup> request.

### Administrator's Decision

# State of Maryland



## Late Fee Waiver Request Form

Instructions: Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. \*Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: Friends of Lisa Kim Account Number: 01011727

Date of Request: 1-22-20 Total Amount of late fees: \$ 120.00

Name of the Requestor(s)\*: Lisa F. Kim

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 1-20-20

The basis for the request: I was a candidate in the NOV. 2018 election. I was under the belief that the reports for the 2018 election were closed out and complete. I only realized I had a concern when I called the SBE to ask you to remove me from your email communications! Then I was informed of the concern and immediately filed the amendment. Had I known I actually owed you information I would have remedied that in a timely fashion. Again, I thought my campaign report was complete as of July 2019.

(Signature)

Lisa F. Kim

1-22-20

(Date)

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision: _____	

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## Waiver Request Information Page

### General

<b>Account Name</b>	McGee, Trish (Patricia) for School Board	
<b>CCF ID:</b>	01012545	<b>Status:</b> Active
<b>Date Established</b>	2/26/18	
<b>Date Waiver Requested</b>	2/07/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Peter Bourne	<b>Start Date:</b> 2/26/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Pat McGee	2/26/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		2/07/20	\$835	\$835
			\$	\$
				Total:\$835

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
N/A			

### Recent Financial Activity History

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

### Reason for Waiver

I was having trouble logging I to do the report.

### Division Comments

Grant, 1<sup>st</sup> request.

### Administrator's Decision



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

---

**Fwd: McGee, Trish (Patricia) For School Board**

1 message

---

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

Fri, Feb 7, 2020 at 2:42 PM

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

From: **Peter Bourne**  
Date: Fri, Feb 7, 2020 at 12:10 PM  
Subject: McGee, Trish (Patricia) For School Board  
To: info.sbe@maryland.gov <info.sbe@maryland.gov>

Dear Maryland State Board of Elections,

I am having trouble logging in so that I can do the 2020 Annual Report.

As usual, we have not taken in any money / donations.

I obviously do not remember my User Name or Password.

I also ask that any so called "late fees" be waived.

I would greatly appreciate any help you can provide as today is my only time to complete this.

Thank you,

Peter

Peter H. Bourne, Treasurer

## Waiver Request Information Page

### General

<b>Account Name</b>	Pasti, Dave Friends of	
<b>CCF ID:</b>	0101206	<b>Status:</b> Active
<b>Date Established</b>	11/01/17	
<b>Date Waiver Requested</b>	2/11/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Larry Crabtree	<b>Start Date:</b> 11/01/17
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	David Pasti	11//01/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		2/06/20	\$785	\$785
			\$	\$
				Total:\$785

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
N/A			

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I thought my treasurer had file a closeout report in 2019.

### Division Comments

Grant 1st request, no priors.

### Administrator's Decision

THE LAW OFFICES OF  
**DAVID N. PASTI**  
ATTORNEY AND COUNSELOR AT LAW

103 NORTH ADAMS STREET  
ROCKVILLE, MARYLAND 20850

OFFICE PHONE: 301-762-1901  
CELL PHONE: 301-529-7278  
FACSIMILE: 301-762-3382

February 6, 2020

RECEIVED

FEB 11 2020

STATE BOARD OF ELECTIONS

Maryland State Board of Elections  
PO Box 6486  
Annapolis, MD 21401-0486

RE: Waiver of Late Fees  
Committee: Friends of Dave Pasti

To Whom it May Concern:

I ran for office for the first time in the 2018 Election. I ran for House of Delegates in District 19 as a Republican. Although no Republican has won in that District in over 30 years, I wanted to get off the sideline and give the voters an alternative. To no one's surprise I lost.

I raised over \$30,000 and knocked on over 6,000 doors while still working full-time as a lawyer in Rockville. After losing by a wide margin, I had no intention of running again and my treasurer filed what I thought was a final report with no balance remaining in my campaign account, and thereafter I closed the account.

Recently, I received a notice that I needed to file an annual report. Thinking it was a mistake I ignored it. A few weeks later I received another notice indicating that my annual report had not been received and fees are being assessed daily. Immediately I called the Board of Elections and they informed me that I did not indicate that the annual report I filed was a final report or closing report. They walked me through the process to edit the report and then instructed me to write this letter.

I am hopeful that you will waive my fees as a first time candidate it was an honest mistake. In all of my other reports, I was forthcoming and only had a few pieces of missing information that I provided to the Board's satisfaction.

Thank you for your consideration.

Very truly yours,



David N. Pasti  
Chairman

## Waiver Request Information Page

### General

<b>Account Name</b>	Prince George's Proud Slate	
<b>CCF ID:</b>	02012964	<b>Status: Active</b>
<b>Date Established</b>	5/04/18	
<b>Date Waiver Requested</b>	1/22/20	
<b>Account Type</b>	Slate Account	

### Officers

<b>Current Treasurer</b>	Dawn Page	<b>Start Date: 5/04/18</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Dana Stebbins	5/04/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/22/20	\$140	\$140
			\$	\$
				Total:\$140

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
11/20/18	\$60	Paid	N/A
<b>10/26/18</b>	\$20	Paid	N/A

### Recent Financial Activity History

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

### Reason for Waiver

Committee file the 2021 report instead of the 2020.

### Division Comments

Grant

### Administrator's Decision

## *Prince George's Proud Slate*

**2808 Lindesfarn Terrace  
Fort Washington, MD 20744-1911**

**Work: 301-952-3306  
Cell: 301-375-0391  
Fax: 301-248-0033**

---

January 22, 2020

State Board of Elections  
P.O. Box 6486  
Annapolis, MD 21401-0486  
CCF ID #: 02012964

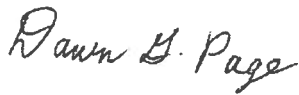
To Whom It May Concern:

I'm writing in reference to a fee running notice that was received on Wednesday, January 22<sup>nd</sup>. I was surprised to receive this notice because I recalled submitting a report by the deadline in the early morning (12:30am) of January 15<sup>th</sup>. I responded to the notice stating that it must've been received in error and a representative replied informing me that the report was filed for the January 2021 filing period.

Per the representative's instructions, I submitted a report for the January 2020 filing period and am following up with a letter to request your consideration of a waiver of the late fees assessed to this account. While submitting the report on January 15<sup>th</sup>, the wrong filing period was inadvertently selected. In the future, I will be very careful to select the appropriate filing period date. I recall being puzzled as to why that filing period date was available in the drop-down menu and honestly thought the correct date was chosen. The representative informed me that I needed to make a formal request to have this matter considered.

Please let me know if there's anything else I need to do to have this matter considered. Thanks for your consideration and I hope to hear from you soon.

Sincerely,



Dawn Page  
Treasurer

## Waiver Request Information Page

### General

<b>Account Name</b>	StPreux, (Vardly) Citizens for	
<b>CCF ID:</b>	01012649	<b>Status:</b> Active
<b>Date Established</b>	02/27/18	
<b>Date Waiver Requested</b>	1/22/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Clyde Lawrence	<b>Start Date:</b> 2/27/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Vardly StPreux	2/27/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/22/20	\$140	\$140
			\$	\$
				Total:\$140

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
11/20/16	\$60	Paid	N/A
<b>8/28/18</b>	\$160	Paid	N/A
6/15/18	\$20	Paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I thought I had closed out my committee at the end of 2018.

### Division Comments

Grant

### Administrator's Decision



Victorica Smith -SBE- &lt;victorica.smith@maryland.gov&gt;

---

**Fwd: Cancellation Requirements**

1 message

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

Wed, Jan 22, 2020 at 10:34 AM

To: Victorica Smith -SBE- &lt;victorica.smith@maryland.gov&gt;, "Ebony R. Parran -SBE-" &lt;ebony.parran@maryland.gov&gt;

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

From: **General North**

1&gt;

Date: Wed, Jan 22, 2020 at 10:28 AM

Subject: Re: Cancellation Requirements

To: info sbe -SBE- &lt;info.sbe@maryland.gov&gt;

To whom it may concern,

Upon further research, I found the fault in my actions and humbly request that I am granted a waiver for the lateness of the filing process.

I am currently out of the country designing supportive services systems for Vietnam era Veterans who has chosen to reside in the Dominican Republic, who are not able to travel back and forth to the States.

Once again please forgive me and waive the late fee associated with the Citizens for St.Preux campaign account.

Many thanks for your understanding.

On Wed, Jan 22, 2020, 10:58 AM info sbe -SBE- <info.sbe@maryland.gov> wrote:

For what committee?

On Wed, Jan 22, 2020 at 9:46 AM General North <generalnorth@gmail.com> wrote:

To whom it may concern,

I'm sorry I was under the impression that I terminated my campaign.

Why am I receiving this email?



## Waiver Request Information Page

### General

<b>Account Name</b>	Wagner, Robert S. Committee to Elect	
<b>CCF ID:</b>	01012857	<b>Status: Active</b>
<b>Date Established</b>	2/27/18	
<b>Date Waiver Requested</b>	2/04/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Aimee Oneill	<b>Start Date: 2/27/18</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Robert Wagner	2/27/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		2/03/20	\$635	\$635
7/22/19		1/23/20	\$500	\$500
				Total:\$1,135

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
6/15/18	\$60	Paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$1000	\$830	\$1,436	\$2,364
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I was not familiar with the process and didn't know there were further reports to file, I also didn't receive any notices.

### Division Comments

Grant for 7/22/19, deny for 1/15 20.

### Administrator's Decision

--

# State of Maryland



## Late Fee Waiver Request Form

**Instructions:** Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. \*Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: Committee for Robert Wagner Account Number: 01012857

Date of Request: 2/4/2020 Total Amount of late fees: \$ 1135.00

Name of the Requestor(s)\*: Sue A Peters

The Requestor is the:  Chairman  Treasurer  Candidate

Bookkeeper  
Waiver of late fees for the following Campaign Finance Report(s): 01/17/19 thru  
02/03/2020

The basis for the request: I have been keeping the records for  
Mr. Wagner's campaign since April of 2018. Last Spring  
Mr. Wagner was not successful in his race but came to me  
and asked to keep the account open. Since I was not aware  
familiar with the process I didn't know there were further  
reports to file and didn't receive any notices. There was  
very little activity for the whole year and then I was on  
Medical leave from August to October. I have entered all the  
activity to date and it is current on bank statement  
reconciliations. I am still having difficulty navigating the  
and haven't been able to complete the filing process

(Signature)

(Date)

2/4/20

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision. _____	

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance  
P.O. Box 6488 • 151 West Street, Suite 200 • Annapolis, MD 21401-0486  
410-269-2880 • 800-222-8683 • MD Relay 800-735-2258 • [www.elections.state.md.us](http://www.elections.state.md.us)

## Waiver Request Information Page

### General

<b>Account Name</b>	Yoho, Karen Citizens for	
<b>CCF ID:</b>	01012266	<b>Status:</b> Active
<b>Date Established</b>	1/30/18	
<b>Date Waiver Requested</b>	1/31/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Joe Yoho	<b>Start Date:</b> 1/30/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Karen Yoho	1/30/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20 Annual		1/23/20	\$175	\$175
			\$	\$
				Total:\$175

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
6/15/18	\$500	paid	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$121	\$570	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

The candidate is not running in this election, she decide to keep the committee open to run in 2022. We closed out the P.O. Box not relizing that it was where notices would be sent, we will be better at keeping up with when reports are due in the future.

### Division Comments

Grant 1<sup>st</sup> request.

### Administrator's Decision

Citizens for Karen Yoho  
PO Box 231  
Monrovia, MD 21770  
Jan. 31, 2020

To: Linda Lamone  
Re: Request for waiver of late fees

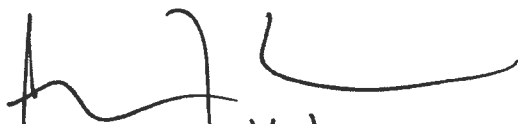
Dear Ms. Lamone,

I am requesting a waiver of late fees for our late filing of the Annual Report which was due on 1/15/2020. By my calculations, the campaign would owe at least \$155 for our oversight. Currently, the campaign account has under \$600. The candidate, Karen Yoho, kept her campaign bank account, website, and social media in effect should she decide to run again for school board in 2022. She is not currently raising any funds, so the \$155 would take more than 25% of what is in the account. Raising money for school board candidates is not an easy proposition to begin with. The candidate previously loaned the campaign several thousand dollars, as you know from the reports.

Both the candidate and I, as her treasurer, neglected to keep up well enough with the campaign email. We visited the Monrovia Post Office on Dec. 30 to pay for the post office box rental and clean out the box itself. There was no green postcard at that time. It probably came a day or so after. It dawned on us last week that the Annual Report was probably due. We immediately saw in our emails that the report was late at the point. We prepared it that day and submitted it. It was an easy report to compile as there has been little activity.

We have learned that we need to keep up better with campaign communications if we are keeping accounts open. We would very much appreciate a waiver, or at least a reduction in late fees. We also promise to be more diligent in the future.

Thank you for your consideration.

  
Joseph Yoho  
Treasurer

PS We know  
that next year's  
Annual Report  
is due by 1/20/  
K. Yoho

## Waiver Request Information Page

### General

<b>Account Name</b>	Bair, Margaret Peggy Citizens for	
<b>CCF ID:</b>	01012309	<b>Status:</b> Active
<b>Date Established</b>	2/07/18	
<b>Date Waiver Requested</b>	2/07/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Barbara Norman	<b>Start Date:</b> 2/07/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Margaret Bair	2/07/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		2/07/20	\$835	\$835
			\$	\$
				Total:\$835

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
5/22/18	\$160	Waived	N/A

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$239	\$-28	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I thought I had closed out the account previously.

### Division Comments

Deny, prior late fee waived.

### Administrator's Decision

Barbara M. Norman  
Treasurer  
Citizens for Margaret Peggy Bair  
628 Klees Mill Road  
Westminster, MD 21157

February 7, 2020

Linda H. Lamone, Esquire  
State Administrator of Elections  
PO Box 6486  
151 West Street, Suite 200  
151 West Street, Suite 200  
Annapolis, MD 21401-0486

RE: Bair, Margaret Peggy Bair Citizens For

Dear Ms. Lamone,

I am writing regarding the late filing fees that were assessed due to my omission in filing the report due 1/15/2020. I believed that I had previously closed out Ms. Bair's account, but in speaking with a representative of the Board of Elections, realized I had not. Through the help of Ms. Parran, I was able to complete the report and close out Ms. Bair account.

I respectfully request that any fines associated with Ms. Bair's account be waived. Thank you for your consideration of my request.

Sincerely,

Barbara M. Norman

## Waiver Request Information Page

### General

<b>Account Name</b>	Baker, Terry, Citizens for	
<b>CCF ID:</b>	01010036	<b>Status: Active</b>
<b>Date Established</b>	2/10/14	
<b>Date Waiver Requested</b>	2/03/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Coreena McAllister	<b>Start Date: 1/30/20</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Terry Baker	2/10/14
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/30/20	\$435	\$435
			\$	\$
				Total:\$435

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
8/28/18	\$20	Paid	N/A

### Recent Financial Activity History

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

### Reason for Waiver

I didn't received the notices as my address changed because of a recent divorce.

### Division Comments

Deny, it is the officer's responsibility to keep updated records.

### Administrator's Decision

## Citizens for Terry Baker

*Coreena McAllister, Treasurer*

9300 Slabtown Road  
Hancock, Maryland 21750  
240-313-5383

RECEIVED

FEB 03 2020

STATE BOARD OF ELECTIONS

January 30, 2020

Maryland State Board of Elections  
151 W. Street, Suite 200  
Annapolis, Maryland 21401

Dear Board Members,

I write to ask for a waiver on late fees for filing my 1/15/2020 Annual Report past the deadline.


As your records may reflect, I recently had a change of address from 11925 Bakers Lane, Clear Spring, Maryland to 9300 Slabtown Road, Hancock, Maryland. The Slabtown Road is my address now. This change in address may have coincided with mailing reminders, which I did not receive.

Also, the email address of knpowers2008@\_\_\_ which you had on file until the date of this letter belongs to my ex-wife. We recently divorced in 2019, and as one might imagine, I did not receive these reminders.

I realize both my email and mailing address could have been updated sooner. However, I have been trying to reach out to the Election Board Office for over a week with help on updating my records so that I can file my report, but have not had luck receiving return calls due to this being a busy time for your office with the upcoming elections, I assume.

A copy of my ALCE report is enclosed. With having no actual information to report, and issues with updating my contact information, I hope you will be kind enough to waive my fees.

Thank you,



Terry Baker

Enclosure: ALCE Report



## Waiver Request Information Page

### General

<b>Account Name</b>	Forde, Lorna Phillips Friends of	
<b>CCF ID:</b>	15011807	<b>Status:</b> Active
<b>Date Established</b>	7/24/17	
<b>Date Waiver Requested</b>	2/01/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Sheila Shears	<b>Start Date:</b> 8/09/18
<b>Responsible Treasurer</b>	Cheryl Thomas	6/28/18
<b>Current Chairman</b>	Lorna Forde	7/24/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
Pre General 2 Audit		N/A	\$500	\$500
Pre Primary 1 Audit		N/A	\$500	\$500
Pre Primary 2 Audit		N/A	\$500	\$500
				Total: \$1,500

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
11/20/18	\$500	Outstanding	Yes
<b>8/28/18</b>	\$500	Outstanding	Yes
5/22/18	\$130	Outstanding	Yes

### Recent Financial Activity History

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

### Reason for Waiver

My initial treasurer quit the day before the primary. My second treasurer pass away.

### Division Comments

Deny, the reports have not been filed.

### Administrator's Decision

# State of Maryland



## Late Fee Waiver Request Form

**Instructions:** Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. \*Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: Friends of Lorna Phillips Forde

Account Number: 19=5623

Date of Request: 2/1/2020 Total Amount of late fees: \$ 1,500.00

Name of the Requestor(s)  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 05/22/2018 - 07/08/2019

The basis for the request: My initial campaign manager quit the day before the primary election. I was subsequently able to identify another individual to serve as Treasurer. Ms. Sheila Shears worked with the Board of Elections to try and piece together the deficiencies left by the previous Treasurer. In the meantime, she was stricken with Lukemia. Sheila and I spoke and she assured me that, in spite of her illness, she felt well enough to close out my campaign finances. I was unaware that this had not occurred until I received a phone call from the Board of Elections indicating that the report was, in fact, still outstanding and there were mounting penalty fees. Sadly, Ms. Shears passed from her illness and I am currently unable to obtain any of the documents. Her family does not live in this area and I do not have direct access to them out of state. For these reasons, I humbly request that the fees be waived. I am working to obtain the bank records to provide the Board of Elections so that we can bring closure to this unfortunate sequence of events.

(Signature)

2/1/2020

(Date)

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision. _____	

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance

P.O. Box 6486 ● 151 West Street, Suite 200 ● Annapolis, MD 21401-0486  
410-269-2880 ● 800-222-8683 ● MD Relay 800-735-2258 ● [www.elections.state.md.us](http://www.elections.state.md.us)

## Waiver Request Information Page

### General

<b>Account Name</b>	Hoffmann, Susan Friends of	
<b>CCF ID:</b>	01009418	<b>Status:</b> Active
<b>Date Established</b>	9/18/13	
<b>Date Waiver Requested</b>	1/15/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	David Celeste	<b>Start Date:</b> 8/24/13
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	N/A	
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
Pre-Primary 1		N/A	\$500	\$500
2018 Annual Audit		N/A	\$500	\$500
				Total:\$1000

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
5/22/18	\$40	Paid	N/A
5/27/14	\$60	Paid	N/A

### Recent Financial Activity History

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

### Reason for Waiver

I didn't receive a notice for the 2 amendments. I was not aware that these request were made and that fines had been assessed.

### Division Comments

Denied, reports have not been filed.

### Administrator's Decision

## **LATE FEE WAIVER REQUEST**

**Campaign Account Name:** Friends of Susan Hoffmann **Account Number:** 01009418

**Date of Request:** 1/15/2020

**Total Amount of Late Fees:** \$1,000.00

**Name of Requestor:** Dave Celeste, Treasurer

### **Waiver of late fees for the following Campaign Finance Reports:**

2018 Gubernatorial Pre-Primary1 Audit – Amendment Request

2018 Annual Audit – Amendment Request

### **The basis for the request:**

The 2 amendment requests referenced above were not filed solely because I received no requests for these amendments. I was not even aware that these requests were made and that fines had been assessed until early in January 2020. Please allow me to explain further.

On or about 1/3/2020, I received a phone call from the candidate, Susan Hoffmann. She indicated that she had been in contact with Lisa Hanzook, an employee at the MD State Board of Elections. Ms. Hoffmann indicated that Ms. Hanzook had informed her of outstanding violation amounts totaling \$1,000.00 for failure to file the above referenced amendments. Neither Ms. Hoffmann nor I have any recollection of being notified that these amendments were requested.

To follow-up, I called Ms. Hanzook (410-269-2904) on Tuesday, 1/7/2020 and left a voice mail message. When the call was not returned, I called again on 1/8/2020 around 10:45 am. Ms. Hanzook returned this call on 1/8/2020 around 1:30 pm when I was not available. She left a brief voice mail message. I returned that call on 1/9/2020 and reached Ms. Hanzook around 4:23 pm. We spoke for about 38 minutes about a variety of issues all revolving around the outstanding violation amounts and the amendments requested by the MD State Board of Elections (BOE).

Ms. Hanzook confirmed my home address and indicated that notices had been sent to me via the U.S. postal system. She confirmed the dates on which these notices were mailed but could not confirm whether these notices had been delivered to me. I confirmed that I had NOT received these notices. As you should understand, it is difficult for me (or anyone) to prove that I had not received mail that I was not expecting. Ms. Hanzook agreed with me that it was odd that these mailings generated absolutely no response from me since I have a record of responding to all other correspondence received from BOE.

I then requested that Ms. Hanzook forward these notices to me. Instead she suggested that I could find these notices on the Maryland Campaign Reporting Information System (MD CRIS). She also gave me detailed instructions on how and where to find this information since MD CRIS is clearly NOT user friendly. While this is the source I used recently (January 2020) to find the reports and the violations, it is not possible to believe that anything listed on MD CRIS that is so difficult to locate would be found by a user like me who almost never looks at this website unless it is to file a requested report. I believe that my last access to MD CRIS was in early January 2019 when I filed my last report. The information Ms. Hanzook requested that I review was posted long after that date.

## Waiver Request Information Page

### General

<b>Account Name</b>	Levi, Gerron Committee For	
<b>CCF ID:</b>	01003001	<b>Status: Active</b>
<b>Date Established</b>	10/11/05	
<b>Date Waiver Requested</b>	1/23/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Deron Roberson	<b>Start Date: 9/15/17</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Gerron Levi	10/11/19
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/25/20	\$245	\$245
			\$	\$
				Total:\$245

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
7/22/19	\$150	Waived	Yes
<b>11/20/18</b>	\$50	Paid	Yes
7/22/19	\$150	Waived	Yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$0	\$2000	-\$7676	\$82,277
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I filed the report on Sunday and I can't pay anymore fees.

### Division Comments

Denied committee has a history of non-compliance.

### Administrator's Decision



Victorica Smith -SBE- &lt;victorica.smith@maryland.gov&gt;

---

**Fwd: Fee Running Notice for the 1/15/2020 Annual Report - transactions ending 1/8/20**

1 message

---

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

Thu, Jan 23, 2020 at 8:27 AM

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

From: **Gerron Lev**

Date: Wed, Jan 22, 2020 at 7:04 PM

Subject: Re: Fee Running Notice for the 1/15/2020 Annual Report - transactions ending 1/8/20

To: &lt;info.sbe@maryland.gov&gt;

I filed the report on Sunday and I cannot pay anymore fees, plain and simple. I just cannot pay anymore fees.

I am also locked out of the system. I am the chairperson. How do I get back in?

Gerron S. Levi

On January 22, 2020 at 9:37 AM, info.sbe@maryland.gov wrote:

This is to notify you that the 1/15/20 Annual Report has not been received and late fees are being assessed for this report.

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

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

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance  
Phone: 410.269.2880  
Email: info.sbe@maryland.gov

Also attached you will find the 2017 Summary Guide to Maryland Candidacy and Campaign Finance Laws, the MDCRIS Overview User Manual and the 2020 Presidential/Baltimore City Reporting Schedule and here is the link for the MDCRIS Overview Video on YouTube: <https://www.youtube.com/watch?v=YcbNIJCo-i8>

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**4 attachments****2017 Summary Guide.pdf**  
1797K**Official MDCRIS User Manual.pdf**  
2521K**2020 Reporting Schedule.pdf**  
52K**Fee Report Notice.pdf**

## Waiver Request Information Page

### General

<b>Account Name</b>	Newcomb Jr., James A. for Caroline BOE	
<b>CCF ID:</b>	01012385	<b>Status:</b> Active
<b>Date Established</b>	2/15/18	
<b>Date Waiver Requested</b>	2/06/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Karen Newcomb	<b>Start Date:</b> 2/15/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	James Newcomb	2/15/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/22/20	\$140	\$140
			\$	\$
				Total:\$140

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
8/28/18	\$150	Paid	N/A
6/15/18	\$150	Paid	N/A
5/22/18	\$120	Waived	N/A

### Recent Financial Activity History

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

### Reason for Waiver

I was not aware I needed to file a report, especially in a year I was not up for election.

### Division Comments

Deny, committee has a history of filing late.

### Administrator's Decision



Victorica Smith -SBE- &lt;victorica.smith@maryland.gov&gt;

---

**Late report fee - James A. Newcomb Jr. For Caroline BOE**

1 message

---

**Jim's Home email**

Thu, Feb 6, 2020 at 9:10 AM

To: victorica.smith@maryland.gov

Ms. Smith,

I'd like to formally request a waiver to eh \$120 fee assessed to my account. As a local Board of Education member not running for re-election I was not aware that I needed to file a report, especially in a year I was not up for election.

In addition I was out of town the week the report was due, but upon returning home and seeing a past due report notice I looked into the situation and filed the Affidavit to document no funds had been raised ASAP. (January 22nd.)

Please ask the Board for some leniency to someone who is not actively involved in the political campaigning process.

Thank you for your time and attention to this matter.

James A. Newcomb Jr.  
For Caroline BOE - CCF ID: 01012385

410-253-0221



## Waiver Request Information Page

### General

<b>Account Name</b>	Tracy-Soper, Nova Re-Elect Treasurer	
<b>CCF ID:</b>	01003081	<b>Status: Active</b>
<b>Date Established</b>	1/12/06	
<b>Date Waiver Requested</b>	1/22/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Sharon Stallings	<b>Start Date: 1/12/06</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Novalea Soper	1/12/06
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		1/22/20	\$140	\$140
			\$	\$
				Total:\$140

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
8/28/18	\$20	waived	N/A
11/18/14	\$20	paid	N/A
1/16/13	\$250	paid	N/A

### Recent Financial Activity History

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

### Reason for Waiver

I don't know how this happen I thought I filed the report on 1/9/20.

### Division Comments

Deny, prior waiver and late fees.

### Administrator's Decision



Victoria Smith -SBE- &lt;victorica.smith@maryland.gov&gt;

**Fwd: waiver of late fees**

1 message

*Nova Tracey-Soper*

info sbe -SBE- &lt;info.sbe@maryland.gov&gt;

Wed, Jan 22, 2020 at 10:05 AM

To: Victoria Smith -SBE- &lt;victorica.smith@maryland.gov&gt;, "Ebony R. Parran -SBE-" &lt;ebony.parran@maryland.gov&gt;

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

From: **Stallings, Sharon M.**

Date: Wed, Jan 22, 2020 at 10:03 AM

Subject: waiver of late fees

To: info.sbe@maryland.gov &lt;info.sbe@maryland.gov&gt;

Good Morning Ebony,

I really do not understand what happened. I found the notice that I wrote I filed on 1-9-2020 not 1-8. I even told Nova it was done. It's very easy when you have nothing to report and I thought I got a notice as soon as I entered it. I'm going to keep checking and look at everything I received on January 9<sup>th</sup>.

Also I will print all confirmations instead of writing on the email notice when it was done.

Lastly, I am humbly asking for the late fees to be waived as I have no ideas how this happened and will NOT let it happen again.

Thank you so much!

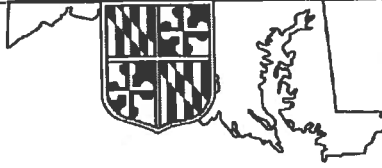
Sharon



**STATE BOARD OF ELECTIONS**

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

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



Linda H. Lamone  
Administrator

Nikki Charlson  
Deputy Administrator

**Memorandum**

**TO:** State Board Members

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

**DATE:** February 27, 2020

**SUBJECT:** Waiver of late filing fees – Persons Doing Public Business, Title 14 of the Election Law Article

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

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

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

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

§ 14-107(c) Late Filing Fees

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

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

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

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

Grant/Reduced

- 1.

Denials

1. Johns Hopkins University
2. M&M Welding and Fabrications, Inc.
3. Marylanders for End-of-Life Options, Corporation
4. Maryland Defense Counsel, Inc.



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

**General**

<b>Account Name</b>	= Johns Hopkins University
<b>BID ID:</b>	14000340
<b>Date Established</b>	1/01/2015
<b>Date Waiver Requested</b>	2/04/2020
<b>Account Type</b>	Title 14 – Persons Doing Public Business and Employing a Lobbyist

**Officers**

<b>Current Filer</b>	Scott Jonas	Start Date: 1/01/2015
<b>Principal Officer</b>	Daniel G. Ennis	Start Date: 1/01/2015

**Waiver Request Dates**

Late Report	Date Received	Fees	Total Fees
11/30/19	12/05/19	\$60	\$60
		\$	\$
		Total	\$60

**Prior Waiver and Fees**

2/05/2015 – received 2/13/2015, late fee \$80 waived

**Reason for Waiver**

They dada entered the information and Previewed it instead of filing the report.

**Agency Comments**

They have been filing report since 2015 without any problems other than the first report in BCDS which was brand new to businesses.

Deny

**Tax Office**

3910 Keswick Road, North Bldg.  
Suite N-4327B  
Baltimore MD 21211  
443-997-8688 / Fax 443-997-8538

January 31, 2020

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

RE: Request for Waiver of Penalty Assessed on Johns Hopkins University for  
Contribution Reporting Due November 30<sup>th</sup>, 2019

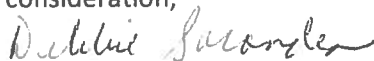
To Jared DeMarinis:

The Johns Hopkins University is respectfully requesting a waiver of penalty that has been recently assessed on the Contribution Disclosure Report due November 30<sup>th</sup>, 2019 in the amount of \$60.00. Three of the university officers had made contributions during this filing period totally \$1000.00 in all and this information was entered into your system on November 27<sup>th</sup> at 4:11 PM. I later learned that the report was just identified as the "preliminary" report and that I had not hit the submit button in order for the report to be considered filed timely. I did receive the message "the system will generate a new report with cycle-aggregates within 4 hours" so I did think the filing was finished on our end.

I hope you can consider our good filing record and therefore waive this penalty assessed by this administrative error on my part. In my haste to join my co-workers who had already left the office for their Thanksgiving holiday weekend, I just forgot to hit the submit button but the information had been entered on your system.

Thank you for your time and consideration,

Debbie Sorandes  
Johns Hopkins University  
Office of Finance  
JHU Tax Office  
3910 Keswick Road  
Tax Office N4327-B  
Baltimore, MD 21211  
(443)997-3722  
FAX(443)997-8538  
[tax@jhu.edu](mailto:tax@jhu.edu)





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

**General**

<b>Account Name</b>	M&M Welding and Fabricators, Inc.
<b>BID ID:</b>	14001078
<b>Date Established</b>	8/22/2019
<b>Date Waiver Requested</b>	12/9/2019
<b>Account Type</b>	Title 14 – Persons Doing Public Business

**Officers**

<b>Current Filer</b>	Carey Dove	Start Date: 8/22/2019
<b>Principal Officer</b>	Carey Dove	Start Date: 8/22/2019

**Waiver Request Dates**

Late Report	Date Received	Fees	Total Fees
11/30/19	12/09/19	\$140	\$140
		\$	\$
		Total	\$140

**Prior Waiver and Fees**

**Reason for Waiver**

They filed the Initial Report instead of the 11/30/19 report.

**Agency Comments**

They Should have filed the Initial report when the registered back in August.

Deny



Hot Water Steam Power and Combustion Specialists

2701 Back Acre Circle Mt. Airy, Maryland 21771 Fax 301/948-8803 **301/948-9330** **800/736-6603**

December 9, 2019

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

**RECEIVED**  
**DEC 09 2019**

STATE BOARD OF ELECTIONS

Reference: Entity Name: M&M Welding and Fabricators, Inc.  
Entity Number: 14001078

Subject: Fall 2019 Contribution Disclosure Report

Dear Sir or Madam:

After receiving an email notification and speaking with Victoria Molina on the phone today, we were made aware and obtained an understanding of the fact that we had not timely filed our Fall 2019 Contribution Disclosure Report. As an entity that is new to this process, we are asking the board to waive our late report fees.

On November 4, 2019, our owner Carey Dove received an email reminder to submit the Fall 2019 report. After navigating the website indicated on that reminder, Ms. Dove somehow submitted our Initial report in lieu of our Fall 2019 report. Unaware of the difference between the two reports and given her difficulty navigating the unintuitive website, we mistakenly believed we had completed our filing requirements.

As an organization we remain entirely uninvolved in political proceedings. As individuals we understand the importance of open and honest campaign financing. Please understand that our failure to submit was an honest misunderstanding of a previously foreign process.

Regards,

A handwritten signature in black ink, appearing to read 'Peter Valavanis', is written over a white background.

Peter Valavanis  
M&M Welding and Fabricators  
FP&A Manager  
301-948-9330

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

**General**

<b>Account Name</b>	Marylanders for End-of-Life Options, Corporation
<b>BID ID:</b>	14000923
<b>Date Established</b>	5/16/2018
<b>Date Waiver Requested</b>	12/9/2019
<b>Account Type</b>	Title 14 – Employing a Lobbyist

**Officers**

<b>Current Filer</b>	Michael J Strauss	Start Date: 5/16/2018
<b>Principal Officer</b>	Michael J Strauss	Start Date: 5/16/2018

**Waiver Request Dates**

Late Report	Date Received	Fees	Total Fees
11/30/19	12/09/19	\$140	\$140
		\$	\$
		Total	\$140

**Prior Waiver and Fees**

5/31/18 – late fee \$110 - paid

**Reason for Waiver**

They data enter the contribution, but did not go to Edit/Filing Pending to submit the report.

**Agency Comments**

They successful filed timelythe Initial Report, 11/30/18 reports with no late fees.

Deny



Vicki Molina -SBE- <[vicki.molina@maryland.gov](mailto:vicki.molina@maryland.gov)>

---

## Fwd: request for late fee waiver

1 message

---

**Jared DeMarinis -SBE-**

Mon, Dec 9, 2019 at 1:23 PM

<[Jared.DeMarinis@maryland.gov](mailto:Jared.DeMarinis@maryland.gov)>

To: "Ebony R. Parran -SBE-" <[ebony.parran@maryland.gov](mailto:ebony.parran@maryland.gov)>, Vicki Molina <[vicki.molina@maryland.gov](mailto:vicki.molina@maryland.gov)>

Waiver request.

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

Date: Mon, Dec 9, 2019 at 9:55 AM  
Subject: request for late fee waiver  
To: <[Jared.demarinis@maryland.gov](mailto:Jared.demarinis@maryland.gov)>

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DEC 09 2019

STATE BOARD OF ELECTIONS

Mr. Demarinis,

I am writing to request a waiver of the late filing fee (Maryland Business Contribution Disclosure System) for my organization, Marylanders for End-of-Life Options. I spoke on the phone with one of your colleagues today who helped me finally submit the form and also suggested that I contact you.

On Nov 4<sup>th</sup> I received an email directing me to file. I immediately completed the forms (\$100 in donations) and I believed that I submitted the form. (I do find the process and the website confusing and not very user friendly.) Apparently, I did not complete the process, although I thought I did.

We are a small, self-funded, not-for-profit, all-volunteer organization. Late fees take a toll on us. I will make sure I do better next time. But for this time, I am asking for a waiver of the fee.

Thank you.

**Michael J. Strauss, MD, MPH**

**Marylanders for End-of-Life Options (MDELO)**

**Mobile: 202-812-2218**

**[www.mdelo.org](http://www.mdelo.org)**



--

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

Sent from mobile device.



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

**General**

<b>Account Name</b>	Maryland Defense Counsel, Inc.
<b>BID ID:</b>	14001104
<b>Date Established</b>	10/01/2018
<b>Date Waiver Requested</b>	1/10/2020
<b>Account Type</b>	Title 14 – Employing a Lobbyist

**Officers**

<b>Current Filer</b>	Dwight Stone	Start Date: 10/01/2018
<b>Principal Officer</b>	Dwight Stone	Start Date: 10/01/2018

**Waiver Request Dates**

<b>Late Report</b>	<b>Date Received</b>	<b>Fees</b>	<b>Total Fees</b>
11/30/2019	12/18/19	\$485	\$485
11/30/2018	12/18/2019	\$500	\$500
5/31/2019		\$500	\$500
		Total	\$1485

**Prior Waiver and Fees**

--

**Reason for Waiver**

The officers of our organization responsible for PAC reporting were not aware that making a Contribution of \$500 or more to a political candidate triggered a separate reporting obligation beyond the normal PAC reports that MDC submits through the CRIS system.

**Agency Comments**

They did not register when they employed a lobbyist and gave a contribution of \$500. I had to back date their registration so they could file the missing reports.

Deny



# MARYLAND DEFENSE COUNSEL, INC.

*Promoting justice. Providing solutions.*

**PRESIDENT**

Dwight W. Stone, II  
Miles & Stockbridge P.C.

**PRESIDENT-ELECT**

Colleen K. O'Brien  
Wilson Elser

**SECRETARY**

Christopher C. Jeffries  
Kramon & Graham PA

**TREASURER**

Katherine A. Lawler  
Nelson Mullins Riley & Scarborough LLI

**IMMEDIATE PAST-PRESIDENT**

John T. Sly

**APPELLATE PRACTICE**

Richard L. Flax  
Peter W. Sheehan, Jr  
Alicia D. Stewart

**JUDICIAL SELECTIONS**

Amy E. Askew  
Christopher R. Dunn

**LEGISLATIVE**

K. Nichole Nesbitt  
Michael L. Dalley

**PROGRAMS & MEMBERSHIP**

Jeff Wettengel

**PAC CHAIR**

Christopher C. Jeffries

**PAC TREASURER**

Michelle R. Mitchell

**PUBLICATIONS**

Sheryl A. Tirocchi

**SPONSORSHIP**

Colleen K. O'Brien

**COMMERCIAL LAW**

Christopher C. Jeffries  
Maryann Alexander

**CONSTRUCTION LIABILITY**

J. Teigen Hall

**EMPLOYMENT LAW**

Danielle Marone

**HEALTH CARE AND COMPLIANCE**

Anthony J. Breschi

**LEAD PAINT**

Lisa M. Morgan  
Barry Goldstein

**PRIVACY, DATA AND SECURITY**

Rachel Hirsch  
Kambon R. Williams

**PRODUCTS LIABILITY**

Erin N. Chelkh  
Lindsay E. Bird

**WORKERS' COMPENSATION**

Julie D. Murray  
Sarah S. Lemmert

**EXECUTIVE BRANCH LIAISON**

John T. Sly

**LEGISLATIVE BRANCH LIAISON**

Gardner M. Duvall

**HISTORIAN**

Joseph M. Jagielski

**DRI STATE REPRESENTATIVE**

Marisa A. Trasatti

**DRI YOUNG LAWYERS LIAISON**

Thomasina E. Polrot

**EXECUTIVE DIRECTOR**

Marisa Ferraro Capone

December 18, 2019

VIA E-MAIL ([jared.demarinis@maryland.gov](mailto:jared.demarinis@maryland.gov))

Mr. Jared DeMarinis  
Executive Director  
State Board of Elections  
151 West Street, Suite 200  
Annapolis, MD 21401

Dear Mr. DeMarinis:

I am the current President of Maryland Defense Counsel, Inc. ("MDC"). MDC is a nonprofit entity that is a statewide voluntary organization of defense attorneys that promotes the improvement of our civil litigation system and fair and equal treatment under the law. MDC utilizes a PAC to make certain modest contributions from time to time to Maryland political candidates, and works with a lobbyist (John Stierhoff of Venable) as an advisor.

I write to explain the circumstances around MDC's untimely reporting of three \$500 contributions made in Summer/Fall of 2018 and two \$500 contributions made in Fall of 2019. Pursuant to Section 5-716 of the General Provisions Article of the Maryland Code, MDC was required to file contribution disclosures for these contributions by November 30, 2018 and November 30, 2019, respectively. MDC filed late reports for these contributions on December 18, 2019, using the Maryland Business Contribution Disclosure System website. Unfortunately, given that MDC's political contributions had historically been smaller than \$500, the officers of our organization responsible for PAC reporting were not aware that making contribution(s) of \$500 or more to a political candidate triggered a separate reporting obligation beyond the normal PAC reports that MDC submits through the CRIS system. Rather, they believed that MDC and its PAC fully complied with the campaign finance reporting obligations by reviewing the CRIS system for upcoming deadlines and responding to the reporting reminder notifications sent by the Board of Elections via email and hard copy notices.

As soon as MDC learned of the requirements of Section 5-716, we registered MDC on the Maryland Business Contribution Disclosure System website on Friday, December 13, 2019. We attempted to file the missing reports that same day, but could not do so because the system would only accept reports for the current reporting period. I tried to reach you by phone on Monday, December 16 and left you a voicemail, but did not realize you

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STATE BOARD OF ELECTIONS



were away at a conference. On December 17, I contacted staff counsel at the State Ethics Commission to seek assistance and was then referred to Ms. Vicki Molina from your office, who was very helpful. Ms. Molina was able to adjust the website's settings, thus allowing us to file the reports electronically on December 18. (We believed we had successfully filed them on December 17, but did not realize we needed to complete on more step after clicking the "File All to State" button.)

I want to assure you and the Board of Elections that, as an organization of attorneys, MDC takes very seriously its obligations under the campaign finance reporting laws. We are well aware that ignorance of the requirements of Section 5-716 is not an acceptable excuse for MDC's failure to comply with them in these instances. Accordingly, we are instituting internal controls to ensure that MDC will timely file all required reports going forward. This will include providing every new MDC PAC Chair and PAC Treasurer with training and a memorandum specifically outlining the requirements of Section 5-716.

MDC is an organization of very limited funds. We have only one (part-time) staff person. Full payment of the applicable late reporting penalties will be a substantial hardship. This was an honest mistake, and one that will certainly not be repeated. We would greatly appreciate if, under the circumstances, the Board would consider waiving the late reporting penalties in whole or in part. We appreciate the Board's consideration of our request.

Sincerely,



Dwight W. Stone II  
President



## STATE BOARD OF ELECTIONS

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

David J. McManus, Chairman  
Patrick J. Hogan, Vice Chairman  
Michael R. Cogan  
Malcolm L. Funn  
Kellev Howells



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

## Memorandum

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

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

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

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

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

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

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

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

Memo to State Board members

Page 2 of 2

September 13, 2019

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

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

Enclosures: Proposed Regulations

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

## Memorandum

**To:** State Board Members  
**From:** Nikki Charlson & Tracey Hartman  
**Date:** February 5, 2020  
**Re:** Final Adoption of Regulations related to Same Day Registration and Address Change

At the upcoming board meeting, we will present for final adoption the regulations approved for publication at the September 2019 meeting. These regulations are:

1. 33.01.01.01B(25) – Definitions;
2. 33.19.02.01A – Same Day Registration and Address Change – Public Notice; and
3. 33.19.04.02 – Same Day Registration and Address Change – Processing New Registrants and Address Changes.

Accompanying this memo is a memo dated September 13, 2019, explaining the proposed regulation and the proposed regulations as published.

The proposed regulations were published in the December 20, 2019, edition of the *Maryland Register* (Vol. 46, Issue 26). The public comment period closed on January 21, 2020, and we received no comments.

If you have any questions about the published regulations or comments before the meeting, please do not hesitate to contact either of us. We will, of course, be at the next meeting to answer any questions.

# **Title 33 STATE BOARD OF ELECTIONS**

## **Subtitle 01 DEFINITIONS; GENERAL PROVISIONS**

### **Chapter 01 Definitions**

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

#### **.01 Definitions.**

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

## **Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES**

### **Chapter 02 Public Notice**

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

#### **.01 Minimum Requirements.**

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

### **Chapter 04 Processing New Registrants and Address Changes**

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

#### **.02 Same Day Address Changes.**

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

To: Linda H. Lamone  
Date: February 20, 2020  
Re: Emergency Polling Place change

The Prince George's County Board of Elections is requesting an emergency change because the pastor at Evangel Cathedral is no longer interested in having the church utilized as a polling place.

Largo Community Church is approximately two miles from Evangel Cathedral, has enough parking, and physical space to accommodate the over 4,000 registered voters assigned to the polling place. In addition, it is fully accessible.

The Prince George's County Board of Elections approved the emergency change in its last meeting and it was publicly posted. The information is as follows:

**07-011**

Evangel Cathedral  
13901 Central Avenue  
Upper Marlboro, MD 20774

**CHANGED TO:**

Largo Community Church  
1701 Enterprise Road  
Mitchellville, MD 20721

Let me know if you need additional information. Thanks for your consideration with this matter.

Alisha Alexander  
Prince George's County, MD  
Board of Elections  
301-341-7300

**Title 33**  
**STATE BOARD OF ELECTIONS**

**Subtitle 11 ABSENTEE BALLOTS**

**Chapter 04 Canvass of Ballots — Procedures**

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

**.01 Conduct Generally.**

A. **Separate From Polling Place Ballots.** The review, inspection, and tabulation of absentee ballots shall:

- (1) Begin as provided in Regulation .03 of this chapter;
- (2) Be conducted separately from the review, inspection, and tabulation of polling place ballots; and
- (3) Otherwise be conducted in the same manner as for polling place ballots, insofar as those procedures are appropriate.

B. **Uniformity for All Absentee Ballots.** The canvass procedures in this chapter shall be followed for absentee ballots cast by domestic, civilian voters and absentee ballots cast by absent uniformed services voters or overseas voters.

**.02 Board Responsibility.**

The canvass of absentee ballots shall be conducted by the local board, in its role as a board of canvassers, as provided in Election Law Article, Annotated Code of Maryland, in Subtitle 08 of this Title, and elsewhere in this Subtitle.

**.03 Start of Canvass.**

A. **When Required.**

(1) Except as provided in §A(2) of this regulation, the board shall start to canvass the absentee ballots at 10 a.m. on the Thursday after the election.

(2) The board shall start the second absentee ballot canvass at 10 a.m. on the second Friday after an election.

(3) If the start of an absentee canvass falls on a legal holiday, the board shall convene the absentee canvass on the next regular business day.

B. **Opening Ballots.**

(1) An envelope with an enclosed absentee ballot may not be opened until the start of the canvass.

(2) If an oath on the return envelope is covered, a local board may remove the paper covering the oath before the start of the canvass.

**.04 Hold Back of Ballots.**

A. **Required Hold Back.** Except as provided in §B of this regulation, to preserve the secrecy of provisional ballots and absentee ballots, the local board shall withhold, from the initial canvass:

(1) At least five absentee ballots of each ballot style to be canvassed during the provisional ballot canvass; and

(2) At least five absentee ballots of each ballot style to be canvassed during the second absentee ballot canvass.

B. If, at the start of the initial canvass, a local board has received five or less absentee ballots of a specific ballot style, the local board shall withhold all of the ballots of that ballot style until the final canvass.

C. **Later Canvasses.** The absentee ballots withheld under this regulation shall be included and canvassed with the:

(1) Provisional ballots; or

(2) Timely ballots later received on or before the deadline for absentee ballots.

**.05 Return Envelopes — Opening, Reviewing, and Referrals.**

A. **Batch Distributions.**

(1) When directed by the board, the election director shall issue to each team a batch of returned ballots.

(2) Each batch shall consist of a controllable number of ballots (for example, 25).

B. **Verifying Timeliness.**



STATE BOARD OF ELECTIONS

33.11.04.06

- (1) The team shall first verify timeliness by checking the date stamp on the return envelope.
- (2) If the date stamp is missing, the team shall check the postmark on the return envelope.
- (3) If the postmark is missing or illegible, the team shall check the date the voter signed the oath required by Election Law Article, §9-310, Annotated Code of Maryland.
- (4) If a ballot's timeliness cannot be verified, the ballot shall be considered not timely received and the team shall refer the ballot to the board for rejection.

C. Signature and Seal.

- (1) The team shall verify that:
  - (a) The oath required by Election Law Article, §9-310, Annotated Code of Maryland, is signed; and
  - (b) The return envelope is sealed.
- (2) If the oath is not signed or the return envelope is unsealed, the team shall refer the envelope to the local board.

D. The team shall:

- (1) Open each return envelope by any means that will not damage the contents; and
- (2) Place the envelope with the mailing address face down on the table without removing the contents.

E. Removing Ballots. After all the return envelopes in the batch have been opened and placed with the mailing address face down, the team shall remove the ballots from the return envelopes one at a time, taking care that each envelope remains face down.

F. Certificates of Voter Assistance. The team shall remove any certificates of voter assistance and place them in separate stacks.

G. Extra Ballots.

- (1) The team shall make sure that not more than one ballot is in any return envelope.
- (2) If a return envelope contains more than one ballot, the team shall refer the return envelope with all ballots to the local board.

H. Setting Aside Envelopes. After all ballots have been removed from the envelopes in the batch, the team shall set aside the return envelopes.

**.06 Opening Return Envelopes — Board Ruling on Referrals.**

- A. Board to Rule. The local board shall rule on all referrals made to it under Regulation .05 of this chapter.
- B. Rejected Ballots. Each ballot that the board rejects shall be retained by the board at the board table.
- C. Accepted Ballots. Each ballot that the board accepts shall be returned to the referring team and refiled in appropriate order.

**.07 Ballots — Inspection and Referrals.**

- A. Ballot Inspection. The team then shall inspect each ballot for compliance and tabulating acceptability.
- B. Ballots To Be Referred. The team shall refer to the local board any ballot that:
  - (1) Appears to have been intentionally marked for the purpose of identifying the ballot;
  - (2) Appears to have been corrected, whether by correction tape, correction fluid, mark-overs, cross-throughs, or the like;
  - (3) Contains any tear, fold, food spill, stray mark, or the like, that might:
    - (a) Render the ballot unacceptable for machine tabulation; or
    - (b) Raise a question of voter intent.
- C. Identifying Referrals. The team shall place each ballot referred to the board in a plain envelope, and mark the envelope with:
  - (1) The team number;
  - (2) Information that identifies the group or unit to which the ballot belongs; and

ABSENTEE BALLOTS

33.11.04.11

- (3) The reason for the referral.

D. Completion of Batch. When a team has completed a batch, the election director shall:

- (1) Retrieve the ballots and return envelopes;
- (2) File the return envelopes away;
- (3) Put the ballots in appropriate groups for tabulation; and
- (4) Issue a new batch to the team, unless all ballots already have been removed from their envelopes.

**.08 Ballots — Board Ruling on Referrals.**

A. Board to Rule. The local board shall rule on all referrals made to it under Regulation .07 of this chapter.

B. Rejected Ballots. Each ballot that the local board rejects shall be retained by the board at the board table.

C. Accepted Ballots. Each ballot that the local board accepts shall be, as appropriate:

- (1) Returned to the referring team and placed in the appropriate group for tabulation; or
- (2) Sent to a bipartisan duplication team.

D. Duplication. When a ballot needing duplication has been duplicated, the duplicated ballot shall be placed in the appropriate group for tabulation.

**.09 Grouping Ballots Processed by Board.**

A. In General. After all the absentee ballots have been opened and processed by the board, they shall be placed in the following groups:

- (1) Ballots found to be acceptable for tabulation;
- (2) Ballots accepted by the board but objected to by a contesting party; and
- (3) Ballots rejected by the board.

B. Treatment of Groups.

(1) Ballots grouped under §A(1) of this regulation shall be tabulated separately from ballots grouped under §A(2) of this regulation.

(2) However, only the combined total of those two ballot groups may be:

- (a) Reported as the "Unofficial Absentee Count"; or
- (b) Added to the "Unofficial Returns".

**.10 Ballot Tabulation.**

The tabulation of the ballots shall follow their removal from the return envelopes, without unreasonable delay.

**.11 Unofficial Absentee Count.**

The unofficial results of the absentee canvass shall be released when the tabulation is completed.

STATE BOARD OF ELECTIONS

33.11.04.11

**Administrative History**

Effective date:

Regulations .01—.16 adopted as an emergency provision effective February 1, 2000 (27:6 Md. R. 637); adopted permanently effective April 17, 2000 (27:7 Md. R. 709)

Regulation .03 amended as an emergency provision effective July 31, 2006 (33:16 Md. R. 1364); amended permanently effective October 23, 2006 (33:21 Md. R. 1679)

Regulation .03A amended as an emergency provision effective July 3, 2002 (29:18 Md. R. 1440); amended permanently effective October 14, 2002 (29:20 Md. R. 1595)

Regulation .03A amended as an emergency provision effective October 4, 2004 (31:20 Md. R. 1483); amended permanently effective January 6, 2005 (31:26 Md. R. 1868)

Regulation .05 amended as an emergency provision effective July 3, 2002 (29:18 Md. R. 1440); amended permanently effective October 14, 2002 (29:20 Md. R. 1595)

Regulation .05 amended as an emergency provision effective October 4, 2004 (31:20 Md. R. 1483); amended permanently effective January 6, 2005 (31:26 Md. R. 1868)

Regulation .05B amended as an emergency provision effective June 21, 2006 (33:15 Md. R. 1277); amended permanently effective September 25, 2006 (33:19 Md. R. 1562)

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Chapter revised effective May 31, 2010 (37:11 Md. R. 768)

Regulation .03A amended effective March 19, 2012 (39:5 Md. R. 385); August 19, 2013 (40:16 Md. R. 1346)

# D38I01 State Board of Elections

## Program Description

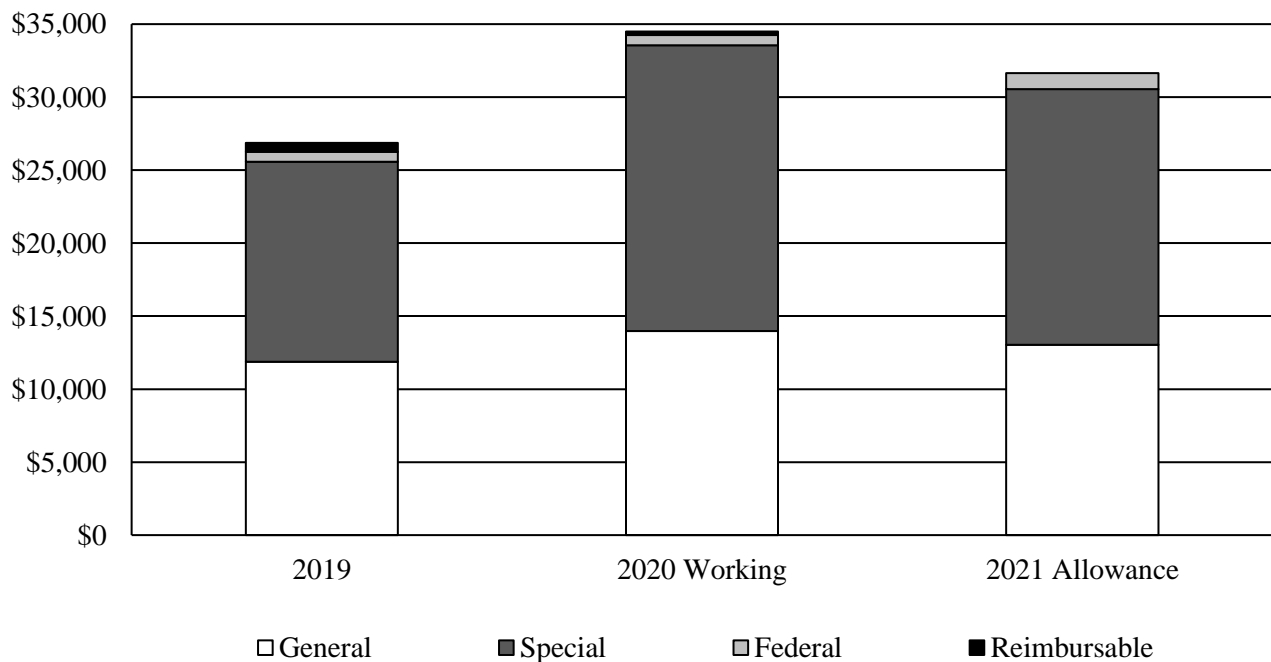
The State Board of Elections (SBE) is a five-member board charged with managing and supervising elections in the State; ensuring compliance with State and federal election laws, including the federal Help America Vote Act (HAVA); assisting citizens in exercising their voting rights; and providing access to candidacy for individuals seeking elected office.

Individuals from both major parties are appointed to SBE by the Governor with the advice and consent of the Senate for staggered four-year terms. The board appoints a State Administrator, also with the advice and consent of the Senate, who is charged with oversight of the board's functions and supervising the operations of the local boards of elections (LBE). LBEs process voter registration records for the statewide voter registration database, establish election precincts, staff polling places, provide and process absentee and provisional ballots, and certify local election results.

## *Operating Budget Summary*

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### **Fiscal 2021 Budget Decreases by \$2.9 Million or 8.3% to \$31.6 Million (\$ in Thousands)**



Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

For further information contact: Grace M. Pedersen

Phone: (410) 946-5530

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- The decrease of \$2.9 million is overstated because the fiscal 2021 budget only contains funding of the voting equipment contract for three-quarters of the fiscal year when that contract expires. A decision on how to proceed after the contract expires has not been made, and consequently, no funding is included in the budget.
- Other significant changes in the fiscal 2021 allowance are for costs related to the 2020 elections.

## **Fiscal 2020**

As shown in **Exhibit 1**, there are eight proposed deficiencies included in the fiscal 2021 budget for SBE. Deficiency appropriations account for 19% of the total \$34.5 million fiscal 2020 working appropriation. One proposed deficiency appropriation withdraws \$0.6 million in funding for the Maryland Campaign Reporting Information System (MDCRIS). Language in the fiscal 2020 Budget Bill restricted funds budgeted for this purpose because the funding for MDCRIS was four times greater than the fiscal 2019 amount. At the time, SBE reported that it was procuring new hosting and maintenance contracts for the system.

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**Exhibit 1**  
**Proposed Deficiency Appropriations**  
**Fiscal 2020**  
**(\$ in Thousands)**

<u>Purpose</u>	<u>Amount</u>
Voting Equipment for the 2020 Elections	\$4,196
Voting System Contract	2,211
7th Congressional District Special Election	440
Manager of 2022 Pollbook Project	125
Help Desk for 2020 Elections	75
Ballots for the 2020 Elections	68
Conversion of 2 Contractual Full-time Equivalents to Regular Positions	0
Remove Funding for the Maryland Campaign Reporting Information System Due to Lower Than Expected Cost of New Contracts	-582
<b>Total</b>	<b>\$6,533</b>

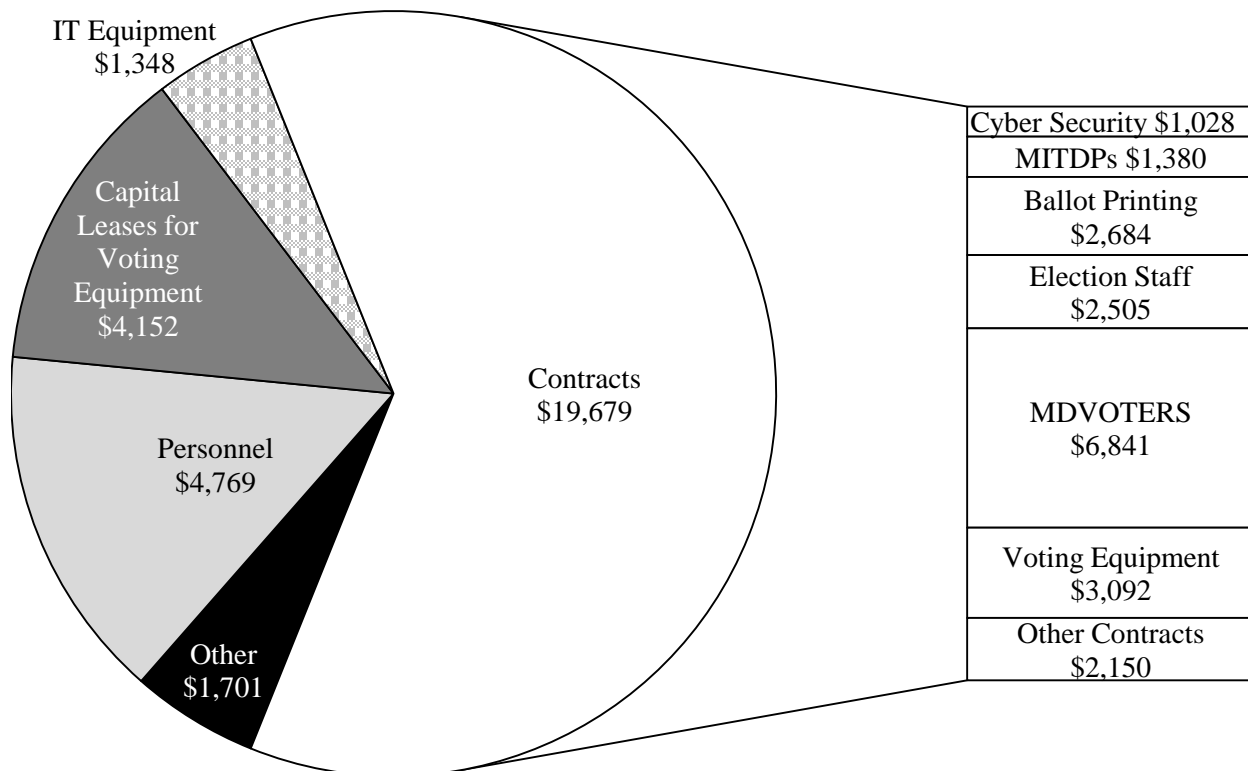
Source: Governor's Fiscal 2021 Budget Books

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## Fiscal 2021 Overview of Agency Spending

As shown in **Exhibit 2**, contracts make up a majority of the agency’s spending. The largest contract is for the MDVOTERS system (the Maryland Voter Registration, Candidacy, and Election Management System). The MDVOTERS contract is significantly more expensive than in recent years. Further discussion of the recent approval of the new MDVOTERS contract is included in Key Observation 1 of this analysis.

**Exhibit 2**  
**Overview of Agency Spending**  
**Fiscal 2021 Allowance**  
**(\$ in Thousands)**



IT: information technology

MDVOTERS: Maryland Voter Registration, Candidacy, and Election Management System

MITDP: Major Information Technology Development Project

Note: The fiscal 2021 allowance includes contingent reductions and general salary increases.

Source: Governor’s Fiscal 2021 Budget Books

**Proposed Budget Change**

The 8.3% decrease shown in **Exhibit 3** overstates the actual decrease in funding needs in fiscal 2021 because funds were not provided for a full fiscal year for voting equipment.

**Exhibit 3  
Proposed Budget  
State Board of Elections  
(\$ in Thousands)**

<b>How Much It Grows:</b>	<b><u>General Fund</u></b>	<b><u>Special Fund</u></b>	<b><u>Federal Fund</u></b>	<b><u>Reimb. Fund</u></b>	<b><u>Total</u></b>
Fiscal 2019 Actual	\$11,865	\$13,713	\$668	\$625	\$26,870
Fiscal 2020 Working Appropriation	13,980	19,566	707	250	34,503
Fiscal 2021 Allowance	<u>13,027</u>	<u>17,520</u>	<u>1,103</u>	<u>0</u>	<u>31,649</u>
Fiscal 2020-2021 Amount Change	-\$954	-\$2,046	\$395	-\$250	-\$2,854
Fiscal 2020-2021 Percent Change	-6.8%	-10.5%	55.9%	-100.0%	-8.3%

**Where It Goes:**

<b>Personnel Expenses</b>	<b><u>Change</u></b>
Annualization of 2020 contractual conversions .....	\$149
Workers' compensation premium assessment.....	86
Accrued leave payout .....	39
Fiscal 2021 2% salary increase, effective January 1,2020 .....	36
Retirement contributions .....	25
Annualization of 1% general salary increase, effective January 1, 2020 .....	17
Reclassification.....	16
Regular earnings increases .....	13
Turnover adjustments .....	-18
Employee and retiree health insurance .....	-29
<b>Election Administration</b>	
Preparations for training election staff in the 2020 election.....	-42
One-time costs of special election to fill the unexpected vacancy in the 7th Congressional District.....	-440
Voting equipment .....	-4,196
<b>Information Management</b>	
Ballot printing and absentee ballot mailing for the presidential general election.....	1,560
Wide area network for pollbooks to implement same day registration .....	883
Cybersecurity efforts .....	475

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**Where It Goes:**

	<u>Change</u>
Post-election and campaign finance audits.....	205
New MDVOTERS contract.....	129
AEMS hardware purchases .....	-91
Other IT expenses.....	-173
Pollbook expenses due to pollbooks being purchased through the 2022 Pollbook Project...	-219
Voting equipment savings mostly driven by not budgeting for voting equipment after the current contract expires in March 2021 .....	-1,337
<b>Other</b>	
Rent.....	207
Cost allocations .....	-96
Contractual employee payroll primarily due to the conversion of contractual full-time equivalents to regular positions.....	-181
Other changes .....	129
<b>Total</b>	<b>-\$2,854</b>

AEMS: Agency Election Management System

MDVOTERS: Maryland Voter Registration, Candidacy, and Election Management System

MITDP: Major Information Technology Development Project

Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

***Personnel Data***

	<u>FY 19</u>	<u>FY 20</u>	<u>FY 21</u>	<u>FY 20-21</u>
	<u>Actual</u>	<u>Working</u>	<u>Allowance</u>	<u>Change</u>
Regular Positions	41.80	41.80	43.80	2.00
Contractual FTEs	<u>1.88</u>	<u>3.38</u>	<u>1.38</u>	<u>-2.00</u>
<b>Total Personnel</b>	<b>43.68</b>	<b>45.18</b>	<b>45.18</b>	<b>-0.00</b>

***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	1.05	2.50%
Positions and Percentage Vacant as of 12/31/19	2.00	4.78%
Vacancies Above Turnover	0.95	



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- A proposed deficiency appropriation provides for a net conversion of 2 contractual full-time equivalents to 2 regular positions. These positions are shown as new in the fiscal 2021 allowance because the conversions are not effectuated until the budget is enacted. These positions include SBE's fiscal manager and a database developer for pollbooks.

## ***Key Observations***

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### **1. Elections Management**

Throughout the past year, SBE has managed several initiatives and activities including implementation of information technology projects, a special primary election, implementation of legislation, and preparations for a presidential cycle. Several concerns have arisen from the review of these efforts.

#### **Agency Election Management System**

One significant effort for the agency has been the Agency Election Management System (AEMS). Original estimates in the Governor’s fiscal 2017 Budget Books projected that this project would cost \$3.5 million over three years. However, AEMS will enter its fifth year of funding in fiscal 2021, with the Governor’s Budget Books now estimating the total cost at completion to be \$4.4 million. Although this project was intended to be used in the 2018 gubernatorial election cycle, it may not be used, even in parallel with the legacy system, in the 2020 general election, because SBE experienced issues with it when it was used in parallel during the recent special primary election for the 7th Congressional District.

As of this writing, the Department of Legislative Services (DLS) is aware of 79 outstanding issues with AEMS that have not successfully passed User Acceptance Testing (UAT). Many of these issues pertain to the user interface and report generation. Most concerning is that, before DLS brought this information to the attention of the Department of Information Technology (DoIT), DoIT was under the impression that “the latest UAT demo[nstration]s were delivered without issue.” However, SBE notes that it was sprint demonstrations that were delivered without issue, not UAT demonstrations. Despite SBE reporting that it submits weekly and monthly project status reports to DoIT, there appears to be an issue with information sharing between the project implementation agency and the oversight agency. **To ensure information about the project is available for review, DLS recommends restricting funds until quarterly reports on all of SBE’s information technology (IT) development and spending are submitted.**

#### **Wide Area Network**

The 2020 presidential election will be the first election cycle in Maryland to have same day registration on Election Day. While this was previously available at early voting sites, the number of registration transactions were small. In September, SBE staff briefed the board on the plan to use a wide area network (WAN) in the 2020 elections to connect pollbooks in the six largest jurisdictions. This briefing occurred seven months after LBEs were briefed on the transition, in addition to monthly calls that updated the board on the developing implementation plan for WAN. However, part of the board felt that the board never had the opportunity to deliberate this proposed change in election administration before the implementing bodies were informed of the transition. Part of the board also raised concerns about the lack of transparency around the WAN implementation and the complexity of the undertaking in advance of the 2020 presidential elections.

The Montgomery County Board of Elections has voiced concerns since the outset of the proposed use of WAN. These concerns included the WAN's substantial cost, particularly since not every LBE was mandated to use WAN and security concerns that they felt were not clearly addressed by SBE staff. According to the January 16, 2020 SBE meeting minutes, less than three weeks before use of WAN in the special primary election, SBE staff still did not know what the final funding source of WAN would be.

WAN was used for eleven hours in the special primary election for the 7th Congressional District before staff decided to stop using it because the pollbooks were starting to slow down and voters were experiencing delays. Going forward, counties are no longer required to implement WAN but still have the option to implement it. Two of the six jurisdictions have already opted out of using WAN. The four other jurisdictions are still deliberating. SBE indicates that if jurisdictions do opt to use WAN, the equipment will be funded with federal funds, and the monthly network data charges will be funded with special funds. There is \$661,875 in special funds in the fiscal 2021 allowance for additional routers for polling place networks. **DLS recommends reducing the special fund appropriation for WAN equipment to account for the decision to use federal funds for WAN equipment in the jurisdictions that opt to use WAN. The agency should comment on its implementation of WAN, its approach to informing all relevant stakeholders and incorporating their feedback, and the information that it did and did not have regarding the security of WAN.**

**The agency should comment on the board's involvement in and approval of decisions regarding administration of the 2020 election. DLS also recommends restricting funds until the receipt of a report describing a plan to improve communication between the staff and the board.**

### **Board of Public Works Contract Approval**

MDVOTERS is a critical election system that is necessary to prepare for the 2020 elections. The contract for MDVOTERS was added for approval by the Board of Public Works (BPW) at the December 18, 2019 meeting as a supplemental item and not as part of the original meeting agenda, less than two weeks before it was set to expire on December 31, 2019. Due to the cancellation of this meeting, SBE had to enter a temporary extension with the previous contractor until the next BPW meeting on January 8, 2020. As the agency was already operating under a contract extension, BPW did not have ample time to consider the contract and the much higher than budgeted cost. **SBE should comment on its approach to accommodating procurement timelines and how it plans to revise current practices to ensure adequate time for its proposed contracts to be reviewed by the Office of State Procurement, DoIT (if applicable), and BPW.**

### **Voting System**

The contract for the voting system lease ends in March 2021. The fiscal 2021 budget includes funding to support this contract for only three quarters of the fiscal year, and no funding is provided for either a replacement lease or purchase of machines following the end of that contract. This action resulted in a reduction of over \$1 million in the fiscal 2021 allowance. SBE staff is still in the process of determining whether it should purchase the equipment that it currently leases or enter a new lease for voting equipment. No decision has been made as of this writing. Staff has also not decided whether

it will need to fund voting system upgrades. Staff indicates that if the current system is used in the 2022 elections, this will not be overseen by DoIT, but if a new voting system will be implemented, this will likely be a Major Information Technology Development Project (MITDP).

With no funding included for the fourth quarter of voting system needs, a deficiency for fiscal 2021 is virtually certain. **The agency should comment on why funding for the voting equipment was not provided for the full fiscal year in anticipation of plans to proceed with either continuation of the contract or purchase of the equipment and when this decision will be made.**

## **2. 2022 Pollbook Project**

The fiscal 2021 budget includes funding for a new MITDP, the 2022 Pollbook Project. Pollbooks are used to manage voter information, record voter history, and produce turnout numbers and lists of those who voted. This project will procure and implement a new pollbook system in time for the 2022 gubernatorial election.

The Governor’s Budget Books estimate that this project will cost \$30.2 million. Local governments will support two-thirds of the cost with the State paying the remainder. Although the agency expects this project to be complete and ready to be implemented for the 2022 gubernatorial election cycle, funding extends to fiscal 2024 to reflect financing through the State Treasurer’s Office.

The agency reports that the new pollbook system cannot be used in parallel in the 2022 election and will be rolled out as the sole pollbook system for that election. In light of the concerns related to the roll out of WAN, it seems prudent for the agency to have a backup plan for a system that will not be used before Election Day. SBE has informed DLS that if the new pollbook system is not ready in time, “the current pollbooks with the outdated hardware” will be used.

Because the project is new, the Information Technology Project Report (ITPR) has limited details. At the time of this writing, SBE does not know what type of pollbooks or software will be used. SBE also reports that “the details of the training approach has not yet been determined” even though this is indicated to be a high risk to the success of this project. Some of these details will likely be finalized as the agency prepares the procurement.

The ITPR, the typical basis for understanding new MITDPs, for this project was not available at the time that the initial contract support for the project was approved by BPW. It also should be noted that BPW approved a contract with initial resources for this project while it was included in the MDVOTERS procurement that, as noted, was initially brought before BPW as a supplemental item in December 2019 before being approved on January 8, 2020. Initial funding for this project is proposed as a deficiency appropriation for fiscal 2020 to support a project manager to develop a Request for Proposals for the project. **DLS recommends restricting fiscal 2021 funds until SBE, in consultation with DoIT, submits a report providing a development timeline that outlines how the new system will be developed for use in the 2022 elections and affirmation from DoIT that the use of the existing outdated pollbooks is an acceptable backup plan.**

## Operating Budget Recommended Actions

1. Add the following language to the general fund appropriation:

, provided that \$100,000 of this appropriation made for the purpose of general administration may not be expended until the State Board of Elections (SBE), in consultation with the Department of Information Technology (DoIT), submits a report that outlines how the 2022 pollbook system will be developed for use in the 2022 gubernatorial election. The report should include a development timeline with specific milestones to be achieved, expenditures anticipated to achieve each milestone, and the projected date of completion for each milestone. The report should also include affirmation by DoIT of SBE’s proposed backup plan should the system not be ready in 2022. The report shall be submitted by July 1, 2020, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if a report is not submitted.

**Explanation:** The 2022 Pollbook Project is a new Major Information Technology Development Project for SBE. The Information Technology Project Report has limited details due to the newness of the project. This language restricts funds pending submission of a report that describes the timeline for completing this project in advance of the 2022 election cycle.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
Report on how funds will be used and the development timeline leading up to the 2022 election	SBE DoIT	July 1, 2020

2. Add the following language to the general fund appropriation:

Further provided that \$200,000 of this appropriation made for the purpose of general administration may not be expended until the State Board of Elections, in consultation with the Department of Information Technology (DoIT), submits quarterly reports on July 1, 2020; October 1, 2020; January 1, 2021; and April 1, 2021 on all information technology (IT) project activities undertaken by SBE including a listing of all IT development projects, a description of the actions undertaken in that quarter, an assessment of timeliness of the project with respect to the project schedule, a description of costs incurred in that quarter, an assessment of the cost of the project with respect to estimated project costs, and a listing of deficiencies or concerns related to the projects. Funding restricted for this purpose may be released quarterly in \$50,000 installments upon receipt of the required quarterly reports. The budget committees shall have 45 days to review and comment upon receipt of each report. Funds restricted pending the receipt of the reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees.

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**Explanation:** The General Assembly is concerned that the State board of Elections (SBE) has not provided adequate information to the budget committees and the Department of Information Technology about Major Information Technology Development projects. This action requires that SBE update the budget committees on all its IT development projects quarterly.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Quarterly reports on IT development projects	SBE	July 1, 2020
	DoIT	October 1, 2020
		January 1, 2021
		April 1, 2021

3. Add the following language to the general fund appropriation:

Further provided that \$200,000 of the general fund appropriation made for the purpose of general administration may not be expended until the State Board of Elections (SBE) submits a report describing its plan for improved communication between SBE staff and the board. The plan shall outline a specific time period within which staff will inform the board of decisions made by staff regarding election administration, information technology development project management, and interactions with local boards of elections. This report shall be submitted to the budget committees no later than July 1, 2020. The budget committees shall have 45 days to review and comment following the receipt of the report. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

**Explanation:** The General Assembly is concerned about the amount of discretion exercised by SBE staff under their delegated authority. This action restricts funding pending the submission of a report by SBE describing its approach to improving communication with the Board and briefing the board on decisions made by staff.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Improving communication between SBE staff and the board	SBE	July 1, 2020

- |   | <b><u>Amount Reduction</u></b> |
|---|--------------------------------|
| 4. Reduce special fund appropriation for pollbook wide area network (WAN), to reflect the decision to use federal funds for this purpose. The agency is authorized to process a budget amendment that | \$ 661,875 SF                  |

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allocates federal funds to purchase WAN equipment for any of the six largest jurisdictions that opt to use WAN in the 2020 elections.

**Total Special Fund Reductions** **\$ 661,875**

## ***Updates***

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- ***The National Federation of the Blind, Inc. et al v. Lamone et al:*** SBE was sued by the National Federation of the Blind regarding whether the right of blind voters to an anonymous ballot were infringed in the 2018 gubernatorial election. SBE reports that the National Federation of the Blind’s motion for preliminary injunction and the State’s motion to dismiss were denied. As of this writing, no changes have been ordered for the 2020 elections, and the policy of requiring at least five voters in each precinct to use the ballot marking devices remains in effect.
- ***Vote by Mail Increases Turnout in Rockville:*** Municipalities have flexibility regarding how they administer their elections. Rockville held its 2019 elections for mayor and city council by mail, becoming one of the first and only jurisdictions to do so on the East Coast. Although costs increased significantly for the local board, so did turnout.
- ***Election Security Specialist Contract:*** With the HAVA funding, SBE is currently recruiting for a chief information security officer. Several candidates have already been interviewed but SBE continues to search for qualified candidates.



**Appendix 1**  
**2019 Joint Chairmen’s Report Responses from Agency**

The 2019 *Joint Chairmen’s Report* (JCR) requested that the State Board of Elections (SBE) prepare two reports. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

- ***Election Night and the Release of Results for Local Contests:*** SBE investigated the possibility of releasing results of local candidate contests once voting is complete for that contest. Releasing the results of local contests for which voting is complete would prevent the public, candidates, and the media from waiting longer than necessary to know the outcome of a local contest. However, SBE indicated that this practice would not be ideal because it diverges from election officials’ routine, relies on local election offices having more advanced web support that they currently possess, and could disrupt reporting of data to the State.
  
- ***Verification and Auditing of Voter Registration Data Collected by State Agencies:*** This response describes the procedures in place to transfer voter registration information obtained by Secure and Accessible Registration Act agencies and sent to the appropriate jurisdictions’ local boards of elections for manual review and processing. SBE submitted several screenshots of reports to illustrate these transfers. Each month, a local election director or his or her designee performs a sample audit of voter registration transactions by another local jurisdiction.

**Appendix 2**  
**Major Information Technology Project**  
**State Board of Elections**  
**Agency Election Management System**

Further discussion of this Major Information Technology Project can be found in Key Observation 1 of this analysis.

<b>New/Ongoing:</b> Ongoing								
<b>Start Date:</b> May 2017					<b>Est. Completion Date:</b> Unknown			
<b>Implementation Strategy:</b> Agile								
<b>(\$ in Millions)</b>	<b>Prior Year</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>Remainder</b>	<b>Total</b>
<b>GF</b>	\$1.733	\$0.263	\$0.228	\$0.000	\$0.000	\$0.000	\$0.000	<b>\$2.223</b>
<b>SF</b>	1.733	\$0.263	0.228	0.000	0.000	0.000	0.000	<b>\$2.223</b>
<b>Total</b>	<b>\$3.465</b>	<b>\$0.525</b>	<b>\$0.456</b>	<b>\$0.000</b>	<b>\$0.000</b>	<b>\$0.000</b>	<b>\$0.000</b>	<b>\$4.447</b>

- **Project Summary:** This project will redevelop the ballot functionality of the current legacy Agency Election Management System (AEMS) on a new platform. The AEMS modernization project will provide all existing capabilities of the legacy system and add new capabilities, improve the user interface, and add flexibility.
- **Need:** The legacy election management system has become difficult and expensive to maintain.
- **Observations and Milestones:** The project is far behind schedule and will most likely not be usable for the 2020 presidential elections, despite the original implementation schedule projecting it to be used in the 2018 elections.
- **Changes:** This project currently has an unknown completion date, despite the expectation that funding will end in fiscal 2021. The vendor for development of this project has changed, and SBE reports that the new vendor is currently negotiating an agreement with the previous vendor that will require the previous vendor to pay for any outstanding functionality that it did not develop. SBE does not know when this negotiation will conclude and when the new vendor will complete development.
- **Concerns:** The Department of Legislative Services (DLS) is concerned about the degree of Department of Information Technology oversight on this project. DLS is also concerned that the negotiation between the previous vendor and the new vendor may not result in the previous vendor paying for outstanding functionality, which could result in additional funding needs.

**Appendix 3**  
**Major Information Technology Project**  
**State Board of Elections**  
**2022 Pollbook Project**

Further discussion of this Major Information Technology Project can be found in Key Observation 2 of this analysis.

<b>New/Ongoing:</b> New								
<b>Start Date:</b> July 2020					<b>Est. Completion Date:</b> April 2022			
<b>Implementation Strategy:</b> Agile								
<b>(\$ in Millions)</b>	<b>Prior Year</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>Remainder</b>	<b>Total</b>
<b>GF</b>	\$0.000	\$0.125	\$1.151	\$5.339	\$2.641	\$0.000	\$0.000	<b>\$9.256</b>
<b>SF</b>	0.000	0.125	1.151	5.387	7.288	7.018	0.000	<b>20.970</b>
<b>Total</b>	<b>\$0.000</b>	<b>\$0.250</b>	<b>\$2.303</b>	<b>\$10.726</b>	<b>\$9.929</b>	<b>\$7.018</b>	<b>\$0.000</b>	<b>\$30.226</b>

- **Project Summary:** The State Board of Elections (SBE) will replace its aging electronic pollbooks with a solution that meets the expanded requirements for pollbook functionality.
- **Need:** The existing pollbook hardware is outdated.
- **Observations and Milestones:** Initial approval of resources for this project occurred on January 8, 2020, by the Board of Public Works as part of a larger contract for project and support resources. Initial funding for the project is included in the fiscal 2020 budget as a proposed deficiency appropriation. This deficiency will fund a pollbook project manager to design the Request for Proposals for this project.
- **Concerns:** The Department of Legislative Services has several concerns about this project, including:
  - the limited information about the type of system the agency will be procuring or how the agency will train staff to use the system; and
  - the timeline is very short as SBE expects to use this new system as the only pollbook system in the 2022 gubernatorial elections.

**Appendix 4  
Object/Fund Difference Report  
State Board of Elections**

<u>Object/Fund</u>	<u>FY 19 Actual</u>	<u>FY 20 Working Appropriation</u>	<u>FY 21 Allowance</u>	<u>FY 20 - FY 21 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	41.80	41.80	43.80	2.00	4.8%
02 Contractual	1.88	3.38	1.38	-2.00	-59.2%
<b>Total Positions</b>	<b>43.68</b>	<b>45.18</b>	<b>45.18</b>	<b>0.00</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 4,438,411	\$ 4,294,095	\$ 4,594,320	\$ 300,225	7.0%
02 Technical and Spec. Fees	176,865	306,298	104,934	-201,364	-65.7%
03 Communication	445,759	190,956	151,604	-39,352	-20.6%
04 Travel	110,793	98,271	144,325	46,054	46.9%
07 Motor Vehicles	1,930	1,195	930	-265	-22.2%
08 Contractual Services	13,396,487	15,959,296	20,064,421	4,105,125	25.7%
09 Supplies and Materials	136,464	187,746	114,370	-73,376	-39.1%
10 Equipment – Replacement	7,221,989	6,124,472	4,815,569	-1,308,903	-21.4%
11 Equipment – Additional	132,476	92,500	684,125	591,625	639.6%
13 Fixed Charges	808,850	698,563	904,662	206,099	29.5%
<b>Total Objects</b>	<b>\$ 26,870,024</b>	<b>\$ 27,953,392</b>	<b>\$ 31,579,260</b>	<b>\$ 3,625,868</b>	<b>13.0%</b>
<b>Funds</b>					
01 General Fund	\$ 11,864,510	\$ 12,950,099	\$ 12,962,405	\$ 12,306	0.1%
03 Special Fund	13,712,798	14,045,993	17,514,295	3,468,302	24.7%
05 Federal Fund	667,716	707,300	1,102,560	395,260	55.9%
09 Reimbursable Fund	625,000	250,000	0	-250,000	-100.0%
<b>Total Funds</b>	<b>\$ 26,870,024</b>	<b>\$ 27,953,392</b>	<b>\$ 31,579,260</b>	<b>\$ 3,625,868</b>	<b>13.0%</b>

Note: The fiscal 2020 appropriation does not include deficiencies, planned reversions, or general salary increases. The fiscal 2021 allowance does not include contingent reductions or general salary increases.

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

Memorandum

**To:** Senate Budget and Taxation Committee  
February 25, 2020  
  
House Appropriations Committee  
Subcommittee on Public Safety and Administration  
March 2, 2020

**From:** Linda H. Lamone  
State Administrator of Elections

**Subject:** Response to Department of Legislative Services' FY 2021 Budget Analysis

Thank you for the opportunity to respond to the Department of Legislative Services' (DLS) analysis of the State Board of Elections' (SBE) Fiscal Year 2021 budget.

Before providing the requested comments and responses to the proposed budget language, I would like to address several items in the analysis.

1. In the "Agency Election Management System" section of the analysis (page 7), the analysis includes cost estimates for this project. Based on expenses incurred to date and projected estimates for the remainder of the work, we expect that the final cost of this project will be \$3.5 million. This is consistent with our original estimate and less than the revised estimate.

The analysis states that the system may not be used in the 2020 General Election due to issues identified during the special primary election for the 7th Congressional District. This is not correct and does not accurately reflect information provided to DLS just before the analysis was finalized. It is correct that issues were identified during the parallel use of the new system during the special primary election for the 7th Congressional District. These issues will be addressed and re-tested, but they will not prevent the parallel use in the 2020 General Election. During a recent conversation, DLS asked whether the new system would be used in parallel for the 2020 General Election, and we responded that it would be. If the decision is subsequently made to not use the new system in parallel, it will not be based on issues identified nine months earlier.

In the same section, DLS incorrectly concludes that there is an issue with information sharing between this agency and DoIT. Since the project started in 2017, DoIT's oversight manager has been invited to each weekly project status call and receives weekly project status reports. We also provide DoIT with monthly project status reports and other updates as requested. DLS' conclusion that there is an issue with "information sharing" is

not correct. We provide DoIT with project status information, and we understand that DoIT shared in its required reports to DLS the status of this project.

2. In the “Wide Area Network” section of the analysis (pages 7-8), the analysis fails to capture accurately how information was shared with the members of the State Board of Elections (Board). From February 2019 through August 2019, the Board received written minutes of monthly Election Directors’ meetings in which this network was discussed. Once a feasible solution was identified, the Board was briefed on the proposed plan, and this briefing occurred at the September 2019 Board meeting. Only one member of the five-member Board has expressed the concerns listed in the analysis.

### **Issues Raised in the Department of Legislative Services’ Analysis**

**The agency should comment on its implementation of WAN, its approach to informing all relevant stakeholders and incorporating their feedback, and the information that it did and did not have regarding the security of the WAN.** (page 8)

For the special primary election for the 7th Congressional District, a network was used to connect the electronic pollbooks to a central server. Overall, the network performed as expected. We received thousands of transactions during the day, monitored pollbook activity at over 300 precincts, and loaded voter history into MDVOTERS in time for the three local boards to prepare for the upcoming canvasses.

Around 5:30 pm, we started receiving reports that the electronic pollbooks were slowing down. During this time, we confirmed that the data was being transferred from the polling places to SBE’s server. We turned off the network for all of the pollbooks in one county and saw an immediate improvement in the performance of the pollbooks. As a result, we turned off the network about 6:20 pm for the rest of the pollbooks. The performance of the electronic pollbooks immediately improved, and we left the network turned off for the remainder of election day.

As with any new process, we are committed to reviewing election day performance for areas of improvement. We are evaluating reports, identifying possible causes, and testing identified solutions, as we are not satisfied when any voter encounters an unnecessary delay. As a result, the local boards of elections will not be required to implement this system in the 2020 Primary or General Elections. If local boards of elections choose to implement the system, we will work closely with them to ensure a smooth and timely experience for voters in their respective counties. Like all decisions we make, we are taking this step to give voters full confidence that their voting experience will be safe, timely, and secure.

In the months leading up to the special primary election, information was shared with all relevant stakeholders, we received feedback and responded appropriately, and engaged stakeholders in several rounds of testing. Initial planning discussions were dependent upon the enabling legislation adopted by the Maryland General Assembly. Once the legislation was finalized, the planning process began. The local boards of elections and the Board were provided monthly information on the proposed plan to network electronic pollbooks to a central server on election day. Once a feasible solution was identified, the members were

briefed at the September 2019 meeting. In October 2019, we briefed - with two members of the Board present - the Senate's Education, Health, and Environmental Affairs Committee on this network, and discussed it at our October 2019 statewide meeting of election officials. Four members of the Board attended this meeting. The local boards of elections participated in numerous rounds of testing.

**The agency should comment on the board's involvement in and approval of decisions regarding administration of the 2020 election. (page 8)**

The Election Law Article of the *Annotated Code of Maryland* defines the respective duties of the members of the Board and the State Administrator. In addition to the duties specifically assigned to the State Administrator in the Election Law Article, the members of the Board have delegated to the State Administrator some of the duties assigned to the Board by statute. Generally, the Board is charged with establishing election policy (e.g., developing and approving proposed departmental legislation, promulgating regulations, authorizing waivers of late fees), while the State Administrator is responsible for administering elections. Examples of recent Board involvement and decisions include the policy related to the use of ballot marking devices and additional early voting center in Montgomery County.

**The agency should comment on its approach to accommodating procurement timelines and how it plans to review current practices to ensure adequate time for deliberations its proposed contracts to be reviewed by the Office of State Procurement, DoIT (if applicable), and BPW. (page 8)**

Our internal timeline and process for obtaining Board of Public Works' (BPW) approval is sufficient and includes time for external reviews. Often, however, the external reviews take longer than the generous time provided in our timelines.

The contract triggering DLS' request for comment was a contract for election project and support resources approved by the BPW on January 8, 2020. The timeline for this project is listed below.

- April 22, 2019: Submitted to DoIT, the control agency at the time, a draft Task Order Request for Proposals (TORFP)
- August 13, 2019: DoIT's Information Technology Procurement Office (ITPO) gave approval to release TORFP
- August 13, 2019: Issued the TORFP to eligible Master Contractors under the Master CATS Plus contract
- September 18, 2019: Deadline to submit proposals
- September 19, 2019 - October 16, 2019: Reviewed 21 timely proposals for susceptibility for award after a curing period
- October 16, 2019: Eliminated via the authorized "down selection" process eleven proposals
- October 21 - 22, 2019: Conducted oral presentations for the down-selected proposals
- November 4, 2019: Deadline for 1st set of Best and Final Offers
- November 11, 2019: Deadline for 2nd set of Best and Final offers
- November 13, 2019: Sent Intent to Award letters to recommended vendors
- November 15, 2019: Submitted award package to Office of State Procurement (OSP)
- November 21 and 22, 2019: Conducted debriefings

- November 18, 2019: OSP deadline for contract on the December 18, 2019 BPW meeting

As the timeline above demonstrates, we were unable to present the recommended award to the BPW any earlier than the cancelled December 18, 2019, meeting. We complied with OSP's deadline for submitting contract award documents and cannot comment on whether OSP's required 30-day submission deadline is sufficient for its review.

**The agency should comment on why funding for the voting equipment was not provided for the full fiscal year in anticipation of plans to proceed with either continuation of the contract or purchase of the equipment and when this decision will be made.** (page 9)

Funding for the voting equipment was not included in the FY21 budget because at the time the budget was submitted, we did not know if the equipment would be leased, purchased for \$12.2 million, or issue a procurement for a new voting system. We are nearing a decision on the best approach for the 2022 elections.

### **Operating Budget Recommended Actions** (pages 10-11)

1. 2022 Pollbook Project Language (page 10): Since the project to replace the existing electronic pollbooks is a Major Information Technology Development Project, we are already required to provide to DoIT the requested information. We can also provide this information to the budget committees.
2. IT Project Activities Language (page 10): I disagree with this budget language as adequate information is already provided to DoIT for Major Information Technology Development projects. As explained above, DoIT's oversight manager is invited to each weekly project status call and receives weekly and monthly project status reports and other updates as requested. The reporting required by this budget language is already provided to DoIT. I am not aware of any requests from the budget committees to which we did not respond or provide the requested information.
3. Communications Plan (page 11): I disagree with this budget language on the grounds that sufficient communication between the State Administrator and staff and the Board already exists. The State Administrator or staff provide the Board with information in a variety of ways, including:
  - Biweekly newsletters with important information for Maryland's election community
  - Minutes of monthly Election Directors' meetings
  - Monthly Administrator's Report (distributed and reviewed at each Board meeting)
  - Important information widely distributed to Maryland's election community
  - Monthly State Board of Elections' meetings
  - Individual communications between board meetings

The information shared with the Board includes major decisions made by the Administrator and staff regarding election administration, information technology development project management, and significant interactions with the local boards of



elections. If the Board wishes to receive more information to fulfill its statutory duties, it merely needs to ask for it.

1. Preparation for the 2020 Elections

a. Special Primary Election for the 7th Congressional District (February 4, 2020)

i. 422,432 eligible voters

1. Baltimore City: 210,709 voters (50% of CD 7 eligible voters)

a. Democratic voters: 200,033

b. Republican voters: 10,675

2. Baltimore County: 115,977 voters (27% of CD 7 eligible voters)

a. Democratic voters: 82,354

b. Republican voters: 33,623

3. Howard County: 95,745 voters (23% of CD 7 eligible voters)

a. Democratic voters: 60,781

b. Republican voters: 34,964

ii. 315 precincts

1. Baltimore City: 188 precincts (60% of CD 7 precincts)

2. Baltimore County: 60 precincts (19% of CD 7 precincts)

3. Howard County: 67 precincts (21% of CD 7 precincts)

iii. Same day registration on election day

1. Software for the electronic pollbooks has been updated and thoroughly tested

2. Implementing a network similar to what we have used during early voting since 2010

iv. The three affected local boards of elections have worked tirelessly to plan this election with short notice. They needed to:

1. Confirm that each polling place was available

2. Confirm that election judges scheduled to work in the April election could work in the February election

3. Train election judges

4. Pack supplies

5. Prepare the voting system and electronic pollbooks

b. Preparations for the 2020 Presidential Primary Election (April 28, 2020)

i. In the 7th Congressional District, this election will include two contests for the 7th Congressional District

1. One contest will be the special general election and the winner of this contest will fill the remainder of Congressman Cummings' term

2. Other contest will be the primary election and the winners (one Democrat and one Republican) will be on the November ballot.

a. The winner of this content in November will serve when the next term of Congress starts in January 2021

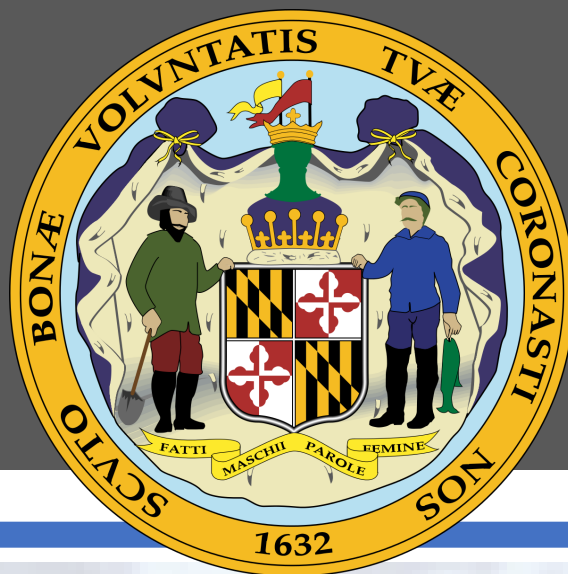
ii. Preparations have started

1. Election judges' materials are complete and are ready for the local boards to start training

2. Additional equipment have been received and tested
  3. Supplies have been ordered
  4. New "I Voted" stickers will be rolled out
2. New Initiatives from 2019 Legislative Session
  - a. Same Day Registration
  - b. Automatic Voter Registration from designated State agencies
    - i. 10,000 - 11,000 new registrations per month from the Motor Vehicle Administration
    - ii. 500 new registrations per month from the Department of Human Services, Maryland Transit Administration, and the Maryland Health Benefit Exchange combined
3. Security of election systems and data
  - a. Continue to be cyber aware in protecting election systems and data
  - b. Continue our strong partnership with the U.S. Department of Homeland Security
  - c. Established strong relationship with Maryland's Fusion Center and statewide association of school resource officers
4. Candidacy
  - a. The filing deadline for the 2020 Presidential Election is 9pm on Friday (tomorrow)
  - b. We are working with the political parties and Presidential candidates for the authorization regarding the filed convention delegates
5. Campaign Finance Activities
  - a. 2020 Annual Report (due January 15, 2020)
    - i. Over 2,000 active political committees
    - ii. 86% filed timely
    - iii. Collected nearly \$115,000 in late fees in 2019
  - b. Title 14 Reporting
    - i. Over 800 active business entities registered
    - ii. 64 entities registered in 2019
    - iii. Collected over \$59,000 in late fees in 2019
  - c. Enforcement Actions
    - i. The Audit and Enforcement Unit reviewed and audited the 2018 Annual to 2019 Annual Reports (7 filed reports in total) for all committees. The transaction period or the covered January 2017 to January 2019.
      1. Issued over 3,000 Discrepancy Reports
      2. Nearly 80% of the committees filed timely amendments
      3. The biggest issues was discrepancies in cash balance and missing employer/occupation information for contributors
      4. We currently have 140 committees working with Audit team doing a longer lookback reconciliation of the committee's finances
    - ii. Received 90 complaints in 2019 and the Audit Unit issued 39 citations or settlement agreements

- iii. Collected nearly \$20,000 in civil penalties excluding any fines and penalties levied by the State Prosecutor
  - d. What's New
    - i. Candidacy and Campaign Finance Division created an online training video for MD CRIS, the online campaign finance system
  - e. Public Financing
    - i. Gubernatorial Fair Campaign Financing Fund
      - 1. As of January 21, 2020, the fund has \$3,475,684.68
      - 2. Expenditure limit program with a grant for general election which is different than the county public financing programs
    - ii. County Public Financing Programs
      - 1. 3 counties - Montgomery, Howard and Prince George's - have enacted a matching program
        - a. Big matches to increase small donors to campaigns
        - b. Limits the amount of public funding
        - c. Limits who may give to a campaign
      - 2. Montgomery County used a public financing program for the first time to elect the County Executive and County Council in the 2018 elections
        - a. 68 candidates appeared on the ballot
        - b. 40 candidates filed a notice to participate in the program
        - c. 23 candidates qualified for the program and received approximately \$5.25 million in matching public funds.
        - d. Of the 10 elected offices eligible to participate, candidates in 7 of those offices participated in the program and won
      - 3. Howard and Prince George's County have passed similar public financing programs for future elections
      - 4. Baltimore City is considering a similar program
6. Considerations during 2020 Legislative Session
- a. No changes effective this year
  - b. Departmental bill - HB 199
  - c. Emergency bill
    - i. SB 251 - Special Election calendar bill
7. Election Day Network
- a. Background on this network and why it is needed
    - i. At the end of each election night, election judges from each precinct remove the removable memory devices from the electronic pollbook and drive them to the designated local board location. The local boards manually load the data from the devices and transfer data from the electronic pollbooks to SBE's central server
      - 1. This data includes information about each voter that checked in to vote on election day

2. When we receive this data, we start the process to move the data from SBE into the statewide voter registration, candidacy and election management system
  3. The larger local boards have difficulty meeting this nightly process because of the time it takes the election judges to return the supplies and the number of pollbooks they have deployed
- ii. Same day registration will increase the number of transactions and amount of pollbook data that will need to be transferred
1. With the prior process, same day registration and voting history data will - for the largest counties - not likely be available the day after the election when the local boards need it to determine if someone has already voted to prepare for the absentee count the next day
  2. To get this critical data into the system and ready for the local boards the day after the election, we have set up a network to connect the precincts in the 6 largest counties to SBE's central server



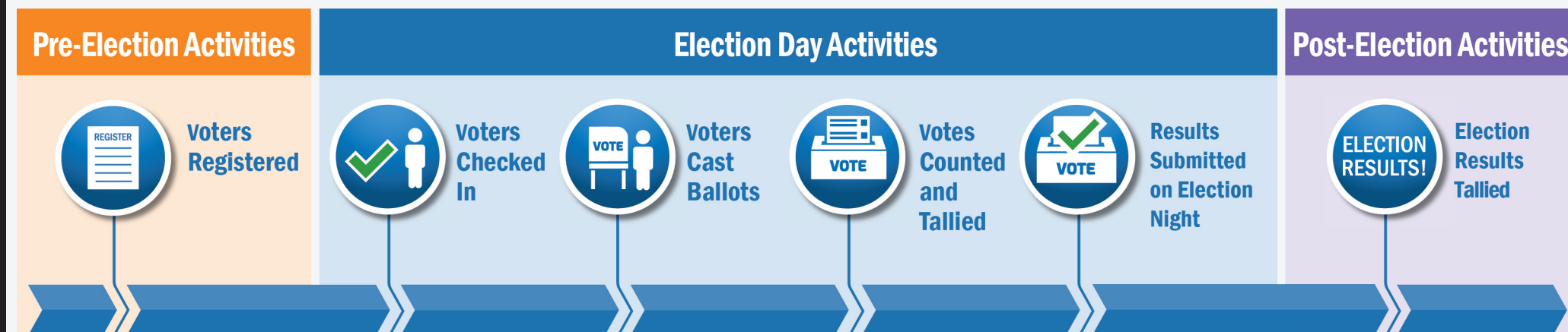
# 2020 Election Security Planning Snapshot Allegany County

## SAFEGUARDS / RESILIENCY MEASURES

## THREAT MITIGATION

## 2020 ELECTION INITIATIVES

### Maryland Election Process



#### Pre-Election Safeguards

##### Voters Registered

- All officials receive regular security training and work with CISA to ensure database meets federal security standards.
- Database integrity verified through all authorized sources.
- Intrusion detection/prevention system; rigorous monitoring.
- Database backups, recovery/contingency plans, and regular security updates.
- Firewall.
- CISA helps assess and identify potential threats to voter registration system.
- Access control listing (whitelisting), blacklisting suspicious IP addresses.
- State registration records reviewed by localities.
- Two-factor authentication required for access.

#### Election Day Safeguards

##### Voters Checked In

- Poll worker verifies voter identity by matching ID to database.
- E-pollbooks provided at all voting locations; encryption used to securely transfer voter data.
- Failsafe measures protect voter's right to vote.
- Same-day voter registration and backup registration lists available.

##### Voters Cast Ballots

- Paper ballot-based elections with electronic tabulation; paper ballot is the official record.
- Absentee and mail-in ballots returned by mail or delivered in person; electronic submission is prohibited.
- Absentee ballots tracked and kept in a secure location.
- Voter-verified paper audit trail (VVPAT).
- Polling place secured around voting machines; ballots securely stored with chain-of-custody records.

#### Post-Election Safeguards

##### Election Results Talled

- Officials reconcile number of ballots with number of voters checked in at the polling place.
- Results unofficial until state officials review results of each board of canvassers.
- Independent tabulation of 100% of ballot images before certifying official election results and manual post-election audits on percentage of ballots; results available to the public.
- Chain-of-custody records maintained.

##### Voting, Tallying, & Reporting Systems

- Formalized security procedures ensure system integrity.
- Vigorous tests before each election; results open to the public.
- Voting systems never connected to the internet.
- Ballots securely stored with chain-of-custody procedures.
- Voting equipment independently tested using industry-accepted standards; certified by U.S. Election Assistance Commission; certified by federal and state government.
- Hash code verification on vote tabulation system to meet National Institute of Standards and Technology (NIST) standards and protect against tampering.
- Bipartisan teams of poll workers return voted ballots.

##### Election Results Website

- Results in read-only, compact web files (HTML).
- Access to results database is restricted.
- Results server and election system are securely separated.
- Security measures block traffic from suspicious IP addresses; industry standard security scanning software used to conduct vulnerability assessments.

### Specific Threats / Mitigation

- Social Engineering** refers to bad actors who manipulate their target into performing a given action or divulging certain information (often a login or password). "Spear-phishing" (sending an email attachment or link to infect a device) is the most common. **Mitigation:** Education and training on threats and types of targeted information; conducting phishing campaign assessment
- Information Operations** include propaganda, disinformation, etc., to manipulate public perception. Methods include leaking stolen information, spreading false information, amplifying divisive content, and/or interrupting service. **Mitigation:** Clear and consistent information, including accurate cybersecurity terminology; relationship building with the media; open dialog with the public
- Hacking** refers to attacks that exploit or manipulate a target system to disrupt or gain unauthorized access. **Mitigation:** Incident response and recovery planning; penetration testing; strong passwords and two-factor authentication, especially for admin access; encrypted password storage and transmission; active system monitoring; current security updates; upgrades to supported OS and applications; physical security measures
- Distributed Denial of Service (DDoS)** attacks seek to prevent legitimate users from accessing information (e.g., databases, websites) or services by disrupting access with excessive traffic, causing the service to crash. **Mitigation:** Business continuity and incident response planning; anti-virus software and firewall; good security practices for distributing email addresses; email filters
- Insider Threat** is a category of attack in which a current or former employee or authorized individual with access to a network, system, or data deliberately uses their access for malicious purposes. **Mitigation:** Background checks for all election workers and contractors; insider threat training; vigorous chain-of-custody records; strict access controls based on need and updated as access needs change

Definitions from *The State and Local Election Cybersecurity Playbook / Defending Digital Democracy* ([www.belfercenter.org/D3P](http://www.belfercenter.org/D3P))

### Recognizing and Reporting an Incident

**Definition of an Incident:** A violation or imminent threat of violation of computer security policies, acceptable use policies, or standard security practices (NIST Pub. 800-61)

#### If you suspect a Cybersecurity Incident has occurred, contact—

- Maryland State Board of Elections, (410) 269-2840, (800) 222-8683 (Toll Free), (800) 735-2258 (TTY), or [info.sbe@maryland.gov](mailto:info.sbe@maryland.gov)
- Cybersecurity and Infrastructure Security Agency (CISA), (888) 282-0870 or [cisacustomerservice@cisa.dhs.gov](mailto:cisacustomerservice@cisa.dhs.gov)
- Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC) Security Operation Center, (866) 787-4722 or [soc@cisecurity.org](mailto:soc@cisecurity.org)

#### In the event of a Data Breach, notify—

- Maryland State Board of Elections, (410) 269-2840, (800) 222-8683 (Toll Free), (800) 735-2258 (TTY), or [info.sbe@maryland.gov](mailto:info.sbe@maryland.gov)

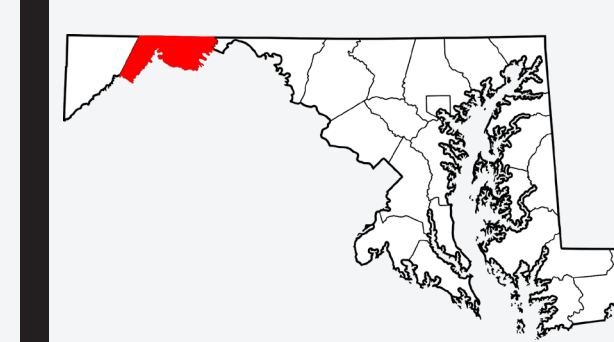
### For Additional Information or Questions

**Maryland State Board of Elections:** (410) 269-2840, (800) 222-8683 (Toll Free), (800) 735-2258 (TTY), or [info.sbe@maryland.gov](mailto:info.sbe@maryland.gov)

**Cybersecurity and Infrastructure Security Agency:** [www.dhs.gov/cisa/election-security](http://www.dhs.gov/cisa/election-security)

- Franco Cappa, Region III Cybersecurity Advisor, [franco.cappa@hq.dhs.gov](mailto:franco.cappa@hq.dhs.gov)
- William J. Ryan, Region III Director for Infrastructure Protection, [ipregion3ops@hq.dhs.gov](mailto:ipregion3ops@hq.dhs.gov)

### Allegany County



**Precincts:** 37  
**Registered Voters:** 43,349  
**Optical Voting System:** ES&S DS200  
**Accessible System:** ES&S ExpressVote  
**Website:** [alleganygov.org/158/Election-Office](http://alleganygov.org/158/Election-Office)

### 2020 Initiatives Checklist

- Initiative 1:** Schedule Cyber Hygiene Scanning. Contact [cisacustomerservice@cisa.dhs.gov](mailto:cisacustomerservice@cisa.dhs.gov) and reference "Maryland Cyber Hygiene Initiative" to obtain this service free through CISA. (Completed October 2016)
- Initiative 2:** Install Albert Sensor to continuously monitor network traffic for critical election systems. (Completed May 2018)
- Initiative 3:** Register for the Multi-State Information Sharing and Analysis Center (MS-ISAC) and Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC). (Completed July 2018)
- Initiative 4:** Implement two-factor authentication requirement for users to access voter registration database. (Completed January 2019)
- Initiative 5:** Conduct a Phishing Campaign Assessment. Contact [cisacustomerservice@cisa.dhs.gov](mailto:cisacustomerservice@cisa.dhs.gov) and reference "Maryland Phishing Campaign Assessment" to obtain this service free through CISA. (Completed October 2019)
- Initiative 6:** Hold Statewide Table Top Training Exercise with Local Boards of Election. (Completed October 2019)
- Initiative 7:** Participate in CISA's Tabletop the Vote 2019: National Election Cyber Virtual Tabletop Exercise. (Completed October 2019)
- Initiative 8:** Test disaster recovery plans. (Completed December 2019)
- Initiative 9:** Conduct Regional Manager Computer Assessments – monthly assessment of all computers accessing Election Systems. (Conducted Monthly)
- Initiative 10:** Complete a Network Survey of Critical Elections Systems. (Spring 2020)
- Initiative 11:** Conduct another Risk and Vulnerability Assessment, including remote penetration testing, vulnerability scanning, and validated architecture design review. (Summer 2020)

# SENATE BILL 362

G1

EMERGENCY BILL

01r2027  
CF HB 555

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By: **Senator Kagan**

Introduced and read first time: January 24, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 19, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Timing of Canvass**

3 FOR the purpose of altering the time that a local board of elections may begin opening  
4 absentee ballot envelopes to canvass the absentee ballots cast in an election; making  
5 this Act an emergency measure; and generally relating to the canvass of absentee  
6 ballots.

7 BY repealing and reenacting, without amendments,  
8 Article – Election Law  
9 Section 11–302(a)  
10 Annotated Code of Maryland  
11 (2017 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Election Law  
14 Section 11–302(b)  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2019 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Election Law**

20 11–302.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Following an election, each local board shall meet at its designated counting  
2 center to canvass the absentee ballots cast in that election in accordance with the  
3 regulations and guidelines established by the State Board.

4 (b) (1) A local board may not open any envelope of an absentee ballot [prior to  
5 8] **BEFORE 9** a.m. on the [Wednesday] **FRIDAY** following election day.

6 (2) A local board may not delay the commencement of the canvass to await  
7 the receipt of late-arriving, timely absentee ballots.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
9 measure, is necessary for the immediate preservation of the public health or safety, has  
10 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
11 each of the two Houses of the General Assembly, and shall take effect from the date it is  
12 enacted.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.



2020 Presidential Primary Election  
 Election Judge Recruitment Efforts  
 February 27, 2020 State Board Meeting

Local Board	Democratic Judges Recruited	Republican Judges Recruited	Other Judges Recruited	Democratic Judges Needed	Republican Judges Needed
Allegany County	164	161	13	2	1
Anne Arundel County	1,359	763	391	0	0
Baltimore City	300	100	100	400	300
Baltimore County	2,202	832	186	0	750
Calvert County	111	100	25	5	12
Caroline County	61	37	10	0	0
Carroll County	235	338	71	2	0
Cecil County	112	120	15	45	32
Charles County	423	136	61	35	35
Dorchester County	110	82	12	0	0
Frederick County	307	237	80	150	150
Garrett County	30	30	4	0	0
Harford County	386	299	100	2	7
Howard County	592	177	112	14	21
Kent County	55	47	16	0	0
Montgomery County					
Prince George's County					
Queen Anne's County	117	101	20	25	25

2020 Presidential Primary Election  
 Election Judge Recruitment Efforts  
 February 27, 2020 State Board Meeting

Local Board	Democratic Judges Recruited	Republican Judges Recruited	Other Judges Recruited	Democratic Judges Needed	Republican Judges Needed
Saint Mary's County	233	217	52	10	0
Somerset County	61	61	5	0	0
Talbot County	68	62	15	0	0
Washington County	275	296	46	16	4
Wicomico County	66	23	14	11	17
Worcester County	101	99	25	0	0