

Welcome to SBE

On January 06, 2020, Nikodimos Kassa (Niko) joined SBE as a contract Investigator to help the Candidacy and Campaign Finance Division. Niko will be working with the Audit and Enforcement Unit staff. For the last five years, Niko has been working as a Financial Analyst. His experience in accounting and auditing, as well as examining financial records, will be an excellent resource for the Unit while handling election year complaints and examination of submitted Campaign Finance Reports.

On December 9, 2020, Tivona McIntyre joined SBE as an administrative assistant to support the Elections Temporary Staffing Contract. Ms. McIntyre is an experienced administrative assistant and will oversee the electronic timekeeping system and will also provide support for budget related tasks associated with the temporary staffing contract

Election Directors' Meeting

We hosted Election Directors' meetings on December 19th and January 16th. A summary of the December 19th meeting will be in the board meeting folder, and we will provide a written summary of the January 16th meeting at the February meeting.

Special Election for the 7th Congressional District - Updates

On December 20th, SBE transmitted emails and SeaChange, the State's vendor for printing, inserting, and mailing absentee ballot packets, mailed ballots to requesting military and overseas voters. We are happy to report that we complied with the deadline established in the federal Military and Overseas Voters Empowerment Act (MOVE) and in response to a request from the U.S. Department of Justice, supplied data on our compliance.

On December 26th, the first round of absentee ballots were transmitted to requesting domestic, civilian voters. This included ballots mailed by SeaChange and emails with ballot log-information sent by SBE.

As of January 13th, SBE has sent 136 emails with information about how to access SBE's online ballot delivery system. Over 60 voters have successfully logged into their accounts, and 52 voters printed their ballots. SeaChange has mailed 399 absentee ballot packets.

The call center to support the Baltimore City Board of Elections, Baltimore County Board of Elections, and SBE's local and toll-free lines began January 13th. The call center representatives will answer questions about voter registration, voting locations, and general election questions and will refer other questions to SBE.

The voter registration deadline was January 14th, and we will generate the precinct register on January 16th in the evening. The three local boards have started election judges' training.

2. Election Reform and Management

Election Judges' Training Evaluation

Erin Perrone and Cortnee Bryant will be evaluating election judge training classes at six different local boards prior to the 2020 Presidential Primary/Special General Election. All local boards are evaluated within a four year election cycle. This is part of our post-election comprehensive audit. A report is issued to the Director and Deputy Director within one week after evaluating the

training class. If necessary, SBE notifies the local board if any immediate corrective actions are needed.

3. Voter Registration

MDVOTERS

The prior contract for providing database support and software development for MDVOTERS has expired. Moving forward, maintenance and development will be handled through a staffing contract, which was approved by the Board of Public Works last week. One of the winning bidders, Neotorian, is working to onboard many of the same resources used by the previous contractor. This will ensure a smooth transition for voter registration, candidacy and the development of the election management module.

MVA Transactions

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

New Registration - 7,793	Residential Address Changes - 19,987
Last name changes - 2,465	Political Party Changes - 4,965

Non-Citizens

The following summarizes relevant activity from December:

Submitted to the Office of the State Prosecutor - 16
Removal of non-citizens - 16
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

New Party Petition Effort

On January 6th, SBE received a petition to form a new political party - the Working Class Party. The petition pages were stamped and sorted by county, and State and local election officials are now verifying the signatures on the petition. SBE's voter registration staff are verifying the signatures from Baltimore City, Baltimore County and Howard County and other smaller jurisdiction. We expect a determination of the sufficiency of the petition in late January.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

Currently, 272 candidates have filed at SBE for the 2020 election cycle.

Maryland's Secretary of State is tasked with naming the Presidential candidates to appear on Maryland's primary election ballot. On January 2nd, Secretary of State John Wobensmith forwarded those names to SBE, and a copy of his letter is in the board meeting folder. Although several of the named candidates have publicly withdrawn or suspended their campaigns, these candidates must submit by February 3rd (the candidate withdrawal deadline) a written withdrawal form or notarized statement to remove their names from the primary election ballot. Currently, there are 15 Democratic and 2 Republican named Presidential candidates.

Enforcement Actions

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

1. Laurie Halverson for Delegate paid a civil penalty of \$25.00 on December 23, 2019, for making a cash disbursement greater than \$25.00.

2. Citizens for Jeff Cline paid a civil penalty of \$300.00 on January 7, 2020, for failing to record all contributions and expenditures.

5. Project Management Office (PMO)

Inventory Management

SBE continues to dispose of equipment via the State's disposal process that includes auctioning, recycling, transferring, or trashing of the items.

The PMO is finishing up the testing and preparation for the upgrade of the production inventory system this week.

Procurements

The PMO continued to work on several procurements.

The Election Project and Other Resource Support Task Order Request for Proposal (TORFP) was approved by the Board of Public Works. This contract provides database support and software development for MDVOTERS and project support to prepare for the implementation of new electronic pollbooks and other projects and tasks. Efforts are now underway to bring on contract resources.

Maryland Correctional Enterprises had started to deliver to the local boards the 219 additional black precinct carts. The deliveries are expected to continue through mid-February.

The additional precinct voting booths have started to arrive and will be delivered to the local boards once this vendor performs a quality control check. The booths are scheduled to be delivered through mid-February.

Other

Underground construction work has started that will provide internet and network connectivity to SBE's Central Warehouse facility in Glen Burnie.

Keith Ross, along with David Walker, Gary Hastings, and Paula Pascall, attended the Belfer Center's Battle Staff Bootcamp. In addition to representatives from SBE and the various local boards, there were representatives from a number of other states. The purpose of this all-day event was to provide the participants insight into approaches that can be taken to enhance the election operations support efforts during the election periods with a focus on "effective preparation, communication, incident tracking, and team organization." SBE is looking to try some of the suggestions during the upcoming Special Primary election and then additional suggestions for the Presidential Primary in April.

6. Voting System

Electronic Pollbooks

The final build of EZRoster (pollbook software) has been provided to the local boards to complete software upgrades on all pollbooks in preparation for the 2020 elections. SBE requested all pollbook upgrades be completed by January 2020.

SBE continues to work on implementing a wide area network on election day in six local jurisdictions. A third connectivity test was conducted on January 14, 2020. Twenty-one local boards participated and the test was successful.

With network configurations established, SBE plans to utilize the wide area network for the upcoming special election on February 4, 2020. For the April elections, SBE will be replacing the previous network devices utilized for early voting. The new hardware will be the same solution implemented for the election day wide area network.

Voting System

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 65 training requests have been received of which, 32 have been delivered.

7. Legislation

- a. HB 22 - Campaign Material – Alteration of Definition: Clarifying the definition of “campaign material” so that the text, graphics, or other images contained in the material must primarily relate to campaign activity for an election; altering the definition of “campaign material” to include material that relates to a political party and include an automated or pre-recorded oral communication. Effective date January 1, 2021.
- b. HB 34/SB 87 - Contributions, Expenditures, or Donations by Foreign-Influenced Corporations or Foreign Principals: Prohibiting a foreign principal from making a contribution to any campaign finance entity. Prohibiting foreign influenced corporations from making a contribution to a campaign finance entity or making a donation to a person that makes independent expenditures or electioneering communications. Effective date January 1, 2021.
- c. HB 37/SB 145 - 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.
- d. HB 41/SB 38 - Campaign Finance Violations – Injunctive Relief: Alters the right to seek an immediate injunction to injunctive relief against a violation of campaign finance laws and changes the authority from the Secretary of State to the Chairman or Vice Chairman of the State Board. Effective date January 1, 2021.
- e. HB 51/SB 91 - Individuals Released From Correctional Facilities – Voter Registration: Requiring a correctional facility, before releasing an inmate who has completed a sentence, to provide the inmate with information concerning the inmate’s voting rights and voter registration requirements. Effective date October 1, 2020.
- f. SB 04 - Sports Betting – Implementation - Referendum: Authorizing certain license holders to accept wagers on certain sporting events from certain individuals and by certain methods; requiring the State Lottery and Gaming Control Commission to regulate sports wagering in the State. For the 2020 General Election Ballot.
- g. SB 10/HB 103 - Special Election to Fill a Vacancy General Assembly in Office: Amendment to the Maryland Constitution to require an individual appointed by the Governor to fill a vacancy in the office of Delegate or Senator in the General Assembly to serve for the remainder of the term if the vacancy occurs after a certain date; requiring that a special election be held at the same time as a certain regular statewide election to fill a vacancy if the vacancy occurs 21 days before the filing deadline. For the 2020 General Election Ballot.

- h. SB 22 – Polling Places at Continuing Care Retirement Communities: Requiring a local board to establish separate precincts at certain continuing care retirement communities that provides care to at least 200 individuals who are at least 60 years old. Requiring the continuing care retirement community to provide the local board a suitable facility for use as a polling place and provide assistance to the LBE in recruiting election judges from among the residents. Effective date January 1, 2021.
- i. SB 33 - 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 prepaid postage; requiring SBE to reimburse each LBE 50% of the cost of prepaid postage. Effective date January 1, 2021.
- j. SB 34 - Scanning or Swiping Identification Cards and Driver's Licenses – Prohibition: Prohibiting the use of a scanning device to scan or swipe an identification card or a driver's license of an individual to obtain the personal information of the individual. Note: There are exceptions within this legislation but the same day registration process uses a license scanner. Effective date October 1, 2020.
- k. SB 56 - 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.
- l. SB 58 - Expansion of Commercial Gaming – Referendum – Sports Wagering: The General Assembly may authorize the State Lottery and Gaming Control Commission to issue sports wagering licenses, that revenues be used for dedicated purposes funding of public education. For the 2020 General Election ballot.
- m. SB 89 - State Board of Elections – Certification of Voting Systems – Standards - Mandating that SBE may not certify a voting system unless the system accommodates multiple methods of voting including rank choice voting. Effective date October 1, 2020.
- n. SB 129 - Campaign Finance – Protection of Contributor Information: Prohibits a person from using contributor information from any report or statement for commercial solicitation purposes and may not publish any contributor in certain media facilitating commercial solicitation. Effective date October 1, 2020.

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

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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: January 16, 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 two waiver request, for the month of January. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$38,430.00

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

Late Fee Waiver Request

1. DeWees, (James) for Sheriff
2. Gibbs, Makeba Committee to Elect
3. Holtzman, Irene Friends of
4. Parson, Kevin W. Committee To Elect

Denied

1. Hall Sr., Kirkland J. Citizens for
2. Sturgill, Jack Committee To Elect

Waiver Request Information Page

General

Account Name	DeWees, (James) for Sheriff	
CCF ID:	01009169	Status: Active
Date Established	12/19/12	
Date Waiver Requested	11/20/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Vicky McDonold	Start Date: 12/19/12
Responsible Treasurer		
Current Chairman	Lawrence Suther	2/06/18
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
2019 Annual Audit		8/19/19	\$280	\$280
Pre –General Audit		8/19/19	\$280	\$280
Pre-Primary Audit		8/19/19	\$280	\$280
2018 Annual Audit		8/19/19	\$280	\$280
				Total:\$1,120

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	N/A		

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
2019 Annual	\$0	\$959	\$1,916	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

In my haste to finish all the report I didn't hit the submit button for the Dewees report.

Division Comments

Reduced to \$280 committee has no priors

Administrator's Decision



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

Fwd: request for waiver of late fees

1 message

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

Wed, Nov 20, 2019 at 8:36 AM

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

From: **Vicky McDonold** <vickymcdonold@maryland.gov>
Date: Tue, Nov 19, 2019 at 4:39 PM
Subject: request for waiver of late fees
To: <info.sbe@maryland.gov>

Ms. Linda Lamone,

I am emailing to request a waiver of late fees for the DeWees (James) for Sheriff account. There are a total of 4 late fee notices totaling \$280.00 each.

This is the first time since I have been managing the account for Sheriff DeWees where I have evidently completely made a mess of things and have not completed things in a timely manner. This past year was the first time that there was a requirement to update the balances for reports if they did not match (bank and report balances). I do recall early on that I had called the Maryland Campaign Finance Office to ask what to do if they were different and was told that the balances did not need to match (this was several years ago).

I am Treasurer for 4 accounts total and upon receiving the first letter, I called the office and was told how to update a report, but it was only to add employer information for one person. I proceeded to enter that update for the DeWees for Carroll Slate account on 6/24.

I received additional letters for the other accounts. I believe most of those reports only needed to have the balances match. I did not realize that these other accounts would also need to be updated until I called in. During an election year, there is a lot of activity and typically there are checks that have not cleared so I have always entered the actual bank account balance as of the last day of the filing period in part 2. This would not match if checks had not cleared. The actual report shows a statement under that area that reads "as of the report transaction ending date". I always thought that the actual bank balance as of that last date in the reporting period should be entered, not what it should be if everything had cleared, based on that statement. I called into the office in July and was told to update the balances with what would have been the bank balance if everything had cleared. I proceeded to do that on July 8th and truly thought that I had done that for all accounts. I ran each report to view it to make sure the totals matched and then reentered the bank figures to submit to the State. Unfortunately, I do not have any saved copies of those drafts as I was just viewing before I sent.

In my haste to finish them all on 7/8, I must not have gone back into the DeWees for Sheriff reports to submit to State. I did not realize that they were not submitted until I began receiving mail with the notices. I called in several times and was finally able to speak with someone on 8/19, when I was told that the reports were not amended. I proceeded to update them that day and submit them to the State.

I apologize for the lengthy explanation but I want you to understand that this is very unlike me and I am extremely upset with myself for not following up as I usually do. In addition, I learned something new today when I called into the office and spoke with Ms. Molina; she said I could still submit a request to waive the late fees, which is why I am sending this to you today. When I called into the office on August 19th, I asked if there was anything I could do or anyone I could speak with and I was told no, I had to pay the fees.

I humbly ask that your office grants the waiver; I would hate for others that have supported the Sheriff to have to pay for my mistake. If there is anything else I can do, or if anyone needs to contact me, please let me know. I can be reached at 410-499-1096.

Thank you very much for your consideration.

Waiver Request Information Page

General

Account Name	Gibbs, Makeba Committee to Elect	
CCF ID:	01012763	Status: Active
Date Established	2/27/18	
Date Waiver Requested	12/05/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Lakeisha Brown	Start Date: 8/22/19
Responsible Treasurer		
Current Chairman	Makeba Gibbs	5/21/19
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
Pre-General 1 Audit		9/04/19	\$440	\$440
Pre-primary 2 Audit		9/04/19	\$440	\$440
Pre-Primary 1 Audit		9/04/19	\$440	\$440
Spring Audit		9/04/19	\$440	\$440
				Total:\$1760

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	Paid	N/A
10/26/18	\$500	Paid	N/A

Recent Financial Activity History

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

Reason for Waiver

I am requesting a waiver for the audit reports as I was unable to reach my treasurer who had the necessary documents needed to file.

Division Comments

Reduce to \$880.00 committee has a history of late fees.

Administrator's Decision

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

Fwd: Request for Waiver - Committee to Elect Makeba Gibbs

1 message

Makeba Gibbs

Thu, Dec 5, 2019 at 12:28 PM

To: ebony.parran@maryland.gov

Dear MD Campaign Board:

I am respectfully requesting a waiver of the late audit filing fees totaling \$1760. I was unable to reach my former treasurer Bridgette Cunningham-Freeman. She had many necessary documents needed to complete the audit. I have attached the numerous attempts that were made to contact her. I have not heard back from her to date. I eventually obtained a new treasurer who is an accountant. She is competent and worked diligently to complete the audit in a timely manner. Thank you for your time and consideration. I have not received a waiver previously.

Sincerely, Makeba Gibbs, Esq



New iMessage

Cancel

To: Campaign Manager Bridgette Freeman



For Sunday could you fill out this form? Thanks 😊 <https://goo.gl/forme/1k7Kwu876YlmfzrV2>

Waiver Request Information Page

General

Account Name	Holtzman, Irene Friends of	
CCF ID:	01012584	Status: InActive
Date Established	2/26/18	
Date Waiver Requested	12//17/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Rebecca Holtzman	Start Date: 2/26/18
Responsible Treasurer		
Current Chairman	Irene Holtzman	2/26/18
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
Pre-Primary 2 Audit		10/21/19	\$500	\$500
Pre-Primary 1 Audit		11/12/19	\$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
1/16/19	\$500	\$275 Waiver	yes
11/20/18	\$500	\$275 Waiver	yes
10/26/18	\$500	\$275 Waiver	yes
8/28/18	\$500	\$275 Waiver	yes

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
2019 Annual	\$0	\$529	\$	\$0
	\$	\$	\$851	\$
	\$	\$	\$	\$

Reason for Waiver

A bounced donation check lead to the delays in filing reports.

Division Comments

Reduced to \$500.00 committee has prior history of late fees.

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 Irene Holtzman Account Number: 01012584

Date of Request: 12.17.2019 Total Amount of late fees: \$ 1000.00

Name of the Requestor(s)*: Irene Holtzman

The Requestor is the: Chairman Treasurer Candidate

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

The basis for the request: Thank you for your consideration of my request. A bounced donation check at the end of my campaign led to delays in filing reports and amendments. A referral was made to the State Prosecutor, and the reports were fixed, filed, and accepted. We negotiated fines in the amount of the funds left in the campaign account. While I understand that this is not a justification for the late filing, with no more campaign funds, paying additional fines is a significant financial hardship. If there is any way to waive these fines I would be incredibly grateful. The final balance on the campaign account after paying fines is exactly zero. Thank you for your consideration of our request.

(Signature)

December 17, 2019

(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

Waiver Request Information Page

General

Account Name	Parson, Kevin W. Committee To Elect	
CCF ID:	01002359	Status: Active
Date Established	7/08/02	
Date Waiver Requested	11/26/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Tunji Sawyer	Start Date: 7/08/02
Responsible Treasurer		
Current Chairman	Kevin Parson	7/26/07
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
Pre-Primary 2 Audit		11/19/19	\$500	\$500
			\$	\$
				Total:\$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
10/21/14	\$210	Paid	
6/13/14	\$250	Waived	
8/16/11	\$150	Paid	

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
Pre-Primary	\$2,310	\$159	\$7,878	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

We had a problem with the post office returning mail which we thought had been rectified.

Division Comments

Reduced to \$250.00

Administrator's Decision

RECEIVED

NOV 26 2019

State of Maryland BOARD OF ELECTIONS

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 to Elect Kevin Parson Account Number: A3698, CCF ID: 01002359

Date of Request: 11/19/2019 Total Amount of late fees: \$ 500

Name of the Requestor(s)*: Tunji Sawyer

The Requestor is the: [] Chairman [X] Treasurer [] Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2018 PRE-PRIMARY2 GUBERNATORIAL (Amendment Required)

The basis for the request:

I am requesting a waiver of the late fees for the amended campaign finance report for the 06/15/2018 Pre-Primary2 Gubernatorial. The original report was filed on time. However, we were unaware of the need to file an amendment due to a series of returned mail to the PO box on file (please see the enclosed). This has been an on-going issue that with the local Post Office that we believed was rectified. Upon discovering that an amendment was on due, I immediately contacted the Campaign finance division the same day to find out how to remedy the situation and the amended report was filed immediately with the required missing employer information for the one contributor in question.

(Signature)

(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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Waiver Request Information Page

General

Account Name	Hall Sr., Kirkland J. Citizens for	
CCF ID:	01006548	Status: Active
Date Established	8/30/17	
Date Waiver Requested	12/12/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Christine Allen	Start Date: 8/30/17
Responsible Treasurer		
Current Chairman	Kirkland Hall	8/30/17
Responsible Chairman		

Waiver Request Dates

Late Report (2018 Reports)	Affidavit	Date Received	Fees	Total Fees
Post General Audit		12/11/19	\$500	\$500
Pre-General Audit		12/11/19	\$500	\$500
Pre-Primary Audit		12/11/19	\$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
1/16/19	\$500	Balance \$500	yes
6/15/18	\$500	Balance \$500	yes

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
2019 Annual	\$0	\$0	\$1,108	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Due to discrepancies in my entries I didn't feel comfortable filing my reports.

Division Comments

Deny committee has a history of non-compliance.

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: Citizens For Kirkland Hall Sr Account Number: 01011991

Date of Request: 10.11.2019 Total Amount of late fees: \$ 1,500.⁰⁰

Name of the Requestor(s)*: Christine Allen

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2018 Post General Audit
2018 Pre-General 11 Report Audit
2018 Pre-Primary 11 Audit

The basis for the request: Due to discrepancies in my entries, I didn't
feel comfortable submitting my report the way it is. I am working
on finding and correcting my discrepancies so that I'm able to submit
my report accurately.

Christine Allen
(Signature)

12.12.2019
(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
410-289-2880 • 800-222-8683 • MD Relay 800-735-2258 • www.elections.state.md.us

Waiver Request Information Page

General

Account Name	Sturgill, Jack Committee To Elect	
CCF ID:	01003036	Status: Active
Date Established	11/18/05	
Date Waiver Requested	12/11/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Keith Humber	Start Date: 1/14/14
Responsible Treasurer		
Current Chairman	Jack Sturgill	11/18/05
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
2019 Annual Audit		N/A	\$500	\$500
			\$	\$
				Total: \$ 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
2014 Annual	\$160.00	Paid	
2010 Annual	\$30.00	Paid	

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
2019 Annual	\$0	\$0	\$163	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

The candidate is ill and has not maintain his records.

Division Comments

Deny report has 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: JACK STURGIU COMMITTEE TO ELECT Account Number: CCF ID 01003036

Date of Request: 12/11/19 Total Amount of late fees: \$ 500.00

Name of the Requestor(s)*: JACK STURGIU

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2019

The basis for the request: CANDIDATE IS SICK AND WAS UNABLE TO MAINTAIN HIS RECORDS.

Confidential

Details

[Signature] (Signature) 12/11/19 (Date)

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

Maryland State Board of Elections
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STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Erin Perrone
Date: December 26, 2019
Re: Final Adoption of Regulations

At the January board meeting, I will present for final adoption the regulations approved for publication at the September 2019 meeting. The memorandum and proposed regulations from the September meeting are attached.

These proposed regulations were published in the November 8, 2019, issue of the *Maryland Register* (Vol. 46, Issue 23). The public comment period closed on December 9, 2019. We did not receive any public comments.

The regulations ready for final adoption at the January 2020 meeting are:

Ballots – In General (33.10.01.17F)

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

Ballots – In General (33.10.01.17F(1))

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

Ballots – In General (33.10.01.17F(2))

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

If you have any questions about the published regulations before the meeting, please do not hesitate to contact me. I will, of course, be at the next meeting to answer any questions.

STATE BOARD OF ELECTIONS

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Administrator

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Deputy Administrator

Memorandum

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

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

Ballots – In General (33.10.01.17F)

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

Ballots – In General (33.10.01.17F(1))

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

Ballots – In General (33.10.01.17F(2))

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

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

Enclosures: Proposed Regulations

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

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

.17 Ballots — In General.

A. – E. (text unchanged)

F. Ballot [Stub] *Packaging.* Each local board shall notify the State Administrator no later than 5 months prior to the start of early voting for a primary election and no later than 4 months prior to a general election whether it wishes to receive pre-printed ballots packaged in accordance with §F(2) or (3) of this regulation.

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

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

(b) Be serially numbered to facilitate ballot accounting.

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

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

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

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

G. – H. (text unchanged)

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: Tracey Hartman
Date: January 3, 2020
Re: Proposed Regulations – Subtitles, 16, 17, and 19

At the next board meeting, I will propose changes to Subtitles 16 – Provisional Voting, 17 – Early Voting, and 19 – Same Day Registration and Address Changes. These proposed amendments further clarify procedures that were identified during the review process for regulations that you recently adopted.

Provisional Voting – In General (33.17.03.04(D))

This proposed amendment clarifies that when an election judge is determining if a voter is eligible to vote a regular ballot that the restrictions in Subsection (4) apply only to when an individual is attempting to use the same day registration process during early voting, not the same day address change process.

Early Voting – Definitions; General Provisions (33.17.01.02A(3))

This proposed amendment repeals the reference that early voting is applicable to Baltimore City primary and general elections. Election Law Article §§8-201(b) and 8-301(b) specify that Baltimore City municipal primary and general elections are held on the same days as the presidential primary and general elections, therefore the provision in COMAR 33.17.02A(3) is redundant and no longer necessary.

Same Day Registration and Address Changes – Definitions; General Provisions (33.19.01.01(C))

House Bill 286 of the 2019 Legislative Session established the process for same day registration on election day. It is the advice of the Office of the Attorney General that this legislation require same day registration on election day for all elections, including special elections. This proposed amendment matches the emergency legislation that you approved in October and that the AELR Committee approved and became effective on Dec. 30, 2019.

Title 33 State Board of Elections
Subtitle 16 Provisional Voting
Chapter 01 Issuance of Provisional Ballot

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

.01 In General.

- A. A voter shall be issued a provisional ballot packet if:
 - (1) – (3) (text unchanged)
 - (4) The voter is not eligible to vote a regular ballot because:
 - (a) – (c) (text unchanged)
 - (d) During early voting, [the] *an individual using the same day registration process*:
 - (i) Was not a pre-qualified voter; or
 - (ii) Could not provide proof of residency in the county where the individual was attempting to vote;
 - (5) – (6) (text unchanged)
- B. (text unchanged)
- C. (text unchanged)
- D. (text unchanged)

Title 33 State Board of Elections
Subtitle 17 Early Voting
Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-102(i), 9-503, 10-301.1, and 12-106(a), Annotated Code of Maryland

.02 Applicability to Elections.

- A. Early voting is applicable for the following regularly scheduled elections:
 - (1) –(2) (text unchanged)
 - [(3) Baltimore City primary and general elections.]
- B. (text unchanged)

Title 33 State Board of Elections
Subtitle 19 Same Day Registration and Address Changes
Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§1-101(v), 2-102(b)(4), 2-202(b), [and]3-305(e), and 3-306, Annotated Code of Maryland

.01 Applicability to Elections.

- A. – B. (text unchanged)
- C. *For special primary and general elections, [Same] same day registration [and address changes are not] is available on election day [for special primary and general elections].*

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: Tracey Hartman
Date: January 3, 2020
Re: Proposed Regulations – Subtitle 19

At the next board meeting, I will propose emergency changes to Subtitle 19 – Same Day Registration and Address Changes. At the October 2019 meeting of the State Board, you approved changes to Subtitles 17 and 19 that 1) allows for early voting for the special general election that will be running concurrently with the 2020 Presidential Primary Election, and 2) allows for same day registration for the special primary and general elections.

In its review of the emergency regulations that you approved, analysts at the Administrative, Executive, and Legislative Review (AELR) Committee pointed out that COMAR 33.19.01A does not state explicitly that same day registration is available during early voting of special elections. While it could be presumed that early voting is available during the special general election because it is occurring concurrently with the presidential primary election, it is the advice of the AELR committee analyst to make this temporary change in the regulations. Going through the normal promulgation process will not allow this change to take effect in time for the April 28th election, therefore I am submitting these proposed amended regulations via the emergency promulgation process.

Same Day Registration and Address Changes – Definitions; General Provisions (33.19.01.01(D))

This proposed emergency amendment allows for same day registration during early voting for the 2020 Special General Election that is occurring concurrently with the 2020 Presidential Primary Election.

Special Elections for the 7th Congressional District
Proposed Emergency Regulations
Effective until May 1, 2020 (proposed date)

Title 33 State Board of Elections

Subtitle 19 Same Day Registration and Address Changes

Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§1-101(v), 2-102(b)(4), 2-202(b), [and]3-305(e), and 3-306,
Annotated Code of Maryland

.01 Applicability to Elections.

A. (text unchanged)

B. (text unchanged)

C. (text unchanged)

D. Same day registration and address changes during early voting is permitted for the special general election that is to run concurrently with the regularly scheduled primary election on April 28, 2020.

Explanation: The Governor's proclamation combines the special general election for the 7th Congressional District and the 2020 Presidential Primary Election, while the Election Law Article §3-305(a) allows same day registration during early voting. Because the two elections will be occurring concurrently, it will be impossible to separate those using the same day registration process for the special general election and those using the same day registration process for the presidential primary election.

Wicomico County

Section 3.3 Meeting Agenda and Minutes

Subsection D- Minutes

- 3) Full minutes of open meetings and summaries of closed meetings *shall be presented for approval at the next Board meeting.*
- 4) Full minutes of closed meetings *shall be presented for approval at the next closed meeting held by the Board.*

Section 4.2- Political Activity

Subsection B- Additional Requirements

- 1) A member *may attend* campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board and does not publicly indicate that he or she is a member of the Board.
 - 2) A member *may make* campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
 - 3) A member *shall not* publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.
 - 4) A member *shall not* wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers.
 - 8) Petitions
 - a) A member may sign a petition *provided the member discloses this fact to the Board and does not publicly indicate that he or she is a member of the Board.*
- The only difference from the Model Bylaws is the addition of the highlighted text in 8a.

Recommendation: Accept

Baltimore City

Section 2.2 Officers

Subsection C- Duties – President

2. *Serving as the Board's sole spokesperson* for media inquiries or appointing an appropriate designee to serve as the contact for media inquiries; and

*Model bylaws state that this duty should be shared with the Election Director. See the attached memo from the Baltimore City Board of Elections regarding the conflict this creates with a previous version of their bylaws. The role of the spokesperson for a local board is not governed by any state regulations or laws and therefore SBE approves this change in their submitted bylaws from the model bylaws.

Section 3.3 Meeting Agenda and Minutes

Subsection D- Minutes

3. Full minutes of open meetings and summaries of closed meetings *shall be presented for approval at the next Board meeting.*
4. Full minutes of closed meetings *shall be presented for approval at the next closed Board meeting held by the Board.*

Section 4.2- Political Activity

Subsection B- Additional Requirements

3. A member *may attend* campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board and does not publicly indicate that he or she is a member of the Board.
 4. A member *may make* campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
 5. A member *may publicly display* support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.
 6. A member *may wear campaign* paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided:
 - The member discloses this fact to the Board; and
 - Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.
- No other differences from Model Bylaws.

Recommendation: Accept

Memorandum

To: Tracey Hartman, Director of Special Projects
From: Baltimore City Board of Elections
Date: December 18, 2019
Subject: Bylaws

On October 1, 2019, you informed the Baltimore City Board of Elections (“City Board”) that the State Board of Elections (“State Board”) did not approve the City Board’s bylaws dated August 15, 2019, because they did not incorporate any of the changes the State Board made to the 2019 model bylaws. Indeed, the City Board had decided to maintain its bylaws as previously approved in 2015. As a result, the State Board requested that the City Board either adopt the 2019 model bylaws (with appropriate customizations as noted in the model bylaw comments) or submit a written explanation for each provision the City Board did not wish to include. After deliberation, the City Board has decided to adopt the 2019 model bylaws with one exception.

Section 2.2.C.2 of the 2019 model bylaws provides that the duties of the President include “[a]long with the Election Director, serving as the Board’s spokesperson for media inquiries or appointing an appropriate designee to serve as the contact for media inquiries.” Section 2.2.A.2 of the City Board’s bylaws dated August 15, 2019, on the other hand, provided that the duties of the President include “[s]erving as the Board’s sole spokesperson for media inquiries or appointing an appropriate designee (Election Director) to serve as the contact for media inquiries.” Although both versions of this provision authorize the President to serve as the City Board’s spokesperson for media inquiries or appoint an appropriate designee, they differ in one important respect.

While the 2019 model bylaws characterize serving as the City Board’s spokesperson for media inquiries as a joint duty that the President shares “along with the Election Director” in the first instance, the City Board’s bylaws dated August 15, 2019, characterize it as a duty that resides with the President as “sole spokesperson” in the first instance. To be sure, on August 15, 2019, the President appointed the Election Director to serve as the City Board’s spokesperson for media inquiries. However, the City Board prefers its version of this provision because it creates less confusion as to who is responsible in the absence of an appointment by the President. Having a single point of contact is more efficient and effective, particularly on Election Day.

Therefore, the City Board submits this memorandum as its written explanation for why it does not wish to adopt Section 2.2.C.2 of the 2019 model bylaws.

cc: State Board Members
Linda H. Lamone, Administrator
City Board Members

ASSISTANT ATTORNEY GENERAL'S REPORT

January 16, 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 Fourth Circuit concluded that Mr. Fusaro had pled a cognizable claim under the First Amendment, but that the State would be entitled to a relaxed level of scrutiny as to whether the limitations violate Mr. Fusaro's rights on remand. The plaintiff has since filed a supplement to his complaint, and the parties have completed a brief period of discovery. Plaintiff filed a motion for summary judgment on December 20, 2019. Defendants' opposition to that motion and cross-motion for summary judgment is due January 24, 2019.

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. An 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.). 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.). No change from the last update. 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 in the Fourth Circuit has been scheduled for 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. The court has not yet issued a decision.

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. The Court also granted leave for Plaintiffs to take limited discovery in connection with their motion for preliminary injunction. The parties attended a settlement conference on January 7 and 13, 2020, before a federal magistrate judge but were not able to resolve the case. The motions to dismiss and for preliminary injunction are fully briefed, and a hearing is scheduled for January 17, 2020.

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. The plaintiff's opposition is due January 23, 2020.

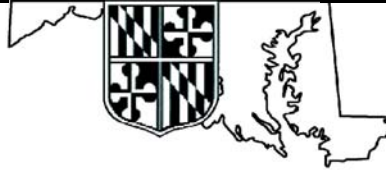
9. *Chong Su Yi v. Hogan*, Nos. 464985-V, 466396-V (Cir. Ct. Montgomery Cty.), *on appeal at* Nos. CSA-REG-1435-2019, CSA-REG-1437-2019 (Md. Ct. Sp. App.). On around March 28, 2019, plaintiff Chong Su Yi filed two complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 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 August 8, 2019, the Circuit Court denied motions for default judgment in both cases on the ground that service on the defendant was improper. Plaintiff has appealed those rulings, and the defendant has moved to dismiss those appeals. In the meantime, plaintiff has effected proper service on the defendant and has amended his complaints. The defendant has moved to dismiss both complaints. Those motions are fully briefed and pending. Trial dates have been set for March 12, 2020, and March 26, 2020, respectively.

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. The defendants' answer is due January 17, 2020, and response to the motion for summary judgment is due January 24, 2020.

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
Kelley Howells



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

MEMORANDUM

DATE: March 22, 2019
TO: David Garreis, President, Maryland Association of Election Officials
FROM: Linda Lamone, Administrator
SUBJECT: Re: Election Day Networking Feedback

The Maryland State Board of Elections (SBE) recognizes that, should legislation mandating Same Day Registration pass, that the proposed Election Day networking will be a major undertaking. SBE shares the Maryland Association of Election Officials' (MAEO) concerns that there are challenges and risks with this endeavor.

It is hoped that having election day networking in the State will result in new registrations being entered in MDVOTERS timely - in time for absentee and provisional canvasses - which would be extremely difficult without this taking place. Furthermore, networking on election day will also give the Local Boards of Elections (LBE) and SBE 'real time' data on the turnout and other metrics in each polling place. This would be similar to the invaluable reports that are now available to LBEs and SBE during early voting.

MAEO has stated that many LBEs are concerned that school buildings, widely used as polling places on election day, will be unsuitable for networking due to issues with cellular reception. SBE recognizes that not all locations will be suitable for election day networking, and others may require modified equipment. However, without testing the extent of this issue cannot be determined satisfactorily.

It is expected that election judges will need to be trained in the setup of and monitoring of the network equipment, and some may find this daunting. However, it should be noted that judges do have some experience with setting up pollbook network devices, such as switches already. With appropriate training, election judges should be able to make the transition to election day networking.

Concerns surrounding the age of the EP5000 pollbooks and network infrastructure bandwidth are valid. Unfortunately, it is widely felt that the procurement and successful implementation of a new electronic pollbook system for use in the 2020 election cycle is simply not possible. The network infrastructure is a concern and will be researched prior

to the 2020 presidential primary. Testing will be required to determine network connectivity issues throughout the State.

The LBEs rightly have concerns over this implementation, and SBE has estimated the cost to be approximately \$1000 per polling place, for the network equipment. This estimate is for the network equipment only and is based on previous costs for implementation of networking in early voting centers. This estimate did not include any additional staffing costs.

SBE is in agreement with MAEO that the electronic pollbook system should be replaced prior to the 2022 election cycle, and has started planning for this.



January 15, 2020

Maryland State Board of Elections
151 West St. No. 200
Annapolis, MD 21401

Dear Chair Cogan and Members of the Board:

We are writing this joint letter to ask the Maryland State Board of Elections (Board) to stop the implementation of wireless electronic pollbook networking on the Primary and General Election Days in the 2020 Presidential Election. **We believe that this implementation is unnecessary and potentially vulnerable to cybersecurity attacks, and we do not think that it is an appropriate use of County funds. We do not support funding this project.**

The Board's staff have stated that the wireless network is needed to speed up data processing. However, Montgomery County Election Director Margaret Jurgensen has testified that "the Montgomery County Board of Elections generally does not have an issue getting its data from the pollbooks uploaded by the 3 a.m. deadline." We expect this to be true for the 2020 Presidential Election cycle and believe that the risks and costs of implementing wireless pollbooks may far outweigh any presumed benefit. We share the perspective of the Montgomery County Board of Elections that same-day registration can be implemented using our existing systems via provisional ballots; this is a process that is known to our election workers and we would expect it to generally work well as a mechanism to implement same-day registration. While we realize that no votes will be transmitted using the proposed wireless electronic pollbook system and the paper back-up pollbooks are in place, we are concerned about the possible disclosure of voters' personal identifying information and the likely return of long lines at the polls if the system fails and back-up measures need to be used.

Wireless networks are generally less secure than wired networks because the communication signals are transmitted through the air and can be intercepted. Site security largely depends on the skill of those setting up and monitoring the wireless system. Beyond the hardware costs, having skilled technicians to correctly set up and support wireless networks at 11 or 12 early voting sites is much easier, and significantly less costly, than providing skilled technicians for each of Montgomery County's 258 precincts on Election Day. Any vulnerabilities in this network could pose a threat to the integrity of election data.

Lastly, hardware costs have been estimated to be \$1,400 per precinct, with a minimum of \$365,000 needed for Montgomery County alone. These costs do not include the extra technicians and poll workers that must be hired to deploy and support this system. Mandating that the six largest county governments fund this initiative with local dollars would also set an extremely worrisome precedent.

Voting is our precious and hard-won right and responsibility as Americans. We hope the Board will listen to our request and stop the mandatory implementation of wireless electronic pollbook networking.

Sincerely,

Marc Elrich
County Executive

Sidney Katz
Council President

Tom Hucker
Council Vice President



January 15, 2020

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151 West St. No. 200
Annapolis, MD 21401

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Sincerely,

Marc Elrich
County Executive

Sidney Katz
Council President

Tom Hucker
Council Vice President

James F. Shalleck
President
Nahid Khozeimih
Vice President
David A. Naimon
Secretary
Diane Nash Dillon
Member
Elisse W. Barnes
Member
Jacqueline L. Phillips
Substitute Member
Alan Banov
Substitute Member



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

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Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
*Information Technology
Manager*
Jessica Newby
Voter Services Manager
Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

October 21, 2019

Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn, Boardmember
Kelley A. Howells, Boardmember
William G. Voelp, Boardmember
donna.duncan@maryland.gov

Ms. Linda H. Lamone
State Election Administrator
Maryland State Board of Elections
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Annapolis, Maryland 21401-0486
linda.lamone@maryland.gov

Ms. Nikki Charlson
Deputy Administrator
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401
nikki.charlson@maryland.gov

**RE: Implementing electronic pollbook networking on Election Day in the
2020 Presidential Election**

Dear Chairman Cogan, Vice Chairman Hogan, Board Members Funn, Howells,
Voelp, Ms. Lamone & Ms. Charlson:

The Montgomery County Board of Elections ("MCBOE") is writing to
request that the State Board of Elections ("SBE") reconsider the decision to
implement wireless electronic pollbook networking on Primary and General
Election Day in the 2020 Presidential Election.

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

MCBOE understands from discussions between your staff and ours that establishing such a network is not required for the implementation of same-day voter registration and, in fact, that only the largest counties have been required to participate. MCBOE also understands that the cost of the network currently will be borne entirely by the county governments. Montgomery County does not have funds budgeted to implement this costly mandate, and MCBOE is not persuaded that there would be a sufficient benefit gained by Montgomery County taxpayers in the 2020 Presidential Election to justify our requesting from the Montgomery County Executive and County Council a supplemental appropriation for this purpose in FY 2020.

MCBOE understands that the justification for implementing this system at this time is for same-day transmission of voter check-in data in preparation for the Provisional Canvass and the Absentee Canvass. We are not aware of any intended use of this data other than to improve the likelihood that one hundred percent (100%) of the data will be successfully uploaded prior to the existing deadline. Currently, this data is extracted and uploaded manually on election night to the State server, after all electronic pollbooks are returned to the county board. It is our understanding that this expectation would not change with this new network and that staff would still be required to upload the log files on election night and complete the process prior to the nightly deadline to ensure SBE receives all the transactions via the network. This would be a costly duplication of effort.

As Montgomery County is large and does have volumes of data that need to be passed to SBE, the desire for real-time transmission is somewhat understandable. However, MCBOE suggests that less costly alternatives be considered, or, at the very least, all counties be required to participate, and that the costs be shared 50/50 between the State and all local Boards of Elections.

While many states are moving toward Election Day networking and there are potential benefits in the long term, it is our understanding that there is no guarantee, after an investment of more than \$365,000 by the County government, that this network will even be compatible with the expected purchase of the new pollbooks after the 2020 Presidential Election. Prudent stewardship of County dollars at the local level is a concern for our Board

We also are concerned about analyzing election security issues whenever wireless communication is proposed to be used at the polls. Would you please let us know what analysis has been done to determine the risk of interception of the wireless signal or other security issues? If data being wirelessly transmitted were

somehow blocked or changed, what are the possible effects on the absentee and provisional canvasses? For instance, if data being transmitted was maliciously changed and gave voting credit for people that, in reality, did not show up at the polls, while removing voting credit for some who did show up at the polls (so the total number of people who showed up at the polls remained the same), what could be the consequence?

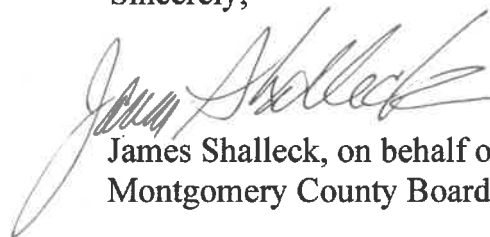
Finally, we're concerned that requiring wireless networking in six jurisdictions while not requiring it in the other 18 jurisdictions undermines the longstanding Maryland tradition, supported by law, of having a uniform system of elections across the state. Obviously, any problem with this system would only affect those jurisdictions that have it, which means it would not be felt equally across the state.

We realize procurement decisions must be made soon. However, MCBOE requests reconsideration of the decision to move forward at this time. At a minimum, a review should be conducted of the level of expenditures targeted for only the largest counties, along with a more in-depth explanation of the value to be gained by undertaking this project at this time. Also, what other alternatives have been considered? Why couldn't, for instance, the batch processing be just pushed back a few hours, giving the largest jurisdictions more time to get the data loaded without wireless networking? It would appear to us that such an alternative should be considered before requiring such a significant expenditure, entirely at the six jurisdictions' expense.

The 2020 Elections will require thousands of election judges and related costs to train these judges and assign them to polling places at a time when county budgets are already absorbing the costs of unfunded state mandates to implement both automatic registration and same-day registration. MCBOE is therefore not persuaded at this time that there is a sufficient justification for only a few counties to conduct this experiment for the State Board.

Thank you for your time and consideration

Sincerely,

A handwritten signature in black ink, appearing to read "James Shalleck", written in a cursive style.

James Shalleck, on behalf of
Montgomery County Board of Elections

MARYLAND

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

November 13, 2019

Via U.S. Mail and E-mail (to Counsel)

Jim Shalleck, Chairman
Montgomery County Board of Elections
P.O. Box 4333
Rockville MD 20849-4333

Re: Election Day Network for Electronic Pollbooks

Dear Mr. Shalleck:

Thank you for your letter requesting reconsideration of the proposed election day network. Although the Montgomery County Board of Elections is not "persuaded" of the need for this network, I am and believe that this network is required to ensure the integrity and proper conduct of the upcoming elections.

This network is required to conduct the 2020 elections in accordance with State law and past practice and current expectations of candidates and the voting public. Without this network, voter registration transactions performed in the electronic pollbook will not be received and processed in time for the impacted local boards of elections to prepare for and conduct the first absentee canvass. Changing batch processing times, as you suggest in your letter, is not an option, as there are multiple processes that must run in order and these processes are dependent on processes external to SBE.

We are cognizant of the cost of this network and have determined that the hardware cost can be financed over three years. This will reduce the budget impact in the current fiscal year and allow each of the local boards of elections establishing the network to budget accordingly in future fiscal years. This is a prudent approach as this equipment is not dependent on the pollbook solution; that is, we will use this solution with any pollbook solution we implement.

Securing election networks is of the utmost importance, and I am confident that the proposed election day network will be as secure and reliable as possible. It will be a closed, private network, and all data will be encrypted during transfer. Your letter includes a series of "what if" questions about data corruption, but your letter also provides the answer – the upload of log files election night. This election night process is the process by which we verify the encrypted data transferred during election day. This is similar to other processes performed for an election. For example, the upload of log files after early voting verifies the data transferred during early voting and the process of uploading thumb drives the day after the election confirms the data uploaded election night.

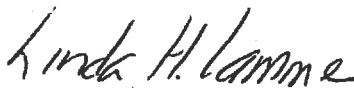
Letter to Mr. Shalleck
Page 2
November 13, 2019

While uniformity is, as you noted, the long standing tradition in Maryland, there are circumstances where the goal of uniformity is outweighed by practical considerations. For example, Montgomery County and two other counties use regional collection centers and establish networks in these centers to collect election results and other supplies election night. To apply the principle of uniformity in this case would lead to illogical results – either all counties would need to establish multiple centers and networks even if they are not necessary or Montgomery County and the two other counties could only have one collection center (located at a local board of elections' facility) and the return of election supplies and the release of election results would be delayed.

Similarly, the practical considerations of implementing same day registration outweigh the goal of uniformity. Since the six counties in Maryland with the largest populations will have the largest number of same day registration transactions, it is practical to require only those counties to establish the election day network. The local boards in these counties are also typically unable to upload log files in time for voting history to be entered into the statewide voter registration, candidacy, and election management system.

We will continue to be fiscally responsible and cognizant of information security issues related to this network and look forward to working with the staff of the Montgomery County Board of Elections to implement this necessary election day network.

Sincerely,



Linda H. Lamone
State Administrator

cc: Members, State Board of Elections



Maryland Association of Election Officials
Representing the Local Election Boards of the State of Maryland

Memorandum

To: Linda Lamone, Administrator, Maryland State Board of Elections

From: David Garreis, President, Maryland Association of Election Officials

Date: March 1, 2019

Re: Election Day Networking Feedback

Background

The Maryland Association of Election Officials (MAEO) is committed to working with the Maryland State Board of Elections (SBE) to ensure the creation of election policies and procedures that comply with election laws adopted by the Maryland Legislature in the most cost-effective way, and with the highest likelihood of success. MAEO recognizes Same Day Registration (SDR) legislation will likely pass in the 2019 Legislative Session, and supports HB286 and SB449 to this end. However, this memo is in response to the plans discussed on the Thursday, February 21, 2019 Election Director's Conference call regarding networking all electronic pollbooks (EPBs) at polling places on Election Day. Following the conference call, several Local Boards of Elections (LBEs) expressed concerns about this goal and MAEO convened a meeting to discuss implementing HB286 and HB449 with regards to networking all EPBs on Election Day.

Risks and Issues

As the proposal to network the electronic pollbooks has been presented, there are several risks and issues that MAEO has identified. We feel we ensure SBE is aware of our concerns so the policies and regulations that SBE adopts are within the ability of the LBEs to execute. The risks and issues identified include:

- **Network Connectivity:** Based on experience from previous elections, every LBE is concerned about network connectivity, particularly in school buildings. Typically, cell phone reception in polling rooms located inside schools is weak and Election Judges must exit the polling rooms to make and receive calls. Additionally, many newer schools are actively dampening cell phone reception inside the school building. Therefore, many LBEs estimate that at a majority of polling places on Election Day, there will be significant issues connecting the EPBs to the statewide network and there is a substantial possibility many polling places may not be able to connect at all or the Election Judges will be managing network drops throughout Election Day.
- **Network Setup, Monitoring, and Management:** During Early Voting, many LBEs use antennas to connect the EPBs to the statewide network. During Early Voting, when less sites operate, LBE staff have more direct control over antennae placement and the ability

to setup the antennas, modems, micro-USB hubs, etc. with trained voting system staff. This ensures the EPBs are properly networked and the system is ready to launch before voting begins each day of Early Voting. However, this level of on-site support will not be possible on Election Day if LBEs must provide technical support to every polling place in order to ensure the network is up and running before 7:00 AM..

Additionally, the LBEs are concerned many Election Judges lack the experience and skillset to setup the network successfully. The LBEs are worried Election Judges who experience problems connecting to the network will cause many polling places to experience delays before the polls open. Since we predict historic voter turnout during the 2020 elections, the LBEs are concerned that court-ordered extended hours on Election Day are a legitimate possibility due to polling places failing to open ontime.

Finally, the Election Judges do not have the experience or skillset to monitor the connectivity of the system. If the Election Judges must reboot their equipment on Election Day, this will cause voting delays during a busy election and will contribute to a negative perception by the voters of the trustworthiness of the voting system.

- **Network Lag:** Voting System managers at many LBEs have noted that attempting to connect every EPB on Election Day will probably produce significant system lag since the number of transactions performed on Election Day is several times higher than on any individual day of Early Voting. Additionally, technical LBE staff are concerned that attempting to connect too many EPBs at one time will freeze the entire system or cause it to crash repeatedly throughout the day. Finally, reconciliation of more than 7,000 EPBs at the end of Election Day, all trying to report transactions and data at the same time, will create a logjam of network traffic significantly delaying final shutdown at both the LBEs and SBE on election night.
- **Antique Hardware:** The ExpressPoll 5000 EPBs are antiques in computer hardware terms, having been used in every election since 2006. They are prone to crashes and freezing on Election Day and replacement parts are no longer available. They are also running Windows CE software which is no longer supported by Microsoft. The LBEs are concerned that the current EPBs are not capable of operating efficiently and cannot be easily networked on the scale required for Election Day.

Please note that there are vendors who sell tablet-based EPBs which are able to perform the networking functions on the scale required for Election Day and don't require the construction of an extensive antenna system on Election Day or require complicated network log-in processes for the Election Judges. These vendors have demonstrated their equipment at previous MAEO Conferences. MAEO strongly recommends SBE investigate other EPB options for networking the EPBs on Election Day. However, given the current timeframe for purchasing and implementing a new EPB system, MAEO recommends SBE aim to use new EPBs in the 2022 elections.

- **“Network as many as you can”:** At the February 21st Election Director’s Conference call, one SBE official recommended that the LBEs strive to network as many EPBs as you can. This statement caused many LBE Directors “heartburn,” implying as it does an acknowledgement on SBE’s part that it is known at the outset of the project networking 100% of the EPBs on Election Day will be difficult, if not impossible. The LBEs are concerned that SBE may be overpromising regarding the network capabilities of the system. If the system fails or experiences problems on Election Day, the LBEs are concerned that the Maryland election community may face a situation similar to the 2006 Primary Election, when the initial performance of the current EPBs required extensive hardware changes and software patches, and did significant damage to the public perception of the election process. Given that the 2020 elections will be particularly high profile, and may involve historic voter turnout, the LBEs do not want to risk implementing a process or system that does not have SBE’s full confidence of success.
- **Polling Place Connectivity and Network Testing:** The LBEs are concerned that regulations may be adopted without adequately determining the real-live connectivity at the polling places. The LBEs feel that before regulations are adopted with network connectivity requirements, SBE and the LBEs should partner to study the network connectivity of polling places such as schools, or in areas known for connectivity issues such as in the mountains or near the Chesapeake Bay. SBE should also conduct load testing of the EPB network before writing the regulations in order to avoid creating an implementation project with significant issues, risks, and scope creep.
- **Implementation before the April Primary:** In order to implement this project and have time to address any network or hardware issues, SBE needs to have a project timeline and critical path now. Additionally, network testing needs to start as soon as possible. For a project of this scope, the LBEs will require workforce hours and economic support from the county. For large LBEs, visiting hundreds of polling places and conducting the network tests is going to take extensive coordination between SBE staff, regional managers, LBE staff, and facility staff. Some polling places, such as schools, grant LBE staff limited time in order to conduct testing based on the student schedules. They also have limited availability during the summer due to scheduled renovation projects, and reduced staff hours. Also, some polling places, such as churches, do not employ staff during the week, which means scheduling visits requires lead time and flexibility. In order to implement and complete this project successfully in less than one year, it will require an enormous amount of work, and the LBEs believe that we need to begin now.
- **Election Judge Training and Election Judges Quitting:** Based on previous experience implementing new technology and processes for Election Day, there is always a drop-out factor for Election Judges. In order to combat this, the LBEs need a well-developed training program for the Election Judges regarding how to network the EPBs, how to shut-down the system on Election Night, and how to troubleshoot the system during the day. For many election judges, this will be the first time they’ve been asked to setup technology such as this. If the training program that the LBEs offers doesn’t inspire confidence and make the process as straightforward as possible, many election judges will quit rather than participate.

Additionally, many LBEs are discussing utilizing a technical judge to setup the network on Election Day and paying this election judge more than the Chief Judges in order to increase the likelihood that the election judge will have the skillset required to successfully network the EPBs on Election Day. This technical judge is in addition to the one or two new Same Day Registration (SDR) Election Judge that many LBEs are planning to hire to manage the SDR process on Election Day.

- **LBE staff resources to network polling places:** During Early Voting, many LBEs assign their voting system staff to set up, connect, and troubleshoot the EPB network. However, this will not be possible on Election Day due to the much higher number of polling places to connect to the network. In all likelihood, the process will need to be entrusted to the Election Judges to successfully execute on Election Day.

LBEs are going to need more staff resources to set up the peripheral equipment prior to Election Day, test the network connectivity of the polling places and the EPBs, design new polling place diagrams incorporating the new equipment. Many LBEs will significantly increase the number of election field support staff on for setup before Election Day and on Election Day in order to be able to manage the network and respond to network issues.

- **SBE resources to monitor network and provide adequate support:** The LBEs are concerned that SBE does not have enough trained specialists on staff to provide the level of support to the LBEs this project will require. In order to test the polling places for connectivity and resolve connectivity issues when polling places do not connect, the SBE EPB subject matter experts and regional managers are going to be very busy. There are thousands of polling places across the state which need to be evaluated, and resolving connectivity issues will require time and attention from SBE and LBE staff. The LBEs believe that SBE needs more subject matter experts available from the rollout of the project through the 2020 General Election in order to ensure that there is a minimum sufficient level of support from the state level.
- **Implementation Cost:** The LBEs are concerns that the figure of \$1,000 per polling place on Election Day for networking the EPBs for Same Day Registration is low. For instance, if an LBE hires a technical judge at \$425 for Election Day, including a training class, and a Same Day Registration Judge at \$200 for Election Day, including training, \$625 has already been spent for one election. There will also be equipment costs for modems, antenna, micro-USB hubs, UPS units, cat-5 cables (some of which will need to be extremely long, and therefore much more expensive), and staff costs for additional Election Day Field Support, and voting system staff to complete the project requirements prior to Election Day. The LBEs need a genuine cost analysis to evaluate networking the current EPBs on Election Day.

Recommendations and Conclusions

- **Advantages of HB286:** MAEO recommends that the final Same Day Registration legislation adhere as closely as possible to legislation as written in HB286. There is already a process in place for managing address changes at the polling places with the provisional ballot system. Adding address changes to the tasks of the Same Day Registration Election Judges creates many new complicated scenarios the LBEs feel the Election Judges will not be able to successfully manage.

Additionally, with the implementation of automatic voter registration on July 1, 2019, it is very likely the need for SDR on Election Day will be extremely small. MAEO assumes that 99.9% of voters will register instead of opting not to register. MAEO assumes that this will reduce the number of potential non-registered voters and might make it possible to manage the process without attempting to network the EPBs, since address changes and new registrants who are not pre-verified would need to vote a provisional ballot.

- **Implement new hardware by 2022:** As noted above, there are currently tablet-based solutions capable of achieving the goal of networking all of the polling places in a much more streamlined manner for the election judges, which increases the probability of successfully networking 100% of the EPBs on Election Day. MAEO recommends purchasing one of these systems and implementing it in the 2022 elections after fully testing the system. This will allow the new technology and process to be implemented in a manner that will ensure success and provide the public the assurance that the election system is being operated properly and managed correctly.
- **Limited rollout of EPB networking in 2020:** If it is not possible to avoid networking the EPBs on Election Day, MAEO recommends that SBE work with the LBEs to create a limited rollout of the project. As SBE staff acknowledged at the Election Director call, 100% networking may not be feasible or even possible. In that case, we should work together, on the same page, to create a rollout program that is possible. This may include networking a percentage of predetermined polling places in each LBE on Election Day, or networking a specified EPB at each polling place on Election Day. SBE and the LBEs should conduct testing to determine the most effective method.

If SBE pursues the goal of “network as many as you can,” it all but assures that there will be negative publicity in the election process once the political parties, candidates, and news agencies learn that SBE thought all the EPBs needed to be connected on Election Day, but not all of the EPBs were connected. Even if nothing illicit happens, the story alone will substantially damage the credibility of the election process and the trust of the public in the election system.

Mrs. Lamone
March 1, 2019
Page 6

Thank you for reviewing the concerns of MAEO and the LBE Directors and Deputy Directors. We look forward to working with SBE to develop a workable solution to implement Same Day Registration on Election Day in 2020 and beyond. If you have any questions regarding our concerns, please feel free to contact me at david.garreis@maryland.gov or call 410-222-0405.

cc: MAEO Board of Directors
LBE Directors and Deputy Directors

STATE OF MARYLAND

EXECUTIVE DEPARTMENT

LARRY HOGAN
GOVERNOR

BOYD K. RUTHERFORD
LT. GOVERNOR



**OFFICE OF THE SECRETARY OF STATE
STATE HOUSE**

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TDD: 800-735-2258

JOHN C. WOBENSMITH
SECRETARY OF STATE

I, John C. Wobensmith, Secretary of State of the State of Maryland, under and by virtue of the authority vested in me by Section 8-502 of the Election Law Article of the Annotated Code of Maryland, Do Hereby Certify the following persons for inclusion on the 2020 Republican and Democratic Maryland Presidential Primary ballots:

DEMOCRATIC PARTY

Michael Bennet
Joe Biden
Michael Bloomberg
Cory Booker
Pete Buttigieg
Julian Castro
John K. Delaney
Tulsi Gabbard
Amy Klobuchar
Deval Patrick
Bernie Sanders
Tom Steyer
Elizabeth Warren
Marianne Williamson
Andrew Yang

REPUBLICAN PARTY

Donald J. Trump
Bill Weld



IN TESTIMONY WHEREOF, I hereunto set my hand and have caused to be affixed the Official Seal of the Secretary of State at Annapolis, Maryland, this 2nd day of January in the year Two Thousand Twenty.

A handwritten signature in black ink, reading "John C. Wobensmith".

John C. Wobensmith
Secretary of State

January 15, 2020

RE: Transparency Issues Concerning Wireless Network for Precincts on Election Day

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

Transparency is key for oversight both by board members and the public. The project to implement same-day registration, however, was conducted without transparency, even though the 2020 Presidential election is expected to have especially high voter interest and Russia is known to have probed Maryland's election system in 2016.

The administration's decision to wirelessly network e-poll books to implement same-day-registration could have a dramatic effect on the 2020 elections. Wirelessly networking the e-poll books will create security vulnerabilities and could cause long lines at the polls in Maryland's six largest counties - - the only counties slated to get the wireless network. Nonetheless, this subproject has been conducted with almost no transparency to either the board or the public.

The SBE administration's plan to network the e-poll books was not mentioned to the SBE board members until a member asked about it at the August 2019 meeting. The administration has not presented a clear rationale for the subproject. At the September 2019 SBE meeting, a board member expressed "concern for the complexity of a project like this and asked if other options were considered other than wireless networks." The administrator responded that the question "could be answered in closed session." (September minutes.) The project has never been on the SBE's meeting agenda, discussed in an open meeting since the September, or voted on by the board.

Because a normal process for oversight and approval did not take place, the board was not provided with a clear justification of the need for the wireless network, its risks, or the total cost of the project -- which probably exceeds \$3,000,000 -- and includes costs for the hardware, cellular services (ATT/Verizon), connectivity testing at each polling place, and extra technicians and pollworkers. The costs were submitted piecemeal. The SBE administration initially asked the counties to budget \$1,000 per precinct - for hardware alone; that number has increased to \$1,400 per precinct.

Because a normal process did not take place, neither the board nor the public learned that the Maryland Association of Election Officials sent a March 1, 2019 letter expressing concern that the wireless system could result in long lines and late openings of polling places. It was not discussed that the "SBE would have access to a dashboard to manage the devices and trouble shoot any issues with a pollbook." (Election Directors November meeting.) This remote access, or "backdoor," will increase the vulnerability of the networked e-poll books -- on top of the vulnerabilities that arise from their connection to a wireless network, even an encrypted one.

Yesterday (January 14, 2020), in response to my October 16, 2019 PIA request, I received a summary of the meetings of SBE staff comprising the Same Day Registration and Address Change Working Group. The summaries disclose that, at the first (March 7) meeting of the Group, it was understood that a wireless network would be required to prevent voting at multiple polling places, if same-day address changes were allowed. Although legislation was enacted that disallowed such changes, and that legislation was noted at the Group's March 20 meeting, the Group never reevaluated the need for a wireless network for same-day registration.

Equally important are considerations the meeting summaries suggest the group did not address. Security, for example, did not seem to be a concern. Even as the hardware planned for the network and the system configurations changed over time, there was no discussion of the security implications. Nor was there any discussion of expected data transfer speed or counties' past performance in meeting deadlines, notwithstanding that the administration has stated that it was the speed of data transfer that necessitated this wireless network. Instead, the discussion focused on which precincts should be wirelessly networked: 50% across the state for the 2020 primary; just the precincts in the largest three counties (Montgomery, Prince George's, and Baltimore); all

the precincts in the largest five (adding Anne Arundel County and Baltimore City; or all precincts in the largest six (adding Howard). On August 29, it was inexplicably decided to implement a wireless network for the largest six.

There was also no mention of alternatives to a wireless network in the working group summaries. If the problem was, as suggested, the speed of data transfer from epoll books to a buffer, what alternatives were considered to speed up that process by transferring more data in parallel? If the problem was uploading the data from a buffer to the MDvoters database, what alternatives were considered to speed up that process? Was the alternative of pushing back deadlines considered? My PIA request asked for "Any minutes or correspondence regarding alternatives to networking considered for completing the data transfer in time for the canvass." Apparently there were none.

All of this is a clear example of why greater transparency and oversight is necessary. Although the decision to implement a wireless network was initially based on concerns about change-of-address for same-day registration, the subproject was not reconsidered when legislation disallowed same-day address changes. If the subproject and its rationale had been transparent to the board and public from the start, questions about its need, available alternatives and security concerns could have been raised in a more timely fashion.

I urge the board to vote against implementation of the epoll book wireless network and to ensure that future projects with such important implications for our elections be carried out transparently from the start.

Sincerely,

Lynn Garland