

BEFORE THE MARYLAND STATE BOARD OF ELECTIONS

HOWARD COUNTY BOARD OF ELECTIONS,

Complainant,

v.

HAROLDO DRACHENBERG, *et al*,

Respondents.

FINAL DETERMINATION

Statement of the Case

On July 28, 2006, the Complainant filed with Linda H. Lamone, the State Administrator of Elections, an administrative complaint against nine individuals registered to vote in Howard County, Maryland. *See* Appendix A for list of Respondents. The Complainant alleged that the Respondents provided a non-residential address in Howard County on their respective voter registration applications and were therefore erroneously added to the statewide voter registration list. The Complainant did not request a hearing.

On July 31, 2006, correspondence was sent to each of the Respondents requesting the voter's current residential address and any information to establish that the address provided on the Respondent's voter registration application is a residential address or evidence showing that the residential address on file with the Complaint is the voter's residence. To resolve this determination prior to the deadline to register to vote for the 2006 Primary Election, the Respondents were asked to respond to the correspondence by August 11, 2006.

This administrative procedure is governed by section 3-602 of the Election Law Article of the *Annotated Code of Maryland* and Chapter 33.01.05 of the Code of Maryland Regulations (COMAR). The purpose of the administrative complaint procedure is to provide a fair hearing, if requested, and a speedy determination outside of the judicial system for an individual who: (1) feels aggrieved by an action of a local board of elections regarding voter registration; (2) asserts that an election official has violated the Election Law Article as it relates to provisional ballots; or (3) believes that there is or has been a violation of Title III of the Help America Vote Act of 2002, or a local board of elections which has reason to believe that a registration was erroneously added or omitted from the statewide voter registration.

Findings of Fact

Having considered the information submitted on the record and written reports of the investigation conducted by an employee of the State Board of Elections, I find, by preponderance of the evidence, the following facts:

1. The address of 5550 Sterrett Place, Columbia, Maryland 21044 is the address for numerous businesses. According to the statewide voter registration list, this is the residential address of Respondent Drachenberg.
2. The address of 10015 Old Columbia Road, Suite A200, and Columbia, Maryland 21046 is the address for GeoSyntec Consultants. According to the statewide voter registration list, this is the residential address of Respondent Holmes.
3. The address of 7600 Montpelier Road, Unit 6, and Laurel, Maryland 20723 is a business address. According to the statewide voter registration list, this is the residential address of Respondent Laurent.

4. The address of 9005 Chevrolet Drive, Apt. B, Ellicott City, Maryland 21042 is the address of the New Heritage Church. According to the statewide voter registration list, this is the residential address of Respondent Matson.
5. The address of 6990 Columbia Gateway Drive, Apt. 110, Columbia, Maryland 21046 is the address for Rimkus Consulting Group. According to the statewide voter registration list, this is the residential address for Respondent Mazur.
6. The address of 9130 Red Branch Road, Unit 5, and Columbia, Maryland 21045 is the address for numerous businesses. According to the statewide voter registration list, this is the residential address for Respondent Orloff.
7. The address of 10400 Shaker Drive, Columbia, Maryland 21046-1194 is the address for numerous businesses. According to the statewide voter registration list, this is the residential address for Respondent Patel.
8. Respondent Matson provided his residential addresses.

Discussion

One of the fundamental principles of voting in Maryland is that a voter must only vote for those contests for which the voter is eligible to vote. This determination of which contests a voter is eligible to vote is made solely on a voter's residential address. The requirement for a voter registration applicant to provide his or her residential address is found in COMAR Regulation 33.05.04.03(A)(2). ("To be accepted, every new [voter registration application] shall contain the applicant's . . . [r]esidence address, including any applicable apartment number.") Both the State voter registration application and the National Voter Registration Form request the applicant's residential address.

Because some individuals prefer to receive mail at an address other than their residential addresses, the regulations allow a voter registration applicant to provide his or her mailing address in addition to a residential address. (*See* COMAR 33.05.04.03(A)(3).) On both the State voter registration application and the national voter registration form, there is a specific field for the applicant to provide a mailing address. While an applicant may provide a mailing address, it does not replace the requirement that the applicant must provide a residential address.

Because an individual's residential address is the cornerstone of the voting process, there are two offenses in the Election Law Article that relate to providing an address other than an applicant's residential address and voting where the applicant does not have legal authority to vote. Under section 16-101 of the Election Law Article, any person who willfully and knowingly falsifies his or her residence in an attempt to register in the wrong location is guilty of a misdemeanor. Similarly, section 16-201 makes it a misdemeanor to vote in an election district or precinct without the legal authority to vote in that district or precinct.

On both the State voter registration application and the National Voter Registration Form, the applicant is required to affirm that the information provided on the application or form is true to the best of the applicant's knowledge. An applicant who knowingly provides a non-residential address as his or her residential address may also be violating the affirmation he or she took when signing the application or form.

Order

It is my determination that all of the Respondents provided as their residential address an address other than their residential address.

It is therefore **ORDERED** that:

1. The Complainant notify the Baltimore County Board of Elections that Respondent Matson resides in Baltimore County and facilitate the transfer of Respondent Matson to Baltimore County.
2. The Complainant remove the following Respondents from the statewide voter registration list:
 - a. Haroldo E. Drachenberg
 - b. Brett Coughlin Holmes
 - c. Pierre Alex Laurent
 - d. Harold Marc Lund
 - e. Christine Marie Mazur
 - f. Michael Alan Orloff
 - g. Pravin B. Patel
 - h. Joshua L. Stuart
3. The Complainant complete this order by August 22, 2006.
4. All Respondents be referred to the State Prosecutor.

Date

Linda B. Pierson
Designee of State Administrator

Appeal Rights

Under section 3-602 of the Election Law Article, a final determination regarding the eligibility of an individual to register to vote is subject to judicial review. A petition for judicial review must be filed with the Circuit Court for Anne Arundel County and must be filed by Tuesday, August 22, 2006.

Appendix A

The Respondents to this administrative complaint are:

1. Haroldo E. Drachenberg
2. Brett Coughlin Holmes
3. Pierre Alex Laurent
4. Harold Marc Lund
5. Aaron Luke Matson
6. Christine Marie Mazur
7. Michael Alan Orloff
8. Pravin B. Patel
9. Joshua L. Stuart