

**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

State Board of Elections' Meeting  
151 West Street, Suite 200, Annapolis, MD 21401  
August 28, 2020 – 12:00 pm  
By Video Conference Call  
Revised Agenda – 8/28/20

1. Declaration of Quorum Present
2. Additions to the Agenda
3. Administrator's Report
4. Assistant Attorney General's Report
5. Approval of Withdrawal of and Proposed Changes to COMAR 33.17.02.01 & .02
6. November 3 Election Discussion
  - a. Member's Remarks
  - b. Approval of Early Voting Center Changes
  - c. Approval of Election Day Voting Centers
  - d. Requests to Deploy Additional Ballot Marking Devices
7. Approval of Late Fee Waivers
8. Approval of Departmental Legislative Proposals
9. Approval to Extend SBE Policy 2020-01 – Electronic Petition Signature Acceptance
10. Old Business
11. New Business
12. Disclosure of Campaign Contributions
13. Schedule Next Meeting
14. Closed Session – Legal Advice
15. Adjournment

Closed Meeting: Part of the meeting may be closed in accordance with Open Meetings Act procedures.

Public Participation: Members of the public may address the Board. Pursuant to §3.2B of the Board's bylaws, public participation at a meeting must be pre-scheduled and pre-approved by the Chairman. To request approval to speak at a board meeting, contact Donna Duncan at 410-269-2851 or by email [donna.duncan@maryland.gov](mailto:donna.duncan@maryland.gov) no later than 5 pm the day before the meeting.

Live Streaming: A link to watch the meeting will be available on SBE's website shortly before the meeting starts.

## **Announcements & Important Meetings**

### Election Directors' Meetings

We are meeting weekly with the Election Directors to plan for the upcoming election. Meeting summaries are included in the board meeting folder, and we will continue to provide them as they are finalized.

### US Department of Homeland Security's (DHS) National Table Top the Vote

DHS hosted a virtual tabletop exercise for state and local election offices and federal agencies that support elections. The same exercise was held each day (July 28-30) to allow as many election officials to participate. Representatives from Maryland participated all three days and practiced responding to various scenarios, such as dis- and misinformation, loss of printed ballots, website attacks, physical threats against polling places and ballot boxes, USPS delivery issues, etc.

## **2020 Special General Election and Presidential Primary Election: Follow Up**

### Post-Election Audits

Draft reports for the comprehensive audit of the special primary and special general elections in the 7th Congressional District have been shared with the local boards. A final report for each local board will be issued after the local boards have time to review and respond to the draft reports.

After each election, we perform a comprehensive audit and an automated ballot tabulation audit. The web portal for the automated tabulation audit for the primary election has been published. It can be viewed [directly](#) or from our [ballot audit plan webpage](#).

Work continues on the comprehensive audit for the 2020 Primary Election. Staff collected and reviewed various documentation from the local boards, and the draft audit reports are being prepared.

## **2020 General Election Preparation**

### Mail-in Ballot Application Mailer

The mail-in ballot applications were put into the Phoenix, Arizona mail stream on August 24 and August 25. These mailers include instructions, an application for a mail-in ballot, and a return envelope with pre-paid postage. Voters should start seeing the applications in their mailboxes today or over the weekend. There will be two supplemental mailings to individuals who registered to vote or changed an address after August 6, the date the file was exported and provided to the vendor.

This mailing was sent to about 4 million voters. Voters who had requested a mail-in ballot and the local board had processed that request by August 6 were not sent the application form. Some voters who submitted their requests before August 6 will receive this mailing; this is because the request had not been processed by August 6. We encourage voters who submitted a request for a mail-in ballot but received the mailer to use our [voter look-up website](#) to verify that their prior request has been processed. Voters do not need to send a second request.

### Call Center

The call center started on August 27 and is handling calls for 18 local boards and SBE. The call center will answer general election questions through election day.

### Data Processing Center

We have located one possible facility for a data processing center and are trying to identify other locations. The facility must have computers and meet certain telecommunications requirements. We will test the

facility's connectivity over the next couple of days.

We are working with the Department of Budget and Management (DBM) to identify State employees who may be available to help process requests for mail-in ballots and the Maryland Association of Election Officials to provide support and oversight of employees working at the data processing center. DBM has also posted an online job announcement for temporary data entry work.

This effort is needed to support the local boards in processing the large number of expected requests for mail-in ballots. As of August 27, over 378,000 voters have requested a mail-in ballot, and this number is expected to increase dramatically with the arrival of the ballot application mailer.

#### Use of Online Voter Services

On August 17, we released a streamlined system for registered voters to request a mail-in ballot. In its first eight days, over 72,966 requests for mail-in ballots were submitted.

The use of the online voter registration system is also seeing high usage. From July 24 through August 24, over 247,000 transactions were submitted. Facebook generated over 16,000 transactions.

We expect voters to continue to use these systems leading up to the election. Usage in the last month is more typical of the October before a presidential general election.

#### Election Judge Recruitment

Many of the local boards report that they can now staff all of their voting locations and are now looking for voters who can serve as substitute judges in case other judges cannot serve. A few locations need election judges from certain political parties. Allegan County is looking for Democratic judges, and Baltimore City and Baltimore, Montgomery, Prince Georges', and Talbot Counties are looking for Republican judges. We updated our [election judge webpage](#) to reflect this information.

#### Ballot Drop Boxes

We have ordered ballot drop to accommodate requests from the local boards. Once manufactured, the additional boxes will be delivered to SBE's central warehouse and deployed around the State. The boxes will be available continuously from installed through 8 pm on election day. These boxes provide voters with a way to return voted ballots without relying on the United States Postal Service.

#### Public Awareness Campaign

A broad, statewide public awareness campaign to encourage individuals to verify the accuracy of registration data and inform voters of the voting opportunities during the 2020 general election began this week. Digital images will appear first, followed by radio and TV informational spots and on-going press releases. The team has developed extensive website content, created graphics that will be used throughout the election, is coordinating the countless media inquiries and organizing interview schedules. Team partners also assist with tracking social media issues.

#### Ballot Production

Natasha Walker finished creating the ballot database and laying out 2,000 ballot styles. The increased number of ballot styles is the result of providing precinct-level results for early voting and mail-in voting. The local boards are now proofing the various versions of the ballots - paper, ballot marking device version, and audio ballots. Once proofed, the ballots will be posted for public review before the ballots are certified and printing can start on September 3.

### Mailing Ballots

With the certification of the ballots, the printing of mail-in ballots can begin. Ballots for military and overseas voters will be transmitted on September 18, as required by the federal Military and Overseas Voters Empowerment Act. Ballots for domestic, civilian voters are scheduled to be transmitted in late September.

### **Voter Registration**

#### MDVOTERS

MDVOTERS will have a release this weekend (August 28) to implement enhancements to the election judge module and ballot management processes. One enhancement allows for “by precinct” ballots, which allows for results reporting at the precinct level for mail in ballots and early voting. Another major enhancement is the option to accept ballots in batches during canvassing. This functionality means that we can update voters’ status of their ballot on the Voter Look-Up website.

#### Political Party Recognition

The Green Party and the Libertarian Party are once again considered recognized political parties in Maryland following the validation of petition signatures. We will move forward with printing new voter registration applications that add those choices to the party affiliation options.

#### MVA Transactions

During July, MVA collected the following voter registration transactions:

New Registration - 9,596	Residential Address Changes - 18,135
Last name changes - 1,410	Political Party Changes - 4,306

#### Electronic Registration Information Center (ERIC)

Reports of deceased voters and duplicate registrations were sent to the local boards. The deadline to complete these reports is September 4.

#### Training

Janet Smith will conduct a Go-To training for local boards covering a variety of voter registration topics. These topics include provisional ballots, mail in ballots and general voter registration issues. We asked the Election Directors to provide additional topics they would like to see addressed.

#### Non-Citizens

As a result of all resources focusing on election operations, no information is available at this time.

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

#### Candidacy

The deadline to file a certificate of candidacy for petition, non-principal political parties and new political parties was August 3. All of the Green and Libertarian candidates are active. The Democratic and Republican Parties have filed the certificate of nominations for their respective Presidential and Vice-Presidential candidates.

#### Campaign Finance

On August 25, the 2020 Pre-General 1 Report was due for Presidential/Baltimore City designated political committees. Over 78% of the committees filed timely. Fee Running Notices will be sent to non-compliant committees reminding them of their filing obligations. Failure to file timely will result in a fine of \$20 per day for the first seven days late, \$35 per day for the next seven days, and \$50 per day (up to \$1,000) after fourteen days. Additionally, failure to file may result in the non-issuance of the commission to be sworn into office. The late fee must be paid with campaign funds.

## Enforcement

Since July 31, the Office of State Prosecutor has collected \$20,610 in civil penalties from numerous CCF referrals outside of late fees.

The CCF Division received payment for the following civil penalties:

1. On July 31, the Carroll County Republican Central Committee paid \$2,000.00 for failure to record all contributions and expenditures and for failure to maintain account books and records - bank records.
2. On August 11, the Friends of Hassan Allan-Giordano committee paid \$100.00 for disbursement by unauthorized method - cash greater than \$25.00.

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

### Inventory Management

The PMO continues to reconcile the FY20 inventory items that were not audited in preparation for the submission of the annual inventory reports to the Department of General Services (DGS) in September.

Started the planning work for the SBE's 2020 General Election operations support requirements. This involves determining the levels of technical and operational support that will be needed for the election in addition to how the support will be provided.

### FY2022 Pollbook Project

The PMO continued working on tasks related to the project that included:

- Continued internal and external (e.g., with the Department of Information Technology (DoIT) information gathering and status meetings
- Continued to work on the several Major Information Technology Development Projects (MITDP) documentation requirements
- Continued development work on the Request for Proposal that includes the requirements development for the pollbook solution. SBE management and procurement reviews have started and will continue for the next couple of weeks and followed by external reviews
- Continued the detailed analysis and documentation work on the Contingency Plan document that included discussions concerning the level of support and licensing that would be necessary to keep the legacy pollbook system available, if required, for the 2022 election cycle.

### Other

The Central Warehouse team is planning and preparing for a number of upcoming warehouse related activities that include training sessions for trainers held at the facility, receiving and sending out of the ballot drop boxes, and fulfilling the local boards' requests for equipment and supplies. The team is also making sure that everyone entering the warehouse follows the COVID-19 guidelines for distancing and wearing a face mask or other face covering.

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**Contact:**

Julie Scharper  
410-409-9346  
jscharper@hillmanpr.com

**Maryland State Board of Elections Encourages Eligible Residents to Register to Vote in November's General Election**

***Elections Officials also Urge Those Already Registered to Vote to Verify Their Registration Information Online***

**ANNAPOLIS (Aug. 27, 2020)** – The Maryland State Board of Elections is encouraging eligible residents who have not yet registered to vote in the Nov. 3 general election to do so online. The board is also urging those who have already registered to go online to confirm that their mailing address and other registration information is up to date.

The deadline to register to vote in the general election and to verify voter registration information online is Oct. 13. Voters wishing to register to vote or to check their registration status should visit the following web page:

<https://voterservices.elections.maryland.gov/OnlineVoterRegistration/InstructionsStep1>.

While there are multiple ways to participate in the 2020 Presidential Election, due to the COVID-19 pandemic the Maryland State Board of Elections is encouraging all eligible Marylanders to cast mail-in ballots. Voting by mail is a safe and secure way of voting.

To cast mail-in ballots, Maryland residents must request a mail-in ballot from the State Board of Elections or their local board of elections. The Maryland State Board of Elections will automatically send all eligible voters an application for a mail-in ballot by first-class U.S. Mail.

Voters who have already requested a ballot and receive a ballot application in the mail should [go online](#) to verify their application has been processed. It is not necessary to send in two ballot requests. Ballot applications come with a postage-paid return envelope to make it easy and free for voters to request ballots.

Any eligible voter who does not automatically receive a ballot application by mail may request a ballot [online](#) or by printing and returning by mail or fax the request form on the State Board of Elections' [website](#). All requests for a mail-in ballot must be **received by Oct. 20, 2020**. When requesting a ballot by mail, voters should leave at least five business days for the United States Postal Service to deliver the application to the [local board of elections](#).

Mail-in ballots will be sent via first-class mail to the address the voter provides on the ballot request.

“It is essential that all eligible Maryland residents have the opportunity to participate in the general election being held November 3,” said Maryland State Board of Elections Administrator Linda Lamone. “For those who have not yet registered to vote, we strongly encourage you to do so. If you have already registered, please take this opportunity to review your voter registration information online and make any necessary updates. This will help ensure you have a seamless voting experience.”

**###**

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## Memorandum

**To:** State Board Members  
**From:** Nikki Charlson  
**Date:** August 28, 2020  
**Re:** Proposed Emergency Regulations – Subtitle 17

At today's board meeting, I will propose emergency changes to Subtitle 17 – Early Voting.

These changes are necessary to allow the local boards of elections to change previously approved early voting centers or add additional early voting centers. The proposed emergency changes allow a local board to change the location of or establish a new early voting center if: (1) a previously approved center is no longer available; (2) a local board determines that there is a more suitable location; and (3) a local board approves an early voting center authorized under Election Law Article, §10-301.1(b)(7)<sup>1</sup>.

In order to effectuate this, the Board will first need to pass a motion to suspend the requirements of Election Law Article, § 10-301.1(c), which requires each early voting center to be designated “no later than 6 months before a primary election.” The Board has the authority to do this under the Governor’s emergency delegation of suspension authority to agencies with regard to deadlines, timeframes, etc., in the statutes they administer, as outlined in the Governor’s Emergency Order dated June 19, 2020. Because the current regulations already build in a timeframe for submission and approval of early voting centers for this election, the suspension will not have an effect on existing early voting centers, except that it will allow the regulations contemplating late additions to early voting centers to come to pass.

If you have questions, please don't hesitate to ask.

<sup>1</sup> This provisions authorizes a local board to establish an additional early voting center if the State Board, in collaboration with the local board, and the governing body of the county agree to establish an early voting center.

# Title 33 STATE BOARD OF ELECTIONS

## Subtitle 17 EARLY VOTING

### Chapter 02 Early Voting Centers

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

#### .02 Selecting Early Voting Centers.

##### A. Form for Proposed Early Voting Center.

(1) (text unchanged)]

(2) Form Submission for Early Voting Center.

(a) *Except as provided in § A(2)(c) of this regulation, [At] at least 7 months before a primary election, a local board shall submit a form for each proposed early voting center.*

(b) (text unchanged)

(c) *The State Administrator shall permit a local board of elections for that county to establish or change an early voting center no later than October 20, 2020, provided that all other requirements of an early voting center as established in COMAR 33.17 can be met, if:*

(i) *A previously approved center is no longer available;*

(ii) *A local board determines that there is a more suitable location; or*

(iii) *A local board approves an early voting center authorized under Election*

*Law Article §10–301.1(b)(7).*

B. – E. (text unchanged)

##### F. Approval of Early Voting Centers.

(1) (text unchanged)

(2) The State Board shall:

(a) *Except as provided in § F(2)(d) of this Regulation, [Vote] vote on a local board's proposed early voting center within 30 days of receipt of the form required in §A of this regulation;*

(b)- (c) (text unchanged)

(d) *For any early voting center established pursuant to Regulation .02A(2)(c) of this Chapter, vote on the local board's proposed early voting center no later than October 25, 2020.*

(3) (text unchanged)

G. (text unchanged)

## ASSISTANT ATTORNEY GENERAL'S REPORT

August 27, 2020

1. *Fusaro v. Davitt et al.*, No. 20-1879 (U.S.C.A. for the 4th Cir.). Plaintiff Dennis Fusaro brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. On July 12, 2019, the Fourth Circuit vacated the dismissal order, and remanded the case for further proceedings. The parties then conducted discovery and briefed dispositive summary judgment motions. On July 14, 2020, the Court awarded Summary Judgment to the defendants on the issue of whether the "electoral process" requirement was unconstitutionally vague, and declined to reach the issue of whether Maryland's registered voter requirement violates the First Amendment. On August 12, 2020, plaintiff filed a notice of appeal in the U.S. Court of Appeals for the Fourth Circuit. Plaintiff's opening brief is due September 23, 2020.

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. *National Federation of the Blind, Inc., et al. v. Lamone et al.*, No. 1:19-CV-02228-ELH (U.S. District Court, D. Md.). No change from the last update. On August 1, 2019, the National Federation of the Blind ("NFB"), NFB's Maryland chapter, and three individual plaintiffs filed a lawsuit against the State Administrator and the individual members of the State Board of Elections alleging that SBE's BMD policy has, in practice, violated the rights of voters with disabilities "to an equal opportunity vote in person by a secret ballot," in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Plaintiffs seek an order requiring the State

Board “in all future elections to offer BMDs to every in-person voter as the default method of voting, with paper ballots offered only to those voters who affirmatively opt out of using the BMD or in cases where there are long lines of people waiting to vote.” On September 3, 2019, defendants filed a motion to dismiss the complaint, and on September 20, 2019, plaintiffs filed a motion for a preliminary injunction, seeking relief in time for the November 2020 election. On February 10, 2020, the court denied the defendants’ motion to dismiss, and denied the plaintiffs’ motion for preliminary injunction. On February 24, 2020, the Court entered a scheduling order governing the discovery period for the case, and on June 11, 2020, the Court modified that scheduling order following a joint motion by the parties. Discovery is now scheduled to close on November 9, 2020, and dispositive motions are due November 30, 2020.

4. *Hewes v. Alabama Sec’y of State et al.*, No. 1:19-cv-09158-JMF (U.S. District Court, S.D.N.Y.). On October 3, 2019, plaintiff Henry F. Hewes, a putative candidate for the Democratic nomination for President for the 2020 election, sued the unnamed Secretaries of State of 43 states, (including Maryland), alleging that state-imposed limitations on ballot access for federal presidential candidates violate the First and Fourteenth Amendments to the U.S. Constitution. Plaintiff seeks an order compelling the defendants to place the name of the plaintiff and any other candidate who has registered with the Federal Election Commission on the primary ballots of the states named as defendants. The Defendants jointly filed a motion to dismiss asserting common arguments for dismissal on December 19, 2019. On January 23, 2020, the plaintiff filed an amended complaint, and the defendants thereafter renewed their joint motion to dismiss. On July 23, 2020, the Court granted the motion to dismiss.

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

between the cases. The parties have now agreed to resolve the case on terms similar to the resolution of the *Judicial Watch* matter.

6. *Chong Su Yi v. Hogan*, Nos. 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). On March 6, 2020, plaintiff Chong Su Yi filed four apparently identical complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 2018 elections, and 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. The complaints are substantially identical to complaints Mr. Chong filed in 2019, which the court dismissed with prejudice earlier this year. Defendant moved to dismiss the complaints on May 3, 2020. Beginning on May 15, 2020, Mr. Chong filed substantially identical amended complaints in these actions, this time adding the State of Maryland as a Defendant in addition to Governor Hogan. The Defendants have moved to dismiss these complaints, or in the alternative have sought summary judgment on plaintiff's claims. The Court held a hearing on Defendants' motions in all four matters on August 25, 2020, and at the conclusion of the hearing granted the Defendants' motions. On August 26, 2020, the plaintiff filed motions for reconsideration of the Court's dismissal order.

7. *Dhillon v. Lamone, et al.*, No. 1:20-cv-02197-RDB (U.S. Dist. Ct., D. Md.). On July 28, 2020, plaintiff Kahan S. Dhillon, Jr., a petition candidate seeking to appear on the ballot as an unaffiliated nominee in the election for Mayor of Baltimore, filed a complaint against Secretary of State John Wobensmith and State Administrator of Elections Linda Lamone seeking a reduction by 90% in the number of signatures required for petition candidates to appear on the ballot, and an extension of 28 days from the August 3 deadline in order to obtain those signatures. On July 29, 2020, plaintiff filed a motion for preliminary injunction to obtain the relief sought in his complaint, and Defendants filed an opposition to that motion on the same day. On July 30, 2020, the Court held a hearing on plaintiffs' motion, and denied the motion on July 31, 2020.

8. *McCarthy v. Hornberger*, No. C-07-CV-20-000261 (Cir. Ct. Cecil Cty.). On July 25, 2020, plaintiff Alan McCarthy, the incumbent Cecil County Executive, filed a complaint against Danielle Hornberger, the certified winner of the Republican Primary for Cecil County Executive; the Cecil County Board of Elections; and Lora Walters, the former Deputy Director for the Cecil County Board of Elections, alleging that Ms. Hornberger's candidacy was null and void due to the candidate's alleged failure to file a

county ethics disclosure form, and that Mr. McCarthy, because he received the second-highest number of votes in the election, should be declared the nominee. Among other forms of relief, plaintiff sought preliminary and permanent injunctive relief, and filed a motion for temporary restraining order along with his complaint. On August 12, 2020, plaintiff filed an amended complaint naming the State Board of Elections as defendant, and alleging additional grounds for the voidance of Ms. Hornberger's candidacy. On August 13, 2020, the Court held a show cause hearing on why the injunctive relief requested in the complaint should not be granted. On August 18, 2020, the Circuit Court issued a Memorandum Opinion and Order denying the requested injunctive relief.



Erin Perrone -SBE- <erin.perrone@maryland.gov>

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## Request for additional BMDs at Vote Centers

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**Diane Loibel** <dloibel@alleganygov.org>  
To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>  
Cc: Erin Perrone -SBE- <erin.perrone@maryland.gov>

Thu, Aug 27, 2020 at 3:14 PM

Nikki,

We are asking for permission to have 3 BMDs at the Mountain Ridge High School Vote Center and 4 BMDs at the Fort Hill High School Vote Center. We have plenty of space and outlets at each location to add the additional BMD(s).

Thanks,

*Diane Loibel*

*Election Director*

*Allegany County Board of Elections*

*Phone: 301-777-5931*

*Fax: 301-777-2430*



Learn more at [alleganycensus2020.org](http://alleganycensus2020.org)  
f @AlleganyCountyCensus2020 @AICoCensus2020

**Diane Loibel**  
Administrator of Elections  
Election Office  
Allegany County Government

t: 301-777-2526  
w: <http://www.alleganygov.org>  
a: Allegany County Office Complex  
701 Kelly Rd  
Cumberland, MD 21502



Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

## Baltimore County request to deploy additional Ballot Marking Device's

1 message

**Katie Brown** <kabrown@baltimorecountymd.gov> Wed, Aug 26, 2020 at 1:53 PM  
To: "Charlson, Nikki (Nikki.Charlson@maryland.gov)" <Nikki.Charlson@maryland.gov>, "Duncan, Donna (Donna.Duncan@maryland.gov)" <Donna.Duncan@maryland.gov>  
Cc: Shafiq Satterfield -SBE- <shafiq.satterfield@maryland.gov>, Nancy Stratton <nstratton@baltimorecountymd.gov>

Baltimore county requests to deploy an additional BMD to each election day vote centers - total of three (3) BMD's at each site, thirty-one sites.

Three (3) will also be deployed to each of the eleven (11) early voting sites for the nine (9) days of voting.

Thanks,  
Katie

Katie Brown, Director  
Baltimore County Board of Elections  
11112 Gilroy Road, Suite 104  
Hunt Valley, MD 21031  
410-887-5700

[<http://www.baltimorecountymd.gov/sebin/g/i/signature-covid-mask.gif>]<<https://www.baltimorecountymd.gov/news/coronavirus.html>>

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<<https://www.linkedin.com/company/baltimore-county-government>>

[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)<<http://www.baltimorecountymd.gov>>

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# CAROLINE COUNTY BOARD OF ELECTIONS

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Fax: (410) 479-5736

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[www.carolinemdelections.org](http://www.carolinemdelections.org)

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August 27, 2020

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

Dear President and Members of the Board:

I'm writing to request approval to deploy additional Ballot Marking Devices (BMDs) to our election day vote centers. We'd like to deploy two additional BMDs to each of our election day vote centers, for a total of 4 at each location.

Sincerely,

Allison Murphy  
Election Director



Erin Perrone -SBE- &lt;erin.perrone@maryland.gov&gt;

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## Request for BMD Waiver - Cecil County

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**Ruie Lavoie** <RLavoie@ccgov.org>

Thu, Aug 20, 2020 at 11:31 AM

To: Erin Perrone -SBE- &lt;erin.perrone@maryland.gov&gt;

Cc: Donna Duncan -SBE- &lt;donna.duncan@maryland.gov&gt;, Karen Perry &lt;KPerry@ccgov.org&gt;

Erin,

Cecil County is requesting permission to deploy 4 ballot marking devices (BMD) to all of our vote centers on Election Day. Below is a list of our vote centers:

- 1 Cecil County Government Administration Building, [200 Chesapeake Blvd, Elkton, MD 21921](#)
- 2 Elkton High School, [110 James Street, Elkton, MD 21921](#)
- 3 Rising Sun High School, [100 Tiger Drive, North East, MD 21901](#)
- 4 Perryville High School, [1696 Perryville Road, Perryville, MD 21903](#)
- 5 North East High School, [300 Irishtown Road, North East, MD 21901](#)
- 6 Bohemia Manor High School, [2755 Augustine Herman Hwy, Chesapeake City, MD 21915](#)

Please advise if the State Board approves y waiver and thank them for their consideration.

Be well,

Ruie

*Ruie Marie Lavoie*

Director

Cecil County Board of Elections

Secretary, Maryland Association of Election Officials (MAEO)

MAEO Conference Planner

[200 Chesapeake Boulevard, Suite 1900](#)[Elkton, Maryland 21921](#)[rlavoie@ccgov.org](mailto:rlavoie@ccgov.org)

Office: 410.996.5310

Fax: 888.979.8183



[Cecil County Government, Customer Service Survey](#)

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Thank you.



Nikki Charlson -SBE- &lt;nikki.charlson@maryland.gov&gt;

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## Dorchester BMD Deployment Request

1 message

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**Jessica Noranbrock -SBE-** <jessica.noranbrock@maryland.gov>

Thu, Aug 20, 2020 at 12:22 PM

To: Nikki Charlson -SBE- &lt;nikki.charlson@maryland.gov&gt;

Cc: Erin Perrone -SBE- &lt;erin.perrone@maryland.gov&gt;, Shafiq Satterfield -SBE- &lt;shafiq.satterfield@maryland.gov&gt;, Gwendolyn Dales -SBE- &lt;gwendolyn.dales@maryland.gov&gt;, Kim Jones -SBE- &lt;kim.jones1@maryland.gov&gt;, "Sloane P. Hurley -SBE-" &lt;sloanep.hurley@maryland.gov&gt;

Good afternoon Nikki,

Dorchester County would like to request approval to deploy four (4) Ballot Marking Devices to the following Vote Centers on Election Day:

- Cambridge South Dorchester High School
- North Dorchester High School

Please let me know what we need to submit to SBE in order to get on the agenda for Board approval.

Thank you,  
Jessica

--

**Jessica Noranbrock****Data Application Specialist**

Dorchester County Board of Elections

PO Box 414/ 501 Court Lane Rm. 105

Cambridge, MD 21613

410-228-2560

410-228-9635 (fax)

[jessica.noranbrock@maryland.gov](mailto:jessica.noranbrock@maryland.gov)



# **Frederick County Board of Elections**

340A Montevue Lane, Frederick, Maryland 21702  
FrederickCountyMD.gov/elections

301-600-VOTE (8683)  
ElectionBoard@FrederickCountyMD.gov



August 28, 2020

TO: Erin Perrone, State Board of Elections

FROM: Stuart Harvey, Election Director

SUBJECT: Expressvote Use for Frederick County Vote Centers – 2020 General Election

This is a request to the State Board to allow up to 6 Expressvote machines to be used for vote centers in Frederick County for the 2020 General Election.

Thank you.



Nikki Charlson -SBE- &lt;nikki.charlson@maryland.gov&gt;

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**Re: Deploy greater numbers of Ballot Marking Devices**

1 message

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**Jurgensen, Margaret** <Margaret.Jurgensen@montgomerycountymd.gov>  
To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Thu, Aug 27, 2020 at 11:18 AM

Number ranges from 8 to 20 BMD

Sent from my iPhone

On Aug 27, 2020, at 11:13 AM, Nikki Charlson -SBE- &lt;nikki.charlson@maryland.gov&gt; wrote:

**[EXTERNAL EMAIL]**

Margaret,

Do you have a maximum number? I expect that the State Board will ask what the "more" means....

Nikki

[www.elections.maryland.gov](http://www.elections.maryland.gov)On Thu, Aug 27, 2020 at 11:08 AM Jurgensen, Margaret <Margaret.Jurgensen@montgomerycountymd.gov> wrote:  
Montgomery County Board of Election is requesting for all Early Voting Centers and Vote Center permission to deploy eight (8) or greatEr BMDs for Presidential General Election.

Sent from my iPhone

Take 10 minutes to be counted now – visit: <https://2020census.gov/>[<https://www.montgomerycountymd.gov/mcg/Resources/Images/stay-home-covid19.jpg>]For COVID-19 Information and resources, visit: [www.montgomerycountymd.gov/COVID19](http://www.montgomerycountymd.gov/COVID19)<<https://www.montgomerycountymd.gov/COVID19>>



Erin Perrone -SBE- <erin.perrone@maryland.gov>

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## BMD's

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**Christine Jones -SBE-** <christine.jones@maryland.gov>

Thu, Aug 27, 2020 at 11:30 AM

To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>, Erin Perrone -SBE- <erin.perrone@maryland.gov>

Cc: Kim Spence -SBE- <kim.spence@maryland.gov>

Good morning,

We would like to request the ability to put 4 BMD's at our Election Day Vote Centers.

Thanks,  
Chrissy

--

*Christine Jones, CPO*

**Election Officials Division Director, International Association of Government Officials**

*Election Director*

*Queen Anne's County Board of Elections*

*110 Vincit St., Suite 102 Centreville, MD 21617*

*410-758-0832*





Nikki Charlson -SBE- &lt;nikki.charlson@maryland.gov&gt;

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**Request additional DS200**

1 message

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**Joanna Emely -SBE-** <joanna.emely@maryland.gov>  
To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Thu, Aug 27, 2020 at 12:30 PM

Hi Nikki,  
Somerset would like to request 2 additional BMD's for each of our Vote Centers on Election Day.  
Thank you for your help with this request.  
Stay well.  
Joanna

--

*\*Please make sure to use only [Joanna.Emely@maryland.gov](mailto:Joanna.Emely@maryland.gov) when emailing.\***Joanna W. Emely, CERA*

Election Director  
Somerset County Board of Elections  
[11916 Somerset Ave.](#) P.O. Box 96  
Princess Anne, MD  
410-651-0771 - office  
410-651-5130 - fax



Erin Perrone -SBE- &lt;erin.perrone@maryland.gov&gt;

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## Additional Ballot Marking Devices

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**Jeri Cook -SBE-** <jeri.cook@maryland.gov>

Thu, Aug 27, 2020 at 12:04 PM

To: Erin Perrone -SBE- &lt;erin.perrone@maryland.gov&gt;, Nikki Charlson -SBE- &lt;nikki.charlson@maryland.gov&gt;

Hi Erin and Nikki,

I would like to request two additional ballot marking devices on Election Day for Easton High School, Easton Firehouse and St Michael's High School. This would be a total of 4 for each of these vote centers. We had a larger number of voters than ever requesting the use of the BMD in the primary.

Thank you,

***Jeri M. Cook***

***Election Director***

***Talbot County Board of Elections***

***215 Bay Street, Suite 7, P.O. Box 353***

***Easton, MD 21601***

***Phone: 410-770-8098***

***FAX: 410-770-8078***



Erin Perrone -SBE- <erin.perrone@maryland.gov>

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## Request to deploy additional BMD's to Vote Center

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**Kaye Robucci -SBE-** <kaye.robucci@maryland.gov>

Thu, Aug 27, 2020 at 11:40 AM

To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>, Erin Perrone -SBE- <erin.perrone@maryland.gov>, Donna Duncan -SBE- <donna.duncan@maryland.gov>

Cc: Kaye Robucci -SBE- <kaye.robucci@maryland.gov>, Barry Jackson -SBE- <barry.jackson@maryland.gov>

Hi Nikki,

I would like to request approval of the State Board to deploy (4) Ballot Marking Devices to each Election Day Vote Center in Washington County. The Ballot Marking Devices were heavily requested and used during the June 2 Primary Election and we feel it imperative to provide additional BMD's during the November 3, General Election.

Thank you very much,

Kaye

Telephone: 410-632-1320

Fax: 410-632-3031



MD RELAY SERVICE:

1-800-735-2258

Worcester County Board of Elections  
201 Belt Street, Suite C  
Snow Hill, Maryland 21863-1320

TO: Linda Lamone  
FROM: Patricia Jackson, Election Director  
DATE: August 27, 2020

Worcester County Board of Elections would like to request the use of additional Express Votes for our early voting center, Roland E. Powell Convention Center. We would like to use five Express Votes during early voting and on Election Day.

We would also like to request approval to use five Express Votes at our vote center in Pocomoke, Pocomoke Community Center.

The other vote centers will use 4 Express Votes. Thank you for your consideration.

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

# Memorandum

**To:** State Board Members  
**From:** Jared DeMarinis  
**Date:** August 28, 2020  
**Re:** Proposed Departmental Legislation

At the next board meeting, I will propose legislative changes to the Election Law Article for your approval. These proposed changes are based on a review of Election Law Article by staff. There are six departmental bills<sup>1</sup> for your review and approval.

The first three proposed bills were previously approved by the Board as departmental last year. The first bill removes a subjective deadline for when a political committee must file a final campaign finance report and close. In the 2020 Legislative Session, the bill passed the House of the Delegates with amendments. However, the bill did not pass the Senate prior to Sine Die.

The second bill protects contributors' information on the website and campaign finance reports. The bill is modeled after a federal campaign finance contribution information protection statute preventing the use of the information for commercial solicitations. See 52 U.S.C. §3011(a)(4) and 11 CFR 104.15. The bill passed the Senate but failed to be passed in the House due to the truncated legislative session.

The last bill previously approved by the State Board, Bill #3, would increase statute of limitations on Election Law Article offenses from three (3) years to four (4) years. This change has the support of the Office of the State Prosecutor. It will increase enforcements regarding prosecutions for an over-contribution from the prior election cycle and late filing fees. This proposal passed the House but failed to be passed in the Senate due to the truncated legislative session.

Bills 4 through 6 consist of two enforcement clarifications and technical changes in the election calendar to align with ballot printing schedule. Bill #4 clarifies the enforcement powers of the Office of State Prosecutor to seek civil penalties against entities in violation of

<sup>1</sup> Bold text is new language, and text between bolded brackets is being deleted.

the provisions in Title 14. When Title 14 was amended in 2013, late fees were to be processed by the State Board in same methods and manner as a political committee in Title 13. However, Title 13 expressly authorizes the Office of State Prosecutor with civil authority. That same provision is only inferred in Title 14. This proposed legislation for approval clarifies the civil enforcement authority and assists in the referral of late filing Title 14 offenders. The Office of the State Prosecutor supports this proposed legislation.

Bill #5 increases the enforcement authority of the State Board of Election regarding certain enumerated offenses in the Public Financing program for Governor. The offenses are similar in nature to the current enforcement authority the State Board has under Title 13 of the Election Law Article.

Lastly, bill #6 is an election calendar correction bill. The proposed legislation alters certain deadlines to avoid disruption with ballot printing. The proposed legislation changes the deadline for replacement candidate for a Governor and Lieutenant Governor in a primary election and the certification of a ballot question.

### **Departmental Legislation:**

#### **Summary of Bill #1:**

1. Limits when a campaign finance entity is required file a final campaign finance report and terminate to certain dates. The payment of a final debt associated creates too much uncertainty for enforcement actions. **(13-310)**
2. Requires the State Board to send out notices prior to the termination of the committee.

#### **Summary of Bill #2**

1. Protecting contributors from solicitations by a commercial vendor using campaign finance report for their information.
2. Allowing for the publication of the contribution information if the primary purpose is not a commercial solicitation.

#### **Summary of Bill #3**

1. Changes the statute of limitations from three to four years. **(Courts and Judicial Proceedings §5-106)**
2. Updates the code with new enforcement provision for issuance of civil penalties.

#### **Summary of Bill #4**

1. Allows the Office of the State Prosecutor to issue civil citation for late filings of the Contributor Disclosure Statement from persons doing public business.

#### **Summary of Bill #5**

1. Grants the State Board new enforcement authority.

2. Provides for the issuance the civil citation by the State Board on enumerated offenses in the Gubernatorial public financing program. (15-110.1)

**Summary of Bill #6**

1. Changes the deadline for replacement candidates for Governor and Lieutenant Governor
2. Changes the deadline for certification of a ballot question to the State Board
3. Remove the requirement that a person may only receive the summary either in person or by mail

## A BILL ENTITLED

AN ACT concerning

### **Election Law – Disclosure of Contributions by Persons Doing Public Business – Enforcement**

FOR the purpose of altering the manner in which the State Board of Elections is authorized to impose fees for the late filing of certain statements of contributions by persons doing public business; requiring certain persons who violate certain provisions of law requiring disclosure of contributions by persons doing public business to pay a civil penalty in accordance with certain provisions of this Act; prohibiting a certain penalty from exceeding a certain amount; providing that a certain infraction is a civil offense; authorizing certain persons the State Prosecutor to issue a civil citation in a certain manner under certain circumstances; requiring the State Prosecutor to file a certain citation in the District Court; requiring that the citation be served in accordance with certain rules; requiring the District Court to schedule a case for trial and make a certain notification under certain circumstances; requiring that the trial be conducted in a certain manner; requiring the District Court to distribute certain fees to a certain fund; providing that a certain violation is not a criminal conviction; providing that a certain person is liable for certain costs; authorizing the District Court to take certain actions at the request of the State Prosecutor if a person served with a citation fails to appear for trial; requiring certain penalties to be distributed to the Fair Campaign Financing Fund; increasing the maximum amount of a certain fine for certain violations of certain provisions of law requiring disclosure of contributions by persons doing public business; prohibiting a person from making a certain statement under oath in certain filings required under certain provisions of law requiring disclosure of contributions by persons doing public business; prohibiting a person from making an electronic submission of a certain statement or document on behalf of another person without that person's express consent; providing that a person who violates certain provisions of this Act is guilty of perjury and subject to a certain penalty; and generally relating to the enforcement of provisions of law requiring disclosure of contributions by persons doing public business.

BY repealing and reenacting, without amendments,

Article – Election Law

Section 14–104

Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 14–107

Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

BY adding to Article –

Election Law Section 14–107.1 and 14–107.2

Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

Article – Election Law

14-107

(c)(1) As provided in this subsection, the State Board may impose fees for late filing of:

(i) a statement required under § 14-104 of this title; or

(ii) an amended statement required under subsection (b) of this

section.

(2) The State Board may impose late filing fees in the same amounts and in the same manner as provided under §§ 13-331[(a) And (b)], **13-335 AND 13-337** of this article for late filing of campaign finance reports.

(3) Late filing fees imposed under this subsection shall be distributed to the Fair Campaign Financing Fund established under § 15-103 of this article.

[(d) Violations. -- A person who knowingly and willfully violates this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 1 year or both.

(e) An officer or partner of a business entity who knowingly authorizes or participates in a violation of this title by the business entity is subject to the penalty provided in subsection (d) of this section.]

**14-107.1**

**(A) (1) A PERSON WHO VIOLATES A PROVISION OF THIS TITLE WITHOUT KNOWING THAT THE ACT IS ILLEGAL SHALL PAY A CIVIL PENALTY IN ACCORDANCE WITH SUBSECTIONS (B) THROUGH (G) OF THIS SECTION.**

**(2) THE PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$ 10,000.**

**(3) AN INFRACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS A CIVIL OFFENSE.**

**(4) THIS SECTION DOES NOT APPLY TO A VIOLATION OF ANOTHER SECTION IN WHICH A PENALTY IS EXPRESSLY PROVIDED.**

**(B) (1) IF THE STATE PROSECUTOR DETERMINES THAT A PERSON UNINTENTIONALLY, AND WITHOUT CRIMINAL INTENT, HAS VIOLATED A PROVISION OF THIS TITLE, THE STATE PROSECUTOR SHALL ISSUE TO THE PERSON A CIVIL CITATION THAT CONTAINS:**

**(I) THE NAME AND ADDRESS OF THE PERSON CITED;**

**(II) THE NATURE, TIME, AND PLACE OF THE VIOLATION;**

**(III) THE MANNER IN WHICH THE VIOLATION OCCURRED;**

**(IV) THE MAXIMUM PENALTY FOR THE VIOLATION;**

**(V) THE MANNER AND TIME IN WHICH TO PAY THE**

**PENALTY;**

**(VI) WHERE TO PAY THE PENALTY; AND**

**(VII) A STATEMENT THAT THE PERSON RECEIVING THE CITATION HAS A RIGHT TO A TRIAL IN THE DISTRICT COURT.**

**(2) THE STATE PROSECUTOR SHALL FILE THE CITATION IN THE DISTRICT COURT.**

**(C) THE CITATION SHALL BE SERVED IN ACCORDANCE WITH THE MARYLAND RULES.**

**(D) (1) ON RECEIPT OF THE RETURN OF SERVICE, THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE PERSON NAMED IN THE CITATION OF THE TRIAL DATE.**

**(2) THE TRIAL IN THE DISTRICT COURT SHALL BE CONDUCTED IN THE SAME MANNER AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER §§ 6-108, 6-109, AND 6-111 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.**

**(3) THE DISTRICT COURT SHALL DISTRIBUTE ALL LATE FEES COLLECTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

**(4) AN ADJUDICATION OF A VIOLATION UNDER THIS SUBSECTION:**

**(I) IS NOT A CRIMINAL CONVICTION; AND  
(II) DOES NOT CARRY WITH IT ANY OF THE CIVIL DISABILITIES THAT ARISE FROM A CRIMINAL CONVICTION.**

**(E) A PERSON WHO IS ADJUDICATED IN VIOLATION AS SET FORTH IN A CITATION ISSUED UNDER SUBSECTION (B) OF THIS SECTION IS LIABLE FOR THE COST OF THE DISTRICT COURT PROCEEDINGS.**

**(F) IF A PERSON WHO HAS BEEN SERVED WITH A CITATION FAILS TO APPEAR FOR TRIAL, THE COURT, AT THE REQUEST OF THE PROSECUTOR, MAY DISMISS THE CITATION OR ENTER A CIVIL JUDGMENT AGAINST THE PERSON:**

**(1) IN FAVOR OF THE STATE BOARD OR STATE PROSECUTOR;**

**(2) IN ACCORDANCE WITH THE MARYLAND RULES; AND**

**(3) IN AN AMOUNT NOT EXCEEDING THE MAXIMUM FINE SET FORTH IN SUBSECTION (A) OF THIS SECTION AND ANY LATE FEES OWED TO THE STATE BOARD.**

**(G) A CIVIL PENALTY IMPOSED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.**

**14-107.2.**

**(A) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

**(B) AN OFFICER OR A PARTNER OF A BUSINESS ENTITY WHO KNOWINGLY AUTHORIZES OR PARTICIPATES IN A VIOLATION OF THIS TITLE BY THE BUSINESS ENTITY IS SUBJECT TO THE PENALTY PROVIDED IN SUBSECTION (A) OF THIS SECTION.**

**(C) (1) A PERSON MAY NOT WILLFULLY MAKE A FALSE, FRAUDULENT, OR MISLEADING STATEMENT OR ENTRY IN ANY FILING THAT IS UNDER OATH AND IS REQUIRED BY THIS TITLE.**

**(2) A PERSON MAY NOT MAKE AN ELECTRONIC SUBMISSION OF A STATEMENT REQUIRED UNDER § 14-104 OF THIS TITLE OR ANY OTHER DOCUMENT REQUIRED BY THIS TITLE ON BEHALF OF ANOTHER PERSON WITHOUT THAT PERSON'S EXPRESS CONSENT.**

**(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF PERJURY AND ON CONVICTION IS SUBJECT TO THE PENALTY PROVIDED UNDER THE CRIMINAL LAW ARTICLE.**

**SECTION 2. AND BE IT FURTHER ENACTED, THAT THIS ACT SHALL TAKE EFFECT JUNE 1, 2021.**

A BILL ENTITLED

AN ACT concerning

**Elections – Campaign Finance Entities – Termination and Filing of  
Final Campaign Finance Report**

FOR the purpose of altering the requirements of a campaign finance entity to terminate and file a final campaign finance report; and requiring the State Board of Elections, not later than 6 months before a campaign finance entity is required to terminate, to provide a certain notification to the responsible persons affiliated with the campaign finance entity.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 13-310  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

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

**Article – Election Law**

13-310.

- (a) This section applies to the campaign finance entity of an individual if:
- (1) the individual is not a filed candidate or the incumbent in any office filled by an election under this article; and
  - (2) the entity has funds remaining after the payment of all outstanding debts and other obligations.
- (b) A campaign finance entity shall terminate and file a final campaign finance report within 8 years after the latest of:
- (1) the end of the individual's most recent term of office; [and] **OR**

- (2) the date of the election in which the individual last was a filed candidate[; and
- (3) the payment of the final debt or other obligation of the entity that was incurred in connection with that candidacy].

**(C) NOT LATER THAN 6 MONTHS BEFORE A CAMPAIGN FINANCE ENTITY IS REQUIRED TO TERMINATE UNDER THIS SECTION, THE STATE ADMINISTRATOR SHALL NOTIFY THE RESPONSIBLE OFFICERS OF THE CAMPAIGN FINANCE ENTITY AND ANY CANDIDATE AFFILIATED WITH THE CAMPAIGN FINANCE ENTITY OF THE DATE BY WHICH THE CAMPAIGN FINANCE ENTITY IS REQUIRED TO:**

- (1) PAY ALL OUTSTANDING OBLIGATIONS;**
- (2) DISPOSE OF ALL ITS REMAINING ASSETS IN ACCORDANCE WITH § 13-247 OF THIS TITLE; AND**
- (3) TERMINATE AND FILE A FINAL CAMPAIGN FINANCE REPORT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

A BILL ENTITLED

AN ACT concerning

**Election Law – Campaign Finance – Protection of Contributor Information**

FOR the purpose of prohibiting the use of the certain information for commercial solicitation purposes.

BY enacting, with amendments,

Article – Election Law

Section 13-106

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

**Article – Election Law**

**13-106.**

**(A) A PERSON MAY NOT USE ANY CONTRIBUTOR INFORMATION FROM ANY REPORT OR STATEMENT REQUIRED UNDER THIS TITLE FOR COMMERCIAL SOLICITATION PURPOSES.**

**(B) A PERSON MAY NOT PUBLISH ANY CONTRIBUTOR INFORMATION FROM ANY REPORT OR STATEMENT REQUIRED UNDER THIS TITLE IN NEWSPAPERS, MAGAZINES, BOOKS OR OTHER SIMILAR COMMUNICATIONS FOR THE PURPOSE OF FACILITATING COMMERCIAL SOLICITATION OF CONTRIBUTORS IDENTIFIED IN ANY SUCH REPORT OR STATEMENT.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

A BILL ENTITLED

AN ACT concerning

**Election Law – Statute of Limitations**

FOR the purpose of extending the statute of limitations for a misdemeanor constituting a criminal offense under the State election laws; providing for the extension of the statute of limitation under this Act.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5-106(h)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2018 Supplement)

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

**Article – Courts and Judicial Proceedings**

§ 5-106.

(h) Election Law Article violation civil penalty. -- A prosecution **SHALL BE INSTITUTED WITHIN 4 YEARS AFTER THE OFFENSE WAS COMMITTED:**

(1) [for] **FOR** the commission of or for the attempt to commit a misdemeanor constituting a criminal offense under the State election laws; or

(2) [to] **TO** impose a civil fine for an offense arising under §§ 13-604, **13-604.1, AND 14-107** of the Election Law Article [shall be instituted within 3 years after the offense was committed].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

A BILL ENTITLED

AN ACT concerning

**Election Law – Election Calendar**

FOR the purpose of altering the deadline by which a certificate of candidacy for a vacancy in the office of Governor or Lieutenant Governor; altering the filing deadline for a certificate of candidacy for a vacancy in the office sought by a petition candidate for Governor and Lieutenant Governor; altering the filing deadline for a certificate of candidacy for a vacancy in the office sought by a non-principle candidate for Governor and Lieutenant Governor; alter the deadline when a ballot language is submitted to the State Board; and remove the method in which certain individuals may receive the copy of the language of a ballot question.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 5-903, 5-904, 5-1005, 5-1101 and 7-105

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

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

§5–903.

(A) (1) If a candidate for Lieutenant Governor dies, withdraws the candidacy, or becomes disqualified for any reason after the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining candidate for Governor of that unit may designate a successor candidate for Lieutenant Governor.

(2) Provided the successor candidate for Lieutenant Governor files a certificate of candidacy in accordance with subsection (b) of this section, the name of the successor candidate for Lieutenant Governor shall appear on the ballot.

(B) (1) The successor candidate for Lieutenant Governor designated by the

candidate for Governor under subsection (a) of this section shall file a certificate of candidacy with the State Board.

(2) The certificate of candidacy shall be filed:

(i) by the fifth day following the withdrawal deadline specified under § 5-502 of this title, if the former Lieutenant Governor candidate files a certificate of withdrawal; **OR**

(ii) by the fifth day following the death or disqualification of the former Lieutenant Governor candidate, if that former candidate dies or is disqualified [less than 45] **70** days before the day of the primary election]; or

(iii) not later than 40 days before the day of the primary, if the former Lieutenant Governor candidate dies or is disqualified 45 days or more before the day of the primary election].

(3) A certificate of candidacy for a successor candidate for Lieutenant Governor under subsection (b)(2)(ii) of this section may not be filed less than [10] **65** days before the day of the primary election.

(c) If the death or disqualification of a former Lieutenant Governor candidate occurs less than [10] **65** days before the day of the primary election, the existing Governor and Lieutenant Governor unit whose filing is complete:

(1) shall remain on the ballot; and

(2) if nominated, a vacancy in the nomination of the candidate for Lieutenant Governor shall be declared and be filled under § 5-1005(b) of this title as if the death or disqualification had occurred after the primary election.

§5-904.

(a) This section does not apply if only one Governor and Lieutenant Governor unit files a certificate of candidacy for the nomination of a political party for those offices in a primary election.

(b) (1) If a candidate for Governor dies, withdraws the candidacy, or becomes disqualified for any reason after the deadline for filing a certificate of candidacy for

a primary election under § 5–303 of this title, the remaining candidate for Lieutenant Governor of that unit **is disqualified** may:

(i) designate the Lieutenant Governor candidate as the successor candidate for Governor and appoint a successor candidate for Lieutenant Governor; or

(ii) designate a successor candidate for Governor.

(2) The names of any Governor and Lieutenant Governor candidate unit that is designated under paragraph (1) of this subsection shall be listed jointly on the primary election ballot.

(c) (1) The successor candidate for Governor designated by the Lieutenant Governor candidate under subsection (b)(1)(ii) of this section, or the former candidate for Lieutenant Governor who subsequently is designated as the candidate for Governor together with the candidate appointed as the successor candidate for Lieutenant Governor under subsection (b)(1)(i) of this section, each shall file a certificate of candidacy with the State Board.

(2) The certificate of candidacy shall be filed:

(i) by the fifth day following the withdrawal deadline specified under § 5–502 of this title, if the former candidate for Governor files a certificate of withdrawal;

(ii) by the fifth day following the day of the death or disqualification of the former candidate for Governor, if that former candidate dies or is disqualified [~~less than 45]~~ **70** days before the day of the primary election]; or

(iii) not later than 40 days before the day of the primary election, if the former candidate for Governor dies or is disqualified 45 days or more before the day of the primary election].

(3) A certificate of candidacy may not be filed under paragraph (2)(ii) of this subsection less than [~~10]~~ **65** days before the day of the primary election.

(d) If the death or disqualification of a former candidate for Governor occurs less than 10 days before the day of the primary election, the existing Governor and Lieutenant Governor unit whose filing is complete:

(1) shall remain on the ballot; and

(2) if nominated, a vacancy in the office of Governor shall be declared and filled under § 5–1005 of this title as if the death or disqualification had occurred after the primary election.

§5–1005.

(a) This section applies:

(1) to the nominees of a Governor and Lieutenant Governor unit; and

(2) whether or not a certificate of nomination has been issued to the nominees by the State Board.

(b) (1) If, after the primary election, a candidate for Lieutenant Governor dies, declines the nomination, or becomes disqualified, the remaining nominee for Governor of that unit may designate a successor nominee for Lieutenant Governor.

(2) By the fifth day following the day of the death, declination, or disqualification of the nominee for Lieutenant Governor:

(i) the nominee for Governor shall designate the successor nominee for Lieutenant Governor and notify the State central committee of the applicable political party of the selection;

(ii) the State central committee of the political party of the nominee shall file a certificate of designation with the State Board; and

(iii) the successor nominee for Lieutenant Governor shall file a certificate of candidacy with the State Board.

(c) (1) If a nominee for Governor dies, declines the nomination, or becomes disqualified after the primary election, the remaining nominee for Lieutenant Governor is disqualified, except as otherwise provided in this section.

(2) (i) The State central committee of the political party of the nominee for Lieutenant Governor disqualified under paragraph (1) of this subsection shall select a successor nominee for Governor.

(ii) The disqualified nominee for Lieutenant Governor is eligible to be chosen as the nominee for Governor.

(3) (i) The successor nominee for Governor promptly shall select a successor nominee for Lieutenant Governor and notify the State central committee of the applicable political party of the selection.

(ii) The disqualified nominee for Lieutenant Governor is eligible to be selected again as the nominee for Lieutenant Governor.

(4) Except as provided under paragraph (5) of this subsection, by the fifth day following the death, declination, or disqualification of the former nominee for Governor:

(i) the State central committee shall file a certificate of designation for the successor nominee for Governor and the successor nominee for Lieutenant Governor with the State Board; and

(ii) each of the successor nominees shall file a certificate of candidacy with the State Board.

(5) A State central committee may not file a certificate of designation for a successor nominee for Governor under this subsection within 10 days of the day of the general election.

(6) A Governor and Lieutenant Governor unit shall remain on the ballot for the general election if:

(i) a nominee for Governor dies, declines the nomination, or is disqualified less than [15] 65 days before the general election; and

(ii) a certificate of designation and certificates of candidacy for successor nominees for Governor and Lieutenant Governor are not filed in accordance with this section.

(7) If a Governor and Lieutenant Governor unit comprised of a nominee for Governor who has died, declined the nomination, or become disqualified remains on the ballot as provided under paragraph (6) of this subsection, during the campaign period following the death, declination, or disqualification of the gubernatorial nominee until the general election, the Lieutenant Governor nominee officially becomes the gubernatorial nominee and may assert that status in the campaign.

(8) If a Governor and Lieutenant Governor unit comprised of a nominee for Governor who has died, declined the nomination, or become disqualified remains on the ballot as provided under paragraph (6) of this subsection and is elected, the vacancy resulting from the death, declination, or disqualification shall be filled as if it had occurred after the general election in accordance with applicable law.

§5-1101.

(a) This section applies to petition candidates for the office of Governor and Lieutenant Governor.

(b) (1) If either of the candidates of a Governor and Lieutenant Governor unit nominated by petition under § 5-703 of this title dies, withdraws a certificate of candidacy, or becomes disqualified prior to the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining candidate may:

(i) select a successor candidate and:

1. file a certificate or designation with the State Board; and
2. have the individual designated file a certificate of candidacy with the State Board in accordance with paragraph (2) of this subsection; or

(ii) withdraw the certificate of candidacy and form a new unit for Governor and Lieutenant Governor.

(2) Each member of the successor unit for Governor and Lieutenant Governor formed under this section shall file a certificate of candidacy before the later of:

(i) the deadline specified under § 5-303 of this title; or

(ii) the fifth day following the death, withdrawal, or disqualification of the former nominee.

(c) (1) Subject to paragraph (2) of this subsection, if either of the nominees of a Governor and Lieutenant Governor unit nominated by petition dies, withdraws a certificate of candidacy, or becomes disqualified after the deadline for filing a certificate of candidacy for a primary election under § 5-303 of this title, the remaining nominee may:

(i) designate another nominee as the successor nominee for the vacancy in nomination; or

(ii) assume the vacancy in nomination of the prior nominee and designate another nominee for the position in the unit that formerly was held by the successor nominee who assumed the vacancy created by the death, withdrawal, or disqualification of the prior nominee.

(2) (i) The successor nominees or the nominee who exercises the option to assume a position in the Governor and Lieutenant Governor unit previously held by a nominee who dies, withdraws a certificate of candidacy, or becomes disqualified shall file with the State Board either:

1. a certificate of candidacy, if no certificate was filed previously; or
2. a change of candidacy, if the nominee is a candidate for a different office as a part of the successor unit.

(ii) The certificate of candidacy:

1. shall be filed by the fifth day following the death, withdrawal, or disqualification of a prior nominee after the deadline specified in paragraph (1) of this subsection; and

2. may not be filed within [10] **65** days of the day of the general election.

(d) If a nominee for Governor or Lieutenant Governor subject to this section dies, withdraws a certificate of candidacy, or becomes disqualified less than [15] **69** days before the day of the general election and the certificate of candidacy required by subsection (b) of this section is not filed with the State Board, the unit:

(1) shall remain on the ballot; and

(2) if elected, the vacancy resulting from the death, declination, or disqualification shall be filled as if it had occurred after the general election, in accordance with this article or other applicable provisions of law.

(e) (1) The certificate for nomination by petition for a nominee subject to this section shall be issued by the State Board under § 5-703 of this title.

(2) No additional petitions are required if one of the members of the original Governor and Lieutenant Governor unit remains a nominee of the successor unit.

§7-105.

(a) A local board shall provide notice of each question to be submitted statewide and each question to be submitted to the voters of the county, by:

(1) specimen ballot mailed at least 1 week before any early voting period before the general election; or

(2) publication or dissemination by mass communication during the 3 weeks immediately preceding the general election at which a question will appear on the ballot.

(b) (1) For any question submitted under Article XIV or Article XVI of the Maryland Constitution, the notice required by subsection (a) of this section shall contain the information specified in § 7-103(b) of this title and a brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question.

(2) The statement required under paragraph (1) of this subsection shall be:

(i) prepared by the Department of Legislative Services;

(ii) approved by the Attorney General; and

(iii) submitted to the State Board by the [fourth] **FIRST** Monday in August.

(3) The statement required under paragraph (1) of this subsection is sufficient if it is:

(i) contained in an enactment by the General Assembly, and the enactment clearly specifies that the statement is to be used on the ballot; or

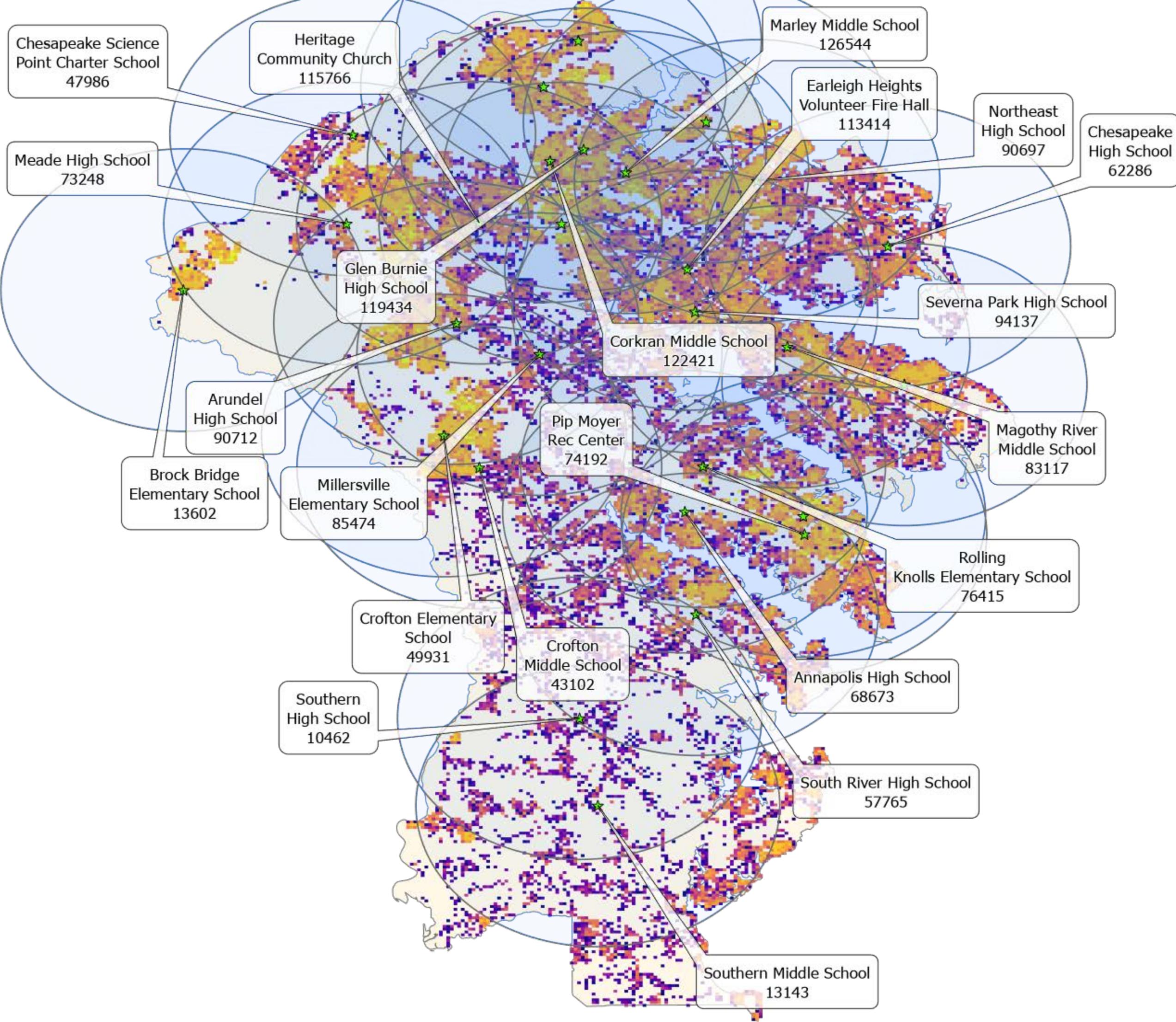
(ii) consistent with some other process mandated by the Maryland Constitution.

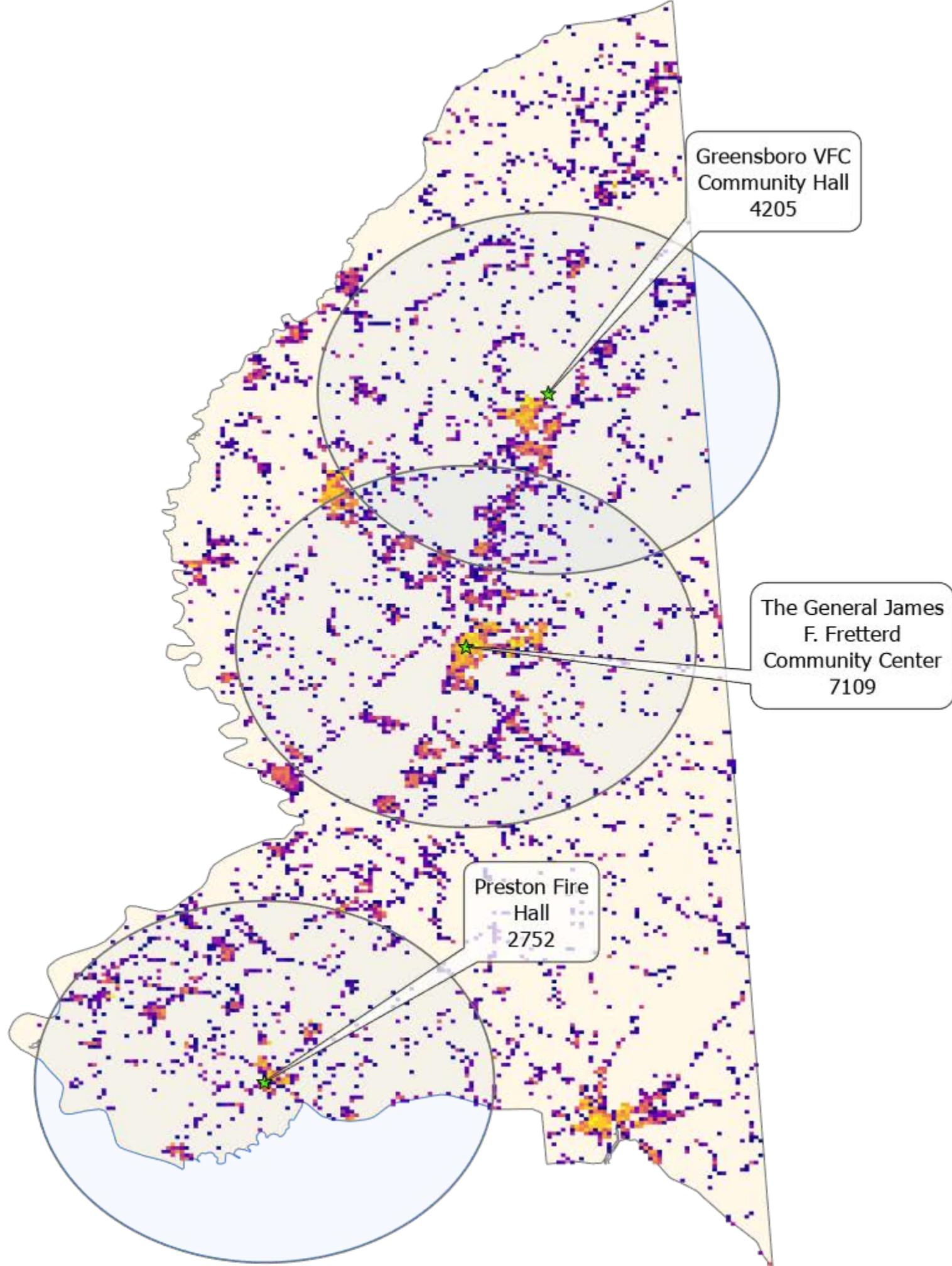
(c) The State Board shall adopt regulations governing notice of questions to appear on the ballot, including the use and content of specimen ballots and the publication or dissemination of notice by mass communication.

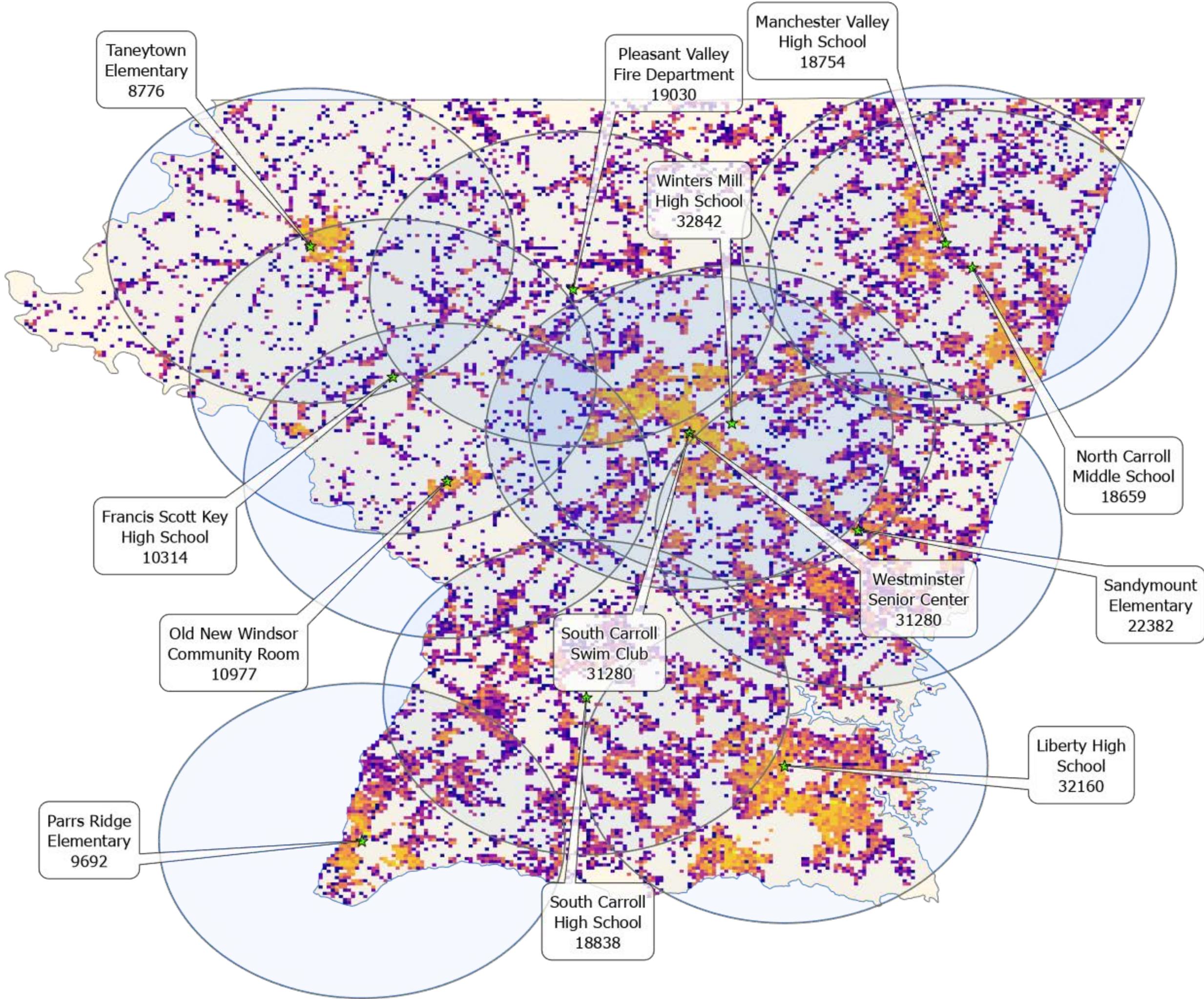
(d) (1) The complete text of a question shall be posted or available for public inspection in the office of the State Board and each applicable local board for **[30] 65** days prior to the general election.

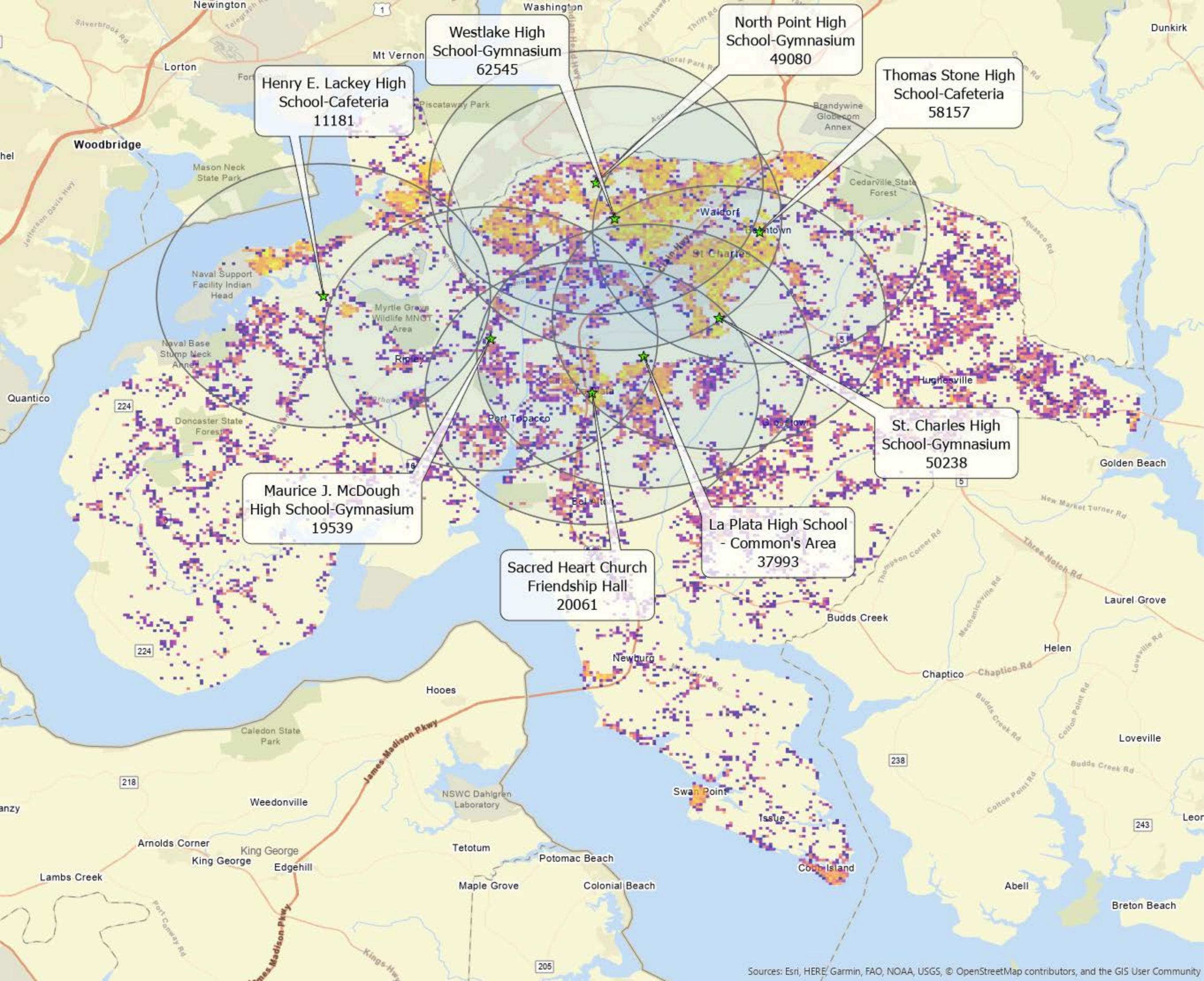
(2) Copies of the complete text of all statewide questions shall be furnished by the State Board to the local boards in quantities as determined by the State Board, including quantities sufficient to provide one copy of each for posting in each polling place and in each local board office.

(3) An individual may receive without charge a copy of the complete text of all constitutional amendments and questions from a local board[, either in person or by mail].





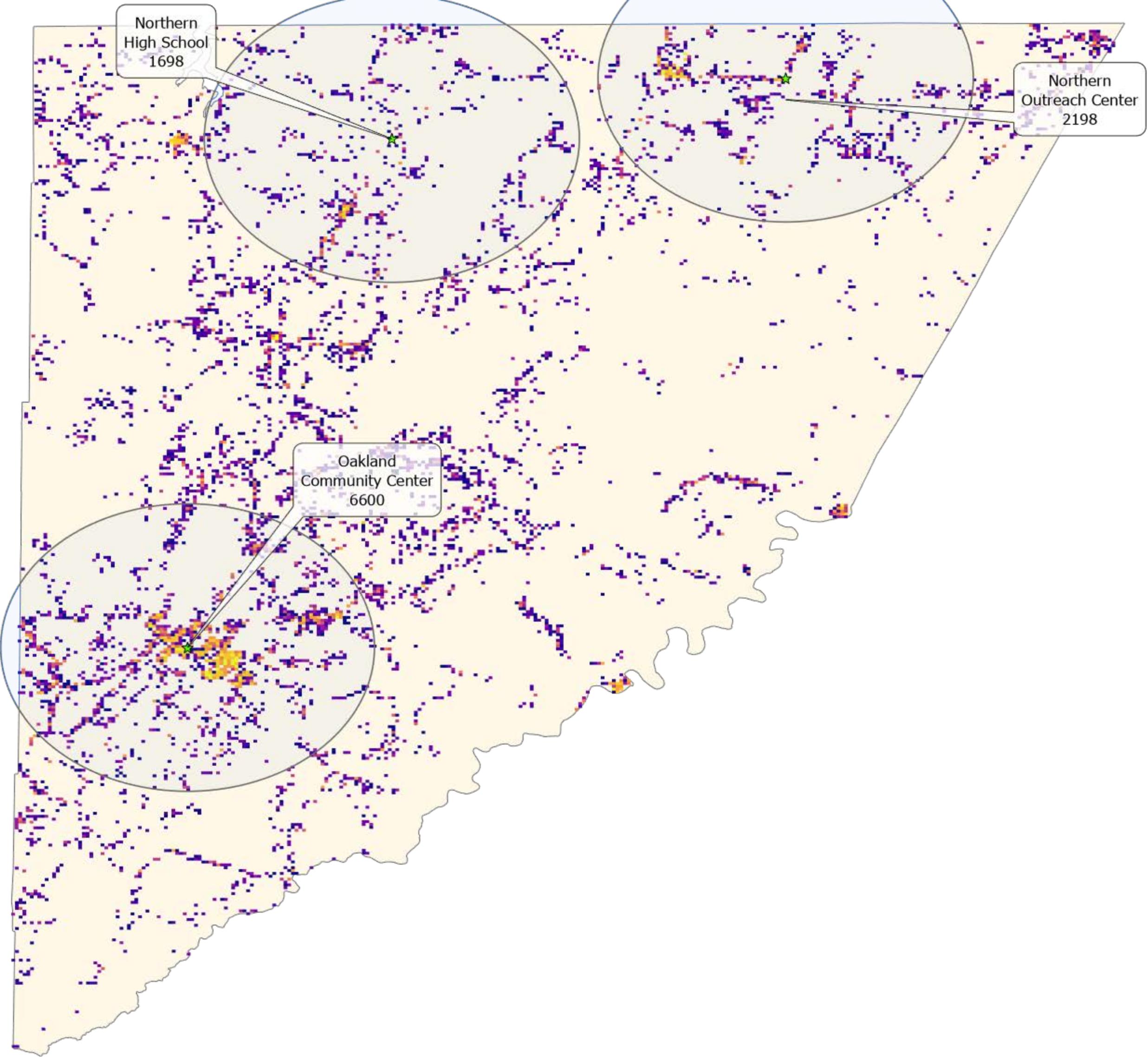


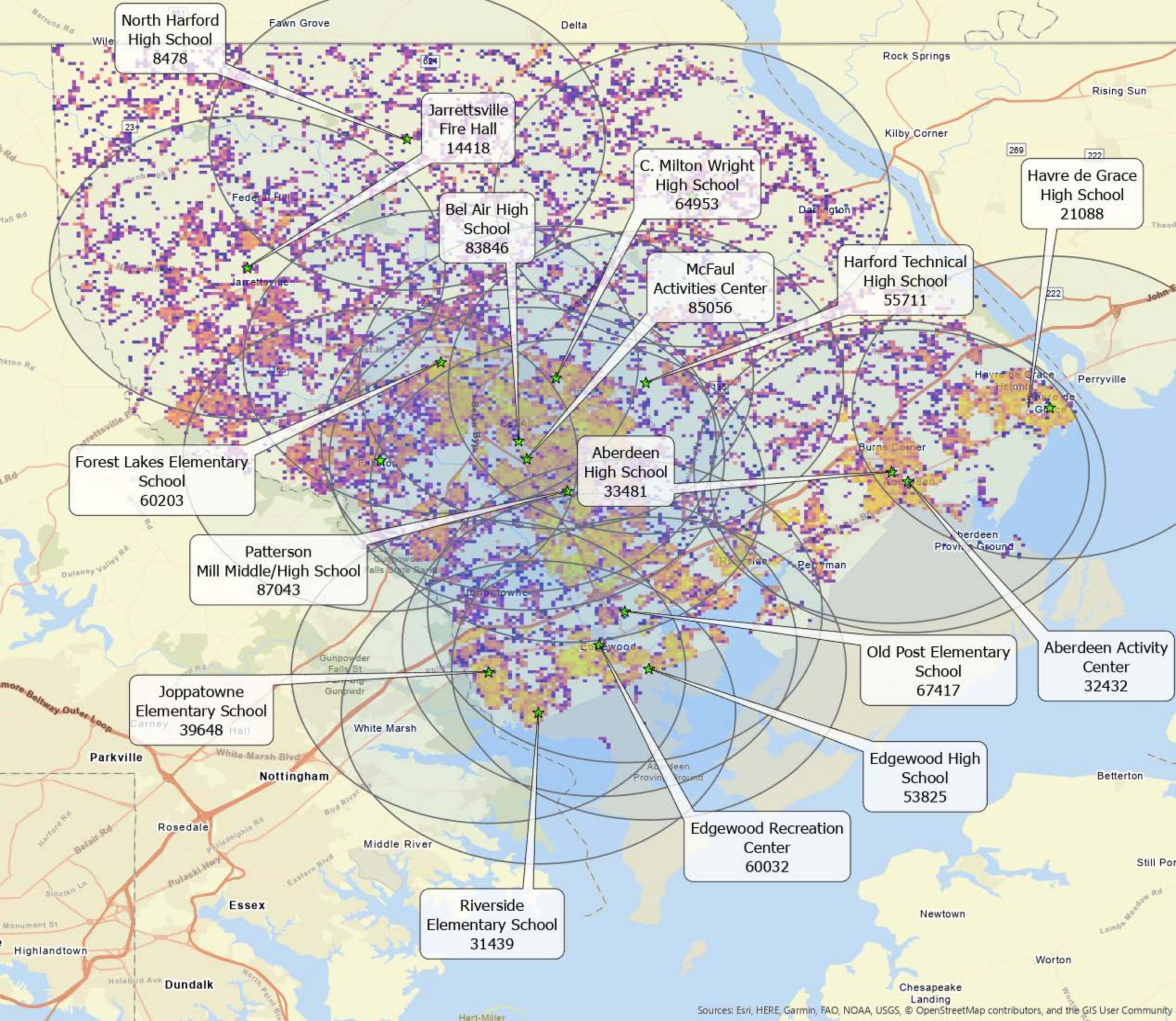


Northern  
High School  
1698

Northern  
Outreach Center  
2198

Oakland  
Community Center  
6600





North Harford High School  
8478

Jarrettsville Fire Hall  
14418

Bel Air High School  
83846

C. Milton Wright High School  
64953

Havre de Grace High School  
21088

McFaul Activities Center  
85056

Harford Technical High School  
55711

Forest Lakes Elementary School  
60203

Aberdeen High School  
33481

Patterson Mill Middle/High School  
87043

Old Post Elementary School  
67417

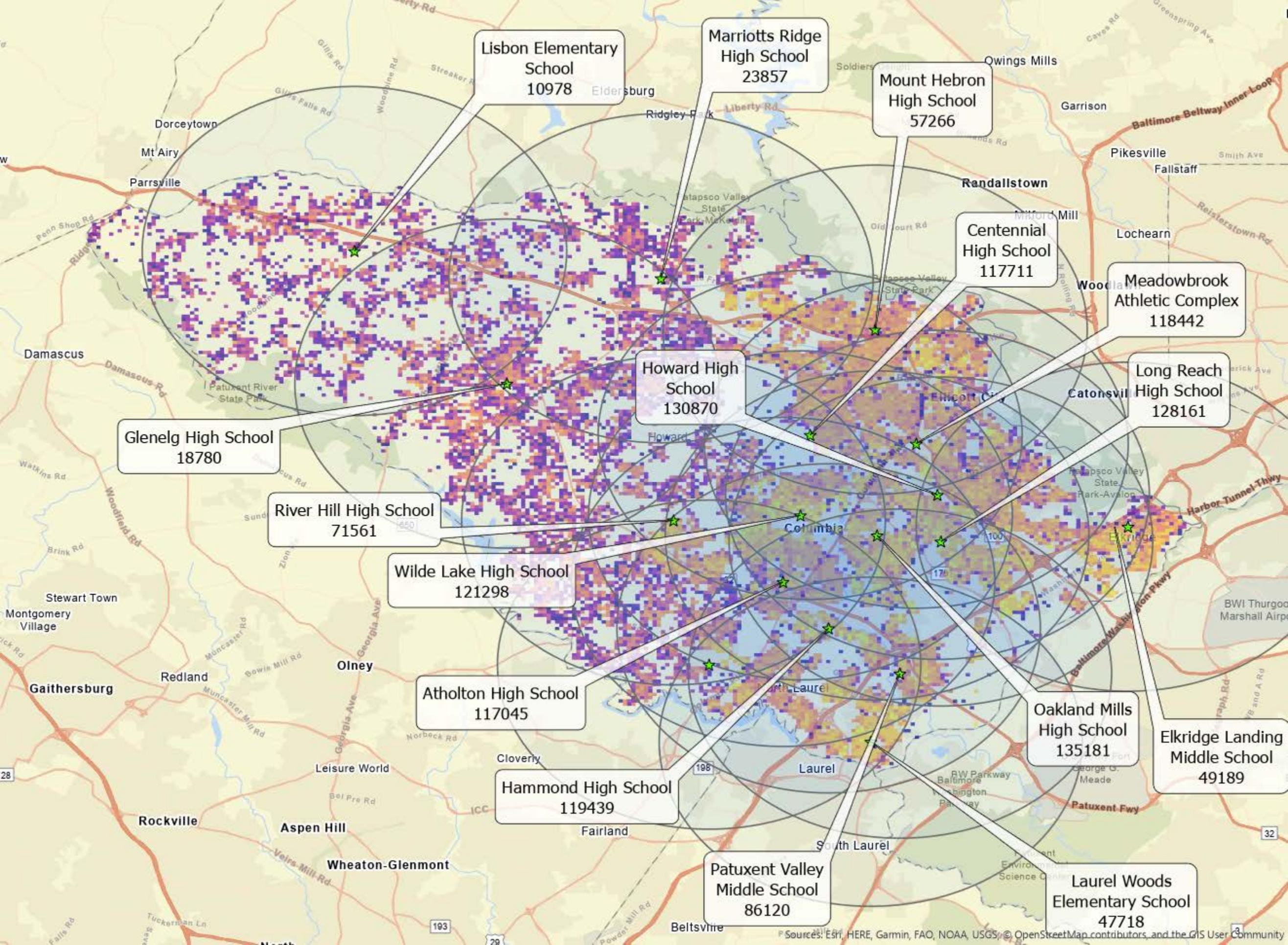
Aberdeen Activity Center  
32432

Joppatowne Elementary School  
39648

Edgewood High School  
53825

Edgewood Recreation Center  
60032

Riverside Elementary School  
31439



**Lisbon Elementary School**  
10978

**Marriotts Ridge High School**  
23857

**Mount Hebron High School**  
57266

**Centennial High School**  
117711

**Meadowbrook Athletic Complex**  
118442

**Long Reach High School**  
128161

**Glenelg High School**  
18780

**Howard High School**  
130870

**River Hill High School**  
71561

**Wilde Lake High School**  
121298

**Atholton High School**  
117045

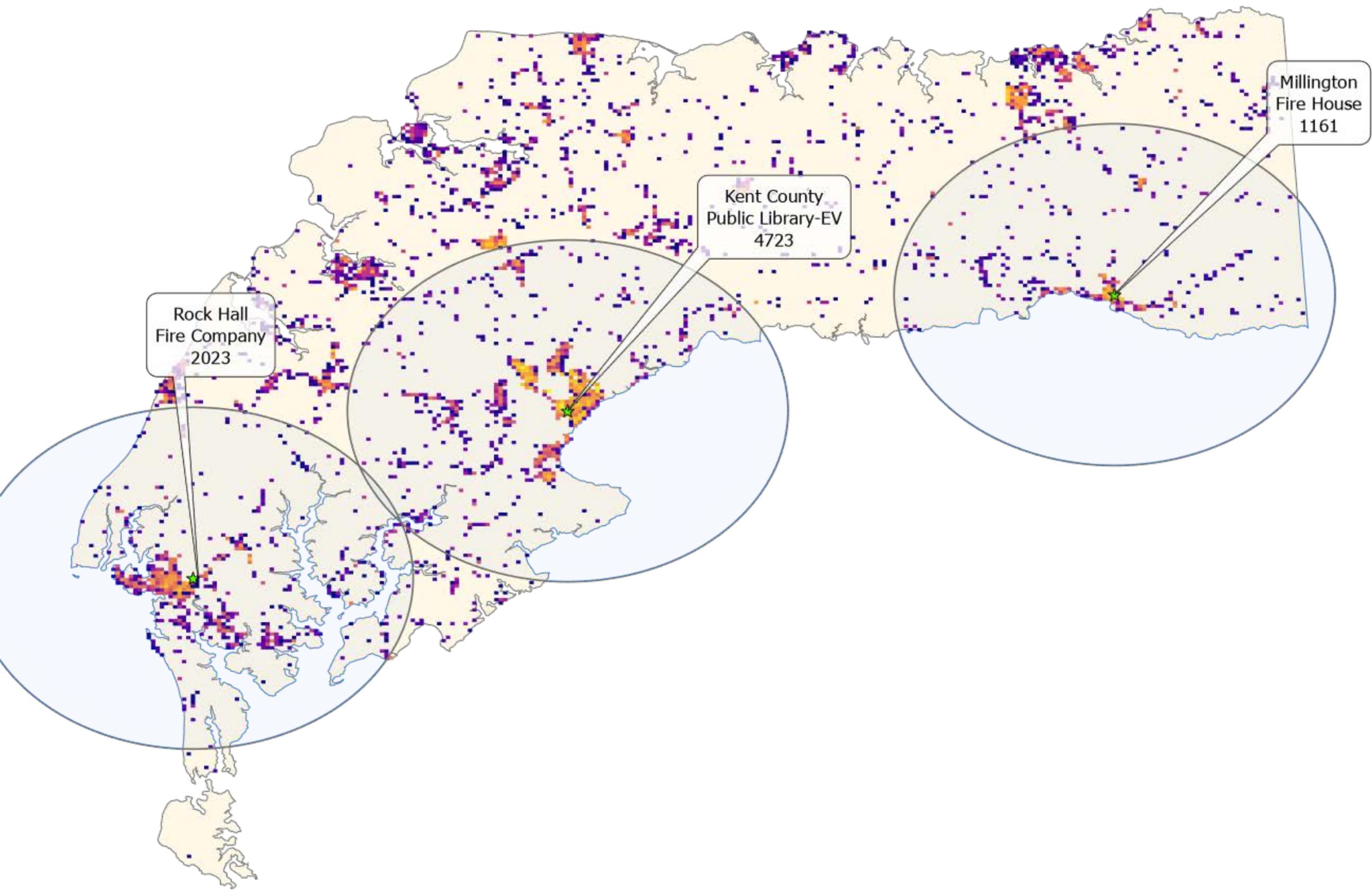
**Hammond High School**  
119439

**Oakland Mills High School**  
135181

**Elkridge Landing Middle School**  
49189

**Patuxent Valley Middle School**  
86120

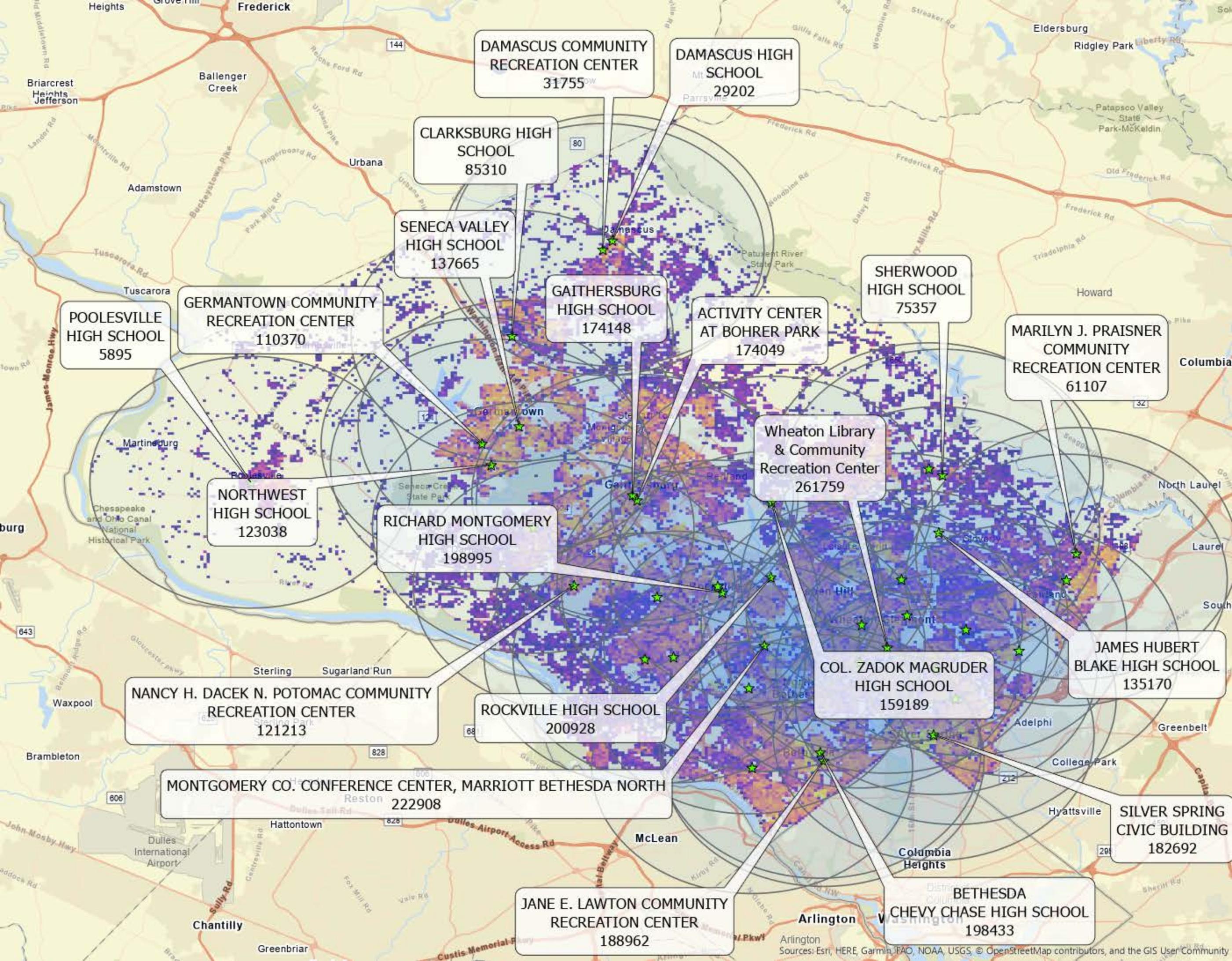
**Laurel Woods Elementary School**  
47718



Rock Hall  
Fire Company  
2023

Kent County  
Public Library-EV  
4723

Millington  
Fire House  
1161



DAMASCUS COMMUNITY RECREATION CENTER  
31755

DAMASCUS HIGH SCHOOL  
29202

CLARKSBURG HIGH SCHOOL  
85310

SENECA VALLEY HIGH SCHOOL  
137665

GAITHERSBURG HIGH SCHOOL  
174148

ACTIVITY CENTER AT BOHRER PARK  
174049

SHERWOOD HIGH SCHOOL  
75357

MARILYN J. PRAISNER COMMUNITY RECREATION CENTER  
61107

POOLESVILLE HIGH SCHOOL  
5895

GERMANTOWN COMMUNITY RECREATION CENTER  
110370

NORTHWEST HIGH SCHOOL  
123038

RICHARD MONTGOMERY HIGH SCHOOL  
198995

Wheaton Library & Community Recreation Center  
261759

JAMES HUBERT BLAKE HIGH SCHOOL  
135170

NANCY H. DACEK N. POTOMAC COMMUNITY RECREATION CENTER  
121213

ROCKVILLE HIGH SCHOOL  
200928

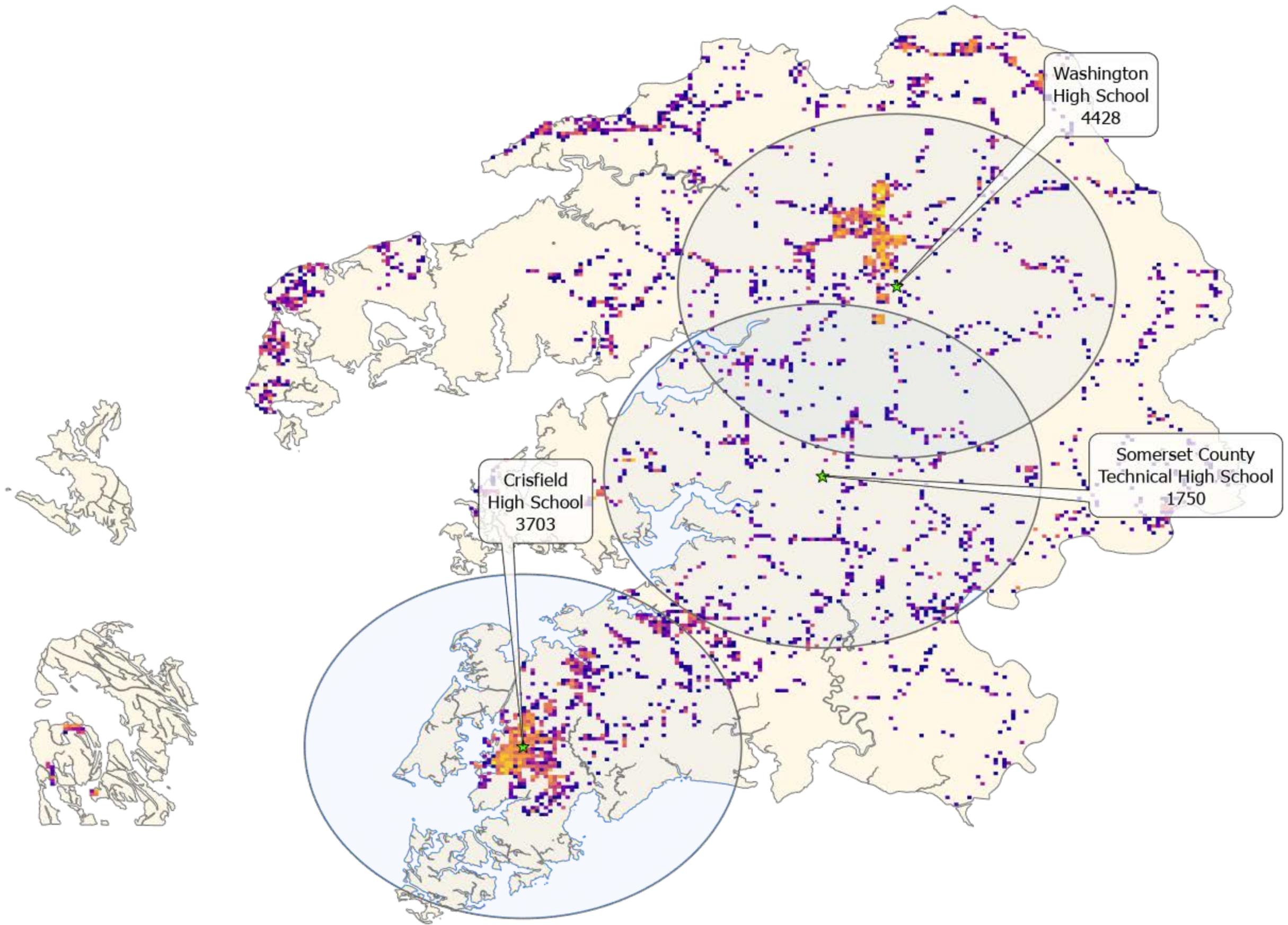
COL. ZADOK MAGRUDER HIGH SCHOOL  
159189

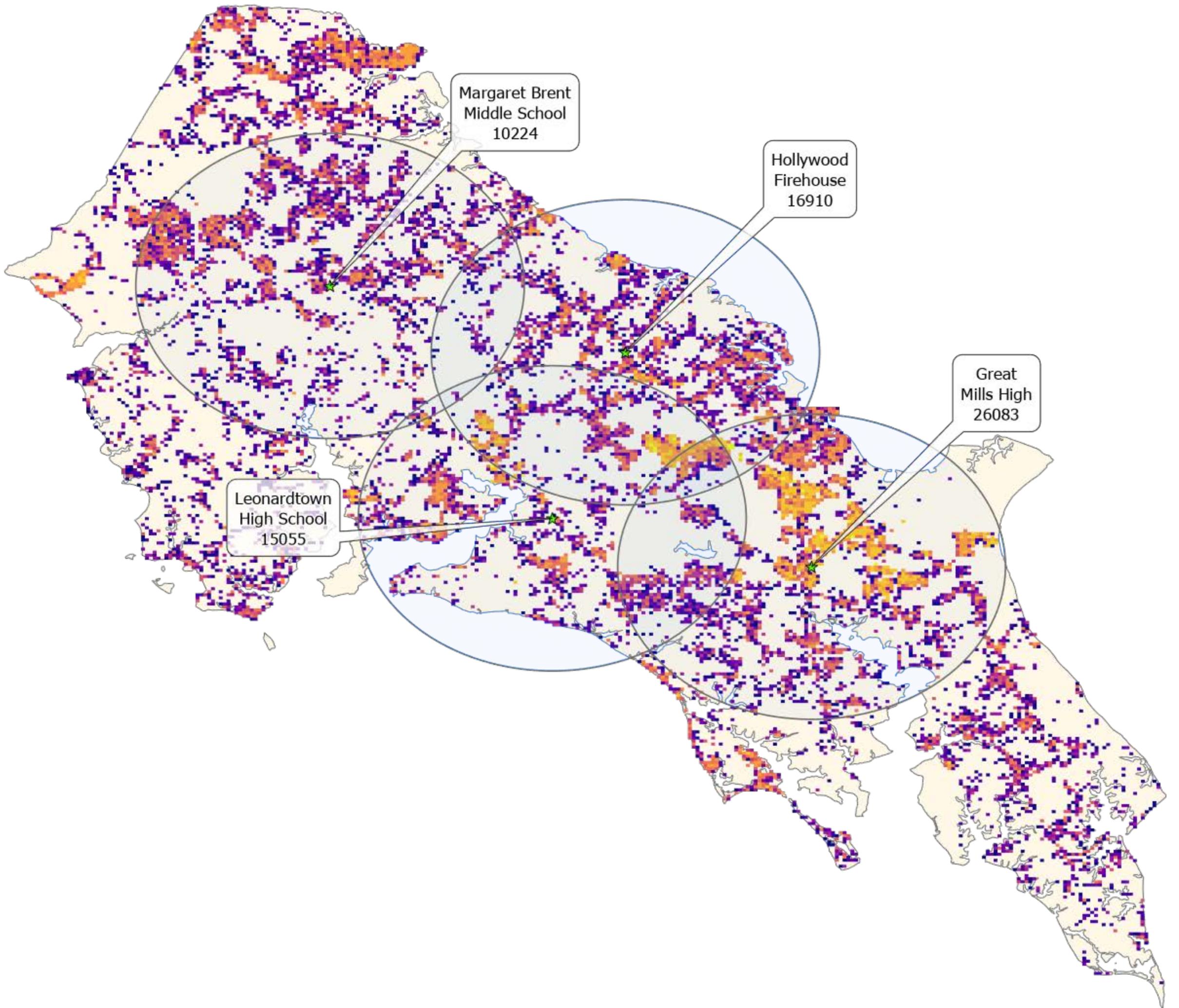
MONTGOMERY CO. CONFERENCE CENTER, MARRIOTT BETHESDA NORTH  
222908

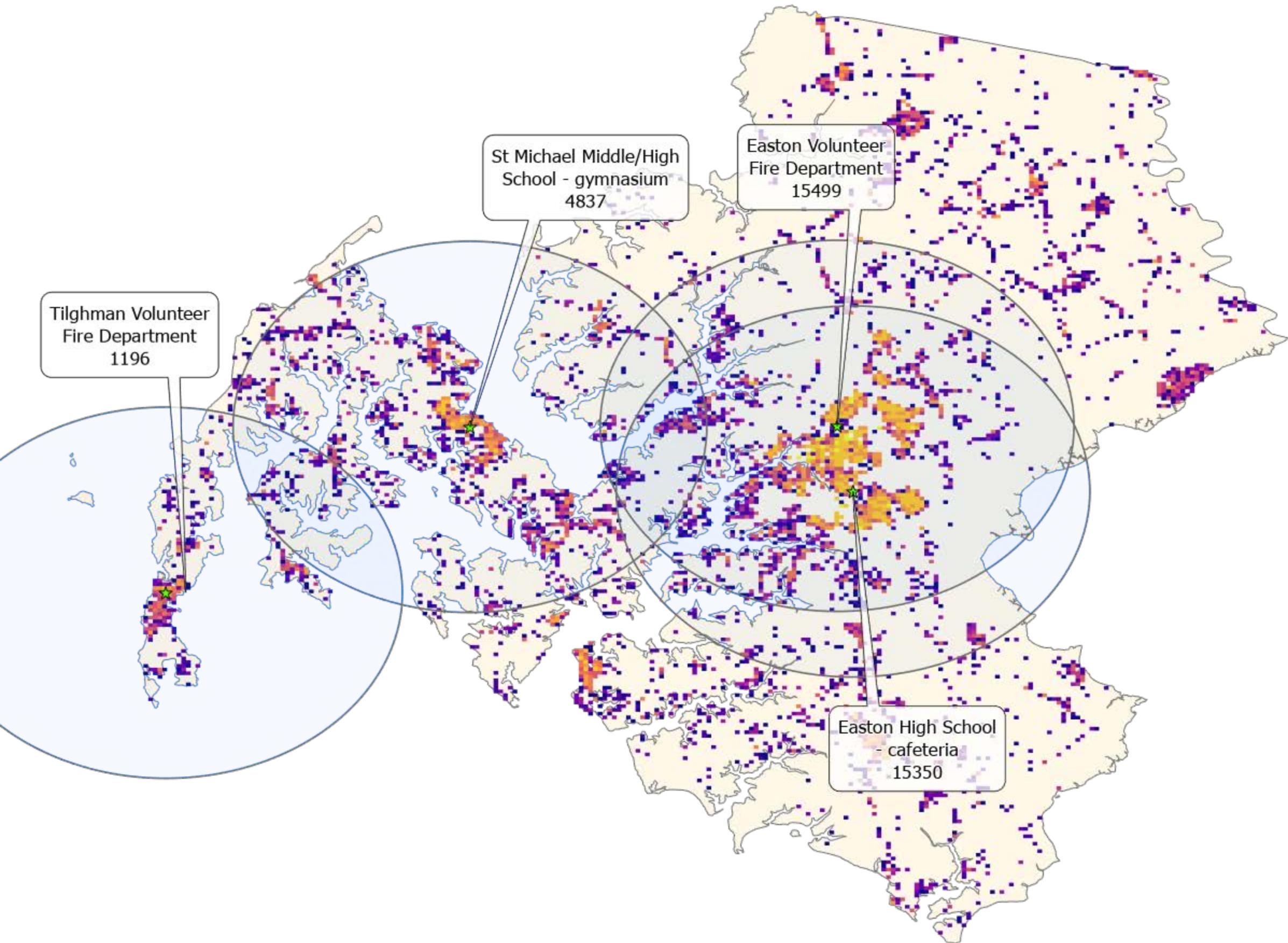
SILVER SPRING CIVIC BUILDING  
182692

JANE E. LAWTON COMMUNITY RECREATION CENTER  
188962

BETHESDA CHEVY CHASE HIGH SCHOOL  
198433





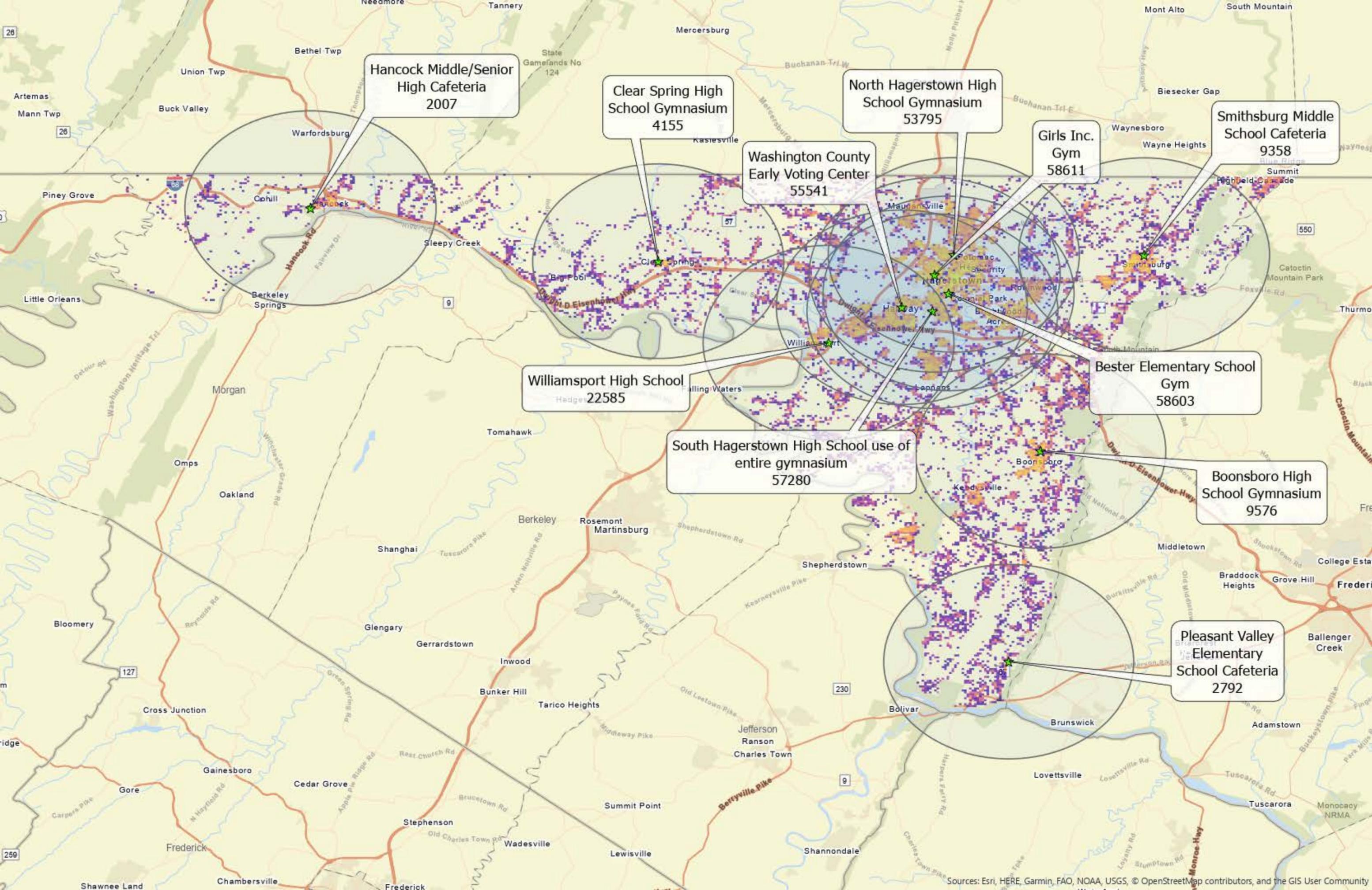


Tilghman Volunteer  
Fire Department  
1196

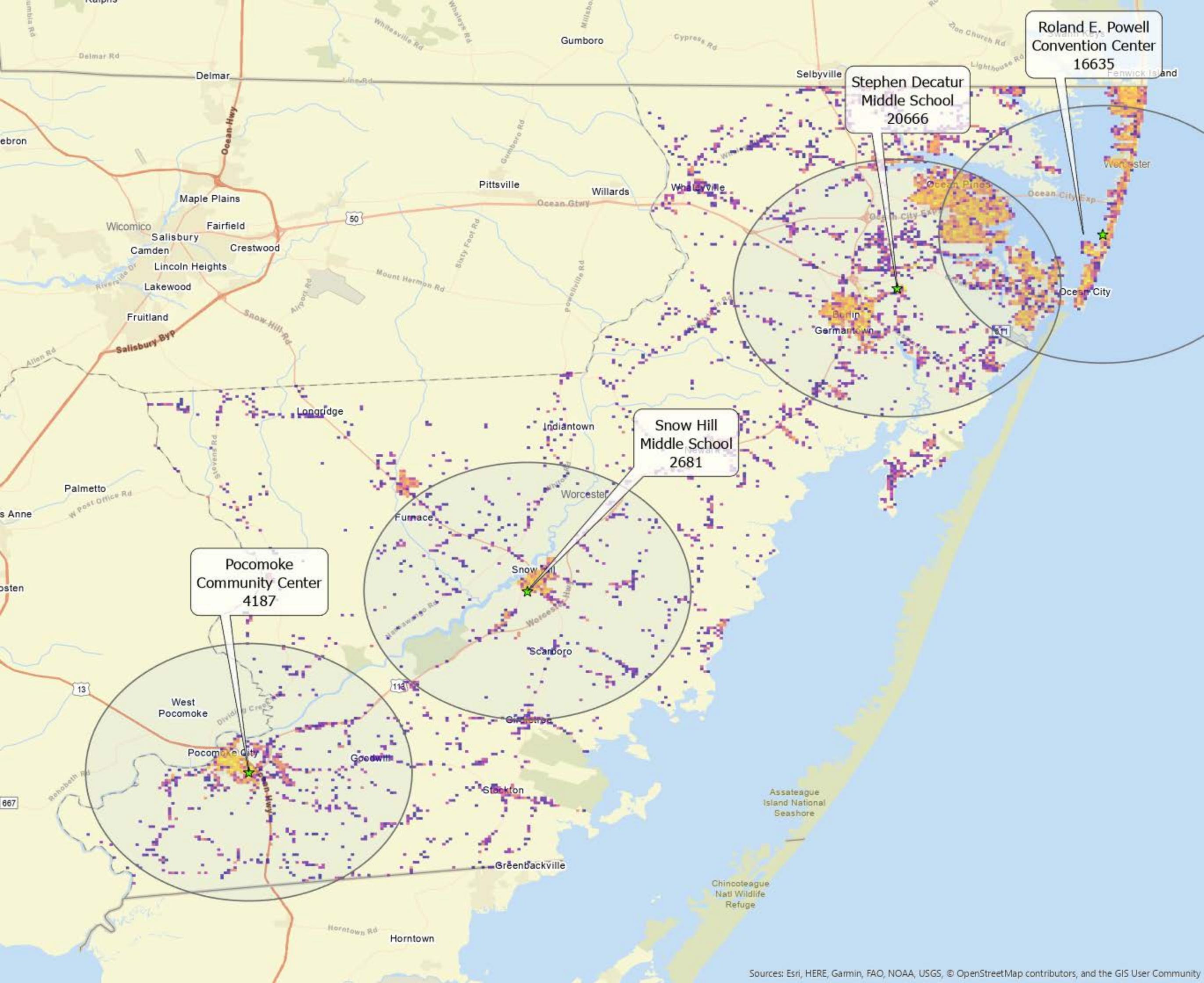
St Michael Middle/High  
School - gymnasium  
4837

Easton Volunteer  
Fire Department  
15499

Easton High School  
- cafeteria  
15350





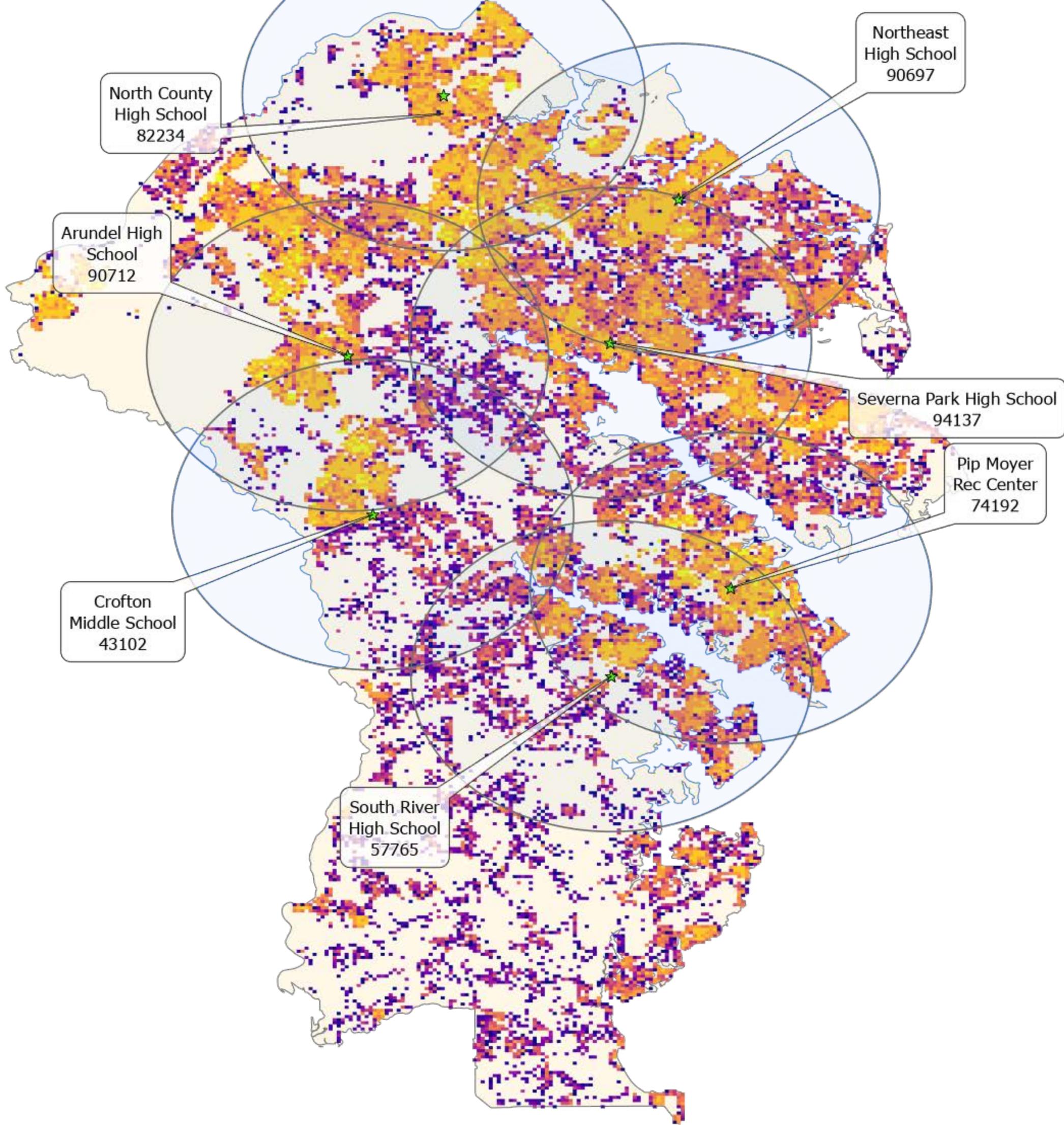


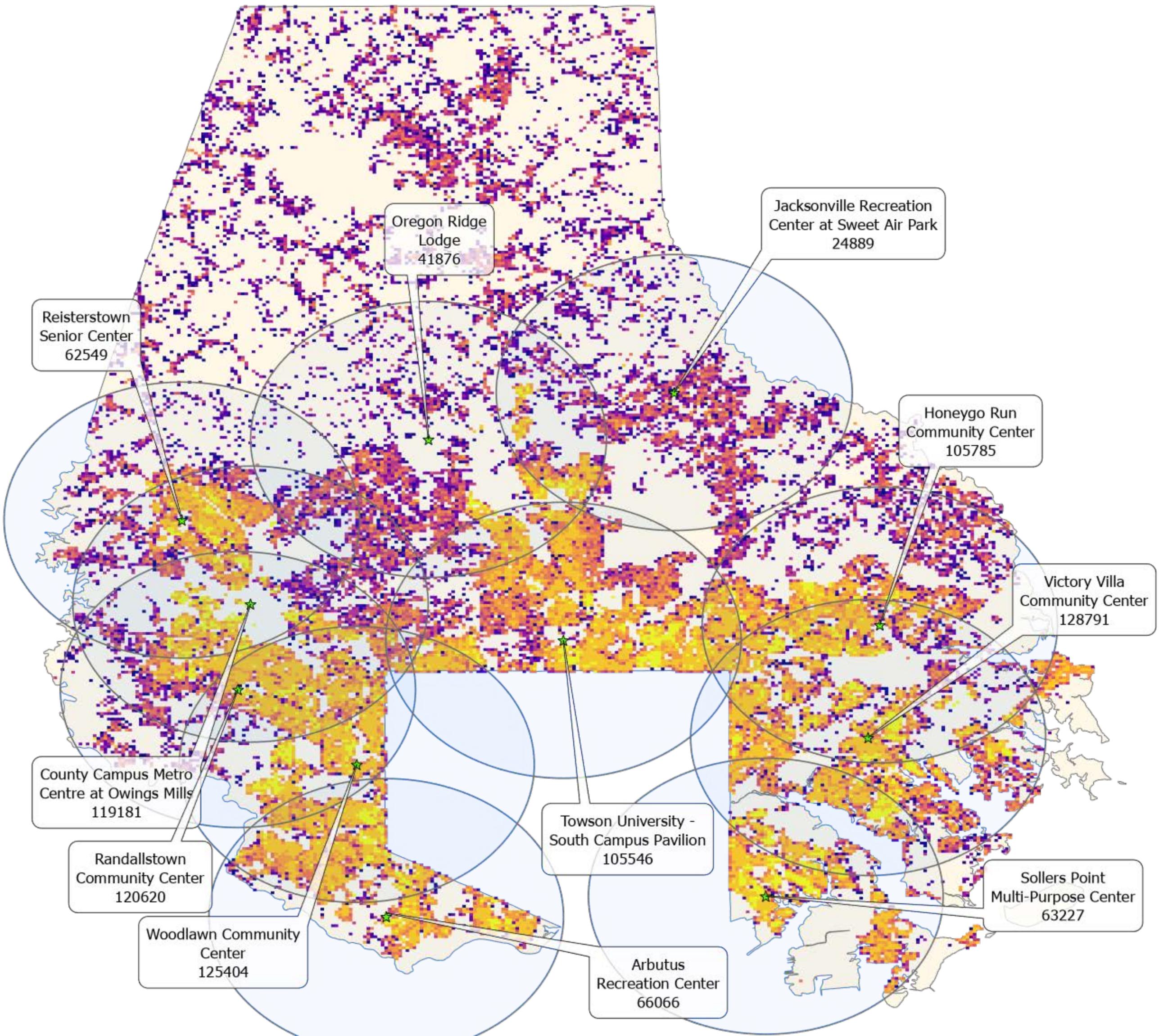
Pocomoke  
Community Center  
4187

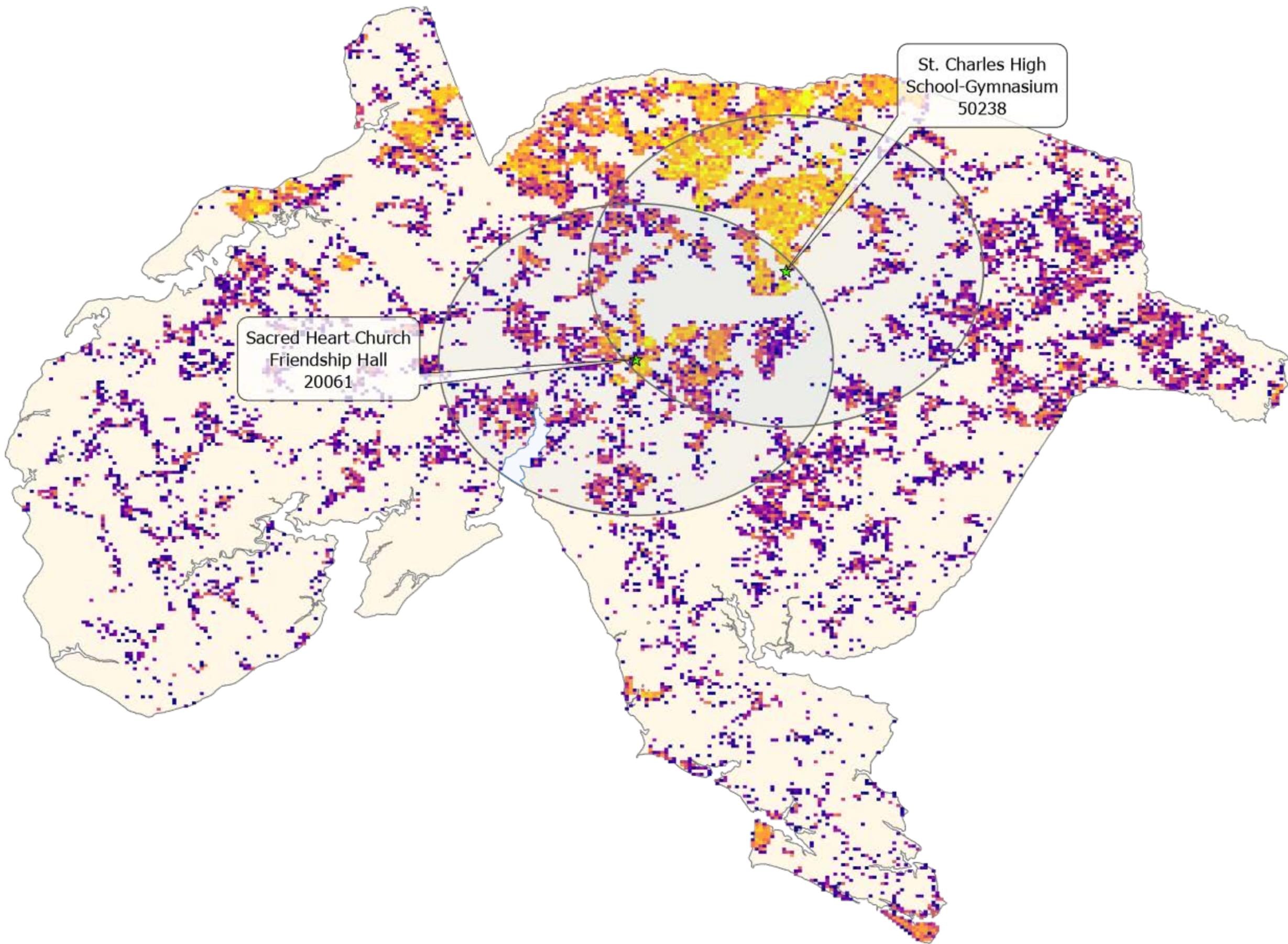
Snow Hill  
Middle School  
2681

Stephen Decatur  
Middle School  
20666

Roland E. Powell  
Convention Center  
16635

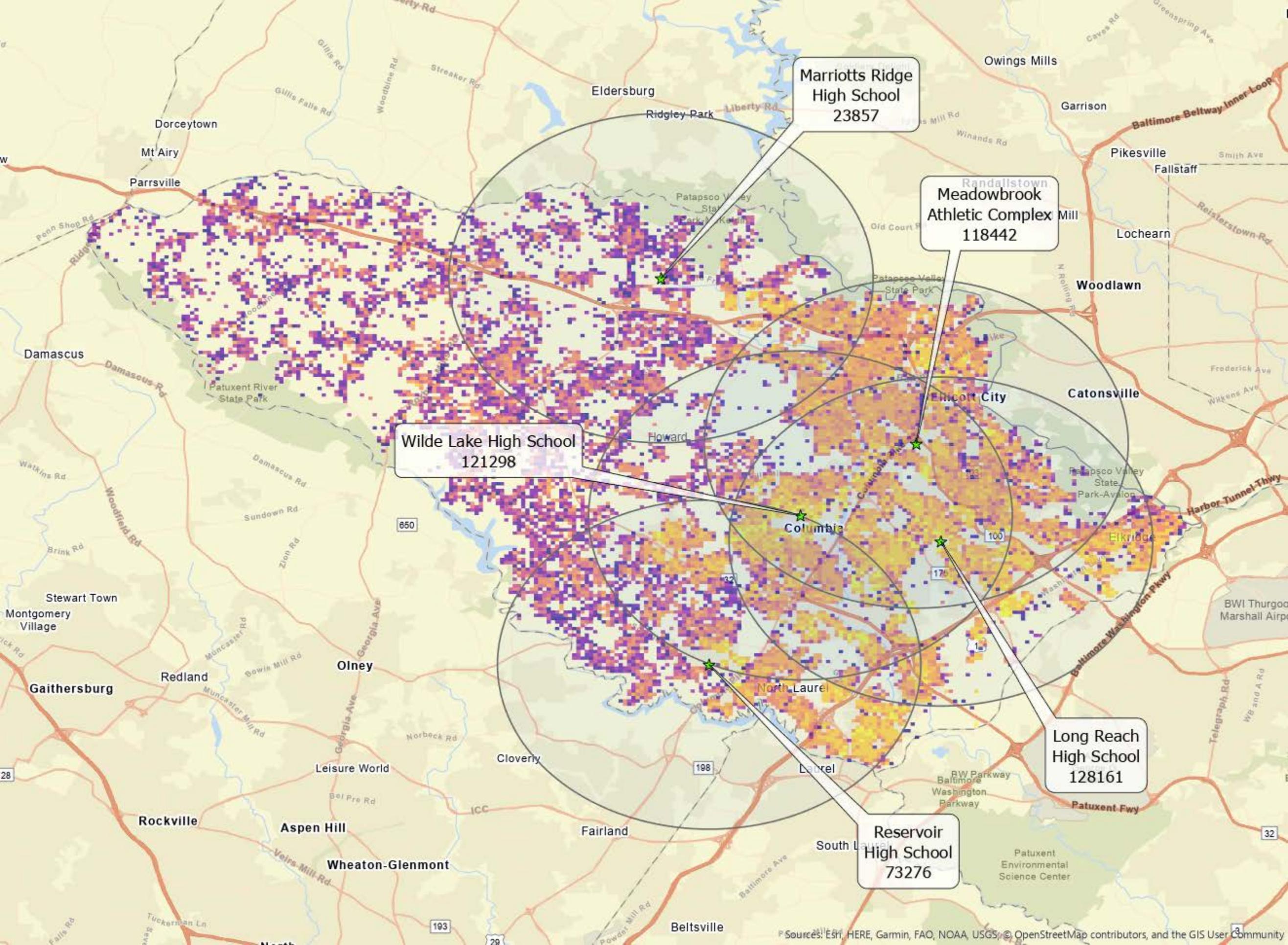


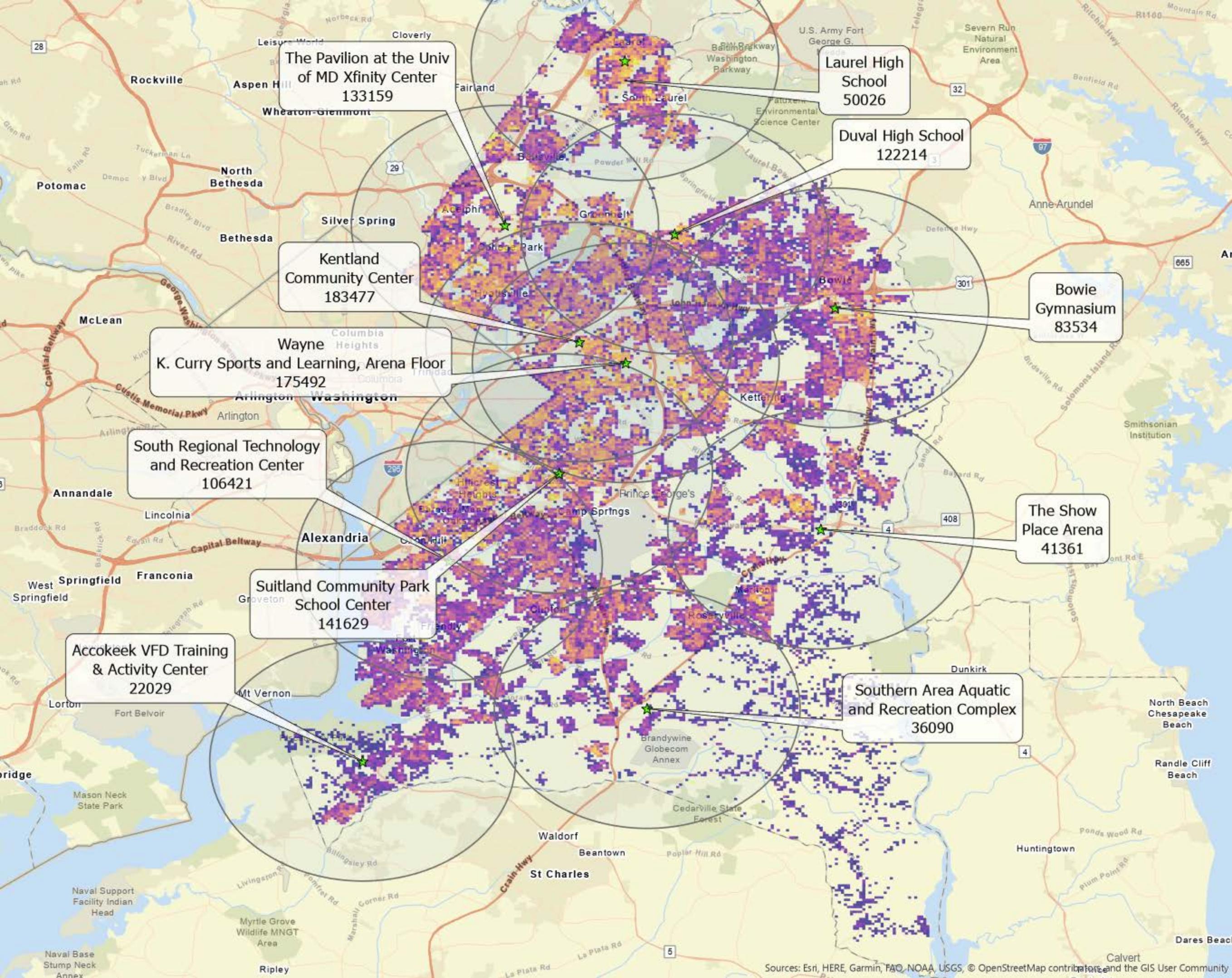




Sacred Heart Church  
Friendship Hall  
20061

St. Charles High  
School-Gymnasium  
50238





The Pavilion at the Univ  
of MD Xfinity Center  
133159

Laurel High  
School  
50026

Duval High School  
122214

Kentland  
Community Center  
183477

Bowie  
Gymnasium  
83534

Wayne  
K. Curry Sports and Learning, Arena Floor  
175492

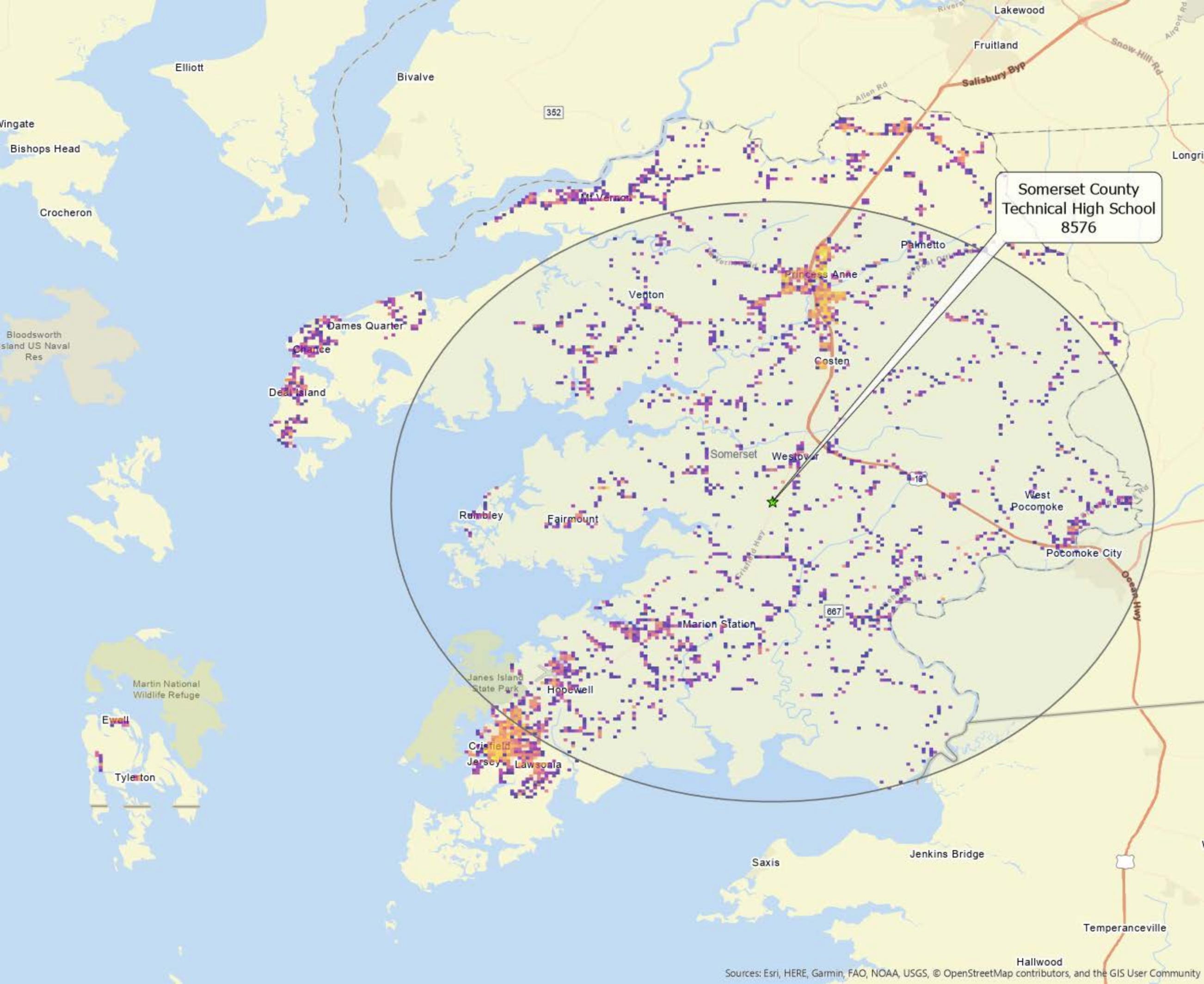
South Regional Technology  
and Recreation Center  
106421

The Show  
Place Arena  
41361

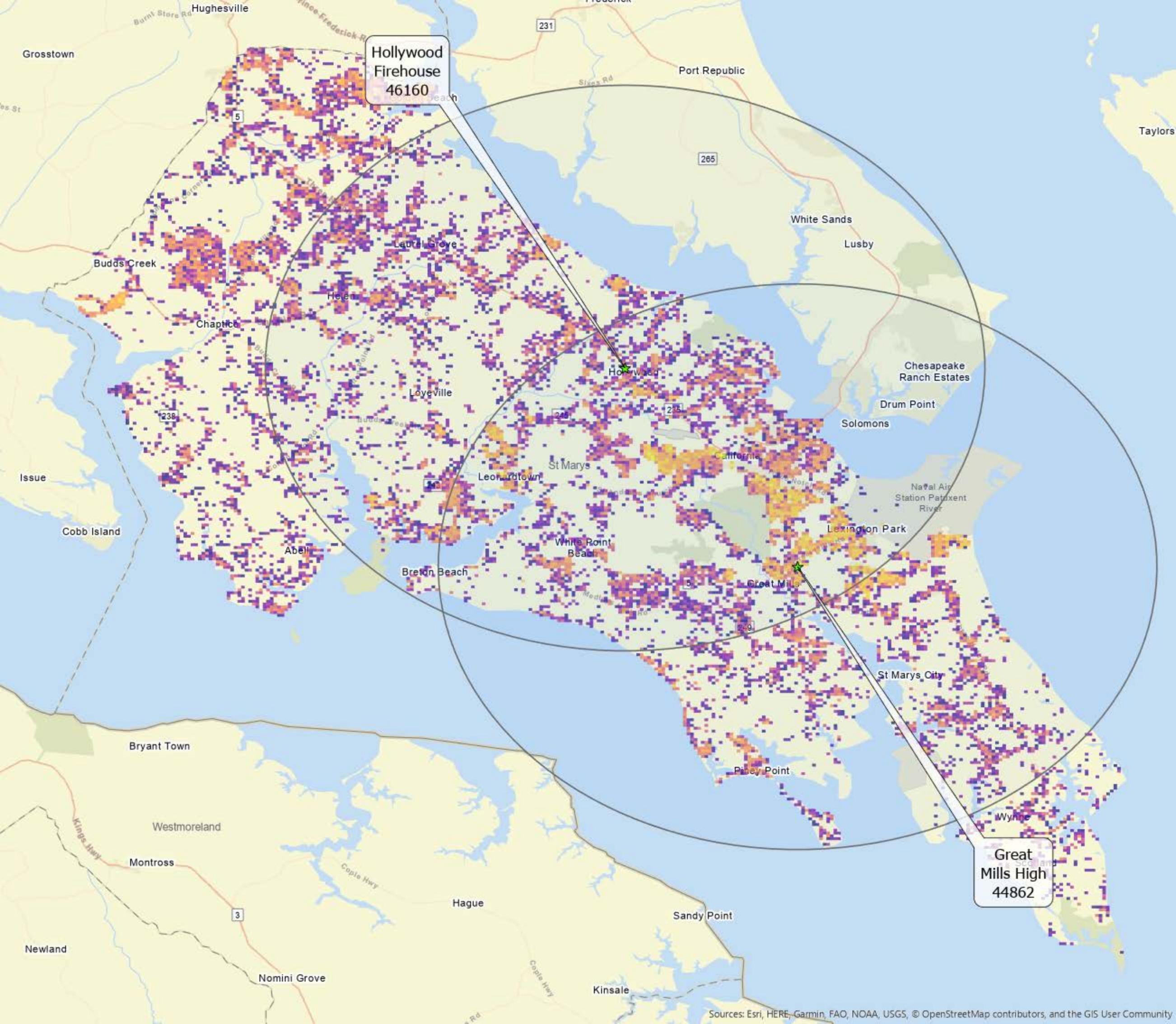
Suitland Community Park  
School Center  
141629

Accokeek VFD Training  
& Activity Center  
22029

Southern Area Aquatic  
and Recreation Complex  
36090



Somerset County  
Technical High School  
8576



Hollywood  
Firehouse  
46160

Great  
Mills High  
44862



LARRY HOGAN  
GOVERNOR

STATE OF MARYLAND  
OFFICE OF THE GOVERNOR

August 26, 2020

David Garreis  
President  
Maryland Association of Election Officials  
6740 Baymeadow Drive  
Glen Burnie, MD 21060

Dear Mr. Garreis,

As of today, based mainly on our administration's aggressive recruiting efforts, **more than 11,000 Marylanders** have expressed interest in serving as election judges for the upcoming general election. However, there are increasing reports that local boards of election have failed to contact, or even turned away, interested election judges. This is unacceptable, and hurts our ability to safely conduct the November election.

While this is typically a task for local boards, our administration has stepped up to assist you in the recruitment of election judges from across the state:

- We sent out multiple requests urging our **approximately 65,000 state employees** to sign up and serve as election judges, doubling the incentive of previous elections by offering 16 hours of administrative leave for each day of service.
- We collaborated with our colleges and universities to **make 167,000 contacts** encouraging staff and students to serve as election judges.
- We continue to encourage all of our state agencies to regularly and actively promote the need for election judges on their homepages and social media platforms.

These efforts alone have already put the state on track to exceed the number of judges needed to staff the polls. In Baltimore City, for example, the number of individuals who have already expressed interest roughly doubles the number of judges needed.

It is absolutely critical to ensure that the November election is conducted safely and effectively during the COVID-19 pandemic. You must stress to local boards the importance of responding to and training election judges immediately. There is no time to waste.

Sincerely,

Larry Hogan  
Governor

cc: Michael Cogan, Chairman, Maryland State Board of Elections  
Linda H. Lamone, Administrator of Elections, Maryland State Board of Elections  
Local Boards of Election



## HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013 Voice/Relay

Calvin Ball  
Howard County Executive  
cball@howardcountymd.gov

www.howardcountymd.gov  
FAX 410-313-3051

August 27, 2020

Maryland State Board of Elections  
151 West Street, Suite 200  
Annapolis, MD 21041

Dear Chairman Cogan and Members of the Maryland Board of Elections:

First and foremost, I thank you for your efforts to create a statewide election plan that each local jurisdiction can accommodate within the staffing capacity limitations triggered by the COVID-19 pandemic. I am confident your thoughtful deliberations throughout this process will produce a safe, well-conducted election, ensuring the voices of voters will be heard this fall.

I am writing to you today to request your support for the addition of Wilde Lake High School as a fifth early voting site in Howard County. Early voting locations maximize the opportunity for our residents to vote in an easy and effective manner. We agree that additional early voting locations are needed to provide more options to residents during this election cycle and are heartened by your efforts to encourage local jurisdictions to provide voting sites than in years past. We are confident that our local Board of Elections possesses adequate staffing to support an additional early voting location.

We are hopeful that you will support our selection of Wilde Lake High School as a fifth early voting location and look forward to receiving your approval. Thank you for your attention to this matter.

---

Calvin Ball  
County Executive

Cc: Howard County State Delegation  
Howard County Council  
Howard County Board of Elections

August 27, 2020

Dear Chair Cogan, Vice-Chair Hogan, and Members of the Board:

On July 21, I wrote to you warning that Maryland's election results will be greatly delayed because of the many internet delivered ballots that must be upon receipt. And, during the July 23 SBE meeting, you expressed your concern about this delay. But, the actions taken to-date have not sufficiently their ballots be sent to them over the internet. As of yesterday, internet delivery was requested for 18.3% of the 378,262 ballots already requested.

Maryland voters are just starting to receive their ballot application forms in the mail. Now is the time to have clear and powerful voter outreach to enc mail. Is such outreach planned for the next few days?

In addition, the SBE website still does not sufficiently encourage receipt by mail rather than internet. The website should be changed as soon as poss online application option, where the voter decides how to receive the ballot, does not strongly discourage electronic delivery:

Please tell us how you would like to receive your general election mail-in ballot:

If you choose internet delivery, we will send you an email with a link to your ballot about three weeks before the election. You must print your ba don't see an email from the State Board of Elections, check your spam folder.

Note: A fax or internet ballot you have printed yourself cannot be read by our scanners. Board of election workers will use the information on yo ballot will be machine counted with other ballots.

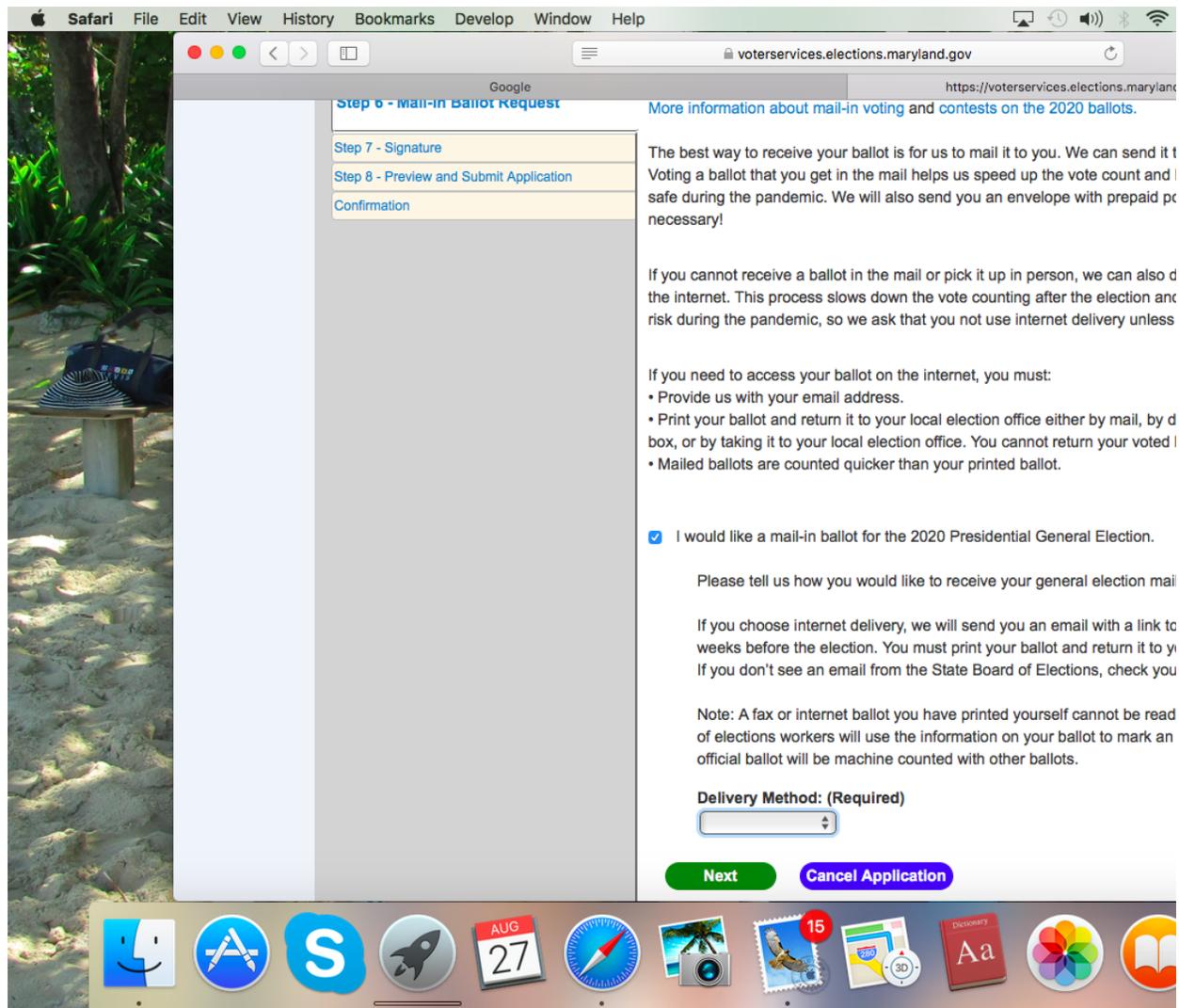
Delivery Method: (Required)

Furthermore, the general information about mailed ballots on the website fails to discourage internet delivery. It just says: "If you would like your b ballot mailed to a different address, please submit a request." <https://elections.maryland.gov/voting/absentee.html>

If the rate at which Maryland voters are requesting internet-delivered ballots is not drastically reduced, the local board of elections will be unable to ha current rate, about 350,000 ballots will need to be manually duplicated compared to 40,121 in the June primary. How long will it take to get final electi assuming all else goes smoothly? And what if there are other complications, for instance, if some election workers test positive for COVID during the

Thank you for your consideration,

Lynn Garland  
Montgomery County citizen



**STATE BOARD OF ELECTIONS**

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

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



Linda H. Lamone  
Administrator

Nikki Charlson  
Deputy Administrator

**Memorandum**

**TO:** State Board Members

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

**DATE:** August 19, 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 four waiver request, for the month of August. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$38,660.00.

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

**August 19,2020**

- 1. Bedingfield, Roger Friends for**
- 2. Khan, Hamza Friends of**
- 3. Odongo, Collins Dr. Campaign Committee**
- 4. Sanders, Sterling Vote**
- 5. Smith, Richard Friends of**
- 6. Warren, Robert "Rob" Anthony Friends of**

**Denied**

- 1. Baltimore County Green Party**
- 2. Gosnell, Mark Dr. Elect 2020**
- 3. Smith, Pete Friends of**
- 4. Yates III, John Citizens to Elect**

## Waiver Request Information Page

### General

<b>Account Name</b>	Bedingfield, Roger Friends for	
<b>CCF ID:</b>	0106300	<b>Status:</b> Active
<b>Date Established</b>	7/02/10	
<b>Date Waiver Requested</b>	7/22/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Maureen O'Connor	<b>Start Date:</b> 7/02/10
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Roger Bedingfield	7/02/10
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20			\$	\$210
1/16/19			\$	\$500
11/20/18				\$500
10/26/18				\$200
6/15/18				\$500
5/22/18				\$500
1/20/16				\$250
				<b>Total \$2660.00</b>

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
All 2018 reports	\$2660.00		Yes

### Recent Financial Activity History

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

### Reason for Waiver

Per OSP close account

### Division Comments

### Administrator's Decision

STATE OF MARYLAND



CHARLTON T. HOWARD III  
Maryland State Prosecutor

OFFICE OF  
THE STATE PROSECUTOR

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

July 21, 2020

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

RE: *Friends for Roger Bedingfield, 19-5607, CCF: 01006300*

Dear Mr. DeMarinis:

The above-referenced case was referred to our office for election law violations stemming from the failure to file campaign finance reports. As a result of our investigation, we issued civil citations.

Defendants Roger Bedingfield and Maureen O'Connor entered into a plea agreement whereby Mr. Bedingfield pled guilty and paid three citations totaling \$1,950 (3Z42302571, 4Z42302572, 5Z42302573). Pursuant to the agreement, we dismissed the remaining citations. This matter is now closed.

Please feel free to contact me with any questions.

Sincerely,

*Lindsay Bird*

Lindsay Bird  
Assistant State Prosecutor

## Waiver Request Information Page

### General

<b>Account Name</b>	Khan, Hamza Friends of	
<b>CCF ID:</b>	01011524	<b>Status: Active</b>
<b>Date Established</b>	11/14/16	
<b>Date Waiver Requested</b>	7/21/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Mustafa Kamel	<b>Start Date: 11/14/16</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	N/A	
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/16/19		9/10/19	\$500	\$500
11/20/18		9/10/19	\$500	\$500
10/26/18		9/10/19	\$500	\$500
8/28/18		9/10/19	\$500	\$500
5/22/18		9/10/19	\$500	\$500
				<b>Total: \$2,500.00</b>

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
All 2018 Reports	\$2500	N/A	Yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
N/A	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Per OSP close the account

### Division Comments

Grant

### Administrator's Decision

STATE OF MARYLAND

CHARLTON T. HOWARD III  
Maryland State Prosecutor



OFFICE OF  
THE STATE PROSECUTOR

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

July 21, 2020

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

RE: *Friends of Hazma Khan, 19-5648, CCF: 01011524*

Dear Mr. DeMarinis:

The above-referenced case was referred to our office for election law violations stemming from the failure to file campaign finance reports. As a result of our investigation, we issued civil citations.

Defendant Hazma Khan entered into a plea agreement whereby he pled guilty and paid two citations totaling \$1,500 (1Z42302548, 2Z42302549). Pursuant to the agreement, we dismissed the remaining citations. This matter is now closed.

Please feel free to contact me with any questions.

Sincerely,

*Lindsay Bird*

Lindsay Bird  
Assistant State Prosecutor

## Waiver Request Information Page

### General

<b>Account Name</b>	Odongo, Collins Dr. Campaign Committee	
<b>CCF ID:</b>	01013438	<b>Status:</b> Active
<b>Date Established</b>	1/22/20	
<b>Date Waiver Requested</b>	7/7/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Tony Ndungu	<b>Start Date:</b> 1/22/20
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Collins Ondongo	1/22/20
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
5/22/20		5/26/20	\$80	\$80
			\$	\$
				Total: \$80

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
N/A			

### Recent Financial Activity History

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

### Reason for Waiver

Despite the ongoing COVID pandemic and the committee members individual challenges to remotely coordinate the campaign as a team, we strive to conduct a successful campaign and meet all regulatory requirements. We filed our 5/22/20 Pre-Primary Report through the MCFRMS system and at the time of filing the system did not indicate any assessment of penalty. We humbly request a waiver of the penalty and look forward to your favorable response.

### Division Comments

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

### Administrator's Decision



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

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**Fwd: Late Fee Bill for the 5/22/2020 Pre Primary 2 Report - REQUEST FOR ABATEMENT**

1 message

---

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

Tue, Jul 7, 2020 at 7:54 AM

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

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

From: **Tony Ndungu** <ndungu@rocketmail.com>

Date: Mon, Jul 6, 2020 at 10:48 PM

Subject: Re: Late Fee Bill for the 5/22/2020 Pre Primary 2 Report - REQUEST FOR ABATEMENT

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

Cc: Collins Odongo &lt;codongo50@gmail.com&gt;, Tony Ndungu &lt;ndungu@rocketmail.com&gt;

TO:

Jared DeMarinis

Vicky Smith

Ebony Parran

Dear Sir/Madam:

We are writing in response to the Late Fee Bill notice in the amount of \$80 that we recently received (ODONGO, COLLINS DR. CAMPAIGN COMMITTEE #1013438).

Despite the ongoing COVID pandemic and the committee members individual challenges to remotely coordinate the campaign as a team, we strive to conduct a successful campaign and meet all regulatory requirements.

We filed our 5/22/20 Pre Primary Report through the MCFRMS system and at the time of filing the system did not indicate any assessment of penalty.

We humbly request a waiver of the penalty and look forward to your favorable response.

Best,  
Chairman and Treasurer  
ODONGO, COLLINS DR. CAMPAIGN COMMITTEE #1013438).

On Wednesday, June 24, 2020, 07:57:37 AM EDT, <info.sbe@maryland.gov> wrote:

To Candidate, Chair, and Treasurer,

This is to notify you that the 5/22/20 Pre Primary 2 Report was received late and that the campaign committee has a late fee assessed for this report.

## Waiver Request Information Page

### General

<b>Account Name</b>	Sanders, Sterling Vote	
<b>CCF ID:</b>	01011526	<b>Status:</b> Active
<b>Date Established</b>	11/19/16	
<b>Date Waiver Requested</b>	7/22/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Brandon Stouter	<b>Start Date:</b> 11/19/16
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Sterling Sanders	11/19/16
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20		8/4/20	\$1000	\$1000
1/16/20		8/4/20	\$500	\$500
11/20/18		8/4/20	\$500	\$500
10/26/18		8/4/20	\$500	\$500
8/28/18		8/4/20	\$500	\$500
7/22/19		8/4/20	\$500	\$500
				Total: \$3,500.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
N/A			

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
N/A	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Per OSP close the account.

### Division Comments

Grant

### Administrator's Decision

STATE OF MARYLAND



CHARLTON T. HOWARD III  
Maryland State Prosecutor

OFFICE OF  
THE STATE PROSECUTOR

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

July 22, 2020

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

RE: *Vote Sterling Sanders, 19-5682, CCF: 01011526*

Dear Mr. DeMarinis:

The above-referenced committee was referred to our office for election law violations stemming from: (1) the failure to file campaign finance reports (2019 annual, 2018 Gubernatorial Post-General, 2018 Gubernatorial Pre-General<sup>2</sup>, 2018 Gubernatorial Pre-General<sup>1</sup>), and (2) the failure to amend the 2018 Annual Report.

With regard to the failure to file campaign finance reports, we issued civil citations. Defendant Sterling Sanders entered into a plea agreement whereby he pled guilty and paid two citations totaling \$1,500 (4Z42302698, 3Z42302697). Pursuant to the agreement, we dismissed the remaining citations.

With regard to the failure to amend the 2018 Annual Report, we are exercising our prosecutorial discretion and declining to bring an enforcement action. The discrepancy identified in the audit that triggered the responsibility to file an amended report was an excessive cash contribution of 762.50 from the candidate to the candidate's campaign committee. The remedy for such a violation is for the committee to return the \$762.50 to the candidate. The committee's bank account was closed on 6/26/2018 with a balance of \$0.00 and it is therefore impossible for the committee to comply.

We consider these matters closed at this time. Please feel free to contact me with any questions.

Sincerely,

*Lindsay Bird*

Lindsay Bird  
Assistant State Prosecutor

## Waiver Request Information Page

### General

<b>Account Name</b>	Smith, Richard Friends of	
<b>CCF ID:</b>	01013343	<b>Status:</b> Active
<b>Date Established</b>	1/13/20	
<b>Date Waiver Requested</b>	7/28/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Shelley Smith	<b>Start Date:</b> 1/13/20
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Richard Smith	1/13/20
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
4/28/20		7/28/20	\$1000	\$1000
			\$	\$
				Total: \$1000.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
N/A			

### Recent Financial Activity History

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

### Reason for Waiver

Can I ask that this fee be waived I got confused when extension was granted This campaign has not received and donations or has expenses The last one was filed on time and I thought it was for both.

### Division Comments

Grant 1<sup>st</sup> request

### Administrator's Decision



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

---

**Fwd: Notice to Show Cause Letter for the 4/28/20 Pre Primary 1 Report**

4 messages

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

Tue, Jul 28, 2020 at 12:25 PM

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

From: **Richard Smith** <smithrealty110@gmail.com>  
Date: Tue, Jul 28, 2020 at 11:54 AM  
Subject: Re: Notice to Show Cause Letter for the 4/28/20 Pre Primary 1 Report  
To: <info.sbe@maryland.gov>

Can I ask that this fee be waived  
I got confused when extension was granted  
This campaign has not received and donations or has expenses  
The last one was filed on time and I though it was for both  
Could I get email on this Please

Thank you  
Dick

On Tue, Jul 28, 2020 at 8:51 AM <info.sbe@maryland.gov> wrote:

To Candidate, Chair, and Treasurer,

This is to notify you that the 4/28/20 Pre Primary 1 Report was not received and that the campaign committee has a late fee assessed for this report.

Attached you will find a copy of the Notice to Show Cause and a hard copy of the bill will be followed up to you in the mail. You can pay over the phone with a credit card if MasterCard or Visa by calling Vicky Smith at 410.269.2871 or Ebony Parran at 410.269.2922.

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

Thank you.

Sincerely,

Maryland State Board of Elections

Division of Candidacy and Campaign Finance

Phone: 410.269.2840

Email: [info.sbe@maryland.gov](mailto:info.sbe@maryland.gov)

---

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

Tue, Jul 28, 2020 at 12:41 PM

## Waiver Request Information Page

### General

<b>Account Name</b>	Warren, Robert "Rob" Anthony Friends of	
<b>CCF ID:</b>	01012123	<b>Status:</b> Active
<b>Date Established</b>	12/27/17	
<b>Date Waiver Requested</b>	7/22/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Dominique Hardy	<b>Start Date:</b> 12/27/17
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Robert Warren	12/27/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/16/19		2/20/20	\$500	\$500
7/22/19 Audits x 3		2/20/20	\$1,500	\$1,500
11/20/18		2/20/20	\$500	\$500
10/26/18		7/19/19	\$500	\$500
8/28/18		9/05/18	\$140	\$140
6/15/18		6/23/18	\$140	\$140
5/22/18		5/29/18	\$130	\$130
				<b>Total: \$3410.00</b>

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
2018 Reports	\$1,370		Yes
2019 Reports	\$2000		Yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
N/A	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Per OSP close account.

### Division Comments

Grant

STATE OF MARYLAND

CHARLTON T. HOWARD III  
Maryland State Prosecutor



OFFICE OF  
THE STATE PROSECUTOR

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

July 22, 2020

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

RE: *Friends of Robert Anthony Warren, 19-5704, CCF: 01012123*

Dear Mr. DeMarinis:

The above-referenced committee was referred to our office for election law violations stemming from: (1) the failure to file campaign finance reports (2019 annual, 2018 Gubernatorial Post-General, 2018 Gubernatorial Pre-General 2, 2018 Gubernatorial Pre-General 1, 2018 Gubernatorial Pre-Primary 2, and 2018 Pre-Primary 1), and (2) the failure to amend reports (2018 Gubernatorial Pre-Primary 1, 2018 Gubernatorial Pre-Primary 2, and 2018 Gubernatorial Pre-General 1).

With regard to the failure to file campaign finance reports, we issued civil citations. Defendant Robert Warren entered into a plea agreement whereby he pled guilty and paid four citations totaling \$1,910 (5Z42302531, 6Z42302532, 0Z42302533, 1Z42302534). Additionally, Mr. Warren paid the entire \$1,000 late fee for the 2020 Annual Report. Pursuant to the agreement, we dismissed the remaining citations.

With regard to the violations stemming from failure to amended reports pursuant to audit findings, we are exercising our prosecutorial discretion and declining to bring an enforcement action. Mr. Warren has paid \$2,910 in fees/penalties since this matter was referred to our office. Most importantly, Mr. Warren has filed amended reports which address all discrepancies and is now in compliance.

We consider these matters closed at this time. Please feel free to contact me with any questions.

Sincerely,

*Lindsay Bird*

Lindsay Bird  
Senior Assistant State Prosecutor

## Waiver Request Information Page

### General

<b>Account Name</b>	Baltimore County Green Party	
<b>CCF ID:</b>	05011533	<b>Status:</b> Active
<b>Date Established</b>	12/08/16	
<b>Date Waiver Requested</b>	7/28/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Bandy Baker	<b>Start Date:</b> 2/03/20
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Renaud Brown	1/17/20
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
4/28/20		4/29/20	\$20	\$20
			\$	\$
				Total: \$20

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
7/15/19	\$50	Waived	
1/17/18	\$500	Paid	Yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
4/28/20	\$0	\$0	\$2715	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

When this report was due our internet was spotty, we were told by comcast this was because so many people were home.

### Division Comments

Denied

### Administrator's Decision

Late Fee Waiver Request Form

Maryland State Board of Elections - Division of Candidates and Campaign Finance  
P.O. Box 7192 • Annapolis, Maryland 21404  
(410) 366-7900 • www.mde.state.md.us

Campaign Account Name Baltimore Party 2020

Account Number 06011536 Date of Request 7-28-20

Name of the Requestor(s)\* Brandy Baker

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Fund Report(s) 7/28/20

Total Amount of late fees: \$ 20

The basis for the request: During the time that this report was due, our internet connection, which has historically been reliable, was very spotty. We were told by Comcast at the time that this was because so many people were @ home due to the COVID 19 lockdown.

We respectfully request a waiver of the \$20 charge. Thank you!  
Also, we were unable to reach the Board at the time

Brandy Baker  
(Signature)  
Brandy Baker, Treasurer  
(Date)

**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 chairman, treasurer or candidate.  
This form is for use in elections started as

**For Board Use Only**  
Date Rec'd \_\_\_\_\_ Date Heard \_\_\_\_\_  
Verification \_\_\_\_\_  
Board Decision \_\_\_\_\_

## Waiver Request Information Page

### General

<b>Account Name</b>	Gosnell, Mark Dr. Elect 2020	
<b>CCF ID:</b>	01013165	<b>Status:</b> Active
<b>Date Established</b>	02/14/19	
<b>Date Waiver Requested</b>	7/31/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Lisa Greisman	<b>Start Date:</b> 2/14/19
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Mark Gosnell	2/14/19
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
5/22/20		N/A	\$1000	\$1000
4/28/20		N/A	\$1000	\$1000
1/15/20		N/A	\$1000	\$1000
				Total: \$3000.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
N/A			

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
N/A	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

We email the FEC and was told no report were due. We received no response to phone calls made to your office. Considering these circumstances, we are requesting the fees be waived

### Division Comments

Deny, no reports have been filed.

### Administrator's Decision

--

**Lou Friedman & Company, PA**  
**1212 York Road, Suite C 300**  
**Lutherville, MD 21093**  
**410-363-1780**  
**Fax 410-363-1781**  
**Email LouFried@aol.com**

**RECEIVED**  
**JUL 31 2020**  
**STATE BOARD OF ELECTIONS**

July 28, 2020

State Board of Elections  
Attn: Linda Lamone, Administrator  
PO Box 6486  
Annapolis, MD 21401-0486

Dear Ms. Lamone:

We are writing in response to your letter of July 28, 2020, copy enclosed. That letter assesses a penalty of \$1,000 for not filing a report.

In January of 2020 I emailed the federal election commission to confirm whether a report needed to be filed to which I received the attached notice, indicating that with less than \$5,000 in receipts/expenditures, no report was necessary. Subsequently, on April 23, 2020 I called your office to see if a report needed to be filed where no funds were received, and under \$150 in expenditures incurred. No response to our phone call has yet to be received.

Upon receipt of your letter, I tried calling again. This time, it went to voice mail which stated that your mailbox was full, and no message could be left.

In light of the above, the lack of donations to the campaign, from which the candidate dropped out of, the lack of expenditures and the inability to receive assistance from the State Board of Elections, we request that the penalty be abated and the Campaign account closed.

Please contact the undersigned if additional information is needed.

Very truly yours,

  
Lou Friedman

## Waiver Request Information Page

### General

<b>Account Name</b>	Smith, Pete Friends of	
<b>CCF ID:</b>	01009180	<b>Status:</b> Active
<b>Date Established</b>	1/29/2013	
<b>Date Waiver Requested</b>	7/21/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Ghislenny Gonzalez	<b>Start Date:</b> 1/29/13
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Louise Dejesu	7/20/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/15/20			\$1000	\$1000
7/22/19 Audit			\$500	\$500
7/22/19 Audit			\$500	\$500
7/22/19 Audit			\$500	\$500
				Total: \$2,500.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP
11/20/18	\$20	Paid	Yes
<b>10/26/18</b>	\$40	Paid	Yes
7/22/19	\$500	Paid	Yes

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/15/20	\$ 0	\$2034	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

We are writing to request a waiver in the amount of \$2500 for late fees associated with our campaign entity reports for the 2020 Annual, 2019 Annual Audit, 2018 Gubernatorial Post General Audit, and the 2018 Gubernatorial Post-General. This incident was caused by an inadvertent misunderstanding of a report and subsequent documentation requested by your organization.

### Division Comments

Denied committee has a history of non-compliance

### Administrator's Decision

Date: July 21, 2020

From: Pete Smith, Candidate, Friends of Pete Smith  
To: Jared DeMarinis, Director Candidacy & Campaign Finance Division

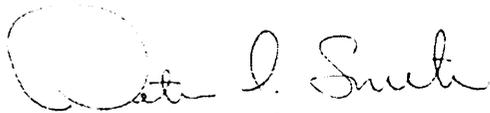
SUBJECT: REQUEST FOR WAIVER OF LATE FEES (\$2500) ASSOCIATED WITH DELIQUENT REPORTS

Dear Mr. DeMarinis,

We are writing to request a waiver in the amount of \$2500 for late fees associated with our campaign entity reports for the 2020 Annual, 2019 Annual Audit, 2018 Gubernatorial Post-General Audit, and the 2018 Gubernatorial Post-General. This incident was caused by an inadvertent misunderstanding of a report and subsequent documentation requested by your organization. Attached is the documentation outlining the incident that led to the error in the initial report that started this review. We have already paid \$500 to clear the audit report that triggered the audit on 21 July 2020 and was forwarded to OSP. Reports were turned in, however, the follow-up action to address the 2018 Pre-General 1 Report Gubernatorial was delayed, only to be compounded by the location change of both the Candidate and the Treasurer. The \$48.25 offset between the reported balance and the bank balance was an oversight but has been corrected via amended report and filed on 23 Jun 2020.

I personally apologize for any confusion this has caused and extra efforts placed on the staff of your organization. It was never my intent to have this issue prolonged. It also breaks my heart that I allowed this \$48.25 error to balloon to \$3000 in fees. A very sobering lesson learned.

Sincerely,

A handwritten signature in cursive script that reads "Pete L. Smith". The signature is written in black ink and is positioned below the word "Sincerely,".

## Waiver Request Information Page

### General

<b>Account Name</b>	Yates III, John Citizens to Elect	
<b>CCF ID:</b>	01013213	<b>Status:</b> Active
<b>Date Established</b>	7/12/19	
<b>Date Waiver Requested</b>	7/20/20	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Justine Earl	<b>Start Date:</b> 7/12/19
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	John Yates	7/12/19
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
5/22/20		8/3/20	\$1000	\$1000
4/28/20		8/3/20	\$1000	\$1000
1/15/20		7/20/20	\$1000	\$1000
				Total: \$3000.00

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

### Prior Waiver and Fees

Report	Late Fee	Waiver/payment	Referred OSP

### Recent Financial Activity History

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

### Reason for Waiver

This committee was not pursued due to health issue with candidate I tried to close the account but was not aware it was not closed due to late fees.

### Division Comments

Deny, committee has been non-compliance from the start.

### Administrator's Decision

--

Late Fee Waiver Request Form

Maryland State Board of Elections - Division of Candidacy and Campaign Finance  
P.O. Box 6486 • Annapolis, MD 21401-0486  
410-269-2880 • 800-222-8683

Campaign Account Name: Citizen's To Elect John Grates

Account Number: \_\_\_\_\_ Date of Request: 7/9/2020

Name of the Requestor(s)\*: Justine Earl

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Fund Report(s): January 2020

Total Amount of late fees: \$ 1000.00

The basis for the request: This campaign was registered for however due to Mr. Grates having health issues he never proceeded with committing to collecting contributions. I further had the treasurer took the following steps to close out the bank account that was set up and send a letter of resignation to the Maryland Board of Elections. However, I was not aware that the campaign registration was still opened and waiting for a fee due to the report not being filed.

Justine G. Earl (Signature) 7/9/2020 (Date)

RECEIVED  
JUL 20 2020  
THE BOARD OF ELECTIONS

Instructions	For Board Use Only
<ul style="list-style-type: none"> <li>- Please print clearly or type.</li> <li>- 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.</li> <li>- Please limit your request to this document only.</li> <li>- <i>*Requests may only be made by the committee chairman, treasurer or candidate.</i></li> </ul>	<p>Date Rcvd: _____ Date Heard: _____</p> <p>Verification: _____</p> <p>Bd. Decision: _____</p>



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

August 27, 2020

The Honorable Lawrence J. Hogan, Jr.  
Governor of Maryland  
State House  
Annapolis, MD 21401

Dear Governor Hogan:

The staff of the 24 Local Boards of Elections (LBEs) would like to thank your administration for the aggressive steps you have taken in order to combat the Election Judge vacancy emergency, including recruiting state employees to serve as Election Judges and issuing a proclamation permitting the Maryland State Board of Elections (SBE) to establish vote centers in each jurisdiction for the Presidential General Election. In many jurisdictions, these steps have reduced or eliminated Election Judge vacancies as a major crisis point for the upcoming General Election. However, we are always recruiting for Election Judges and will continue to accept as many applications to be an Election Judge as possible.

The Maryland Association of Election Officials (MAEO) and the LBEs share the concern raised in your letter of August 26th. When our offices receive an application to be an Election Judge, our standard procedure is to call or email the applicant to notify them that we have their application on file and that we appreciate their willingness to serve. If we learn that a potential Election Judge has not been contacted or was turned away, we will immediately reach out to that applicant. If an applicant to be an Election Judge has not heard from the LBE for their jurisdiction, the applicant should take the following actions, including: check the spam folder in their email, we have observed many instances where the applicant was contacted via email but the email from the LBE was mistakenly marked as spam or call the LBE to check on the status of the application.

We would once again like to thank you for your actions promoting service as an Election Judge and permitting state employees to receive sixteen hours of administrative leave for each day they serve as Election Judge. Working together, we have been successful in reducing the Election Judge crisis for the 2020 General Election. MAEO and the LBEs are dedicated to providing every citizen of Maryland with a safe and convenient experience on Election Day and during Early Voting and having properly staffed vote centers are a major key to achieving that goal.

Sincerely,

David Garreis, President  
Maryland Association of Election Officials

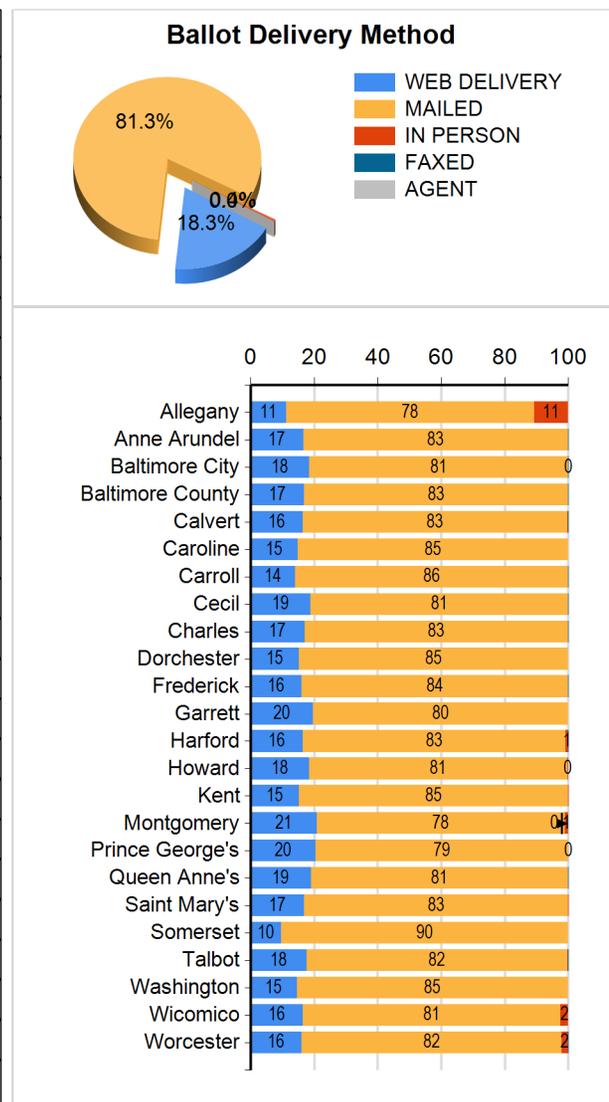
cc: Michael R. Cogan, Esq., Chairman, Maryland State Board of Elections  
Linda H. Lamone, Administrator of Elections, Maryland State Board of Elections  
Local Boards of Elections

## Mail-in Ballot Requests by County

Election: 2020 Presidential General Election

As of: August 27, 2020

COUNTY	HOW THE BALLOTS WILL BE DELIVERED					TOTAL
	AGENT	FAXED	IN PERSON	MAILED	WEB DELIVERY	
Allegany	0	0	193	1,403	202	1,798
Anne Arundel	0	5	0	42,095	8,386	50,486
Baltimore City	0	12	8	24,071	5,457	29,548
Baltimore County	0	9	6	42,506	8,630	51,151
Calvert	0	1	9	4,336	854	5,200
Caroline	0	0	0	571	99	670
Carroll	0	5	1	8,146	1,335	9,487
Cecil	0	1	0	2,584	601	3,186
Charles	0	4	4	8,219	1,683	9,910
Dorchester	0	0	0	626	113	739
Frederick	0	2	0	15,563	2,953	18,518
Garrett	0	0	0	555	136	691
Harford	0	7	103	10,232	2,025	12,367
Howard	1	8	96	24,988	5,641	30,734
Kent	0	0	1	791	143	935
Montgomery	1	43	1,062	75,025	20,138	96,269
Prince George's	3	4	20	28,497	7,355	35,879
Queen Anne's	0	1	0	1,902	449	2,352
Saint Mary's	0	0	4	4,083	825	4,912
Somerset	0	0	0	444	47	491
Talbot	0	1	7	2,038	438	2,484
Washington	0	0	0	4,484	768	5,252
Wicomico	0	0	73	2,380	481	2,934
Worcester	0	3	45	1,858	363	2,269
<b>TOTAL</b>	<b>5</b>	<b>106</b>	<b>1,632</b>	<b>307,397</b>	<b>69,122</b>	<b>378,262</b>





## SBE Policy 2020-01: Temporary Electronic Petition Signature Acceptance

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Adopted: April 22, 2020  
Amended: August 27, 2020  
Annapolis, Maryland

WHEREAS, on March 5, 2020, the Governor issued a proclamation declaring a State of Emergency in an effort to control and prevent the spread of COVID-19 within the State;

WHEREAS, on March 17, 2020, the Governor issued a proclamation renewing the declaration of a State of Emergency and declaring the existence of catastrophic health emergency that interferes with the electoral process and stated that steps should be taken to prevent or reduce harmful consequences to the electoral process;

WHEREAS, on March 30, 2020, the Governor issued a Stay-at-Home-Order except to conduct essential activities and prohibiting any gathering of more than 10 people;

WHEREAS, on April 10, 2020, the Governor issued a proclamation renewing the declaration of a State of Emergency and catastrophic health emergency, and specified that the Stay-at-Home-Order did not prohibit persons from traveling between their homes and polling places or ballot return locations for certain purposes relating to the April 28, 2020 special general election to fill the vacancy in the Seventh Congressional District and the June 2, 2020 presidential primary election;

WHEREAS, the Governor's April 10, 2020 proclamation, did not specify that persons living in Maryland may travel outside their homes for the purpose of circulating or signing petitions to place a candidate or question on the ballot at the November 3, 2020 presidential general election, or for a political party to gain recognition by the State;

WHEREAS, the collection of signatures for a petition is often conducted during gatherings, events, or festivals that are prohibited under the order of the Governor;

WHEREAS, the State Board of Elections recognizes that the current, extreme conditions inhibit the collection of signatures required for a petition to gain access to or place a question on the ballot;

WHEREAS, Maryland law allows a government agency "to determine whether, and to the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise . . . . rely upon electronic records and electronic signatures," Md. Code, Comm. Law § 21-117(a);

WHEREAS, the State Board of Elections has not, to date, permitted the submission of petitions bearing electronic signatures;

WHEREAS, the State Board of Elections believes that allowing the submission of petitions bearing electronic signatures during the period in which Maryland citizens may seek to file petitions to place a candidate or question on the ballot at the November 3, 2020 presidential general election, or for a political party to gain recognition by the State in time to qualify to nominate candidates to appear on the ballot at the November 3, 2020 presidential general election, will further the State's goals of minimizing the threat posed by COVID-19 while preserving the Constitutional rights of Marylanders to petition for access to or to place a question on the ballot; and

WHEREAS, the continued existence of the state of emergency beyond the deadlines for the filing of petitions to place a candidate or question on the ballot at the November 3, 2020 presidential general election, or for a political party to gain recognition by the State in time to qualify to nominate candidates to appear on the ballot at the November 3, 2020 presidential general election, justifies the extension of this policy to the earlier of January 13, 2021, or 30 days following the expiration of the State of Emergency declared by the Governor;

THEREFORE, the State Board of Elections states as follows:

1. Definitions.

- a. "Circulator" shall have the meaning set forth in Md. Code, Elec. Law § 6-101(d)
- b. "Electronic signature" shall have the meaning set forth in Md. Code, Elec. Law § 1-101(y)
- c. "Petition" shall have the meaning set forth in Md. Code, Elec. Law § 6-101(i)

2. Policy.

- a. Any petition authorized by law to place the name of an individual or question on the ballot or to create a new political party pursuant to Title 6 of the Election Law Article of the Annotated Code of Maryland may contain the electronic signatures of individuals signing the petition, and/or circulators circulating any of the signature pages filed with the petition.
- b. For an electronic signature to be valid under this policy, in addition to meeting the requirements of Elec. Law § 1-101(y), the signature must reflect an affirmative action by the signer to type or electronically sign or affix the signer's name on to the signature page.
- c. The signature must be typed, signed or affixed onto a form prescribed by the State Board of Elections.
- d. All current statutory and regulatory requirements applicable to petition signatures (including the signatures of circulators in the circulator's affidavit) remain in effect.
- e. This policy does not change the requirement that a circulator must personally observe each signer as the page for which that circulator will swear an affidavit is being signed. Remote observations (such as via Skype or FaceTime) do not meet this requirement.

3. Applicability.

- a. This policy shall be in effect from April 22, 2020 until January 13, 2021.
- b. Any valid signatures obtained at a time when this policy is in effect shall not lose their validity due to the expiration of this policy.

STATE BOARD OF ELECTIONS

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

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



Linda H. Lamone  
Administrator

Nikki Charlson  
Deputy Administrator

## Memorandum

**To:** State Board Members  
**From:** Jared DeMarinis  
**Date:** August 28, 2020  
**Re:** Extension of SBE Policy 2020-01

At the next board meeting, I will propose to extend the SBE Policy 2020-01 to January 13, 2021, the first day of legislative session.

The policy, adopted on April 22, 2020, allows for the acceptance of electronic signatures for petitions. The policy had a sunset provision of August 3, 2020. Since then, staff has received requests to extend the deadline for the collection of petition signatures by a ballot issue committee wanting to propose charter amendment questions at the county level.

Maryland is still under the declared State of Emergency by the Governor to prevent the spread of COVID-19. As you are aware, the collection of signatures for a petition is often conducted during gatherings, events, or festivals that are either prohibited under the order of the Governor or have been canceled due to COVID-19. As such, the current extreme conditions inhibit the collection of signatures required for a petition to gain access to or place a question on the ballot. Therefore, it is recommended to extend to the policy to January 13, 2021.

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County



Miller Senate Office Building  
11 Bladen Street, Suite 2 West  
Annapolis, Maryland 21401  
301-858-3134 · 410-841-3134  
800-492-7122 Ext. 3134  
Fax 301-858-3665 · 410-841-3665  
Cheryl.Kagan@senate.statc.md.us

Vice Chair  
Education, Health, and  
Environmental Affairs Committee

Joint Audit Committee  
Joint Committee on Federal Relations

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

August 26, 2020

Maryland State Board of Elections  
c/o Mr. Michael Cogan, Chair  
151 West Street, Suite 200  
Annapolis, MD 21401

Dear Chair Cogan & SBE Board Members:

Many thanks for your continued focus and dedication to Maryland's elections in these difficult times. I am writing with two more items for your consideration now that the Board has addressed the most pressing issues.

I believe that the State Board should work with staff to establish statewide standards and processes for both curing and canvassing. While we generally want to defer to the expertise of our 24 local boards and staff, there should be consistency in these procedures. No matter where a voter lives, it is important that every ballot is handled in the same manner.

**ESTABLISHING CONSISTENCY IN CURING:**

Most voters will be casting a mail-in ballot for the first time in this election and may make mistakes. The State Board recommended curing procedures for the June Primary. Did the State follow up to learn how each jurisdiction contacted voters to allow them to correct flawed ballot envelopes? Which local boards notified voters (and how-- through mail, phone, text, or email) that their ballots would be rejected without action? How many voters fixed issues with their ballot envelopes? With the earlier start to the canvass (October 1st), our local election staff should have time to contact voters so that any deficiencies can be resolved. Fundamentally, the opportunity to correct errors should be the same across the State.

As you may know, the Virginia General Assembly is currently debating and likely passing legislation regarding curing and other election issues. Their [SB 5120](#) would require local boards to inspect envelopes and reach out to voters via phone, email, or mail to correct an error that would otherwise invalidate the ballot. In the absence of such a law in Maryland, creating emergency regulations for all 24 jurisdictions seems wise. (Note: When drafting emergency regulations during this pandemic, staff should emphasize safe, electronic methods of submitting corrections.)

**IMPROVING TRANSPARENCY IN CANVASSING:**

During the Primary and Special Elections, there were difficulties with live video-streaming of the canvass. Many of the videos were hard to access; difficult to view or understand what was happening; and lacked a chat feature to ask questions or challenge a ballot. Because there is sufficient time to prepare, all 24 local boards should implement a canvass that:

- Ensures that the streaming platform is accessible to the general public;
- Offers a helpline for technical issues in watching videos;
- Captures all rooms with canvass activity;
- Places cameras with a clear view of each ballot as marked;
- Allows for questions and challenges in real-time;
- Permits monitoring the accuracy of ballot duplication;
- Provides signage to help viewers understand the process:
  - Each station should have a sign summarizing the activity;
  - Piles of accepted or rejected ballot envelopes should be clearly labeled; and
  - When there is a recess, staff should post a sign as to when work will recommence.
- Models proper usage of PPE (such as masks, gloves, etc.).

It is important to establish clear and consistent practices so the public can cure their ballot envelopes and observe the canvass. Local boards should comply with statewide standards when contacting voters to resolve errors and streaming the canvass process. Whether a jurisdiction is “red” or “blue,” the public should have confidence that all ballots and procedures are uniform.

I hope that the Board will consider these two issues at your next meeting on Friday, August 28th. As always, please do not hesitate to contact me if you have any questions.

Sincerely,

**Cheryl**

Cheryl C. Kagan  
Vice Chair, Education, Health, and Environmental Affairs Committee  
Maryland State Senate  
District 17

P.S.: I am sure you will hear from the Maryland Association of Election Officials (MAEO) and other election experts, but it seems obvious that we need to discourage people from choosing online ballots. The current 19% request rate must terrify our local election staffers. Board Member Howells suggested contacting voters who requested electronic delivery, encouraging them to change their selection. When finalizing the letter’s language, Board Member Funn’s valid concerns about the appearance of voter suppression should be taken into account. The letter should be posted to SBE’s website to reassure cautious voters of its legitimacy.

cc: President Bill Ferguson, Maryland State Senate  
Speaker Adrienne Jones, Maryland House of Delegates  
Chair Paul Pinsky, Senate Education, Health, and Environmental Affairs Committee  
Chair Anne Kaiser, House Ways and Means Committee  
David Garreis, Maryland Association of Election Officials (MAEO)  
Michael Sanderson, Maryland Association of Counties (MACo)  
Kevin Kinnally, Maryland Association of Counties (MACo)  
Linda Lamone, State Board of Elections  
Nikki Charlson, State Board of Elections  
Jared DeMarinis, State Board of Elections

CLARENCE K. LAM, M.D., M.P.H.  
*Legislative District 12*  
Baltimore and Howard Counties

Education, Health, and Environmental Affairs  
Committee

Executive Nominations Committee

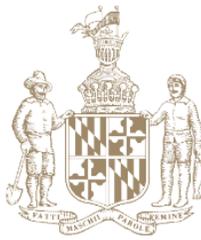
Joint Committee on Ending Homelessness

*Chair*

Joint Committee on Fair Practices and  
State Personnel Oversight

*Chair*

Howard County Senate Delegation



Miller Senate Office Building  
11 Bladen Street, Room 420  
Annapolis, Maryland 21401  
410-841-3653 · 301-858-3653  
800-492-7122 Ext. 3653  
Clarence.Lam@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

August 26, 2020

Linda Lamone  
State Administrator of Elections  
151 West St.  
Suite 200  
Annapolis, MD 21401

Michael Cogan  
Chair, State Board of Elections (SBE)  
151 West St.  
Suite 200  
Annapolis, MD 21401

Re: Discouraging email transmitted ballots

Dear Administrator Lamone and Chair Cogan,

There is a troubling ongoing conversation about strongly discouraging the use of internet delivery ballots and sending an email asking voters to change their requested ballot type. Email transmitted ballots are essential to ensuring that Maryland has an accessible and safe election and it is important that they are not overly discouraged or treated differently than ballots sent by mail.

Email transmitted ballots are the only way voters with certain disabilities can vote by mail. For example, voters who are blind or have motor difficulties are not able to mark the ballots sent to voters through the mail. The email transmitted ballot allows voters to use accessibility software to mark their ballot before they print it out. Without the email ballot, voters with disabilities would have to choose between their right to mark their ballot privately and independently and risking exposure to COVID-19 by voting in-person using an accessible ballot marking device (BMD).

In addition to voters with disabilities, the email transmitted ballot helps ensure that voters serving abroad in the military, attending college, or with inconsistent postal service can vote by mail. Additionally, several current issues may make the email ballot preferable to some voters. For example, many universities and colleges have not made final decisions regarding their fall reopening plans therefore many students may be unsure of the best mail address for their ballot. Additionally, the ongoing reporting of issues related to the United States Postal Service may make voters feel more secure in requesting an email transmitted ballot. In District 12, I had several constituents who did not receive their ballot in the mail before the primary election and some who then were not able to vote because it was unsafe for them to vote in person. These voters may feel that they will be risking their right to vote again by trusting a mail delivered ballot.

Additionally, it is not clear that Maryland is seeing a significant increase in requests for email transmitted ballots. Currently, SBE reports that 69,122 voters have request email delivery for their ballot. At SBE's August 19<sup>th</sup> meeting it was noted that more email ballots have been requested than in the 2018 election. However, 2018 was a midterm election and in the last presidential general election over 87,000 voters requested that their ballot be delivered via the internet, much more than have currently been requested for the 2020 election. Additionally, many voters with disabilities must use a BMD when they vote in person and therefore will likely request accessible email ballots. Conversations comparing the use of internet ballots between elections must compare similar elections and account for the voters who typically use a BMD but now are voting absentee.

SBE Member Funn made an important point about SBE sending an email to voters asking them to change their ballot preference and the possibility that it could be seen as SBE discouraging voting or at least voting using the only means accessible to a voter. Along with other marginalized groups, there is a long history of disenfranchising people with disabilities. Maryland's current email ballot system exists because blind voters were forced to sue the state when SBE failed to provide for an accessible absentee ballot system. Additionally, Maryland is currently being sued by voters with disabilities over the state's repeated failure to ensure they do not receive a segregated ballot. I strongly caution SBE against taking any action that could be viewed as discouraging the use of the state accessible vote-by-mail option or risks creating a segregate vote-by-mail ballot for voters with disabilities.

It is important to note that Maryland law treats the mail sent ballot and the email transmitted ballot as equal ballots. Because of the duplication process associated with email transmitted ballots, SBE has added statements to the absentee ballot request form to encourage the use of the mail ballot instead of the email ballot. However, further discouragement of the use of the email ballot or asking voters to change their selection appears to be encroaching on a policy decision that would best be left to the elected members of the General Assembly. I am always open to having discussions on how to make our elections more accessible and efficient.

One interesting point that has been brought up regarding the email transmitted ballots is that the email ballot does not provide voters with pre-paid postage. I would wholeheartedly support SBE providing voters who have requested email ballots with pre-paid postage, possibly by mailing out return envelopes to such voters.

Finally, there has been a lot of confusion and anxiety about the current election, and SBE and the local boards of elections have been tasked with significant amounts of work. It is imperative that we don't make that worse by making more last-minute changes, or perceived changes. Emailing voters now asking them to change their ballot preferences may lead to confusion or anxiety that there is something wrong with the current process. Additionally, local boards of elections would have to quickly process all of the ballot preference changes. Not only would this be extra work but it would increase the risk of accidental errors resulting in voters not getting their ballot or not getting the type of ballot they need to participate in the election.

Sincerely,

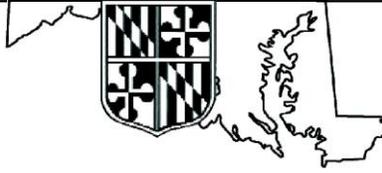


Senator Clarence Lam, MD, MPH  
Maryland State Senate  
District 12 | Baltimore & Howard Counties

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

August 23, 2020

**Via Electronic Mail Only**

The Honorable J.B. Jennings  
Senate Minority Leader  
11 Bladen Street, Room 422  
Annapolis MD 21401

Dear Senator Jennings and members of the Senate Republican Caucus:

Thank you for your letter dated August 14, 2020, sharing the Caucus' concerns about the upcoming election. I appreciate the opportunity to update the Caucus on the various decisions and plan for the November 3 election.

Before addressing your concerns, I would like to apologize for not responding to the Caucus' letter dated June 25, 2020. We received the letter and shared it with the members of the State Board of Elections but did not think a response was needed as the [report we issued on the June 2 election](#) addressed the concerns identified in the letter<sup>1</sup>.

State and local election officials are diligently preparing for the November 3 election. We have weekly conference calls with the election directors, and the members of the State Board of Elections is meeting as frequently as necessary to suspend statutory deadlines, establish new deadlines, and approve voting locations, and I expect this to continue until every action that is needed has been taken.

While much planning remains, I am happy to report that some critical decisions have already been made. These decisions were based on information available to the members and feedback from State and local election officials.

1. Governor Hogan and State and local election officials are encouraging voters to vote by mail. It is the safest way to vote in the midst of a pandemic.
2. There will be about 270 ballot drop boxes through the State. This is a significant increase from the June 2 election<sup>2</sup> and provides voters concerned about the United

<sup>1</sup> The June 2 report identified three options for the November election (see pages 32-36) and summarizes each board member's preference (see page 36). While a vote-by-mail election was one of the options, it was not the "initial proposal" as the Caucus' August 14 letter states. As the summary on page 36 shows, the members were divided between the option to provide extensive in-person voting and mailing all eligible voters a form to request a mail-in ballot (Option 2) and the option for a primarily vote-by-mail election with limited in-person voting (Option 3). Since Election Law Article, §2-102(c) requires a supermajority vote by the State Board of Elections to exercise its powers, the report did not include a State Board recommendation for the November election. The members were, however, unanimous in their opposition to a "traditional election."

<sup>2</sup> There were 75 ballot drop boxes in the June 2 election.

States Postal Service with more places to return voted ballots. The local boards of elections are finalizing the locations of the drop boxes, and once they are finalized, they will be posted on our [2020 General Election webpage](#). A list of the ballot drop boxes will be provided with the ballot so voters will have the list when they need it.

3. Recognizing that some voters may need or prefer to vote in person, there will be nine days of in-person voting. Early voting will start on October 26 and continue through November 2 (including Saturday and Sunday), and election day is November 3. Voting centers will be open from 7 am to 8 pm<sup>3</sup>.
4. During early voting, there will be 79 voting centers and at least one in each jurisdiction.
5. There will be about 370 election day voting centers<sup>4</sup>. The 79 early voting centers will be open on election day, **and** there will be additional election day voting centers.<sup>5</sup>

To encourage voters to vote by mail, we are mailing the form to request a mail-in ballot to each eligible voter who had not requested a mail-in ballot by August 6<sup>6</sup>. The mailing will start August 24 and continue through August 28 (no later than August 31). Each mailing includes instructions, the form to request a mail-in ballot, and a pre-paid return envelope. **Accompanying** this letter are the proofs of the mailing. We expect this effort to result in a significant increase in the number of voters who will request a mail-in ballot and therefore significantly reduce the number of voters plan to vote in person. You can track the number of requests for mail-in ballots in a report (updated daily) in our [online Press Room](#) under “2020 General Election Reports.”

While the number of election day voting centers is less than the number of neighborhood polling places in a traditional election, the significant increase in mail-in ballot requests means less voters will vote in person. The in-person voting facilities will be larger and better able to accommodate voters and incorporate social distancing and public health guidelines than the facilities used as neighborhood polling places.

The members of the State Board of Elections indicated their preference to use public high schools as election day voting locations. These facilities are generally well-known in the

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<sup>3</sup> In a traditional election, early voting would start at 8 am each day. This change provides eight additional voting hours during early voting.

<sup>4</sup> With voting centers, voters can vote at any voting center in their county of residence. This means that election day voting is similar to early voting and gives voters with more options where they can vote. In a traditional election, voters can only vote on election day at their assigned neighborhood polling place.

<sup>5</sup> The August 14 letter does not contemplate that early voting centers will also be open on election day. This means that each county will have *at least* two voting centers open on election day – its early voting center and if the county only has one public high school, one additional location. The local boards are encouraged to provide as many election day voting centers as they can support. At its August 19 meeting, the members of the State Board of Elections approved the election day voting locations for Allegany and Dorchester Counties. Allegany County will have six election day voting centers – the county office complex, three high schools, a middle school, and a volunteer fire department – and 83.5% of the registered voters in Allegany County live within five miles of one of the election day voting centers. Dorchester County will have three election day voting centers – the county office building and both public high schools – and 72.5% of the registered voters in Dorchester County live within five miles of one of the election day voting centers.

<sup>6</sup> This is the date when we provided the vendor with the voter file. Voters who requested a mail-in ballot after August 6 will receive this mailing, but they do not need to submit another request. They can verify that their request has been received and processed on our [online voter look-up system](#).

community, accessible to voters with disabilities, have adequate parking, and have large spaces to accommodate more voters and incorporate the public health guidelines. If a local board of elections identifies an alternate facility that is better suited than a public high school, the local board may propose that alternate facility.

Part of the State Board's review process of the proposed election day voting locations is the location of the proposed facility in relation to where the voters in that county reside. This will ensure that a majority of a jurisdiction's population is located within five miles of a voting center.

The local boards of elections have been vocal about the need for election judges, and registered voters have heard the call<sup>7</sup>. Since the beginning of the month, over 8,200 voters have submitted information via our [online election judge form](#). We are awaiting from the local boards of elections an updated analysis of the number of election judges needed, and I will share it with you once we receive it.

The members of the State Board share your concern about the voters expressing interest in serving and not receiving responsive information. Now that the local boards of elections are finalizing the number and location of their voting centers, they will know how many election judges they need and should be able to respond when voters inquire about service.

While important decisions have been made, more decisions and important information will be forthcoming over the next several weeks. This includes finalizing the locations of the early voting centers, the election day voting centers, and the ballot drop boxes. As information is finalized, it will be posted on our [2020 General Election webpage](#). I encourage you to visit this page regularly and promote it when you communicate with your constituents. Your offices may also find it helpful when responding to constituent inquiries.

I respectfully ask for your assistance with sharing with your constituents the following important messages. These messages will be part of the statewide voter education campaign that will be starting very soon, but we could use the Caucus' help in sharing the information too.

- Don't wait – Do it now!
  - If you aren't registered to vote, [register](#) now. The deadline is October 13.
  - If you've moved and haven't updated your address, [update](#) it now. The deadline is October 13.
  - If you want to vote by mail, [submit your request](#) now. When you get your ballot, vote it and return it early! Your local board must **receive** your request by October 20. Sending it on October 20 is too late.
  - If you want to vote in person, don't wait until election day. Plan to vote during early voting (October 26 – November 2).
- If you vote by mail, make sure you sign the oath on the envelope. If you plan to return your ballot by mail, make sure it is postmarked on or before November 3.

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<sup>7</sup> We appreciate the Governor's efforts to recruit State employees to serve as election judges. The Department of Budget and Management has authorized 16 hours of administrative leave to State employees who serve as election judges and sent to State employees two emails asking them to serve.

August 23, 2020

Dropping it in mailbox on November 3 does not mean it will be postmarked on November 3.

- We start sending ballots to voters who have requested them in late September. After then, ballots will be mailed as requests are received and processed.
- If you request a ballot and decide to vote in person, you will have to vote a provisional ballot. This is a safeguard to prevent voters from voting more than once.

Thank you for your letter and the opportunity to share important information about the upcoming election. If you have any questions or would like more information about the election, please do not hesitate to reach out.

Sincerely,

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

Linda H. Lamone  
State Administrator

cc: Members, State Board of Elections

Enclosures



## MARYLAND SENATE REPUBLICAN CAUCUS

**MINORITY LEADER**  
Senator J. B. Jennings  
*District 7*

**MINORITY WHIP**  
Senator Stephen S. Hershey, Jr.  
*District 36*

**MEMBERS**  
Senator Jack Bailey  
*District 29*

Senator Mary Beth Carozza  
*District 38*

Senator Robert Cassilly  
*District 34*

Senator Adelaide C. Eckardt  
*District 37*

Senator George C. Edwards  
*District 1*

Senator Jason C. Gallion  
*District 35*

Senator Michael J. Hough  
*District 4*

Senator Justin Ready  
*District 5*

Senator Edward R. Reilly  
*District 33*

Senator Johnny Ray Salling  
*District 6*

Senator Andrew A. Serafini  
*District 2*

Senator Bryan W. Simonaire  
*District 31*

Senator Christopher West  
*District 42*

June 25, 2020

Michael R. Cogan, Esq., Chairman  
Linda H. Lamone, Esq., State Administrator  
P.O. Box 6486  
151 West St., Suite 200  
Annapolis, MD 21401-2019

Dear Chairman Cogan and Administrator Lamone:

The Senate Republican Caucus is closely following the postmortem of the June 2<sup>nd</sup> Primary Election and the planning process for November's General Election. We read with great interest the July 23<sup>rd</sup> letter sent to you from Senate President Ferguson and Chairman Pinsky. Our members also thank you for your participation in the Education, Health & Environmental Affairs Committee hearing earlier this month and understand the extraordinary circumstances affecting the State and Local Election Boards' ability to conduct elections during the COVID-19 pandemic.

Despite these and any challenges, free and fair elections are the foundation of our civil society and recent and continued missteps, failures and lack of accountability have shaken the public's confidence in Maryland's election process. This confidence must be restored by November's General Election.

We appreciate the proactive approach presented by the Senate President and Chairman Pinsky in their June 23<sup>rd</sup> letter and agree with their emphasis on improved accountability, communication and transparency. However, we strongly object to their recommendation for a "hybrid mail-in preferred election... that would require the Board [of Elections] to mail General Election ballots to all registered voters in Maryland."

We learned from the June 2<sup>nd</sup> primary that a more complicated process leads to more opportunities for error and fraud. For the primary, ballots were mailed to all registered voters in Maryland, and chaos resulted. Ballots were mailed to individuals who had died and who were gravely infirm and incapable of voting. Thousands of ballots were undeliverable. Many voters called and complained that their ballots had not arrived, and then they received multiple ballots. In one situation that came to our attention, an individual received both a Republican primary ballot and a Democrat primary ballot.

In addition, voters were given inconsistent information, ballots were printed with incorrect dates, ballots were not mailed at the same time across jurisdictions, and voter signatures were exposed, among other deeply concerning errors and oversights. Nearly a month later, the Baltimore County election still has not been certified. It would be foolish to repeat the same failed and expensive process for the larger General Election.

Sending thousands of unsolicited ballots to voters who have moved since they last voted will litter the state with unclaimed ballots and create serious opportunities for voter fraud. The sight of unclaimed ballots strewn about is enough to undermine public confidence in the integrity of our elections at a time when we already appear to have a crisis in public confidence in government.

The State of Maryland already has an established mail-in election option – the absentee ballot. Voters who are uncomfortable or unable to vote in person, due to COVID-19 or any other reason, may request and return an absentee ballot. The absentee voting process was put in place for exactly this reason and has been an important and successful component of the Maryland’s elections for decades.

Given the extenuating circumstances of this pandemic, our members would support moving-up the deadline to request an absentee ballot in order to give the Board of Elections enough time to respond to a greater demand and ensure that the entire process moves forward fairly and efficiently. We also recommend additional communication and marketing strategies to educate voters about the absentee voting process and necessary deadlines.

Again, we understand the new and complicated demands this pandemic has placed on the State and Local Election Boards and share President Ferguson and Chairman Pinsky’s commitment to support and assist you in any way we can. We look forward to your response as well as your report to Governor Hogan at the end of the month.

Sincerely,



Senate Minority Leader J.B. Jennings



Senate Minority Whip Steve Hershey



## MARYLAND SENATE REPUBLICAN CAUCUS

August 14, 2020

Michael R. Cogan, Esq., Chairman  
Linda H. Lamone, Esq., State Administrator  
P.O. Box 6486  
151 West St., Suite 200  
Annapolis, MD 21401-2019

Dear Chairman Cogan and Administrator Lamone:

The Senate Republican Caucus continues to closely follow plans for the 2020 General Election in November, and we are disappointed that we did not receive a response to our letter on June 25<sup>th</sup> raising our initial concerns.

Our hope is that Maryland can execute a free and fair election where voters can cast their ballot in person or by mail without encountering obstacles such as long lines, unreasonable travel time to polling locations and absentee applications and ballots not arriving or being sent to the wrong address in addition to the other issues that were encountered during the Primary Election earlier this year of which you are well aware. With the Board's actions and plans that they have adopted at this time, we are not confident that this goal is achievable.

Following the announcements over the past few days, we have significant concerns and reservations about the current proposal to have just 300 polling locations available statewide on Election Day. We appreciate the logistical challenges of planning for an election amidst a pandemic, but those challenges cannot be an excuse for disenfranchising voters who wish to vote in person.

Given the widespread coverage of U. S. Post Office inefficiencies, many voters may decide not to entrust their ballots to the mail this fall, but rather choose to vote in person in order to ensure that their votes will be counted. The more people who make this decision, the more people will show up at the polls on Election Day. This would suggest the need for more polling places, not fewer.

In addition, we share Governor Hogan's reservations about transitioning to fewer polling locations related to the pandemic. This will add more density at each polling location, which will create long lines and make social distancing and sanitization more challenging – conditions that do not follow best practices for preventing the spread of COVID-19.

Reducing the number of polling locations also creates an additional obstacle for rural voters who would have to travel a greater distance to vote and would then have to wait in a longer line than usual.

For example, if the proposal to use only public high schools as polling locations moves forward, voters in Dorchester County (covering 983 square miles) would only have two polling locations. The same would also be true for Talbot County, Garrett County and Queen Anne's County. All of Kent County would only have one polling location.

The Board of Elections has repeatedly pointed to the lack of Election Judges as the reason for reducing the number of polling locations, however the announcement of hosting eight days of Early Voting does not follow this logic. If Election Judges are in short supply, how does it make sense to have Early Voting for more than a week? How can polling locations be staffed sufficiently for this time with a shortage of Election Judges?

We are encouraged that our constituents have stepped-up and volunteered to be part of the solution to this problem by applying to be election judges. However, some of us have heard from constituents who applied weeks ago and still have not received a response from their local Elections Board. These personal accounts echo recent news reports that applicants are being told to call back later, or not receiving any communication at all. Why are the local boards turning away people who are willing to step-up and serve in November? This is unacceptable.

We would like a detailed report of how many election judge applications have been received and processed as well as the timeline for responding to applicants and scheduling them for training. Quickly implementing an efficient plan could reveal that our shortage might not be as dire as initially thought.

The recent actions of the Board of Elections point to a strategy of inhibiting the voting rights of those who choose to vote in person. Since the Board's initial proposal of a mail-in only election was denied, it seems as though every subsequent action has sought to discourage in-person voting as much as possible. The citizens of Maryland have the choice to vote in person or by mail-in, absentee ballot. Creating impediments and policies to discourage the voting method not preferred by the Board of Elections compromises everyone's right to a free and fair election.

We look forward to your response.

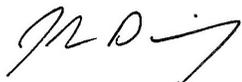
Sincerely,



Senate Minority Leader J.B. Jennings



Senate Minority Whip Steve Hershey



Senator Jack Bailey



Senator George Edwards



Senator Ed Reilly



Senator Mary Beth Carozza



Senator Jason Gallion



Senator Johnny Ray Salling



Senator Bob Cassilly



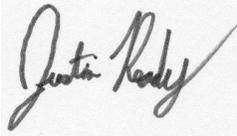
Senator Michael Hough



Senator Bryan Simonaire



Senator Addie Eckardt



Senator Justin Ready



Senator Chris West

CHARLTON T. HOWARD, III  
State Prosecutor

SARAH R. DAVID  
Deputy State Prosecutor

CHARLES M. BLOMQUIST  
Deputy State Prosecutor

LINDSAY E. BIRD  
Senior Assistant State Prosecutor

**STATE OF MARYLAND**



**OFFICE OF  
THE STATE PROSECUTOR**

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300 East Joppa Road  
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July 31, 2020

To The State Board of Elections:

We are writing to express the support of the Office of the State Prosecutor for an extension of the statute of limitations on election law violations. The Office of the State Prosecutor is tasked with enforcement of Maryland election laws and believes that extending the statute of limitations from three years to five years on election law offenses would aid in the Office's ability to enforce Maryland election laws and preserve the integrity of the electoral process.

The current statute of limitations for state election law violations is three years. Election law violations can be reported in various ways, including: direct complaints to the Office of the State Prosecutor, investigations by the Office of the State Prosecutor as a result of failing to file reports, and referrals from the State Board of Elections.

As you are aware, a majority of election law complaints originate with the State Board of Elections. Your staff is often able to handle administrative violations of the election laws. If the crime is complex, however, requiring review of bank records and financial documents, or there is a failure to comply with the State Board of Elections, the case is referred to the Office of the State Prosecutor for civil or criminal enforcement action.

The State Board of Elections has two auditors to review thousands of campaign reports. The cases that are referred to the Office of the State Prosecutor are most often referred after a certain audit cycle where an entity either failed to file or there was suspicious activity reflected on the campaign report. Due to the breadth of information involved, identifying suspicious activity is often limited to clear over contributions and other obvious violations, such as an anonymous donation or a donation from an inappropriate entity.

If an administrative violation is identified, it can take months of your staff trying to bring the entity into compliance. It is usually only after initial detection and consequent months of remedial effort on the part of the State Board of Elections that the Office of the State Prosecutor begins our investigation. By the time the Office of the State Prosecutor is notified of an abnormality, it is routinely a year or in some cases years after the action in question.

For clear statutory violations, we initiate civil enforcement; for criminal enforcement of theft, straw contributions and other significant violations, however, the detection and subsequent investigation can take years to resolve. Such cases will often not be caught by the auditors at the

State Board of Elections. They come to light only through the review of bank records and other investigative tactics executed by the Office of the State Prosecutor. Oftentimes the suspicious behavior is intentionally designed to make detection difficult, if not impossible, within a three year cycle. Accordingly, we often have only one contested election cycle of information to review. This forecloses any proactive investigative actions by the Office, often precluding the prosecution of responsible individuals.

These cases are serious and undermine the transparency and fairness of our democracy. Voters should have the opportunity to truly see who is funding the campaigns of their elected representatives. Individuals who attempt to undermine the process can bolster their campaigns through reporting more fundraising than they have actually received and by misrepresenting the sources of their campaign fundraising.

The current statute of limitations is unfair to Maryland voters and unfair to the majority of elected officials and individuals who run for office and follow the rules. We support legislation to extend the statute of limitations to ensure enforcement.

Sincerely,

**CHARLTON T. HOWARD**  
**STATE PROSECUTOR**

CHARLTON T. HOWARD, III  
State Prosecutor

SARAH R. DAVID  
Deputy State Prosecutor

CHARLES M. BLOMQUIST  
Deputy State Prosecutor

LINDSAY E. BIRD  
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July 31, 2020

To The State Board of Elections:

We are writing to express the Office of the State Prosecutor's support for legislation to enhance our ability to effectively enforce Title 14 of the Election Law Article by providing civil enforcement power.

Title 14 mandates that business entities that have a single contract of at least \$200,000 with a governmental entity file statements with the State Board of Elections listing the business' applicable campaign contributions. Title 14 encourages transparency and seeks to avoid corruption in the award of State contracts.

It is clear that the Office of the State Prosecutor was meant to have civil enforcement power over violations of Title 14, and a technical loophole is preventing us from exercising that power. Clarifying this in legislation closes the loophole, affording the civil enforcement power that many assume we already have.

Title 14 has specific language for criminal enforcement. However, Title 14 is silent as to civil enforcement. Limiting our enforcement power to situations that rise to the level of a crime renders Title 14 practically unenforceable and as a result significantly hinders compliance.

A criminal violation of Title 14 requires that it is a willful and knowing violation. As a practical matter, this means that to bring a criminal charge resulting from a business' failure to file a required statement, we would need evidence that a decision-maker at the company specifically directed the company not to file the disclosure. This type of evidence is simply not available in most cases. Instead, what we typically see is that the company was negligent in failing to file the disclosure, or there is no specific evidence regarding the reason the company failed to file the disclosure. Thus, the criminal *mens rea* requirement is not met.

Civil enforcement, on the other hand, would permit us to issue citations to a business entity when it has not complied with the requirements of Title 14. It does not require us to see into the minds of the individual officers or decision makers to evaluate why they did not file the required disclosure.

It is our understanding that the drafters of Title 14 intended the Office of the State Prosecutor to have both civil and criminal enforcement power. This intention is congruent with the fact that we

have both civil and criminal enforcement power in the analogous Title 13, which regulates the filing of campaign finance reports.

Title 14 is an important tool promoting transparency and integrity in government contracting. Legislation would provide a much needed fix which will enable Title 14 to be enforced in a meaningful way.

Sincerely,

CHARLTON T. HOWARD  
STATE PROSECUTOR

# United States Senate

WASHINGTON, DC 20510-3203

August 20, 2020

Linda H. Lamone  
Administrator of Elections  
Maryland State Board of Elections  
151 West Street, Suite 200  
Annapolis, MD 21401

Dear Administrator Lamone:

We write to request information on the delivery of election mail in your state, and to better understand changes you have made to absentee voting by mail in light of the coronavirus (COVID-19) pandemic.

On August 6, we launched a Senate investigation into the U.S. Postal Service (USPS) after numerous reports surfaced of changes to USPS policy that have resulted in delays in processing and delivering mail. We are concerned that these recent operational changes will undermine the delivery of election mail and make it more expensive for jurisdictions to send and receive election mail and ballots in a timely way. On August 18, USPS announced it was suspending certain operational changes until after the November election. However, our investigation will continue to understand the impact these changes may have already had on elections this year and their potential impact if implemented in the future. This letter represents a request for information as part of our investigation.

Experts and election officials have predicted that there will be an unprecedented number of Americans voting by mail in November, and we have already seen a dramatic increase in the number of voters choosing to vote by mail in primaries since the beginning of the COVID-19 pandemic.<sup>101</sup> Many state and local election officials have taken measures to expand voting by mail, including automatically sending ballots and ballot applications to all registered voters so they can vote safely from home. The Centers for Disease Control and Prevention has recommended election officials, where available, “offer alternative voting methods that minimize direct contact and reduce crowd size at polling locations.”<sup>102</sup>

Delays in the delivery of election mail can lead to voters being disenfranchised. A recent investigation found that “in the primary elections held so far this year, at least 65,000 absentee or mail-in ballots have been rejected because they arrived past the deadline, often through no fault

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<sup>101</sup> Wendy R. Weiser, *To Protect Democracy, Expand Vote by Mail*, BRENNAN CTR. FOR JUSTICE (Jun. 30, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/protect-democracy-expand-vote-mail>; Christopher R. Deluzio, Elizabeth Howard, David Levine, Paul Rosenzweig, & Derek Tisler, *Ensuring Safe Elections: Federal Funding Needs for State and Local Governments During the Pandemic*, R ST. INST. (Apr. 30, 2020), <https://www.rstreet.org/wp-content/uploads/2020/04/2020-State-Cost-Analysis.pdf>; Pam Fessler, *Ballot Printers Increase Capacity to Prepare for Mail Voting Surge*, NAT'L PUB. RADIO (May 3, 2020), <https://www.npr.org/2020/05/03/848347895/ballot-printers-increase-capacity-to-prepare-for-mail-voting-surge>.

<sup>102</sup> *Considerations for Election Polling Locations*, CTRS. FOR DISEASE CONTROL & PREVENTION (Jun. 22, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.

of the voter.”<sup>103</sup> In some cases, as in a recent USPS Inspector General audit of the Wisconsin primary election, ballots have been delivered late, because delays in processing the absentee ballot requests resulted in the ballots not reaching the Postal Service until the end of the day on Election Day.<sup>104</sup> In the recent primaries in Michigan, Missouri, and Kansas, there were also reports of serious delays in the processing and delivery of election mail. These reported delays included instances of mail taking up to 24 days to arrive back at a Missouri county election board, compared to the up to 10 days it took in previous years.<sup>105</sup> It is our goal to ensure that all states have policies in place that will allow ample time for ballots to arrive and be counted, and that USPS delivers ballots in the timely manner it has in past years to ensure that election officials are able to administer successful elections.

In order for Congress to ensure proper oversight of federal elections, we request that you provide us answers to the following questions by September 3.

1. Has your state experienced delays in the delivery of election mail sent through the Postal Service? If so, please provide detailed information of any delays including the additional span of time taken for delivery or arrival.
2. Has your office or have local election officials in your state contacted USPS about problems with election mail, and if so, was USPS sufficiently transparent and responsive? Was the problem resolved?
3. In any primaries your state has held this year, what percentage of absentee ballots arrived after your state’s deadline?
  - a. How does this compare to previous elections?
  - b. Do you track information on why ballots were considered late, such as postmark present but illegible, missing postmark, mailed too late to arrive by close of the polls? If so, please provide that data.
  - c. Do you believe some of these ballots were mailed on time given the delivery standards, yet arrived late through no fault of the voter?
4. Have voters expressed reservations about voting by mail or called to cancel requests for a ballot? Was a reason given? If so, what are the most common reasons?
5. Is your office concerned, or have you heard concerns from local election officials that USPS is making substantial changes to processes and procedures affecting election mail

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<sup>103</sup> Pam Fessler & Elena Moore, *Signed, Sealed, Undelivered: Thousands of Mail-In Ballots Rejected for Tardiness*, NAT’L PUB. RADIO (July 13, 2020), <https://www.npr.org/2020/07/13/889751095/signed-sealed-undelivered-thousands-of-mail-in-ballots-rejected-for-tardiness>.

<sup>104</sup> Darrell E. Benjamin, Jr., *Management Alert: Timeliness of Ballot Mail in the Milwaukee Processing & Distribution Center Service Area*, OFFICE OF THE INSPECTOR GEN., U.S. POSTAL SERV. (July 7, 2020), <https://www.uspsoig.gov/sites/default/files/document-library-files/2020/20-235-R20.pdf>.

<sup>105</sup> Elise Viebeck, Annie Gowen, & Kayla Ruble, *Anxieties about mail ballots on display in latest round of primaries, highlighting worries for fall*, THE WASH. POST (Aug. 4, 2020), [https://www.washingtonpost.com/politics/michigan-ballots-tangled-in-mail-delays-in-advance-of-tuesday-primary/2020/08/03/95c2039e-d5a8-11ea-9c3b-dfc394c03988\\_story.html](https://www.washingtonpost.com/politics/michigan-ballots-tangled-in-mail-delays-in-advance-of-tuesday-primary/2020/08/03/95c2039e-d5a8-11ea-9c3b-dfc394c03988_story.html).

in proximity to the election? Are you aware of any USPS staffing shortages in any of the regions in your jurisdiction?

6. What is the expected volume of election mail in your state for the general election? Please provide estimates of the number of pieces of mail including voter registration applications, absentee ballot applications, and absentee ballots.
  - a. Are you concerned about the volume of mail and USPS's expected processing and delivery times and how longer processing and delivery times may affect voters?
  - b. Are you particularly concerned about an area or areas within your state?
7. Please provide any information you have about the rate election officials in your state pay to send election mail, including whether voter registration materials, absentee ballot applications, and absentee ballots are sent at First Class rates or Nonprofit Marketing Mail rates.
  - a. If election officials in your state do not currently send all election mail at the First Class rate, what would be the additional cost for sending each type of election mail – voter registration materials, absentee ballot applications, absentee ballots – at the First Class rate? Would you need to reprint any of your outbound envelopes if you changed the class of service? If so, what do you estimate that cost to be?
  - b. If election officials in your state send election mail at Nonprofit Marketing Mail rates, what are the average delivery times they have experienced this year and in previous years?
8. In addition to returning a ballot by mail, what additional options are available for returning ballots in your state, such as drop boxes or hand delivery to election office?
  - a. Have you taken or do you plan to take any steps to increase opportunities for voters to return ballots by hand?
  - b. Are ballot drop boxes available to voters in your state? If so, how many total drop boxes are available? Are you limited by state law in the number or location of boxes you can offer?
  - c. Due to reports of slow mail delivery, has your office or have local election officials within your state recommended that voters hand deliver absentee ballots instead of mailing them? If not, do you plan to make such a recommendation and at what point in the election cycle do you plan to make that recommendation?
9. The Postal Service can only directly track the service performance of election mail if it has a unique Intelligent Mail barcode (IMb). What percentage of election mail in your state is expected to include an Intelligent Mail barcode?

10. USPS has issued guidance recommending that voters request absentee ballots at least 15 days before the election. Does this guidance align with the deadlines set by your state?
  - a. If the guidance does not align with the deadlines set by your state, how do you expect this misalignment to affect voters? Are you planning any adjustments in light of the USPS's guidelines? When do you plan to make those adjustments?
  - b. Please provide any data you have on the number of absentee ballot requests your state has received in primaries this year and in previous elections within 15 days of the election, including what percentage of total absentee ballot requests were received within this timeframe. If you have information on the return success rates of requests received by date of the request, please provide that information.
11. USPS has issued guidance recommending that voters mail back ballots at least one week before their state's deadline for receiving ballots. Is this recommendation consistent with the recommendation your office has made to voters this year and in the past? If not, are you concerned about the impact the recommendation will have on the timely mailing and processing of ballots in your state?
12. If your state does not already accept ballots that were postmarked by the close of polls on election day, would making such a change reduce the rejection of ballots?
13. Has your state encountered difficulties with processing ballots that do not have postmarks or have illegible postmarks?
  - a. Please provide any data you have on the number of ballots that are returned without a legible postmark.
  - b. Have election officials been accepting other designations that USPS may place on ballots while processing them?
  - c. Has your state considered changing its laws to clarify what designations election officials can use to determine if a ballot meets the state's deadline for receipt?
  - d. Has USPS reached out to your office and local election officials within your state to communicate any of these challenges and solutions?
14. The Postal Service Inspector General found USPS may have a shortage of Election Mail Coordinators to help local election officials follow USPS guidance and successfully deliver election mail. For example, there are 1,603 local election offices in Michigan alone, but USPS only has 74 full-time coordinators nationwide. Do you believe there are a shortage of Election Mail Coordinators available to your state and would additional coordinators help to improve the administration of election and allow election officials to better understand the impact of the postal service on elections?

15. Has USPS shared any other information with you or local election officials that you believe is important to our investigation?

Thank you for your attention to this important issue that is fundamental to our democracy. We look forward to your reply.

Sincerely,

/s/  
Amy Klobuchar  
United States Senator

/s/  
Thomas R. Carper  
United States Senator

/s/  
Charles E. Schumer  
United States Senator

/s/  
Richard J. Durbin  
United States Senator

/s/  
Christopher A. Coons  
United States Senator

/s/  
Patrick Leahy  
United States Senator

/s/  
Catherine Cortez Masto  
United States Senator

/s/  
Dianne Feinstein  
United States Senator

/s/  
Angus S. King, Jr  
United States Senator

/s/  
Tom Udall  
United States Senator

/s/  
Mark R. Warner  
United States Senator