

STATE BOARD OF ELECTIONS

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

David J. McManus, Jr, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Kelley A. Howells
Gloria Lawlah



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

State Board of Elections' Meeting
151 West Street, Suite 200
Annapolis, Maryland 21401
July 27, 2017 – 2:00 pm

Agenda

1. Declaration of Quorum Present
2. Ratification of Minutes from May 2017 Meeting
3. Additions to the Agenda
4. Administrator's Report
5. Assistant Attorney General's Report
6. Approval of 2018 Absentee Ballot Application
7. Approval of Proposed Regulations: Provisional Voting
8. Approval of Requests for Waivers of Campaign Finance Late Fees
9. Approval of Request for Confidentiality
10. Old Business
 - a. ExpressVote: Outstanding Navigation Issues
11. New Business
 - a. Presidential Advisory Commission on Election Integrity
 - b. Proposed Motion: Security Awareness
 - c. Proposed Motion: Hand transfer of Information on Absentee Ballots
 - d. Proposed Motion: Visual Privacy of Voted ballots
12. Disclosure of Campaign Contributions
13. Schedule Next Meeting
14. 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 Nikki Charlson at 410-269-2843 or by email nikki.charlson@maryland.gov no later than 5 pm the day before the meeting.

1. **Announcements & Important Meetings**

It is with great sadness that we share with you news of the death of Daniel O'Connell, an SBE employee. Dan died as a result of a car accident in Calvert County on July 11th. His son, who was with him in the car, was also injured but is recovering. Dan was one of the "behind the scenes" employees at SBE. He was part of our IT Division and helped keep our computers up-to-date, troubleshoot IT issues, prepare presentation equipment, etc. In other words, his work enabled us to do ours. Services have not yet been arranged, and the family is requesting, in lieu of flowers, donations to the Chesapeake Church Food Drive.

SBE's Biennial Meeting

Under State law, we are required to host every two years a meeting for all local election officials. This year's meeting will be held on Monday, October 23rd in Annapolis.

2. **Election Reform and Management**

Spanish Translation Committee

A committee to evaluate the Spanish translation of ballots has been formed. The committee consists of Erin Perrone and Natasha Walker from SBE, Gilberto Zelaya and Joice Hourihan, Montgomery County Board of Elections staff members, and Jaime Vasquez, member of the Prince George's County Board of Elections. To accommodate everyone's schedules, the first meeting will occur during the week of August 14th. The first meeting will be an opportunity to discuss the objectives and goals, other possible members, an effective time frame, and the work to be accomplished.

Election Judge Workgroup

As of yesterday, the Election Judge Workgroup began revising the *Election Judge Manual*. The goal is to have the manual completed by October so the local boards may begin customizing each chapter. The group revised and finalized all the election judge forms.

Equal Employment Opportunity (EEO) Retreat

Earlier this month, Erin Perrone attended the EEO Retreat at Saint Mary's College. Personnel and discriminations topics, such as the different types of leave, reasonable accommodations for persons with a disability, and recognizing unconscious biases were discussed. As the agency's EEO Officer, it is important for Erin to attend the retreat to receive the latest law changes and court decisions.

3. **Voter Registration**

MDVOTERS

Release 6.5 was installed the weekend of July 22nd. It includes functionality to import and process the new Electronic Registration Information Center's National Change of Address report and minor changes and fixes in a variety of areas.

Electronic Registration Information Center

The next round of ERIC reports will be at the end of July.

Maryland Safe at Home Address Confidentiality Program

The Maryland Safe at Home Address Confidentiality Program (ACP) is administered by the Office of the Secretary of State (SOS) and provides an important service to victims of domestic

violence and human trafficking. The goal of the ACP is to help those individuals who have relocated or are about to relocate in an effort to keep their perpetrators from finding them. The Program has two components - it provides a substitute address for victims who have moved or are about to move to a new location unknown to their abuser and provides participants with a **free** confidential mail-forwarding service for first-class mail and legal papers.

Participants use the Secretary of State's office address in Annapolis for voter registration purposes, which means that their electronic and paper applications are forwarded to the Anne Arundel County Board of Elections for processing. Because the SOS office is prohibited from providing a residential address for participants, these participants have not, until recently, been registered to vote in the proper district and precinct.

Working closely with ACP staff, Roger Stitt and Mary Wagner identified participants' districts and precincts and updated the voter registration records accordingly while keeping them confidential. The non-standard address will be 16 Francis St, Annapolis, MD 21401, with a mailing address of PO Box 2995, NAME OF CITY where the polling place is located. Roger and Mary will be processing the voter registration records and will be mailing voter notification cards from here.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of July 18, 2017, 146 candidates have filed a certificate of candidacy at SBE for the 2018 General Election.

Campaign Finance

On July 13th, Jared DeMarinis appeared at Public Safety and Fiscal Management Committee of the Prince George's County Council regarding the county implementing a public financing program for the 2022 elections.

On July 18th, George Leventhal for Montgomery became the first committee to qualify for public matching funds under the Montgomery County program. He submitted 541 qualifying contributions with a monetary aggregate of \$43,211.00 on July 4, 2017. He is eligible to receive \$196,652.00 in public matching. Committees may file matching fund requests on the first and third Tuesday of every month. More candidates are expected to file on August 1 to qualify in the program.

Enforcement

Committee to Elect Lavinia Alexander has been notified of two violations, disbursements by an unauthorized method and engaging in campaign finance activities prior to the filing of the Statement of Organization with the SBE. The committee must pay a fine of \$350.00.

5. Project Management Office (PMO)

Inventory: Excess Equipment Disposal

During this reporting period, we continued auctioning, selling, and releasing of the TS-R6 black cases. In addition, we received the TS-R6 recycling proposal from the State's contractor for recycling. The proposal is currently being reviewed by SBE and the Department of General Services in preparation for a meeting with the recycler in the next couple of weeks.

FY 2017 Annual Inventory

SBE's PMO and Regional Managers successfully completed the FY 2017 annual inventory audit visits at each of the local boards. We are now reconciling equipment and supply inventory as the result of the visits and other aspects of inventory management. In addition, scanning has continued for all of the legacy equipment at SBE's Central Warehouse in preparation for its disposal (sale, recycle, or trash).

New Inventory System

SBE continues to work with the inventory system vendor to resolve issues identified during the inventory audit visits and preparing for the full implementation of the system.

6. Voting Systems

Electronic Pollbooks

Testing of the latest alpha version of the pollbook software continues and should be complete by the end of this week. This version includes enhancements and bug fixes.

We expect that the local boards will receive collectively approximately 3,300 CMOS batteries by the end of the month. The local boards can begin installing the batteries right away or combine installation with their pollbook charging process or upcoming software upgrade. The balance of batteries is scheduled to be delivered in September.

DS200 Modem Removal

Approximately 1,300 of the DS200 scanners have non-functioning modems installed that have not been used since delivery. ES&S has started removing these modems, which they wish to put back into their own inventory. Once each modem is removed, acceptance testing will be performed on the unit under SBE and local board supervision prior to returning to service. This affects approximately half the inventory in 13 counties.

ES&S Contract Modification - Personnel Resources

On July 5th, the Board of Public Works approved a modification to the ES&S voting system contract for additional hours for ES&S' Maryland project team. These three individuals will now be assigned full-time to Maryland through the 2018 elections.

During the procurement process, we asked each bidder to complete a Pricing Summary worksheet for services for the base period, Option 1, and Option 2. To enable us to compare proposals fairly, we asked for a quote based on 1,000 hours for Option 1. At the time, we knew that we would need more than 1,000 hours but did not realize that the 1,000 hours would become part of the contract and require modification to increase hours.

7. Information Technology

New Office Telecommunications System

We are in the process of implementing a new office telecommunications system, a solution by ShoreTel called Connect. Implementation kick-off call and a site survey have occurred, and the new telecommunications devices have been ordered. We plan on having the new system installed, configured and deployed in the next few weeks.

ASSISTANT ATTORNEY GENERAL'S REPORT

July 27, 2017

Litigation Status Updates

1. *Shapiro v. McManus, et al.*, No. 1:13-cv-03233-JKB (D. Md.), re-captioned *Benisek v. Lamone*. The parties have completed discovery and, on July 14, argued both the merits of the case and whether the case should be stayed pending the Supreme Court's decision in *Gill v. Whitford*, a Wisconsin case involving similar claims of political gerrymandering.

2. *Judicial Watch v. Lamone, et al.*, No. 1:17-cv-02006-ELH (D. Md.). Judicial Watch is challenging SBE's denial of its request for a copy of Maryland's voter registration list. SBE denied the request on the grounds that Judicial Watch did not meet the preconditions for release of the list set forth in § 3-506 of the Election Law Article. Judicial Watch alleges that it is entitled to the list under the NVRA (National Voter Registration Act) and that the NVRA pre-empts the access restrictions imposed under Maryland law. A preliminary response is due in August.

3. *Johnson et al. v. Prince George's County Board of Elections, et al.*, No. CAL16-42799 (Cir. Ct. Prince George's Cnty.). On July 19, 2017, plaintiffs Melvin Johnson and Qaaree Palmer filed a complaint challenging the legality of Maryland's voter registration and absentee voting procedures as applied to pre-trial detainees and persons serving time for misdemeanor convictions. The complaint alleges that the State Board of Elections and the Prince George's County Board of Elections do not offer citizens who are incarcerated but otherwise eligible to vote an adequate opportunity to register to vote or to cast ballots during early voting or on election day. This lawsuit is similar to one filed in Baltimore City days before the 2016 general election that was dismissed by the Circuit Court and the dismissal upheld by the Court of Appeals. A response is due August 23, 2017.

4. *Claudia Barber v. Maryland Board of Elections*, No. C-02-CV-17-001691 (Cir. Ct. Anne Arundel Cnty.) Ms. Barber seeks judicial review of the State Board's declaratory ruling that she may not use campaign finance money to pay for litigation costs she incurred in her unsuccessful attempt to retain her position as an administrative law judge in the District of Columbia. Ms. Barber was ruled ineligible for that position due to her candidacy in 2016 for Judge of the Circuit Court for Prince George's County, Maryland.

5. *April Ademiluyi v. State Board*, No. C-2-CV-17-001383 (Cir. Ct. Anne Arundel Cnty.) Plaintiff unsuccessfully ran for election to the Circuit Court for Prince George's County in 2016 and now challenges the qualifications of the candidate—Ingrid Turner—who was elected and sworn in as Circuit Court judge. Plaintiff asks the court to order Governor Hogan to rescind his commission to Judge Turner and to order SBE to decertify Judge Turner's candidacy and the election results.

Anyone registered to vote in Maryland can use an absentee ballot, which lets you vote in an election without going to a polling place.

You can register to vote in Maryland at your local county board of elections office (see attached list) or at www.elections.maryland.gov.

How to ask for an absentee ballot

- Fill out this form and sign it. Return it to your local board of elections before the deadline (see deadlines below). You can **send in** your form using:
 - U.S. Mail (find the address for your county on the attached list)
 - Fax (find the fax number on the attached list)
 - In person
 - Email – if you return this form by email, you must **print** the form, **sign** it by hand, **scan** the signed form, then **attach** the scanned form to the email. Send the email to **absentee.sbe@maryland.gov**.
- Or, ask for your absentee ballot online at <http://www.elections.state.md.us/voting/absentee.html>

How will you receive your absentee ballot?

On this form, choose how you want to receive your ballot:

- Sent through U.S. Mail
- Fax
- Pick it up in person, or have someone pick it up.
 - ° If you want someone to pick up your ballot for you, you need to provide a Designation of Agent form. Get this form at your election office or at www.elections.maryland.gov/voting/absentee.html
 - ° The person who picks up your ballot must be at least 18 years old and not a candidate on your ballot. You can also have this person return your voted ballot to your election office. This person must sign to say that he or she handled the ballot properly.
- Email a link so you can print the ballot when it is ready.
 - ° You must print the ballot and sent it back to the election office. Your printed ballot will be copied onto an official ballot so that it can be counted.

Important deadlines for returning this form

Your county board of elections **MUST HAVE YOUR FORM** by the deadline. A postmark will not count as the time of receipt.

PRIMARY ELECTION

- If you want to receive your ballot by **U.S. MAIL** the deadline to return this form is Tuesday, June 19, 2018.
8:00 pm, if by mail
11:59 pm, if by email or fax
- If you want to use **EMAIL** to receive a link to your ballot from the State Board of Elections' website the deadline to return this form is Friday, June 22, 2018.
8:00 pm, if by mail
11:59 pm, if by email or fax

GENERAL ELECTION

- If you want to receive your ballot by **U.S. MAIL** the deadline to return this form is Tuesday, October 30, 2018.
8:00 pm, if by mail
11:59 pm, if by email or fax
- If you want to use **EMAIL** to receive a link to your ballot from the State Board of Elections' website the deadline to return this form is Friday, November 2, 2018.
8:00 pm, if delivered by mail
11:59 pm, if delivered by email or fax

You can ask for this form in large type.

Maryland Application for an Absentee Ballot

Additional instructions are on the back of this form.

Register to Vote

1

You must be registered to vote to get an absentee ballot. If you are not registered to vote in Maryland and want to register, go to your local county board of elections office listed on the attached sheet or go to www.elections.maryland.gov.

Print your name

Use black ink.

2

Last name _____ Jr Sr II III IV
First name _____ Middle name or initial (circle if applicable)

Election

3

I want an absentee ballot for

Primary Election General election Both Elections

About you

4

Birthdate | M M | / | D D | / | Y Y Y Y | Phone | | | | - | | | - | | | |

Your current address

If you have a new address, we will update your voter registration information.

DO NOT give an address if you are away for school, work, travel or if your address is temporary.

5

Address _____ Apt. number _____
City/Town _____ State _____ Zip Code | | | | | | | |
County _____ Check here if you live in Baltimore City
When did you move here? | M M | / | D D | / | Y Y Y Y | If you do not remember the exact date, give the month and year.

Your address where you are registered to vote

6

Same as above
Address _____ Apt. number _____
City/Town _____ State _____ Zip Code | | | | | | | |
County _____ Check here if you live in Baltimore City

How do you want to receive your ballot?

Choose one.

If you choose email, you will be sent a link to print your ballot about three weeks before the election. If you don't see it, check your spam filter.

You must print your ballot and return it to your elections office. Your printed ballot will be copied onto an official ballot so it can be counted.

7

U.S. MAIL
I want my ballot for the PRIMARY ELECTION mailed to:
 Same as above
Address _____ Apt. number _____
City/Town _____ State _____ Zip Code | | | | | | | |
I want my ballot for the GENERAL ELECTION mailed to:
 Same as above
Address _____ Apt. number _____
City/Town _____ State _____ Zip Code | | | | | | | |

 E-MAIL You will receive a link to print your ballot.
email address _____

 FAX
fax number _____

Signature

Required.

Anyone can help you fill out this form except

- A candidate on your ballot
- Your employer or an agent of your employer
- An officer or agent from your union

8

Signature (required)

X

Today's Date | M M | / | D D | / | Y Y Y Y |

Assistance Signature (required if you had help)

Under penalty of perjury, I hereby certify that this voter needed help with this form because he or she has a disability or is unable to read or write. The voter authorized me to complete this form. If the voter could not sign this form, I printed the voter's name and wrote my initials.

sign: _____
print: _____

Maryland State Board of Elections

State Board of Elections

P.O. Box 6486, Annapolis, MD 21401-0486

800-222-8683

MD Relay Service 800-735-2258

www.elections.maryland.gov

County Boards of Election

Allegany County

701 Kelly Rd., Ste. 213
Cumberland, MD
21502-2887
301-777-5931
301-777-2430 (fax)
elections@alleganygov.org

Anne Arundel County

P.O. Box 490
Glen Burnie, MD
21060-0490
410-222-6600
410-222-6824 (fax)
elections@aacounty.org

Baltimore City

Benton Office Bldg., Rm. 129
417 E. Fayette St.
Baltimore, MD
21202-3432
410-396-5550
410-727-1775 (fax)
election.judge@baltimorecity.gov

Baltimore County

11112 Gilroy Rd., Ste. 104
Hunt Valley, MD 21031
410-887-5700
410-832-8493 (fax)
elections@baltimorecountymd.org

Calvert County

30 Duke St., Lower Level
P.O. Box 798
Prince Frederick, MD
20678-0798
410-535-2214 or
301-855-1376
410-535-5009 (fax)
elections@co.cal.md.us

Caroline County

Health & Public Service Bldg.
403 S. Seventh St., Ste. 247
Denton, MD 21629-1335
410-479-8145
410-479-5736 (fax)
elections@carolinemd.org

Carroll County

300 S. Center St., Rm. 212
Westminster, MD
21157-5248
410-386-2080
410-876-3925 (fax)
ccboe@ccg.carr.org

Cecil County

200 Chesapeake Blvd.
Ste. 1900
Elkton, MD 21921-6395
410-996-5310
888-979-8183 (fax)
lwalters@ccgov.org
tdaniels@ccgov.org

Charles County

P.O. Box 908
La Plata, MD 20646-0908
301-934-8972
301-870-3167
301-934-6487 (fax)
elections@charlescounty.org

Dorchester County

501 Court Lane, Rm. 105
P.O. Box 414
Cambridge, MD
21613-0414
410-228-2560
410-228-9635 (fax)
kjones@docogonet.com

Frederick County

The Bourne Building
355 Montevue Lane, Ste. 101
Frederick, MD 21702
301-600-8683
301-600-2344 (fax)
electionboard@frederickcountymd.gov

Garrett County

2008 Maryland Hwy, Ste. 1
Mountain Lake Park, MD
21550-6349
301-334-6985
301-334-6988 (fax)
sfratz@garrettcountry.org

Harford County

133 Industry Lane
Forest Hill, MD
21050-1621
410-638-3565
410-638-3310 (fax)
elections@harfordcountymd.gov

Howard County

9770 Patuxent Woods Drive,
Ste. 200
Columbia, MD 21046
410-313-5820
410-313-5833 (fax)
cbdavis@howardcountymd.gov

Kent County

135 Dixon Drive
Chestertown, MD
21620-1141
410-778-0038
410-778-0265 (fax)
elections@kentgov.org

Montgomery County

P.O. Box 10159
Rockville, MD 20849-4333
240-777-8550
TDD 800-735-2258
240-777-8560 (fax)
absentee@montgomerycountymd.org

Prince George's County

1100 Mercantile Lane,
Ste. 115A
Largo, MD 20774
301-341-7300
TDD 301-726-3352
301-341-7399 (fax)
elections@co.pg.md.us

Queen Anne's County

110 Vincit St., Ste. 102
P.O. Box 274
Centreville, MD
21617-0274
410-758-0832
410-758-1119 (fax)
qac.elections@maryland.gov

St. Mary's County

P.O. Box 197
Leonardtown, MD
20650-0197
301-475-7844 ext. 1100
301-475-4077 (fax)
wendy.adkins@stmarysmd.com

Somerset County

P.O. Box 96
Princess Anne, MD
21853-0096
410-651-0767
410-651-5130 (fax)
elections@somersetmd.us

Talbot County

P.O. Box 353
Easton, MD 21601-0353
410-770-8099
410-770-7078 (fax)
jeri.cooke@maryland.gov

Washington County

35 W. Washington St.
Rm 101
Hagerstown, MD
21740-4833
240-313-2050
240-313-2051 (fax)
elections@washco-md.net

Wicomico County

P.O. Box 4091
Salisbury, MD
21803-4091
410-548-4830
410-548-4849 (fax)
election@wicomicocounty.org

Worcester County

100 Belt St.
Snow Hill, MD
21863-1300
410-632-1320
410-632-3031 (fax)
teresa.riggins@maryland.gov

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Memorandum

To: State Board Members
From: Erin Perrone
Date: July 17, 2017
Re: Proposed Regulations – Subtitle 16

At the next board meeting, I will propose changes to Subtitle 16 – Provisional Voting. Under Election Law Article §9-403 (c), SBE is required to review before each primary election the regulations governing provisional voting. Local board representatives and the Maryland Association of Election Officials (MAEO) reviewed the existing provisional voting regulations and proposed changes and deletions. The proposed changes and deletions to 33.16¹ are attached, and this memo summarizes the proposed changes and deletions.

Provisional Voting – Provisional Voting Documents and Supplies (33.16.02.01C) (page 1)

This change allows the local boards the flexibility to add more provisional ballot applications than SBE recommends. Other sections of the regulations provide that materials be provided in an amount of at least equal to the quantities specified by the State Administrator. It is preferable for State and local personnel to confer and determine the number of applications to be printed through mutual agreement.

Provisional Voting – Pre-Canvass Procedures (33.16.04.02B(1)(a) and 33.16.04.02B(1)(b))
Provisional Voting – Post-Election Procedures (33.16.07.03A(2)(a))

These changes will reflect the current process of collecting an individual's last four digits of a social security number instead of the full number.

Provisional Voting – Pre-Canvass Procedures (33.16.04.02A(1)(b)(i),
33.16.04.02A(1)(b)(ii), 33.16.04.02A(2)(b), and 33.16.04.02B(2)(b))
Provisional Voting – Canvass of Ballots – Procedures (33.16.05.03C(2) and
33.16.05.03C(4))

These changes will coincide with the provisional ballot application. The application uses Arabic rather than roman numerals and the voter signature has been moved to Part 3 of the application. These changes will reflect the current numbering system on the provisional ballot application.

¹ Italicized text is new language, and text between bolded brackets is being deleted.

Provisional Voting – Pre-Canvass Procedures (33.16.04.02A(i))

Provisional Voting – Canvass of Ballots – Procedures (33.16.05.03C(9))

These deletions reflect the passage of HB1626 in the 2017 General Assembly. Voters who change their address during Early Voting are no longer required to show proof of residency.

Provisional Voting – Canvass of Ballots - Procedures (33.16.05.04A)

This change will help conform to the business practice of many local boards that have the election director record the final disposition of a provisional ballot application.

Provisional Voting – Canvass of Ballots – Rejecting Ballots (33.16.06.04B)

This change will clarify the timeframe when a local board must reject a provisional ballot application for voters who have also returned an absentee ballot. If a provisional ballot is counted on the Wednesday of the provisional canvass and an absentee ballot is received during the last two days by mail, it would be impossible to reject both since the provisional ballot would have already been counted.

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

Enclosures: Proposed Regulations

Title 33 STATE BOARD OF ELECTIONS
Subtitle 16 PROVISIONAL VOTING
Chapter 02 Provisional Voting Documents and Supplies

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

.01 Provisional Ballot Application.

A. - B. (text unchanged)

C. Number of Provisional Ballot Applications. Each local board shall provide provisional ballot applications in an amount established by the State Administrator *in consultation with the election director*.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 16 PROVISIONAL VOTING
Chapter 04 Pre-Canvass Procedures

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

.02 Pre-Canvass Review.

A. Before the Canvass.

(1) Complete Application.

(a) (text unchanged)

(b) An application is complete if:

(i) [Part II of the] *The* application is signed by the voter; and

(ii) There is sufficient information [in Part I of] *on* the application for the election director to determine whether the voter is registered to vote.

(c) - (d) (text unchanged)

(2) The election director shall determine whether:

(a) (text unchanged)

(b) For a primary election, the voter is affiliated with the political party the voter indicated [in Part II of] *on* the provisional ballot application;

(c) - (f) (text unchanged)

(g) If the individual attempted to register and vote during early voting but was not a pre-qualified voter, the individual is eligible to register to vote and provided proof of residency as provided in §E of this regulation; *and*

(h) If the individual attempted to register and vote during early voting but did not provide proof of residency, the individual provided proof of residency as provided in §E of this regulation[; and].

[(i) If the voter attempted to change the voter's address during early voting but did not provide proof of residency, the voter provided proof of residency as provided in §E of this regulation.]

(3) – (4) (text unchanged)

B. Satisfying the Verification Requirement.

(1) A voter whose registration status is pending satisfies the verification requirement if the voter:

- (a) Provides personal identification information if the voter is pending because a previously submitted driver's license or [full or] partial social security number could not be verified; or
- (b) Provides an identification number and the number is verified under COMAR 33.05.04.04 or indicates that the voter does not have an identification number if the voter is pending because the voter had not previously provided a driver's license or [full or] partial social security number.

(2) Personal identification information or identification number shall be provided:

- (a) (text unchanged)
- (b) [In Part I of] *On* the provisional ballot application where the personal identification number is requested; or
- (c) (text unchanged)

C. – E. (text unchanged)

**Title 33 STATE BOARD OF ELECTIONS
Subtitle 16 PROVISIONAL VOTING
Chapter 05 Canvass of Ballots — Procedures**

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

.03 Disposition of Provisional Ballot Application.

A. – B. (text unchanged)

C. Acceptance of Provisional Ballot Application. The local board shall accept a provisional ballot application only if:

- (1) (text unchanged)
- (2) The voter signed [Part II of] the provisional ballot application;
- (3) (text unchanged)
- (4) In a primary election, the party affiliation the voter indicated [in Part II of] *on* the provisional ballot application is the party affiliation of the voter's record;
- (5) – (6) (text unchanged)
- (7) The voter voted a provisional ballot because the voter's identity was challenged and the local board, after reviewing the affidavits and any other relevant information, has denied the challenge; *and*
- (8) An individual who was not a pre-qualified voter during early voting was determined to be eligible to vote and satisfied the proof of residency requirement under COMAR 33.16.04.02E[; and].
- [(9) A voter who provided an address change during early voting but did not provide proof of residency under COMAR 33.16.04.02E submitted the required proof before the start of

the provisional canvass.]
D. – E. (text unchanged)

.04 Record of Disposition.

A. The local board *or the election director* shall record on the back of the provisional ballot application whether the provisional ballot application was accepted, either in full or in part, or rejected and, if rejected, the reason why the application was rejected.
B. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS
Subtitle 16 PROVISIONAL VOTING
Chapter 06 Canvass of Ballots — Rejecting Ballots

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

.04 Ballot Rejection – Multiple Ballots from the Same Individual.

A. (text unchanged)
B. If an absentee ballot and provisional ballot are received from the same individual *prior to the beginning of the provisional canvass*, the local board shall reject both ballots.
C. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS
Subtitle 16 PROVISIONAL VOTING
Chapter 07 Post-Election Procedures

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

.03 Post-Election Correspondence.

[A.] The election director shall send:
[(1)] A. (text unchanged)
[(2)] B. The appropriate letter to each voter whose provisional ballot application was rejected because the voter’s registration status was pending because:
[(a)] (1) The voter's driver's license or [full or] partial social security number could not be verified under COMAR 33.05.04.04; or
[(b)] (2) (text unchanged)



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

Subtitle 16 - Proposed Changes to Regulations

Darsie, Jeffrey <jdarsie@oag.state.md.us>
To: Erin Perrone -SBE- <erin.perrone@maryland.gov>
Cc: "Snyder, Adam" <asnyder@oag.state.md.us>

Fri, Jul 14, 2017 at 11:45 AM

Erin,
I've reviewed your memo and the proposed changes to the provisional ballot regulations. Everything looks good! Please let me know if you need anything else today. Thanks. -jld

Sent from my iPhone

[Quoted text hidden]

<Proposed Regulations_Memo to Board re 33.16 062117.docx>

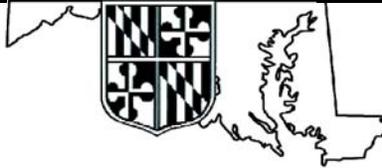
<Pre-Primary Subtitle 16 Review_DRAFT_06.02.17_Nikki.docx>

<Subtitle 16_07.10.17.doc>

STATE BOARD OF ELECTIONS

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

David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Kelley Howells
Gloria Lawlah



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members

From: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance

Date: July 27, 2017

Subject: Waiver of late filing fees

Enclosed are the waiver request, 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 recommendations 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.

A late filing fee is assessed for each campaign finance report that is not filed on or before the due date. Please note that beginning July 1, 2015, late fees will be remitted to the Fair Campaign Financing Fund.

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied four waiver requests, for the month of July. No Board action is required on the denials. Total amount of late fees collected in FY17 \$171,748.59. Late fees collected year to date for Late Fee Waivers are \$12,873.00.

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

Waiver Request for July 27, 2017

Granted

1. Collins, Joe M. Friends of
2. Ferrar, Chuck Friends for
3. Kornegay, Karla for Charles County Citizens
4. Street, Braxton C. Friends of

Denied

5. Henry, Jason Sr. Citizens for
6. Jackson-Hinton, Stephanie Citizens for
7. Jones, Jackie for Commissioner
8. Robinson, Chris Friends of

Waiver Request Information Page

General

Account Name	Collins, Joe M. Friends of	
CCF ID:	01010929	Status: Inactive
Date Established	2/24/14	
Date Waiver Requested	5/10/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Chris Peterson	Start Date:2/24/14
Responsible Treasurer		
Current Chairman	Joe Collins	2/24/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		4/14/17	\$500	\$500
			\$	\$
			Total	\$500

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

Prior Waiver and Fees

No priors waivers

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Mr. Collins has tried to close this account on several occasions. We request that the final report and that the account would be closed.

Division Comments

Grant committee has no priors and this is a first request.

Administrator's Decision

721 S Montford Avenue
Baltimore, MD 21224
April 10, 2017

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

Re: Friends of Joe M. Collins, CCF ID 01010929

Dear Ms. Lamone:

I am the named Treasurer of the Candidate referenced above. I am in receipt of the Notice to Show Cause- Delinquent Report and Fee -- indicating that the report was not filed, and a late fee assessed. Mr. Collins has tried to close this account on multiple occasions. In 2015 Mr. Collins indicated to me that he had filed the Final Report and closed the account. We were then surprised to receive notice from the Board last year (2016), stating that a campaign finance report was due. Therefore in 2016 I personally filed the Final Report for which, of course, the Board does not provide a confirmation or other receipt or proof. This year we again, AFTER the deadline to file, received notice that the report was due and a fee had been assessed, despite having filed to close the account on two prior occasions.

The Candidate and campaign committee has had multiple issues having its reports timely recognized by this Board over the course of its tenure. Since receiving the Notice to Show Cause dated April 11, 2017, Mr. Collins has filed a report as requested due to the Board's letter threatening legal action, including incarceration. However, we have since received notice that we are unable to CLOSE the account and the Final Report not accepted because of the \$500 fee assessed based on the Board's erroneous assertion that a finance report was not timely filed, when our assertion is that one was not due and owing.

At this time we request that the \$500 fee for "failure to file" be waived, and further request that the Final Report and request to close the account be (finally) recognized. If additional filing to close the account is necessary, please notify us in writing immediately.



Christine Peterson, Esq.

RECEIVED

MAY 10 2017

STATE BOARD OF ELECTIONS

ACCT : Collins Joe M., Friends of
CCFID : 010929

Dear Linda Lamone and the Md Board of Elections,

I am writing to you at this moment to inform you that I have already requested to have my committee terminated via the computer in the 2015 report and the 2016 report. In 2017 I believed that this committee was terminated and did not receive any paperwork from the election board until after the closing date. I tried to find my report forms on line and was told by your program that no file by my committee name is on file anywhere on The Md. Board of Elections website. Not until I was served with notice that I was being fined \$500.00 that I called and talked to a person that they miraculously found my file online where it was not a month earlier.

I am requesting that the \$500.00 fine be removed for several reasons. First is that I requested this committee to be closed in 2015 and was witnessed by my lawyer Christine Peterson. The reason this was done is because I am selling my house and business entities and moving to North Carolina in 2018. I am not running again for anything in Maryland at all. That is why I closed the account in 2015 and 2016.

Second this account has never been used to raise money for any reason at all nor spending any money at all ever out of this account. This account does not even have a bank account associated with it.

Third is I find it relatively convenient that my account disappears until I was fined and did not reappear until I called up to enquire about the problem. I feel as though I am being discriminated against due to the fact that I am a white male Republican who was the organizer of the Trump campaign in Maryland and especially in The predominately Black Democratic City of Baltimore City. I believe that I am being singled out for my beliefs and not my actions. That is illegal.

Fourth, this computer system that the Md Board of Elections uses is prone to inaccuracies and problems over the years that has been acknowledged by the staff that works on it over the years up until now.

With these reasons and numerous others I am formally requesting that the fines should be removed and close my account so this cannot and will not happen again for an account that has never been used for anything. Thank you for your attention in this matter.

Thank you,
Joe Collins Jr

RECEIVED

MAY 10 2017

STATE BOARD OF ELECTIONS



RECONSIDERATION Waiver Request Information Page

General

Account Name	Ferrar, Chuck Friends For	
CCF ID:	01005480	Status: Active
Date Established	1/14/10	
Date Waiver Requested	5/08/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Ruth Hyatt	Start Date: 2/26/14
Responsible Treasurer		
Current Chairman	Ray Langston	1/14/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		6/7/17	\$500	\$500
			\$	\$
			Total	\$500

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

Prior Waiver and Fees

1/20/16 late fee \$70 paid 8/26/14 late fee \$20 paid
--

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$11,721.32	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

The treasurer and chair are both having medical issues.

Division Comments

Grant.

Administrator's Decision

--

Reconsideration for waiver
C.W. Ferrar 6/7/17

State of Maryland

Late Fee Waiver Request Form

May 4, 2017

Re: Friends for Chuck Ferrar 01005480

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MAY 08 2017

STATE BOARD OF ELECTIONS

The basis for this request is that both the Campaign Chair and Treasurer are senior citizens who have had major health problems in 2016 and the first part of 2017. This has made it difficult to keep on top of campaign issues. Especially, since we thought the campaign account had been closed.

Ray Langston (Campaign Chair) was in Johns Hopkins for major procedures and surgeries the following times in 2016; May, July, 3xAugust, 2xSeptember, and October. In 2017, he was in Johns Hopkins Jan, Feb. and March.

Ruth Hyatt (Treasurer) had health issues late 2016 and then in early 2017 she was hospitalized and then was in rehabilitation for 5 weeks.

We are sorry for the confusion and mistake, we thought the campaign account was closed in 2016. We will get this corrected soon.

Thank you.


Charles Ferrar (Candidate)

Waiver Request Information Page

General

Account Name	Kornegay, Karla for Charles County Citizens	
CCF ID:	01009822	Status: Inactive
Date Established	2/12/14	
Date Waiver Requested	6/09/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Lurline Bell	Start Date: 2/21/14
Responsible Treasurer		
Current Chairman	Karla Kornegay	2/12/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		2/23/17	\$360	\$360
			\$	\$
			Total	\$360

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

Prior Waiver and Fees

No Priors

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

The system was confusing, we thought we had closed out the account currently and was not required to file a report. We regret the oversight and ask for your consideration.

Division Comments

Grant 1st request no priors.

Administrator's Decision

--

State of Maryland

Late Fee Waiver Request Form

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

Campaign Account Name: Karla Kornegay for Charles County Citizens Account Number: 01009822

Date of Request: 06/09/2017 Total Amount of late fees: \$ 360

Name of the Requestor(s)*: Lurline Bell

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2017 Campaign Finance Report

The basis for the request: The campaign system was confusing. We thought we had closed out the account
currently and was not required to file any additional reports. We regret this oversight and ask for your consideration to have the
late fees removed.


(Signature)

06/09/2017
(Date)

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

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

Reconsideration Waiver Request Information Page

General

Account Name	Street, Braxton C. Friends of	
CCF ID:	01009338	Status: Active
Date Established	8/02/13	
Date Waiver Requested	3/24/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Tamra Jackson	Start Date: 8/02/13
Responsible Treasurer		
Current Chairman	Braxton Street	8/02/13
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		4/13/17	\$500	\$500
			\$	\$
			Total	\$500

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

Prior Waiver and Fees

1/20/16 late fee \$10 paid

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

The treasure was in the hospital giving birth to first child.

Division Comments

Grant, first request.

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
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Campaign Account Name: Friends of Braxton C. Street

Account Number: 01009338 Date of Request: 6/1/2017

Name of the Requestor(s)*: Braxton C. Street

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Fund Report(s): 1/18/2017

Total Amount of late fees: \$ 500.00

The basis for the request: I, Braxton C. Street, of the above referenced committee am requesting a reconsideration of my late fee assessed for the 1/18/2017 report. The reason for my request is because my committee treasurer was in the hospital during filing time due to giving birth to her first child. The report has since been uploaded. My committee treasurer normally does the report for me, and since she was in the hospital, a delay in filing occurred. I hope that you will re-consider this request.

Thank you for your time.

[Signature]
(Signature)

6/1/2017
(Date)

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

Waiver Request Information Page

General

Account Name	Henry, Jason Sr. Citizens For	
CCF ID:	01006165	Status: Active
Date Established	6/28/10	
Date Waiver Requested	5/19/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Vyron Johnson	Start Date:6/28/10
Responsible Treasurer		
Current Chairman	Jason Henry	6/28/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		N/A	\$500	\$500
			\$	\$
			Total	\$500

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

Prior Waiver and Fees

1/21/15 late fee \$130
 11/18/14 late fee \$30
 10/24/14 late fee \$120

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
N/A	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

I closed out my bank account thinking that this also closed out my campaign account, obviously and error on my part.

Division Comments

Deny committee has a history of being late.

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
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MAY 22 2017

Campaign Account Name: Citizens for Jason Henry Sr

Account Number: 01006165 Date of Request: 5/19/2017

STATE BOARD OF ELECTIONS

Name of the Requestor(s)*: Jason Henry Sr

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Fund Report(s): 1/19/2017

Total Amount of late fees: \$ 500.00

The basis for the request: _____

My request for a late waiver is due to the fact I didn't raise any money or have any money in the bank account so I closed the bank account to avoid a negative balance and the closing of the campaign account was what I thought I did because I had no money and I lost the election so I error in think my campaign account was closed and didn't file my report.

Jason Henry Sr
(Signature)

5/19/2017
(Date)

Instructions	For Board Use Only
<ul style="list-style-type: none">- 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.- <i>*Requests may only be made by the committee chairman, treasurer or candidate.</i>	Date Rcvd: _____ Date Heard: _____ Verification: _____ Bd. Decision: _____

Waiver Request Information Page

General

Account Name	Jackson-Hinton, Stephanie Citizens for	
CCF ID:	01011411	Status: Active
Date Established	2/03/16	
Date Waiver Requested	6/2/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Stephanie Jackson	Start Date:
Responsible Treasurer		
Current Chairman	Shavon Holland	
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		2/07/17	\$200	\$200
			\$	\$
			Total	\$200

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

Prior Waiver and Fees

11/22/16 referred to OSP

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Failure to file the report in a timely manner was due to the improper function of the website.
--

Division Comments

Deny

Administrator's Decision

--



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

Fwd: Campaign Finance Fee Waiver Request - Citizens for Stephanie Jackson-Hinton

1 message

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

Fri, Jun 2, 2017 at 4:28 PM

—— Forwarded message ——

From: **SHAVON HOLLAND** <>
Date: Fri, Jun 2, 2017 at 3:52 PM
Subject: Campaign Finance Fee Waiver Request - Citizens for Stephanie Jackson-Hinton
To: "info.sbe@maryland.gov" <info.sbe@maryland.gov>

To Whom It May Concern:

I am the treasurer for the Citizens for Stephanie Jackson-Hinton and am writing to you regarding the fine for failure to file the campaign finance report on January 18, 2017.

I have discussed with the State Board of Elections (Board) many times that your system for filing campaign finance reports is not properly operating. I spoke with several people with the Board, prior to filing the report due on 11/22/16 and the report on 1/18/2017. I explained the difficulty I was encountering in completing the submission utilizing their website. I received direction from an employee of the Board on how to properly file the report. After following the employee's direction, I was still unable to properly file the report.

Since this time, I have spoken with the Board on many occasions to determine where the filing went wrong. To date, the Board still has not been able to fully assist in the process. And most recently advised me the direction I received from the employee in November and January was incorrect because the employee was new and may not have known the full process. I have since requested a one-on-one session with the Board to ensure all filings are now complete and correct. To date, I have not received a response.

I request that you waive the fine associated with the 1/18/17 failure to file report. Failure of the Citizens for Stephanie Jackson-Hinton to timely and accurately file the campaign finance report was not due to our error but the improper functioning of the Board's filing website and the inability of their employees to provide proper direction. I hope that you accept my request to waive the fee. I also request a meeting or phone conference to review the campaign finance documents and determine appropriate steps to close out this campaign.

Please feel to contact me at  to discuss further or to set up a time to discuss properly closing the campaign finance reports for Citizens for Stephanie Jackson-Hinton.

Sincerely,

ShaVon Holland

Waiver Request Information Page

General

Account Name	Jones, Jackie For Commissioner	
CCF ID:	01009942	Status: Active
Date Established	2/24/14	
Date Waiver Requested	5/17/17	
Account Type	Campaign Account	

Officers

Current Treasurer	James Koger	Start Date:4/09/14
Responsible Treasurer		
Current Chairman	Jackie Jones	2/24/14
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		4/26/17	\$500	\$500
			\$	\$
			Total	\$500

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

Prior Waiver and Fees

1/21/15 Late fee \$140 waived

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$0	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

I misunderstood the different between closing a report and a final report. A flood in Jan of 205 further complicated thing, I have finally reconstructed the last bits of information and have been able to close out.

Division Comments

Deny committee has been given a previous waiver.

Administrator's Decision

State of Maryland

Late Fee Waiver Request Form

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

Campaign Account Name: Jones, Jackie for Commission^{or} Account Number: 01009942

Date of Request: 05-05-17 Total Amount of late fees: \$ 500

Name of the Requestor(s)*: James A Koger

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Finance Report(s): 01/13/2017 Annual

The basis for the request: I misunderstood the difference between a closing report & a final report, and I assumed that when I filed a final report for the 2014 election, we were done. A flood in January 2015 (Frozen^{fire} sprinkler lines) further complicated recovering some campaign records. Jackie Jones & I have finally reconstructed the last bits of information and have been able to close out the finance reports.

James A Koger
(Signature)

05-17-2017
(Date)

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

Maryland State Board of Elections
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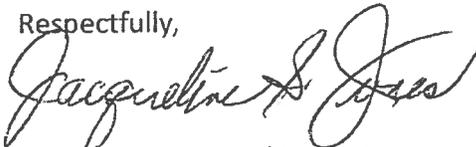
May14, 2017
501 Clubside Dr.
Taneytown, MD 20787

Dear Mr. J. De Marinis,

Since the final campaign report for my candidacy for 2014, my treasurer, Mr James A. Koger had sent the final financial report, for the Carroll County first district county commissioner candidacy, back in November/December 2014 time. I am not a candidate for any public office, nor plan to be in near future. After time had passed, I threw all my records away. Fortunately Mr. Koger had some on his computer. The funding I had left over, I repaid my self what I had borrowed, which wasn't a full amount. I then closed the account with BB&T. BB&T assumed it was closed and can't seem to find any records of the account. Understanding I had completed all my duties in closing out the account, I assumed it was over. I forgive what wasn't paid of the money I loaned to the account for the 2014 candidacy. I'm hoping this is the final statement for the questions.

I don't have any recollection of a 2017 report to be necessary.5/16/2017

Respectfully,



Jacqueline S. Jones/ Jackie Jones

cc: Mr. James A. Koger

Waiver Request Information Page

General

Account Name	Robinson, Chris Friends Of	
CCF ID:	01007186	Status: Active
Date Established	7/06/10	
Date Waiver Requested	6/02/17	
Account Type	Campaign Account	

Officers

Current Treasurer	Teri Belcher	Start Date: 5/23/14
Responsible Treasurer		
Current Chairman	Chris Robinson	7/06/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/18/17		2/24/17	\$370	\$370
			\$	\$
			Total	\$370

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

Prior Waiver and Fees

1/20/16 late fee \$10 1/16/13 late fee \$250 waived 1/19/11 late fee \$50 waived
--

Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/18/17	\$0	\$0	\$1.45	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

When I attempted to close out my account in 2016 I was unable to figure out how to two transaction I had done, after calling your office I was able to complete the report with the help of your staff
--

Division Comments

Deny

Administrator's Decision

--

LAW OFFICE
CHRISTOPHER R. ROBINSON

315 HIGH STREET
POST OFFICE BOX 1062
CAMBRIDGE, MARYLAND 21613
(410) 228-1770

1 June 2017

Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Post Office Box 6486
Annapolis, Maryland 21401

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JUN 02 2017

STATE BOARD OF ELECTIONS

**Re: Friends of Chris Robinson 2017
Late Fee Waiver Request**

Dear Jared,

I am writing to request a waiver of the late fees due on my recently filed Campaign Report. By letter dated April 11, 2017 from Linda H. Lamone I was advised that my campaign has been assessed a late fee/penalty of \$370.00.

I am requesting that these fees be waived because when I attempted to close out my campaign account in December 2016, I was unable to figure out why I could not report the two or three transactions that were made during the prior year (I had made some minor payments to a vendor in the amount of \$35.00, paid bank fees in the amount of \$45.00 and refunded \$400.00 to myself). I couldn't bear the thought of having to go through what I had gone through in finalizing my Campaign Report in 2014. Still, I contacted your office and spoke with Ebony Parran and Patricia Sullivan. The short story is that to my considerable amazement your office, unlike 2014, was able to help me close out my account.

As you may recall, in year 2014 I visited your office no less than six times (probably more; each time I made an appointment with your staff—I didn't just walk in the door—and with you; I took off from work traveled 120 miles round trip) in order to work with your office to figure out why the Report that was then due could not be reconciled. I had two or three transactions to report. I had contacted your office prior to the Report's due date by telephone thinking it would be wise to speak with someone just to make sure I was able to wrap things up without making a mistake. I thought it would be a 15-30 minute call and wouldn't be too much of an imposition on your office. I spoke with Ruth Maynard and Ebony Parran; I would over the next three months sit down with you, Ruth and Ebony. For reasons that your office, including you, could never explain I was unable to finish that report. I was once told there was nothing your office could do even though I had never taken any action on my Reports without

consulting your staff. I asked more than a few times whether there was a software problem (I was assured there wasn't even though your office had changed over to another software program). One day when working at your office, Ms. Parran contacted the software company (via e-mail; they did not take phone calls) to figure out why one specific transaction could not be entered without screwing everything up. Ms. Parran heard back from the software representative that afternoon and provided us with a work around for that specific problem; but that only addressed that one item, and nothing else worked. It was another long day spent trying to reconcile my account at your office.

After visiting your office no less than six times, filing various amendments all with your office's assistance, and making no progress at all, I searched for someone outside of your office to get help in figuring out why I could not enter simple transactions on my Report. I finally got the help I needed and filed several amended reports and reconciled all of my campaign's transactions to the penny. When I informed you that I had gotten help and had filed all of the required amended reports, the only assistance I got from your office was an audit which showed that everything was correct. The problem, according to the person who assisted me, was a glitch in the software. I had never taken any action without first consulting your office whether it involved the making of loans to my campaign or filing any one of a number of amended reports, none of which ever could be reconciled. I am not going to burden you any further by recounting that experience in 2014.

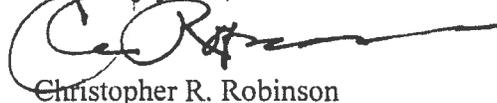
When I finally spoke with Patricia Sullivan last month, I could hardly believe how efficiently she sorted through the few transactions I had to report. It really wasn't that simple. I never would have been able to wrap things up without her assistance—and patience. When I briefly recounted with Ms. Sullivan the experience I had in early 2014, she advised that that was probably a function of the changing of the campaign finance software. I left it at that. I was happy to wrap things up.

In spite of all my good faith efforts to file my report in 2014, and the good faith efforts of your office staff, especially, Ebony Parran, and all of the hours and days spent trying to figure out why I could not reconcile my reports, a penalty was imposed on my campaign and I paid a fine in the amount of \$200.00. I decided not to fight that even though I thought it was beyond the pale. The whole experience worried me to no end, and I was simply too worn out to make the argument that it was ironic—actually, mean spirited—that I was being penalized for something that was at bottom a software glitch.

I should hope that you will remember all that time I spent and waive the fees that are now being assessed against me.

Thank you very much.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'C. Robinson', written over a horizontal line.

Christopher R. Robinson

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

David J. McManus, Jr., Chairman
Patrick J. Hogan, Vice-Chairman
Michael R. Cogan
Kelley A. Howells
Bobbie S. Mack



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: July 27, 2017
SUBJECT: Waiver of late filing fees – Persons Doing Public Business, Title 14 of the Election Law Article

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

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

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

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

§ 14-107(c) Late Filing Fees

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

6/16/16

Pursuant to COMAR 33.20.07.01C, the State Administrator has denied 3 late fee waiver request. No Board action is required on the denials.

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

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

Grant/Reduced

- 1.

Denials

1. SP Plus Corporation
2. Sun Services, LLC
3. R E Harrington Plumbing and Heating

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

General

Account Name	R E Harrington Plumbing and Heating
BID ID:	14000790
Date Established	1/26/2017
Date Waiver Requested	6/12/2017
Account Type	Title 14 – Employing a Lobbyist

Officers

Current Filer	Symbolie Smith	Start Date: 1/26/2017
Principal Officer	Robert Harrington	Start Date: 1/26/2017

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/2017	6/08/2017	\$80	\$80
		\$	\$
		Total	\$80

Prior Waiver and Fees

n/a

Reason for Waiver

They did not understand that entering a contribution and filing the report was a 2 step process.

Agency Comments

We have instructions on the main page of the BCDS website on how to file.

Deny

Business Contribution Disclosure System Waiver Request Information Page – Late Fees

General

Account Name	SP Plus Corporation
BID ID:	14000571
Date Established	8/01/2015
Date Waiver Requested	6/07/2017
Account Type	Title 14 – Persons Doing Public Business

Officers

Current Filer	Christopher Proesel	Start Date: 8/01/2015
Principal Officer	G Marc Baumann	Start Date: 8/01/2015

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/2017	6/07/2017	\$70	\$70
		\$	\$
		Total	\$70

Prior Waiver and Fees

n/a

Reason for Waiver

When attempting to file the Affidavit, they clicked on “Preview Affidavit” instead of “File Affidavit.”

Agency Comments

<p>When they “Preview” an Affidavit we have this stated on that page: IMPORTANT NOTICE: By clicking on the “Continue” button, you will be able to view or print a preview of the Affidavit of Limited Applicable Contributions. The Preview feature does not constitute a submission to the State Board. In order to file the Affidavit of Limited Contributions, you must select “File ALAC” under the File ALAC tab.</p> <p>BCDS sends out a confirmation email out when report/affidavit is filed.</p> <p>They have also filed 3 previous ALAC with no problems.</p> <p>Deny</p>

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

General

Account Name	Sun Services, LLC
BID ID:	14000828
Date Established	11/01/2016
Date Waiver Requested	6/07/2017
Account Type	Title 14 – Employing a Lobbyist

Officers

Current Filer	Andrew Springer	Start Date: 11/01/2016
Principal Officer	Andrew Springer	Start Date: 11/01/2016

Waiver Request Dates

Late Report	Date Received	Fees	Total Fees
5/31/2017	6/07/2017	\$70	\$70
		\$	\$
		Total	\$70

Prior Waiver and Fees

n/a

Reason for Waiver

They did not understand that entering a contribution and filing the report was a 2 step process.
--

Agency Comments

We have instructions on the main page of the BCDS website on how to file. Deny

STATE BOARD OF ELECTIONS

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

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Gloria Lawlah



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

June 28, 2017

Via Electronic Mail & U.S. Mail

Tim Hallett, Esq.
Associate General Counsel
Election Systems and Software
11208 John Galt Boulevard
Omaha NE 68137

Re: ExpressVote Software

Dear Mr. Hallett:

As you may know, in the run-up to the November 2016 elections, the State Board of Elections was forced to limit the use of the ExpressVote ballot marking device because of concerns about the limited number of candidate names that could be displayed on a single screen and the logic associated with navigating within and between contests. Because ES&S could not make the necessary software changes before the 2016 elections, we decided to ensure fairness to all candidates and decrease voter confusion by limiting the use of the ExpressVote device. The Board's understanding was that ES&S would make the required changes in time for the 2018 elections. In particular, Kathy Rogers, Senior Vice President of Government Relations for ES&S, represented to the Board in a public meeting on January 21, 2016 that future releases of the ES&S software would resolve the single-screen problem and the navigation problem. In reliance on that representation, the Board in subsequent public meetings reassured concerned citizens, candidates, and interest-groups that the problems would be fixed by the next general election.

We now know that ES&S' most recently certified software version (EVS 5.2.2.0) increases the number of candidate names that can be displayed on a single screen but does not include changes to the navigation logic. We understood ES&S to make a commitment to resolve both issues in time for the 2018 elections. As a result, I request, on behalf of the members of the State Board of Elections, an explanation as to when and why ES&S decided not to change the navigation logic in its EVS 5.2.2.0.

In particular, we would like to know the following:

1. On what basis did Ms. Rogers believe in January 2016 that the navigation problem could be fixed?

2. When did ES&S determine that the navigation problem could not be fixed, and why could it not be fixed?
3. When did ES&S first notify SBE that the navigation problem could not be fixed?

The board would like complete written answers to these questions, to be followed by an in-person briefing thereafter if necessary.

I look forward to your response.

Sincerely yours,

A handwritten signature in black ink that reads "David McManus/jbc". The signature is written in a cursive, slightly slanted style.

David J. McManus, Jr.
Chairman

cc: Members, State Board of Elections
Members, Montgomery County Board of Elections
Linda H. Lamone, Administrator
Linda Bennett, ES&S
John Davenport, ES&S

July 12, 2017

**VIA ELECTRONIC MAIL TRANSMISSION
AND OVERNIGHT MAIL**

David J. McManus Jr.
Chairman
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

RE: Election Systems & Software (“ES&S”) ExpressVote Software

Dear Chairman McManus:

We are in receipt of your letter dated June 28, 2017, regarding ES&S’ ExpressVote software. We have reviewed your letter and have the following response to the same.

As a preliminary matter and in order to fully respond to your letter, we provide a brief history of this matter as set forth below. As you noted in your letter, the Maryland State Board of Elections (“SBE”) made the decision to limit the use of ES&S’ ExpressVote units during the 2016 election cycle. This decision was made as a result of the SBE’s determination that the navigation screens may cause voters to skip over candidates’ names, as all candidates were not displayed on one screen and required voters to navigate through additional screens in order to see all candidates for a particular race. Kathy Rogers, ES&S’ Senior Vice President of Government Relations, attended the January 21, 2016 SBE public meeting to discuss the ES&S ExpressVote unit. Prior to the January 21, 2016 meeting, the SBE provided ES&S with a spreadsheet which set forth all of the SBE’s concerns regarding the ES&S ExpressVote unit. ES&S provided a response to each item and submitted the completed spreadsheet to the SBE for its review (see enclosed spreadsheet). With respect to increasing the number of candidates on a single screen, ES&S advised the SBE that such changes could be made, but that these changes would require development code changes and recertification of the ES&S ExpressVote unit. At no time did ES&S commit to any particular date or release version in which such changes could be included.

In addition to providing the spreadsheet outlining ES&S’ response to the ExpressVote concerns identified by the SBE, Ms. Rogers specifically advised the SBE during the January 21, 2016 SBE public meeting that future releases of ES&S’ ExpressVote software will have more flexibility with displaying candidate names,

David J. McManus Jr.

July 12, 2017

Page: 2

including the use of multiple columns and agreed that enhancements to the navigation prompts would be "considered" due to the concerns raised during the January 21, 2016 SBE public meeting. Once again, while ES&S did confirm that a future release of ES&S' ExpressVote software could have the ability to place more candidates on a single screen, it did not represent or promise any specific date or release version in which such functionality would be included (see enclosed January 21, 2016 SBE partial meeting minutes). ES&S did, however, recommend to the SBE that additional poll worker training, the use of instructional materials and changes to onscreen instructional text (where authorized without the need for development changes or certification approval) would help to ensure that voters reviewed all candidates in a particular race before moving to the next contest.

After the January 21, 2016 SBE public meeting and the April 2016 election, ES&S again met with members of the SBE, certain State of Maryland Local Board of Election ("LBE") members and a representative of the University of Baltimore to discuss feedback on the use of the ExpressVote units. ES&S, once again, noted the concerns with respect to navigating through multiple screens for a particular contest with multiple candidates and took these concerns under advisement to be addressed in a future release of ES&S' ExpressVote software, but at no time committed to any specific date or release version in which this item would be included.

In late summer/early fall of 2016, ES&S provided the SBE with an example of the April 2016 election coded in ElectionWare® software version 5.2.2.0 as compared to the April 2016 election which was coded with the State's current ES&S certified version of ElectionWare. ElectionWare software version 5.2.2.0 provided the ability to display a dual column screen, significantly reducing the number of screens for a multi-candidate race. ES&S advised the SBE that although the dual column screen functionality would reduce the number of screens for a multi-candidate race, it did not change the navigation functionality.

The most recent meeting ES&S conducted with the SBE regarding this matter was on January 31, 2017. Steve Pearson, ES&S Vice President for Certification, conducted a two day meeting with the SBE and members of the LBEs to review the items associated with the 2016 election cycle. During this meeting, Mr. Pearson addressed the ExpressVote navigation matter that required the use of multiple screens for certain contests with multiple candidates. ES&S acknowledged that it was intent on improving this functionality in a future release after ES&S' ElectionWare version 6.0.0.0 software release (see enclosed slide from Mr. Pearson's presentation). Once again, at no time did ES&S commit to any specific date or release version in which this functionality would be included.

As set forth above, ES&S has been very upfront with the SBE on its ability to modify the navigation functionality on the ExpressVote unit and made no representation or commitment to a specific date or release version in which this functionality would be included. Unfortunately, this functionality, which requires a complete reconfiguration

David J. McManus Jr.
July 12, 2017
Page: 3

and redevelopment of the ExpressVote's user interface, will not be addressed in time for the 2018 election cycle, as it was not included in ES&S' ElectionWare version 6.0.0.0 release. We understand the importance of this feature and remain committed to providing this enhanced functionality to the SBE. To that end, ES&S has already commenced the reconfiguration and redevelopment of the ExpressVote's user interface. At this time, ES&S plans that this functionality will be included in a future version of ES&S' ElectionWare software. This future release is anticipated to be available for use in time for the SBE's 2020 election cycle. ES&S will provide regular updates to the SBE regarding our progress and availability of the enhancement.

ES&S would be happy to discuss this matter in-person on a date and time which is agreeable to the parties. Please provide us with some dates and times which you are available and we will work with our team to schedule a date and time. In the meantime, if you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Tim Hallett
Associate General Counsel

Enclosures

cc: Members, State Board of Elections
Members, Montgomery County Board of Elections
Linda, H. Lamone, Administrator
Kathy Rogers, ES&S
Linda Bennett, ES&S
John Davenport, ES&S

ExpressVote User Interface

Workflow Recommendations for the ExpressVote Ballot Marking Device



Maryland Comments

ES&S Response

1	An instruction screen should be the first page the voter sees once they have inserted their ballot. Voter should also be advised of multi-page contests.	The current on-screen instruction that the voter first sees is configurable text, but the space allowed for this text limited. More detailed text is available on the help screen which is customizable. One might choose to add the following: To begin voting, insert your card. For help at any time, press Help icon. Having an instruction screen for every voter every time will increase the voting time and decrease the voter throughput. This could be addressed with printed instructions. Suggest that this request be vetted in a customer/vendor design meeting.
2a.	After reviewing the contest once, the “More” button ceases to flash. We suggest that the “More” button continue to flash when the voter is on a multi-page contest giving all candidates the opportunity to be seen an equal number of times.	This can be done with a development code change and recertification. Suggest that this request be vetted in a customer/vendor design meeting
2b.	Each time that the voter is on a multi-page contest, the voter should be forced to review all of the candidates in the contest in order to ensure that all candidates must be viewed an equal number of times.	When the force option is enabled a voter will be forced to look at all candidates before marking/printing the ballot, but this happens only once. It should be noted that repeatedly forcing a voter to view all candidates every time may cause an unintended increase to voting times, but this can be done with a development code change and recertification. Suggest that this request be vetted in a customer/vendor design meeting
3	The existing Instruction screen should have more detail, especially on the difference between navigating in a multi-page contest with the “More” button and navigating in the ballot with the “Previous” / “Next” buttons.	The existing help screen can be customized using the prompt spreadsheet.

ES&S ExpressVote Items Spreadsheet

4	Clarify the text in the “More” button. The “More” button should have clearer language such as “More Candidates” or “To Review Previous Candidates.”	The "More" prompt is used in a number of places, such as a zoomed help screen. This would require a development code change and recertification to break up these prompts to have their own wording.
5	Need more instructional text within the contest itself if the contest has multiple pages.	We are reviewing the impact of using additional text for specific contests. It would take up more screen real estate and possibly cause the contest to require more pages. Additional onscreen instructions can slow throughput on election day. Suggest that this request be vetted in a customer/vendor design meeting.
6	The multiple page contests should identify how many pages of candidates each contest has and where the voter is within the contest – for example, in the contest have a page number x of x, such as page 1 of 2.	A good suggestion. This would require a development code change and recertification. Suggest that this request be vetted in a customer/vendor design meeting.
7	The “Next” and “Previous” buttons should have more information such as “Next Contest” or “Previous Contest.”	These prompts are also shared, so it would require a development code change and recertification to break these out into separate customizable prompts.

ES&S ExpressVote Items Spreadsheet

Mitigation Strategies for Overvoted Contests		ES&S Response
1	The overvote process should mimic the DRE touchscreen. Once the contest is fully voted, the option to select additional candidates should be restricted until the voter de-selects one of the previous choices.	The current user interface is based on feedback from DRE users. This would require a development change and recertification. Suggest that this request be vetted in a customer/vendor design meeting.
2a.	In an overvoted contest, the overvoted candidate is highlighted but does not receive a check mark like the other candidates.	This would require a development change and recertification. Suggest that this request be vetted in a customer/vendor design meeting.
2b.	If the candidate must be highlighted:	
2c.	Use a different color such as red another color or use an "X" symbol indicating an overvote.	Overvote are not allowed and what this highlight does is shows the voter what they unsuccessfully tried to vote. This is an intentional design feature and is based on customer feedback. If required this could be a configurable option. A change would require recertification. Suggest that this request be vetted in a customer/vendor design meeting.
3	There should be instructions on how to de-select a candidate.	The help screen can be updated to add this text if required. Voter generally prefer printed posted instructions. Suggest that this request be vetted in a customer/vendor design meeting.

Mitigation Strategies Without Making Modifications to the ExpressVote Software		ES&S Response
1	Add additional instructions for using the Ballot Marking Device on the Privacy Sleeve.	Agreed - good practice
2	Provide a handout to all early voters on how to find the candidates in multipage contests and how to fix overvotes.	Agreed - good practice
3	Post Signage and/or instructions in the Ballot Marking Device explaining how to navigate multipage contests and fix overvotes.	Agreed - good practice

PUBLIC COMMENT – THE HONORABLE CATHY VITALE

Judge Vitale stated that she was addressing the State Board as an individual candidate, not as a Circuit Court judge or as representing the Anne Arundel County Circuit Court bench. Judge Vitale expressed her concern with how the ballot marking device displays a contest when there are more than seven candidates. In this type of contest, the candidates' names are displayed on two screens, and the voter moves between the screens by pressing the "More" button. Voters are required to review the names on the second or subsequent page the first time they visit the contest but are not required to do if they return to the contest a second or subsequent time. Judge Vitale alleges that displaying candidates in this manner means that the candidates on the second or subsequent page do not have the opportunity for their names to be seen the same number of times that candidates on the first screen. She stated that there will be at least five contests in the 2016 Primary Election with more than seven candidates. Judge Vitale referenced various provisions of the Election Law Article that require equal treatment of all candidates and the requirement that ballots be easily understandable. She also referenced a Maryland court decision requiring columns of equal number of candidates. Judge Vitale requested that the ballot marking device be required to show all candidates' names at the same time, prevent voters from making all selections in a contest before seeing all of the candidates' names, and allow overvotes but require the voter to deselect a selection (instead of preventing overvotes). Ms. Rogers explained that she will provide a document showing ES&S' response to Judge Vitale's Concerns She explained that ES&S follows the U.S. Election Assistance Commission's best practices in ballot design that includes avoiding scroll bars and presenting candidates in smaller bunches for voters to move through. She recommended customizing those instructions that can be customized but noted that many screens cannot be changed without being certified by the U.S. Election Assistance Commission. This concern could also be addressed with signs and election judges' training. Ms. Rogers explained that, in a "Vote for One" contest, the ballot marking device automatically deselects a contest when a voter selects another option, but in a "Vote for Two or More" contest, the device does not know which contest the voter wishes to deselect and therefore, all selections remain until the voter deselects the selection he or she no longer wants. Ms. Rogers stated that future releases will have more flexibility with displaying candidate names, including the use of multiple columns and that ES&S will consider Judge Vitale's concerns in future software releases. Judge Vitale recommended that the software deselect all selections if a voter tries to overvote. In response to a question as to whether all software changes require certification by the U.S. Election Assistance Commission, Mr. Darsie stated that federal certification is required for all software changes. Mr. McManus stated that SBE would continue to look at its options. In response to questions, SBE staff members stated that changing the font size of the candidates' names is not an option and there were contests with the prior voting system that required multiple screens.

#3 ExpressVote

- **Issue**
 - ExpressVote – single column candidates on screen
 - Screen navigation
 - Yes/No responses separating
 - Incomplete print of 2 voter selection cards
- **Short term**
 - EV55220 offers 2-column candidate display (16 per contest)
 - EV55220 resolves yes/no response issue
 - Voter outreach improvements and election official training
 - To catch incomplete print issues
 - Resolve differences in voter navigation
- **Long term**
 - Improve navigation (post EV5 6000)
 - Research ways preventing or detecting incomplete prints



Presidential Advisory Commission on Election Integrity

June 28, 2017

The Honorable John Wobensmith
Secretary of State
16 Francis Street
Annapolis, MD 21401

Dear Secretary Wobensmith,

I serve as the Vice Chair for the Presidential Advisory Commission on Election Integrity (“Commission”), which was formed pursuant to Executive Order 13799 of May 11, 2017. The Commission is charged with studying the registration and voting processes used in federal elections and submitting a report to the President of the United States that identifies laws, rules, policies, activities, strategies, and practices that enhance or undermine the American people’s confidence in the integrity of federal elections processes.

As the Commission begins its work, I invite you to contribute your views and recommendations throughout this process. In particular:

1. What changes, if any, to federal election laws would you recommend to enhance the integrity of federal elections?
2. How can the Commission support state and local election administrators with regard to information technology security and vulnerabilities?
3. What laws, policies, or other issues hinder your ability to ensure the integrity of elections you administer?
4. What evidence or information do you have regarding instances of voter fraud or registration fraud in your state?
5. What convictions for election-related crimes have occurred in your state since the November 2000 federal election?
6. What recommendations do you have for preventing voter intimidation or disenfranchisement?
7. What other issues do you believe the Commission should consider?

In addition, in order for the Commission to fully analyze vulnerabilities and issues related to voter registration and voting, I am requesting that you provide to the Commission the publicly-available voter roll data for Maryland, including, if publicly available under the laws of your state, the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social

security number if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.

You may submit your responses electronically to ElectionIntegrityStaff@ovp.eop.gov or by utilizing the Safe Access File Exchange (“SAFE”), which is a secure FTP site the federal government uses for transferring large data files. You can access the SAFE site at <https://safe.amrdec.army.mil/safe/Welcome.aspx>. We would appreciate a response by July 14, 2017. Please be aware that any documents that are submitted to the full Commission will also be made available to the public. If you have any questions, please contact Commission staff at the same email address.

On behalf of my fellow commissioners, I also want to acknowledge your important leadership role in administering the elections within your state and the importance of state-level authority in our federalist system. It is crucial for the Commission to consider your input as it collects data and identifies areas of opportunity to increase the integrity of our election systems.

I look forward to hearing from you and working with you in the months ahead.

Sincerely,

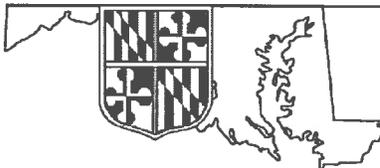
A handwritten signature in black ink that reads "Kris Kobach". The signature is written in a cursive, slightly slanted style.

Kris W. Kobach
Vice Chair
Presidential Advisory Commission on Election Integrity

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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

July 3, 2017

Via Electronic Mail Only

Mr. Kris W. Kobach, Vice Chair
Presidential Advisory Commission on Election Integrity

Dear Mr. Kobach:

I am the State Administrator of elections for the State of Maryland, and, in that capacity, I oversee access to Maryland voter registration information. The Secretary of State has referred to me your June 28, 2017, letter requesting certain voter registration information.

Your request is prohibited under § 3-506 of the Election Law Article of the Maryland Annotated Code, which governs access to Maryland voter registration lists. In addition, disclosure of some of the information encompassed by your request may be prohibited under State and/or federal law. Accordingly, I am denying your request.

Sincerely,

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

Linda H. Lamone

Security awareness. Motion:

Recognizing that security of the voting system is of paramount concern to the public, and that the Board must – in faithful discharge of their duties – be fully aware of security issues, the Board directs that the Administrator brief the Board on security issues in January, April, July, September (only in an election year), and October of each year, and additionally as significant security issues arise, or as requested by any Board member. Security includes but is not limited to cyber, personnel, equipment and physical matters, and also includes security issues relating to voting systems or electoral processes of other states.

Hand transfer of information on absentee ballots. Motion:

Recognizing that hand transfer of information due to current scanning limitations is time and resource intensive, as well as inherently prone to human error, the Board directs the Administrator to develop or acquire a means, system or device by which absentee ballots voted directly by the voter can be scanned into vote counting machines. This change must be presented to the Board in sufficient time for the means, system or device to be approved and in place for the 2018 Gubernatorial election. Progress updates are to be provided to the Board in December 2017 and March 2018, or as requested by any Board member.

Visual privacy of voted ballots. Motion:

Recognizing that privacy of voted ballots is the absolute bedrock of a system of free elections, the Board directs the Administrator to develop or acquire a means, system or device by which voted ballots are not visually displayed to other voters or elections personnel. This development must be presented to the Board in sufficient time for the means, system or device to be in place for the 2018 Gubernatorial election. Progress updates are to be provided to the Board in December 2017 and March 2018, or as requested by any Board member.