

## **1. Announcements & Important Meetings**

### Maryland Association of Election Officials (MAEO) – 2019 Annual Meeting

MAEO's 2019 Annual Meeting took place May 22nd and May 23rd in Ocean City. The agenda was substantive and included several rotating breakout sessions covering topics such as leadership development, the Open Meetings Act, the 2019 Legislative Session, and social media. Other sessions included information on how we secure elections in Maryland, sharing of best practices, and informational sessions for local board members. Several SBE representatives presented at the meeting, and Mike Cogan attended the meeting.

The second day of the meeting was a tabletop exercise (TTX) for local board staff members who did not participate in SBE's August 2018 TTX. The TTX was organized and led by two SBE employees, Tracey Hartman and Erin Perrone, and a team from the Howard County Board of Elections, including Guy Mickley, Election Director for the Howard County Board of Elections. Approximately 116 local board staff members participated and were led through the exercise by 25 moderators. Throughout the day, the moderators presented scenarios to the participants, and the participants took appropriate action on each scenario. For example, a court decision prohibiting the use of churches as polling places required quick action to move polling places, notify pollworkers and voters, and other tasks. Josh Kurtz from *Maryland Matters*, an online publication covering State government and politics, joined us as a fictional media person and allowed us to practice answering questions from the press. While the day was very hectic, the participants gave overwhelmingly positive feedback in terms of that they learned and what they still need to learn.

Running concurrent with the TTX was a session on how to conduct a TTX. Attendees of this session were limited to one or two individuals per local board, and each attendee must have participated in SBE's August 2018 TTX. During this session, we discussed possible scenarios to present to local board members, staff, and election judges and document their responses. Since the attendees want to continue identifying appropriate responses to various scenarios, this effort continues.

### National "Tabletop the Vote"

The U.S. Department of Homeland Security (DHS) hosted its second national "Tabletop the Vote" exercise the week of June 17, 2019. Represented by 34 staff members from 21 local boards and SBE, Maryland participated in the exercise on June 19<sup>th</sup>. The exercise included "injects" (or scenarios), and each state had time to respond to the scenarios and share their responses with other participants.

### SBE Statewide TTX – October 2019

Similar in format to the previous two TTXs, SBE will host another TTX on October 18, 2019, at the Anne Arundel County Board of Elections. These will be all new injects from the previous two TTXs, so those who have already participated may participate again. Election Directors have been asked to select three to four staff members to participate. This TTX will be held the day after SBE's biennial meeting.

### 2019 Equal Employment Opportunity (EEO) Retreat

Erin Perrone will attend the Statewide EEO Retreat at Saint Mary's College from July 10th - July 12th. This retreat is held every two years and is a great opportunity for Erin to network

with other EEO officers across the State. Some of the topics covered at this year's retreat include the legal and policy aspect of medical cannabis, how to better promote and protect civility in the workplace, and the laws of workplace discrimination. As the agency's EEO Officer, it is important for Erin to attend the retreat to receive the latest law changes and court decisions.

## **2. Election Reform and Management**

### Election Judge Workgroup

The Election Judge Workgroup met last week to discuss a variety of topics and assist SBE with determining specific processes at the early voting centers and polling places. A new polling place sign to be used across the State has been developed, with the help of Baltimore City, for voters to check that they receive the correct ballot style. Assistance was given with developing new regulations for the Election Day Page Program and regulation changes to allow voters to drop off absentee ballots during early voting and on election day.

### Social Media Working Group

The National Association of Secretaries of State (NASS) and the National Association of State Election Directors (NASED) formed a nationwide social media workgroup. Cortnee Bryant is the representative for the State of Maryland. She will work with communications directors and staff from other State election offices and share with the local boards' information presented at these meeting, such as the process to verify social media accounts, security measures, website updates, and a cyber incident plan.

### New Social Media Accounts

We are happy to announce that the Talbot County Board of Elections now has a Twitter and a Facebook account and the Worcester County Board of Elections now has a Twitter account. Cortnee Bryant works closely with the local boards and representatives from Twitter and Facebook to get social media accounts verified.

### Comprehensive Audit of 2018 Elections

Preliminary comprehensive audit reports from the 2018 elections were delivered to all Election Directors on June 14th. This audit reviews 15 different areas of an election that if not performed correctly may impact the integrity of the election. These areas fall into three topics – Voting System, Polling Place Operations, and Canvassing and Post-Election Reconciliation and Audits. The local board can either accept or reject the findings and give reasoning as to why by June 28<sup>th</sup>. After reviewing and responding to responses, we will issue final report.

### Same Day Registration and Address Change Working Group

A working group, led by Tracey Hartman and including representatives from the all SBE Divisions, began meeting in March to plan for the implementation of same day registration on election day and reviewing the process of same day registration and address change during early voting. This working group is currently working through any obstacles related to polling place connectivity, and planning and budgeting for all the necessary items to be procured. This planning is ongoing, and the group will continue to meet through the 2020 General Election.

### **3. Voter Registration**

#### MDVOTERS

The team is currently working on GIS requirements and capturing the GIS requirements of the local boards. This effort will benefit with the redistricting process, and SBE will be working closely with MAEO's committee on redistricting/GIS.

#### MVA Transactions

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

New Registration - 10,087	Residential Address Changes - 19,050
Last name changes - 2,063	Political Party Changes - 5,502

#### Non-Citizens' Information for the Month of May

Submitted to the Office of the State Prosecutor - 11

Removal of non-citizens - 11

Removal of non-citizens who voted - 2

Removal of non-citizens who voted multiple times - 1

Non-citizens reported by Immigration & Customs Enforcement - 0

Change in status from Office of the State Prosecutor - 0

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

#### Candidacy

The 2020 candidate filing period opened in February 2019. Currently, 23 candidates have filed at SBE for the 2020 election cycle. SBE has filed 8 candidates for Baltimore City offices.

#### Campaign Finance

The Contribution Disclosure Statement was due on May 31, 2019, for persons doing public business and persons who employ a lobbyist and make applicable contributions. 750 statements have been filed.

#### Enforcement Actions

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

1. Friends of Shanai Dunmore paid a civil penalty of \$25.00 on June 7, 2019, for making cash disbursement greater than \$25.00.
2. Friends for Chuck Ferrar paid a civil penalty of \$650.00 on June 20, 2019, for failing to record contributions and expenditures.

### **5. Project Management office (PMO)**

#### Inventory Management

The FY2019 Annual Inventory Audit for equipment and supplies continues at SBE and the local boards. June 30<sup>th</sup> is the deadline for everyone to complete their inventory audit. At present, 94.47% of equipment and supplies statewide have been inventoried. This includes all 24 local boards being at least 90% compliant and 17 local boards that are 100% compliant with their inventory audits.

August 15<sup>th</sup> and September 15<sup>th</sup> are the due dates for the Department of General Services' annual reports. Prior to those dates, SBE will be working with the local boards to reconcile any inventory issues.

The PMO is working on physically transferring the equipment and supplies slated for disposal here at the SBE office and from the local boards to SBE's Central Warehouse.

#### Additional Space

The PMO continued its coordination, logistics, and scheduling of work with the additional office space in addition to the upcoming painting and carpeting project that will be taking place starting in July in the existing office space. During the month of June, management and staff have been busy preparing for the upcoming work.

#### Procurements

The PMO is currently working on the procurements for additional precinct voting booths, privacy sleeves, and black carts.

### **6. Voting System**

#### Electronic Pollbooks

SBE continues to work with ES&S on the software update to implement same day registration on election day. We have finalized the specifications and signed off on all change requests and expect a testable version of the updated software in late summer. An intermediate release will provide updated screenshots for election judges' documentation.

#### Voting System

SBE continues to plan for a possible software and firmware upgrade to all components of the voting system. On May 1<sup>st</sup>, SBE received a beta version of the software, including new software on the precinct scanners and ballot marking devices, for review and familiarization. SBE expects to receive at the end of June 2019 a beta version with additional features. ES&S has submitted to the voting system testing lab the software for examination for federal certification. The U.S. Election Assistance Commission has approved the test plan for the certification process.

### **7. Information Technology**

#### Baltimore City - Ransomware Attack

Baltimore City Board of Elections employees continue to use computers in Baltimore and Harford Counties to process MDVOTERS work. SBE serves as an alternate site for candidates for Baltimore City offices to file for office.

## ASSISTANT ATTORNEY GENERAL'S REPORT

June 27, 2019

1. *Benisek v. Lamone*, No. 1:13-cv-03233 (U.S. District Court, D. Md.). This case involves claims that the State's congressional districting map is an unconstitutional political gerrymander. On November 7, 2018, the court granted the plaintiffs' motion for summary judgment, denied that of the defendants, and awarded judgment to the plaintiffs. Defendants appealed to the Supreme Court, and the ruling was stayed during the pendency of the appeal. On March 26, 2019, the appeal was argued to the Supreme Court. A ruling is expected on the morning of June 27, 2019.

2. *Fusaro v. Davitt et al.*, No: 1:17-cv-03582 (U.S. District Court, D. Md.). No change from the last update. Plaintiff Dennis Fusaro brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. The Fourth Circuit heard argument on the appeal on March 20, 2019. The court has not yet ruled.

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

4. *Barber v. Maryland Board of Elections*, No. C-02-CV-17-001691 (Cir. Ct. Anne Arundel Cnty.) No change from the last update. On January 25, Ms. Barber appealed from the Circuit Court's January 11 dismissal of her complaint. Ms. Barber sought damages and judicial review of, among other things, the State Board's decision not to issue a declaratory ruling permitting her to use campaign funds 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. The appeal is fully briefed, and on December 18, 2018 the Court of Special Appeals ordered that the appeal would be adjudicated without oral argument.

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

6. *The Washington Post, et al. v. McManus, et al.*, No. 1:18-cv-02527 (U.S. District Court, D. Md.). This case presents a First Amendment challenge by a coalition of newspaper publishers that maintain an online presence to certain provisions of the recently-passed Online Electioneering Transparency and Accountability Act (the “Act”). On January 4, 2019, the district court granted the plaintiffs’ motion for preliminary injunction on the ground that the plaintiffs’ “as applied” constitutional challenge to the statute was likely to succeed. On February 2, 2019, the defendants appealed that ruling to the Fourth Circuit. On April 12, 2019, the defendants filed their opening appellate brief. On April 19, 2019, the Campaign Legal Center and Brennan Center for Justice filed *amicus curiae* briefs in support of the appellants. On May 31, 2019, the plaintiffs filed their response brief. On June 7, 2019, *amicus curiae* briefs in support of the plaintiffs were filed by the Institute for Free Speech, the National Association of Broadcasters and NCTA – The Internet & Television Association, and the News Media Alliance together with 16 other media organizations. The defendants’ reply is due July 3, 2019.

7. *Segal v. Maryland State Board of Elections*, No. 1:18-cv-2731 (U.S. District Court, D. Md.). No change from the last update. On September 5, 2018, Jerome Segal filed a complaint seeking a preliminary and permanent injunction requiring the State Board of Elections to accept the petition filed in support of the creation of the Bread and Roses party, and to include plaintiff’s name on the general election ballot as the Bread and Roses Party’s nominee for the U.S. Senate contest. On September 18, 2018, the court denied plaintiff’s requested preliminary injunction, on October 11, 2018 the court of appeals affirmed that ruling, and on November 14, 2018, the court of appeals

denied plaintiff's request for *en banc* review. On January 4, 2019, the district court ordered plaintiff to submit a status report by January 18, 2019, indicating if the case can be dismissed as moot. The court reissued the order on April 9, 2019.

8. *Johnston, et al., v. Lamone*, No. 18-cv-3988-ADC (D. Md.). No change from the last update. On December 28, 2018, the Libertarian Party of Maryland (the "Party") and its Chairman, Robert Johnston, filed a lawsuit alleging that the statutory scheme governing the official recognition of minor parties in Maryland, as applied to the Party, was unconstitutional in at least two ways. They alleged that the scheme violates their First Amendment speech and association rights by requiring the Party to undertake the petition process to re-obtain formal recognition under State law, when there are already over 22,000 Maryland voters currently registered as Libertarians. They also alleged that the standard by which Maryland verifies petition signatures is unconstitutionally strict, in that it requires the rejection of signatures of known Maryland voters due to technical noncompliance with the statutory standard. Plaintiffs moved for a preliminary injunction, which was denied at a hearing on January 31, 2019. Subsequently, the defendant filed a motion to dismiss, which is fully briefed and pending before the court.

9. *Phukan v. Maryland State Board of Elections*, No. C-2-CV-19-000192 (Cir. Ct. Anne Arundel Cnty.). On January 23, 2019, Anjali Reed Phukan, who was the Republican nominee for Comptroller in the 2018 election, filed a lawsuit against the State Board of Elections seeking a writ of mandamus directing the State Board of Elections to decertify Comptroller Peter Franchot's campaign committee, an injunction requiring Mr. Franchot and his campaign committee to file corrected campaign finance reports, a declaratory judgment that Ms. Phukan is entitled to examine the documentation supporting any corrected campaign finance reports that Mr. Franchot or his committee files, and a declaratory judgment that Ms. Phukan be issued the oath of office as Comptroller and be awarded back pay and the costs of suit, should Mr. Franchot or his committee fail to file corrected campaign finance reports. On April 15, 2019, the court granted the defendant's motion to dismiss and dismissed the complaint with prejudice. On May 22, 2019, the court denied the plaintiff's motion to vacate the judgment and motion for a new trial. On May 29, 2019, the plaintiff filed a notice for in banc review by the circuit court, and filed her memorandum for in banc review on June 21, 2019. The defendants' memorandum in opposition is due July 9, 2019.

10. *Women Against Private Police, et al. v. State Board of Elections*, No. C-2-CV-19-001327 (Cir. Ct. Anne Arundel Cnty.). On April 29, 2019, plaintiffs Women Against Private Police and its chairperson, Jillian Aldebron, filed a complaint for judicial

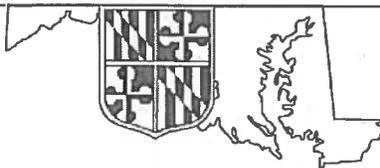
review and declaratory judgment against the State Board of Elections and the Administrator of Elections regarding an advance determination issued by Administrator as to the sufficiency of the format of a proposed petition seeking to place that portion of SB 793, the Community Safety and Strengthening Act, authorizing Johns Hopkins University to establish a private police force, to the voters at referendum. On May 21, 2019, the defendants' motion to dismiss the complaint was granted.

MARYLAND

STATE BOARD OF ELECTIONS

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

David J. McManus, Chairman  
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Linda H. Lamone  
Administrator

Nikki Charlson  
Deputy Administrator

Memorandum

**TO:** State Board Members  
**FROM:** Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance  
**DATE:** June 27, 2019  
**SUBJECT:** Waiver of late filing fees standards

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

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

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

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

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied nine waiver request, for the month of June. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$47,258.42

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

## Late Fee Waiver Request

### Approved

1. Olive, Abel Friends of

### Denied

1. Daniels Obiora, Sharita Friends Of
2. Daras, Mike Friends of (Michael Daras)
3. Miller, Delaneo, Friends of, 24th District
4. Owens-Bey, Ronald M. East Baltimoreans for the Election of
5. QAC Citizens for Good Government PAC
6. Taylor, Keirien Friends for
7. Western Maryland Democratic PAC
8. White, Erica S. Citizens for
9. Wilhelm, Chris for County Council

## Waiver Request Information Page

### General

<b>Account Name</b>	Olivo, Abel Friends of	
<b>CCF ID:</b>	01011417	<b>Status:</b> Active
<b>Date Established</b>	2/03/16	
<b>Date Waiver Requested</b>	3/27/19	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>		<b>Start Date:</b>
<b>Responsible Treasurer</b>	Margaret Macdonnel	10/28/16
<b>Current Chairman</b>	Abel Loivo	2/03/16
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waiver & fees	Referred to OSP
1/16/19		N/A	\$500	\$500	11/22/16 -\$60 paid	10/28/16 -\$100
			\$	\$	4/15/16-\$60 Paid	
				Total:\$500.00		

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

### Recent Financial Activity History

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

### Reason for Waiver

I resigned as treasurer 1/24/18 I have had no contact with the organization.

### Division Comments

Grant for treasurer only, treasurer resign a year before report was due.

### Administrator's Decision

RECEIVED

MAY 31 2019

STATE BOARD OF ELECTIONS

Margaret MacDonnell  
6021 Hawthorne St.  
Cheverly, MD 20785

May 27, 2019

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

To Whom It May Concern,

I am writing to ask your consideration regarding my responsibility as Treasurer for Friends of Abel Olivo (CCF ID: 01011417). I was treasurer for the above organization until January 24, 2018, when I resigned. I recently received a notice that Friends of Abel Olivo had not filed the 2019 annual report and that I would be held liable, along with the campaign chairman. I am asking that my responsibility for the fine be waived. I was treasurer for the campaign for the first few weeks of the year in question, until paperwork was filed with the Board of Elections to formally remove my name as treasurer on 1/24/2018. I have not been involved with the campaign since that time—the majority of the year for which the report is due.

I appreciate your consideration of my request. Please let me know if I can provide any additional information.

Best regards,



Margaret MacDonnell

## Waiver Request Information Page

### General

<b>Account Name</b>	Daniels Obiora, Sharita Friends Of	
<b>CCF ID:</b>	01007336	<b>Status:</b> Active
<b>Date Established</b>	7/05/11	
<b>Date Waiver Requested</b>	5/23/19	
<b>Account Type</b>	Candidate Account	

### Officers

<b>Current Treasurer</b>	Uzodimma Obiora	<b>Start Date:</b> 7/05/11
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Sharita Obiora	7/05/11
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
11/29/11		7/29/14	\$250	\$250		1/15/14, 1/16/13,
10/28/11		N/A	\$250	\$250		1/18/12
				Total:\$500.00		

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

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
11/29/11	\$0	\$0	\$33	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I was unable to file the report due to a snag in the computer system. I am requesting a fee waiver /reimbursement.

### Division Comments

Denied committee has a history of non-compliance.

### Administrator's Decision

RECEIVED  
MAY 23 2019

State of Maryland

Late Fee Waiver Request Form

STATE BOARD OF ELECTIONS

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: Daniels obiora, Sharita Friends of Account Number: 01007336

Date of Request: 5/23/19 Total Amount of late fees: \$ 500.00

Name of the Requestor(s)\*: Sharita Daniels Obiora

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2011 - B.C. Post Gen  
2011 - B.C. pre-Gen

The basis for the request: I was unable to file the report due to a snafu in the computer system. ~~My~~ I had reported a donation from my husband that I thought would clear during the reporting period, but it didn't, so my account totals would not add up for all the future reports & I didn't want to file an incorrect report. I did not collect donations through, aside from what me & my husband donated. I filled out

S. Daniels Obiora  
(Signature)

5/23/19  
(Date)

see  
bac

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

RECEIVED  
MAY 23 2019  
STATE BOARD OF ELECTIONS

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance

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

## Waiver Request Information Page

### General

Account Name	Daras, Mike Friends of (Michael Daras)	
CCF ID:	01011777	Status: Active
Date Established	6/30/17	
Date Waiver Requested	5/23/19	
Account Type	Candidate Account	

### Officers

Current Treasurer	Alice Daras	Start Date: 8/01/17
Responsible Treasurer		
Current Chairman	Michael Daras	8/01/17
Responsible Chairman		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waivers and fees	Referred to OSP
1/16/19		5/23/19	\$500	\$500	Waived 1/17/18/\$80	11/20/18, -\$500
			\$	\$		10/26/18 - \$230
				Total \$500.00		

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

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/16/19	\$0	\$0	-\$369.30	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

The campaign end June 219 no money or transaction have been noted.

### Division Comments

Denied committee has a history of non-compliance.

### Administrator's Decision

May 23, 2019

"Friends of Mike Daras" Campaign  
15092 Chesapeake Bay Drive  
Scotland, MD 20687  
**Case: 19-5617**

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

To Whom It May Concern:

This letter is in response to a notification sent to the campaign office of Mike Daras on May 17, 2019. A complaint is listed for:

2018 Post General due 11/20/2018 \$500.

A filing was made 11/19/2018 with the amount of \$0.00 recorded in the bank transactions. A letter was received on April 18, 2019 saying:

Annual 2019 01/16/2019 \$500 not filed.

No mention of 11/20/2018 was in this letter. The same procedure was executed to correct the Annual 2019 (01/16/2019) error.

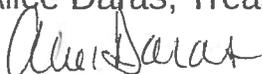
As of this date-May 23, 2019- another log-in to the campaign finance.maryland was performed, and another filing for the 2019 Annual report was entered.

The correspondences for the filings listed above seem to be inaccurate, and *very expensive* to the campaign. The campaign ended in June 2019, due to the Primary Election. No monies or transactions have been posted since July 2019. A response to clarify the intentions of the letter from the State Prosecutor, with the removal of the \$500.00 charges is anticipated greatly by the campaign office.

Respectfully Submitted,

*Alice Daras, Treasurer*

Alice Daras, Treasurer "Friends of Mike Daras" campaign



## Waiver Request Information Page

### General

Account Name	Miller, Delaneo, Friends of, 24th District	
CCF ID:	01010063	Status: Active
Date Established	2/20/14	
Date Waiver Requested	5/31/19	
Account Type	Candidate Account	

### Officers

Current Treasurer	Robert Miller	Start Date: 2/20/14
Responsible Treasurer		
Current Chairman	Delaneo Miller	2/20/14
Responsible Chairman		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
1/16/19		5/03/19	\$500	\$500		All 2018 reports
			\$	\$		
				Total:\$500		

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

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
	\$0	\$30	\$248	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I was injury on my job going through pain management.

### Division Comments

Denied committee has a history of non-compliance.

### Administrator's Decision

5/31/2019

Maryland.gov Mail - Case -19-5660 late fee



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

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**Case -19-5660 late fee**

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Robert Miller <ramiller70@hotmail.com>  
To: Ebony Parran -SBE- <ebony.parran@maryland.gov>

Fri, May 31, 2019 at 4:32 PM

Dear Campaign Finance office

Please excuse me for the late filings for the campaign reports over the past year. I was injured on my job and is not yet be cured, I'm undergoing treatments for my injury and pain management on top of a very busy life. Which cause multiply laps in filing. Please waive any late fees on the case 19-5660 account.

Thank you in advance

V/R

Robert Miller  
Friends of Delaneo Miller, 24th District

Annual 2019

## Waiver Request Information Page

### General

Account Name	Owens-Bey, Ronald M. East Baltimoreans for the Election of	
CCF ID:	01007068	Status: Active
Date Established	7/02/10	
Date Waiver Requested	5/10/19	
Account Type	Candidate Account	

### Officers

Current Treasurer	Brian Hitchcock	Start Date: 7/02/10
Responsible Treasurer		
Current Chairman	Ron Owens-Bey	7/02/10
Responsible Chairman		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
1/16/9		5/10/19	\$500	\$500	6/13/14 late fee \$60 paid	10/24/14
			\$	\$	5/27/14 fee \$60 paid	
				Total:\$500		

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

### Recent Financial Activity History

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

### Reason for Waiver

Requesting a waiver for the report which stems from a mailing discrepancy.

### Division Comments

Denied, committee received and email prior to deadline and didn't act upon until 5/10 19.

### Administrator's Decision

RECEIVED

MAY 10 2019

STATE BOARD OF ELECTIONS

*East Baltimoreans for The Election  
of  
Ronald M. Owens-Bey*

Post Office Box #23463, Baltimore, Maryland 21203

TELEPHONE #(410) 340-1887 or E-mail us @ [r.m.owensbey@comcast.net](mailto:r.m.owensbey@comcast.net)

Friday, April 26, 2019 A.D.

Madam Administrator Linda H. Lamone  
Maryland State Board of Elections  
151 West Street—Suite 200  
Annapolis, Maryland 21401  
TELEPHONE #(410) 269-2840  
FACSIMILE #(410) 974-2019

*Re: A request for a [w]aiver pertaining to your recent [s]how [c]ause communiqué that purports of an [a]nnual '2019 delinquent filing and the subsequent costs thereto, that which unfortunately seems to stem from, inter alia, an inadvertent mailing discrepancy....*

Dear Madam Administrator Lamone:

As per your recent [s]how [c]ause [n]otice, please take special notice of the attached supporting documentation that which provides mitigating plausibility for your prompt consideration pertaining to the above captioned matter.

Accordingly, with respect to the same, please reference the attached copies of your said "Pre Report Notices"—pertaining to January 09, 2019 A.D., that were mailed, via first class mail, to this [c]ampaign [f]inance [e]ntity that which were received, on or about January 22, 2019 A.D., dated with a post mark date relative to the same.

Your prompt consideration in this apparently inadvertent matter will be greatly appreciated.

Respectfully submitted,

  
Ronald M. Owens-Bey  
Br. Ronald M. Owens-Bey

enclosures

CERTIFICATE of FACSIMILE TRANSMISSION

I hereby certify that the foregoing correspondence is being transmitted, via facsimile transmission, to Madam Administrator Lamone, at (410)974-2019, on Tuesday, May 30, 2019 A.D.

Respectfully submitted,

Ronald M. Owens-Bey  
Br. Ronald M. Owens-Bey  
Post Office Box #23463  
Baltimore, Maryland 21203

## Waiver Request Information Page

### General

<b>Account Name</b>	QAC Citizens for Good Government PAC	
<b>CCF ID:</b>	03013051	<b>Status:</b> Active
<b>Date Established</b>	6/20/18	
<b>Date Waiver Requested</b>	5/31/19	
<b>Account Type</b>	PAC Account	

### Officers

<b>Current Treasurer</b>	Jean Keister	<b>Start Date:</b> 6/20/18
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Ann Williams	6/20/18
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waivers & Fees	Referred to OSP
1/16/19		3/25/19	\$500	\$500		11/20/18 - \$500
			\$	\$		11/26/18 - \$500
			\$	\$		
				Total: \$500.00		

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

### Recent Financial Activity History

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

### Reason for Waiver

I thought the PAC was closed.

### Division Comments

Deny committee has a history of non-compliance.

### Administrator's Decision



Ebony Parran -SBE- &lt;ebony.parran@maryland.gov&gt;

**Fw: QAC Citizens for Good Government PAC**

1 message

Ann Williams <amwilliams6302@hotmail.com>  
To: "ebony.parran@maryland.gov" <ebony.parran@maryland.gov>

Fri, May 31, 2019 at 10:07 AM

Your email bounced back.

**From:** Ann Williams <amwilliams6302@hotmail.com>  
**Sent:** Friday, May 31, 2019 10:05 AM  
**To:** ebony.parran@maryland.gov; Mike Ranelli; jean.keister@verizon.net  
**Subject:** QAC Citizens for Good Government PAC

Ebony thanks for helping today. Here is the letter I was writing.

**RECEIVED**  
**MAY 31 2019**  
**STATE BOARD OF ELECTIONS**

135 Penny Lane  
Stevensville, MD 21666

Friday, May 31, 2019

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

Dear Linda Lamone,

Thank you for your patients with our dysfunctional PAC. We created a PAC to run Facebook information for the local election. We never opened a bank account nor raised any money. I am not sure why we created a PAC. In November I was told the PAC was closed.

When I received the late report notes I found out that our treasure was sick. When I called the house I was told the report was taken care of and the pack was closed. When I got the nest report I attempted to file all the missing reports and close the PAC down. I was told I did it wrong and would need to wait for the next report to close the PAC.

Now I have a letter saying we are in big trouble. Please accept my apologies for not staying on top of this. I know what assuming means and this time it surely did backfire. I have asked the treasure to follow up with the letters again explain the illness and how sick she was. I know this is no excuse but when she was hospitalized so long on and off for the pneumonia I should have done something to insure the PAC was closed properly.

Please consider waving our fines and closing the PAC as we both thought this had been done in November. I realize the only fine not sent to the State Prosecutor is for 1/16/19. I have called Cindy Thomas to begin the process to correct our other issues.

If there is something else we need to do to completely close this out please let me know.

Thanks in advance for working with us.

Ann Williams

Chairperson QAC Citizens for Good Government PAC

## Waiver Request Information Page

### General

Account Name	Taylor, Keirien Friends for	
CCF ID:	01012399	Status: Active
Date Established	2/16/18	
Date Waiver Requested	6/03/19	
Account Type	Candidate Account	

### Officers

Current Treasurer	Emily Taylor	Start Date: 2/16/18
Responsible Treasurer		
Current Chairman	Keirien Taylor	2/16/18
Responsible Chairman		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
1/16/19		5/31/19	\$500	\$500		All 2018 reports
			\$	\$		
				Total: \$500		

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

### Recent Financial Activity History

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

### Reason for Waiver

My treasurer and I have had many complication with the system.

### Division Comments

Deny committee has a history of non-compliance no reports for 2018 were file until 5/31/19

### Administrator's Decision

6/4/2019

Maryland.gov Mail - Fwd: Friends of Keirien Taylor Fee



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

---

**Fwd: Friends of Keirien Taylor Fee**

2 messages

---

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

Mon, Jun 3, 2019 at 3:48 PM

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

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

From: **MidShore Progressives** <midshoreprogressives@gmail.com>

Date: Mon, Jun 3, 2019 at 3:33 PM

Subject: Friends of Keirien Taylor Fee

To: <info.sbe@maryland.gov>

Hello,

I am contacting the Board of Elections, to ask for a fee waiver for the missing 2019 Annual report of \$500. My Treasurer and I have had many complications with the reporting system, largely due to our lack of awareness and technical skills. I called the BOE and they did not alert me of the possibility of a fee waiver until recently, therefore my previous fees have now been referred to the OSP. As a recent college graduate looking for work, and my treasurer still enrolled in college, payments on this fine will be extremely difficult. To my knowledge I had recently found we had several other fines reported to the OSP, as I work to resolve that issue, it would be greatly appreciated to have this one is waived. I have recently filed all the missing reports as I did not raise over \$1,000 during the election cycle. It is was to my understanding that once filing a close out report, that there was no need to continue filing. We attempted to do this in May.

Thank You for your assistance and understanding.

Keirien Taylor

---

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

Mon, Jun 3, 2019 at 4:56 PM

To: victorica.smith@maryland.gov

Sent from my iPhone

Begin forwarded message:

[Quoted text hidden]

## Waiver Request Information Page

### General

<b>Account Name</b>	Western Maryland Democratic PAC	
<b>CCF ID:</b>	03009463	<b>Status:</b> Active
<b>Date Established</b>	10/10/13	
<b>Date Waiver Requested</b>	2/27/19	
<b>Account Type</b>	PAC Account	

### Officers

<b>Current Treasurer</b>	Chris Logsdon	<b>Start Date:</b> 4/05/19
<b>Responsible Treasurer</b>	Louise Pecoraro	2/05/18
<b>Current Chairman</b>	Myrna Whitworth	4/05/19
<b>Responsible Chairman</b>	Robin Summerfield	2/05/18

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waivers & fees	Referred to OSP
11/20/18		2/27/19	\$500	\$500	5/22/18 -\$20	1/18/17-\$150
			\$	\$	1/17/18- \$10	
					10/24/14 -\$20	
				Total:\$500		

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

### Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
11/20/18	\$0	\$0	\$8,499	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I sincerely apologise for our oversight in this manner,

### Division Comments

Denied, committee has a history of non-compliance.

### Administrator's Decision



## Western Maryland Democratic PAC

PO BOX 2163  
Cumberland, MD 21503  
Phone: (301) 697-5839  
westernmddems@gmail.com

February 27, 2019

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

Dear Ms. Lamone,

Re: Western Maryland Democratic PAC, CCF ID 03009463

I am writing to request a waiver of the late filing fee of \$500 resulting from our failure to file the required 2018 Post-General Gubernatorial campaign finance report in a timely manner.

I sincerely apologize for our oversight in this matter. We had no income or expenditures for the period covered by the report. Our 2019 Annual Report was filed as required on January 15, 2019 and the delinquent report has been filed as of February 27, 2019.

I appreciate your consideration of this request and assure you that we will file all future reports as required. If you have any questions or need additional information, please feel free to contact me at 301-697-5839.

Sincerely,

Robin Summerfield, Chair

The Western Maryland Democratic PAC  
Like westernmarylanddems on Facebook  
Follow us on Twitter @westernmddems

## Waiver Request Information Page

### General

Account Name	White, Erica S. Citizens for	
CCF ID:	01011423	Status: Active
Date Established	2/03/16	
Date Waiver Requested	5/25/19	
Account Type	Candidate Account	

### Officers

Current Treasurer	Bernadette Crawford	Start Date: 2/03/16
Responsible Treasurer		
Current Chairman	Erica White	2/03/16
Responsible Chairman		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
1/16/19		N/ A	\$500	\$500	1/18/17 - \$80.00	All reports for 2016
			\$	\$		
				Total:\$500		

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

### Recent Financial Activity History

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

### Reason for Waiver

I thought account was closed.

### Division Comments

Denied report has not been filed.

### Administrator's Decision

# State of Maryland

## Late Fee Waiver Request Form

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

Campaign Account Name: CITIZENS FOR ERICA S. WHITE Account Number: \_\_\_\_\_  
Erica S. White

Date of Request: 5/29/19 Total Amount of late fees: \$ 500.00

Name of the Requestor(s)\*: Erica S. White

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): all outstanding  
1/10/2019  
1/20/2020

The basis for the request: I thought there was a mistake I believed this account was closed in 2017 when I paid the fine. There has been no activity by this committee to date. I have not decided whether to run for city council or any elected office this term. I have not been able to access the account online. Every time I try to access it, my committee can not be found in the

(Signature)

(Date)

For Board Use Only	
Date Recd: _____	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 • 800-222-8883 • MD Relay 800-735-2258 • [www.elections.state.md.us](http://www.elections.state.md.us)

## Waiver Request Information Page

### General

Account Name	Wilhelm, Chris for County Council	
CCF ID:	150115687	Status: Active
Date Established	2/21/17	
Date Waiver Requested	5/13/19	
Account Type	Public Financing Account	

### Officers

Current Treasurer	Elizabeth Mcmeekin	Start Date: 2/21/17
Responsible Treasurer		
Current Chairman	Chris Wihelm	2/21/17
Responsible Chairman		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior waiver and fees	Referred to OSP
1/16/19		2/11/19	\$260	\$260	5/22/18 - \$20.00	6/15/18 -\$20
			\$	\$		
				Total:\$260		

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

### Recent Financial Activity History

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

### Reason for Waiver

I am requesting consideration of a waiver or modification of the late fee.

### Division Comments

Deny, committee has a history of non-compliance..

### Administrator's Decision

Elizabeth McMeekin  
Treasurer, Chris Wilhelm for County Council  
CCF ID: 15011587  
8213 Flower Ave  
Takoma Park, MD. 20912

May 9, 2019

RECEIVED

MAY 13 2019

STATE BOARD OF ELECTIONS

Ms. Victoria Molina  
State Board of Elections  
Division of Candidacy and Campaign Finance  
151 West Street, Suite 200  
Annapolis, MD. 21401

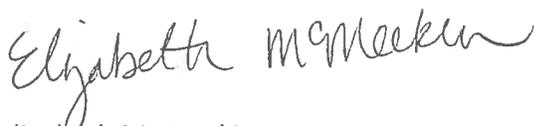
Ref: Payment of Late Filing Fee

Dear Ms. Molina,

In early February, I sent a letter to Ms. Lamone, requesting consideration of waiver or modification of the late filing fee for the 2019 Annual Campaign Finance report. Having received no response to that missive, please find enclosed with this letter a check (#102) in the amount of \$260.00. This is payment in full for the late filing fee associated CCF ID # 15011587.

Please do not hesitate to contact me if you have any questions or concerns.

Respectfully,



Elizabeth McMeekin  
Treasurer

COMAR 33.08.05 Post Election Verification & Audit assuming proposed regulations approved for publication at the October and November 2018 meetings of the State Board of Elections are approved as published

### **33.08.05 Post-Election Verification and Audit**

#### **.01 Definition.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Automated software audit" is a software audit performed by an entity other than the vendor of the certified voting system.

(2) "Discrepancy" means the difference between the voting system results and the results of an automated or manual audit.

(3) "Manual audit" has the meaning stated in Election Law Article, §11-309, Annotated Code of Maryland.

(4) "Precinct" includes an early voting center in Regulations .02 through .06.

(5) "Previous comparable general election" has the meaning stated in Election Law Article, §11-309, Annotated Code of Maryland.

(6) "Voter-verifiable paper record" has the meaning stated in Election Law Article, §9-102, Annotated Code of Maryland.

#### **.08 Post-Election Audit—Ballot Tabulation Audit—In General.**

A. Audits Conducted by the State Administrator. The State Administrator shall conduct an automated software audit of the electronic images of all ballots cast:

(1) After each Statewide primary election; and

(2) After each Statewide general election.

B. Audit Conducted by the Local Boards. Each local board shall conduct a manual audit of voter-verifiable paper records:

(1) After each Statewide general election; and

(2) After a Statewide primary election at the direction of the State Administrator.

C. Reporting of Audit Results.

(1) Within 14 days after the conclusion of the manual audit, the State Administrator shall post on the website a report that describes:

(a) The precincts and number of votes selected for the manual audit in each county and the manner in which the precincts and votes were selected;

(b) The results of the manual audit; and

(c) Any discrepancy shown by the manual audit and how the discrepancy was resolved.

(2) Before the State Board of Canvassers certifies the results of an election, the State Administrator shall post on the website information about the automated audit, including:

(a) An overview of the automated audit process;

(b) The audit reports generated for each county; and

(c) An explanation of any discrepancy greater than 0.5 percent of total votes cast in any given contest; and

(d) Any additional steps taken to resolve any discrepancy.

#### **.09 Post-Election Audit—Ballot Tabulation Audit—Manual Audit.**

A. In General.

(1) A local board shall:

(a) At least 10 days before the manual audit starts, provide notice of the manual audit by:

(i) Sending via mail notice to the chairman of the county central committee for each political party, each candidate for the contest to be audited who is not a candidate of a political party, and the State Administrator;

COMAR 33.08.05 Post Election Verification & Audit assuming proposed regulations approved for publication at the October and November 2018 meetings of the State Board of Elections are approved as published

- (ii) Posting on its website the notice; and
- (iii) Posting in a prominent and publicly accessible location at its office the notice; and

(b) Allow, to the extent practicable, for public observation of each part of the manual audit process.

- (2) If there is a discrepancy greater than 0.5 percent, the State Administrator:
  - (a) Shall require the local board to resolve or explain the discrepancy;
  - (b) Shall compare the manual audit results to the automated audit results;
  - (c) May expand the manual audit; and
  - (d) May take any other actions it considers necessary to resolve the discrepancy.

B. Primary Election Audit.

(1) The State Administrator shall require a local board to conduct a manual audit of voter-verifiable paper records if the automated audit shows a discrepancy in any precinct of greater than 0.5 percent of total votes cast in any contest and the discrepancy cannot be resolved or explained.

(2) The local board shall conduct the manual audit of the precinct in accordance with instructions issued by the State Administrator.

(3) If a local board is directed to conduct a manual audit, the local board of canvassers may not certify the results of the primary election until:

- (a) The manual audit of the precinct with the unresolved or unexplained discrepancy is complete;
- (b) The local board provides the State Administrator with a written report and findings of the manual audit; and
- (c) The State Administrator concurs with the report and findings.

C. General Election Audit.

(1) At least 60 days before the election, the State Administrator shall instruct each local board as to the minimum number of voter-verifiable paper records from early voting and the absentee and provisional canvasses to audit manually.

(2) Within 15 days after the election, the State Board shall select the contest to be manually audited and randomly select the precincts to be manually audited, and may exclude certain precincts based on the number of registered voters in that county before randomly selecting precincts.

(a) Within 3 days before the start of early voting, the Chair of the State Board or designee shall randomly select 1 early voting center in each county from which a scanner with voted ballots will be manually audited.

(b) After 7 pm on the first day of early voting or at the end of the day when the minimum number of ballots to audit is met, a representative of the local board and the chief judges shall select the scanner with the ballots that will be audited.

(3) The local boards shall conduct a manual audit of voter-verifiable paper records cast during the election as follows:

(a) For voter-verifiable paper records cast during early voting, each local board shall manually audit a number equal to at least 1% of the total of early votes cast in the local board's jurisdiction in the previous comparable general election.

(b) For voter-verifiable paper records cast on election day, each local board shall manually audit at least one randomly chosen precinct in the county and any other precinct selected by the State Board.

(c) For voter-verifiable paper records canvassed during the absentee canvasses, each local board shall audit a number equal to at least 1% of the total of absentee ballots cast in the local board's jurisdiction from the previous comparable general election.

COMAR 33.08.05 Post Election Verification & Audit assuming proposed regulations approved for publication at the October and November 2018 meetings of the State Board of Elections are approved as published

(d) For voter-verifiable paper records canvassed during the provisional canvasses, each local board shall audit a number equal to at least 1% of the total of provisional ballots cast in the local board's jurisdiction from the previous comparable general election.

(4) A local board shall keep the ballots to be audited in secure but separate containers than all other ballots.

(5) A local board shall complete the manual audit within 120 days after a general election.

D. Conducting the Manual Audit – In General.

(1) The election director shall determine the appropriate audit method.

(a) If the contest to be audited is a "Vote for One" contest, the election director shall use the sort method as specified in §E of this Regulation.

(b) For all other contests, the election director shall use the tally method as specified in §F of this Regulation.

(2) To prepare for the manual audit, the election director shall:

(a) Assemble all materials to conduct the audit;

(b) Create batches of a controllable number of ballots (for example, 25); and

(c) Appoint the teams to conduct the audit, assigning a team identifier to each team (for example, "Team A," "Team B," etc.).

(3) To conduct the manual audit, the election director shall:

(a) Issue the teams batches of ballots;

(b) Record in the audit log:

(i) The team identifier;

(ii) The ballots issued to the team; and

(iii) Later, the ballots returned by the team.

(4) If ballots from more than one precinct are being audited, each team may be issued the ballots of only one precinct at a time.

(5) If team members do not agree on how a vote should be counted:

(a) The team shall refer the ballot to the election director; and

(b) The election director shall determine how the vote shall be counted.

E. Conducting the Manual Audit – Sort Method.

(1) One team member shall sort and the other team member shall watch to ensure accuracy.

(2) The ballots shall be sorted as follows:

(a) A batch for each candidate or ballot question response selected by the voter;

(b) A batch for ballots without a vote for a contest being tabulated;

(c) A batch for ballots for each officially filed write-in candidates; and

(d) A batch for all other write-in votes.

(3) Once all of the ballots have been sorted, each team member shall independently count the ballots in each batch.

(4) If the team members' results are not identical, they shall retabulate the ballots until they obtain identical results.

(5) When the team members' results are identical, they shall:

(a) Record the vote totals on the batch tally sheet;

(b) Sign the batch tally sheet; and

(c) Give the batch tally sheet and the ballots to the election director.

(6) The election director shall:

(a) Enter the vote totals on the consolidated tally sheets;

(b) Compare the results of the manual audit against the voting system results for that precinct; and

(c) If there are any unexplainable discrepancies, retabulate the ballots where the discrepancy exists.

F. Conducting the Manual Audit – Tally Method.

COMAR 33.08.05 Post Election Verification & Audit assuming proposed regulations approved for publication at the October and November 2018 meetings of the State Board of Elections are approved as published

- (1) Each team shall include one caller, two tally clerks, and one watcher.
- (2) When practicable, the caller and watcher shall be of different party affiliations.
- (3) For each ballot:
  - (a) The caller shall call the votes cast in the contest being recounted;
  - (b) The watcher shall ensure the accuracy of the calling; and
  - (c) The two tally clerks shall each independently record the votes as they are called.
- (4) Periodically, the tally clerks shall compare their results to make sure they are identical.
- (5) If the results are not identical, the team shall retabulate the ballots, beginning with the point of the last successful comparison check, until the two tally clerks obtain identical results.
- (6) When all votes in the precinct have been tallied, the tally clerks shall:
  - (a) Record the vote totals on the batch tally sheet;
  - (b) Sign the batch tally sheet; and
  - (c) Give the batch tally sheet and the ballots to the election director.
- (7) The election director shall:
  - (a) Enter the vote totals on the consolidated tally sheets;
  - (b) Compare the results of the manual audit against the voting system results for that precinct; and
  - (c) If there are any unexplainable discrepancies, retabulate the ballots where the discrepancy exists.

G. Post-Manual Audit Activities. After all ballots have been manually audited, the election director shall:

- (1) Complete and sign the contest tally sheet;
- (2) With 2 days of completing the audit, submit to the State Administrator the results of the manual audit and any suggestions to improve the voting system and voting process; and
- (3) Present at the next meeting of the local board of elections the results of the manual audit.

**.10 Post-Election Audit – Ballot Tabulation Audit – Automated Audit.**

A. The State Administrator shall complete the automated audit of:

- (1) Early voting and election day results before the local boards of canvassers certify the election results; and
- (2) Absentee and provisional results before the State Board of Canvassers certifies the election results.

B. The State Administrator shall not provide the entity performing the automated audit software with detailed results from the voting system until the entity provides the State Administrator with the results generated by the audit.

State Board of Elections' April 24, 2019 Meeting  
Proposed Regulations Ready for Final Adoption

**33.08.05 Post-Election Verification and Audit**

**.01 Definition.**

A. In this chapter, the following [term has] *terms have* the [meaning] *meanings* indicated.

B. [Term] *Terms Defined.*

(1) *“Discrepancy” means the difference between the voting system results and the results of an automated or manual audit.*

(2) *“Manual audit” has the meaning stated in Election Law Article, §11-309, Annotated Code of Maryland.*

(3) *“Precinct” includes an early voting center.*

(4) *“Previous comparable general election” has the meaning stated in Election Law Article, §11-309, Annotated Code of Maryland.*

(5) *“Voter-verifiable paper record” has the meaning stated in Election Law Article, §9-102, Annotated Code of Maryland.*

**.08 Post-Election Audit—Ballot Tabulation Audit—In General.**

A. *Audits Conducted by the State Administrator. The State Administrator shall conduct an automated software audit of the electronic images of all ballots cast:*

(1) *After each Statewide primary election; and*

(2) *After each Statewide general election.*

B. *Audit Conducted by the Local Boards. Each local board shall conduct a manual audit of voter-verifiable paper records:*

(1) *After each Statewide general election; and*

(2) *After a Statewide primary election at the direction of the State Administrator.*

C. *Reporting of Audit Results.*

(1) *Within 14 days after the conclusion of the manual audit, the State Administrator shall post on the website a report that describes:*

(a) *The precincts and number of votes selected for the manual audit in each county and the manner in which the precincts and votes were selected;*

(b) *The results of the manual audit; and*

(c) *Any discrepancy shown by the manual audit and how the discrepancy was resolved.*

(2) *Before the State Board of Canvassers certifies the results of an election, the State Administrator shall post on the website information about the automated audit, including:*

(a) *An overview of the automated audit process;*

(b) *The audit reports generated for each county; and*

(c) *An explanation of any discrepancy greater than 0.5 percent of total votes cast in any given contest; and*

(d) *Any additional steps taken to resolve any discrepancy.*

**.09 Post-Election Audit—Ballot Tabulation Audit—Manual Audit.**

A. *In General.*

(1) *A local board shall allow, to the extent practicable, for public observation of each part of the manual audit process.*

(2) *If there is a discrepancy greater than 0.5 percent, the State Administrator:*

(a) *Shall require the local board to resolve or explain the discrepancy;*

(b) *Shall compare the manual audit results to the automated audit results;*

(c) *May expand the manual audit; and*

(d) *May take any other actions it considers necessary to resolve the discrepancy.*

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Proposed Regulations Ready for Final Adoption

*B. Primary Election Audit.*

*(1) The State Administrator shall require a local board to conduct a manual audit of voter-verifiable paper records if the automated audit shows a discrepancy in any precinct of greater than 0.5 percent of total votes cast in any contest and the discrepancy cannot be resolved or explained.*

*(2) The local board shall conduct the manual audit of the precinct in accordance with instructions issued by the State Administrator.*

*(3) If a local board is directed to conduct a manual audit, the local board of canvassers may not certify the results of the primary election until:*

*(a) The manual audit of the precinct with the unresolved or unexplained discrepancy is complete;*

*(b) The local board provides the State Administrator with a written report and findings of the manual audit; and*

*(c) The State Administrator concurs with the report and findings.*

*C. General Election Audit.*

*(1) At least 60 days before the election, the State Administrator shall instruct each local board as to the minimum number of voter-verifiable paper records from early voting and the absentee and provisional canvasses to audit manually.*

*(2) Within 15 days after the election, the State Board shall select the contest to be manually audited and randomly select the precincts to be manually audited, and may exclude certain precincts based on the number of registered voters in that county before randomly selecting precincts.*

*(3) A local board shall conduct a manual audit of voter-verifiable paper records cast during the election, as follows:*

*(a) For voter-verifiable paper records cast during early voting, the local board shall manually audit a number equal to at least 1 percent of votes cast in the previous comparable election;*

*(b) For voter-verifiable paper records cast on election day, the local board shall manually audit at least one randomly chosen precinct in the county and any other precinct selected by the State Board;*

*(c) For voter-verifiable paper records canvassed during the absentee canvasses, the local board shall audit a number equal to at least 1 percent of the Statewide total of absentee ballots from the previous comparable general election; and*

*(d) For voter-verifiable paper records canvassed during the provisional canvasses, the local board shall audit a number equal to at least 1 percent of the Statewide total of provisional ballots from the previous comparable general election.*

*(4) A local board shall complete the manual audit within 120 days after a general election.*

**.10 Post-Election Audit—Ballot Tabulation Audit—Automated Audit.**

*The State Administrator shall complete the automated audit of:*

*A. Early voting and election day results before the local boards of canvassers certify the election results; and*

*B. Absentee and provisional results before the State Board of Canvassers certifies the election results.*

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**33.16.07 Post-Election Procedures**

**.02 Public Information.**

*A. Access to Provisional Ballot Applications.*

(1) [Public] *Except as provided in §A(2) of this regulation, public access to provisional ballot applications prior to the completion of the canvass is prohibited.*

(2) *Members of the public attending a canvass shall be provided visual access to the provisional ballot applications presented at that canvass.*

[B.] (3) (text unchanged)

[C.] *B.* (text unchanged)

**33.10.02 AccuVote-TS [Voting Systems]**

*Repeal Chapter 02 AccuVote-TS*

**33.10.03 Model ES- 2000 [Voting Systems]**

*Repeal Chapter 03 Model TS- 2000*

**33.12.06 Recount Procedures – Direct Recording Equipment**

*Repeal Chapter 06 Chapter 06 Recount Procedures – Direct Recording Equipment*

**33.12 RECOUNTS**

**Chapter [07] 06 Challenges**

**Chapter [08] 07 Payment of Costs**

**33.17.01 Definitions; General Provisions [Early Voting]**

*.02 Applicability to Elections.*

*A. [text unchanged]*

*B. Early voting is not applicable for special primary and general elections, unless the special election is conducted by mail.*

**33.17.05 Election Judges [Early Voting]**

*.02 Number of Election Judges.*

*A. – C. [text unchanged]*

*D. At least two election judges [for the touchscreen voting units] to facilitate voting at the voting booths and ballot marking devices; and*

*E. [text unchanged]*

Regulation	Comment	Agency Response	Recommendation
33.08.05.01B(2)	Define “manual audit”	When drafting regulations, agencies refer to the code section when defining a word or phrase defined in the Annotated Code of Maryland.	Adopt as published
33.08.05.01B(3)	Do not include early voting center in the definition of “precinct”	Subsequently proposed regulations address this comment. “Precinct” does not include early voting centers in the regulations governing the post-election audit. The revised 33.08.05.01B(3) will be published once these regulations are final. <sup>1</sup>	Adopt as published
33.08.05.01B(4)	Define “previous comparable general election”	When drafting regulations, agencies refer to the code section when defining a word or phrase defined in the Annotated Code of Maryland.	Adopt as published
33.08.05.01B(6)	Define “automated software audit” and proposed a definition for “automated software audit”	Subsequently proposed regulations define this term. The commentator may comment on the proposed definition when these proposed regulations are published.	Adopt as published
33.08.05.08B(2)	Law states that SBE directs a manual audit after a primary election	<p>Election Law Article, §11-309(c) establishes the audit requirements for a primary election. Subsection (c)(2) authorizes – but does not require – the State Board to complete a manual audit in a manner prescribed by the “State Board.”</p> <p>It was never the intention of the General Assembly that the State Board, State Administrator, or staff of the State Board actually conduct the manual audit. The published regulation makes clear that the local boards of elections are the entities conducting the audit and must follow the instructions issued by the State Administrator. The “at the direction of the State Administrator” ensures that all manual audits are conducted the same way.</p> <p>Also, this provision must be read in conjunction with the published regulation 33.08.05.09B(1), which</p>	Adopt as published

<sup>1</sup> Since an agency cannot amend a regulation before it is final, the subsequently revised regulation cannot be published in the *Maryland Register* until the section it is amending is final.

Regulation	Comment	Agency Response	Recommendation
		establishes the circumstances when the State Administrator must direct a local board to conduct a manual audit after a primary election. The State Administrator does not have discretion in this task.	
33.08.05.08C(1)(a)	Provide guidance on how the precincts and votes were selected	<p>The published regulation defines what must be included in the report SBE is required to provide. The report from the 2018 General Election manual audit included how the precincts and votes were selected.</p> <p>It would not be appropriate in the section defining the content of the report to provide instructions on how to select the precincts and ballots.</p>	Adopt as published
33.08.05.08C(1)(c)	Include in online report the source of any discrepancy	If there was a discrepancy, we would explain the discrepancy and, if known, the source of it.	Adopt as published If desired, amend in future revision
33.08.05.08C(1)(d) – <u>Commentator’s proposed (d)</u>	Include in online report of the post-election manual audit any recommended improvements to the election process and audit process	As part of our lessons learned process with the local boards, we ask for ways to improve processes, and the lessons learned process for the 2018 General Election was no exception. While we collect this information, it is unlikely that we would have this information by the statutory deadline to post this report (within 14 days of the conclusion of the manual audit). The lessons learned process for the 2018 General Election post-election audits started after all of the local boards had completed their audits and more than 14 days after the last audit was performed.	<del>Adopt as published</del> Do not adopt proposed recommendation
33.08.05.08C(2) – <u>Commentator’s proposed (aa)</u>	Proposed new subsection requiring that online report of the post-election automated audit the number of ballots by precinct that could not be validated during the audit because: (a) the voter’s original ballot was duplicated	(a) The purpose of the automated audit is to verify the accuracy of the voting system and validate that the voting system accurately counted the duplicated ballots. The process of duplicating the ballots is “audited” a different way – that is, ballot duplication occurs in a public canvass by a bipartisan of election officials. Public observation and the supervision by	<del>Adopt as published</del> Do not adopt proposed recommendation

Regulation	Comment	Agency Response	Recommendation
	during a canvass; or (b) the voter used the ballot marking device and the automated audit used the QR barcode to audit the ballot	the bipartisan local board of elections – not the automated audit – validates the accuracy of the ballot duplication process. The number of duplicated ballots is not currently reported by the local boards to SBE. (b) During the automated audit, ballots marked by the ballot marking device are manually reviewed. The QR barcodes printed on ballots marked by the ballot marking device are not used.	
33.08.05.08C(2)(d)	Include in the online report information about the automated audit any suggested changes to processes to avoid discrepancies in the future	If a county has a discrepancy greater than 0.5% of the total votes cast in any given contest, the local board must conduct a manual audit before certifying election results. <i>See</i> COMAR 33.08.05.09B(3). If a manual audit is conducted at the conclusion of the automated audit, the report of the manual audit would be posted online under COMAR 33.08.05.08C(1). SBE would explain why the manual audit had to be conducted, the cause of the discrepancy, and how to prevent it in future elections.	Adopt as published
33.08.05.09A – Commentator’s proposed A & B	Provided comments and additional language on subsequently proposed text	Subsequently proposed regulations include generally the commentator’s proposed §§A and B. The commentator may provide comments on this text once it has been published for public comment.	Not applicable
33.08.05.09 – Commentator’s proposed C	Require initial results for each precinct or set of selected ballots be publicly posted before precincts are selected	SBE and the local boards of elections have precinct level results, and they are posted online once the Board of State Canvassers certifies the results.  The local boards of elections have reports from the scanning unit of the results from the absentee and provisional ballots to be audited. The results are securely stored with the ballots to be audited.	Do not adopt proposed recommendation
33.08.05.09 – Commentator’s proposed D	Require selection of precincts and ballots be “truly random and publicly observable.”	The method of selection is not currently defined in the regulations and therefore can be changed. The process used for the manual audit of the 2018	Do not adopt proposed recommendation

Regulation	Comment	Agency Response	Recommendation
	One commentator suggested rolling 10-sided dice, and while the group commentators suggested a “well vetted method” but did not recommend a specific type.	General Election was random and publicly observable.	
33.08.05.09 – Commentator’s proposed E	Require staff conducting the audit cannot know the results for the ballots they are auditing	This requirement is not practical. The individuals conducting the audit are generally employees of the local boards of elections and most likely supported the absentee and provisional canvasses. When the manual audit is performed, the precinct level results are posted online. <sup>2</sup>	Do not adopt proposed recommendation
33.08.05.09A(1)	(a) Require selection of provisional and absentee ballots in public (b) Allow public to view paper ballots and tallies made by the audit teams	(a) The current instructions allow the local board to select the absentee and provisional ballots as they prepare for the respective canvasses. (b) The local boards understand that observers must be able to see the ballots and the tally sheets. This is similar to the observation requirements for absentee and provisional canvasses – that is, observers must be able to see the return envelopes and voted ballots.	Adopt as published  If desired, change in a future revision how the local boards select absentee and provisional ballots.
33.08.05.09A(2)	Law says SBE	Election Law Article, §11-309 does not address the process of resolving a discrepancy in the audit. If there is a discrepancy, it is appropriate that the State Administrator determine the next steps to determine the cause of the discrepancy and resolve it.	Adopt as published
33.08.05.09B	Suggest adding sentence authorizing the State Board to conduct a manual audit after a primary election and in the same manner as a manual audit after a general election.	The authority to conduct a manual audit after a primary election is already captured in COMAR 33.08.05.08B(2). The specific circumstances that would trigger a manual audit after a primary election are described in 33.09.08.05.09B(1).	Adopt as published

<sup>2</sup> The commentator previously recommended that the precinct level results should be posted online before the precincts to be audited are selected. These two recommendations cannot both be implemented – either the precinct level results are posted and anyone can see them or they are not posted and it becomes possible – although not practical – that the individuals performing the audit do not know the results.

Regulation	Comment	Agency Response	Recommendation
33.08.05.09C(2)(a)	<p>(a) Method for providing public notice and selecting precincts should be specified</p> <p>(b) Random drawing should be shortly before audit starts</p> <p>(c) Require initial results for each audit unit to be publicly posted before the random drawing of precincts and contest</p>	<p>(a) The selection of precincts and contest occurs at a public meeting of the State Board of Elections. Notice of these meetings is governed by General Provisions Article, § 3-302. Subsequently proposed regulations define the notice requirements for the manual audit. The commentators may comment on the proposed definition when these proposed regulations are published.</p> <p>(b) The precinct and contest selection process can be delayed. Although the members of the State Board selected in November the precinct and contests for the 2018 General Election audit, SBE did not notify a local board of its selected precincts until approximately 2-3 weeks before the local board conducted the audit.</p> <p>(c) SBE and the local boards of elections have precinct level results, and they are posted online once the Board of State Canvassers certifies the results.</p> <p>The local boards of elections have reports from the scanning unit of the results from the absentee and provisional ballots to be audited. The results are securely stored with the ballots to be audited.</p>	<p>Adopt as published</p> <p>If desired, change in a future revision the timing of the precinct and contest selection.</p>
33.08.05.09C(2)(b)	No precincts should be excluded from being selected	The published language gives the State Board the option to exclude certain precincts. It is not required.	<p>Adopt as published</p> <p>If desired, remove in a future revision.</p>
33.08.05.09C(3)(a)	Provide more instructions on which ballots from an early voting center are audited	This level of detail is more appropriate for instructions than regulations. SBE's audit instructions state that ballots from 1 scanner at the end of day 1 are audited.	Adopt as published
33.08.05.09C(3)(b)	(a) Gives too much latitude for SBE to pick precincts without requiring	(a) The published language gives the State Board the discretion to pick – randomly or otherwise – the “other precincts.” As written, the State Board could	Adopt as published

Regulation	Comment	Agency Response	Recommendation
	random samples or distribution across all counties (b) Added total number of precincts to be audited	select a specific precinct with reported issues. Requiring a random selection of the “other precincts” would make it unlikely that the precinct with reported issues would be selected. During discussions with legislative staff during the 2018 Legislative Session, they wanted to give the State Board the flexibility to pick a precinct with reported issues as one of the “other precincts.” (b) If desired, can add the total number of precincts to be audited. Already required by Election Law Article, §11-309(d)(1)(i).	If desired, add in a future revision the total number of precincts to be audited ( <i>i.e.</i> , 2% of the precincts statewide).
33.08.05.09C(3)(c) 33.08.05.09C(3)(d)	(a) Provide more detail on how the absentee ballots are selected and counted and suggested method of selecting absentee and provisional ballots (b) If a voter’s ballot is duplicated, require the voter’s original ballot to be audited	(a) The requested level of detail is more appropriate for instructions than regulations. SBE’s instructions address the suggested information. (b) The purpose of the automated audit is to verify the accuracy of the voting system and validates that the voting system accurately counted the duplicated ballots. As explained above, public observation and the supervision by the bipartisan local board of elections – not the automated audit – validates the accuracy of the ballot duplication process. As a result, it would not be appropriate to include in this audit the voter’s original ballot.	Adopt as published
33.08.05.09C(4)	Random drawing should be conducted soon after election, and the manual audit should start hours after the random drawing  Audit should be performed before the election is certified.	Election Law Article, §11-309(d)(2) requires that the manual audit be complete within 120 days after the general election. Other rows in this summary table address the timing of the random drawing.	Adopt as published
33.08.05.10	Prohibit the vendor performing the automated audit from knowing the election results	Subsequently proposed regulations include this requirement. The commentator may comment on the proposed definition when these proposed regulations are published.	Adopt as published

## Summary of Comments Received

In addition to the comments in the summary table, the commentators also asked questions. The questions and answers are provided below.

1. *What audit reports are expected [from the automated audit]? (33.08.05.08C(2)(b))*

We receive for each county four reports:

- a. Comparison of Cards Cast for each canvass: This report compares the number of ballots counted during early voting, on election day, during both absentee canvasses, and during the provisional canvass against the number of ballots tabulated by the vendor. This ensures that the same number of ballots were tabulated by both systems.
- b. Comparison of Ballots Cast by Precinct: This report compares the number of ballots cast in each precinct against the number of ballots tabulated during the audit. This is another way to ensure that the same number of ballots are tabulated by both systems.
- c. Comparison of Votes Cast: This report compares the results from the voting system against the audit results and identifies possible discrepancies by candidate or choice.
- d. Contest Vote Discrepancy Threshold Report: This report shows - by contest - the number of vote differences between the two systems and the vote difference as a percentage. Before the audit was performed, SBE determined that a percentage of 0.5% or higher would trigger an additional review, which could include a manual review of voted paper ballots.

These descriptions and the 2018 General Election reports for each county are posted online<sup>3</sup>.

2. *Where is [the selection of one contest] in the law? (33.08.09.05.09C(2))*

The definition of “manual audit” in Election Law Article, §11-309(a)(2) refers to “a contest.” If multiple contests were to be included, “all contests” or some other similar wording would have been included. During the 2018 Legislative Session, I confirmed with legislative staff that the General Assembly’s intent was to perform the manual audit on one contest.

3. *Shouldn’t [manual audit] instructions comply with the regulations for manual audits after the general election? (33.08.09.05.09B(2))*

Yes, and they will. The manual audit instructions apply to any manual audit – either after a primary or general election.

4. *What happens if the manual audit finds large discrepancies? How is the audit expanded? What algorithm is used? Are the results posted on the website? (33.08.09.05.09C(4))*

It is most unlikely that the manual audit would identify a previously unknown discrepancy. A discrepancy would have been discovered during the pre- and post-election verifications conducted by SBE and the local boards. In the unlikely event of this occurring, we would expand the audit, request information from the voting system vendor, and take appropriate steps. The specific steps taken would vary by discrepancy. The results of a manual audit must be posted under COMAR 33.09.05.08C(1).

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<sup>3</sup> See [https://elections.maryland.gov/voting\\_system/ballot\\_audit\\_plan\\_automated.html](https://elections.maryland.gov/voting_system/ballot_audit_plan_automated.html)

**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), 3-306, 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

**.03 Same Day Registration and Address Change Documents.**

- A. Special Provisional Ballot Application. The special provisional ballot application for same day registration and address changes during early voting *and same day registration on election day* shall include a place to affix the voter's registration and oath document.
- B. (text unchanged)
- C. Instructions. The State Administrator shall provide a local board with instructions for election judges on the procedures for same day registration and address changes during early voting *and same day registration on election day*.
- D. (text unchanged)

**.06 Other Supplies.**

- A.-B. (text unchanged)
- C. [During early voting, a] A local board may combine the provisional voting station with the same day registration and address change station *during early voting, and with the same day registration station on election day*.

**Title 33**  
**STATE BOARD OF ELECTIONS**  
**Subtitle 16 PROVISIONAL VOTING**  
**Chapter 03 Issuance of Provisional Ballot**

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

**.01 In General.**

- A. A voter shall be issued a provisional ballot packet if:
  - (1)-(2) (text unchanged)
  - (3) The voter's registration status is pending because the voter's driver's license or full or partial social security number could not be verified or was not provided before the precinct register was created and, if the voter appeared to vote *at an early voting center* during early voting *or at a polling place on election day*, the voter did not provide the necessary information to complete the verification inquiry required by COMAR 33.05.04.[04B].05;
  - (4)-(6) (text unchanged)
- B.-D. (text unchanged)

**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, 3-306, 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)-(c) (text unchanged)

(d) A special provisional ballot application for same day registration or address change during early voting *or same day registration on election day* is complete if:

(i) The registration and oath document is affixed to the provisional ballot application; and

(ii) The voter signed the registration and oath document.

(2) The election director shall determine whether:

(a)-(f) (text unchanged)

(g) If the individual attempted to register and vote during early voting *or on election day* 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;

(h) If the individual attempted to register and vote during early voting *or on election day* but did not provide proof of residency, the individual provided proof of residency as provided in §E of this regulation; and

(i) (text unchanged)

(3)-(4) (text unchanged)

B.-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), 3-306, 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)-(7) (text unchanged)

(8) An individual who was not a pre-qualified voter during early voting *or on election day* was determined to be eligible to vote and satisfied the proof of residency requirement under COMAR 33.16.04.02E.

D.-E. (text unchanged)

**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), 3-306, 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

**.03 Same Day Registration and Address Change Documents.**

- A. Special Provisional Ballot Application. The special provisional ballot application for same day registration and address changes during early voting *and same day registration on election day* shall include a place to affix the voter's registration and oath document.
- B. (text unchanged)
- C. Instructions. The State Administrator shall provide a local board with instructions for election judges on the procedures for same day registration and address changes during early voting *and same day registration on election day*.
- D. (text unchanged)

**.06 Other Supplies.**

- A.-B. (text unchanged)
- C. [During early voting, a] A local board may combine the provisional voting station with the same day registration and address change station *during early voting, and with the same day registration station on election day*.

**Title 33**  
**STATE BOARD OF ELECTIONS**  
**Subtitle 16 PROVISIONAL VOTING**  
**Chapter 03 Issuance of Provisional Ballot**

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

**.01 In General.**

- A. A voter shall be issued a provisional ballot packet if:
  - (1)-(2) (text unchanged)
  - (3) The voter's registration status is pending because the voter's driver's license or full or partial social security number could not be verified or was not provided before the precinct register was created and, if the voter appeared to vote *at an early voting center* during early voting *or at a polling place on election day*, the voter did not provide the necessary information to complete the verification inquiry required by COMAR 33.05.04.[04B].05;
  - (4)-(6) (text unchanged)
- B.-D. (text unchanged)

**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, 3-306, 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)-(c) (text unchanged)

(d) A special provisional ballot application for same day registration or address change during early voting *or same day registration on election day* is complete if:

(i) The registration and oath document is affixed to the provisional ballot application; and

(ii) The voter signed the registration and oath document.

(2) The election director shall determine whether:

(a)-(f) (text unchanged)

(g) If the individual attempted to register and vote during early voting *or on election day* 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;

(h) If the individual attempted to register and vote during early voting *or on election day* but did not provide proof of residency, the individual provided proof of residency as provided in §E of this regulation; and

(i) (text unchanged)

(3)-(4) (text unchanged)

B.-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), 3-306, 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)-(7) (text unchanged)

(8) An individual who was not a pre-qualified voter during early voting *or on election day* was determined to be eligible to vote and satisfied the proof of residency requirement under COMAR 33.16.04.02E.

D.-E. (text unchanged)

LBE Responses – BMD Questionnaire  
 June 27, 2019 Board Meeting

This document is organized by each question (in bold and shaded gray) and how each local board responded to the question. If you have any questions, please do not hesitate to contact me at 410-269-2845 or at erin.perrone@maryland.gov.

<b>1. What are your thoughts or comments on the current BMD policy?</b>	
<b>a. The statement read by a judge, "If needed, there is an accessible way to read or mark your ballot."</b>	
01 – Allegany County	Most voters do not understand what the judges are telling them. After this statement is read to the voter, the judge must follow up with more details about the process.
02 – Anne Arundel County	It slows down the voter check-in process.
03 – Baltimore City	It slows down the process of voters checking in and results in lines being created in the polling place.
04 – Baltimore County	Necessary, but often causes confusion and more questions from voters. Slows down the check-in line. Judge's need to be reminded to say the statement.
05 – Calvert County	Good policy.
06 – Caroline County	The voters aren't exactly sure what this means. Most voters are away from the check-in table headed to the ballot issue table before the judge even finishes the statement. This may have more impact if offered by the Ballot Issue Judge since they are issuing the ballots and/or ballot activation cards.
07 – Carroll County	This statement can sometimes cause confusion. Some voters question the statement, which can create some longer lines at check-in. It also doesn't make sense to require the check-in judges at the pollbook to say this statement because in most counties, they are not the ones handing out the ballots. The statement is already affixed to the pollbooks, but it adds confusion because they still have to tell the voter to notify the ballot issuance table if they want to use the accessible unit, touch screen unit or any other term the judge decides to use. Also, election judges are trained to say this statement, but unfortunately, we cannot be present everywhere to control and actually see what the judges do and say. This makes such a requirement difficult to truly enforce.
08 – Cecil County	I do not think that voters actually understand what is being said to them.
09 – Charles County	Disagree - Judges forget to say it anyway
10 – Dorchester County	We feel it is unnecessary and slows down the check-in process because people want clarification.
11 – Frederick County	The voter doesn't understand what this means - vague.
12 – Garrett County	Too much verbiage and is confusing to voters

<b>1. What are your thoughts or comments on the current BMD policy?</b>	
<b>a. The statement read by a judge, "If needed, there is an accessible way to read or mark your ballot."</b>	
13 – Harford County	Camp A - Fine with statement; Camp B - Accessible leaves a negative feeling.
14 – Howard County	Fine as is if that is the route you decide to stick with...but I would prefer the ballot judges asking the people if they want paper or machine...that would make it easier and less convoluted.
15 – Kent County	Should be worded differently, most voters asked for explanation.
16 – Montgomery County	This is a poorly worded statement. No one understands what it means. It requires having to explain it repeatedly, so our check-in judges usually switch to saying something like, "Would you like to mark your ballot by hand or using a touch screen?"
17 – Prince George’s County	No issues.
18 – Queen Anne’s County	Sometimes the voter is confused about it, but the judges do a pretty good job of explaining what it means. It just ends up causing the voter to spend a little bit of extra time at the check in table which during busier times can cause a line.
19 – Saint Mary’s County	We think the message would be better heard by the voter if this statement was given by the ballot issue Judge and NOT the Check-In Judge.
20 – Somerset County	Adequate, IF judges read it consistently. Which I don't think they do.
21 – Talbot County	Statement is confusing to voters and the election judges. It is vague in what the voter should get from the information. It ends up holding up the line at check in because the questions from the voters can be numerous. Also, the check in judges feel that they need to be more helpful and tend to offer it to the voters.
22 – Washington County	The statement is confusing to the voters, the election judges don't like it because often the voters will say "what"? And then the election judge will either get a chief judge or try to explain it themselves. We think the statement should be revised to be more concise and clearer. Each voter would be asked: "Would you like to vote using paper or our electronic device"?

<b>1. What are your thoughts or comments on the current BMD policy?</b>	
<b>a. The statement read by a judge, “If needed, there is an accessible way to read or mark your ballot.”</b>	
23 – Wicomico County	If there is a way to also accommodate blind voters, we recommend posting a sign with this information and not reading it to all voters. The polling place greeter could say this phrase to each voter and if they want the BMD, hand them a color coded card or something. That way, 1) it doesn't take time to have this conversation/explanation at the check-in table; it happens while they simply standing in line; 2) by human nature, if someone just ahead of you in line is having a conversation with an election official, you are listening, too; 3) by not taking more time at check-in, it may not create longer lines in a Presidential General; and finally, 4) if a voter really wants a lot more explanation, they could be pulled out and sent to the BMD judge, again, not taking up time at the check-in table and/or irritating other voters waiting to use that check-in pollbook.
24 – Worcester County	Our Judges are trained to say this to each voter, however, we have received negative feedback from some voters regarding this.

<b>1. What are your thoughts or comments on the current BMD policy?</b>	
<b>b. A judge offering to explain the accessibility features of the BMD.</b>	
01 – Allegany County	Judges are not uniform in their explanation of the BMD. Some will say for example: if you can't color in the oval then you may want to use the BMD; others will say it's like the old touchscreens or like a computer. If the judge has to explain to the voter, this slows the check-in process down.
02 – Anne Arundel County	When a voter elects to use the BMD, a voting area judge explains how to use it.
03 – Baltimore City	We are fine with this.
04 – Baltimore County	They need to be able to explain it clearly, not just offer. More than one judge needs to be a BMD specialist. Needs to happen at BMD, not at check-in, to keep the line moving.
05 – Calvert County	Good policy.
06 – Caroline County	I think this is necessary if the voter asks what the accessible way to read or mark your ballot is or if the voter chooses to use the BMD.
07 – Carroll County	Depending when they do this, it will hold up any lines that may occur. It also creates another line in the precinct at the BMD.
08 – Cecil County	Yes, it is very important and should continue. We need to continue providing detailed information and instructions for using the BMD.
09 – Charles County	Agree - I believe voters wanting to use the BMD should be aware of all features.
10 – Dorchester County	Only the chief judges would know this. We have chiefs escort voters to the BMD and show them how to use it.
11 – Frederick County	This is fine.
12 – Garrett County	Judges need to determine "who-what-when" to offer to the voters the use and the features of the BMD.
13 – Harford County	Camp A - OK; Camp B - OK
14 – Howard County	Provide a fact sheet that a voter can read.
15 – Kent County	Our judges explained rather well, no issues.
16 – Montgomery County	First, the statement is too long! We recommend user testing on the instructions with both Election Judges and voters, as soon as possible. Voters should be offered a simple phrase to select voting method such as "paper or plastic".
17 – Prince George's County	No issues.
18 – Queen Anne's County	The judges are trained in how to respond to questions the voter may ask and from our county they seemed to do a pretty good job of it.
19 – Saint Mary's County	We think it should be offered and not mandatory to voters if needed.

<b>1. What are your thoughts or comments on the current BMD policy?</b>	
<b>b. A judge offering to explain the accessibility features of the BMD.</b>	
20 – Somerset County	Not sure if this is necessary, unless a voter expresses either interest in the BMD or uncertainly about the DS200.
21 – Talbot County	The amount of time that it takes the judge to explain the accessibility features can cause a backup at the BMD. Sometimes it must be repeated several times, and that is if they utilize the instructions that are given to them to tell the voters.
22 – Washington County	This is difficult to accomplish unless you are standing in front of the BMD and have the cheat sheet.
23 – Wicomico County	It is very important that the Election Judge assigned to assist voters with the BMD be well-trained on it.
24 – Worcester County	Our Judges are trained to explain the accessibility features of BMD before a voter is going to use the BMD, and are trained to answer any questions voters may have when the voter is deciding whether or not to use the BMD.

<b>1. What are your thoughts or comments on the current BMD policy?</b>	
c. The minimum number of 2 voters using the BMD. If 2 voters have not used the BMD by 6:00 pm on any election day, judges direct voters to use the BMD until 2 voters have used it.	
01 – Allegany County	2 doesn't really guarantee the secrecy of the vote. Especially in a primary election where the judge directs only 2 people to the BMD, one democrat and one republican. I think the number should be increased slightly but if the number is too large, the judge will lose track of how many people have voted on the BMD (even though they can check this number on the scanner) and therefore not meet the minimum requirement.
02 – Anne Arundel County	Yes, That is what we currently do.
03 – Baltimore City	We are ok with it.
04 – Baltimore County	Sufficient, but encourage voters to use throughout the day so the minimum becomes moot.
05 – Calvert County	This is a good policy.
06 – Caroline County	I don't like the idea of the judges selecting voters to use the BMD unless they request it. However, I understand the need to protect voter privacy if only a few do use it.
07 – Carroll County	You cannot force a voter to use the BMD over a paper ballot especially when the specimen ballot does not discuss BMD usage in detail and voter outreach that was completed in 2015 and beyond never really had a huge focus on BMD usage. We always tell our election judges that if they are to vote in the precinct that they're working in that day, then they should, if they wish, vote on the BMD to help meet that 2 minimum. Again, though, it is up to the voter how they want to vote. If you want to force a voter to vote a certain way, then everyone should be told one way or another, not have a choice. Choices create confusion.
08 – Cecil County	It does not make sense to have this requirement - when we ask a voter to use the BMD after 6 pm, theoretically, the vote is not private as we identified who to use the machine - this is the perception of the judges and I am guessing the voters.
09 – Charles County	Disagree - No voter should be forced to vote on the BMD
10 – Dorchester County	If there has to be a minimum, 2 is acceptable. Doing more would be an absolute hardship for our judges. Some of our polling locations have very few registered voter (32) and voters have a right to opt out of BMD.
11 – Frederick County	Perhaps the time could be earlier.
12 – Garrett County	In smaller precincts, 6:00 could be too late. (especially in primary) We instruct our judges that if by 4:00 you do not

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	have 2, they need to start "rattling the bushes". We also encourage the judges to vote the BMD.
13 – Harford County	Camp A - Do not think it should be mandated that this machine must be used; Camp B - Judges should offer the BMD at all times.
14 – Howard County	Fine...we don't really have a problem with this, but I am sure it works.
15 – Kent County	No issues
16 – Montgomery County	On average, 19 voters used a BMD in our polling places on Election Day. We could increase usage if we were to send out all of the BMDs in our inventory. Even with more equipment, better phrasing of the question at the check-in to give all voters the option would be more effective than <u>changing how we check in voters after 6 pm.</u>
17 – Prince George’s County	No issues. Prince George's County always has more than two voters who have used the unit.
18 – Queen Anne’s County	Seemed to work well during the last election.
19 – Saint Mary’s County	Why do we have to have 2 votes on the BMD period? If it is mandatory it should be done by midday and not wait until 6:00 pm because the polling place may not have anyone come in after 6:00 pm (depending on the size of the polling place)
20 – Somerset County	The logic of this has always escaped me. As it has with many LBE staff and judges. If a minimum usage policy is to remain, SBE must explain clearly and explicitly why we must have minimums.
21 – Talbot County	We train judges to have two election judges that work in precinct to vote on the machine, if possible. If there is a push towards the end of the night to ask voters to use the BMD instead of voting a regular ballot this could start additional questions from the voters. Ex. What is wrong with the ballots? Do they not count? etc.
22 – Washington County	We don't believe there should be a minimum. Provide the equipment, provide the option to choose and let the number of voters who choose to use the BMD be what it may. Does it really matter if only 1 voter uses the BMD at a polling place? Their name isn't on the ballot, you can't tell from their VAC that someone used the BMD, their BAC is in the privacy sleeve. What is the issue?
23 – Wicomico County	We recommend training our Election Judges to have a goal of 5 users, so the minimum of 2 would be reached. (In the

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	polling places in our County which did not reach the goal, they only missed it by 1.)
24 – Worcester County	We train our Judges to make sure the BMD is used by the minimum number of voters and have Judges use the BMD if minimum is not met.

<b>1. What are your thoughts or comments on the current BMD policy?</b>	
d. Only one BMD was deployed to each early voting center and polling place unless presented and approved by the State Board.	
01 – Allegany County	I think that we should have a little more flexibility with how many BMDs are deployed. I have had several election judges ask me for an additional BMD because they have had people waiting to use them. I can think of two precincts who have made comments regarding this issue. I don't have a lot of extra BMDs to deploy but I could have covered the request.
02 – Anne Arundel County	Currently we deploy 1 BMD. However, LBEs need the flexibility to deploy additional BMDs based on the request the check-in judges receive from the voters at each polling place. We support the concept of replacing paper ballots with BMDs at Early Voting.
03 – Baltimore City	We need more BMD's in each of the early voting centers. There was a line always waiting to use them.
04 – Baltimore County	When working correctly it is a great alternative that helps to alleviate lines. Having more than one is useful if the one goes wonky, especially during early voting. We are approved for two at each early voting center and several precincts on election day.
05 – Calvert County	One 1 BMD is needed in Calvert County.
06 – Caroline County	I think this works. LBE's should have an idea of whether one BMD is sufficient in their polling places and have ample time to request the use of additional ones if necessary. Perhaps allow the request to be presented and approved by the State Administrator to avoid any issues with deploying additional ones at the last minute.
07 – Carroll County	I think Directors and SBE should be reasonable in requesting usage of more BMDs and be mindful of such places as assisted living facilities and senior centers where they may be more apt to have people want to use a touch screen for whatever the reason. We should have the flexibility to decide if we want more than 1, but it should also be the State Board's authority to set a maximum amount that can be requested by early voting center or polling place. I don't think it is wise for one county to use an extreme amount more than other LBEs.
08 – Cecil County	We should be able to deploy as many as we feel necessary or are needed at polling locations. We know the voter's needs and should be able to accommodate without restrictions or needing approval.
09 – Charles County	Disagree - We believe there should at least be 2, in case one is in operable

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10 – Dorchester County	One is more than adequate.
11 – Frederick County	This is fine.
12 – Garrett County	Agree
13 – Harford County	Camp A - Fine with statement; Camp B - It should be more than one BMD, one seems like an orphan device.
14 – Howard County	Bad idea. When you are voting 30-40% of your people in Early Voting, limiting the number of BMDs to one makes no practical sense. Please allow us to put out as many as we would like...we are paying for the equipment either way...but not too many...I would like to put three out at my busier ones and two at the other two locations...it would help with people waiting for a BMD.
15 – Kent County	1 BMD for election day was sufficient. EV a lot of voters wanted to use the BMD, waiting lines were long. This should be left up to the needs of the LBE.
16 – Montgomery County	This is impractical and inefficient. Montgomery County had lines of voters waiting to use the BMDs. We deployed more BMDs as an emergency line mitigation procedure. We need to plan for usage and deploy up front.
17 – Prince George’s County	Allow the LBE's the flexibility to determine the number of BMD's at each EV and Election Day site. Prince George's County voters utilize the BMD frequently and lines back up because there is only one unit on Election Day.
18 – Queen Anne’s County	Personally I would like to see a second one at each EVC and polling place.
19 – Saint Mary’s County	It should be up to the LBE
20 – Somerset County	Fine for Somerset County, where interest and demand for BMDs is minimal to moderate.
21 – Talbot County	The need in Talbot is for more BMDs, we have an older population and need more access to the BMD. The use of the BMDs would help to eliminate so many ballot styles and the confusion of the voter getting the correct style. There would be a cost savings on the printing of the regular ballots and storage of the regular ballots, as well as the manpower needed to ensure the correct ballot style and appropriate quantity is checked and rechecked, and the need for additional judges to ensure the voter has the correct style.
22 – Washington County	We don't understand why permission is needed to deploy additional BMD's. We have spares and there is a need at Early Voting and some polling places. Why can't we make that decision to deploy additional BMD's?

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d. Only one BMD was deployed to each early voting center and polling place unless presented and approved by the State Board.	
23 – Wicomico County	It was very much appreciated by both our Election Judges and our voters; we did comments on this.
24 – Worcester County	I agree with this statement. We did not have a large number of voters express interest in voting BMD and only a handful used them.

<b>2. Can you explain why the minimum of 2 voters using the BMD was not met in any precincts in your jurisdiction?</b>	
01 – Allegany County	I believe that all of my precincts met this requirement in 2018.
02 – Anne Arundel County	We instructed the election judges to have at least two voters use the BMD. However, the instructions were not followed.
03 – Baltimore City	no but we only had 8 precincts out of 296 that did not meet the required 2
04 – Baltimore County	Unfortunately no - It is made very clear during training of the minimum requirement. We will follow up with the 5 precincts and re-emphasize the requirement at future training.
05 – Calvert County	N/A
06 – Caroline County	N/A
07 – Carroll County	We had 1 polling location that did not meet the minimum of 2. I believe the judges did say the statement as they should have, but again, you cannot control or force a voter or election judge to use the BMD if they do not want to. This polling place did have more than 1,000 registered voters there, but you cannot control human behavior
08 – Cecil County	N/A
09 – Charles County	In my opinion 3 precincts did not meet the minimum qualifications because they are our smallest precincts with the lowest turnout.
10 – Dorchester County	As far as I know, we met that minimum.
11 – Frederick County	The one precinct was very busy and just overlooked it.
12 – Garrett County	N/A
13 – Harford County	We did not force voters to use the BMD, The BMD can be used by a voter upon request (Policy by previous administration)
14 – Howard County	Mine was met. No problems here in Howard.
15 – Kent County	N/A
16 – Montgomery County	There were three precincts - a little more than 1% - in all of Montgomery County that did not meet this threshold. We did not receive any reports of technical issues that would prevent their use at these precincts. It appears they did not follow instructions to begin directing voters to them at 6pm.
17 – Prince George’s County	N/A
18 – Queen Anne’s County	N/A
19 – Saint Mary’s County	N/A should not have to be enforced
20 – Somerset County	All polling places met the minimum in Somerset County.

<b>2. Can you explain why the minimum of 2 voters using the BMD was not met in any precincts in your jurisdiction?</b>	
21 – Talbot County	The precincts met the minimum voters on the BMD, confirmed by SBE.
22 – Washington County	All precincts met the 2 voter minimum.
23 – Wicomico County	We cannot. We will have personal meetings with these Chief Judges in these 2 locations to ask, and to reiterate they must follow the policy.
24 – Worcester County	Worcester County met the minimum requirements in all precincts.

<b>3. What can be improved to ensure that the minimum of 2 voters use the BMD?</b>	
01 – Allegany County	Make sure the check-in judges are reading the statement to all voters. Suggest that the judges who reside in the polling place they are working in could use the BMD to vote.
02 – Anne Arundel County	We will have our election day field support remind the judges to have two voters use the BMD.
03 – Baltimore City	emphasize it more in training
04 – Baltimore County	Judge education. Looking out sending out mass text reminders, this reminder could be added to the growing list.
05 – Calvert County	Inform election judges during training and Board members remind them on Election Day.
06 – Caroline County	We encourage our election judges (working in their home precinct) to use it to mark their ballots. This helps satisfy the minimum usage requirement and also serves as a refresher of the BMDs features and functionality. This is helpful when providing instructions and/or assistance to voters using it.
07 – Carroll County	See answer above.
08 – Cecil County	-Add a form to be completed at 6 pm. -Send a bulk text message to all chief judges with a reminder to verify the type of ballots cast. -Add instructions with a screen shot of the scanner screen explaining how to verify the type of ballots cast and the steps to follow if the required number has not been met.
09 – Charles County	Nothing- I do not feel that a voters should be forced to use the BMD just to meet a state requirement.
10 – Dorchester County	Not sure, this is hard to ensure and verify, since it is dependent upon judges and voters choice.
11 – Frederick County	Check the scanner to see usage, if any, of the BMD ballot. Put in screenshot in judges manual.
12 – Garrett County	When judges call in the afternoon totals, have them retrieve the BMD total from DS200 as well.
13 – Harford County	Camp A - Should not a rule; Camp B - Judges should inform voters of that option every time
14 – Howard County	See answers above.
15 – Kent County	Have Chief Judge and EFS verify that at least 2 votes were cast by mid-day.
16 – Montgomery County	Allow counties to use our full inventory of BMDs and change the phrasing at the check-in so it gives voters a clear and understandable choice.
17 – Prince George’s County	Everyone should be given the opportunity to utilize the BMD.

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<b>3. What can be improved to ensure that the minimum of 2 voters use the BMD?</b>	
18 – Queen Anne’s County	It could be placed in a more visible location. Have the judge point to it as they say their statement.
19 – Saint Mary’s County	Start the process earlier, and have election judges voter on them to meet the requirement
20 – Somerset County	Placement of the BMD in the polling place. More direct signage in the polling place. Promote BMDs on social media. Train judges to better point voters towards the BMD.
21 – Talbot County	N/A
22 – Washington County	Change the wording of the statement. Remove the minimum.
23 – Wicomico County	We recommend that Election Judges are trained to ask 5 voters, so that the minimum of 2 is reached.
24 – Worcester County	Possibly ask 2 Judges to vote the BMD at the beginning of the day so minimum is met.

<b>4. Have you received complaints from voters about the BMDs? If you received complaints from voters about the BMDs, what kind of complaints did you receive?</b>		
01 – Allegany County	Yes	I have had several complaints from voters who go through the process and once they get to the summary page they hit the "Exit" button instead of the print card. The voter is very frustrated if they have to start all over again. Last election, we had a complaint from a blind voter regarding the braille on the keypad. He stated that the abbreviations on the keypad were confusing. We believe he was specifically talking about the select button in the center.
02 – Anne Arundel County	Yes	Prior to the 2016 Primary Election, Anne Arundel County Circuit Court Judge Cathy Vitale complained about the navigation on the BMD.
03 – Baltimore City	Yes	That there is only BMD in the EVC and Polling places and voters can not understand why we do not deploy more
04 – Baltimore County	No	
05 – Calvert County	Yes	Having to hit "More" to see all candidates is confusing.
06 – Caroline County	Yes	We had some voters who became frustrated, requiring assistance or resulting in cancellation to vote on paper ballot.
07 – Carroll County	No	But, voters have complained to election judges. In some cases, voters opt to use the BMD because of the statement that is said at check-in, but then they get over to this area and discover there are more people standing in a line waiting to use 1 BMD. They then decide not to wait, change their mind, try to get the attention of an election judge, then go back to ballot issuance to get a regular ballot and return their blank ballot activation card. It causes more confusion by giving them an option with only 1 BMD that can be used, especially in early voting centers and large polling places.
08 – Cecil County	No	N/A - voters LIKE the BMD.
09 – Charles County	No	N/A
10 – Dorchester County	No	N/A
11 – Frederick County	No	

<b>4. Have you received complaints from voters about the BMDs? If you received complaints from voters about the BMDs, what kind of complaints did you receive?</b>		
12 – Garrett County	Yes	Time consuming; cumbersome to navigate especially when there are a couple pages of candidates for one contest.
13 – Harford County	No	
14 – Howard County	Yes	Too slow, not intuitive. Voters have had to start over as they got lost in the process.
15 – Kent County	No	
16 – Montgomery County	Yes	There were not enough of them and the verbal instructions were a waste of time and unnecessary, as there are instructions given on the screen.
17 – Prince George’s County	Yes	Only one unit on Election Day, people vote too slowly.
18 – Queen Anne’s County	Yes	That the bac it printed out on didn't look like the ballots everyone else voted on. How did they know the machine didn't tally what they selected. Mostly the complaints were resolved by educating the voter.
19 – Saint Mary’s County	Yes	Takes too long & switching votes
20 – Somerset County	No	
21 – Talbot County	Yes	Minor complaints about the wait time with only two BMDs at E.V. and our biggest polling place, the Easton Firehouse.
22 – Washington County	No	
23 – Wicomico County	No	N/A
24 – Worcester County	Yes	(1) It takes too long to use; (2) The voters don't understand about the candidates overflowing into two or more screens and when they realize this, they complain about having to scroll through all names when the candidate they want to vote for is on the first screen; (3) Some voters at the check-in station were offended when Judges mentioned an accessible way of voting, making comments like "Do I look like I need an accessible way to vote?", "Why would you tell me this?", etc. Maybe signage would be the way to go instead of having Judges repeat this phrase to all voters.

<b>5. Are judges sufficiently trained on how to set up, operate, and instruct voters on the use of the BMD?</b>	
01 – Allegany County	Yes
02 – Anne Arundel County	Yes
03 – Baltimore City	Yes
04 – Baltimore County	Yes
05 – Calvert County	Yes
06 – Caroline County	Yes
07 – Carroll County	Yes
08 – Cecil County	Yes
09 – Charles County	Yes
10 – Dorchester County	Yes
11 – Frederick County	Yes
12 – Garrett County	Yes
13 – Harford County	Yes
14 – Howard County	Yes
15 – Kent County	Yes
16 – Montgomery County	Yes
17 – Prince George’s County	Yes
18 – Queen Anne’s County	Yes
19 – Saint Mary’s County	Yes
20 – Somerset County	Yes
21 – Talbot County	No
22 – Washington County	No
23 – Wicomico County	Yes
24 – Worcester County	Yes

<b>6. How would you improve the training materials or training sessions to ensure that training is sufficient?</b>	
01 – Allegany County	Make sure that the training database is always produced with audio and that all functionality is available for training. This was fine for the general election but I believe that not all functions were available in the primary training database. Especially for those of us that have splits in our precincts whose municipality is on the ballot. Make sure that all documentation is complete prior to training including all step by step guides.
02 – Anne Arundel County	N/A
03 – Baltimore City	no improvement needed
04 – Baltimore County	More intense hands on training. Select one or two judges to specialize in BMD's, especially if more are to be deployed/used.
05 – Calvert County	N/A
06 – Caroline County	I feel our training is sufficient. We project a video of how to use the BMD, review the features in a slideshow presentation and provide hands-on training.
07 – Carroll County	No improvement. You can't control what voters or election judges decide to do in a polling place on election day. They may conform when an election official is in the room, such as our board members, but we are asking people who are basically volunteers to come and be trained for 3 hours, then working a very long day dealing with lots of people, personalities and processes that they are not experts on like we are because they don't do it every day.
08 – Cecil County	Each election we use the BMD, the more comfortable judges (and voters) are with using the BMD. Adding a screen shot and instructions in the manual and maybe as a priority notice will help - but more over, not changing the required number of activation cards needed to be scanned will help. It has changed so many times....
09 – Charles County	We use step by step instructions on the use of the BMD.
10 – Dorchester County	The training of our chief judges seems adequate.
11 – Frederick County	More time on BMD training
12 – Garrett County	I make the judges at training to actually vote a BAC to familiarize themselves with navigation.
13 – Harford County	Keep the training consistent
14 – Howard County	Besides the aforementioned fact sheet to provide to voters, it is fine as is.
15 – Kent County	We had no issues with judges explaining to the voters on how to operate and use the BMD.

<b>6. How would you improve the training materials or training sessions to ensure that training is sufficient?</b>	
16 – Montgomery County	These BMDs are used successfully across the country. The hold back here underestimates the intelligence of the voter. If the screen navigation is still a concern, we can address it in training.
17 – Prince George’s County	More hands on training.
18 – Queen Anne’s County	We offer open house times that the judges can come in and practice on the machines if they felt they didn't have enough hands on training during their class. It's helped a great deal.
19 – Saint Mary’s County	Make a video
20 – Somerset County	Emphasize, repeat a few times during training. Explain why it is important for voters to use the BMD.
21 – Talbot County	There could always be more training on the operating of the BMD. Because the BMD is currently, minimally utilized in a polling place, and there is so much to train the judges on, we find that we go over the information with the judges, let them have hands on and give them the instructions, but more time is spent on the information that all voters utilize, ex. pollbooks and DS200 and the importance of giving the voter the correct ballot style.
22 – Washington County	Provide more hands on training of the set-up and use of BMD. Review the cheat sheet of instructions.
23 – Wicomico County	We will provide individual instruction for those Chief Judges who did not meet the goal, plus ask them for their feedback.
24 – Worcester County	I feel our BMD training is sufficient at this time.

<b>7. What are your thoughts or comments on expanding the BMD policy to require use by more voters in each precinct (for example, 5 voters, 10 voters, 20 voters, or 30 voters)?</b>	
01 – Allegany County	I feel that it is better for the voter's secrecy if the policy is expanded by a few more. If you make the requirement 30 or more, I think we will have more precincts not reaching the minimum requirement. Judges will lose track if they are busy.
02 – Anne Arundel County	Until the navigation is corrected on the BMD, we do not think the policy needs to change. There is currently no way for an election judge to track the number of voters on the BMD without a separate tally sheet. There is no public counter on the BMD.
03 – Baltimore City	It will definitely slow down the voting process. It will increase the amount of voters using them and cause lines at the BMD and check in. It will also make the voters irate who will feel they are being made to vote on a different system
04 – Baltimore County	Bump it up gradually to ensure the BMD can handle the volume. Overtime, unlimited use could be an option.
05 – Calvert County	Would prefer no expansion.
06 – Caroline County	I don't think it's necessary. If voters want or need to use an accessible option, they will ask. I don't like the idea of election judges "picking" voters to use it who may not need or want to use it. An increased number would be more difficult for the judges to track. What about small polling places or slow early voting days? For example, on at least one early voting day we had less than 30 voters so that would mean if a 30 voter minimum the judges would need to send every voter to the BMD. How would the judges know to start sending the voters to the BMD first thing in the morning? Also, that early voting center most likely only has one BMD, unless a request for an additional one was approved by SBE. As long as there is more than one voter using the BMD, their privacy is protected whether it's 2 voters or 30.
07 – Carroll County	As I keep saying, you cannot force or control how a voter chooses to vote. Giving them an option opens up lots of questions that voters may think about including voter fraud or thinking there is something suspicious about the way that election judges are handling situations. Since there is virtually no way of a person tracking who exactly voted on the BMD after election day, this should not be a possible new requirement.

<b>7. What are your thoughts or comments on expanding the BMD policy to require use by more voters in each precinct (for example, 5 voters, 10 voters, 20 voters, or 30 voters)?</b>	
08 – Cecil County	30 is too many but 2 is not enough. Between 5 and 10 would make more sense. If we are permitted to have more BMD's, more voters will use this option anyway. BMD should not be used only as the accessible voting option and that is currently the perception.
09 – Charles County	No- We do not agree with the current requirement of 2 voters.
10 – Dorchester County	Very much against this. We can't guarantee that voters will choose this, as well as, some of our polling locations are consolidated. Chief Judges could be overworked.
11 – Frederick County	5 voters is not unreasonable
12 – Garrett County	Don't do it!
13 – Harford County	Camp A - Do not agree with anyone being forced to use the BMDs; Camp B - Leave the decision up to the voter, let them know of the option (sitting down to vote, etc).
14 – Howard County	Ridiculous. People don't want to use it. They are asked consistently, and even the people that ask, "What does that mean?" after we read the phrase to them don't want to vote on it...the people want to vote on the regular paper...making more people vote on the BMD at that point makes zero sense.
15 – Kent County	Leave it at 2.
16 – Montgomery County	Expand the use of BMDs, this problem will take care of itself. We are LBEs leasing these devices if we can't use them fully?
17 – Prince George's County	Increase the minimum requirement to ensure that you receive two voters.
18 – Queen Anne's County	For smaller precincts it could pose a problem if you request any more than 5 depending on their registration figures. I think trying to require more than 5 will make some smaller jurisdictions feel as if they are forcing their voters into something they may not want to do.
19 – Saint Mary's County	NO, should not be enforced!
20 – Somerset County	Can't see any reason why.
21 – Talbot County	The expectation of more voters using the BMD calls for more BMDs to be deployed to all polling places. Adding the additional voters with no more BMDs in the polling place will cause more issues for the Election judges such as longer lines and the ability to monitor the number of voters using the equipment.
22 – Washington County	We don't think there should be a minimum.
23 – Wicomico County	We recommend to keep it at 2.

<b>7. What are your thoughts or comments on expanding the BMD policy to require use by more voters in each precinct (for example, 5 voters, 10 voters, 20 voters, or 30 voters)?</b>	
24 – Worcester County	I feel two voters per BMD is sufficient. I feel increasing minimum would increase precincts not being able to meet the minimum, due to Judges being busy with other tasks during the day.

<b>8. What are your thoughts or comments on revising the BMD policy to “nudge” voters first toward using the BMD?</b>	
01 – Allegany County	The BMD takes longer to vote on than the paper ballot which will result in longer lines of voters waiting to use the BMD. I also believe it could slow the check-in process down if the judge is trying to convince or "nudge" a voter to use the BMD.
02 – Anne Arundel County	Having the check-in judges asking a voter to use the BMD will increase the wait times significantly. We believe turnout for the 2020 election will be over 80%
03 – Baltimore City	It would not be feasible and would slow down the process.
04 – Baltimore County	Good idea. Great way to help alleviate lines, instead of sitting idle. But, if we start nudging more will be needed.
05 – Calvert County	The BMD takes longer to vote on and is slow.
06 – Caroline County	Not a good idea. Using the BMD takes longer and usually results in having a team of bi-partisan judges assisting the voter. Paper seems to be easier and faster, especially for elderly voters.
07 – Carroll County	We should not be suggesting to voters how they should vote. If we offer a paper ballot and a BMD, voters should have the choice without having influence giving preference one way or another. Or, preference should be given to the paper ballot system, which is traditionally known as the regular paper ballot. If you nudge people, that doesn't guarantee they would use the BMD. BMD's are known to be slower to use than regular paper ballots, so that means there will be longer lines potentially, not to mention space issues in polling places that are especially large. Voters have used the system the way it's been for 2 election cycles, so now they've come to expect the system the way it is. A change could lead to more confusion and in an election that we are expecting to be of historical turnouts, it may not be a good avenue to take.
08 – Cecil County	I don't think we should "nudge" them, however I believe the judges should be free to "advertise" the option and again, it should not be . BMD's can help reduce lines because the voters do not have to wait to complete the ballot.
09 – Charles County	Disagree-With a paper system, voters should not be nudged/forced or persuaded to use a certain form of voting.
10 – Dorchester County	Absolutely against this.
11 – Frederick County	Not a good idea - this is a slow and awkward process, and the device is not user-friendly.
12 – Garrett County	Don't do it!

<b>8. What are your thoughts or comments on revising the BMD policy to “nudge” voters first toward using the BMD?</b>	
13 – Harford County	Camp A - Do not agree with this policy; Camp B - Think it's a great idea.
14 – Howard County	Once again, ridiculous. See above. The State wanted to use paper and get away from "machines"...also, making someone take an inordinate amount of more time to vote will simply anger voters as they watch people that were well behind them in line vote and leave as they are still voting...our first and foremost priority in the polling place is having people check in, vote and leave in the most efficient manner while making sure we keep the lines down...this method of "nudge" voters towards the most inefficient method of voting would be counterintuitive at best.
15 – Kent County	I don't think we should nudge the first towards the BMD, offer the option like we have been. Maybe use different wording.
16 – Montgomery County	Give voters an understandable option to use them, then decide if anyone needs a nudge. Allow them to be used exclusively for Early Voting.
17 – Prince George’s County	Prince George's County believes that additional BMD's should be deployed since all voters are asked if they are interested in voting on the BMD.
18 – Queen Anne’s County	I don't think its a good idea. If you have too many people say yes the line for the 1 BMD in the polling place would be long with a high wait time. This will cause voters to have more of negative experience while voting. The way it's written now informs them and as long as the check in judges are saying it there isn't a reason to press the issue more. We actually experienced lines at the BMD on ED due to our judges simply saying the current statement.
19 – Saint Mary’s County	No see above
20 – Somerset County	In some counties, there are obviously problems with getting judges to point the minimum number of voters to the BMD. The BMD is not a "plan B" or second best device. It's not a consolation prize or a cumbersome obligation. It is one of 2 ways to vote in a polling place. Treat the BMD as an equal, alternate method of voting.
21 – Talbot County	Again, only if you add many more BMDs to the inventory.
22 – Washington County	We should have been promoting the use of the BMD since 2016! I think there may be a learning curve at this point. Voters who have been using a paper ballot may not want to be nudged to the BMD.

<b>8. What are your thoughts or comments on revising the BMD policy to “nudge” voters first toward using the BMD?</b>	
23 – Wicomico County	We oppose this since it will ensure longer lines and wait times especially for a Presidential General as we experienced first-hand at Early Voting in 2016.
24 – Worcester County	I believe this would increase length of time voters would have to wait to vote because using BMD takes longer than using scanners.

<b>9. How many machines would be necessary?</b>	
01 – Allegany County	I would say at least 2 for smaller precincts and a few more for larger precincts.
02 – Anne Arundel County	Currently, the state has allocated one BMD per precinct. A minimum of 4 BMDs will be required at each location if we nudge the voters. We would need to buy at least 600 additional units.
03 – Baltimore City	Depending on the precinct but a least 2
04 – Baltimore County	Unknown - That depends on the SBE requirement. If the BMD is the first options we could need as many as there are voting booths. As many as the room will allow, room sizes vary and electric is a real issue. Then there is the warehouse issue - where so we find the room to store.
05 – Calvert County	N/A - Only 1
06 – Caroline County	I don't know. Would we just send a few voting booths? In 2018, we deployed 124 voting booths/ADA tables.
07 – Carroll County	If you offer a "paper or plastic" for each voter, I would envision that half of the voting booths in a polling place would be transitioned to BMDs. We would need hundreds BMDs, hard cases, and all subsequent equipment as well as more transportation carts and warehouse space. We also would need to explore employing more people to manage BMDs and test them through L&A.
08 – Cecil County	Depends on the number of voters in a polling place. It is crazy to have the new equipment in the warehouse and not be able to deploy it.
09 – Charles County	We currently have enough machines to meet current requirements.
10 – Dorchester County	need approximately 100 more bmds and new storage facility.
11 – Frederick County	Unknown
12 – Garrett County	Some of our smaller locations do not have the room for any extra equipment. The medium size locations would need 1 extra and the larger precincts possibly 2-3 and early voting probably 4 or 5.
13 – Harford County	Camp A - No more than what we currently allocate; Camp B - On ED large precincts need at least 3, smaller ones 2
14 – Howard County	Depends on how many you say we need to have vote on the BMD...if you say 30, I would need to put an additional machine in every polling place. If you wanted to go to strictly BMDs for early voting, which in my opinion, would be election suicide, we would need 40 in the large ones and 30 in the smaller ones, and we would have to lease more equipment to do so...a flagrant waste of taxpayer money.

LBE Responses – BMD Questionnaire  
 June 27, 2019 Board Meeting

<b>9. How many machines would be necessary?</b>	
15 – Kent County	2
16 – Montgomery County	Allow us to use our inventory, with a minimum of one per precinct but no maximum. Montgomery County wishes to deploy BMDs as the only or primary voting system at all early voting centers, which would require an additional 300 BMDs for the Primary Election and 400 BMDs for the General Election.
17 – Prince George’s County	Varies by precinct.
18 – Queen Anne’s County	Depending on how much of a "nudge" you give. If you push it as more of a first resort, you would have to have at least 1 more in the smaller precincts. It would have to be closer to the ratio we had with the touch screens.
19 – Saint Mary’s County	For what? Early voting or Election Day
20 – Somerset County	In Somerset County we will probably always need just 1 unit per polling place.
21 – Talbot County	Replacing the majority of voting booths in each polling place with the BMD hard case voting booths.
22 – Washington County	For each precinct: at least 2 (may be more for those with historically high BMD use). Early Voting: Are we talking about exclusive use of BMD's during EV or an option of paper or BMD?
23 – Wicomico County	At least 5 per location.
24 – Worcester County	I feel one BMD per precinct is sufficient, however, if you are leaning towards "nudging" voters or increasing number of minimum votes on BMD, at least 3 BMDs per precinct.

<b>10. Would this require an increase in other resources? If yes, what kind of resources would be needed and what are their costs?</b>		
01 – Allegany County	Yes	Costs for additional tables, cases, and other ancillary items. There may be issues with space within the carts for some precincts as well as space in the warehouse for the additional BMDs.
02 – Anne Arundel County	Yes	Additional judges will be needed. At least one check-in and one voting area judge. The Express Vote printer will need to be used. In addition, we would need to resurvey each polling location to determine if the precinct will accommodate additional BMDs.
03 – Baltimore City	No	
04 – Baltimore County	Yes	Additional judges, cost of the BMD, warehouse space, delivery costs, power strips, extension cords, Cost is unknown without knowing how many are required.
05 – Calvert County	No	N/A
06 – Caroline County	Yes	Additional voting judges at early voting and each polling place would most likely be needed since it takes longer to provide BMD instructions and assistance.
07 – Carroll County	Yes	More election judges to help manage lines and direct voters to an open BMD, More IT staff, transportation carts, BMDs, hard-cases, express pass printers - over \$500,000 We also would need to consider some sort of voter outreach plan and a change in layout to the specimen ballot which could cost money by increases page amounts and overtime costs of staff for voter outreach education on BMD usage.
08 – Cecil County	Yes	It is possible - I would want an additional voting judge to work the BMD area.
09 – Charles County	No	N/A
10 – Dorchester County	No	New storage location, more supplies and approximately an increase of 50 judges to man the bmds (chief judges currently do this), additional trainings and manuals.
11 – Frederick County	Yes	More judges, and an increased budget to pay them.
12 – Garrett County	Yes	Extra judges (extra judges at all locations-\$5000-\$6000), more BAC's (\$500)

<b>10. Would this require an increase in other resources? If yes, what kind of resources would be needed and what are their costs?</b>		
13 – Harford County	No	Camp B - Presently we have 134 BMDs, we have enough to supply each precinct with 2, if add larger precincts with 3, need minimum of 23 more plus training and literature.
14 – Howard County	Yes	Judges. Staff time for prep and L&A testing.
15 – Kent County	No	
16 – Montgomery County	No	Leaving the deployment of equipment to the county, with the same minimum as we have now but no cap, would not mandate any costs. Counties can manage our resources efficiently. One judge can staff multiple BMDs.
17 – Prince George’s County	No	
18 – Queen Anne’s County	Yes	BMD Cost-\$?, Surge Protectors-\$10, Extension Cords- \$25, ADA booth-\$?, Chair-\$20, extra Election Judge to be able to explain the process and answer questions-\$200, Possible larger voting location to accommodate multiple more BMD-\$500 . Additional outreach events and marketing to emphasize that it's available as more of a recommended way to vote and HOW to use it. There are many factors that would adjust the amount of cost.
19 – Saint Mary’s County	Yes	Increase in any procedure will be an increase in cost, the State has the cost of the equipment.
20 – Somerset County	No	
21 – Talbot County	Yes	More black carts to transport to polling places, additional printers for the BAC, more ADA tables to allow for those voters who need to sit, additional electrical cords and power strip supplies, additional ballot activation cards, manpower to reconfigure the site surveys to ensure there is enough receptacles and the flow of the polling place.
22 – Washington County	Yes	BMD's, Express Pass Printers, Cases for BMD's or table, carts to transport, warehouse storage, deployment, more Election Judges or a dedicated BMD Judge, L&A. Costs - I need more information.

<b>10. Would this require an increase in other resources? If yes, what kind of resources would be needed and what are their costs?</b>		
23 – Wicomico County	Yes	Election Judges, more space in the voting areas, available electrical outlets since you cannot daisy-chain them, delivery carts, delivery costs for larger or more trucks, L&A testing costs and time, warehouse storage space.
24 – Worcester County	Yes	Additional voting unit Judges to keep an eye on minimum votes per BMD and to instruct voters how to use BMDs and to assist voters. Our Judges are paid \$175 per Election.

<b>11. Would space constraints pose a barrier for any early voting centers or precincts? Would there be an issue with electricity and power?</b>	
01 – Allegany County	Yes, space could present a problem along with electricity in polling places/early voting. Especially if we were to continue with voting booths and BMDs in cases at polling places/early voting center.
02 – Anne Arundel County	Yes. Five of our seven early voting centers have limited space and cannot accept additional voting equipment. All precincts will have to be resurveyed. No issue with power requirements.
03 – Baltimore City	Electricity in the locations is a problem now.
04 – Baltimore County	Yes, electric and space at both early voting and election day sites. Electric is a huge issue now at most places.
05 – Calvert County	No issue with electricity or power but space is a huge constraint.
06 – Caroline County	Yes, possibly if the BMDs are deployed without legs to be set up on ADA tables (as we send them now).
07 – Carroll County	YES. We will have space constraints at our warehouse, early voting centers and most polling places. Electricity will be a concern at all of these locations as well.
08 – Cecil County	No
09 – Charles County	No because we have enough resources to meet the current requirements.
10 – Dorchester County	Absolutely. We barely have room for the equipment and voting booths that we currently use.
11 – Frederick County	Space would be a major problem. Power is probably OK.
12 – Garrett County	Yes, would have to replace booths for the extra BMD's.
13 – Harford County	No, space is not an issue
14 – Howard County	Yes and yes. The footprint of how our Early Voting Centers are laid out would completely change, and in some cases, we would have to look for new Early Voting Centers. The real problem is the fact that according to ES&S, you can only plug 5-6 BMDs into a dedicated outlet. We would need 6-8 dedicated outlets in a room for early voting. There is no early voting center like that anywhere here, so we would have to either pay to have dedicated outlets installed, or try to find a place that had something like that...not a plausibility at this stage in the game. For Election Day, not such a burden, but we would still have to re-evaluate every one of our polling place schematics and revisit each site to determine feasibility of additional equipment.
15 – Kent County	Our early voting site is very small, we might be able to squeeze in another BMD, but it would be tight.

<b>11. Would space constraints pose a barrier for any early voting centers or precincts? Would there be an issue with electricity and power?</b>	
16 – Montgomery County	No. Most of our sites were equipped with the necessary electrical because of previous use by TS units. Where necessary, leaving the choice up to the county would allow us to deploy equipment based on site specifications and electrical needs.
17 – Prince George’s County	Based on our evaluations, additional BMD's can be placed in Early Voting and Election Day precincts without any issues.
18 – Queen Anne’s County	There is that possibility depending on how many BMD's would be used. Some locations fit almost too tight with only 1.
19 – Saint Mary’s County	Yes, in some our polling places and as far as the electricity goes we are not sure how many BMD can be plugged into one outlet so we would need more information before I can answer that question.
20 – Somerset County	Space would likely not be a problem in most polling places. Electrical access could be in a few polling places.
21 – Talbot County	Yes, there is limited space in our Early Voting Center and there a limited electrical outlets. The site survey would determine how to configure to make it work. We have a few very small polling places, we would need to use the hard case BMD voting booths instead of the current voting booths.
22 – Washington County	If we are considering the exclusive use of BMD's during EV - it could pose a barrier for electricity and power (besides the fact we currently don't have an early voting site). Election Day - if we're considering 1-2 BMD's - it shouldn't be an issue.
23 – Wicomico County	Our Early Voting Center should be fine as far as space but some of our Election Day polling places may not be able to handle the extra equipment. Also, since you can't daisy-chain them, our EV Center and ED poll places might not have enough outlets.
24 – Worcester County	Yes, space is limited at our early voting site and several precincts are small and could not accommodate additional BMDs.

<b>12. How would this impact early voting and election day lines, wait-times, etc?</b>	
01 – Allegany County	I think that using BMDs exclusively will result in longer wait times. If we use a combination of paper and BMDs the wait will not be as long.
02 – Anne Arundel County	Wait times on Election Day and Early Voting would significantly increase.
03 – Baltimore City	If we put more BMDs in EV it would decrease the amount of time the voter would have to wait for BMD. and the same thing of Election Day.
04 – Baltimore County	More BMD's could reduce lines and wait times, Or it could just create another line of waiting. Who really knows when only using for so few voters. My Staff that work early voting feel it will help reduce lines and wait time. Pilot program???
05 – Calvert County	More BMD's would cause longer wait lines.
06 – Caroline County	For us, it would create longer lines and wait times. Our lines generally form after check-in, waiting for voting booths.
07 – Carroll County	I believe we will see an uptick in people waiting in lines and it would be very similar to the lines we saw in 2014 that were hours in length during early voting.
08 – Cecil County	I believe having more BMD's will reduce lines and voter wait time.
09 – Charles County	If we added 1 extra BMD it could only improve the wait in line times.
10 – Dorchester County	This would create lines and slow the entire process up because it requires more conversation at the check-in and without the use of the express pass printers, it takes a while to get the voter set up on the bmd.
11 – Frederick County	The wait times would be awful, because a BMD user easily takes twice as long as someone using a paper ballot. I don't favor BMD expansion.
12 – Garrett County	Wait lines would be longer.
13 – Harford County	Camp A - If we used more BMDs this would slow things down, only way to help with efficiency is use BMDs when all voting booths are being occupied; Camp B - Harford County does not have line issues, but this would improve our numbers if used more. (If you use BMDs - alleviates Spoiled ballots).
14 – Howard County	Honest answer...very negatively. Frankly, end game. You will have massive lines in early voting that will be reported nationwide. You can quote me on this. Election Day could be some of the same in a busy election, such as 2020 will bring. There is no good reason to expand the use of this equipment...period.

<b>12. How would this impact early voting and election day lines, wait-times, etc?</b>	
15 – Kent County	No issues for us on ED, for EV this will get allow the lines to go quicker. Get the voters in and out without a wait.
16 – Montgomery County	Using our full inventory of equipment would improve lines, shorten wait times and reduce waste of paper product.
17 – Prince George’s County	Based on Prince George's County's experience wait times increased at the BMD station since there is only one.
18 – Queen Anne’s County	Just explaining or "nudging" will start a back up at the Check In table. Then the back up at the BMD. There would be a line at the BMD regardless to explain the process of how to use. The BMD takes longer to vote than a paper ballot. By pushing the voters to use the BMD too much it could cause some major issues in some locations. We've noticed that as soon as voters realize its visually similar to the old touch screens that they were used to before they tend to want to vote on them. We explain it's quite different but just the explanation takes up time causing a back up.
19 – Saint Mary’s County	Lines would be twice as long as they are now, because of how long it take to use the BMD.
20 – Somerset County	Not at all.
21 – Talbot County	Increase wait times at Early Voting and Election day, due to familiarizing the voters with this "new "process and having to go through each page of the ballot on the BMD. It would significantly reduce the line at the DS200 due to the almost nonexistent number of spoiled ballots and/or scanning issues with casting the ballot at the DS200. This would free up the chief judges or election judges who must assist the voter with spoiled ballots.
22 – Washington County	Are we using all BMD's or BMD's and paper? It is slower to vote using the BMD but, you can't over-vote on the BMD so what amount of time is saved vs a voter who over-votes and needs a replacement ballot?
23 – Wicomico County	We believe it would profoundly increase them.
24 – Worcester County	Wait times would definitely increase, as it takes longer to use BMD to vote, plus Judges would need to take time to explain instructions to voters.

	<b>Statement at Check-In</b>	<b>Judge Offering to Explain the Accessibility Features</b>	<b>Minimum Number of Voters</b>	<b>Number of BMDs Deployed</b>
2016-2018 Policy	“If needed, there is an accessible way to read or mark your ballot.”	Yes	2	1, unless approved by the State Board
Keep Current Voting System Software				
Upgrade Voting System Software <sup>1</sup>				

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<sup>1</sup> The upgraded voting system software includes the ability to display multiple columns on an ExpressVote ballot marking device screen and improved navigation within and between contests displayed on the ExpressVote ballot marking device.



THE MARYLAND GENERAL ASSEMBLY  
ANNAPOLIS, MARYLAND 21401

June 25, 2019

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

RE: Accessibility for Voters with Disabilities

Dear Chairman McManus and members of the State Board of Elections (SBE),

During the 2019 legislative session, we introduced SB 363/HB 565, *Election Law - Voting Systems - Accessibility for Voters With Disabilities*. This bill would have ensured that individuals with disabilities right to a secret ballot was protected and that the state is compliant with the current prohibition on providing individuals with disabilities with a segregated ballot. Although this bill did not pass this year, we strongly believe that the issues underlying this bill need to be addressed before the 2020 primary.

Since 2016, individuals with disabilities have been denied their right to a secret ballot because Maryland's voting system requires individuals with certain disabilities to use a different ballot than the general public. Additionally, there have been repeated deficiencies in ensuring that significant numbers of voters without disabilities use the accessible system, which could at least help obscure the ballots cast by voters with disabilities.

As the State Board of Elections prepares for the 2020 election, we are requesting the following considerations:

- SBE develop new policies that at a minimum ensure that the accessible voting system is in significant use by the general public in all voting precincts.
- SBE provide us timely updates on how you plan to improve training to ensure that policies regarding the use of the accessible voting system are consistently applied statewide.
- SBE should evaluate the state's options for certifying a voting system that will either require all voters to use an accessible option or the adoption of a system where the paper ballot generated by the accessible system is identical to the ballot used by the general public. These options are important because, if adopted, they are most likely to ensure that individuals with disabilities receive a secret ballot, that the state can ensure that it is discontinuing the practice of distributing a segregated ballot, and that individuals with disabilities are able to have full faith in the integrity of the state's voting system and the State Board of Elections' commitment to maintaining the anonymity of their votes.

Our offices are open to providing any needed assistance on this matter, and it is our hope that the issues underlying SB363/HB565 can be satisfactorily resolved to preclude the need for the introduction of similar legislation in the 2020 session.

Sincerely,

A handwritten signature in black ink, appearing to read "Clarence Lam".

Clarence Lam, MD, MPH  
Senator, District 12

A handwritten signature in blue ink, appearing to read "Nick J. Mosby".

Nick J. Mosby, BS  
Delegate, District 40

## Assignment of Local Board of Elections' Duties to Members of the Local Board, the Election Director and Staff

This table shows the duties of the local board of elections and shows which duties are the responsibility of the members of the local board of elections and which are either delegated to the Election Director or are administrative, ministerial functions performed by the Election Director or staff. These duties associated with the members of the local boards of elections generally require personal participation and final decision making of board members, although local board staff will likely assist in performing these duties. Any duties that are delegated to the Election Director or staff should be delegated in an open meeting and captured in the meeting's minutes.

Citation <small>EL = Election Law Article GP = General Provisions SPP = State Personnel &amp; Pensions Article</small>	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL §2-104(b)(1)	Attend State Board's biennial meeting (held in odd-numbered years)	✓	✓
EL §2-202(b)(1)	Oversee the conduct of all elections	✓	✓
EL §2-202(b)(2)	Appoint an election director to manage office and staff	✓	
EL §2-202(b)(3)	Maintain an office and be open for business as provided by §2-302(b) of the Election Law Article		✓
EL §2-202(b)(3)	Provide for supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including supplies and equipment required by the State Board and office and polling place equipment supplies		✓
EL §2-202(b)(4)	Subject to SBE's approval for conformity with State laws, regulations and procedures, adopt regulations	✓	
EL §2-202(b)(5) <sup>1</sup>	Perform the canvass of the election (serving as the local board of canvassers) and certify the results of each election conducted by the local board.	✓	
EL §2-202(b)(6)	Establish and alter boundaries and number of precincts in accordance with Election Law Article, §2-303	✓	
EL §2-202(b)(6); EL §10-101	Provide a suitable polling place for each precinct		✓
EL §2-202(b)(6)	Assign voters to precincts		✓
EL §2-202(b)(7) <sup>2</sup>	Give voters information about the election process		✓
EL §2-202(b)(8)	Conduct hearings and render determinations as allowed by law	✓	✓
EL §2-202(b)(9)	Refer appropriate matters for prosecution and assist with prosecution		✓
EL §2-202(b)(10) EL §3-505(c)	Maintain and dispose of its records in accordance with the State Board's record retention plan		✓
EL §2-202(b)(11)	Administer voter registration and absentee voting for residents of nursing homes and assisted living facilities		✓
EL §2-202(c)(1)	<i>Garrett County only:</i> Evaluate the population of the county commissioner districts to determine whether the districts are of substantially equal population		✓

<sup>1</sup> EL §11-301 – 11-303 and §11-401 also include duties related to canvassing and certification requirements.

<sup>2</sup> The following provisions of the Election Law Article include duties related to providing voters with information about the election process: EL §2-301(c)(1); EL §7-105; EL §8-102; EL §9-214; EL §10-301.1(f); and EL §10-306

Citation  EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL §2-202(c)(2)	<i>Garrett County only:</i> Recommend to the Garrett County Delegation to the General Assembly any adjustments of the boundaries of those districts that are necessary to maintain districts of substantially equal population.		✓
EL §2-202	Appoint or retain counsel (except for Baltimore City)	✓	
EL §2-206(1)	Appoint employees of the local board		✓
EL §2-106(2)	Train election judges		✓
EL §2-206(3)	Give notice of elections		✓
EL §2-206(4); EL §10-102(c)	If asked, provide elderly voters or voters with disabilities an alternate polling place		✓
EL §2-206(5); EL§3-301(c)	Mail voter notification cards		✓
EL §2-206(6) <sup>3</sup>	Receive certificates of candidacy (includes withdrawal of candidacy filings) for local offices		✓
EL §2-206(7) <sup>4</sup>	Verify petitions		✓
EL §2-206(8)	With the local board, conduct the canvass following an election	✓	✓
EL §2-206(9) <sup>5</sup>	Process and reject absentee ballot applications		✓
EL §2-302(b)(2)	Be available as needed on election day and during the canvass	✓	
EL §2-303(a)(1)(i)	Create and alter boundaries for precincts in the county except during the period beginning 13 weeks before a primary election through the general election and in accordance with State Board regulations	✓	
EL §2-303(a)(1)(ii)	Designate the location for polling places in any election district, ward, or precinct in the county		✓
EL §2-303(a)(1)(iii)	Combine or abolish precincts	✓	
EL §2-303(a)(2)(i)	Establish a separate precinct on campus or within ½ mile of the campus to specifically serve a public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located.	✓	✓
EL §2-303(d)	Provide State Administrator with description of new precinct boundaries		✓
EL §2-303(f)	Determine whether an emergency exists. If so, create a new precinct or change a precinct boundary or polling place and submit request to State Board	✓	
EL §3-301(a)	Determine whether a voter registration applicant is qualified to be a registered voters and if qualified, enter into the statewide voter registration list		✓
EL §3-303(c);	Process timely name, address, and party affiliation changes		✓

<sup>3</sup> EL §5-302(c) and EL §5-503(a) also include duties related to certificates of candidacy.

<sup>4</sup> EL §6-205(a) and EL §6-206 - §6-208 also include duties related to receiving, processing and certifying petitions.

<sup>5</sup> EL §9-302 and 9-306 also include duties related to processing absentee ballot applications.

Citation  EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL §3-502			
EL §3-304(b)	Promptly process in the statewide voter registration system changes of name or address submit by registered voters		✓
EL §3-501; EL §3-502(e); EL §3-504(c)	After following required steps, remove from the statewide voter registration list voters for authorized reasons		✓
EL §3-502(b), (c)	Perform required steps and send confirmation notice when receive information about voter's registration in another county or state		✓
EL §3-502(d) EL §3-601.1	Make corrections to voter's record in statewide voter registration list		✓
EL §3-504(b)(4)	Make arrangements to receive change of address information from an entity approved by the State Board		✓
EL §5-705(b)(2)	Issue a certificate of nomination to each candidate who qualifies for the nomination		✓
EL §6-202(b) EL §6-210(a), (b)	Determine sufficiency of any summary of a local law or charter amendment that is contained in a petition and explain any determination of insufficiency		✓
EL §8-103(b)	If emergency circumstances interfere with the electoral process and the Governor has not declared a state of emergency, petition a circuit court – after conferring with the State Board – to take action	✓	
EL §9-216(a)	Maintain a system to account for and maintain control over the ballots		✓
EL §9-402	Maintain a full record of provisional voting		✓
EL §10-201 <sup>6</sup>	Recruit, assign, train, and pay appointed election judges		✓
EL §10-203	Appoint election judges based on election director's recommendation	✓	
EL §10-207	Upon receiving complaint about an election judge, promptly investigate and remove any election judge who is unfit or incompetent	✓	✓
EL §10-301.1	Identify and recommend to the local board members locations for that county's early voting centers		✓
EL §10-301.1	Approve early voting centers in that county	✓	
EL §10-302	Deliver supplies and equipment to each voting location		✓
EL §10-307(a)	Be available as needed on election day	✓	
EL §10-307(b)	Provide way for voting locations to communicate with LBE office		✓
EL §10-311(a)(1)(ii)	Designate voters registered in the county as challengers or watchers	✓	
EL §10-312(d)	Determine whether ballot from challenged voter should be accepted	✓	
EL §11-309	Perform manual audit of voted ballots		✓
EL §12-106(a)	Conduct recounts	✓	

<sup>6</sup> The following provisions of the Election Law Article include duties related to election judges: EL §10-205 – 206; EL §10-305; and EL §10-314(a).

Citation	Duties of the Local Board of Elections	Responsible Party	
		LBE Board Members	Election Dir./Staff
EL = Election Law Article GP = General Provisions SPP = State Personnel & Pensions Article			
SPP §7-502(a)	Perform written performance appraisal of Election Director using State PEP form every July and January	✓	
SPP Titles 9, 11, & 12	Follow requirements of the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters related to the Election Director's leave, discipline, or termination	✓	
SPP §1-101(k); SPP §11-109(c)	Act as (Board President), or consult with (the other Board members), the head of the principal unit for the purposes of appeals and grievances filed under the State Personnel and Pensions Article	✓	
SPP §7-502(a)	Perform written performance appraisal of staff members every July and January		✓
SPP Titles 9, 11, & 12	Follow requirements of the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters related to the staff members' leave, discipline, or termination		✓
GP §3-213	Designate at least one board member to be trained in the Open Meetings Act	✓	
	Follow county processes for developing and submitting budget, paying invoices, submitting reimbursements, etc.		✓
	Administer oath to new employees (within 45 days of employment) (see below for language)	✓	
	Prepare and present at local board meetings reports on achievement of goals, objectives, and projects		✓
	Monitor budget expenditures		✓
	Plan agenda for meetings of the local board of elections	✓	✓
	Take minutes at meetings of the local board of elections and submit to SBE approved minutes		✓
	Adopt minutes of local board of elections	✓	
	File ethics forms yearly	✓	✓

Oath for election judges and staff (Art. 1, Sec. 9 of the Maryland Constitution)

I, . . . . ., do swear, (or affirm, as the case may be,) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of . . . . ., according to the Constitution and Laws of this State

**Note:** The oath required by Article I, § 9 of the Constitution of Maryland includes the following language: "I, . . . , do swear (or affirm, as the case may be) that I will support the Constitution of the United States. . ." (Emphasis added) There is no legal distinction between "swearing" and "affirming." Generally, an individual who does not believe in a higher religious being opts to "affirm," while an individual who believes in a higher being opts to "swear." The choice to "swear" or "affirm" is made by the individual taking the oath. Local board members, as well as local board employees who swear in election judges, should be mindful of the distinction and use the language preferred by the individual taking the oath.

BYLAWS OF THE *[Insert Jurisdiction Name]* BOARD OF ELECTIONS

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## BYLAWS OF THE *[insert jurisdiction name]* BOARD OF ELECTIONS

### ARTICLE 1 – ADOPTION OF BYLAWS GENERALLY

#### Section 1.1 – Definitions

- A. “Absence” means a duly appointed member is not present at or able to take part in a meeting.
- B. “Board” means the local board of elections for the *[insert jurisdiction name]*.
- C. “Member” includes a regular and substitute member of the Board unless a specific reference to a regular or substitute member is provided.
- D. “Board term” means the four-year term beginning the first Monday in June in the year immediately following a gubernatorial election.
- E. “Vacancy” means the position of a duly appointed member who was removed, died, or resigned from the Board.

**Commented [NC1]:** LBEs: Remove “and substitute” and “unless a specific reference to a regular or substitute member is provided” if your local board does not have substitute members.

#### Section 1.2 – Purpose

These bylaws, adopted by the members of the *[insert jurisdiction name]* Board of Elections, provide the rules of governance for the Board during the conduct of all duties assigned under State and federal laws, regulations, and guidelines and policies of the State Board of Elections (SBE). Further, these bylaws set a standard of personal conduct for members of the Board requiring them to conduct themselves in accordance with high ethical standards to assure the public that members act independently of partisan pressures and conflicting interests and make decisions that are not influenced by personal views regarding any political party.

#### Section 1.3 – Adoption and Amendment of Bylaws

- A. Initial Bylaws Approval. Bylaws shall be reviewed and approved by a majority vote of the full Board *(including substitute members)* at the first meeting of each new Board term or as soon as practical thereafter.
- B. Effective. These bylaws are effective and binding on all members as evidenced by each member’s signature on this document.
- C. New Member. When a new member is appointed to fill a vacancy during a Board term, the new member must sign the bylaws.
- D. Amendments. To amend the bylaws:
  - 1. Each proposed amendment must be presented to the Board at a regularly scheduled meeting of the Board for the Board’s review, discussion, and any revisions.
  - 2. At the next regularly scheduled meeting of the Board, a motion to adopt the amendment, including any revisions made when the proposed amendment was initially presented, must be adopted by at least three *regular* members of the Board.
- E. Forward to SBE. A copy of the approved bylaws and any amendments shall be sent to SBE for review and approval.
- F. Effective date. Any amendment to the bylaws shall take effect on the date at which SBE approves the amended bylaws.

**Commented [NC2]:** LBEs: remove “(including substitute members)” if your local board does not have substitute members.

**Commented [NC3]:** LBEs: remove “regular” if your local board does not have substitute members.

### ARTICLE 2 – ORGANIZATION OF THE BOARD

#### Section 2.1 – New Members

New members must be sworn in by the Clerk for the Circuit Court for *[insert jurisdiction name]* or the Clerk’s duly appointed designee within 30 days of receiving the commission of appointment from the Governor.

## BYLAWS OF THE *[Insert Jurisdiction Name]* BOARD OF ELECTIONS

### Section 2.2 – Officers

- A. Election of Officers. The Board shall elect, by a majority vote that includes at least one member of each party, a member to serve as President, a member to serve as Vice President, and a member to serve as Secretary.
- B. Timing of Election. The election of officers shall occur within:
  - 1. The first 20 days of a new Board term; or
  - 2. The first 30 days after the date on which an officer dies, resigns, is removed, or become ineligible, or at the next regularly scheduled Board meeting, whichever is sooner.
- C. Duties – President. The duties of the President include:
  - 1. Presiding at meetings and setting agendas with the assistance of the Election Director;
  - 2. Along with the Election Director, serving as the Board’s spokesperson for media inquiries or appointing an appropriate designee to serve as the contact for media inquiries; and
  - 3. Acting as the Board’s primary point of contact for the Election Director.
  - 4. Ensuring that all public business is conducted in compliance with the Open Meetings Act.
- D. Duties – Vice President. The Vice President shall:
  - 1. Be of a different party as the president; and
  - 2. Perform the duties of the President if the President is unable to carry out the assigned duties until a new President can be elected or the President is able to resume full duties.
- E. Duties – Secretary. The Secretary shall ensure that minutes are accurately compiled and transmitted to SBE.

### Section 2.3 – Board of Canvassers

- A. Membership. As required by § 11-301(a) of the Election Law Article, the members shall serve as the Board of Canvassers following each election.
- B. Applicability. These bylaws remain in effect while the members are serving as the Board of Canvassers.
- C. Officers. The Board shall elect, by a majority vote of the members, a President and a Secretary of the Board of Canvassers.
- D. Oath. The members shall take an oath, administered and recorded by the Clerk of the Circuit Court for *[insert jurisdiction name]* or the Clerk’s duly appointed designee, to canvass and declare the votes cast truthfully and to perform other duties required by law. The Clerk of the Circuit Court or his or her designee shall administer the oath:
  - 1. Before the start of early voting if there is early voting; or
  - 2. By 5 pm on election day if there is no early voting.
- E. Requirements. In order to take action as a Board of Canvassers, there shall be:
  - 1. A quorum, as defined in § 3.2A below; and
  - 2. A member of the minority party present.
- F. Rules. The Board shall follow at all canvassing sessions the rules of order established under § 3.2 below and rules for minutes established under § 3.3 below.
- G. Governing Authority. The Board shall conduct the canvass pursuant to State law, regulations, and instructions issued by SBE.

## ARTICLE 3 – MEETINGS

### Section 3.1 – Time and Location

- A. Regular Meetings. Unless circumstances dictate otherwise, the Board shall meet every month at *[insert time]* on the *[insert day of the month]*.
- B. Location. Unless circumstances dictate otherwise, meetings will be held in the election office.

BYLAWS OF THE [Insert Jurisdiction Name] BOARD OF ELECTIONS

- C. Notice. Except as provided in § E below, public notice of regular meetings shall be given at least one week prior to the meeting.
- D. Cancellation of Regular Meeting. The President may cancel a regular meeting of the Board if he or she determines that there is no new business that needs to be shared with or acted upon by the Board.
  - 1. Notice of cancellation for lack of new business or the inability of a quorum of members to attend shall be given at least one week prior to the meeting if those circumstances are known at that time.
  - 2. Notice of cancellation for lack of a quorum or circumstances arising during the week before the meeting shall be given as soon as practicable after the reason is known.
- E. Special Meetings. The President may call a special meeting. Except for meetings convened to address issuing that arise during an election, including early voting, election day, and canvassing, the Board shall not take any votes at a special meeting unless three days prior notice has been given to all members, staff and the public.

**Section 3.2 – Rules of Order**

A. Quorum

- 1. Quorum for meetings when the Board is not constituted as the Board of Canvassers.
  - a. There shall be a quorum to hold a meeting.
  - b. A quorum of the Board shall consist of a majority of the membership and at least one member of each political party.
  - c. If there is a vacancy, a quorum shall consist of a majority of members currently serving on the Board.
  - d. There shall be no effect on the quorum when a member abstains or declines to vote or if a member is disqualified from participating under § 4.3 below.
- 2. Quorum for meetings when the Board is constituted as the Board of Canvassers.
  - a. There shall be a quorum to hold a meeting.
  - b. A quorum of the Board of Canvassers shall consist of a majority of the membership (including substitute members) and at least one member of each political party.
  - c. If there is a vacancy, a quorum shall consist of a majority of members currently serving on the Board.
  - d. There shall be no effect on the quorum when a member abstains or declines to vote or if a member is disqualified from participating under § 4.3 below.

**Commented [NC4]:** LBEs: remove "(including substitute members)" if your local board does not have substitute members.

B. Participation in Meetings

- 1. Any member, including substitute members, may make and second motions.
- 2. Any regular member can vote on motions.
- 3. If a regular member is absent, the substitute member of the same party shall:
  - a. Serve as the regular member for all or the part of the meeting when the regular member is absent; and
  - b. Except as limited by law, exercise the powers and duties of the absent regular member.
- 4. Public participation at a meeting shall be pre-scheduled and pre-approved by the President. The President, at his or her discretion, may allow public participation even if the request was not pre-scheduled and pre-approved.
- 5. Participation at meetings should be in person, not via phone or video conferencing. Any request by a member to attend a meeting via phone or video conferencing must be made to the President.

**Commented [NC5]:** LBEs: remove ", including substitute members." if your local board does not have substitute members

**Commented [NC6]:** LBEs: remove (3) if your local board does not have substitute members. Sections 4 and 5 should renumber automatically.

C. Open Meetings Act Compliance

## BYLAWS OF THE *[Insert Jurisdiction Name]* BOARD OF ELECTIONS

1. The Board shall follow the requirements of the Open Meetings Act as specified under Title 3 of the General Provisions Article.<sup>1</sup>
2. For the purposes of the Open Meetings Act:
  - a. There is a quorum when a majority of the members meet in person, by phone, or other means (including email) and discuss a matter that is not an administrative function
  - b. Three members constitute a quorum, regardless of their respective political affiliations.
3. At least one member (preferably two members) shall be trained in the Open Meetings Act<sup>2</sup>.
  - a. Any member who is trained on the Open Meetings Act shall provide the Election Director with a certificate of completion.
4. A Board cannot meet in closed session if none of the members has been trained on the Open Meetings Act.
5. In the absence of the trained member, a Board may not meet in closed session until the presiding officer has completed the Compliance Checklist (see footnote 1).
6. A quorum may not consider public business without giving reasonable advance notice to the public of an open meeting.

### Section 3.3 – Meeting Agenda and Minutes

- A. Agenda. Each regular Board meeting shall include, at a minimum, the following agenda items:
  1. Declaration of Quorum Present
  2. Approval of Prior Meeting Minutes
  3. Additions to the Agenda
  4. Election Director's Report
  5. Board Attorney's Report
  6. Old Business (including specifically identifying any policies affecting voting rights to be considered at the Board meeting)
  7. New Business (including specifically identifying any policies affecting voting rights to be considered at the Board meeting)
  8. Confirmation of Next Meeting
  9. Closed Session (if needed)
  10. Adjournment
- B. Additional Topics.
  1. The President, at his or her discretion, may add before the meeting additional topics.
  2. If the new topic is identified at least one day before the meeting, the agenda should be updated to reflect the new topic and re-posted.
- C. Duties of Election Director. The Election Director or the Director's designee shall:
  1. Before each meeting (and, where policies affective voting rights will be considered, at least 48 hours before the meeting), make the agenda available to the public;
  2. At each meeting, provide a written report of the office's activities since the last meeting, including information on personnel changes, meetings attended, significant correspondence received, voter registration activities, voting system activities, candidate filings, precinct and polling issues, and other projects or initiatives undertaken by the office;
  3. At each meeting, provide a verbal summary of the office's activities since the last meeting;
  4. Except as provided in § D(2) below, prepare minutes for both open and closed meetings; and

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<sup>1</sup> For information and guidance on the Open Meetings Act, see the Compliance Checklist and other resources on the open meetings page of the Attorney General's website. See [www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx](http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx).

<sup>2</sup> This training is available at [https://www.igsr.umd.edu/VLC/OMA/class\\_oma\\_title.php](https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php).

BYLAWS OF THE [Insert Jurisdiction Name] BOARD OF ELECTIONS

- 5. Transmit to SBE approved meeting minutes within five days of approval.
- D. Minutes.
  - 1. Minutes shall be prepared in accordance with SBE's *Guidelines for Conducting Meetings and Writing Minutes*<sup>3</sup>.
  - 2. If the Election Director or staff does not attend a closed meeting, the Board attorney or one of the members shall prepare the minutes from the closed meeting.
  - 3. Full minutes of open meetings and summaries of closed meetings shall be [presented for approval at the next Board meeting **or** approved via email and ratified at the next Board meeting].
  - 4. Full minutes of closed meetings shall be [presented for approval at the next closed meeting held by the Board **or** approved via email and ratified at the next Board meeting as long as ratification at an open meeting does not jeopardize the need to preserve the discussion of the closed meeting].
  - 5. After approval, minutes of a closed meeting shall be stored in a sealed envelope in a secure location that only the Election Director can access.

**Commented [NC7]:** LBEs: Select your preferred option and remove the other option.

**Commented [NC8]:** LBEs: Select your preferred option and remove the other option.

**ARTICLE 4 – RULES OF CONDUCT**

**Section 4.1 - Attendance**

- A. Minimum Attendance. As provided under § 8-501 of the State Government Article, a member who fails to attend at least 50% of the meetings during any consecutive 12-month period shall be considered to have resigned.
- B. Attendance Report. Within 30 days of the conclusion of the 12-month period during which a member failed to attend at least 50% of the meeting, the President or, if the President failed to attend meetings, the other members shall forward to the Governor and the State Administrator:
  - 1. The name of the member considered to have resigned; and
  - 2. A statement describing the member's history of attendance during the period.

**Section 4.2 – Political Activity**

- A. Statutory Requirements. Each member shall abide by the restrictions to political activities provided under § 2-301 of the Election Law Article. See Appendix 1.
- B. Additional Requirements.
  - 1. A member shall place his or her public duties ahead of partisan, political considerations.
  - 2. A member shall not take an active part in the campaign management of a candidate or any matter that is subject to an election under the Election Law Article.
  - 3. A member may attend campaign fundraisers held by candidates, political parties, or ballot issue committees provided the member discloses this fact to the Board<sup>4</sup> and does not publicly indicate that he or she is a member of the Board.
  - 4. A member may make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers provided the member discloses the contributions to the Board.
  - 5. A member may publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers provided the member discloses the displays to the board.

**Commented [NC9]:** Alternate provision for LBE consideration:  
A member shall not attend campaign fundraisers held by candidates, political parties, or ballot issue committees.

**Commented [NC10]:** Alternate provision for LBE consideration:  
A member shall not make campaign contributions to candidates or issues on the ballot in an election for which the member will be serving on the local Board of Canvassers.

**Commented [NC11]:** Alternate provision for LBE consideration:  
A member shall not publicly display support or opposition to candidates or issues on the ballot in any election (including yard signs, bumper stickers, etc.) for which the member will be serving on the local Board of Canvassers.

<sup>3</sup> This document is available on SBE's Online Library under "LBE Resources" and "Reference Materials."

<sup>4</sup> The notice will provide the other members with information to determine whether a conflict exists that will require recusal.

BYLAWS OF THE **[Insert Jurisdiction Name]** BOARD OF ELECTIONS

6. A member may wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local Board of Canvassers provided:
  - a. The member discloses this fact to the Board; and
  - b. Does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.
7. Party Activity
  - a. A member may attend central committee meetings and consult with party members.
  - b. A member shall not serve on an executive committee of the party or assume a role within the party that has decision-making authority.
8. Petitions
  - a. A member may sign a petition.
  - b. A member shall not circulate petitions.

**Commented [NC12]:** Alternate provision for LBE consideration:  
A member shall not wear campaign paraphernalia showing support or opposition for or against candidates or issues on the ballot in each election for which the member will be serving on the Board of Canvassers.

**Section 4.3 – Ethics**

- A. Compliance. Each member shall comply with the State’s ethics laws,<sup>5</sup> including:
  1. Timely, electronic filing of the Financial Disclosure Statement<sup>6</sup> required under Title 5, Subtitle 6 of the General Provisions Article; and
  2. Adhering to the prohibition against the solicitation or acceptance of gifts or honoraria<sup>7</sup> as required under § 5-505 of the General Provisions Article.
- B. Conflict of Interest.
  1. A member shall recuse himself or herself and shall not participate in a matter if the member:
    - a. Has a relative with an interest in the matter and the member knows of the interest;
    - b. Is part of a business entity which has an interest in the matter;
    - c. Is negotiating employment or has arranged prospective employment with a business entity which has an interest in the matter;
    - d. Has a direct financial interest in the matter;
    - e. Has provided support through a contribution, volunteering, or a candidate or petition that is the subject of the matter; or
    - f. Otherwise believes that participation would create a conflict of interest
  2. A member may seek the advice of the Board’s counsel as to the presence of a conflict of interest or other good cause for disqualification.
  3. If a member does not voluntarily recuse himself or herself, the other members may disqualify that member upon a unanimous determination that the member has a conflict of interest that should disqualify that member from acting on a particular matter. This disqualification and the reason for it shall be included in the meeting minutes.
  4. If a member recuses himself or is disqualified from participating in a matter before the Board, the recusal or disqualification and the reason(s) for it shall be included in the meeting minutes.

<sup>5</sup> See the *Maryland Public Ethics Law Summary* provided by the State Ethics Commission to assist election officials and employees in meeting their obligations to voters, candidates, and political parties. This document is available on SBE’s Online Library under “LBE Resources” and “Reference Materials.”

<sup>6</sup> Chapter 31 of the 2017 Laws of Maryland (House Bill 879) requires electronic filing by members of the local boards of elections. Electronic filing is available at <https://efds.ethics.maryland.gov/>. Paper filing is no longer accepted.

<sup>7</sup> See *Ethics and Standards for Election Officials and Employees* for detailed standards of conduct. This document is available on SBE’s Online Library under “LBE Resources” and “Reference Materials.”

## BYLAWS OF THE *[Insert Jurisdiction Name]* BOARD OF ELECTIONS

### Section 4.4 – Resignation and Vacancies

- A. Resignation. A member who chooses to resign shall:
  - 1. Write a letter to the Governor informing the Governor of the member’s decision to resign;
  - 2. Inform the county central committee of the party with which he or she is affiliated of the resignation; and
  - 3. Inform the Election Director, the President, and the State Administrator of the resignation.
- B. Filling Vacancy. If a member dies, resigns, is removed, or becomes ineligible, the Governor shall appoint an eligible person from the same political party as that member in accordance with § 2-201(h) of the Election Law Article.

### Section 4.5 – Level of Effort

Each member shall expend the time and effort necessary to attend meetings and election activities to ensure that they fully understand their duties as members, and their role as members of the Board of Canvassers. Members shall familiarize themselves with important concepts in the administration of Maryland elections, such as the process to register to vote, the purpose of provisional voting, general information about the voting process, the absentee ballot process, and important election deadlines.

### Section 4.6 – Fiduciary Duty to the Board

- A. Each member has a fiduciary duty of care and loyalty to the Board.
- B. Each member shall put the interests of the Board ahead of partisan interests, personal interests, or loyalties to other organizations in an effort to ensure the successful execution of the duties of the Board.

### Section 4.7 – Non-Disclosure/Confidentiality

- A. A member shall not share confidential or sensitive information with outside entities and individuals who are not Board members or employees of the *[insert jurisdiction name]* Board of Elections.
- B. A member who conducts Board business with a personal email account shall cooperate with Board staff in connection with any response to a request pursuant to the Public Information Act.

## ARTICLE 5 – ROLES AND RESPONSIBILITIES

### Section 5.1 – The Board

The Board shall:

- A. Carry out all duties assigned to it under the Election Law Article and the regulations, policies, and procedures established by SBE<sup>8</sup>;
- B. Not be involved in day-to-day activities of the election office; and
- C. Account to the public for the services of the agency and expenditures of its funds.

### Section 5.2 – The Election Director and Staff

- A. The Election Director shall carry out all duties assigned to him or her under the Election Law Article, regulations, policies and procedures established by SBE, and duties assigned or delegated by the Board.
- B. The Election Director is responsible for duties listed in the *Assignment of Local Board of Elections’ Duties to Members of the Local Board, Election Director, and Staff*.

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<sup>8</sup> These duties are shown in the *Assignment of Local Board of Elections’ Duties to Members of the Local Board, the Election Director and Staff*.

## BYLAWS OF THE *[Insert Jurisdiction Name]* BOARD OF ELECTIONS

### Section 5.3 – Counsel to the Board

- A. Appointment. As required under § 2-205 of the Election Law Article, the Board shall retain as counsel an individual who is a registered voter of the county and admitted to practice law in Maryland.
- B. Duties. In addition to the retainer contract, the individual appointed as counsel or in the counsel's absence, substitute counsel, shall:
  - 1. Attend Board meetings and attend all canvass sessions;
  - 2. Attend the biennial conference hosted by SBE and the annual MAEO conference;
  - 3. Participate in pre-election conference calls hosted by SBE;
  - 4. Review major policy guidelines and instructions from SBE;
  - 5. Generally be available to provide advice when needed;
  - 6. Take the oath to serve as counsel to the Board of Canvassers; and
  - 7. Be present for any decision by the Board of Canvassers on the legality or acceptability of any provisional ballot application or of any vote on any ballot.

**Commented [TA13]:** Baltimore City LBE: Use: "As provided by § 6-107(a)(1) of the State Government Article, the Baltimore City Board of Elections shall be represented by the Office of the Attorney General."

### Section 5.4 – Personnel Management

- A. Duties – Board. As required under § 2-202(b)(2) of the Election Law Article, the Board shall:
  - 1. Hire and supervise the Election Director;
  - 2. Perform a semi-annual performance evaluation of the Election Director; and
  - 3. Comply with the State Personnel and Pensions Article and any applicable regulations or the county merit system requirements in all matters concerning appointment, leave, discipline, or termination.
- B. Duties – President. The President, in consultation with the Board, shall act as the head of the principal unit for the purposes of appeals and grievances filed under the State Personnel and Pensions Article.
- C. Duties – Election Director. The Election Director shall:
  - 1. Hire, supervise, and discipline the staff;
  - 2. Perform or ensure the performance of semi-annual performance evaluations of staff;
  - 3. Comply with the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters concerning leave, discipline, or termination; and

## ARTICLE 6 – MISCELLANEOUS

### Section 6.1 – Membership in MAEO

Each member of the Board, the Election Director, the Deputy Director, and other staff shall be members of the Maryland Association of Election Officials (MAEO).

### Section 6.2 – Training and Continuing Education

The Board shall encourage and support the efforts of the Election Director and staff to obtain training and continuing education courses to assist the director and staff in the performance of their jobs.

### Section 6.3 – Public Information Act<sup>9</sup>

When a request submitted under the Public Information Act request is received, the Board shall ensure that:

- A. The State Administrator is notified of the request; and
- B. The request is completed in timely manner.

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<sup>9</sup> For information and guidance on the Public Information Act, see information posted on the Office of the Attorney General's website at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/pia.aspx>.

BYLAWS OF THE Insert Jurisdiction Name BOARD OF ELECTIONS

**Section 6.4 – Litigation**

If the Board is notified that it is party to a lawsuit, the Board shall direct the Election Director to immediately notify the State Administrator. A member cannot accept service of process on behalf of the Board.

**Section 6.5 – Reimbursement for Travel and Expenses**

- A. The budget for the Board shall include funds to reimburse members for expenses incurred while carrying out their duties as members.
- B. The President shall approve, prior to payment, reimbursement for any unbudgeted expense.

**SIGNATURES**

\_\_\_\_\_  
Member Date

\_\_\_\_\_  
Witness (Election Director) Date

\_\_\_\_\_  
Member Date

\_\_\_\_\_  
Witness (Board Counsel) Date

\_\_\_\_\_  
Member Date

\_\_\_\_\_  
Member Date

\_\_\_\_\_  
Member Date

BYLAWS OF THE **[Insert Jurisdiction Name]** BOARD OF ELECTIONS

**APPENDIX 1**

**Election Law Article, Annotated Code of Maryland**

**§2-301.**

- (a) This section applies to:
- (1) a member of the State Board;
  - (2) a regular or substitute member of a local board;
  - (3) the State Administrator;
  - (4) an employee of the State Board or of a local board, including the election director of a board; (5) counsel appointed under § 2-205 of this title; and
  - (6) an election judge.
- (b) (1) An individual subject to this section may not, while holding the position:
- (i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;
  - (ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or
  - (iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:
    1. be a campaign manager;
    2. be a treasurer or subtreasurer for a campaign finance entity; or
    3. take any other active part in political management or a political campaign.
- (2) Notwithstanding paragraph (1)(iii) of this subsection, an election judge may engage in the activities of a political campaign, except:
- (i) while performing official duties on election day; and
  - (ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.