

BEFORE THE MARYLAND STATE BOARD OF ELECTIONS

MURRAY HILL INCORPORATED,
Complainant

v.

MONTGOMERY COUNTY BOARD
OF ELECTIONS and MARY CRAMER
WAGNER, in her capacity as Director of
the Voter Registration Division of the
Maryland State Board of Elections,
Respondents

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STATE BOARD OF ELECTIONS

FINAL DETERMINATION

Statement of the Case

On March 24, 2010, Eric J. Hensal, acting as "Designated Human" for Murray Hill Incorporated ("Complainant"), filed with the Maryland State Board of Elections (the "State Board"), an administrative complaint (the "Complaint"), challenging action by the Montgomery County Board of Elections (the "Local Board") in refusing to register Murray Hill Incorporated to vote. The Complaint does not state when the Local Board refused Complainant's application for voter registration, but that refusal is asserted to be based on the March 10, 2010 instructions of Mary Cramer Wagner, Director of the Voter Registration Division of the State Board, and the record includes a letter from counsel for the Local Board, dated March 11, 2010, in effect denying the application.

The Complainant did not request a hearing pursuant to COMAR 33.01.05.06C, and none was conducted. No briefs or memoranda were filed pursuant to COMAR 33.01.05.06C(18) or otherwise, and the only argument submitted by the Complainant is contained on the face of the Complaint, where Complainant states that its decision to register to vote resulted from its review of the Supreme Court's decision in *Citizens United v. Federal Election Commission*, 558 U.S. ___ (Jan. 21, 2010). According to Complainant, the First Amendment rights extended to corporations in *Citizens United* (a

case involving independent campaign expenditures) “brought civil rights law to a point where a corporation, or a corporate person, must be allowed to vote and hold public office.”

Finding of Relevant Facts

1. Murray Hill Incorporated is a corporation that, according to the website of the Maryland State Department of Assessments and Taxation, was incorporated in the State of Maryland on July 10, 2007.

2. According to the same website, Complainant was not in good standing (*i.e.*, had not filed the current year’s annual report or personal property return) as of March 1, 2010 or April 16, 2010.

3. If relevant, Complainant had not been in existence for 18 years at the time of its voter registration application.

4. The individual acting in this case for Complainant is its agent, sometimes referred to as its “Designated Human,” Eric J. Hensal. There is no evidence in the record as to Mr. Hensal’s authority to act on Complainant’s behalf, but I will assume for purposes of this case that he was authorized to file and pursue the voter registration application and this Complaint.

Conclusions of Law

1. Under Sec. 3-102 of the Election Law Article, Annotated Code of Maryland, only “an individual” is qualified to register and vote.

2. Although a corporation may in some instances be a “person” within the meaning of Maryland law, see Article 1, Sec. 15, Annotated Code of Maryland, a corporation is not included within the term “individual,” as that term is used in Election Law Article, Sec. 3-102. This is made abundantly clear by the age requirement of Sec. 3-102(a)(2).

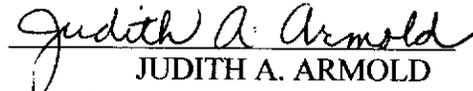
3. While *Citizens United* recognized that corporations have certain rights under the First Amendment to make independent campaign expenditures, that decision did not, either expressly or impliedly, accord to corporations the constitutional right to register or vote in American elections. Justice Stevens’s speculative language, expressing concern that the majority’s decision might be read so broadly, did not, as Complainant states,

“recogniz[e] a right for corporations to vote.” Justice Stevens certainly disagreed with that proposition, and nothing in the Opinion of the Court or in the concurring opinions even touches on the right of a corporation to vote or hold office.

Complaint Dismissed

In accordance with COMAR 33.01.05.06D(5)(d), having determined that no violation of statutory or constitutional provisions as alleged in the Complaint has occurred, and that the action of the Montgomery County Board of Elections in refusing to register Complainant to vote was in accordance with law, I must, and hereby do, dismiss the Complaint in this case.

Date: April 21, 2010


JUDITH A. ARMOLD
Designee of State Administrator

APPEAL RIGHTS

Under §3-602(c)(2) of the Election Law Article, a final determination regarding the eligibility of *an individual* to register to vote is subject to judicial review. To the extent that this constitutes such a final determination, a petition for judicial review must be filed with the Circuit Court for Anne Arundel County, no later than the third Tuesday preceding the next succeeding election (in this case, the gubernatorial primary on September 14, 2010) -- that is, by August 24, 2010.