



# Washington County, MD

BOARD OF ELECTIONS

## AGENDA

### Washington County Board of Elections June 14, 2022

Board Meeting to be held on Tuesday, June 14, 2022 at **3PM**. Meeting will be held in person but may also be attended virtually. Call in information is provided below.

#### Call Meeting to Order:

#### Record Those Present:

#### Swearing in of Board of Canvassers (Kevin Tucker, Clerk of the Circuit Court):

#### Minutes of the May 10, 2022 Regular Board Meeting:

#### Request for Additions/Changes to Agenda:

#### Correspondence:

- I. Article "Hogan Veto Jeopardizes Timely Election Results" emailed to the Board on June 1, 2022.
- II. Article "Montgomery County executive calls for special session to deal with mail-in voting veto" emailed to the Board on June 2, 2022.

#### Reports:

- I. Election Director
- II. Attorney

#### Old Business:

- I. 2020 Census and Redistricting - update
- II. FY23 Final Budget
- III. Election Worker Training
- IV. Translation Service
- V. Police Service in the office during Election and Canvasses

#### New Business:

- I. Polling Place Evaluation Form
- II. Early Voting (set-up, schedule)
- III. Election Schedule, Public Demo, Canvasses, verification of supplies

#### Members Remarks:

### **Scheduling of Next Meeting:**

### **Distributed Information:**

### **Future Events:**

### **Executive Session:**

Part of the meeting may be closed in accordance with Open Meeting Act Procedures.

**Public Participation:** Members of the public may address the Board. Pursuant to §3.2B of the Board's bylaws, public participation at a meeting must be pre-scheduled and pre-approved by the President. To request approval to speak at a board meeting, contact Kaye Robucci at 240.313.2053 or by Email no later than 5 pm the day before the meeting.

### **Call In Instructions for the Meeting:**

#### **Meeting ID**

[meet.google.com/wsn-xpsk-rnw](https://meet.google.com/wsn-xpsk-rnw)

#### **Phone Numbers**

[\(US\)+1 515-599-7283](tel:+15155997283)

PIN: 123 971 361#



STATE OF MARYLAND  
OFFICE OF THE GOVERNOR

LARRY HOGAN  
GOVERNOR

May 27, 2022

The Honorable Bill Ferguson  
President of the Maryland Senate  
H-107 State House  
Annapolis, MD 21401

The Honorable Adrienne A. Jones  
Speaker of the House of Delegates  
H-101 State House  
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 862 and Senate Bill 163 - *Election Law - Ballots - Processing and Reporting Procedures*.

As the very foundation of democracy, free and fair elections provide citizens with a voice that is essential to the accountability of elected officials and the proper functioning of government. Amidst the many uncertainties of an unprecedented global pandemic, the 2020 election cycle experienced a tremendous expansion of mail-in voting across our State and the entire nation – and as more and more voters embrace mail-in voting, it is imperative that we remain mindful of maintaining that crucial balance between ease of access and election integrity.

Several provisions within House Bill 862 and Senate Bill 163 offer positive changes to State election law. Early canvassing of absentee ballots would allow hard working election officials to get a much needed head start on the deluge of ballot envelopes that, under current law, must wait until after Election Day for processing. Precinct level reporting that includes early, absentee, and provisional ballots would provide valuable information to elected officials in relation to their constituents, as well as to election officials regarding the allocation of resources. Additionally, the codification of a ballot curing process would allow voters an opportunity to correct an error by providing a signature for the oath on an absentee ballot envelope – and therefore, have their vote counted.

Maximizing voter participation and providing citizens with accessible and convenient ways to cast their ballots is vital to a healthy democracy. Just as equally vital, however, are election security and voter confidence – and most scholars agree that abuse does happen more so with mail-in voting versus voting in person. Yet, as our vote by mail numbers rise, the missing piece in this legislation is that balance – for even the *appearance* of impropriety or the *opportunity* for fraud can be enough to undermine citizens' confidence in their electoral system. While this legislation allows a voter to provide a missing signature by one of several ways – including in person, mail, email, and text – it remains silent on basic security measures such as signature verification — with Maryland being one of only nine states that does not conduct signature verification — and does nothing to address ballot collecting.

For these reasons, I have vetoed House Bill 862 and Senate Bill 163.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor

# Montgomery County executive calls for special session to deal with mail-in voting veto

By: [Bryan P. Sears](#) Daily Record Government Reporter June 1, 2022

Montgomery County Executive Marc Elrich on Wednesday called for a special session and compromise on a vetoed mail-in voting law.

The leader of the most populous jurisdiction in the state said Gov. Larry Hogan's veto of a bill last Friday will sow angst and conspiracy theories in the 2022 election.

"I hope the governor will consider some way of ensuring people have confidence in the vote by ensuring the votes get counted on time and not delayed," Elrich told reporters. Hogan announced the vetoes as part of a final tranche of bills that were passed by the General Assembly.

The identical House and Senate bills would allow local boards of election to process mail-in ballots starting eight days before the start of early voting and ending the day early voting begins. Results from those ballots would be announced on election night after polls close. The bills sent to Hogan effectively codified how mail-in ballots were handled in 2020. It also settled a conflict in cases where a voter mails in a ballot but then attempts to vote in person.

"If we're going to expand ballot curing, why would we not also bolster ballot oversight?" said Michael Ricci, a spokesman for Hogan.

Elrich argued that Hogan's vetoes now mean local boards of election will be handcuffed from processing ballots until two days after the election.

Ricci said he would not "engage on hypotheticals" related to a special session, adding "but you've hit on another drawback, which was an election bill that called for changes so close to an election. It's also worth noting that this bill wasn't presented early, along with what were considered leadership's highest priorities."

The chasm between Democrats and Republicans on mail-in voting is not insignificant. Democrats are more likely to take advantage of early and expanded vote-by-mail options. Republicans tend to vote on election day.

In 2020, President Donald Trump won the election day vote in many states only to see margins shrink or disappear as mail-in ballots were tabulated. The results gave rise to some conspiracy theories that results were tampered with.

In Maryland, the largest of the state's jurisdictions are home to more Democrats. Smaller more rural counties favor Republicans.

"I don't think that psychologically people need to hear that once again you're not going to know vote results for two more days or three more days because we're not counting votes that were mailed in until two days later," Elrich told reporters. "I think it causes unnecessary anxiety. We've already seen what people are able to do with a story like this and spin it into a tale that has no bearing on reality but still finds an anchor in the community. And I believe that it would be worthwhile, if for no other purpose, to get into a special session to discuss amending the bill so it addresses the part that is critical to getting the votes processed on time and leave the rest of it for debate another day."

Ricci, Hogan's spokesman, dismissed Elrich's concerns.

"It's irresponsible to assert without evidence that there will be all kinds of mass confusion in the days after the election," said Ricci. "Moreover, the governor's letter noted that early

canvassing was a positive in the bill. Ideally, Sen. (Cheryl) Kagan would have pursued a bipartisan bill based on that kind of common ground rather than a partisan measure that didn't get through until the last hours of the session. "

Hogan, in his veto message, rejected the legislation not because of what was in the measure but what was not included.

"Yet, as our vote by mail numbers rise, the missing piece in this legislation is that balance – for even the appearance of impropriety or the opportunity for fraud can be enough to undermine citizens' confidence in their electoral system," Hogan wrote in his veto letter. The governor criticized the legislation for not requiring signature verification and banning so-called ballot harvesting. Both have been concerns raised repeatedly by Republican lawmakers and rejected by the Democratic majority.

Hogan issued the veto Friday afternoon at the start of the Memorial Day holiday weekend as part of more than 200 bills that went into law without his signature or were rejected. Elrich said a special session on a compromise bill could solve problems for large counties such as his.

But neither a compromise nor a special session are likely needed.

Bills passed in the fourth year of a term cannot be overridden in January when the new General Assembly is seated. A summer special session before the primary wouldn't require a compromise as Elrich suggested.

Democrats who hold a super majority in the House and Senate could call a special session to deal with the issue. Both bills passed with numbers indicating the ability to simply override Hogan.

But there seems to be little will in the General Assembly to call a special session weeks before early voting begins.

Historically, the General Assembly has shied away from passing election law in the last year of a term. The pandemic and the massive increase in mail-in voting required some action. Sources familiar with election law said there were other options rather than a special session.

In many cases, the State Board of Elections could pass emergency regulations to address issues such as curing missing signatures and conflicts when a voter mails in a ballot but also votes in person. A legislative panel could approve those regulations in time for the July primary.

Additionally, state law allows state or local boards of election to go to court to seek a waiver on some ballot-counting laws under extreme circumstances.

But the state and local boards are controlled by Republicans appointed by Hogan, raising questions about whether any would authorize a lawsuit.

BILL FERGUSON  
PRESIDENT OF THE SENATE



ADRIANNE A. JONES  
SPEAKER OF THE HOUSE

MARYLAND GENERAL ASSEMBLY  
STATE HOUSE  
ANNAPOLIS, MARYLAND 21401-1991

June 3, 2022

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

Dear Board of Elections Members,

Despite the Governor's decision last week to veto House Bill 862 (HB 862) and Senate Bill 163 (SB 163), that does not preclude the State Board of Elections from making necessary regulatory changes to improve election administration before the primary election and ensure procedures are maintained for the duration of the election cycle.

In recent years, many states have passed laws to restrict access to the ballot rooted in baseless claims of election fraud. However, here in Maryland, we take pride in upholding an inclusive, fair, and secure election system to expand voting opportunities and ensure that voters have multiple options before and on Election Day. This is why the General Assembly passed legislation to allow Election Day registration, permanent mail-in voting, and early voting expansion in recent years.

The legislation vetoed by the Governor was not an overhaul of Maryland's voting system, but a codification of many of the necessary improvements implemented by this very State Board for the 2020 election cycle, during the heat of the COVID-19 pandemic. This veto has only left us with more questions, since we share the sentiment expressed by the Governor that provisions of these bills are positive changes to State election law. Legislative leaders worked in partnership with State and local election administrators to help improve the election process and codify largely successful regulatory practices in HB862/SB163.

Despite the Governor's veto, we believe the State Board has the tools available to act now and ensure necessary regulations are adopted to improve administration for 2022 election cycle.

### **Improve the Ballot Curing Process**

Ballot curing is already required in regulations, including the prompt notification to a voter of a ballot missing a signature. These practices were successful during the 2020 election due to the increase in mail-in ballots. Emergency regulations should be adopted from the legislation requiring local boards to notify a voter no later than three business days after the local board learns a voter has failed to sign the oath on the ballot envelope.

Additionally, regulations should be clear that a voter may correct a signature omission by choice of e-mail, a mailed form, or by a visit to the local board office. It is also our hope that the State Board will work with local boards to explore options to correct an omission by picture text message and an accessible online portal for future elections.

### **Mail-In Ballot and Provisional Ballot Received by Voter**

Current regulations cover several scenarios if multiple ballots by a single voter are received and whether a ballot is ultimately counted or rejected.

The State Board should immediately adopt the same regulation that it adopted during the 2020 election which required that when a mail-in and provisional ballot are received from the same individual, the mail-in ballot is counted. This does not conflict with statute and falls squarely within the Board's power of "governing the canvass." Furthermore, a voter's intent should be presumed to have cast a valid vote unless there is evidence to show otherwise. Current regulations which reject both ballots in this scenario are not authorized or supported by statute and must be amended.

As the 2022 election cycle continues, we look forward to a prompt resolution of these issues and believe all voters will be better served as a result. Thank you again for your work under unprecedented circumstances during the 2020 election to implement emergency regulations and improve the election process.

Sincerely,



Adrienne A. Jones  
Speaker of the House



William C. Ferguson IV  
Senate President

# Monthly Statistical Report

Last Transaction Date From: 05/01/2022 To: 05/31/2022

## ADDITIONS TO COUNTY REGISTRATION

METHOD	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL	EXACT	DUPES
Absentee Ballot Application	1	0	0	0	0	0	0	1	1	27
By Mail	1	1	0	0	0	0	0	2	2	23
Confirmation Notice	1	1	0	0	0	1	0	3	3	3
Correction	0	1	0	0	0	0	0	1	1	0
ERIC Report	35	7	0	0	0	24	0	66	66	0
In Person	0	2	0	0	0	0	0	2	2	0
Motor Vehicle Administration	150	144	3	8	1	172	7	485	485	1
NVRA by Mail	0	1	0	0	0	0	0	1	1	0
Online Voter Registration	7	2	0	0	0	4	0	13	13	0
Social Security Administration	1	1	0	0	0	1	0	3	3	0
Social Services Agencies	1	0	0	0	0	0	0	1	1	0
State Designated Agencies	5	1	0	0	0	4	1	11	11	0
USPS Sticker	5	5	0	1	0	0	1	12	12	5
<b>TOTAL</b>	207	166	3	9	1	206	9	601	601	59

## SUBTRACTIONS FROM COUNTY ACTIVE STATUS

REASON	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
Death Notice	43	52	0	0	0	15	2	112
Death Notices Other than DHMH	1	0	0	0	0	0	0	1
Moved Out of State	2	4	0	0	0	3	0	9
Returned VNC	0	2	0	0	0	0	1	3
Voter Request	1	0	0	1	0	0	0	2
Duplicate/Merged	4	0	0	0	0	2	1	7
County Transfer Out	-61	-33	0	-1	0	-23	0	-118
<b>TOTAL</b>	112	91	0	2	0	43	4	252

## AFFILIATION CHANGES

CHANGE	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
From	78	30	0	8	0	47	12	175
To	37	77	0	4	2	46	9	175



# Monthly Statistical Report

Last Transaction Date From: 05/01/2022 To: 05/31/2022

<b>TOTAL</b>	-41	47	0	-4	2	-1	-3	0
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## CURRENT ACTIVE REGISTRATION

ACTIVITY	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
BEGINNING OF REPORT	31234	43335	153	600	103	22059	929	98413
ADDITIONS (+)	207	166	3	9	1	206	9	601
REINSTATED (+)	11	15	0	1	0	12	1	40
CANCELLED (-)	-50	-58	0	-1	0	-20	-4	-133
COUNTY TRANSFER OUT (-)	-61	-33	0	-1	0	-23	0	-118
AFFILIATION CHANGES (+ OR -)	-41	47	0	-4	2	-1	-3	0
* INACTIVATED (-)	-1	0	0	0	0	0	0	-1
* REACTIVATED (+)	24	31	0	0	0	17	0	72
<b>END OF REPORT TOTALS</b>	<b>31323</b>	<b>43503</b>	<b>156</b>	<b>604</b>	<b>106</b>	<b>22250</b>	<b>932</b>	<b>98874</b>

Last Transaction Date From: 05/01/2022 To: 05/31/2022

**INACTIVE REGISTRATION  
 SUBTRACTIONS FROM COUNTY INACTIVE STATUS**

REASON	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
Confirmation Notice	0	2	0	0	0	0	0	2
Correction	0	1	0	0	0	0	0	1
Death Notice	6	3	0	0	0	1	0	10
In Person	2	1	0	0	0	0	0	3
Motor Vehicle Administration	24	22	0	0	0	11	0	57
Moved Out of State	2	5	0	0	0	1	1	9
Online Mail In Request	0	1	0	0	0	0	0	1
State Designated Agencies	0	1	0	0	0	0	0	1
USPS Sticker	2	1	0	0	0	1	0	4
Volunteer	0	0	0	0	0	1	0	1
Duplicate/Merged	0	0	0	0	0	0	0	0
County Transfer Out	-8	-6	0	0	0	-1	-1	-16
<b>TOTAL</b>	44	43	0	0	0	16	2	105

**CURRENT INACTIVE REGISTRATION**

ACTIVITY	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
BEGINNING OF REPORT	3682	4126	27	120	8	2893	104	10960
* INACTIVATED (+)	1	0	0	0	0	0	0	1
* REACTIVATED (-)	-28	-31	0	0	0	-13	0	-72
COUNTY TRANSFER OUT (-)	-8	-6	0	0	0	-1	-1	-16
AFFILIATION CHANGES (+ OR -)	0	0	0	0	0	0	0	0
CANCELLED FROM INACTIVE (-)	-8	-8	0	0	0	-2	-1	-19
PENDING FROM INACTIVE (-)	0	0	0	0	0	0	0	0
<b>TOTAL INACTIVE</b>	3639	4081	27	120	8	2877	102	10854

**TOTAL REGISTRATION RECORDS  
 ACTIVE AND INACTIVE REGISTRATION**

ACTIVITY	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
ACTIVE REGISTRATION	31323	43503	156	604	106	22250	932	98874

# Monthly Statistical Report

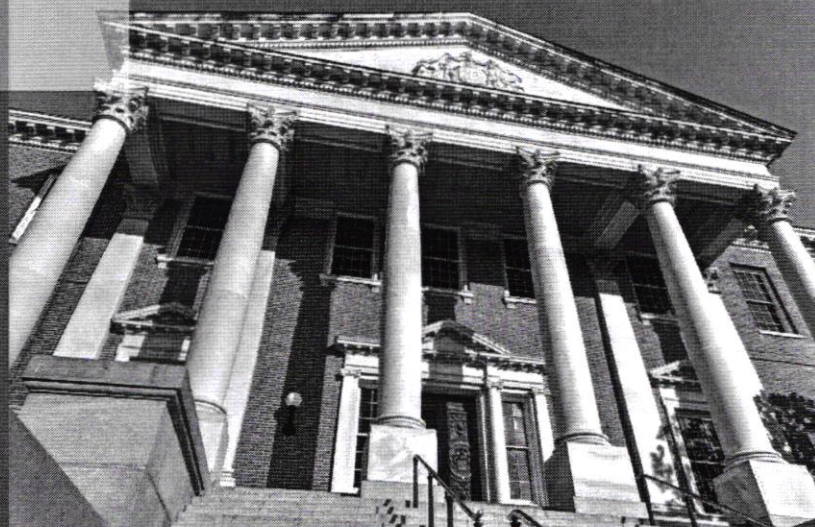
Last Transaction Date From: 05/01/2022 To: 05/31/2022

INACTIVE REGISTRATION	3639	4081	27	120	8	2877	102	10854
<b>TOTAL RECORDS</b>	34962	47584	183	724	114	25127	1034	<b>109728</b>

Address Changes Within Jurisdiction	712		
Address Changes Statewide	35451	Confirmation Mailings Sent	0
Name Changes	340	Confirmation Responses	5
Number of current Statewide voter registration application on hand		Number of NVRA Agency voter registration Applications on hand	
Signature of person who prepared the report		Date report completed	
Other = Those individuals designating affiliation with a party that is not established under Maryland Law.		Unaffiliated = those individuals declining to affiliate with a party.	

# THE 90 DAY REPORT

A Review of the  
2022 Legislative Session



Department of Legislative Services  
Maryland General Assembly

The Department of Legislative Services  
General Assembly of Maryland  
Prepared this document

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### **Tuskegee Airmen Commemoration Day**

The Tuskegee Airmen were a group of African American military pilots who served the United States with distinction during World War II and overcame a history of segregation and social barriers to serve their country. The first aviation cadets of the Tuskegee Airmen completed pilot training and received their wings during the month of March. *Senate Bill 5/House Bill 479 (Chs. 67 and 68)* require the Governor to annually proclaim the fourth Thursday in March as Tuskegee Airmen Commemoration Day. The proclamation must urge educational and cultural organizations to observe Tuskegee Airmen Commemoration Day through appropriate and informative programs and activities.

## **Elections**

### **Ballot Processing and Reporting Procedures**

Due to concerns about the safety of in-person voting during the coronavirus pandemic, the number of voters casting absentee ballots in the 2020 elections greatly increased compared to previous elections. The number of voters casting ballots by mail in future elections is expected to remain higher than in elections before 2020, due in part to various measures taken by the General Assembly and election officials in recent years to make absentee voting more accessible and convenient. *Senate Bill 163/House Bill 862 (both passed)* facilitate more timely processing of absentee ballots by authorizing local boards of elections to accept, reject, open, or process an absentee ballot starting on the day that is eight business days before the first day of early voting. Current law prohibits a local board from opening any envelope of an absentee ballot before the Wednesday following Election Day. A local board may not, however, tabulate absentee ballot vote totals before the polls close on Election Day, except in the 2022 statewide primary election.

The bills also require a local board to review the envelope of an absentee ballot for the omission of the voter's signature on the oath promptly after receipt of the ballot. A ballot that is not accompanied by a signed oath may not be counted. The State Board of Elections (SBE) must adopt regulations requiring a local board to notify a voter who failed to sign the oath as soon as practicable but not later than three business days after the failure was determined and provide the voter an opportunity to provide a signature and have the ballot counted. The regulations must allow a voter to supply a signature to the local board through a digital picture message sent by email, or beginning June 1, 2023, mobile telephone. A voter may choose to communicate with the local board to correct a failure to sign the oath through email, a mailed form, an in-person visit to the local board office, or, beginning June 1, 2023, text message and an accessible online portal.

The bills also alter canvassing procedures when more than one ballot, in separate envelopes, is received from the same individual for the same election by requiring the local board to count the first ballot from an individual that is determined to be legally sufficient and reject any other ballot. Finally, the bills require that a report of election results produced by SBE include the early, absentee, and provisional vote broken down by precinct. The bills also repeal requirements

that a statement of election results produced by each local board of canvassers include precinct-level results and that the statement be provided on paper.

### **Voting Systems Costs and Polling Places**

Chapter 564 of 2001 requires that (1) each county pay for its share of 50% of the State's cost of acquiring and operating the uniform statewide voting systems for voting in polling places and for absentee voting, including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees and (2) a county's share of the cost of acquiring and operating the uniform statewide voting systems be based on the county's voting age population. *Senate Bill 158 (Ch. 35)* codifies this requirement and establishes the intent of the General Assembly that the Act makes no substantive change to the cost-sharing requirements for the uniform statewide voting systems between the State and county governments as enacted by Chapter 564 of 2001. The Act also requires that in the 2022 statewide primary and general elections, in-person voting on Election Day be conducted at a total number of precinct polling places that is at least equal to the total number of precinct polling places that were open for in-person voting on Election Day in the 2018 statewide general election. The total number of precinct polling places required to be open for voting in the 2022 elections may not be reduced (1) by a local board or SBE, under specified statutory authority governing the establishment and alteration of precincts and polling place locations; (2) by a circuit court or any other court, under specified statutory authority for SBE or a local board to petition a circuit court to take specified action in emergency circumstances; or (3) with the exception of emergency authority of the Governor, by a person acting under authority of any other provision of law. The bill does not limit the authority of the Governor to specify alternate voting locations during a declared state of emergency.

With certain exceptions, statute prohibits an election from being held in any building or part of any building used or occupied by an establishment that holds an alcoholic beverages license. *Senate Bill 907/House Bill 328 (both passed)* repeal this prohibition and instead require SBE to adopt regulations governing the use of a building or part of a building that is owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license as a polling place. The regulations must require a local board to prioritize the placement of polling locations in buildings that are not owned, occupied, or partially occupied by an establishment that holds an alcoholic beverages license. SBE is required to adopt the regulations by August 31, 2022, and the statutory changes take effect contingent on the adoption of the regulations. If the State Board does not adopt the regulations by August 31, 2022, the changes will not take effect.

### **Contested Elections**

*Senate Bill 101/House Bill 291 (both passed)* alter various requirements relating to the conduct and financing of an election contest, including a recount or a judicial challenge. The bills require a county, rather than the candidate who petitioned for the recount, to pay the costs of a recount when the margin of difference between the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.25% or less of

the total votes cast for those candidates. For ballot questions, the county must pay for a recount, rather than the registered voter who petitioned for the recount, when the margin of difference between the number of votes cast for and the number cast against the ballot question is 0.25% or less. Under current law, for both candidate elections and ballot questions, a county must pay for a recount when the margin of difference is 0.1% or less. The bills also prohibit a recount when the margin of difference is greater than 5%.

The bills authorize a campaign finance entity to accept contributions and make expenditures to pay for a recount or judicial challenge to an election. The bills also repeal a provision providing that limits on contributions and transfers to campaign finance entities do not affect the right of an individual to pay reasonable legal expenses associated with maintaining or contesting the results of an election. The bills require a person who accepts public campaign financing to establish a separate contested election committee to pay costs associated with contesting an election. Additionally, the bills establish various requirements for a contested election committee, including the organization of the committee, limits on donations, reporting requirements, late filing fees and other sanctions for a failure to file a report, and return of unspent funds. Finally, the bills authorize a county to provide public financing to a contested election committee as part of any public financing system the county chooses to establish for offices in the Executive or Legislative branches of county government.

### **Campaign Finance**

*Senate Bill 15 (passed)* makes various changes to enhance enforcement of campaign finance law. The bill extends the statute of limitations, from three years to four years, for a misdemeanor offense under State election law and for a civil fine for an unknowing violation of campaign finance laws and certain other State election laws. The bill also establishes a four-year statute of limitations for certain civil fines for violations of campaign finance laws and laws governing disclosure of campaign contributions by persons doing public business.

The bill increases the maximum civil penalty SBE may impose on a campaign finance entity for specified violations from \$500 for each violation to \$1,000 for each violation.

The bill prohibits an individual with an unpaid civil penalty from (1) becoming a candidate or becoming a treasurer for a campaign finance entity; (2) being issued a certificate of nomination; or (3) being deemed to be elected to office, taking the oath or otherwise assuming the duties of the office, or receiving any salary or compensation for the office. In addition, an official may not issue a commission or administer an oath of office to an individual who has an unpaid civil penalty.

The bill increases fees and penalties for failure to comply with Title 14 of the Election Law Article, which requires reporting of contributions by persons doing public business. The bill expands existing authority to impose late filing fees on persons doing public business if they fail to file required statements of campaign contributions with SBE. The bill establishes a civil penalty of up to \$5,000 for unknowing violations of the law and specifies procedures for the State Prosecutor to impose the penalty. The bill separately authorizes SBE to impose a civil penalty of



up to \$1,000 for certain violations. The bill also increases the maximum monetary criminal penalty for violations from \$1,000 to \$25,000 and establishes several new criminal offenses related to these provisions.

Under the Public Ethics Law, a person who, within a specified six-month reporting period, spends at least \$500 to provide compensation to one or more regulated lobbyists and contributes \$500 or more to specified State elected officials or candidates for those offices must file statements with SBE regarding the contributions. The bill alters this provision to require any person who spends at least \$500 during a specified six-month reporting period to provide compensation to one or more regulated lobbyists to file reports, regardless of whether the person made contributions of \$500 or more. The bill requires a person required to file a statement to maintain certain records. The bill increases the maximum monetary criminal penalty applicable to violations of these provisions from \$1,000 to \$25,000 and authorizes SBE to impose a civil penalty of up to \$1,000 for certain violations. The bill also establishes several new criminal offenses related to these provisions.

*House Bill 17 (Ch. 109)* requires a person who solicits a recurring contribution for a political committee, or a recurring donation for an independent expenditure or electioneering communication, to receive the affirmative consent of the contributor or donor for the recurring contribution or donation. The passive action of a contributor or donor, including failing to uncheck a prechecked box authorizing a recurring contribution or donation, does not meet the requirement for affirmative consent under the Act. A person who obtains affirmative consent for a recurring contribution or donation must provide a receipt with each recurring contribution or donation that discloses certain information, including how to cancel the recurring contribution or donation. A person who obtains a contribution or donation in violation of the Act must immediately return the contribution or donation to the contributor or donor. SBE may impose a civil penalty for each violation of the Act. The Act takes effect January 1, 2023.

*Senate Bill 239 (passed)* prohibits a person from using any contributor information from any report or statement required under State campaign finance law for purposes of commercial solicitation. The bill also prohibits a person from publishing contributor information in newspapers, magazines, books, websites, or other similar media for the purpose of facilitating commercial solicitation.

## **Political Parties**

*Senate Bill 500 (passed)* alters the number of members of the Anne Arundel County Republican Party Central Committee elected from each county council district from three to two.

## **Redistricting**

Congressional district boundaries must be redrawn every 10 years following the decennial census to adjust for population changes. Congressional districts must comply with the U.S. Constitution and the federal Voting Rights Act of 1965. The U.S. Census Bureau has

apportioned eight congressional seats to Maryland in accordance with 2020 census figures. Based on adjusted Maryland population counts used for redistricting, the ideal population for each congressional district in the State is 771,925.

In July 2021, the Presiding Officers of the General Assembly appointed the Legislative Redistricting Advisory Commission to conduct virtual and in-person town hall meetings across the State and to prepare congressional and State legislative district plans for consideration by the General Assembly. Chapter 32 of the 2021 special session established new boundaries for the State’s congressional districts and was based on the work of the commission.

In 2022, the Circuit Court for Anne Arundel County considered two consolidated cases (*Szeliga et. al v. Lamone et. al* and *Parrott et. al v. Lamone et. al*) challenging the 2021 congressional districting plan. On March 25, 2022, the circuit court entered a declaratory judgment ruling that the 2021 congressional districting plan violates the Maryland Constitution and Declaration of Rights and issued a permanent injunction enjoining the State from using, applying, administering, enforcing, or implementing the 2021 plan in any future election in Maryland, including the 2022 primary and general elections. While the Maryland Constitution does not explicitly address congressional districting, the circuit court held that Article III, Section 4 of the Maryland Constitution, which establishes standards for legislative districts in the State, applies to congressional districting. Article III, Section 4 of the Maryland Constitution requires each legislative district to consist of adjoining territory, be compact in form, and be of substantially equal population, and further requires that due regard be given to natural boundaries and the boundaries of political subdivisions.

The circuit court remanded the plan to the General Assembly to develop a new plan that comports with Article III, Section 4 of the Maryland Constitution and the Voting Rights Act by March 30, 2022. In response to this mandate, the General Assembly passed a new map in ***Senate Bill 1012 (Ch. 16)***, which the Governor signed into law on April 4, 2022. The State subsequently dropped its appeal of the circuit court’s decision, which means that the new map will be used in 2022 and subsequent elections.

For information concerning State legislative redistricting, see the subpart “General Assembly” of this part of this *90 Day Report*.

## **Ethics**

### **Fundraising by University of Maryland, Baltimore Campus Employees**

The Maryland Public Ethics Law generally prohibits a public official or employee from soliciting any gift for themselves or others, including for charitable causes, or from intentionally using the prestige of office or public position for their private gain or that of another. ***Senate Bill 589/House Bill 907 (both passed)*** authorize, notwithstanding these restrictions, an employee of the University of Maryland, Baltimore Campus (UMB) to solicit gifts or proposals

## **Report of Counsel to the Washington County Board of Elections**

**June 14, 2022**

In the Matter of Seth Wilson, No. C-02-CV-22-000078 (Cir. Ct. A.A. Cnty.). On January 14, 2022, Seth Wilson, the Chairman of the Washington County Republican Party Central Committee, filed a petition for judicial review of the determination and approval, respectively, by the Washington County Board of Elections and SBE, of the locations for early voting centers in Washington County for the 2022 elections. On January 19, 2022, the agencies were provided notice of the petition for judicial review by the Clerk of the court. On March 22, 2022, the agencies filed administrative records. The petitioner filed his memorandum of law on April 21, 2022. The Washington County Board of Elections filed its memorandum of law on May 20, 2022. The SBE filed its memorandum of law on May 31, 2022. A hearing on the petition has been scheduled for August 15, 2022.

Paul Corderman vs. Shawn Perry, the Washington County Board of Elections and the Maryland State Board of Elections. No. C-21-CV-22-000226 (Cir. Ct. Wash. Cnty.). On May 16, 2022, Sen. Paul Corderman, Republican, District 2, Washington County, filed a Petition to Challenge Candidacy, Residency & Qualifications of Shawn Demetrious Perry, Candidate for State Senator from the 2<sup>nd</sup> Senatorial District for the 2002 Gubernatorial Election. On May 18, 2002, the agencies were provided notice of the petition by the petitioner. The matter was scheduled for an expedited hearing on May 23, 2022. At that hearing, the Court postponed the matter until May 26, 2022, to permit Mr. Perry to obtain legal counsel. The matter was heard by the Court on May 26, 2022. By Memorandum Opinion and Order of May 27, 2022, the Court concluded that Mr. Perry established his residency before the deadline to run for office and his name did not need to be removed from the ballot.

6-1-22

Washington County, Maryland  
 General Fund  
 Department 10400 - Election Board  
 FY23 Expenses

	2023 Operating Budget Requested	Adjustment	2023 Operating Budget Approved	\$ Change	% Change	2022 Operating Budget Approved	2021 Actuals Final	2020 Actuals Final
500005 - Wages - Part Time	150,180	134,570	284,750	95,560	50.51%	189,190	95,873	54,460
500010 - Wages - Overtime	0	0	0	0	0.00%	0	1,626	370
500100 - FICA - Employer	14,980	0	14,980	4,050	37.05%	10,930	5,562	3,712
500140 - Workers Compensation	0	0	0	(9,000)	(100.00)%	9,000	-1,387	5,334
500155 - Personnel Requests	76,360	(76,360)	0	0	0.00%	0	0	0
<b>Wages and Benefits</b>	<b>241,520</b>	<b>58,210</b>	<b>299,730</b>	<b>90,610</b>	<b>43.33%</b>	<b>209,120</b>	<b>101,673</b>	<b>63,875</b>
505010 - Advertising	3,000	500	3,500	500	16.67%	3,000	828	1,495
505050 - Dues & Subscriptions	1,000	0	1,000	0	0.00%	1,000	769	1,640
505070 - Food and Supplies	1,040	840	1,880	840	80.77%	1,040	1,279	1,255
505120 - Licenses & Certifications	40	0	40	0	0.00%	40	0	0
505130 - Small Office Equipment	600	0	600	0	0.00%	600	0	1,554
505140 - Office Supplies	10,000	1,500	11,500	3,500	43.75%	8,000	14,229	14,039
505160 - Personal Mileage	14,130	4,000	18,130	10,830	148.36%	7,300	3,249	3,910
505170 - Postage	36,520	35,000	71,520	46,320	183.81%	25,200	39,208	38,780
505180 - Printing Expenses	42,910	38,500	81,410	57,410	239.21%	24,000	78,702	18,055
505230 - Travel Expenses	20,270	0	20,270	11,580	133.26%	8,690	2,853	5,548
515000 - Contracted/Purchased Service	1,476,840	207,620	1,684,460	899,390	114.56%	785,070	695,586	536,194
515180 - Software	1,010	0	1,010	190	23.17%	820	346	3,696
520000 - Training	24,990	18,250	43,240	22,570	109.19%	20,670	14,994	16,527
520040 - Seminars/Conventions	4,200	0	4,200	1,200	40.00%	3,000	0	875
525020 - Janitorial Supplies	0	0	0	0	0.00%	0	54	0
526040 - Equipment Maintenance	3,000	(1,500)	1,500	(1,500)	(50.00)%	3,000	66	1,170
535000 - Rentals	9,470	8,500	17,970	5,420	43.19%	12,550	2,032	3,069
535010 - Copy Machine Rental	2,720	0	2,720	0	0.00%	2,720	1,971	1,913
535055 - Lease Payments	95,100	4,300	99,400	(412,540)	(80.58)%	511,940	434,587	382,752
540020 - Telephone Expenses	1,200	0	1,200	1,200	100.00%	0	1,367	1,450
<b>Operating Expenses</b>	<b>1,748,040</b>	<b>317,510</b>	<b>2,065,550</b>	<b>646,910</b>	<b>45.60%</b>	<b>1,418,640</b>	<b>1,292,121</b>	<b>1,033,923</b>
599999 - Controllable Assets	6,000	12,980	18,980	(20,830)	(52.32)%	39,810	10,385	46,026

Washington County, Maryland  
 General Fund  
 Department 10400 - Election Board  
 FY23 Expenses

	2023 Operating Budget Requested	Adjustment	2023 Operating Budget Approved	\$ Change	% Change	2022 Operating Budget Approved	2021 Actuals Final	2020 Actuals Final
Capital Outlay	6,000	12,980	18,980	(20,830)	(52.32)%	39,810	10,385	46,026
<b>Total</b>	<b>1,995,560</b>	<b>388,700</b>	<b>2,384,260</b>	<b>716,690</b>	<b>42.98%</b>	<b>1,667,570</b>	<b>1,404,179</b>	<b>1,143,825</b>