



## AGENDA

### Washington County Board of Elections February 13, 2024

Board Meeting to be held on Tuesday, February 13, 2024 at **3:00PM**. Meeting will be held in person but may also be attended virtually. Call in information is provided below.

**Call Meeting to Order/Pledge of Allegiance:**

**Declaration of Quorum Present:**

**Record Those Present:**

**Recess for Closed Session:** The meeting will be closed in accordance with Open Meeting Act Procedures, reason (7) consult with counsel to obtain legal advice; and (13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

**Reconvene in Open Session** (approximately 3:30PM)

**Approval of Draft Agenda:**

**Approval of Draft Minutes:**

**Correspondence:**

None

**Reports:**

- I. Election Director
- II. Attorney

**Unfinished Business:**

- I. Early Voting
- II. Polling Place Plan

**New Business:**

- I. House Bill 1303 (Grossman and Kauffman)
- II. SBE Requested Revisions to By-Laws

**Members Remarks:**

**Scheduling of Next Meeting:**

**Distributed Information:**

**Future Events:**

February 19<sup>th</sup> – Presidents Day (office closed)  
March 12<sup>th</sup> – Swearing in of Board of Canvassers

**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 Barry Jackson at 240.313.2054 or by Email at [barry.jackson@maryland.gov](mailto:barry.jackson@maryland.gov) no later than 5 pm the day before the meeting.

**Call In Instructions for the Meeting:**

[Join with Google Meet](#)

meet.google.com/ome-zdtd-gpn

[Join by phone](#)

1 224-900-6969

PIN: 507 083 653 #

## Director's Report – January 9, 2023

A. Personnel – N/A

B. Meetings:

1. Director's Meetings:

a) Highlights from January 11<sup>th</sup> meeting:

- (1) Disaster Recovery Plans due April 1st.
- (2) Micro-TTX February 15<sup>th</sup>, focusing on mail-in ballot scenarios. Barry, Cory, and Sarah will attend.
- (3) Statewide testing demonstrated the DemTech solution is not viable for use in an election. A decision on the contract will be made in the very near future.
- (4) New Voting System – SBE RFP underway
- (5) All Early Voting Centers have been approved, pending Washington County Litigation.
- (6) All Polling Place Plans were approved, except Baltimore City and PG County, which have not been submitted yet.

b) Next Meeting: Thursday, February 15, 2024, in person at Anne Arundel LBE.

2. Trainings: Election Judge Training begins March 14<sup>th</sup> with Check In Judges and Voting Judges. 473 confirmed for 2024, need a minimum of 540, would like 670. Meeting with SBE provided trainers on February 28<sup>th</sup>.

C. Legislative Update:

1. HB0014 (Atterbury) – departmental bill, authorizing LBEs to commandeer public buildings for Early Voting.
2. SB0029 (Kagan) – Special Elections to fill a vacancy, conducted by mail.
3. HB0257/SB0099 (Qi/Kagan) – would allow Unaffiliated voters to vote a party ballot during Early Voting. Concerns about increase in provisional ballots.
4. HB0040/SB0523 (Qi/Washington) – requires a risk limiting audit (RLA) be performed before certification of each election. MAEO supports it, only if other audits are eliminated in lieu of the RLA.
5. HB0436 (Fair) – Changes the minimum age of registration to 15 years, 9 months
6. HB0585/SB0480 (Jones et al (including Grossman)/Ferguson et al (including Corderman and McKay) – would make it illegal to threaten an election official, punishable up to 3 years imprisonment and/or \$2,500 fine.
7. SB417/HB449 (Hayes/Jones) – State administrator must provide a performance evaluation, at least annually, to the local board. Local board must confer with state administrator when appointing a director. Changes “may” to “shall” when listing duties of local election director.

8. HB700 (Jones) – requires county governments to provide administrative leave to its employees who work as election judges. Would allow high school students to both get paid and receive service-learning credit.
  9. HB1303 (Grossman) – requires counties to pay board members \$100/day for canvasses, \$350/day for election day, and \$100/day for recounts.
- D. Voter Registration Activities and Statistics:
1. Registration Statistics for January 2023 were distributed to the Board.
- E. Candidate Filings:
1. Filing for 2024 Presidential Election closed on February 9, 2024 at 9:00pm. Total of 24 local filings (2 Mayor, 11 City Council, 11 Board of Education)
- F. Voting System Activities:
1. Finalizing delivery schedule for polling places. Meeting with transportation company on February 21<sup>st</sup>.
  2. Curtis Surratt working on polling place/chief judge supplies
- G. Projects:
1. Ballot Drop Box Security Camera Procurement – bids due tomorrow
  2. FY25 Budget Submitted to county
  3. Election Judge Manual Procurement – CopyQuik awarded project

# HOUSE BILL 1303

G1

4lr2800

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By: **Delegates Grossman and Kaufman**  
Introduced and read first time: February 9, 2024  
Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Local Boards of Elections – Compensation**

3 FOR the purpose of requiring that regular and substitute members of local boards of  
4 elections be paid certain amounts per day served for the canvass, election day, and  
5 in connection with a contested election; requiring a county to pay a regular member  
6 a certain amount if the amount of compensation paid during a fiscal year for service  
7 during the canvass, election day, and in connection with a contested election is less  
8 than a certain minimum annual amount; and generally relating to compensation for  
9 local board of elections members.

10 BY repealing and reenacting, with amendments,  
11 Article – Election Law  
12 Section 2–204  
13 Annotated Code of Maryland  
14 (2022 Replacement Volume and 2023 Supplement)

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

17 **Article – Election Law**

18 2–204.

19 (a) (1) [Each] **SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION,**  
20 EACH regular member of a local board shall receive the salary and reimbursement of  
21 expenses provided in the county budget[, but in no event may the annual].

22 (2) **THE COUNTY BUDGET MAY PROVIDE FOR A GREATER AMOUNT OF**  
23 **COMPENSATION THAN THE MINIMUM AMOUNT REQUIRED UNDER THIS SECTION.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) THE compensation PAID EACH YEAR TO A REGULAR MEMBER MAY NOT be**  
2 less than the following **MINIMUM** amounts:

3           (1) in Allegany County, the amount set by the County Commissioners  
4 under Title 28, Subtitle 1 of the Local Government Article;

5           (2) in Anne Arundel County, \$5,000 for the president and \$4,500 for other  
6 regular members;

7           (3) in Baltimore City, \$11,000 for the president and \$10,000 for other  
8 regular members;

9           (4) in Baltimore County, \$4,000 for the president and \$3,000 for other  
10 regular members;

11           (5) in Calvert County, \$3,000 and reimbursement for expenses in the  
12 performance of their duties;

13           (6) in Caroline County, \$3,250 for the president, \$3,000 for other regular  
14 members, and reimbursement for expenses incurred in the performance of election duties  
15 in accordance with the Standard State Travel Regulations;

16           (7) in Carroll County, \$3,000;

17           (8) in Cecil County, \$1,250 for the president, \$1,000 for other regular  
18 members, and reimbursement for actual expenses incurred in the performance of election  
19 activities which occur outside the county;

20           (9) in Charles County, \$800;

21           (10) in Dorchester County, \$3,000 and expenses as authorized by the County  
22 Commissioners;

23           (11) in Frederick County, \$5,500 for the president and \$5,000 for other  
24 regular members;

25           (12) in Garrett County, the amount set by the County Commissioners under  
26 Chapter 91 of the Public Local Laws of Garrett County;

27           (13) in Harford County, \$2,000 for the president and \$1,700 for other regular  
28 members;

29           (14) in Howard County, \$2,800 for the president and \$2,000 for other regular  
30 members;

31           (15) in Kent County, \$1,500 for the president and \$1,500 for other regular  
32 members;

1           (16) in Montgomery County, \$5,000 for the president and \$4,500 for other  
2 regular members;

3           (17) in Prince George's County, \$5,000 for the president and \$4,500 for other  
4 regular members;

5           (18) in Queen Anne's County, \$1,500 for the president and \$1,200 for other  
6 regular members;

7           (19) in St. Mary's County, \$3,000;

8           (20) in Somerset County, \$1,000;

9           (21) in Talbot County, \$600;

10          (22) in Washington County, the amount set by the County Commissioners;

11          (23) in Wicomico County, \$2,400 for the president and \$1,800 for other  
12 regular members; and

13          (24) in Worcester County, \$1,500 for the president and \$1,200 for other  
14 regular members.

15          **(C) (1) (I) FOR EACH DAY OF THE CANVASS, AS DEFINED IN § 11-101**  
16 **OF THIS ARTICLE, ON WHICH A REGULAR OR SUBSTITUTE MEMBER SERVES, THE**  
17 **REGULAR OR SUBSTITUTE MEMBER SHALL BE PAID \$100 PER DAY.**

18                   **(II) FOR EACH ELECTION DAY ON WHICH A REGULAR OR**  
19 **SUBSTITUTE MEMBER SERVES, THE REGULAR OR SUBSTITUTE MEMBER SHALL BE**  
20 **PAID \$350 PER DAY.**

21                   **(III) FOR EACH DAY ON WHICH A REGULAR OR SUBSTITUTE**  
22 **MEMBER SERVES IN CONNECTION WITH A CONTESTED ELECTION, AS DEFINED**  
23 **UNDER § 12-301 OF THIS ARTICLE, THE REGULAR SUBSTITUTE OR REGULAR**  
24 **MEMBER SHALL BE PAID \$100 PER DAY.**

25           **(2) IF, AT THE END OF A FISCAL YEAR, THE AMOUNT OF**  
26 **COMPENSATION PAID TO A REGULAR MEMBER UNDER PARAGRAPH (1) OF THIS**  
27 **SUBSECTION DURING THE FISCAL YEAR IS LESS THAN THE MINIMUM ANNUAL**  
28 **AMOUNT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE COUNTY SHALL**  
29 **PAY TO THE REGULAR MEMBER THE DIFFERENCE BETWEEN THE AMOUNT PAID**  
30 **UNDER PARAGRAPH (1) OF THIS SUBSECTION AND THE MINIMUM ANNUAL AMOUNT**  
31 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**

## HOUSE BILL 1303

1           **[(b)] (D)**     (1)    [Consistent with] **SUBJECT TO** paragraph (2) of this subsection  
2 **AND SUBSECTION (C) OF THIS SECTION**, each substitute member shall be compensated  
3 for each day of service as provided in the county budget.

4                   (2)    A substitute member shall be compensated at a rate of at least \$25 for  
5 each meeting of the local board that the substitute member attends.

6           **SECTION 2. AND BE IT FURTHER ENACTED**, That, in accordance with Article  
7 III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to  
8 the salary or compensation of a member of a local board of elections while serving in a term  
9 of office beginning before the effective date of this Act, but the provisions of this Act  
10 concerning the salary or compensation of a member of a local board of elections shall take  
11 effect at the beginning of the next following term of office. This limitation does not apply to  
12 an individual appointed or elected after the effective date of this Act to fill out an unexpired  
13 term.

14           **SECTION 3. AND BE IT FURTHER ENACTED**, That this Act shall take effect  
15 October 1, 2024.



**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 of a different party from the President 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 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 for 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. Before convening for the first time as the Board of Canvassers, 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 first mail-in canvass if the Board of Canvassers will convene before early voting to canvass mail-in ballots;
  - 2. Before the start of early voting if there is early voting; or
  - 3. By 5 pm on election day if there is no early voting.
- E. Requirements. In order to take action as the Board of Canvassers:
  - 1. There shall be a quorum, as defined in § 3.2A below; and
  - 2. A member of the minority party present.
- F. Rules. At all canvassing sessions, the Board shall follow 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.<sup>1</sup>
- D. Cancellation of Regular Meeting. The President may cancel a regular meeting of the Board if the President 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 issues 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 has the discretion to allow public participation even if the request was not pre-scheduled and pre-approved.
- 5. If the meeting is an in-person meeting, a member wishing to attend a meeting via phone or video conferencing shall make this request 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.

Commented [NC7]: Previous language: 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.

<sup>1</sup> Section 2-303(h) of the Election Law Article (Amended by Chapter 221 (2023) (introduced as House Bill 410)) establishes additional notice requirements for meetings at which proposed polling place changes may be made.

BYLAWS OF THE [Insert Jurisdiction Name] BOARD OF ELECTIONS

C. Open Meetings Act Compliance

1. The Board shall follow the requirements of the Open Meetings Act as specified under Title 3 of the General Provisions Article.<sup>2</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>3</sup>.
  - a. A member 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 completed the Open Meetings Act training.
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 affecting 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>2</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 <https://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>.

<sup>3</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>4</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 and a summary (for the open meeting minutes) of 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 [NC8]: Update version on the Online Library

Commented [NC9]: LBEs: Select your preferred option and remove the other option.

Commented [NC10]: 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>5</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.

Commented [NC11]: Alternate provision for LBE consideration: A member shall not attend campaign fundraisers held by candidates, political parties, or ballot issue committees.

Commented [NC12]: 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.

<sup>4</sup> This document is available on SBE's Online Library under "LBE Resources" and "Reference Materials."  
<sup>5</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

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.
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 [NC13]:** 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.

**Commented [NC14]:** 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>6</sup> including:
  1. Timely, electronic filing of the Financial Disclosure Statement<sup>7</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>8</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.

<sup>6</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>7</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>8</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**

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.

**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>9</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 its expenditures.

**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.

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<sup>9</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

- 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*.

### 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 [TA15]: 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, performance evaluation, 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; and
  3. Comply with the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters concerning leave, performance evaluation, discipline, or termination.

## 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>10</sup>

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

<sup>10</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/pla.aspx>.



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.

# Local Board Bylaw and Delegation of Duties - Washington County

Bylaws Reference	LBE Revisions	Rationale	Notes	Recommendation
General	occasional formatting variations, esp. in extra spacing, changes in font, page breaks			make formatting consistent throughout and double check how pdf saves - fonts need to be embedded - these formatting problems may be an issue of file conversion
Article 1- Adoption of Bylaws Generally				Will be done after accepting revisions
Section 1.1 Definitions	added definitions for "non-partisan," "conflict of interest," and "special meeting"			review definition for "conflict of interest"; this definition is the opposite meaning -- you may either change the term or delete the word "not" from the definition
Article 2: Organization of the Board				
Section 2.2 Officers	A. added "...and one or more members to serve as Assistant-Secretaries,"			This may be fine, but consider that as worded it would require this additional role to be filled
	A. 1. and 2. added, roles expanded for clarity			OK, consider how to match formatting
	B. 2. Different phrasing regarding timing of election of officers to replace vacant seat	same in effect as SBE bylaws		OK
	E. Duties - Secretary or "Assistant-Secretaries": added language about ensuring the "official documents of the board" but missing "shall ensure that minutes are accurately compiled"	transmission of minutes also included under 3.3.C.5	are minutes included in this phrasing of "official documents" and "inter alia"?	OK
Article 3- Meetings				
Section 3.1 Time and Location	C. missing new footnote: Section 2-303(h) of the Election Law Article (Amended by Chapter 221 (2023) (introduced as House Bill 410)) establishes additional notice requirements for meetings at which proposed polling place changes may be made.			add missing footnote reference
Section 3.2 Rules of Order	A. 1.(c) added language: "...and at least one member of each political party,"			OK
	A. 1. (d) added new language: Members may appear remotely for meetings. Members appearing remotely will be considered present for purposes of reaching a quorum.			OK
	A. 2.(c) added language: "...and at least one member of each political party,"			OK

# Local Board Bylaw and Delegation of Duties - Washington County

## Bylaws

Reference	LBE Revisions	Rationale	Notes	Recommendation
Discuss with SBE	B. 3. uses previous bylaws language: 3. "Participation at meetings should be in person. Any request by a member to attend a meeting via phone or video conferencing must be made to the President." C. 6. replaced "reasonable advance notice" with "required advance notice"		this appears to be in contradiction to the newly added point 3.2 A.1. (d) about virtual attendance	update language to match 2023 SBE bylaws
Because our Board Secretary says this is consistent with Roberts Rules.	Section 3.3 Meeting Agenda and Minutes A. Agenda: replaced points 2. "Approval of Prior Meeting Minutes" and 3. "additions to the Agenda" with "Draft Agenda" and "Draft Meeting Minutes"	rationale for this?		OK
Same as A19	A. replaced 6. "Old business" with "Unfinished business" D. 2. missing update: "...minutes and a summary (for the open meeting minutes) of the closed meeting." D. 3. and 4. included both options provided in SBE bylaws D. 5. missing language: "in a sealed envelope in a secure location..."	does this carry the same meaning?		C.J. will pass on for approval. C.J. will pass on for approval.
Explain process to C.J.	Article 4 RULES OF CONDUCT Section 4.2 Political Activity B. 3. missing footnote: "The notice will provide the other members with information to determine whether a conflict exists that will require recusal."			Done choose one of the options provided in the SBE bylaws and delete the other Done add missing language C.J. says it's OK to leave in.
	Article 5 ROLES AND RESPONSIBILITIES 5.4 Personnel Management OK			Done add missing footnote
	Article 6 MISC 6.1 Membership in MAEO added "Counsel" to "Each member of the Board, the Election Director, the Deputy Director, Counsel and other staff shall be members" added "at board expense"			OK review added language
This was adopted in 2019	6.3 Public Information Act added new point C.: "The Board shall appoint a PIA official custodian from its members, pursuant to Maryland's Public Information Act Title 4, 54-201(C)."		as phrased, this might have unintended effect, if it was not the Board's intention to cover the costs of the Director, counsel and staff	OK C.J. says it's OK to leave in.

# Local Board Bylaw and Delegation of Duties - Washington County

Bylaws	Reference	LBE Revisions	Rationale	Notes	Recommendation
<p>Because we have a history of litigation, the Board wanted the language to be strengthened</p>	6.4 Litigation	<p>LBE added: "The President and/or Board Counsel may accept service of process on behalf of the Board. Members shall not discuss ongoing litigation outside of regular or specially set meetings of the Board, unless such discussion is at the direction of Board Counsel."</p>	rationale?		provide rationale for substantive difference
<p>Delegation of Duties</p>					

C.J. will pass on for approval.

OK

BYLAWS OF THE WASHINGTON COUNTY BOARD OF ELECTIONS

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## BYLAWS OF THE WASHINGTON COUNTY 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 either in person or remotely.
- B. "Board" means the local board of elections for Washington County.
- C. "Member" includes a regular member of the Board.
- 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.
- F. "Non-Partisan" means to neither favor nor disfavor a particular political party or ideology.
- G. "Conflict of Interest" means to not personally, professionally or politically benefit through actions or decisions made in an official capacity.
- H. "Special Meeting" means a called meeting for a limited purpose as stated in a timely public notification.

#### Section 1.2 - Purpose

These bylaws, adopted by the members of the Washington County 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 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 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.

### 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 Washington County or the Clerk's duly appointed designee within 30 days of receiving the commission of appointment from the Governor.



## BYLAWS OF THE WASHINGTON COUNTY 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, as Vice President, as Secretary, and one or more members to serve as Assistant-Secretaries.
1. President and Vice President shall be of different parties.
  2. Secretary and Assistant-Secretaries may be of any party.
- B. Timing of Election. The election of officers shall occur within:
1. The first 20 days of a new Board term; or
  2. In the event of a vacancy in any office during any board term due to death, resignation, removal or ineligibility, the remaining members of the board shall elect a member to serve in such office for the balance of said board term and shall occur within the first 30 days after the vacancy 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;
  3. Acting as the Board's primary point of contact for the Election Director; and
  4. Ensuring that all public business is conducted in compliance with the Open Meetings Act.
- D. Duties - Vice President. The Vice President shall 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 or Assistant-Secretaries. The Secretary (or in the absence of the secretary, one of the assistant-secretaries) shall be responsible for, *inter alia*, ensuring that official documents of the Board 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. Before convening for the first time as the Board of Canvassers, the members shall take an oath, administered and recorded by the Clerk of the Circuit Court for Washington County 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 first mail-in canvass if the Board of Canvassers will convene before early voting to canvass mail-in ballots;
  2. Before the start of early voting if there is early voting; or
  3. 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.

BYLAWS OF THE WASHINGTON COUNTY BOARD OF ELECTIONS

ARTICLE 3 - MEETINGS

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Section 3.1 - Time and Location

- A. Regular Meetings. Unless circumstances dictate otherwise, the Board shall meet every month at 3:00 pm on the 2<sup>nd</sup> Tuesday.
- B. Location. Unless circumstances dictate otherwise, meetings will be held in the election office.
- C. Notice. Except as provided in §E below, public notice and agenda of regular meetings shall be given at least one week prior to the meeting.<sup>1</sup>
- 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 issues 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 and at least one member of each political party.
    - d. Members may appear remotely for meetings. Members appearing remotely will be considered present for purposes of reaching a quorum.
    - e. 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 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 and at least one member of each political party.
    - d. Members may appear remotely for meetings. Members appearing remotely will be considered present for purposes of reaching a quorum.
    - e. 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.
- B. Participation in Meetings
  - 1. Any member may make and second motions.
  - 2. Any regular member can vote on motions.

<sup>1</sup> Section 2-303(h) of the Election Law Article (Amended by Chapter 221 (2023) (introduced as House Bill 410)) establishes additional notice requirements for meetings at which proposed polling place changes may be made.

**BYLAWS OF THE WASHINGTON COUNTY BOARD OF ELECTIONS**

~~3. If the meeting is an in-person meeting, a member wishing to attend a meeting via phone or video conferencing shall make this request to the President.~~

~~3.4 Participation at meetings should be in person. Any request by a member to attend a meeting via phone or video conferencing must be made to the President.~~

4.5 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.

Commented [BJ1]: Replaced B.3. with new language from SBE Template B.5.

C. Open Meetings Act Compliance

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:

## BYLAWS OF THE WASHINGTON COUNTY BOARD OF ELECTIONS

<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).

- 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 required 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 Draft Agenda
  3. Approval of Draft Meeting Minutes
  4. Election Director's Report
  5. Board Attorney's Report (if needed)
  6. Unfinished 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 to the agenda.
  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 affecting 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
  5. Transmit to SBE approved meeting minutes within five days of approval.

**BYLAWS OF THE WASHINGTON COUNTY BOARD OF ELECTIONS**

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<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 WASHINGTON COUNTY BOARD OF ELECTIONS

- nes for Conducting Meetings and Writing Minutes.*<sup>3</sup>
- D. Minutes.
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 and a summary (for the open meeting minutes) of from the closed meeting.
1. Minutes shall be prepared in accordance with SBE's *Guidelines*
3. Full minutes of open meetings and summaries of closed meetings shall be presented for approval at the next Board meeting ~~or reviewed via email and approved 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 reviewed via email and approved 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.~~ Minutes for subsequent board meeting shall indicate if closed meeting was only for the approval of minutes.
  5. After approval, minutes of a closed meeting shall be stored in a secure location that only the Board President and Election Director can access.

## 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 I.
- 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>2</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.
  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:

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

<sup>2</sup> The notice will provide the other members with information to determine whether a conflict exists that will require recusal.  
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## BYLAWS OF THE WASHINGTON COUNTY BOARD OF ELECTIONS

- 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.

### Section 4.3 - Ethics

- A. Compliance. Each member shall comply with the State's ethics laws,<sup>4</sup> including:
1. Timely, electronic filing of the Financial Disclosure Statements required under Title 5, Subtitle 6 of the General Provisions Article;<sup>5</sup> and
  2. Adhering to the prohibition against the solicitation or acceptance of gifts or honoraria<sup>6</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.

### 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;

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<sup>4</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>5</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>6</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 WASHINGTON COUNTY BOARD OF ELECTIONS

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 Washington County 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 SBE7;
- 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*

### 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.

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<sup>7</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 WASHINGTON COUNTY BOARD OF ELECTIONS

- 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 canvass sessions as requested by the Board;
  2. Attend the biennial conference hosted by SBE;
  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.

### 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, performance evaluation, 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; and
  3. Comply with the State Personnel and Pensions Article and any applicable regulations or merit system requirements in all matters concerning leave, performance evaluation, discipline, or termination.

## ARTICLE 6 - MISCELLANEOUS

### Section 6.1 - Membership in MAEO

Each member of the Board, the Election Director, the Deputy Director, Counsel and other staff shall be members, at Board expense, 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>a</sup>

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

- A. The State Administrator is notified of the request; and
- B. The request is completed in a timely manner.
- C. The Board shall appoint a PIA official custodian from its members, pursuant to Maryland's Public Information Act Title 4, §4-201(C).

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<sup>a</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 WASHINGTON COUNTY 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.

# Monthly Statistical Report

Last Transaction Date From: 01/01/2024 To: 01/31/2024

## ADDITIONS TO COUNTY REGISTRATION

METHOD	DEM	REP	NLM	LIB	UNA	OTHERS	TOTAL	EXACT	DUPES
By Mail	1	5	0	0	0	0	6	6	0
Comptroller of Maryland	0	0	0	0	1	0	1	1	0
Confirmation Notice	1	0	0	0	1	0	2	2	1
Correction	0	1	0	0	0	0	1	1	0
Electronic Volunteer	0	4	0	0	3	0	7	7	0
ERIC Report	49	33	0	1	30	2	115	115	0
In Person	1	0	0	0	0	0	1	1	0
Jury Notice	1	0	0	0	1	0	2	2	0
Motor Vehicle Administration	111	119	0	2	169	6	407	407	3
Online Mail In Request	1	0	0	0	0	0	1	1	0
Online Voter Registration	14	11	0	1	5	0	31	31	0
Online Voter Update	2	0	0	0	0	0	2	2	0
Social Security Administration	2	0	0	0	2	0	4	4	0
Social Services Agencies	0	0	0	0	1	0	1	1	0
State Designated Agencies	2	3	0	0	2	0	7	7	0
USPS Sticker	2	3	0	0	0	0	5	5	2
Voter Notification Card	1	0	0	0	0	0	1	1	1
<b>TOTAL</b>	<b>188</b>	<b>179</b>	<b>0</b>	<b>4</b>	<b>215</b>	<b>8</b>	<b>594</b>	<b>594</b>	<b>7</b>

## SUBTRACTIONS FROM COUNTY ACTIVE STATUS

REASON	DEM	REP	NLM	LIB	UNA	OTHERS	TOTAL
Confirmation Mail Process-NVRA	105	164	0	1	96	10	376
Death Notice	33	51	0	0	10	1	95
Death Notices Other than DHMH	3	4	0	0	1	0	8
Moved Out of State	0	1	0	0	1	0	2
Returned VNC	1	0	0	0	3	0	4
Voter Request	0	6	0	0	0	0	6
Duplicate/Merged	0	1	0	0	0	0	1
County Transfer Out	-50	-38	0	-2	-39	0	-129
<b>TOTAL</b>	<b>192</b>	<b>265</b>	<b>0</b>	<b>3</b>	<b>150</b>	<b>11</b>	<b>621</b>

# Monthly Statistical Report

Last Transaction Date From: 01/01/2024 To: 01/31/2024

## AFFILIATION CHANGES

CHANGE	DEM	REP	NLM	LIB	UNA	OTHERS	TOTAL
From	192	87	0	8	81	18	386
To	48	159	0	6	141	32	386
<b>TOTAL</b>	<b>-144</b>	<b>72</b>	<b>0</b>	<b>-2</b>	<b>60</b>	<b>14</b>	<b>0</b>

## CURRENT ACTIVE REGISTRATION

ACTIVITY	DEM	REP	NLM	LIB	UNA	OTHERS	TOTAL
BEGINNING OF REPORT	31088	44064	0	643	23315	1136	100246
ADDITIONS (+)	188	179	0	4	215	8	594
REINSTATED (+)	10	14	0	0	7	1	32
CANCELLED (-)	-34	-59	0	0	-14	-1	-108
COUNTY TRANSFER OUT (-)	-50	-38	0	-2	-39	0	-129
AFFILIATION CHANGES (+ OR -)	-144	72	0	-2	60	14	0
* INACTIVATED (-)	-108	-168	0	-1	-97	-10	-384
* REACTIVATED (+)	31	24	0	0	17	2	74
<b>END OF REPORT TOTALS</b>	<b>30981</b>	<b>44088</b>	<b>0</b>	<b>642</b>	<b>23464</b>	<b>1150</b>	<b>100325</b>

Last Transaction Date From: 01/01/2024 To: 01/31/2024

**INACTIVE REGISTRATION**

**SUBTRACTIONS FROM COUNTY INACTIVE STATUS**

REASON	DEM	REP	NLM	LIB	UNA	OTHERS	TOTAL
By Mail	1	0	0	0	0	0	1
Confirmation Notice	0	1	0	0	0	0	1
Death Notice	8	4	0	0	2	0	14
Electronic Volunteer	1	1	0	0	0	0	2
Motor Vehicle Administration	26	18	0	0	15	1	60
Moved Out of State	7	41	0	0	8	2	58
NVRA by Mail	0	0	0	0	1	0	1
Online Voter Registration	1	1	0	1	2	0	5
State Designated Agencies	2	1	0	0	1	0	4
Duplicate/Merged	0	1	0	0	0	0	1
County Transfer Out	-13	-2	0	0	-4	-1	-20
<b>TOTAL</b>	<b>59</b>	<b>70</b>	<b>0</b>	<b>1</b>	<b>33</b>	<b>4</b>	<b>167</b>

**CURRENT INACTIVE REGISTRATION**

ACTIVITY	DEM	REP	NLM	LIB	UNA	OTHERS	TOTAL
BEGINNING OF REPORT	3590	3791	0	114	3110	167	10772
* INACTIVATED (+)	108	168	0	1	97	10	384
* REACTIVATED (-)	-31	-22	0	-1	-19	-1	-74
COUNTY TRANSFER OUT (-)	-13	-2	0	0	-4	-1	-20
AFFILIATION CHANGES (+ OR -)	0	0	0	0	0	0	0
CANCELLED FROM INACTIVE (-)	-15	-46	0	0	-10	-2	-73
PENDING FROM INACTIVE (-)	0	0	0	0	0	0	0
<b>TOTAL INACTIVE</b>	<b>3639</b>	<b>3889</b>	<b>0</b>	<b>114</b>	<b>3174</b>	<b>173</b>	<b>10989</b>

**TOTAL REGISTRATION RECORDS  
 ACTIVE AND INACTIVE REGISTRATION**

ACTIVITY	DEM	REP	NLM	LIB	UNA	OTHERS	TOTAL
ACTIVE REGISTRATION	30981	44088	0	642	23464	1150	100325
INACTIVE REGISTRATION	3639	3889	0	114	3174	173	10989

# Monthly Statistical Report

Last Transaction Date From: 01/01/2024 To: 01/31/2024

<b>TOTAL RECORDS</b>	34620	47977	0	756	26638	1323	<b>111314</b>
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Address Changes Within Jurisdiction 745

Address Changes Statewide 37019

Name Changes 713

Number of current Statewide voter registration application on hand

Signature of person who prepared the report

Other = Those individuals designating affiliation with a party that is not established under Maryland Law.

Confirmation Mailings Sent

Confirmation Responses

Number of NVRA Agency voter registration Applications on hand

Date report completed

Unaffiliated = those individuals declining to affiliate with a party.

1447

9

1323

111314