

1. Meetings and Important Dates

Mid-Atlantic Election Group Conference Call

The Executive Director of the D.C. Board of Elections organized a conference call for state election officials from states in the mid-Atlantic region. The conference call was held on Tuesday, September 20th, and topics included standard election results reporting, implementation of Pew's Make Voting Work project entitled ERIC, minority language and accessibility issues, HAVA management, and 2012 election preparations.

Election Directors' Conference Call

An election directors' conference call is scheduled for October 11th. In addition to SBE's topics, the local boards will be asked for topics to discuss.

2. Election Reform & Management

Memorandum of Understanding (MOU) with University of Maryland College Park

SBE is in its final year of its MOU with College Park to host and manage the voter look-up website (including the online absentee ballot delivery system) and the online campaign finance search. Over the next couple of months, SBE and College Park will be working on a transition plan for the websites. The MOU will end June 30, 2011. The online services hosted by College Park will be taken over and managed internally as part of SBE's website.

Election Preparedness and Professional Development (EPPD) Program

A total of 183 local board staff members have participated in the EPPD program. A spreadsheet will be provided at the board meeting that shows a county breakdown of the number of courses completed by LBE directors and deputy directors. The spreadsheet also provides a breakdown of the number of staff by the number of courses they have completed.

Rick Urps has established a committee to develop a redistricting course for the EPPD program. The committee includes SBE staff and Guy Mickley, newly appointed director of the Howard County Board of Elections. The committee is charged with designing, scheduling, and presenting to staff of the local boards of elections a class about the redistricting process. The Redistricting Course will first be presented as a trial run to get feedback from attendees and will then be offered twice for local board staff members. It is expected that the classes will begin in late October or early November. The Voter Registration course and the Project Management course will be offered in November or December for local board staff members who did not already complete the courses.

Election Judges' Manual

The 2012 election judges' manual is ready for distribution to and customization by the local boards of elections. Except for one chapter, the manual will be posted on the Online Library this week. One chapter is dependent on the software upgrade to the electronic pollbooks and will be completed once the final software is accepted.

Absentee Ballot Automation

Staff is working on an RFP to procure the services of a vendor to automate all phases of the absentee ballot delivery process. The current process requires the local board staff to manually place a label for each voter on that voter's outgoing envelope and then insert the appropriate ballot style, the return envelope, which includes the voter's return address, standard instructions, and when applicable, specific instructions for the voter (for example, if the voter is pending, show id, he or she will receive instructions on how to comply with the ID requirements). There are several shortcomings with the current process. First, the local boards have to wait to begin sending absentee ballot packets until all of the ballots are printed and delivered from the printer. Second, since all of the ballots are pre-printed, the local boards have to estimate the needed quantity, usually resulting in numerous unused ballots. Third, the ballots are typically mailed at a first class mailing rate, which is between 80 cents to over one dollar. Fourth, most of the large LBEs need to hire temporary staff to assist with the process described above. Finally, human error can occur when selecting ballots or ensuring the right ballot gets into the appropriate envelope. Using digital printing capabilities, the process can be automated to ensure a faster and more accurate process. Further, the money saved by not needing to hire temporary staff and taking advantage of bulk mailing rates, will offset the cost of the services. This is an idea being successfully used in several

jurisdictions around the country. The plan is to start with three pilot counties for the Presidential Primary and then, if successful, provide it statewide for the Presidential General Election.

3. Voter Registration

Provisional Voting: Training Guide for Processing and Canvassing Provisional Ballots

This manual has been updated for the 2011-2012 elections. Version 3.0 incorporates recent software changes to MDVOTERS, specifies which reports do not include the names of confidential voters who voted a provisional ballot, and includes changes that improve usability. The updated manual is posted to the Online Library, and the local boards were alerted to the update via the County Bulletin.

Import of Driver License Soundex Numbers

The weekend of September 24th, The Canton Group will be importing driver license data received by MVA. We are pleased to report that this brings up the number of Active voters with soundex numbers to approximately 90%. This will go a long way to ensure a more accurate match of data between MVA and SBE as well as identifying duplicate registrations.

JAD Session

September 26th through the 28th a JAD session will be held at SBE to cover development and enhancements to MDVOTERS that will be released throughout 2012. The primary scope is the election workers module and any issues that occurred during the Baltimore City election.

MDVOTERS Yearly Planning

The yearly planning for 2012 will take place September 29th and 30th. The goal of this meeting is to prioritize the release schedule, help desk schedule and contractual issues.

MVA Interface

The Maryland Legislature passed a bill in 2011 requiring that SBE and the Maryland Motor Vehicle Administration (MVA) implement a two-way interface between each agency's system. MVA will step applicants through the voter registration process (with updated software on their touch pads) and send the data to MDVOTERS nightly. The local boards will then process each registration in MDVOTERS, going through the duplicate, felon and DHMH checks and validating the residential address. MVA will receive an updated list of voters from MDVOTERS on a nightly basis so that the MVA will know if the applicant is updating their existing record or making an initial application. The interface between MVA and SBE is on track and expected to be placed in production the weekend of February 17th.

Request for Bids

A request for bids for a consultant to assist the SBE development team with the MVA/Online Voter Registration project is expected to close September 22nd. A second request for bids is also posted for the hardware needed for these projects.

4. Candidacy and Campaign Finance

Candidate Filings

As of September 16, 2011, 17 candidates have filed for office for the 2012 Presidential Election.

Delegate Selection Plans

Delegates and alternate delegates to the national presidential nominating convention of a political party are selected as provided in the national party's rules. The State central committees of each party are required to certify to SBE, not later than October 1 in the year preceding the election, the number of delegates and alternate delegates to be selected in the State, the modes of selection and number of delegates selected from each district. Both parties have submitted their plans.

Republican Delegate Selection plan specifies that three delegates and three alternate delegates are to be elected from each of the eight Congressional Districts. A candidate may only run for delegate or alternate delegate. Only after SBE has received written permission from the presidential candidate may the name of the presidential candidate be placed next to the delegate's or alternate delegate's name on the ballot.

The Democratic Delegate Selection plan provides for 64 congressional district level elected delegates and 8 alternates. The delegates and alternates are apportioned among the 8 congressional districts and will be equally divided by gender. Candidates for delegate may only file candidacy paperwork beginning January 3, 2012 through 9 p.m. on January 11, 2012. A candidate may choose to file as authorized by a presidential candidate or "uncommitted" to any presidential candidates. Those candidates that file as authorized but are not chosen by a presidential candidate will not appear on the primary election ballot.

As in past years, Wicomico County and Washington County LBEs will serve as satellite offices to accept delegate filings. Staff will be making all necessary updates in the ELEctrack program to accommodate the plan.

Campaign Finance Reporting

On September 2, 2011, the 2011 Baltimore City Pre-Primary 1 campaign finance report was due for all political committees participating in that election. The Candidacy and Campaign Finance Division has received reports from over 80% of the committees required to file (69% were timely). The remaining committees are late and being assessed late fees. The maximum late fee penalty is \$250.

On September 9, the 2011 Prince George's Special Election Pre-Primary 2 campaign finance report was due for all political committees participating in that election. The Candidacy and Campaign Finance Division has received reports from over 92% of the committees required to file (67% were timely). The remaining committees are late and are being assessed late fees. The maximum late fee penalty is \$250.

Required Closures

All of the committees that were required to close by the September 2, 2011 have filed a final report. All but one of these committees were required to close because the candidate associated with the account had not sought elective office for over 8 years. The other committee was required to close because the candidate is exercising general overall control over another political committee, which is not permitted. The Candidacy and Campaign Finance Division is in the process of auditing the submissions prior to officially closing the committees.

Enforcement

On September 7, 2011, the Candidacy and Campaign Finance Division referred *Stop Slots MD 2008* to the Office of State Prosecutor for failure to make disbursements by the treasurer, failure to support a reimbursement payment with receipts, and failure to report each expense associated with the reimbursement.

5. Voting Systems

Baltimore City Mayoral Primary

The voting system was successfully used in the Baltimore City Mayoral Primary. There were approximately 76,000 ballots cast, 10 % of those during early voting. Turnout is approximately 23.5%. There were 1,767 voting units used, together with 601 pollbooks, with no major issues. The election, as a whole, went very smooth.

As part of this election, the redesigned election results web reporting process was tested for the first time, which included a city map. The test, which was kept in house, was successful. SBE will be refining the process moving forward.

Prince Georges Special Election

Prince Georges Special Primary Election for County Council District 6 was held on Tuesday. The district has 26 precincts and used 210 voting units with 67 pollbooks.

Pollbook Updates

SBE continues to work with ES&S for the upcoming software upgrade for the pollbooks. ES&S is currently working on the 3rd iteration of the upgrade, which is due for delivery to SBE in the first week of October.

Voting Units

The balance of the 8,000 voting unit batteries have shipped, and those will be installed over the coming weeks at the LBEs.

6. Project Management and Information Technology

Program\Project Management Office

Keith Ross is developing a set of templates and other resources that are to be used for the agency across projects.

Information Technology Strategy Board

Keith has also established an Information Technology Strategy Board. The Board will be responsible for defining and providing oversight for the agency's short and long term information technology strategy and goals to ensure that they align with the SBE business needs and strategy.

Local Board Visits

Keith has scheduled and started conducting visits with each of the local boards. The visits are scheduled to take place over the next 3 months with visits to 2 local boards each Monday. The purpose of these visits are to share the new role of the Assistant Deputy for Project Management and how the roles relates to them and their projects and the election cycles.

Projects

There are several projects being started or already in progress at this time. In addition to the Baltimore City and Prince George's special election currently taking place, planning work is taking place for the 2012 election cycle. In addition, other notable efforts include:

- Being in the midst of working on the Inventory Management Project in two phases. The first phase is the validation of the inventory (e.g. voting system) currently in the database. The second phase will result in the implementation of a new inventory system.
- Started the planning phase for the procurement and implementation of a new optical scan voting system for the 2014 Gubernatorial General Election. We are in the process of documenting the high level proposed timeline for the project. Due to the size and cost of this project we are required to follow the Department of Information Technology (DoIT) requirements for managing projects and are subject to their oversight.

Prince Georges County Special Election

Natasha Walker conducted the ballot programming for the 2011 Prince George's Special Primary Election including recording the English audio ballot with Stacey Johnson and the Spanish audio ballot with a staff member from the Prince George's County Board of Elections. Natasha also provided Prince George's with screenshots for printing of the specimen ballots. These ballots are posted on SBE's voter lookup site for those voters who will vote in the special election. These same services will be repeated for the upcoming general elections in both Baltimore city and Prince George's County.

Shared Directory for 8 Eastern Shore Counties

A shared directory was created on a central server at SBE for the eight Eastern Shore counties to collaborate on their standard operating procedures (SOP) files and documents.

Campaign Finance Support

Members of the IT Division provided assistance to campaign committees with their report filing issues and other technical issues, such as database rebuilds.

New Firewall Install

A firewall was installed in collaboration with SBE IT at the Anne Arundel County warehouse by the county IT department. This installation enables the county workstations at the warehouse location to connect securely to MDVoters and the Electrack applications.

Other IT Related Events

- Successfully applied Adobe Security updates
- Successfully applied Microsoft Security updates for the month of September on SBE Server Systems
- In process of updating several SBE system (hardware and software) maintenance contracts

STATE BOARD OF ELECTIONS

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Memorandum

To: State Board Members
From: Nikki Baines Trella
Date: September 19, 2011
Re: Proposed Changes to Regulations

At the next board meeting, I will propose several additions and changes to the following COMAR provisions:

1. 33.01.01.01 (Definitions; General Provisions – Definitions)
2. 33.07.07 (Challengers and Watchers) & .08 (Challenging Voters)
3. 33.11.03.08 (Absentee Ballots – Issuance and Return)
4. 33.11.04.03 (Absentee Ballots – Canvass of Ballots – Procedures)
5. 33.17.06.08 (Early Voting – Challengers or Watchers) and .09 (Early Voting – Challenging Voters)

For each of the proposed additions and changes, I have provided an explanation below.

Proposed Changes – Challengers or Watchers (COMAR 33.01, 33.07, and 33.17)

SBE's former Assistant Attorney General previously advised that documents that directly affect the rights of the public should be adopted as regulations (i.e., be subject to public comment and publication in the *Maryland Register*). Since SBE's *Instructions and Information for Challengers, Watchers, and Other Election Observers* impact the rights of individuals who wish to observe the voting process, I propose to incorporate certain information in the approved manual but not currently in the Election Law Article or COMAR.

1. Define "accredited challenger or watcher," "designating entity," and "non-accredited challenger or watcher." The proposed definitions derive from the Election Law Article and advice from the Office of the Attorney General. Adding these three terms to the definition section requires renumbering other terms.
2. Create a new subtitle in 33.07 (Election Day Activities) relating to challengers and watchers. The new subtitle – 07 Challengers or Watchers – addresses designating individuals as challengers or watchers, specifies permissive and prohibited activities of challengers or watchers, and defines relevant requirements for election judges.

- a. Regulation .01 of this new subtitle establishes general procedures and requirements before or after designating individuals as challengers or watchers, specifies who can sign the certificate designating an individual as a challenger or watcher, and requires the designating entity to provide the local board(s) of elections with the names of the individuals the entity appointed.
 - b. Regulation .02 specifies the permissible activities of challengers or watchers. There are discussions every election about where challengers or watchers may sit or stand to observe voters checking in to vote, and the proposed standard in .02(c)(1) attempts to resolve this issue. All other listed activities are included in the current version of the *Instructions and Information for Challengers, Watchers, and Other Election Observers*.
 - c. Regulation .03 lists prohibited activities and authorizes an election judge to remove a challenger or watcher if s/he is interfering with the election judges. The listed prohibitions mirror those currently included in *Instructions and Information for Challengers, Watchers, and Other Election Observers*.
 - d. Regulation .04 requires election judges to protect the rights of challengers or watchers and requires an election judge to allow into the voting room to observe set-up activities a challenger or watcher who arrives at least 30 minutes before voting hours. Because §§ 10-303(d)(2) and 10-309(b) of the Election Law Article are not identical in wording, there is some confusion about whether a challenger or watcher is permitted to enter the voting room **more than** 30 minutes before voting begins. The proposed text clarifies that a challenger or watcher is permitted to enter the voting room upon arrival as long as s/he arrives at least 30 minutes before voting begins.
3. Amend existing 33.07.07 (Challenging Voters) and renumber to .08. Because the text of Regulation .01 has been incorporated into the definitions of "accredited challenger or watcher" and "designating entity," the text is not also needed here. The proposed change deletes the current text and adds new text to clarify that the process of challenging a voter applies to both accredited and non-accredited challengers. The other proposed change is a non-substantive wording change. Because existing Regulation .07 becomes Regulation .08, Regulation .08 must become Regulation .09.
 4. Create a new regulation – Regulation .08 – making the election day requirements for designating entities and challengers or watchers and the process for challenging a voter apply during early voting. Because of the new Regulation .08 in 33.17, the existing Regulations .08, .09 and .10 become .09, .10, and .11, respectively.

Proposed Changes – Absentee Voting (COMAR 33.11)

Current regulations specify an abbreviated canvassing schedule for a gubernatorial primary election. Absentee ballots must be received by the second Wednesday after the

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election to be considered timely, and the second absentee canvass must be conducted on the second Wednesday after the election. This compressed calendar was necessary because of the short turnaround time between the gubernatorial primary and general elections.

As you know, Chapter 169 of the Laws of Maryland (2011) moved the date of Maryland's gubernatorial primary election from September to June. Because there are now more than four months between the gubernatorial primary and general elections, a compressed canvassing schedule is no longer needed. As a result, the date by which absentee ballots must be received and the date of the second absentee canvass can mirror the dates for all other elections (second Friday after the election). The proposed changes to 33.11.03.08 make the calendar for gubernatorial primary elections match other statewide elections.

Under State law, the calendar for Baltimore City mayoral elections remains the same as the previous gubernatorial election calendar; that is, a September primary election and a November general election. As a result, the proposed changes maintain a compressed canvassing schedule for Baltimore City mayoral elections.

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

Robert L. Walker, Chairman
 Bobbie S. Mack, Vice Chairman
 Rachel T. McGuckian
 David J. McManus, Jr.
 Charles E. Thomann



Linda H. Lamone
 Administrator
 Ross Goldstein
 Deputy Administrator

Memorandum

To: State Board Members

From: Nikki Baines Trella

Date: September 19, 2011

Re: Proposed Changes to *Instructions and Information for Challengers, Watchers, and Other Election Observers*

At this week's board meeting, I intend to propose three changes to SBE's *Instructions and Information for Challengers, Watchers, and Other Election Observers*. For each of the changes, I have provided the suggested revised text and the reason for the change.

- Question 9 (Part II: Information for Individuals and Entities Designating Challengers and Watchers, page 6) and its current answer are:

Should I notify the local board(s) of elections that I will be designating challengers and watchers?

Yes. You should provide the local board(s) of elections with either copies of completed Challenger and Watcher Certificates or a list of the individuals you have designated to serve as challengers and watchers and the polling places to which they have been assigned.

If approved, the proposed 33.07.07.01D(3) **requires** that the designating agency provide either copies of signed certificates or a list of individuals designated as challengers and watchers. As a result, I propose the following answer to Question 9:

Yes. You must provide the local board(s) of elections with ...

Changing the "should" to "must" will mirror the requirements of the proposed regulation.

- Question 16 (Part III: During Early Voting and on Election Day) and the paragraph of its answer are:

I do not have a Challenger and Watcher Certificate. What can I do on election day?

If you do not have a Challenger and Watcher Certificate, you are considered a "nonaccredited challenger and watcher." Nonaccredited challengers and

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watchers are permitted in a polling place for one purpose – to challenge an individual voter’s right to vote. The only ground on which a challenge can be made is a challenge to the voter’s identity (i.e., that the voter is not who he or she says he or she is). **Once a majority of the election judges resolves the challenge, you must leave the polling place.** Refer to Question #18 for information on how to make a challenge. (Emphasis added.)

Prior to 2006, § 10-312 of the Election Law Article required that a majority of the election judges in a polling place decide a challenge to an individual’s right to vote. In 2006, the current § 10-312 was enacted and outlined a different process for resolving a challenge to an individual’s right to vote. Under the new process, whether the challenged voter votes a regular ballot or a provisional ballot depends on whether the voter can show certain ID. While the election judges under the prior standard were deciding on the validity of the challenge, their role now is purely administrative.

Section 10-311(e)(3) requires that a nonaccredited challenger or watcher leave the polling place as soon as majority of election judges decides the right to vote of the challenged voter. The “majority of election judges” language is based on the law prior to 2006 and unfortunately was not amended when the challenge process changed in 2006.

Because question 16 references the outdated process, the bolded sentence in the above should be amended. I propose amending the bolded sentence to:

Once the challenged voter shows ID or you and the challenged voter complete the required paperwork, you must leave the polling place.

Thanks to Kay Robucci, Election Director for the Washington County Board of Elections, for noticing this outdated language and bringing it to my attention.

3. During the Office of the Attorney General’s review of the proposed 2012 election judges’ manual, two additions to the *Challenger and Watcher Certificate* were suggested. The certificate includes a list of prohibited acts, and the Assistant Attorney General reviewing the manual suggested adding two additional prohibitions. One relates to interfering with the election process or impeding access to election judges, and the other relates to electronic equipment in the voting area. I have revised the *Challenger and Watcher Certificate* to include these two additional prohibitions; the proposed language is tracked in the certificate.

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

Challengers + Watchers

Title 33 State Board of Elections Subtitle 01 Definitions; General Provisions Chapter 01 Definitions

Authority: Election Law Article, §§2-102(b)(4), Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Accredited challenger or watcher" means an individual who:

(a) Is a Maryland registered voter;

(b) Has been appointed by a designated entity to serve as a challenger or watcher; and

(c) Has a certificate signed by a designating entity.

(3) - (10) [(2) - (9)] (text unchanged)

(11) "Designating entity" means:

(a) A candidate, including a write-in candidate who has filed a Certificate of Candidacy under Election Law Article, §5-301, Annotated Code of Maryland;

(b) A political party;

(c) A group of voters that:

(i) Is supporting or opposing a candidate, principle, or proposition on the ballot, and

(ii) Has formed a political committee under Election Law Article, §13-207, Annotated Code of Maryland,

(d) The State Board for any polling place in the State; or

(e) A local board for any polling places within its jurisdiction.

(12) - (19) [(10) - (17)] (text unchanged)

(20) "Non-accredited challenger or watcher" means an individual who wishes to challenge the right to vote of any individual but has not been appointed by a designating entity.

(21) - (34) [(18) - (31)] (text unchanged)

Title 33 State Board of Elections Subtitle 07 Election Day Activities Chapter 07 Challengers or Watchers

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 10-303, and 10-311, Annotated Code of Maryland

.01 Designating Entities.

A. State Board as Designating Entity. The State Board may:

(1) Designate an individual as an accredited challenger or watcher if the individual submits a written request that includes polling places in more than one county; and

(2) Require the individual to attend a training session, read any State Board issued information, or both.

B. Local Board as Designating Entity. A local board may:

(1) Designate an individual as an accredited challenger or watcher if the individual submits a written request that includes polling places in its jurisdiction; and

(2) Require the individual to attend a training session, read any State Board issued information, or both.

C. *Other Designating Entities.* If a designating entity intends to distribute instructions to the individual or individuals it designates, the designating entity:

(1) May not provide information that conflicts with the Election Law Article, Annotated Code of Maryland, Title 33 of COMAR, and other State Board issued information; and

(2) May submit a written draft of the instructions to the State Board for review.

D. *Certificate.* A designating entity shall provide each challenger or watcher it designates with a signed certificate, in the form prescribed by the State Board.

(1) The certificate shall be signed by:

(a) If a candidate is the designating entity, the candidate;

(b) If a political party is the designating entity, an officer, executive director of the entity, or other person authorized to sign on behalf of the entity; or

(c) If a group of voters is the designating entity, the chairman or treasurer of the political committee.

(2) An original signature on the certificate is not required.

(3) A designating entity shall provide the local board with:

(a) Copies of completed certificates; or

(b) A list of individuals designated as challengers and watchers.

.02 Permissive Activities of Accredited Challengers or Watchers .

A. *In General.* An accredited challenger or watcher may perform the activities defined in Election Law Article, §10-311(b), Annotated Code of Maryland.

B. *Before Voting.*

(1) Except as provided in subsection (2) of this section, before voting begins on election day, an accredited challenger or watcher may observe the election judges setting up the voting room, including :

(a) Observing the election judges print voting system reports and review these reports;

(b) Verifying the number of voters who have been checked-in and the number of votes that have been cast; and

(c) Verifying that required security seals have been applied on the voting system.

(2) An election judge shall not permit an accredited challenger or watcher entry to the polling place during the 30 minutes immediately before the opening of the polls.

C. *During Voting Hours.*

(1)

(a) The Chief Judges shall determine the location of accredited challengers or watchers in the voting room.

(b) When determining the location of the accredited challengers and watcher in the voting room the Chief Judges shall ensure:

(i) The accredited challenger or watcher may see and hear each person as the person offers to vote; and

(ii) The efficient management of the voting room.

(c) The Chief Judges are not required to locate the accredited challengers and watchers directly behind the check-in table or in a position where they can directly view the electronic pollbook.

(2) During voting hours, an accredited challenger or watcher shall, accompanied by a Chief Judge and at a convenient time for the election judges:

(a) Verify the security seals on voting units to which voters have not been assigned; and

(b) Verify the number of voters who have been checked in to vote.

D. *After Voting.*

(1) To observe the post-voting hours procedures, an accredited challenger or watcher shall be in the polling place before voting hours end.

(2) During this time, an accredited challenger or watcher may:

- (a) Observe the election judges print voting system reports and review these reports;
- (b) Verify that require security seals have been applied on the voting system; and
- (c) Observe the transmission by modem of election results if the local board has instructed the Chief Judges to perform this task.

.03 Prohibited Acts of Challengers or Watchers.

A. Prohibited Acts. A challenger or watcher may not:

- (1) Perform or attempt to perform the activities defined in Election Law Article, §10-311(d), Annotated Code of Maryland;
 - (2) Bring into a polling place any device listed in COMAR 33.07.04.02 or political materials, newspapers, or news magazines;
 - (3) Wear clothing or accessories with a political message;
 - (4) Act or attempt to act as an advocate for one or more voters;
 - (5) Exercise or attempt to exercise political influence while in a polling place;
 - (6) Communicate or attempt to communicate with a voter while inside a polling place or within the electioneering boundary defined in Election Law Article, §16-206(b), Annotated Code of Maryland;
- or
- (7) Challenge or attempt to challenge an act of an election judge.

B. Removal. A challenger or watcher may be removed by an election judge if the challenger or watcher is interfering with the work of the election judges.

.04 Election Judges.

Election judges shall:

- A. Protect a challenger or watcher in the exercise of the rights of a challenger or watcher; and
- B. If an accredited challenger or watcher arrives at least 30 minutes before a polling place opens, admit the accredited challenger or watcher upon arrival.

**Title 33 State Board of Elections
Subtitle 07 Election Day Activities
Chapter 08 [07] Challenging Voters**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-312, Annotated Code of Maryland

.01 Scope. [Challenger/Watcher To Be Registered in State.]

[An individual may serve as an accredited challenger or watcher only if that individual:

- A. Is a Maryland registered voter; and
- B. Has been designated as a challenger or watcher by:
 - (1) A candidate,
 - (2) A political party,
 - (3) A group of voters supporting or opposing a candidate, principle, or proposition on the ballot,
 - (4) The State Board, or
 - (5) For polling places within its jurisdiction, a local board.] *This chapter applies to accredited and non-accredited challengers or watchers.*

.03 Challenge Record.

A. (text unchanged)

B. Contents. The form shall contain appropriate places for:

- (1) Each of the challenger and the challenged voter to sign an oath or affirmation, under penalties of perjury, that the individual's responses and statements *are true* [will be the truth];

(2) – (3) (text unchanged)

**Title 33 State Board of Elections
Subtitle 07 Election Day Activities
Chapter 09 [08] Electioneering; Exit Polling**

**Title 33 State Board of Elections
Subtitle 17 Early Voting
Chapter 06 Early Voting Activities**

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 10-303, 10-311, and 10-312, Annotated Code of Maryland

.08 Challengers and Watchers.

A. Designating Entities. The procedures specified in COMAR 33.07.07.01 apply to designating entities appointing challengers or watchers for early voting.

B. Permissive Activities of Accredited Challengers or Watchers. An accredited challenger or watcher may perform the activities defined in Election Law Article, §10-311(b), Annotated Code of Maryland, and COMAR 33.07.07.02.

C. Prohibited Acts of Challengers or Watchers. The prohibited acts and removal process specified in COMAR 33.07.07.03 apply during early voting.

D. Election Judges. The requirements for election judges specified in COMAR 33.07.07.04 apply during early voting.

.09 [.08] Challenging Voters.

A. [Challenger/Watcher to be Registered in State. An individual may serve as an accredited challenger or watcher at an early voting center only if that individual:

(1) Is a Maryland registered voter; and

(2) Has been designated as a challenger or watcher by:

(a) A candidate;

(b) A political party;

(c) A group of voters supporting or opposing a candidate, principle, or proposition on the ballot;

(d) The State Board; or

(e) For early voting centers within its jurisdiction, a local board.] *The process specified in COMAR 33.07.08 for challenging voters applies during early voting.*

.10 [.09] Electioneering.

.11 [.10] Exit Polling.

State of Maryland

Challenger & Watcher Certificate

Part I – Instructions and Information

Instructions to Designating Candidate or Entity: You may designate a Maryland registered voter as a challenger and watcher if you are: (a) a candidate; (b) a political party; or (c) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot. *(To be eligible, the group of voters must form a political committee under section 13-207 of the Election Law Article.)*

Before designating any individuals, please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available at www.elections.state.md.us/get_involved/index.html). Please provide the State Board's instructions to any individual you designated as a challenger and watcher.

Instructions to Challenger and Watcher: Please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available from your designating candidate or entity or at the website listed above). You **must** have this certificate when you are acting as a challenger or watcher; you will not be permitted to remain in the voting area without a signed certificate. Give an extra copy of this signed certificate to the election judges when you arrive at an early voting center or polling place.

As a challenger and watcher, you have the right to:

- Enter the voting area at least (but no later than) 30 minutes before voting hours begin;
- Enter or be present in the voting area at any time during voting hours;
- Remain in the voting area until all post-voting tasks have been completed and the election judges leave the voting area;
- Maintain a list of registered voters who have cast a ballot or individuals who have cast provisional ballots;
- Enter and leave the voting area to take outside information that identifies individuals who have cast ballots; and
- Be positioned near the election judges so that you may see and hear each voter as the voter checks in to vote.

You **cannot** attempt to: (a) determine how a voter voted or intends to vote; (b) talk with any voter in the voting area; (c) assist any voter in voting; (d) physically handle an original election document or equipment; (e) interfere with the election process or impede a voter's access to election judges; or (f) use a cell phone, laptop or other electronic equipment in a voting area.

or

You may be removed by an election judge if you do not follow an election judges' order or attempt a prohibited act.

Part II – Certificate Designating Challenger and Watcher

I/We certify that _____ has designated _____, a

Name of Designating Candidate or Entity

Name of Challenger/Watcher

registered voter, to act as a challenger or watcher for the 20__ Primary Election OR 20__ General Election.

(check only one)

This individual will act in this capacity on election day (complete Part A) and/or during early voting (complete Part B).

(check all that apply)

Part A: I/We designate this individual as a Challenger or Watcher for the following precinct(s) on election day:

District/Precinct or Ward/Precinct	Name of County or Baltimore City

Part B: I/We designate this individual as a Challenger or Watcher on the following days and at the following early voting locations:

Early Voting Dates	Name of Early Voting Center	Name of County or Baltimore City

Signature of Designating Candidate or Officer of Designating Entity

Office Sought by Candidate

Date

At your request, these absentee voting materials have been delivered to you. The materials include: (1) an absentee ballot; (2) an *Oath of Absentee Voter*; (3) *Certification of Person Assisting Absentee Voter*; and (4) a template for printing a standard #10 envelope. Please read these instructions before voting your ballot.

1 – Voting Your Absentee Ballot

1. Find a place where you can vote your ballot in private.
2. Review your ballot before voting. Your ballot may be multiple pages.
3. Completely fill in the oval to the left of your choice.
4. Do not vote for more candidates than the number specified under contest heading. If you wish, you may vote for fewer candidates than specified.
5. If you make a mistake, you may print another copy of the ballot if you have an electronic version of your ballot. If not, please contact your county board of elections.
6. Do not sign your name or make any other mark on your ballot.
7. Write-in voting is only allowed in general elections. A general election ballot has spaces for write-in votes. To cast a write-in vote: (1) fill in the oval to the left of the space for the write-in vote; and (2) write the last name and first name (or first initial) of the person in the appropriate space.

2 – Voting with Assistance

If you have a disability or are unable to read or write, you may have help. Any person can help you, except a candidate on your ballot, your employer or agent of your employer, or an officer or agent of your union.

The person helping you:

1. Can mark the ballot according to your wishes
2. Can print your name, followed by his or her initials, if you cannot sign the oath
3. Cannot make any effort to influence your vote
4. Must complete the *Certification of Person Assisting Absentee Voter* included in these materials

3 – After Voting

1. You will need an envelope to return your absentee ballot, oath, and if applicable, the *Certification of Person Assisting Absentee Voter*.
 - a. If you printed an envelope when you printed these instructions and your ballot, use this envelope to return your ballot, oath and if applicable, the certification of assistance.
 - b. If you did not print an envelope, find an envelope and write on the outside of the envelope:
 - i. Your absentee voter number under your return address. This is the number next to your signature on the oath; and
 - ii. "Absentee Ballot Enclosed."
2. On the *Oath of Absentee Voter*, print, sign, and date the oath. If you cannot sign your name, follow the instructions in 2 – Voting with Assistance. You **must** sign and return the oath with your voted ballot or your ballot will not count.
3. Put the following in your envelope:
 - a. Your voted ballot;
 - b. Your **signed and dated** oath; and
 - c. A completed *Certification of Person Assisting Absentee Voter* if someone helped you vote this ballot.
4. Seal the envelope and mail or deliver to the following address:

LBE Name
LBE Mailing Address
LBE City, State & Zip

Instructions to Absentee Voter Receiving Absentee Ballot Electronically or by Fax

4 – Returning Your Absentee Ballot

You must mail or hand deliver your absentee ballot to your county board of elections. You **cannot** email or fax a voted absentee ballot or take your ballot to an early voting center or polling place.

1. If you hand deliver your ballot, you must deliver it to your county board of elections by 8 pm on election day.
2. If you mail your ballot:
 - a. For the primary election, you must mail it on or before election day (April 3, 2012) **and** it must be received by your county board of elections by 10 am on April 13, 2012.
 - b. For the general election, you must mail it on or before election day (November 6, 2012) **and** it must be received by your county board of elections by 10 am on November 16, 2012.

If you mail your ballot via a foreign mail system, affix the proper postage to get the ballot into the U.S. postal system. If you mail your ballot from a military post office (APO/FPO) or U.S. embassy or consulate, postage is not required.

5– Verifying the Status of Your Absentee Ballot

You can visit www.elections.state.md.us to verify that your absentee ballot was received and after the election, whether it was counted. You can also obtain this information by calling 1-800-222-8683.

6– Final Checklist

- ◆ Check that you have voted all of the contests for which you want to vote.
- ◆ Do not sign your name or make any other mark on the ballot.
- ◆ Write-in votes are only allowed in general elections. Do not write in votes in a primary election.
- ◆ Check that your oath is signed and dated. Your ballot will **not** count if your oath is not signed.
- ◆ In your envelope, put only your voted ballot, signed and dated oath, and if applicable, the signed *Certification of Person Assisting Absentee Voter*.
- ◆ Seal the envelope and mail it promptly to your county board of elections.

State of Maryland Absentee Instructions

Verifying the status of your absentee ballot

You can visit www.elections.state.md.us to verify that your absentee ballot was received and after the election, whether it was counted. You can also obtain this information by calling 1-800-222-8683.

Contact Information

Maryland State Board of Elections

Website: elections.state.md.us

E-mail: info@elections.state.md.us

Phone: 1-800-222-8683

Fax: 1-410-974-2019

Final checklist

- ❖ Check that you have voted all of the contests for which you want to vote.
- ❖ Do not sign your name or make any other mark on the ballot.
- ❖ Write-in votes are only allowed in general elections. Do not write in votes in a primary election.
- ❖ Check that your oath is signed and dated. Your ballot will not count if your oath is not signed.
- ❖ In your envelope, put only your voted ballot and if applicable, ID information and the signed Certification of Person Assisting Absentee Voter.
- ❖ Seal the envelope and mail it promptly to your county board of elections.

State of Maryland Absentee Instructions

Introduction

At your request, these absentee voting materials have been sent to you. The materials include: (1) an absentee ballot; (2) a return envelope with the Oath of Absentee Voter printed on the back; and (3) a Certification of Person Assisting Absentee Voter. Please read these instructions before voting your ballot.

Voting your absentee ballot

1. Find a place where you can vote your ballot in private.
2. Use only a No. 2 pencil. Pens and other pencils may not be read by the voting unit.
3. Review your ballot before voting. Your ballot may be multiple pages.
4. Completely fill in the oval to the left of your choice.
5. Do not vote for more candidates than the number specified in the contest heading. If you wish, you may vote for fewer candidates than specified.
6. If you made a mistake or changed your mind after filling in the oval, do not erase the mark. Call your county board of elections to receive a new ballot. You may be required to submit your spoiled ballot before getting a new one.
7. Do not sign your name or make any other mark on your ballot.
8. Write-in voting is only allowed in general elections. A general election ballot has spaces for write-in votes. To cast a write-in vote:
 - (a) fill in the oval to the left of the space for the write-in vote; and
 - (b) write the last name and first name (or first initial) of the person in the appropriate space.

State of Maryland Absentee Instructions

Voting with assistance

If you have a disability or are unable to read or write, you may have help. Any person can help you, except a candidate on your ballot, your employer or agent of your employer, or an officer or agent of your union. The person helping you:

1. Can mark the ballot according to your wishes.
2. Can print your name, followed by his or her initials, if you cannot sign the oath.
3. Cannot make any effort to influence your vote.
4. Must complete the Certification of Person Assisting Absentee Voter included in these materials.

ID Information

If "ID Required" is stamped on your envelope, you must send ID information with your voted ballot. The acceptable forms of ID are:

1. A copy of a current and valid photo ID; or
2. A copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows your name and address. Current means that the document is dated within 3 months of the election.

If you received a Request for Maryland Driver's License or Social Security Number form, please complete the form, put it in a separate envelope, and return it immediately to your county board of elections. Your county board of elections needs to process this form **before** processing your voted ballot.

State of Maryland Absentee Instructions

After voting

1. Refold the ballot as it was folded.
2. Put in the envelope:
 - a. Your voted ballot;
 - b. A completed Certification of Person Assisting Absentee Voter if someone helped you vote this ballot; and
 - c. A copy of ID information if "ID Required" is stamped on your envelope.
3. Read the Oath of Absentee Voter, and print, sign, and date the oath. (You may use a pen to sign and date the oath.) If you cannot sign your name, see "Voting with assistance" section of these instructions. You must sign the oath or your ballot will not count.
4. Remove the two adhesive covers, and seal the envelope.

Returning your absentee ballot

You must mail or hand deliver your absentee ballot to your county board of elections. You cannot email or fax a voted absentee ballot or take your voted ballot to an early voting center or a polling place.

1. If you hand deliver your ballot, you must deliver it to your county board of elections by 8 pm on election day.
2. If you mail your ballot, you must mail it on or before April 3, 2012 (primary election) or November 6, 2012 (general election), **and** it must be received by your county board of elections by 10 am on April 13, 2012 (primary election) or November 16, 2012 (general election).

Note: If you mail your ballot via a foreign mail system, affix the proper postage to get the ballot into the U.S. postal system. If you mail your ballot from a military post office (APO/FPO) or U.S. embassy or consulate, postage is not required.

Title 33 State Board of Elections
Subtitle 11 Absentee Ballots
Chapter 03 Issuance and Return

Authority Line: §§2-102(b)(4), 2-202(b), 9-303, and 11-302, Annotated Code of Maryland

.08 When Ballots Are Timely.

A. (text unchanged)

B. In General. An absentee ballot is considered to have been timely received only if:

(1) (text unchanged)

(2) The ballot:

(a) Is received by the local board office from the United States Postal Service or a private mail carrier:

(i) On or before 10 a.m. on the second Wednesday after a primary election preceding a [gubernatorial] *Baltimore City General Election* [election]; or

(ii) On or before 10 a.m. on the second Friday after [a general or special election or in a primary election preceding a presidential election] *any other election*; and

(b) (text unchanged)

C. (text unchanged)

Title 33 State Board of Elections
Subtitle 11 Absentee Ballots
Chapter 04 Canvass of Ballots – Procedures

Authority Line: §§2-102(b)(4), 2-202(b), 9-303, and 11-302, Annotated Code of Maryland

.03 Start of Canvass.

A. When Required.

(1) (text unchanged)

(2) The board shall start the second absentee ballot canvass at:

(a) 10 a.m. on the second Wednesday after a [Gubernatorial] *Baltimore City Primary Election*; or

(b) 10 a.m. on the second Friday after any other election.

B. (text unchanged)