

**BEFORE THE MARYLAND STATE BOARD OF ELECTIONS**

HOWARD COUNTY BOARD OF ELECTIONS,

Complainant,

v.

FOLASHADE BIMPE ADEGBOYO, *et al*,

Respondents.

**FINAL DETERMINATION**

**Statement of the Case**

On July 19, 2006, the Complainant filed with Linda H. Lamone, the State Administrator of Elections, an administrative complaint against fifty-nine individuals registered to vote in Howard County, Maryland. *See* Appendix A for list of Respondents. The Complainant alleged that the Respondents provided a non-residential address in Howard County on their respective voter registration applications and were therefore erroneously added to the statewide voter registration list. The Complainant did not request a hearing.

On July 24, 2006, correspondence was sent to each of the Respondents requesting the voter's current residential address and any information to establish that the address provided on the Respondent's voter registration application is a residential address or evidence showing that the residential address on file with the Complaint is the voter's residence. To resolve this determination prior to the deadline to register to vote for the 2006 Primary Election, the Respondents were asked to respond to the correspondence by August 11, 2006.

This administrative procedure is governed by section 3-602 of the Election Law Article of the *Annotated Code of Maryland* and Chapter 33.01.05 of the Code of Maryland Regulations (COMAR). The purpose of the administrative complaint procedure is to provide a fair hearing, if requested, and a speedy determination outside of the judicial system for an individual who: (1) feels aggrieved by an action of a local board of elections regarding voter registration; (2) asserts that an election official has violated the Election Law Article as it relates to provisional ballots; or (3) believes that there is or has been a violation of Title III of the Help America Vote Act of 2002, or a local board of elections which has reason to believe that a registration was erroneously added or omitted from the statewide voter registration.

### **Findings of Fact**

Having considered the information submitted on the record and written reports of the investigation conducted by an employee of the State Board of Elections, I find, by preponderance of the evidence, the following facts:

1. The address of 8630M Guilford Road, Columbia, Maryland 21046 is UPS Store #0275. According to the statewide voter registration list, this is the residential address of Respondents Andrews, Fairweather, Gwaltney, Harwell, Hong, McMillian, Nguyen, Pollack, Putnam, Sabio, Silas, Sternklar, Waller, Waters, and Williamson.
2. The address of 5430 Lynx Lane, Columbia, Maryland 21044 is UPS Store #0209. According to the statewide voter registration list, this is the residential address of Respondents Bennett, Coffey, Fogarty, Harris, Myers, McDaniels, Queen, Renauldi, Schoburgh, Siger, and Smith.

3. The address of 6470 Freetown Road, Columbia, Maryland 21044 is a business called Jiffy Drop (formerly known as Parcel Plus), which offers mail box rentals. According to the statewide voter registration list, this is the residential address of Respondents Morris, Wilder, and R. Wright.
4. The address of 9400 Snowden River Parkway, Suite 110, Columbia, Maryland 21045 is a Mail Plus Store. According to the statewide voter registration list, this is the residential address of Respondents Adegboyo, Ames, N. Ellis, T. Ellis, Ford, and Tomlin.
5. The address of 8775 Cloudleap Court, Suite P, Columbia, Maryland 21045 is Parcel Plus Store #162. According to the statewide voter registration list, this is the residential address for Respondents Carr, Colon, Leak, Lebron, Stewart, and K. Wright.
6. The address of 8480 Baltimore National Pike, Ellicott City, Maryland 21043 is UPS Store #0697. According to the statewide voter registration list, this is the residential address for Respondent Cossentino.
7. The address of 9350 Snowden River Parkway, Columbia, Maryland 21045 is a Mail Plus Store. According to the statewide voter registration list, this is the residential address for Respondents Cramblet, Drummond, and Walter.
8. The address of 8775 Centre Park Drive, Suite M, Columbia, Maryland 21045 is UPS Store #2249. According to the statewide voter registration list, this is the residential address for Respondents Donaldson, Jones-Clement, Watkins, and Wray.
9. The address of 6030 Marshalee Lane, Suite 130, Elkridge, Maryland 21075 is UPS Store #3301. According to the statewide voter registration list, this is the residential address for Respondents Jenkin, Murphy, Rine, Sanderfur, and Speicher.

10. The address of 6030 Daybreak Circle, Suite A150, Clarksville, Maryland 21029 is UPS Store #3378. According to the statewide voter registration list, this is the residential address for Respondents Lewis, Lombardozi, and Weissberg.
11. The address of 8926 Baltimore Street, Savage, Maryland 20763 is the address of the Savage Post Office. According to the statewide voter registration list, this is the residential address for Respondent Rondon.
12. The address of 8221 Preston Court, Jessup, Maryland 20794 is the address of Ruchman and Associates Inc. (RAI) and RAI/Rapid. According to the statewide voter registration list, this is the residential address for Respondent Ruchman.
13. Respondents Harris, Siger, and Watkins submitted a written request that they be removed from the statewide voter registration list.
14. Respondents Lombardozi, McDaniels, Pollack, and K. Wright provided their respective residential addresses and information demonstrating that the addresses provided are their residential addresses.
15. Respondents Rondon, Waller, and Weissberg provided their respective residential addresses.

### **Discussion**

One of the fundamental principles of voting in Maryland is that a voter must only vote for those contests for which the voter is eligible to vote. This determination of which contests a voter is eligible to vote is made solely on a voter's residential address. The requirement for a voter registration applicant to provide his or her residential address is found in COMAR Regulation 33.05.04.03(A)(2). ("To be accepted, every new [voter registration application] shall contain the applicant's . . . [r]esidence address, including any applicable apartment number.")

Both the State voter registration application and the National Voter Registration Form request the applicant's residential address.

Because some individuals prefer to receive mail at an address other than their residential addresses, the regulations allow a voter registration applicant to provide his or her mailing address in addition to a residential address. (*See* COMAR 33.05.04.03(A)(3).) On both the State voter registration application and the national voter registration form, there is a specific field for the applicant to provide a mailing address. While an applicant may provide a mailing address, it does not replace the requirement that the applicant must provide a residential address.

Because an individual's residential address is the cornerstone of the voting process, there are two offenses in the Election Law Article that relate to providing an address other than an applicant's residential address and voting where the applicant does not have legal authority to vote. Under section 16-101 of the Election Law Article, any person who willfully and knowingly falsifies his or her residence in an attempt to register in the wrong location is guilty of a misdemeanor. Similarly, section 16-201 makes it a misdemeanor to vote in an election district or precinct without the legal authority to vote in that district or precinct.

On both the State voter registration application and the National Voter Registration Form, the applicant is required to affirm that the information provided on the application or form is true to the best of the applicant's knowledge. An applicant who knowingly provides a non-residential address as his or her residential address may also be violating the affirmation he or she took when signing the application or form.

## Order

It is my determination that all of the Respondents provided as their residential address an address other than their residential address.

It is therefore **ORDERED** that:

1. The Complainant process the changes of residential and mailing addresses provided by Respondents Lombardozi, Pollack, Rondon, Waller, and Weissberg.
2. The Complainant notify the Baltimore County Board of Elections that Respondent McDaniels resides in Baltimore County and facilitate the transfer of Respondent McDaniels to Baltimore County.
3. The Complainant notify the Baltimore City Board of Elections that Respondent K. Wright resides in Baltimore City and facilitate the transfer of Respondent K. Wright to Baltimore City.
4. Pursuant to the voter's request, the Complainant remove Respondents Harris, Siger, and Watkins from the statewide voter registration list.
5. The Complainant remove the following Respondents from the statewide voter registration list:

- |                              |                              |
|------------------------------|------------------------------|
| a. Folashade Bimpe Adegboyo  | n. Wayne H. Fairweather      |
| b. William Daniel Ames       | o. Eric Thomas Fogarty       |
| c. Tanen Ankh Aha B. Andrews | p. Jean Ford                 |
| d. Menhati Aakut Bennett     | q. Lakeisha Dawn Gwaltney    |
| e. Kimberly Y. Carr          | r. George Henry Harwell      |
| f. Marvin Wayne Coffey       | s. Joon S. Hong              |
| g. Jeffrey Colon             | t. Joy Lanequa Jenkin        |
| h. Thelma Louise Cossentino  | u. Brenda M. Jones-Clements  |
| i. Ruth Louise Cramblet      | v. Imogene Leak              |
| j. Bryan Eugene Donaldson    | w. Zaida Lebron              |
| k. Craig Drummond            | x. William Barnes Lewis, Jr. |
| l. Niki Ellis                | y. Ann Renee McMillian       |
| m. Torin Ellis               | z. Michael Edward Morris     |
|                              | aa. Kevin Francis Murphy     |

bb. Chenoa M. Myers  
cc. Thi Quang Nguyen  
dd. Jimmi Lee Putnam  
ee. Nicole Marie Queen  
ff. David Christopher Renauldi  
gg. Amy Elizabeth Rine  
hh. Neal Harris Ruchman  
ii. Vincent Joseph Sabio  
jj. Kenneth Darnell Sanderfur  
kk. Desrine Schoburgh  
ll. Robert L. Silas

mm. Gina M. Smith  
nn. David D. Speicher  
oo. Daniel Sternklar  
pp. Steve Edwin Stewart  
qq. Jewel Rochelle Tomlin  
rr. Sara Rachael Walter  
ss. Pier Mae Waters  
tt. Russell Wilder, Sr.  
uu. Moses Williamson  
vv. Mabel Jane Wray  
ww. Robert Wright

6. The Complainant complete this order by August 22, 2006.
7. All Respondents be referred to the State Prosecutor.

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Date

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Linda B. Pierson  
Designee of State Administrator

### **Appeal Rights**

Under section 3-602 of the Election Law Article, a final determination regarding the eligibility of an individual to register to vote is subject to judicial review. A petition for judicial review must be filed with the Circuit Court for Anne Arundel County and must be filed by Tuesday, August 22, 2006.

## Appendix A

The Respondents to this administrative complaint are:

1. Folashade Bimpe Adegboyo
2. William Daniel Ames
3. Tanen Ankh Aha B. Andrews
4. Menhati Aakut Bennett
5. Kimberly Y. Carr
6. Marvin Wayne Coffey
7. Jeffrey Colon
8. Thelma Louise Cossentino
9. Ruth Louise Cramblet
10. Bryan Eugene Donaldson
11. Craig Drummond
12. Niki Ellis
13. Torin Ellis
14. Wayne H. Fairweather
15. Eric Thomas Fogarty
16. Jean Ford
17. Lakeisha Dawn Gwaltney
18. Jeffrey Lamone Harris
19. George Henry Harwell
20. Joon S. Hong
21. Joy Lanequa Jenkin
22. Brenda M. Jones-Clements
23. Imogene Leak
24. Zaida Lebron
25. William Barnes Lewis, Jr.
26. Jill Sanders Lombardozzi
27. Sandra McDaniels
28. Ann Renee McMillian
29. Michael Edward Morris
30. Kevin Francis Murphy
31. Chenoa M. Myers
32. Thi Quang Nguyen
33. Nancy B. Pollack
34. Jimmi Lee Putnam
35. Nicole Marie Queen
36. David Christopher Renauldi
37. Amy Elizabeth Rine
38. Ruth Rondon
39. Neal Harris Ruchman
40. Vincent Joseph Sabio
41. Kenneth Darnell Sanderfur
42. Desrine Schoburgh
43. Paul A. Siger
44. Robert L. Silas
45. Gina M. Smith
46. David D. Speicher
47. Daniel Sternklar
48. Steve Edwin Stewart
49. Jewel Rochelle Tomlin
50. Nancy K Waller
51. Sara Rachael Walter
52. Pier Mae Waters
53. Jeffrey Todd Watkins
54. Steven Martin Weissberg
55. Russell Wilder, Sr.
56. Moses Williamson
57. Mabel Jane Wray
58. Keith Wright
59. Robert Wright