

BEFORE THE MARYLAND STATE BOARD OF ELECTIONS

HOWARD COUNTY BOARD OF ELECTIONS,

Complainant,

v.

DEANNA MARIE MAHANAND and RAM
MAHANAND,

Respondents.

FINAL DETERMINATION

Statement of the Case

On August 8, 2006, the Complainant filed with Linda H. Lamone, the State Administrator of Elections, an administrative complaint against Deanna Marie Mahanand and Ram Mahanand, two individuals registered to vote in Howard County, Maryland. 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 August 9, 2006, correspondence was sent to both 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 18, 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.

Finding 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 11831 Scaggsville Road, Fulton, Maryland 20759 is the address of the Fulton Post Office. According to the statewide voter registration list, this is the residential address of both Respondents.
2. Both Respondents provided their respective residential addresses and information demonstrating that the addresses provided are their 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 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 both Respondents.
2. The Complainant complete this order by August 22, 2006.
3. Both Respondents be referred to the State Prosecutor.

Date

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.