

**BEFORE THE MARYLAND STATE BOARD OF ELECTIONS**

HOWARD COUNTY BOARD OF ELECTIONS,

Complainant,

v.

SARAH ALLOTEY, *et al*,

Respondents.

**FINAL DETERMINATION**

**Statement of the Case**

On November 8, 2007, the Complainant filed with Linda H. Lamone, the State Administrator of Elections, an administrative complaint against thirty-four individuals registered to vote in Howard County, Maryland. *See* Appendix A for list of Respondents. The Complainant alleged that Respondents provided a non-residential address in Howard County on their respective voter registration applications or other election documentation and were therefore erroneously added to the statewide voter registration list. The Complainant did not request a hearing.

On November 29, 2007, 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 or other election documentation 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 2008

Primary Election, the Respondents were asked to respond to the correspondence by December 14, 2007. Respondents Choi, Silverberg, and Watson responded to the correspondence.

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 9319 Baltimore National Pike, Ellicott City, Maryland 21042 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address, including Capital Mail Boxes. According to the statewide voter registration list, this is the residential address of Respondents Allotey and Raymond Watson.
2. The address of 3238 Bethany Lane, Ellicott City, Maryland 21042 is a business address. The State Department of Assessments and Taxation (SDAT) records show

a commercial use for this address. According to the statewide voter registration list, this is the residential address of Respondent Bokhani. The letter request to Respondent Bokhani for address information or confirmation was returned by the United States Postal Service (USPS) with "Not deliverable as addressed/unable to forward" notification.

3. The address of 5485 Twin Knolls Road, Columbia, Maryland 21045 is a business address. SDAT records show a commercial use for this address. According to the statewide voter registration list, this is the residential address of Respondent Brown. Respondent Brown notified the State Board of Elections that he now resides in New York.
4. The address of 10320 Little Patuxent Parkway, Columbia, Maryland 21044 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address of Respondents Carpenter, Cosgray and Gottlieb. Respondent Cosgray's voter registration address was changed to this Little Patuxent Parkway address based upon information provided on mail returned to the Howard County Board of Elections by the USPS. The letter request to Respondent Carpenter for address information or confirmation was returned by the USPS with "Not deliverable as addressed/unable to forward" notification.
5. The address of 3565 Ellicott Mills Drive, Unit C-2, Ellicott City, Maryland 21043 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Catzva. The letter request to Respondent Catzva for address information or confirmation was returned

by the USPS with “Not deliverable as addressed/unable to forward” notification and contained a handwritten note of “Moved – Address Unknown.”

6. The address of 5501 Twin Knolls Road, Columbia, Maryland 21045 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Choi. Respondent Choi provided his current residential address.
7. The address of 6030 Daybreak Circle, Clarksville, Maryland 21029 is a UPS Store (Store #3378). According to the statewide voter registration list, this is the residential address for Respondent Cooke.
8. The address of 3454 Ellicott City Drive, Ellicott City, Maryland 21043 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Cyford.
9. The address of 10490 Little Patuxent Parkway, Columbia, Maryland 21044 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Ellis. The letter request to Respondent Ellis for address information or confirmation was returned by the USPS with “Not deliverable as addressed/unable to forward” notification and a handwritten note that “addressee unknown.”
10. The address of 3487 Chevrolet Drive, Ellicott City, Maryland 21042 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows

only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Hall.

11. The address of 7615 Washington Boulevard, Elkridge, Maryland 21075 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Hamilton.
12. The address of 10805 Hickory Ridge Road, Columbia, Maryland 21044 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent House.
13. 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 Respondent Hutchings. The letter request to Respondent Hutchings for address information or confirmation was returned by the USPS with "Not deliverable as addressed/unable to forward" notification.
14. The address of 8775 Centre Park Drive, Columbia, Maryland 21045 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Hyman. The letter request to Respondent Hyman for address information or confirmation was returned by the USPS with "Not deliverable as addressed/unable to forward" notification.
15. The address of 3570 St. Johns Lane, Ellicott City, Maryland 21042 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address, and SDAT records show a commercial use for this

address. According to the statewide voter registration list, this is the residential address for Respondent Iannuzzi. The letter request to Respondent Iannuzzi for address information or confirmation was returned by the USPS with "Not deliverable as addressed/unable to forward" notification.

16. The address of 5427 Twin Knolls Road, Columbia, Maryland 21045 is a business address. SDAT records show a commercial use for this address. According to the statewide voter registration list, this is the residential address of Respondent Johnson. The State Board of Elections received a letter from the Seventh-Day Adventist church at this address stating that Respondent Johnson had not worked at that address for five years.
17. The address of 3448 Ellicott Center Drive, Ellicott City, Maryland 21043 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Kang.
18. The address of 9139 Baltimore National Pike, Ellicott City, Maryland 21042 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address, including a MailBoxes, Etc. According to the statewide voter registration list, this is the residential address for Respondent McMullen.
19. The address of 8775 Centre Park Drive, Columbia, Maryland 21045 is a UPS Store (Store #2249). According to the statewide voter registration list, this is the residential address of Respondent Murray.
20. The address of 8610 Washington Boulevard, Jessup, Maryland 20794 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows

only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondent Robertson.

21. The address of 8926 Baltimore Street, Savage, Maryland 20763 is the Savage Post Office. According to the statewide voter registration list, this is the residential address of Respondent Shelgren. The letter request to Respondent Shelgren for address information or confirmation was returned by the USPS with "Not deliverable as addressed/unable to forward" notification. Court records contain a different residential address for Respondent Shelgren.
22. The address of 8492 Baltimore National Pike, Ellicott City, Maryland 21043 is the Normandy Shopping Center. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address of Respondent Sheo.
23. The address of 9380 Baltimore National Pike is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address of Respondent Silverberg. Respondent Silverberg provided documentation of her current residential address.
24. The address of 6470 Freetown Road, Columbia, Maryland 21044 is a Jiffy Drop store, formerly a Parcel Plus Store. According to the statewide voter registration list, this is the residential address of Respondent Stroud.
25. The address of 5430 Lynx Lane, Columbia, Maryland 20144 is a UPS Store (Store #0209). According to the statewide voter registration list, this is the residential address of Respondents C. Trifiletti, K. Trifiletti and Watson. The letter request to Respondents C. Trifiletti and K. Trifiletti for address information or confirmation

were returned by the USPS with “Not deliverable as addressed/unable to forward” notification. Respondent James Watson provided documentation of his current residential address.

26. The address of 10480 Little Patuxent Parkway, Columbia, Maryland 21044 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address for Respondents Vasiliadis and Walker.
27. The address of 5460 Trumpeter Road, Columbia, Maryland 21044 is a business address. The *Stewart Howard County Criss-Cross Directory* (August 2007) shows only businesses at this address. According to the statewide voter registration list, this is the residential address of Respondent Windows. The letter request to Respondent Windows for address information or confirmation was returned by the USPS with “Not deliverable as addressed/unable to forward” notification and a handwritten note that “not at this school and/or address.”
28. The address of 8775 Cloudleap Court, Columbia, Maryland 21045 is a Parcel Plus Store (Store #162). According to the statewide voter registration list, this is the residential address of Respondent Wright.

### 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 the contests for which 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.<sup>1</sup>

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

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<sup>1</sup> None of the Respondents have alleged that the non-residential addresses were provided because he or she had no permanent residence.

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 Respondents, except Respondent Cosgray, provided as their residential address an address which is not that of a residence.<sup>2</sup>

It is therefore **ORDERED** that:

1. The Complainant process the changes of residential addresses provided by Respondents Choi, Silverberg and James Michael Watson.
2. The Complainant remove the following Respondents from the statewide voter registration list:

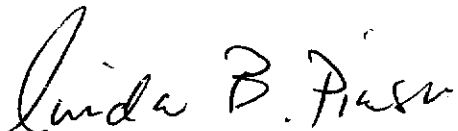
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<sup>2</sup> Respondent Cosgray did not provide the questioned address. The address for Respondent Cosgray, which has been identified as a non-residential address, was provided by the United States Postal Service as a result of mail returned to Complainant through a confirmation mailing process required under the federal National Voter Registration Act of 1993.

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|-----------------------------|---------------------------------|
| a. Sarah Allotey            | t. Michele Murray               |
| b. Hafeeza Bokhani          | u. Michael James Robertson      |
| c. Mark Robinson Brown      | v. Paul Andrew Shelgren         |
| d. Doyle Shawn Carpenter    | w. Michael K. Sheo              |
| e. Jennifer E. Catzva       | x. Vanessa A. Stroud            |
| f. David Charles Cooke      | y. Christopher David Trifiletti |
| g. Claudia J. Cosgray       | z. Kimberly Smith Trifiletti    |
| h. Ruth Virginia Cyford     | aa. Niko Vasiliou Vasiliadis    |
| i. Maxine Lynne Ellis       | bb. Burke A. Walker             |
| j. Jack Leon Gottlieb       | cc. Raymond Samuel Watson       |
| k. David S. Hall            | dd. Ronald M. Windows           |
| l. Beverly Lynn Hamilton    | ee. Keith Wright                |
| m. Cleo P. House            |                                 |
| n. Christina Hutchings      |                                 |
| o. Valerie Jenkins Hyman    |                                 |
| p. Chris Iannuzzi           |                                 |
| q. Paul Wesley Johnson      |                                 |
| r. Sang Hie Kang            |                                 |
| s. Catherine Diane McMullen |                                 |

3. The Complainant shall cause the business addresses referenced in this Final Determination to be noted on the statewide voter registration system as invalid residential addresses for the purpose of voter registration.
4. The Complainant complete this order by January 22, 2006.
5. Respondents, with the exception of Respondent Cosgray, be referred to the State Prosecutor.

January 7, 2008  
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 January 22, 2008.

## Appendix A

The Respondents to this administrative complaint are:

1. Sarah Allotey
2. Hafezza Bokhani
3. Mark Robinson Brown
4. Doyle Shawn Carpenter
5. Jennifer E. Catzva
6. David K. Choi
7. David Charles Cooke
8. Claudia J. Cosgray
9. Ruth Virginia Cyford
10. Maxine Lynne Ellis
11. Jack Leon Gottlieb
12. David S. Hall
13. Beverly Lynn Hamilton
14. Cleo P. House
15. Christina Hutchings
16. Valerie Jenkins Hyman
17. Chris Iannuzzi
18. Paul Wesley Johnson
19. San Hie Kang
20. Catherine Diane McMullen
21. Michele Murray
22. Michael James Robertson
23. Paul Andrew Shelgren
24. Michael K. Sheo
25. Brooke M. Silverberg
26. Vanessa A. Stroud
27. Christopher David Trifiletti
28. Kimberly Smith Trifiletti
29. Niko Vasiliou Vasiliadis
30. Burke A. Walker
31. James Michael Watson
32. Raymond Samuel Watson
33. Ronald M. Windows
34. Keith Wright