



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-3000
TTY 240-314-8137

June 27, 2023

To all Candidates and Treasurers;

On June 12, 2023, the Mayor and Council enacted several amendments to Chapter 8 of the City Code, which governs Rockville elections. Since some of these changes may affect how you conduct your campaign, I am writing to call your attention to these changes and to provide you with a revised version of Chapter 8. This letter describes some of those changes, but it is no substitute for reading the actual statute, which I strongly encourage each of you to do.

The changes made include the following:

1. The definition of campaign materials in Section 8-1 was expanded to include websites, emails, and social media communications. The effect of this change is to require those communications to include the same disclaimers required on printed campaign materials. See paragraph 5 below.
2. Section 8-45 was amended to prohibit any campaigning within 50 feet of an outdoor drop box.
3. Section 8-74(a) was amended to say that campaign committees may pay their expenses, not only by check, but also by debit card or other electronic means.
4. The \$2,000 aggregate contribution limit in Section 8-78(d) was deleted.
5. The language on disclaimers in Section 8-101(7) was completely revamped. Please read this language carefully. The new language, with certain exceptions, requires clear and conscious disclaimers on all campaign materials, including websites and social media sites. Campaign materials authorized and paid for by a candidate's campaign committee must state, clearly and conspicuously, that they have been paid for (not just authorized) by that committee.

If you have questions about these or any other changes, you may raise them with the Board of Supervisors of Elections (BSE) at any time.

I hope that you find this letter helpful. The BSE's goal is to assist candidates and committees to comply with the applicable law and avoid unnecessary violations and penalties.

Sincerely

Robert D. Kurnick, Chair
Board of Supervisors of Elections

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

Subject: FW: Amendments to Chapter 8 Elections of the City of Rockville
Attachments: image001.png

From: Barry Jackson <barryjacksonrockville@gmail.com>
Sent: Tuesday, June 27, 2023 4:25 PM
To: Judy Penny <jpenny@rockvillemd.gov>
Subject: Re: Amendments to Chapter 8 Elections of the City of Rockville

WARNING - External email. Exercise caution.

Hi Judy,

Thank you for the information. I have a question. I guess it should go to the BOE as well.

The Mayor and Council recently changed the election ordinances to update a few things. I understand and support all of them but on some materials I had complied with the old ordinance and said, "Authorized by Committee to Elect Barry Jackson. John McConnell, Treasurer." As I understand it that has been changed to now require language that says, "Paid for by Committee To Elect Barry Jackson. John McConnell, Treasurer."

My question is - if I complied with the ordinance then will my materials be grandfathered in? How should I proceed? I am certain other candidates have the same issue.

Thanks for your help.

Barry Jackson

On Tue, Jun 27, 2023, 3:24 PM Judy Penny <jpenny@rockvillemd.gov> wrote:

Candidates and Treasurers,

Please see the attached letter from the City of Rockville Board of Supervisors of Elections regarding the recent changes to Chapter 8 Elections of the City Code. These changes were approved by the Mayor and Council at the June 12, 2023 meeting. A copy of Ordinance No. 9-23, amending Chapter 8, is also attached for your reference.

If you have any questions please reach out to the BSE via the City Clerk's office at cityclerk@rockvillemd.gov.

Judy Penny

From: Adam Van Grack <vangrack@gmail.com>
Sent: Wednesday, June 28, 2023 2:56 PM
To: Robert Kurnick; Sara Taylor-Ferrell; Stephen Fisher; Steve Weiner; Cathy Sindos; joewilliams27@gmail.com
Cc: Judy Penny
Subject: Fwd: Amendments to Chapter 8 Elections of the City of Rockville
Attachments: Ltr to Candidates and Treasurer re Chapter 8 Changes.pdf; 09-23 To Generally Amend Chapter 8 of the Rockville City Code Entitled Elections.pdf

Follow Up Flag: FollowUp
Flag Status: Flagged

WARNING - External email. Exercise caution.

Mr. Kurnick and the Board of Supervisors of Elections:

This e-mail relates to the June 27, 2023 Letter and Attachment below regarding the changes to election laws for the City of Rockville through Chapter 8 of the City Code which were adopted by the Mayor & Council on June 12, 2023 (the "June 12th Changes"). While there were certain ministerial administrative changes such as election drop box locations within the June 12th Changes, I am writing to discuss the sections of the June 12th Changes which change the laws governing campaign materials, most specifically Sections 8-1 and 8-101(7) which now require different disclaimers on campaign material than those that were required prior to the June 12th Changes (the "Mid-Election Changes").

As you are aware, as of June 12, 2023, eleven (11) candidates were certified by the Board of Supervisors of Elections for the 2023 Rockville City Elections. Many of those candidates were certified and actively campaigning as of the middle of May (one month before the Mid-Election Changes). In fact, as was clear at Hometown Holidays over the Memorial Day Weekend, I (and other certified candidates) had already invested money in campaign materials which included the disclaimers required under the then-existing Section 8-101(7) of the City Code. Regarding my specific situation, given the cost savings for buying these materials in bulk, my campaign literature and lawn signs were purchased in May and early June in sufficient quantities to be used throughout the campaign. It was completely proper and appropriate for me (as well as other candidates) to rely on the existing disclaimer rules in producing these materials. Unfortunately, the Mid-Election Changes significantly impair my ability to use these costly campaign materials and I believe that changing the City's election disclaimer rules in the middle of an election is wholly inappropriate.

I would like request that the Board of Supervisors of Elections begin a dialogue with the certified candidates and the City to address this issue, as well as potential solutions -- whether through delayed enforcement of the Mid-Election Changes or suggestions to the Mayor & Council of a deferral of the Mid-Election Changes until after the 2023 Rockville City Elections.

I look forward to discussing this with you in more detail.

Best regards,
Adam



Adam Van Grack
CANDIDATE FOR CITY COUNCIL
P: 301-704-9293
E: vangrack@gmail.com



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111 Maryland Avenue
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240-314-5000
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July 10, 2023

To all Candidates and Treasurers:

On June 12, 2023, the Mayor and Council enacted several amendments to Chapter 8 of the City Code, the chapter governing City elections. Those amendments included revised requirements regarding disclaimers – the notices that must appear on certain campaign materials. In the weeks following June 12, candidates have asked the Board of Supervisors of Elections (BSE) how those newly-adopted disclaimer requirements would be applied, particularly to campaign materials purchased or ordered prior to June 12.

After consulting with the Office of the City Attorney, the BSE has concluded that the disclaimer requirements, which are found in Section 8-101(7) of the City Code, are effective immediately. They apply to all campaign materials published or distributed after June 12, 2023.

Nevertheless, the BSE has some discretion in determining how those requirements will be enforced. At its most recent meeting on July 6, 2023, the BSE voted unanimously that it would not enforce the current version of Section 8-101(7) with respect to printed materials or paraphernalia that a candidate could show had been purchased or ordered prior to June 12 – as long as those materials met the requirements in effect prior to that date.

This decision applies to materials such as pamphlets, postcards, yard signs, and door hangers. It does not apply to campaign websites, or other electronic communications, all of which must meet the current requirements. And, since the current language states that the disclaimer requirements do not apply to small items on which a disclaimer cannot be conveniently printed, there is no obligation to include disclaimers on campaign buttons or pins, pencils or pens, or other similar items. That same provision also exempts wearing apparel from the disclaimer requirements.

I hope this guidance helps you in conducting your campaign. And I remind you that, during the campaign, the BSE will answer questions put to it in writing by candidates, their campaign staffs, or any other residents of Rockville.

Sincerely

A handwritten signature in dark ink that reads "Robert D. Kurnick".

Robert D. Kurnick, Chair
Board of Supervisors of Elections

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

Subject:

FW: Election Qs

From: Monique Ashton <monique4rockville@gmail.com>

Sent: Thursday, June 29, 2023 3:58 PM

To: Sara Taylor-Ferrell <sferrell@rockvillemd.gov>; Judy Penny <jpenny@rockvillemd.gov>; cityclerk <cityclerk@rockvillemd.gov>; Robert Kurnick <kurnick@shermundunn.com>; Stephen Fisher <stevef8170@gmail.com>; joewilliams27@gmail.com; stephenbweiner@verizon.net; Cathy Sindos <cathysindos@yahoo.com>

Subject: Re: Election Qs

WARNING - External email. Exercise caution.

Sara and Judy: Thank you for the email updates from the BOSE. I removed the questions that we have responses to given the new guidance.

BOSE: Thank you for all of your work on this year's election. I have included some Qs as a heads up for tonight.

All the best,

Monique

On Tue, Jun 20, 2023, 10:49 AM Monique Ashton <monique4rockville@gmail.com> wrote:

Sara and Judy-

Good morning. I have noticed staff and the BOSE already getting out to community events and wanted to commend this effort to help get folks registered and be made aware. I am also thrilled with the effort to expand voter locations. I know this is extra work and wanted to say thank you. I think it will help support equity and access.

I have a few election Qs:

-We have received the changes for the authorized by vs paid by. However, I have seen that some candidates have already printed materials before the BOSE changes were made, and that may be a cost burden to reprint or write over each material. **Will there be a grace period so that candidates who printed materials with authorized by can still use materials and any new materials will have to use paid by?**

-For buttons, items with small spaces, can it have either paid by Committee name OR Authorized by, Treasurer name? It is hard to fit both on small pieces.

-Signs, it is my understanding from code, that campaign signs in yards have to be a certain size... essentially a standard yard sign size. Can you please share a refresher? There is a FAQ for the sign ordinance, but it lightly touches on political campaigns.

- What is the anticipated timeframe for debates? Video recordings?

-Can the candidate packet be made ADA/508 compliant and searchable?

New question: for social media pages that do not cost the candidate money, this should have "authorized by", correct?

All the best,

Monique



City of Rockville
111 Maryland Avenue
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240-314-5000
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July 10, 2023

Councilmember Monique Ashton
City Hall
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Dear Councilmember Ashton:

I am writing in response to your email, dated June 29, 2023, sent to City Clerk and Director of Council Operations Sara Taylor-Ferrell and to the members of the Board of Supervisors of Elections (BSE) posing several questions. The BSE discussed your email at its meeting on July 6, 2023. The following are the BSE's responses to each of the questions you asked.

1. Will there be a grace period so that candidates who printed materials with authorized can still use materials and any new materials will have to use paid by?

The BSE addressed that question and sent a letter explaining its position to each candidate and treasurer. I trust that you have received that letter and that it adequately answers this question.

2. For buttons, items with small spaces, can it have either paid by Committee name OR Authorized by, Treasurer name? It is hard to fit both on small spaces.

The amendment to Section 8-101(7) adopted by the Mayor and Council on June 12, 2023 specifically states that "[a] disclaimer is not required when it cannot be conveniently printed (pens, campaign pins, campaign buttons and similar small items) or its display is not practical, i.e. wearing apparel." This provision means that buttons and similar small items need not display any disclaimers whatsoever.

3. Signs, it is my understanding from the code, that campaign signs in yards have to be a certain size . . . essentially a standard yard sign size. Can you please share a refresher? There is a FAQ for the sign ordinance. But it lightly touches on political campaigns.

The BSE has no authority over the size or dimensions of campaign signs. I would refer you to Section 8 of the Candidate Information Packet, which contains information about signage, including Chapter 25, Article 18 of the City Code.

MAYOR
Bridget Donnell Newton

COUNCIL
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David Myles
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK / DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

4. What is the anticipated timeframe for debates? Video recordings?

This is another issue over which the BSE has no authority. My understanding (which may be incorrect) is that the City Manager organizes the debates and makes arrangements for the video recordings.

5. Can the candidate packet be made ADA/508 compliant and searchable?

The BSE discussed this question with City staff, and the answer appears to be no. Much of the material in the Candidate Information Packet comes from outside sources and outside vendors, and the BSE does not have the ability or the resources to format or present those documents differently.

6. For social media pages that do not cost the candidate money, this should have "authorized by," correct?

As amended by the Mayor and Council, Section 8-101(7) requires disclaimers stating who or what entity paid for the campaign material. If the campaign material does not cost anyone anything, no disclaimer is required.

I hope that these responses adequately answer your questions, at least with respect to those that fall within the BSE's authority. Please feel free to ask other questions if they arise.

Sincerely

A handwritten signature in dark ink, reading "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick, Chair
Board of Supervisors of Elections

Judy Penny

Subject: FW: Question to the BSE
Attachments: how to report fees paid by contributor-Art Stigile.pdf

From: Art Stigile <artstigile@gmail.com>
Sent: Friday, July 21, 2023 9:02 AM
To: elections <elections@rockvillemd.gov>
Subject: Question about fees paid by contributors

WARNING - External email. Exercise caution.

Please see the question in the attached file.

Regards,

Art Stigile
Treasurer, Vote Pierzchala
301-802-7436

Memo To: Sara Taylor-Ferrell, City Clerk

From: Art Stigile, Treasurer Vote Pierzchala

Date: July 21, 2023

Re: Request For Clarification About Fees Paid By Contributors

My question concerns the reporting of fees paid by contributors instead of by the campaign when using an online platform, such as AneDot or PayPal, to collect contributions. Are fees paid by contributors not reported by the campaign, or are they reported the same as fees paid by the campaign via automatic deductions from the contribution?

Below are real examples of both types of fee payments as reported by AneDot. The person who made the \$25 contribution chose to pay the fee, so the campaign was not charged the expense. The person who made the \$50 contribution chose not to pay the fee, so the campaign paid the \$2.30 fee.

View Transaction		View Transaction	
yard sign?		Employer	
Transaction details		Transaction details	
Transaction ID	d52c5a46f8edcd3518a86	Transaction ID	d74a42885ab427cbf80b9
Page	Main donation page	Page	Main donation page
Date	Jul 04, 2023 11:50pm EDT	Date	May 21, 2023 7:04am EDT
Donated Amount	\$25.00	Donated Amount	\$50.00
Fees	(\$0.00)	Fees	(\$2.30)
Total	\$25.00	Total	\$47.70

The Campaign Finance Report Instructions make clear that the \$2.30 fee paid by the campaign in the second example would constitute a receipt and expenditure of the campaign:

“If a contribution is made such that there is a fee paid by the Campaign, enter the gross amount of the contribution in Section 1 and reflect the fee paid as an expenditure in Schedule 2.” (page 5-7, fifth bullet)

This guidance does not appear to apply to the first example because the campaign did not pay the fee. When a contributor pays the fee, my inclination is that the campaign should not report the fee as a receipt and expenditure. Fees paid by contributors seem akin to expenses incurred by contributors to make contributions using other methods. When mailing a check to the campaign, the contributor would pay for the check, envelope, and postage. Similarly, if the contributor used FedEx to deliver a contribution, the contributor would pay FedEx for the service. Such payments by contributors are not considered in-kind receipts of the campaign.

Since the Campaign Finance Instructions do not appear to address this question, I thought it would be prudent to request clarification prior to the due date for the first campaign report.

Thank you in advance for considering this question.



City of Rockville
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August 14, 2023

Mr. Art W. Stigile
312 W. Edmonston Dr.
Rockville, MD 20852

Email: artstigile@gmail.com

Dear Mr. Stigile:

I am writing to you on behalf of the Rockville Board of Supervisors of Elections ("BSE") to respond to the question you asked in your email of July 21, 2023.

You asked how fees paid by a campaign contributor using an online platform, such as Anedot or PayPal, should be reported on the campaign committee's campaign finance report. You noted that fees paid by the campaign committee must be reported as expenditures on Schedule 2 but that the instructions do not offer guidance on how to report those fees when they are paid by the contributor.

The BSE discussed your question at its meeting on August 10, 2023. The BSE concluded that fees paid by a contributor, rather than the campaign committee, need not be reported – either as an expenditure or as a contribution.

I hope that this response adequately answers your question.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick, Chair
Board of Supervisors of Elections

MAYOR
Bridget Donnell Newton

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David Myles
Mark Pierzchala

CITY MANAGER
Robert DiSpirito

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

Subject:

FW: BSE Meeting

From: Marissa Valeri <marissa.for.council@gmail.com>

Sent: Thursday, July 13, 2023 10:58 AM

To: Robert Kurnick <kurnick@shermaddunn.com>; Sara Taylor-Ferrell <sferrell@rockvillemd.gov>

Subject: Campaign disclosure language on materials in other languages

Good morning Chair Kurnick and Ms. Taylor-Ferrell,

I have a rather timely question that I hope could be answered somewhat quickly.

If a candidate is preparing campaign materials in languages other than English, does the disclaimer also need to be translated?

Marissa

(she/her/ella)

Marissa Valeri for Rockville City Council

www.marissaforcouncil.com

301-960-8693 (text preferred)





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

August 12, 2023

Ms. Marissa Valeri
13302 Midway Avenue
Rockville, MD 20851

Email: marissaforcouncil.com

Dear Ms. Valeri:

I am writing to you on behalf of the Rockville Board of Supervisors of Elections ("BSE") to respond to the question you asked in your email of July 13, 2023.

You asked the following question: "If a candidate is preparing materials in languages other than English, does the disclaimer also need to be translated." The BSE discussed your question at its meeting on August 10, 2023. The BSE concluded that campaign materials and the disclaimers that those materials display should be in the same language.

I hope that this response adequately answers your question.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, MD

MAYOR
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Robert DiSpirito

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

Subject: FW: Question to the BSE

Importance: High

From: Nathan Winch <nathan@progressivestrategiesnw.com>

Sent: Wednesday, July 19, 2023 4:31 PM

To: Judy Penny <jpenny@rockvillemd.gov>

Cc: cityclerk <cityclerk@rockvillemd.gov>

Subject: Re: Request for more info on disclaimer requirements for digital video ads

WARNING - External email. Exercise caution.

Hi Judy,

Thanks for sending this over.

Here's the section I think is most pertinent: "Disclaimers for written material or electronic communications must be clear and conspicuous and placed in a manner that is easily seen without the need for the reader to take additional action. Disclaimers for electronic communications with only audio components must be included within the audio component so that a recipient need not take any additional action beyond listening to the communication. A disclaimer is not required when it cannot be conveniently printed (pens, campaign pins, campaign buttons and similar small items) or its display is not practicable, i.e. wearing apparel."

My reading of this is that for a 15sec or 30sec video ad displaying "Paid for by Vote Pierzchala, Authorized by Art Stiegel, treasurer" as text would meet this requirement. I did not see a requirement for the amount of time on screen so I take it that it is subjective and as long as a good faith effort is made there will be no issues. Also, no requirement to include the campaign address. Please correct me if I am wrong.

Thanks,
Nathan

On Tue, Jul 18, 2023 at 10:42 AM Judy Penny <jpenny@rockvillemd.gov> wrote:

Hello Nathan,

Attached is a copy of a letter sent to all candidates concerning the recent amendment to Chapter 8 Elections approved by the City of Rockville Mayor and Council on June 12, 2023.

Hopefully this will answer your question.

Kind regards and stay safe!

Judy Penny

Executive Assistant

City Clerk Office/Director of Council Operations

City of Rockville

111 Maryland Avenue

Rockville, MD

Direct: (240) 314-8281

Main: (240) 314-8280

jpenny@rockvillemd.gov

"In order to be in compliance with the open meetings act, please do not reply to all. If you would like to discuss a matter in an open meeting, please let me know and we can have the matter placed as an agenda item for discussion"



From: Nathan Winch <nathan@progressivestrategiesnw.com>

Sent: Friday, July 14, 2023 3:02 PM

To: cityclerk <cityclerk@rockvillemd.gov>

Subject: Request for more info on disclaimer requirements for digital video ads

WARNING - External email. Exercise caution.

Hello,

Please forward the documents to this email address.

Thank you

- Nathan

--

Nathan Winch

Consultant, Progressive Strategies NW

☎ Mobile: (301) 219-9033

✉ Email: Nathan@ProgressiveStrategiesNW.com

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Nathan Winch

Consultant, Progressive Strategies NW

☎ Mobile: (301) 219-9033

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Nathan Winch

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City of Rockville
111 Maryland Avenue
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240-314-5000
TTY 240-314-8137

August 14, 2023

Mr. Nathan Winch
Progressive Strategies NW
PO Box 21433
Seattle, WA 98111-3433

Email: nathan@progressivestrategiesnw.com

Dear Mr. Winch:

I am writing to you on behalf of the Rockville Board of Supervisors of Elections ("BSE") to respond to the questions you asked in your email of July 19, 2023.

You asked whether the disclaimer required to appear on a 15 or 30 second video ad must be displayed for any minimum period of time or whether a good faith effort to display the disclaimer would be sufficient. You also asked whether a disclaimer appearing on an ad paid for by a candidate's campaign committee would be required to include the committee's address.

Section 8-101(7) of the Rockville City Code requires disclaimers that are "clear and conspicuous" and that can be "easily seen." That provision does not require video ads to display disclaimers for any minimum time. The BSE agreed that a good faith effort should be sufficient.

Section 8-101(7)(a) describes the required content of a disclaimer appearing on an ad paid for by a candidate's campaign committee. That section does not require the inclusion of the campaign committee's address. (Compare Section 8-101(7)(c).)

I hope that this response adequately answers your questions.

Sincerely,

A handwritten signature in dark ink, reading "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick, Chair
Board of Supervisors of Elections

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Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

Subject: FW: Question for the BSE

From: Aaron Barden <barden@sandlerreiff.com>
Sent: Wednesday, September 13, 2023 10:49 AM
To: Jennifer Dailey <jdailey@rockvillemd.gov>
Subject: Referendum contribution questions

WARNING - External email. Exercise caution.

Hi Jennifer,

As I mentioned over the phone, I am an attorney representing a 501(c)(3) charitable corporation that is interested in potentially contributing to Rockville ballot committees in relation to the upcoming November advisory referendum election.

Essentially, I am trying to confirm (1) whether the City still enforces the limits on corporate contributions to campaign committees related to City advisory referenda, and (2) whether the 501(c)(3) would need to create a separate committee in order to make such contributions.

I appreciate your help in getting these questions answered!

Thanks,
Aaron

Aaron Barden (he/him/his)
Associate

Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.
1090 Vermont Avenue NW, Suite 750
Washington, D.C., 20005
(202) 479-1111



City of Rockville
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240-314-5000
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October 6, 2023

Aaron Barden
Sandler, Reiff, Lamb, Rosenstein & Birkenstock
1090 Vermont Avenue, N.W., Suite 750
Washington, D.C. 20005

Dear Mr. Barden:

I am the chair of the Rockville, Maryland Board of Supervisors of Elections ("BSE"). I am writing to respond to the questions that you asked in an email dated September 13, 2023, addressed to Election Specialist Jennifer Dailey. The BSE discussed your questions at its meeting on September 28, 2023 and authorized me to send this response.

Your email posed two questions: "(1) whether the City still enforces the limits on corporate contributions to campaign committees related to City advisory referenda; and (2) whether the 501(c)(3) would need to create a separate committee in order to make such contributions." The answer to the first question is yes, and the answer to the second question is no.

Section 8-78(d) of the Rockville City Code provides that "[i]t is unlawful for any individual, association, unincorporated association, or any other entity, either directly or indirectly, to contribute in any election cycle any money or thing of value greater than one thousand dollars (\$1,000.00) to any single candidate or campaign committee." That limitation applies to any entity, including corporations, and every campaign committee, including those whose primary purpose is to support or oppose an advisory referendum.

But making a contribution to a committee that supports or opposes an advisory referendum would not require a contributor to form its own campaign committee or file its own Campaign Finance Reports. Section 8-1 of the Rockville City Code defines a campaign committee as a combination of two or more persons which has "as a principal purpose" promoting the success or defeat of "any candidate, principle, or proposition which has been, will be, or is being sought to be submitted to a vote at any City election." Unless a 501(c)(3) has that goal as its principal purpose, it is not, and need not become, a campaign committee. And, if it is not a campaign committee, it would have no obligation to file Campaign Finance Reports with the City of Rockville.

Please note that this response is not intended to address any of the tax issues that might arise from the activity described in your email.

I hope that this response adequately provides the guidance you were seeking.

Sincerely,

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: Frederick W. Newton, Treasurer

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matile

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Sara Taylor-Ferrell

From: Sara Taylor-Ferrell
Sent: Friday, September 8, 2023 1:06 PM
To: Robert Kurnick; Cynthia Walters
Subject: Questions - Mayor Newton

Hi Cindy/Robert,

Mayor Newton would like the following questions answered before closing her campaign account, if possible, she is asking for response today.

- 1) What is the limit of contributions to any single candidate, campaign committee and slate that an individual can contribute during an election cycle?
- 2) If a candidate closes out their campaign account, is there a limit that can be transferred to another candidate, campaign committee or slate?
- 3) In what form can a transfer be done, by personal check, money order or cashier's check or electronic means?

Thanks

Sara Taylor-Ferrell
City Clerk/Director of Council Operations

City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850
Office 240-314-8283
EFax 240-403-9283

"In order to be in compliance with the open meetings act, please do not reply to all. If you would like to discuss a matter in an open meeting, please let me know and we can have the matter placed as an agenda item for discussion"





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

October 6, 2023

Mayor Bridget Donnell Newton
10 Dale Drive
Rockville, Maryland 20850

Dear Mayor Newton:

At a meeting on October 2, 2023, the Board of Supervisors of Elections ("BSE") discussed the question that you emailed to me and to City Clerk/Director of Council Operations Sara Taylor-Ferrell on September 29, 2023. You asked, as a non-candidate who has not closed your campaign account, when your next Campaign Finance Report ("CFR") would be due. The BSE agreed that the answer would be no later than November 8, 2023, but only as long as your committee filed the affidavit described in Section 8-81(d)(2) of the City Code.

Your committee could, if it wished, file a terminal report at any time. In the letter sent to you last month, the BSE described how any surplus funds remaining in your campaign account could be distributed.

Section 8-81(d) of the City Code describes how and when a committee that continues to exist, but does not intend to participate in an election, must file its CFR's. Section 8-81(d)(2)(a) states that a campaign committee that continues to exist may file an affidavit stating that it "has not been involved in raising or spending, and does not intend to raise or spend, money for that election." Then Section 8-81(d)(2)(b) says that, if a committee files that affidavit, its CFRs would be due on November 8 of each subsequent year. So, if your committee files that affidavit, its next CFR would be due on November 8, 2023.

If, however, your committee does not file that affidavit, the committee's next CFR would be due on October 9, 2023. Section 8-81(d)(1) states that a committee that does not file the affidavit must follow the same schedule as every other campaign committee.

I hope that this responses adequately answers your question and provides the guidance you were seeking.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style.

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: Frederick W. Newton, Treasurer

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson



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To All Candidates and Treasurers

Last week, the Board of Supervisors of Elections ("BSE") completed its review of the fifteen Initial Pre-Election Campaign Finance Reports ("CFRs") filed by the October 9, 2023 due date. I am writing to advise you of two developments regarding those reports.

First, we discovered a flaw in the report form. Schedule 1 of the form, Contributions and Other Receipts, consists of four sections: 1) contributions; 2) loans received; 3) loans forgiven; and 4) in-kind contributions. The form totals the amounts from those four sections and automatically inserts that total on Line 2 of the summary sheet, under Balances in Financial Accounts.

But, as one candidate pointed out to us, loans forgiven and in-kind contributions have no effect on a committee's bank balance. That flaw means that the balance shown on the CFR might not match the actual account balance. To correct that flaw, the BSE, with the help of the IT Department, has changed the form. The amount automatically inserted on Line 2 of the summary page will now consist of only Sections 1 and 2 – contributions and loans received. Loans forgiven and in-kind contributions must still be reported, but they will not affect the reported account balance.

Second, several of the reports filed showed violations of Rockville law. Sections 8-74(a) and 8-75(a) of the City Code prohibit a candidate or a campaign treasurer from paying any campaign expenditures from personal funds. Neither candidates nor treasurers may avoid that prohibition by reporting those payments as in-kind contributions or loans to the campaign committee – a view confirmed for the BSE by the City Attorney.

The City Code gives the BSE some discretion in how to address violations. The BSE decided to exercise its discretion by noting the violation without finding a municipal infraction (which would have required the imposition of a fine) – but only if the campaign committee reimburses the candidate or treasurer for the unlawful payments and shows those repayments, under expenditures, on its next report.

For all those who filed their reports on time, we appreciate your efforts. And we hope that this letter makes preparing the next report a bit easier.

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Kurnick".

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

Subject:

FW: Rockville, MD 11/7 Election Inquiry

Attachments:

image001.png

From: Nicole Costa <nicole@democracy.works>

Sent: Friday, September 29, 2023 12:46 PM

To: elections <elections@rockvillemd.gov>

Subject: Rockville, MD 11/7 Election Inquiry

WARNING - External email. Exercise caution.

Hello,

My name is Nicole, and I'm with the research team at [Democracy Works/TurboVote](#)--a nonpartisan, nonprofit organization informing voters of upcoming elections in their area.

I'm writing to ask a few questions about the election happening this **November 7 in Rockville**:

- What is the deadline to submit a [mail-in voter registration application](#)?
- What is the deadline to register to vote using the Maryland [online voter registration system](#)?

Thank you for any information you can provide! I appreciate the work you do.

Best,

Nicole Costa (she/her)
nicole@democracy.works
Election Research Director
Democracy Works





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

October 16, 2023

Nicole Costa
Democracy Works
20 Jay Street, # 410
Brooklyn, New York 11201

Dear Ms. Costa:

I am the chair of the Rockville Board of Supervisors of Elections ("BSE"), and I am writing in response to your email dated September 29, 2023 addressed to Sara Taylor-Ferrell, the Rockville City Clerk and Director of Council Operations.

Your email asked what the deadline is for registering to vote in Rockville's November 7, 2023 municipal election, either by mail or online. The BSE discussed your question at its meeting on October 11, 2023 and authorized me to respond.

The registration deadline is October 6, 2023. No one who registers after that date, by mail or online, will receive a ballot package in the mail. Rockville, however, permits same-day registration. Voters may register on Election Day at a vote center and cast a provisional ballot. The BSE will review the provisional ballots and count those of any voter who is properly registered.

I hope this letter answers your question and provides the guidance you were seeking.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson



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October 24, 2023

Michael Frazier, Chair
Neil Burka, Treasurer
Citizens Helping to Elect Cheryl Kagan
324 New Mark Esplanade
Rockville, MD 20850

Dear Messrs. Frazier and Burka:

I am the chair of the Rockville Board of Supervisors of Elections (BSE). I am writing to you regarding the flyer authorized (and presumably paid for) by Citizens Helping Elect Cheryl Kagan (CHECK) publicizing Senator's Kagan endorsements for Rockville City Council and Rockville's ballot questions. I note that the flyer included photos of Senator Kagan with four of the five candidates endorsed and appears to have been prepared with the consent and cooperation of those candidates.

The flyer raises a number of questions regarding CHECK's compliance with Rockville's campaign finance law. I am writing to call those questions to your attention and offer you an opportunity to respond.

Does CHECK have a filing obligation? The expense of preparing and distributing the flyer appears to make CHECK a "campaign committee" within the meaning of Section 8-1 of the Rockville City Code (Code). If CHECK is a campaign committee, then Section 8-81(b) of the Code requires CHECK to file periodic reports of its receipts and expenditures with the BSE. If CHECK is not a campaign committee, then, at a minimum, it must file a statement of contributions and expenditures, as described in Section 8-73(b), and provide those reports to the candidates endorsed.

Has CHECK made unlawful contributions to the candidates endorsed? Section 8-78(d) provides that no individual or entity may contribute more than \$1,000 to any single candidate. Although that limit would not apply to an independent expenditure, defined in Section 8-1 of the Code, the cooperation or consent of a candidate converts what would have been an independent expenditure into a contribution, defined as any thing of value to any candidate. If the flyer constitutes a contribution to the candidates endorsed, that contribution would likely far exceed the contribution limit of Section 8-78(d). Note that the exception of Section 8-78(c) of the Code appears to be inapplicable

MAYOR
Bridget Donnell Newton

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David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Malite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

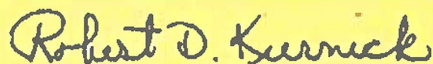
CITY ATTORNEY
Robert E. Dawson

because, among other reasons, the flyer did not include the disclaimers required by that section.

Did the flyer display the required disclaimer? Section 8-101(7) of the Code describes the disclaimers that must appear on campaign materials. If campaign material has not been authorized by a candidate (note that authorization is different from cooperation, consultation, and consent) that material must display a clear and conspicuous disclaimer stating that the material has not been authorized by any candidate or candidate's committee and include the name, street address, telephone number, and internet address of the person who paid for the communication. The flyer distributed by CHECK does not appear to include that statement or that information.

The BSE will likely revisit these issues at its meeting scheduled for November 2, 2023. I invite you to respond to these questions. And you may choose to attend the meeting to respond to questions in person.

Sincerely,



Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville. Maryland

cc: Senator Cheryl Kagan
Barry Jackson, Candidate
John McConnell, Treasurer
Adam Van Grack, Candidate
Theodore Kiviat Treasurer
Kate Fulton, Candidate
Meg Hubbarth, Treasurer
Paul Scott, Candidate
Daniel Lizana, Treasurer
David Myles, Candidate
James Craig Bailey, Treasurer

Board of Supervisors of Elections,

First, thank you for providing us with the opportunity to correct our reporting of goods or services for Mark's campaign that were paid by Mark or me using personal funds.

Second, I want to be sure that I fully understand the BSE's guidance for correcting the errors in the 1st report. I have a few questions.

Question 1 – Is it the case that candidates and treasurers are never allowed to purchase goods or services for the campaign using personal funds and subsequently be reimbursed by the campaign? Or is this just a matter of reporting such transactions differently, and if so, how should they be reported?

Question 2 – does the BSE's decision apply to all such transactions made before the date of its letter informing us of the issue? After the date of the 1st report, Mark made an electronic payment for a campaign expense out his personal account to facilitate getting the payment to the vendor more quickly. (We have not activated Zelle for his campaign account because of issues with the Zelle app.)

Question 3 – To rectify the past infraction, the BSE guidance says the campaign committee should reimburse the candidate or treasurer and show these repayments as expenditures in the next report. If this is the only correction, it will result in a double-count of expenditures, as shown in the table below using Mark's purchase of postage stamps for \$660, and cause other reporting issues.

Transaction	Receipts	Expenditures	cash balance
1st campaign finance report:			
Loan from candidate	660		660
Purchase of stamps		660	-660
2nd campaign finance report (BSE guidance):			
Reimburse candidate		660	-660
Cumulative total	660	1320	-660

The first bank of the table shows how I reported the transaction in the 1st report – as a \$660 loan received and a \$660 expenditure, with no net impact of the campaign's cash balance. The second bank shows my understanding of how the BSE's guidance is to be implemented, which will cause the following problems:

1. Expenditures will be double-counted. The campaign will have reported \$1320 in total for the purchase of stamps worth \$660.
2. Loans (receipts) and loans outstanding will be overstated by \$660 since the recorded loan was not matched by cash coming into the account.
3. The calculated cash balance will be understated by \$660 for a transaction that should have no net impact on the cash balance.

If this analysis is correct, it appears that additional transactions need to be included in the 2nd report. At a minimum, it seems that the original expenditure must be reversed. Also, the reported loan to fund the reported expenditure must be reversed. The net effect after all of these adjustments would be an expenditure of \$660 (to Mark for stamps), a \$660 reduction in the campaign's cash balance, and a \$660 reduction in loans outstanding. If Mark wanted to offset the impact on the campaign's cash balance, he could deposit \$660 from his personal funds into the campaign checking account and have the amount recorded as a loan on the date the loan is made.

I think the same analysis would apply to transactions that were recorded as in-kind contributions. Using my \$78 purchase of the voter database as an example, the campaign would issue a check for \$78 to me, which the 2nd report would show as a \$78 expenditure. The 2nd report would also show a reduction of in-kind contributions by \$78. If I want to offset the impact on the campaign's cash balance, I could separately make a contribution of \$78 from personal funds to the campaign.

Please let me know if you agree with my analysis and the additional suggested transactions to record in the 2nd report. I would be happy to discuss in-person or over the phone, if that would help.

Regards,

Art Stigile
Vote Pierzchala, Treasurer



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

October 24, 2023

Art Stigile, Treasurer
Vote Pierzchala
312 W. Edmonston Dr.
Rockville MD 20850

Dear Mr. Stigile:

I am writing in response to your email, dated October 17, 2023, addressed to Judy Penny, Executive Assistant to the City Clerk/Director of Council Operations. That email asks a series of questions about the recent guidance provided by the Board of Supervisors of Elections (BSE) on loans or in-kind contributions made by candidates and treasurers to their own campaigns.

That guidance explained that the Rockville City Code prohibits candidates from making campaign expenditures from personal funds and reporting those expenditures as either in-kind contributions or loans to their campaigns. The guidance also stated that candidates must be reimbursed for any such loans or in-kind contributions and that the reimbursement should be reported as an expenditure on Schedule 2 of the committee's next Campaign Finance Report (CFR).

Your email asks whether candidates and treasurers are forever prohibited from using personal funds to purchase goods or services for their campaigns, or whether the issue is simply how those purchases should be reported. Sections 8-74(a) and 8-75(a) of the Rockville City Code forever prohibit candidates and treasurers from making campaign expenditures with personal funds. Use of those personal funds is unlawful. The BSE guidance on how those violations should be corrected and reported was not meant to suggest that the issue is confined to how those unlawful expenditures should be reported.

Your email asks whether the BSE's guidance applies to all transactions or only to those made after the date of the BSE's letter. The guidance provided was not based on any recent change in the law. The relevant provisions have been part of the Rockville City Code for years. The BSE's guidance therefore applies to all transactions, regardless of when they occurred.

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

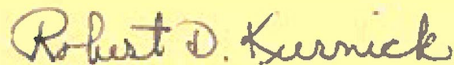
CITY ATTORNEY
Robert E. Dawson

Your email also states that reimbursement will result in counting an expenditure twice. I disagree. Unless the candidate has already been reimbursed for the reported in-kind contribution or the purported loan has already been repaid, the reimbursement should be reported only once.

The example you provided is confusing. Vote Pierzchala's most recent report shows a loan from Mark Pierzchala of \$660. Your letter states that the "loan" was in fact a purchase of postage stamps. If it was a loan, then Councilmember Pierzchala presumably expected repayment. But your report of expenditures does not show that repayment. Instead, it shows a \$660 payment to the U.S. Post Office with a notation that the payment was made using a personal credit card. But that payment was not an expenditure of Vote Pierzchala. It was paid by Councilmember Pierzchala himself and not by his campaign committee. It should not therefore have been reported as an expenditure of Vote Pierzchala.

A more accurate way of reporting this (still unlawful) transaction would have been simply to report the purchase of stamps as an in-kind contribution from Councilmember Pierzchala to his own campaign – one for which he has not been reimbursed. You may want to file an amended and more accurate Initial Pre-Election CFR.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized 'R' and 'K'.

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville. Maryland

cc: Mark Pierzchala

Judy Penny

From: Barry Jackson <barryjacksonrockville@gmail.com>
Sent: Friday, October 13, 2023 7:12 AM
To: Sara Taylor-Ferrell; elections
Subject: Inappropriate comment at BOSE

WARNING - External email. Exercise caution.

Sara,

I don't appreciate the comments made at the BOSE about the King Farm Citizens Association or me as president.

I heard someone say that because my treasurer used an abbreviation to shorten Association to "Ass" that, "Well, we know what the president thinks about them."

I don't find that funny at all. Totally uncalled for and inappropriate - frankly unprofessional. Other people - many people view that record of the meeting.

I would like an apology from the chair of the BOSE. Both in writing and at the next meeting of the BOSE. Please give me a call and let me know how this will be handled.

Barry



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

October 24, 2023

Mr. Barry Jackson,
508 Longhorn Crest
Rockville, MD 20850

Dear Mr. Jackson:

I am writing in response to your email, dated October 13, 2023, addressed to Sara Taylor-Ferrell, City Clerk and Director of Council Operations. In that email, you object to a comment made at the October 11, 2023 meeting of the Board of Supervisors of Elections and request an apology from me.

The BSE discussed your email at its meeting on September 19, 2023 and directed me to respond.

Our meetings are informal. Particularly prior to an election, we meet frequently and perform numerous other required tasks. (On September 19, for example, before meeting at 2:30 pm, I and other members of the BSE spent several hours at the Ingleside nursing home helping residents vote. We will soon begin delivering voted ballots from City Hall to the Montgomery County Board of Elections on a daily basis with police escort.) The informality and occasional humor lighten our burden. I do not want to eliminate either.

I have listened to the comments that you found objectionable. I do not believe that any reasonable, objective listener would take them seriously or find them offensive. I regret that you took offense, but I hope you will nevertheless understand and overlook this not so significant incident.

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Kurnick".

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: John McConnell, Treasurer

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson



City of Rockville
111 Maryland Avenue
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TTY 240-314-8137

October 24, 2023

Councilmember Monique Ashton
530 Anderson Avenue
Rockville, MD 20850

Dear Councilmember Ashton,

The Board of Supervisors of Elections (BSE) received a question that you raised with City Clerk/Director of Council Operations Sara Taylor-Ferrell. The BSE reviewed that question at its meeting on Thursday, October 19, 2023.

Please be advised that you may contribute funds up to \$1,000 to any other candidate's campaign, as provided by Section 8-78(d). As a candidate, your personal contribution to your own campaign has no limit, as stated in Section 8-77(a), as long as the contribution is delivered to the treasurer, as required by Sections 8-75(a) and 8-77(a).

The confusion likely has arisen from the BSE explaining to candidates and treasurers that the City Code prohibits them from using personal funds to make campaign expenditures. That prohibition does not preclude you or any other candidate from making unlimited contributions to your own campaign committee.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: Matthew McCormick, Treasurer

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

"In order to be in compliance with the open meetings act, please do not reply to all. If you would like to discuss a matter in an open meeting, please let me know and we can have the matter placed as an agenda item for discussion"



From: Thomas Gibney <tjgibney304@gmail.com>
Sent: Wednesday, October 25, 2023 4:23 PM
To: elections <elections@rockvillemd.gov>
Subject: Questions

WARNING - External email. Exercise caution.

Good evening,

I am an Operations expert and was curious about some of the processes associated with mail-in-ballots.

1. Where does the City get its voter information from, in order to send the ballots out?
2. Does the City have the means to validate that voter information?
3. How does the City verify that a mailed-in ballot actually comes from a registered voter?

I appreciate your responses.

Please email me if you wish to discuss further.

V/r,
Tom



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

October 31, 2023

Mr. Thomas Gibney
304 Ridgemont Avenue
Rockville, MD 20850

Dear Mr. Gibney:

I am the chair of the Rockville Board of Supervisors of Elections (BSE). I am writing in response to your email dated October 25, 2023 asking three questions. The BSE discussed your questions at its meeting on October 26, 2023 and directed me to respond.

You first ask, "Where does the City get its voter information from, in order to send the ballots out?"

The City of Rockville does not have its own voter database. It relies on the Maryland Board of Elections, which does maintain a voter database, to provide the names and addresses of Rockville voters to the vendor that mails ballots to the voters.

Your second question is "Does the City have the means to validate that voter information?"

In the months prior to the election, Rockville sends out mailers to registered voters and uses those that are returned undelivered to update and correct voter information. In those mailers and elsewhere, Rockville also urges voters to check and update their registration information.

Finally, you ask "How does the City verify that a mailed-in ballot actually comes from a registered voter?"

Each outgoing ballot package has a unique barcode that the vendor scans when the ballot packages are mailed to the voters. Each return envelope also has a barcode that is scanned when ballots are received by the City of Rockville. The barcodes allow the BSE to confirm that a ballot received is a ballot sent to a registered voter. To be counted, each return envelope must also include the voter's printed name and signature. The receipt of two ballots purportedly from the same voter would trigger an investigation regarding the validity of each.

I hope this response provides the information you were seeking.

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Sincerely,

Robert D. Kurnick

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

Judy Penny

From: Marissa Valeri <m@marissaforcouncil.com>
Sent: Thursday, October 26, 2023 7:20 AM
To: cityclerk; Robert Kurnick
Subject: Question for BSE meeting this afternoon

WARNING - External email. Exercise caution.

Good morning! I have a few questions.

1. Can candidates accept donations from individuals outside the United States?
2. Will the BSE be providing a summary of the closed session on October 19, per the state Open Meetings Act requirement of Chapter 5(C)?

OPEN MEETINGS ACT MANUAL



OFFICE OF THE ATTORNEY GENERAL
JANUARY 1, 2024

ILLINOIS ATTORNEY GENERAL
JANUARY 1, 2024

ILLINOIS ATTORNEY GENERAL
JANUARY 1, 2024

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JANUARY 1, 2024

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JANUARY 1, 2024

omaManualPrint

PDF Document - 918 KB

Marissa

(she/her/ella)

Marissa Valeri for Rockville City Council

www.marissaforcouncil.com

301-960-8693 (text preferred)





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

October 31, 2023

Ms. Marissa Valeri
13302 Midway Avenue
Rockville, MD 20850

Dear Ms. Valeri:

I am writing in response to your email dated October 26, 2023, addressed to Sara Taylor-Ferrell, City Clerk and Director of Council Operations and to me. The Board of Supervisors of Elections (BSE) discussed your email at its meeting on October 26, 2023 and authorized me to respond.

You asked whether candidates could accept donations from individuals outside the United States. Rockville's City Code does not address this issue, but federal law does. Federal law prohibits foreign nationals from contributing to any federal, state, or local candidates. 52 U.S.C. § 30121; 11 C.F.R. § 110.20. A foreign national is anyone who is neither a U.S. citizen nor a permanent resident of the United States. As you can see, the issue is not where the contribution comes from – it can come from anywhere – but who makes it.

You also asked whether the BSE would be providing a summary of the closed session it conducted on October 19, 2023. The BSE conducted that closed session to receive legal advice from the City Attorney's office. The minutes of that meeting will include a brief summary of the closed session, but that summary will not disclose any information protected by the attorney-client privilege.

I hope that this letter provides the information for which you were asking.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style.

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: Jake Rose Treasurer

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

October 26, 2023

Via e-mail (elections@rockvillemd.gov)

Robert D. Kurnick, Chair
Board of Supervisors of Elections
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Re: October 24, 2023 Correspondence to Citizens Helping to Elect
Cheryl Kagan ("CHECK")

Dear Mr. Kurnick:

As you know, Adam Van Grack and I were copied on your October 24, 2023 correspondence to Mr. Michael Frazier and Neil Burka, the Chair and Treasurer of CHECK. You presented several questions in that correspondence and closed it: "The BSE will likely revisit these issues at its meeting scheduled for November 2, 2023. I invite you to respond to these questions. And you may choose to attend the meeting to respond to these questions in person."

Can you clarify if this is addressed only to CHECK or if the Board of Supervisors of Elections is seeking (1) a written response from the Friends of Adam Van Grack and/or (2) that the Friends of Adam Van Grack respond in person at your November 2, 2023 meeting? If you are seeking a personal response, kindly provide the time and location for the November 2, 2023 meeting.

Sincerely yours,



Theodore Kiviat

Treasurer, Friends of Adam Van Grack

Cc: Adam Van Grack



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

October 31, 2023

Mr. Thoedore Kiviat, Treasurer
Friends of Adam Van Grack
110 N. Washington Street, No. 300
Rockville, Maryland 20850

Dear Mr. Kiviat:

I am writing in response to your letter dated October 26, 2023. In that letter you note that you received a copy of the letter that the Board of Supervisors of Elections (BSE) sent to Citizens Helping Elect Cheryl Kagan (CHECK), and you ask whether the BSE is seeking a response from Friends of Adam Van Grack.

The BSE was not specifically requesting a response from Friends of Adam Van Grack, but we would be happy to have your committee address the issues raised in that letter, either in writing or in person, if you wish to do so.

The BSE's next meeting is scheduled for November 2, 2023 at 6:00 p.m. The meeting will take place at City Hall in either the Blue Crab or Blacked-Eyed Susan conference room. I cannot tell you at what time the BSE will address the issues raised in its letter to CHECK, but our practice has been to move to the top of the agenda issues involving guests attending in person.

Sincerely,

Robert D. Kurnick

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: Adam Van Grack

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

From: Greg Minoff <greg.minoff@gmail.com>
Sent: Thursday, October 26, 2023 8:19 AM
To: elections
Cc: CMO
Subject: Vote-by-Mail Confusion?

WARNING - External email. Exercise caution.

To whom it may concern:

I've lived in Rockville for 5 years and I am a regular Rockville voter. I am deeply troubled by the mail ballot situation I outlined below. I requested to receive email updates concerning my ballot with the email GregMinoff@aol.com, here is what I know:

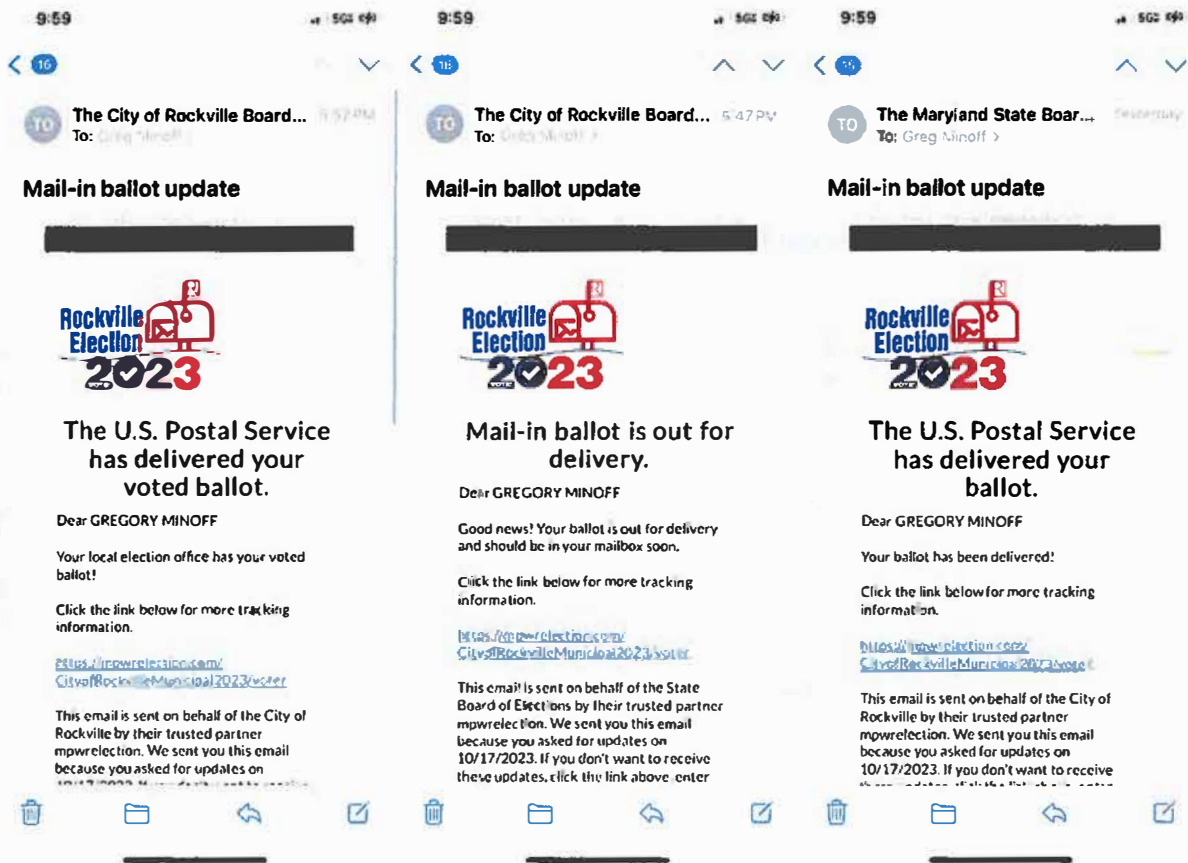
1. I received an email on 10/24 that said my ballot arrived. I believe it arrived 10/23.
2. I received an email at 5:47P on 10/25 that said my mail-in ballot is out for delivery.
3. I received an email at 5:52P on 10/25 that said my election office has my voted ballot. However, I haven't voted yet, my ballot is *right* here.
4. My wife received her ballot last week, why did they not arrive together?

I take voting integrity very seriously and have concerns about this process and data operation/execution. **Most importantly, I'm holding my ballot but was my vote counted per your email?**

Please advise what happened immediately. If this was a technology glitch - it must be happening to others.

Thank you,
Greg Minoff

999 Farm Haven Drive
Rockville, MD





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

October 31, 2023

Mr. Greg Minoff
999 Farm Haven Dr.
Rockville, MD 20852

Dear Mr. Minoff:

I am the chair of the Rockville Board of Supervisors of Elections (BSE). I am writing in response to your email dated October 26, 2023 describing the inaccurate email notices that you received regarding the status of your ballot.

Your email was extremely helpful. It caused the BSE to investigate the source of the emails and the cause of the inaccurate reports that you, and others, have received. We were distressed to learn that, because of a technical issue, the vendor retained by the City of Rockville (and in the previous election by the State of Maryland) had been sending voters inaccurate emails, like those that you received. The BSE has instructed that the vendor immediately stop sending those emails, and the vendor has agreed to do so.

The BSE regrets the confusion that those emails have caused. Please be assured that nothing in those emails has affected the integrity of Rockville's election. All registered voters will receive a ballot, and all valid ballots cast will be counted.

Thank you for contacting us. We appreciate receiving the information that you provided.

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Kurnick". The signature is written in a cursive style.

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
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ACTING CITY MANAGER
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CITY CLERK/DIRECTOR OF
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Robert E. Dawson



City of Rockville
111 Maryland Avenue
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October 26, 2023

Message From the Rockville Board of Supervisors of Elections

I am writing to advise you of an issue regarding the distribution of ballots. We learned this week that several registered voters have not received their ballots. The City Clerk's office and the Board of Supervisors of Elections are correcting that problem.

The City of Rockville relies on the vendor, the Taylor Corporation, used by the State of Maryland to mail ballots to voters and relies on the Maryland Board of Elections (BOE) to provide Taylor with the addresses of all registered Rockville voters. Rockville has no choice in this matter because it does not have its own voter database and using a different vendor would preclude Rockville from using the state's voting equipment and high-speed scanners to tabulate ballots.

We have now discovered that the Maryland BOE did not provide Taylor with the addresses of those Rockville voters who had signed up to receive their ballots online in the 2022 general election. As a result, many voters did not receive their ballots when they should have.

The City Clerk's office now has the addresses of those registered voters and will send them their ballots, from Rockville this week. I apologize for the confusion and inconvenience this has caused. Please know that we are fixing this problem. All voters should receive their ballots and be able to cast them in a timely manner.

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Kurnick".

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: Barack Matite, Acting City Manager
Robert Dawson, City Attorney
Cynthia Walters, Deputy City Attorney

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Sara Taylor-Ferrell

From: Michael Zuckman <zuckman@gmail.com>
Sent: Monday, October 30, 2023 10:11 AM
To: elections
Cc: mayorcouncil
Subject: Re: Election Problems

WARNING - External email. Exercise caution.

I just read the statement by the Board of Supervisors of Elections posted on the website. I think it's misleading at best, and contains at least one outright misstatement.

Last week, a technical issue arose that prevented voters in the City of Rockville's 2023 election from using the online tool to track the delivery of ballots to a voter's home. This technical issue has not affected the integrity of the city's election process. This issue affected only the ability of voters to track their ballots through the United States Postal Service. The issue had no effect on the actual delivery of ballots.

This is just not true. The "technical issue" did not just affect the ability of voters to track ballots. It contains substantive errors. In my case it stated, "Voted Ballot Delivered," which was empirically false.

Further, the statement says, "Ballots have been mailed to all registered city voters." This also appears to be incorrect. According to Max van Balgooy's blog on October 27th, "Turns out nearly 1,000 voters in Rockville did not receive ballots for the upcoming Mayor and Council election due to an error in the voter database." <https://maxforrockville.com/2023/10/27/database-error-leaves-nearly-1000-rockville-voters-without-ballots/>

I have also heard other numbers ranging from, "several," to "between 800 and 900," and "well over 1000," from three separate sources.

I would like to know *exactly* how many ballots were not mailed to eligible voters and the reason why.

I am not a crank conspiracy theorist. I consider myself an engaged member of the community who has serious concerns about the integrity of the upcoming election and the competence of the Board of Supervisors of Elections to correct the database issues and execute this election fairly and accurately. If 1000 voters don't receive their expected ballots, how many of them will take it upon themselves to contact the City to ensure that they actually get a ballot and vote? 1000 voters account for a significant percentage of likely voters and would call into question the legitimacy of the election. The last thing any of us want is for Rockville to become mired in a court ballot over the election results.

Time is short. I have to ask, what is being done to correct the issue?

I also ask that the City remove the misleading statement from the website and replace it with something that acknowledges the existing issues with ballot distribution.

Incidentally, I finally received my ballot. It arrived exactly two weeks later than when the City indicated I should expect it.

Sincerely,

Michael S. Zuckman
704 Reserve Champion Dr.
(202) 203-0551

On Wed, Oct 18, 2023 at 9:48 AM Michael Zuckman <zuckman@gmail.com> wrote:

I just called the elections office to inform them that I had not received my ballot, despite being told by the City they would be received last week.

I was directed to the ballot tracking page and was distressed to see that the tracker indicated my ballot had already been voted. This is deeply concerning.

I've spoken to four neighbors and none of them have received their ballots to date. I don't know whether their ballots have already been voted as well.

I would like a call back from Sara Taylor-Ferrell TODAY with a detailed explanation of the problem.

I can be reached at 202.203.0551.

Regards,

Michael Zuckman
704 Reserve Champion Dr.
Rockville, MD 20850

MICHAEL ZUCKMAN
704 Reserve Champion Dr
Rockville MD 20850

Sample Ballot

[View Sample](#) [PDF](#)

Email Notification

☐ I would like to receive ballot updates via email.

Status History

Step #1: In Process

Complete

Your Mail in Ballot is currently being printed.

Step #2: Mailed

Complete

Your ballot has been mailed.

Step #3: Delivered

Complete

Your ballot was delivered.

Step #4: Voted Ballot En route

Complete

The USPS has your voted ballot and is on its way to the election office.

Step #5: Voted Ballot Delivered

Complete

Your voted ballot has been delivered to the election office.

--
Michael S. Zuckman

--
Michael S. Zuckman

Sara Taylor-Ferrell

From: Michael Zuckman <zuckman@gmail.com>
Sent: Thursday, November 2, 2023 10:59 AM
To: elections
Cc: mayorcouncil
Subject: Re: Election Problems
Attachments: Received Ballots 11-01-2023_202311011611005938.xls

WARNING - External email. Exercise caution.

I have to raise another issue with respect to my ballot. I deposited my ballot in the box inside the front doors of City Hall on 10/30. It has yet to be recorded as received. I see that ballots received on 10/31 and 11/1 and have been recorded as received.

This is yet another example of a concerning aspect of the execution of the election.

Please confirm receipt of my ballot or advise how to submit a new ballot or how to otherwise proceed.

Michael Zuckman
704 Reserve Champion Dr.

On Mon, Oct 30, 2023 at 10:10 AM Michael Zuckman <zuckman@gmail.com> wrote:

I just read the statement by the Board of Supervisors of Elections posted on the website. I think it's misleading at best, and contains at least one outright misstatement.

Last week, a technical issue arose that prevented voters in the City of Rockville's 2023 election from using the online tool to track the delivery of ballots to a voter's home. This technical issue has not affected the integrity of the city's election process. This issue affected only the ability of voters to track their ballots through the United States Postal Service. The issue had no effect on the actual delivery of ballots.

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I have also heard other numbers ranging from, "several," to "between 800 and 900," and "well over 1000," from three separate sources.

I would like to know *exactly* how many ballots were not mailed to eligible voters and the reason why.

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would call into question the legitimacy of the election. The last thing any of us want is for Rockville to become mired in a court ballot over the election results.

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Michael S. Zuckman
704 Reserve Champion Dr.
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I can be reached at 202.203.0551.

Regards,

Michael Zuckman
704 Reserve Champion Dr.
Rockville, MD 20850

MICHAEL ZUCKMAN

704 Reserve Champion Dr
Rockville MD 20850

Sample Ballot

[View Sample PDF](#)

Email Notification



I would like to receive ballot updates via email.

Status History



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Complete

Your Mail-in Ballot is currently being printed.



Step #2: Mailed

Complete

Your ballot has been mailed.



Step #3: Delivered

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Your ballot was delivered.



Step #4: Voted Ballot En route

Complete

The USPS has your voted ballot and is on its way to the election office.



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Your voted ballot has been delivered to the election office.

--
Michael S. Zuckman

--
Michael S. Zuckman

--
Michael S. Zuckman



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

November 7, 2023

Mr. Michael Zuckman
704 Reserve Champion Drive
Rockville, MD 20850

Dear Mr. Zuckman:

I am writing in response to our emails dated October 30 and November 2, 2023. In those emails you ask about undelivered ballots and the receipt of your voted ballot.

As the Board of Supervisors of Elections (BSE) explained to the Mayor and Council and to all of the candidates, the vendor retained by the City of Rockville failed to send ballots to several hundred voters because of inadequate information provided to the vendor by the State of Maryland. I am sending you a copy of the letter from the BSE addressing that issue.

All of those ballots were sent to voters from Rockville on Friday October 27. All should have been received within the next day or two.

Your voted ballot has been received. Rockville compiles a spreadsheet of all voted ballots received. The process is not instantaneous. It takes a few days for names to appear. I note that your name now appears on that spreadsheet.

Sincerely,

Robert D. Kurnick

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, MD

cc: Councilmember Monique Ashton

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

From: Barry Jackson <barryjacksonrockville@gmail.com>
Sent: Thursday, November 2, 2023 11:58 AM
To: Sara Taylor-Ferrell; elections; Robert Kurnick
Subject: Questions for the BOSE

WARNING - External email. Exercise caution.

- 1) Will there be a listing for independent expenditures or other expenditures by other groups in the Rockville election on the City's website? Currently the city only lists Mayor, Council and slate reports. I note that at least three groups have done mail or other materials. People need to know who these groups are and have that information readily available.
- 2) Has the BOSE fined anyone for not filing their reports in a timely fashion? If the BOSE has chosen not to fine anyone to date.... why not?
- 3) Has every person who was included in the 1000 voters (approximately) mistake - have they received their ballots now?
- 4) Given that approximately 1000 ballots were involved in this error - how has the city and the Board prepared for a possible influx of voters at the in-person City Hall and Thomas Farm vote centers who have not received ballots or have other concerns or problems that need to be addressed?



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

November 7, 2023

Mr. Barry Jackson,
508 Longhorn Crest
Rockville, MD 20850

Dear Mr. Jackson:

I am writing in response to your email dated November 2, 2023 addressed to Sara Taylor-Ferrell, City Clerk and Director of Council Operations, and to me. The Board of Supervisors of Elections (BSE) discussed your email at its meeting on November 2, 2023 and authorized me to respond.

You ask four questions. I will address each in order.

You ask whether there will be a listing on the Voting and Elections website of expenditures by groups other than the candidate's campaign committees. Reports filed by other organizations have been posted on that website. They are listed under the heading "PACs."

You asked whether the BSE has fined anyone for not filing a Campaign Finance Report and, if not, why not. The BSE has imposed fines in past elections. Unfortunately, the procedure for doing so is long and cumbersome. I refer you to Section 8-83 of the Rockville City Code.

You ask whether all those who were not sent a ballot in the initial mailing have now received their ballots. Those ballots were mailed to voters from Rockville on October 27, 2023. So presumably they have been received.

You ask how the City has prepared for a possible influx of voters at the two vote centers. Both vote centers are fully staffed and will be ready.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick".

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland



BOARD OF SUPERVISORS OF ELECTIONS COMPLAINT FORM

PLEASE PRINT ALL INFORMATION

Name of Complainant Max A. van Balgooy

Street Address 313 Twinbrook Parkway

City Rockville State MD Zip 20851

Daytime Phone Number 301-251-6371 Fax Number _____

E-mail Address max.vanbalgooy@gmail.com

Complaint against the following person(s) (include contact information, if known): _____

Candidates for City Council Paul Scott, Dannel Belay, and Anita Powell

Section of *Chapter 8 – Elections* allegedly violated: _____

Section 8-81: Election Reports to be Filed by Candidate; Section 8-83: Requirements of election reports and statements.

Please explain the basis for your complaint. If necessary, attach additional sheets.

Rockville United lists an in-kind contribution of \$200 to Paul Scott, which does not appear in Paul Scott's report.

Dannel Belay lists \$100 as a balance forward, however, there is no previous campaign finance report. I suspect this was a self-contribution to open a bank account for the campaign and is recorded incorrectly.

Anita Powell lists \$283.95 in contributions as loans but they are actually campaign expenses.

Date alleged violation occurred: Campaign finance reports for the period ending _____
October 3, 2023

I, Max A. van Balgooy, hereby declare, under the penalties of perjury, that the information provided in connection with this complaint is, to the best of my knowledge, true and correct.

Max A. van Balgooy
Signature of Complainant

Oct. 29, 2023
Date

City Clerk's Office Use Only
Date & Time Received:



Board of Supervisors of Elections Administrative Complaint Procedure

The Administrative Complaint Procedure is set by the City of Rockville Board of Supervisors of Elections (Board).

HOW TO FILE A COMPLAINT

1. The person filing the complaint (complainant) must provide all of the information required on the Board of Supervisors of Elections Complaint Form including all of the relevant facts regarding actions or events that form the basis for the complainant's belief that a violation of *Rockville City Code Chapter 8 – Elections* (City's Election Code) has occurred.
2. The complaint must be in writing and signed under oath by the complainant.
3. A complaint must be filed within 20 calendar days* after the occurrence of the actions or events that form the basis for the complaint. If a complaint is filed later than 20 calendar days* after the occurrence, the complaint must set forth the extenuating circumstances for the late filing. The Board of Supervisors of Elections may, at its sole discretion, decide whether to consider a late-filed complaint.

WHERE TO FILE A COMPLAINT

The complaint must be filed with the City Clerk's Office, 111 Maryland Avenue Rockville, MD 20850.

ADMINISTRATIVE DETERMINATION PROCESS

Upon receiving a complaint, the Board may decide to respond to the complaint without seeking additional information, or the Board may, at its sole discretion, seek additional information from the complainant and/or send notice to the person(s) whose actions are asserted to be in violation of the City's Election Code (respondent). The Board may allow up to 20 calendar days* for the complainant or person(s) to respond in writing. If a timely response is not received, the Board may make a decision on the complaint without a response.

The Board may hold a hearing on the complaint or may make a decision on a complaint without a hearing, at its sole discretion.

If the Board decides not to hold a hearing, the Board will notify the complainant and the respondent of its decision on the complaint.

*Any deadline that falls on a day that City Hall is closed (e.g., weekend, holiday, inclement weather) will be extended to the next City business day.



Board of Supervisors of Elections Administrative Complaint Procedure

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City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-9000
TTY 240-314-8137

November 7, 2023

Mr. Max A. van Balgooy
313 Twinbrook Parkway
Rockville, MD 20851

Dear Mr. van Balgooy:

At its meeting on November 2, 2023, the Rockville Board of Supervisors of Elections (BSE) considered the complaint that you recently filed regarding Rockville's municipal election.

I am writing to inform you that the BSE voted to dismiss your complaint and to explain why. Your complaint made three allegations. As explained herein, one was deemed non-meritorious, and the others raised issues that the BSE had already addressed.

The first allegation is that candidate Paul Scott contributed \$200 to Rockville United but did not list that contribution on his own Campaign Finance Report. If, as it appears, Mr. Scott made that contribution with personal funds, rather than with funds from his campaign depository, there would have been no need for his campaign committee to report that expenditure. The BSE, incidentally, has informed Rockville United that the contribution of personal funds was improper and must be repaid.

The second allegation is that candidate Dannel Belay filed an Initial Pre-Election CFR showing a balance of \$100 carried forward, despite the fact that he had not previously filed a report with a balance that could be carried forward. The BSE has written to Mr. Belay, called that error to his attention, and directed him to file a corrected report.

The third allegation is that candidate Ania Neal Powell filed a CFR listing \$283.95 as loans "but they are actually campaign expenses." Those loans were actually improperly made in-kind contributions. The BSE wrote to Ms. Powell, called the mistake to her attention, and directed her campaign to reimburse her for those contributions. I note that the Second Pre-Election CFR filed by her campaign shows reimbursement has been made.

Because no further action by the BSE is required, your complaint is hereby dismissed.

Sincerely,

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matile

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
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CITY ATTORNEY
Robert E. Dawson



City of Rockville
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www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

November 7, 2023

Michael Frazier, Chair
Neil Burka, Treasurer
Citizens Helping to Elect Cheryl Kagan
324 New Mark Esplanade
Rockville, MD 20850

Dear Messrs. Frazier and Burka:

At its meeting on November 2, 2023, the Board of Supervisors of Elections (BSE) reviewed the Campaign Finance Report (CFR) submitted by Citizens Helping Elect Cheryl Kagan (CHECK).

I am writing to inform you of two things. The BSE concluded that it could not accept the report as submitted. The BSE also found that CHECK had committed municipal infractions within the meaning of Section 8-111(b) of the Rockville City Code by making contributions to Rockville candidates in excess of that permitted by law and by failing to display on its campaign materials the disclaimer required by the Rockville City Code.

As a preliminary matter I note that the BSE sent you a letter dated October 24, 2023 raising these issues, asking you to respond, and inviting you to attend the BSE's next meeting to explain and answer questions. You did not respond to that letter or attend that meeting. Instead, you filed a CFR characterizing the mailer as an independent expenditure without any explanation.

Section 8-101(7) of the Rockville City Code provides that campaign materials not authorized by a candidate must state the name, address, telephone number, and internet address of the person who paid for the material and state that the communication was not authorized by any candidate or candidate's committee. CHECK distributed a mailer to Rockville voters that did not display the required information or disclaimer.

Section 8-78(d) of the Rockville City Code provides that no person or entity may contribute money or any thing of value greater than \$1,000 to any single candidate in any election cycle. According to your report, the cost of the mailer that you sent to Rockville voters was \$11,793.60. No matter how that amount is divided among or attributed to the candidates endorsed, it far exceeds the maximum permissible contribution.

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK / DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Of course, there is no limit on independent expenditures. But Section 8-1 of the Rockville City Code defines an independent expenditure as an expenditure "which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate, or any agent or authorized committee of such candidate."

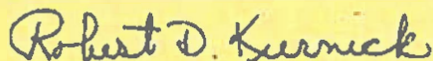
The mailer that you distributed includes posed photos of Senator Kagan with four of the endorsed candidates, both individually and as a group. And at least one of those photos previously appeared on that candidate's own campaign material. That evidence convinced the BSE that one or more of the candidates that Senator Kagan endorsed had consented to, or cooperated in, the preparation of the mailer.

Because the CFR submitted by CHECK characterized the expenditure of \$11,793.60 as an independent expenditure, rather than as a contribution, the BSE concluded that the report was inaccurate and could not be accepted.

Section 8-111(b) of the City Code states that any person who violates any part of Chapter 8 of the City Code (other than those sections whose violation constitutes a misdemeanor) is guilty of a municipal infraction. For the reasons stated in this letter, the BSE concluded that CHECK committed municipal infractions by failing to display the required disclaimer and contributing to Rockville candidates more than the law permits.

Section 8-111 also states that municipal infractions "shall be prosecuted by the City Attorney." I am therefore providing the Rockville City Attorney with a copy of this letter.

Sincerely,



Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: Senator Cheryl Kagan
Robert Dawson, City Attorney



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

November 7, 2023

Mr. Jonathan Robinson, Chair
Affordable Maryland PAC
6909 Laurel Avenue #11377
Takoma Park, MD 20912

Dear Mr. Robinson:

At its meeting on November 2, 2023, the Board of Supervisors of Election (BSE) reviewed the Campaign Finance Report (CFR) submitted by Affordable Maryland PAC.

I am writing to inform you that the BSE could not accept that report as submitted.

The report raises two questions that must be answered before the report can be accepted: 1) whether Affordable Maryland PAC is a "campaign committee" within the meaning of Section 8-1 of the Rockville City Code; and 2) whether the campaign material distributed by Affordable Maryland PAC constituted an "independent expenditure" within the meaning of that same section.

Whether Affordable Maryland PAC is a campaign committee likely turns on whether a principal purpose of your organization is to promote the success or defeat of any candidate in Rockville's upcoming election. Please respond to this letter by addressing that issue.

Whether the materials distributed by Affordable Maryland PAC constitutes an independent expenditure likely turns on whether any candidates cooperated in, consented to, or consulted with Affordable Maryland in the preparation or distribution of that material. I note that your flyer included photographs of the candidates that appear identical to those on the candidates' websites and materials. Please explain how those photographs were obtained and describe any other contact that your organization may have had with the candidates.

I look forward to your response.

Sincerely,

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, MD

cc: Eric Saul, Treasurer

MAYOR
Bridget Donnell Newton

COUNCIL
Monique Ashton
Beryl L. Feinberg
David Myles
Mark Pierzchala

ACTING CITY MANAGER
Barack Matite

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

From: Richard Gottfried <richard@gottfried4council.com>
Sent: Thursday, November 9, 2023 11:08 AM
To: elections
Subject: how many ballots were received on Wednesday and Thursday

WARNING - External email. Exercise caution.

Hi Judy

How many ballots were received by mail on Wednesday and Thursday?

It was reported in moco360 that 300-400 ballots not mailed to voters, I am curious to know will there be a recount.

Thanks for letting me know.

Richard Gottfried
Former-Candidate for Rockville City Council
309 Twinbrook Parkway
Rockville, MD 20851
Telephone: 301-717-9558
Email: richard@gottfried4council.com
Website: www.gottfried4council.com



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

November 28, 2023

Mr. Richard Gottfried
309 Twinbrook Parkway
Rockville, MD 20851

Dear Mr. Gottfried:

I am writing on behalf of the Board of Supervisors of Elections (BSE) in response to your email dated November 9, 2023.

In that email, you asked two questions: 1) how many ballots were received on Wednesday November 8 and Thursday November 9; and 2) whether there will be a recount of the ballots cast.

I understand that some ballots were received on Wednesday and Thursday. I do not know the exact number, although I know it is less than 100. The BSE will include the exact number in its report on the election, which I anticipate the BSE will present to the Mayor and Council early next year.

There will not be a recount. Section 8-41(i) of the Rockville City Code requires a recount, if requested by a candidate, only if a candidate "has lost an election by a margin of one-half (½) percent or less." Because each candidate who lost, lost by a margin of more than one-half percent, no recount can be conducted.

I trust that this response provides the information you were seeking.

Sincerely,

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

cc: Stacey Freeman-Gottfried, Treasurer

MAYOR
Monique Ashton

COUNCIL MEMBERS
Kate Fulton
Barry Jackson
David Myles
Izola (Zola) Shaw
Marissa Valeri
Adam Van Grack

ACTING CITY MANAGER
Craig Simoneau

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

From: Melanie Winans <melanielwinans@yahoo.com>
Sent: Sunday, November 12, 2023 11:28 AM
To: mayorcouncil
Subject: November 7th City Election

WARNING - External email. Exercise caution.

Dear Mayor and Council,

I am writing to express my concern that the recent election held on November 7, 2023, may not be accurate due to technical problems. I am unable to determine whether my vote was received, since apparently I need to have Microsoft word, which I do not want to pay for, to see the ballots received list. I spent a lot of time researching and thinking about who to vote for, so it concerns me that I don't know if my ballot was received and tallied correctly. I believe that future elections should not be held by mail but instead be done in person on a paper ballot and hand counted. In my opinion, this method would be much more efficient, less costly and more accurate.

The results of the first two ballot questions indicate the majority of Rockville citizens are opposed to allowing 16-year-olds and noncitizens the right to vote in city elections. I hope that you will abide by the voter's opinions when making future decisions about who may vote in elections.

Thank you for your time.

Melanie Winans
817 Crocus Drive
Rockville, MD 20850
Sent from [Mail](#) for Windows



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

November 28, 2023

Ms. Melanie Winans
817 Crocus Drive
Rockville, MD 20850

Dear Ms. Winans:

I am writing to you on behalf of the Board of Supervisors of Elections (BSE) in response to your email dated November 12, 2023 addressed to the Rockville Mayor and Council.

In that email, you stated that you were concerned that the BSE had not received and tallied your ballot in the recent election, because you did not have the software required to view the list of voters whose ballots had been received.

I understand your concern. I have reviewed that list myself and can tell you that your name appears on it. I can therefore assure you that your ballot was received and counted.

Thank you for participating in Rockville's election.

Sincerely,

A handwritten signature in black ink that reads "Robert D. Kurnick". The signature is written in a cursive style.

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, Maryland

MAYOR
Monique Ashton

COUNCIL MEMBERS
Kate Fulton
Barry Jackson
David Myles
Izola (Zola) Shaw
Marissa Valeri
Adam Van Grack

ACTING CITY MANAGER
Craig Simoneau

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

Judy Penny

Subject:

FW: Voter Complaint

From: Carl Barnes <carlbarnes1991@gmail.com>

Sent: Monday, December 11, 2023 11:21 AM

To: Elections, Board-Of <Board-Of.Elections@montgomerycountymd.gov>

Cc: Sara Taylor-Ferrell <sferrell@rockvillemd.gov>

Subject: Re: Voter Complaint

WARNING - External email. Exercise caution.

Good afternoon,

Was this not the correct process for raising concerns with the elections board? Seems my message was either lost or I was being sent to a dead end.

Regards,
Carl

On Tue, Nov 7, 2023, 4:59 PM Elections, Board-Of <Board-Of.Elections@montgomerycountymd.gov> wrote:

Hello Carl,

Forwarding your comments to Sara, City Clerk for City of Rockville Elections.

-Lisa

From: Carl Barnes <carlbarnes1991@gmail.com>

Sent: Tuesday, November 7, 2023 8:34 AM

To: Elections, Board-Of <Board-Of.Elections@montgomerycountymd.gov>

Subject: Voter Complaint

[EXTERNAL EMAIL]

Good morning,

I am reviewing the state and local parameters for soliciting support on behalf of candidates by phone call and text message. It appears to me that any text message aside from not being sent by Robotext, should clearly include who has paid for the solicitation. While I cannot verify that the message I received was not sent by robotext, it certainly is not

indicative of who paid for the solicitation. Below is the message received, sender and attached screenshot with timestamp. I consider it harassment although I can seem to find case law or policy regarding them needing my consent to contact me, which was not provided.

"Carl, make sure to get your ballot in by 8pm! Drop off your completed ballot anytime, 24/7, at an Election Drop Box, at City Hall (in the upper parking lot off Vinson Street) and at Montrose Community Center; or during hours of operation at these indoor drop boxes: Senior Center, Lincoln Park Community Center, Twinbrook Community Center, and Thomas Farm Community Center.

Remember that Progressive Maryland's pick for Rockville City Council At-Large is Izola Shaw. She's the popular choice and will work to strengthen Rockville for us all. stop to opt out."

Sent by: 833-270-5095

Regards,

Carl Barnes





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

January 5, 2024

Mr. Carl Barnes
carlbarnes1991@gmail.com

Dear Mr. Barnes:

I am the chair of the Rockville Board of Supervisors of Elections (BSE). I am writing regarding your email of November 7, 2023, originally addressed to the Montgomery County Board of Elections, asking whether a text message that you received during Rockville's recent election should have included a disclaimer stating who had paid for the message and whether it had been authorized by a candidate.

Thank you for your inquiry. I want you to know that the BSE has received it and is actively considering it.

The BSE received similar inquiries from others. It has discussed the issue and sought legal advice from the City Attorney's office. The BSE has not made a final decision on whether text messages must include the same disclaimers displayed on other types of campaign materials, but we are working on the issue. I expect a final decision on that issue in the near future.

When a decision is announced, it will be posted on our website and available to any member of the public.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, MD

MAYOR
Monique Ashton

COUNCILMEMBERS
Kate Fulton
Barry Jackson
David Myles
Izola (Zola) Shaw
Marissa Valeri
Adam Van Grack

ACTING CITY MANAGER
Craig Simoneau

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson



BOARD OF SUPERVISORS OF ELECTIONS COMPLAINT FORM

PLEASE PRINT ALL INFORMATION

Name of Complainant Joseph Jordan
Street Address 328 New Mark Esplanade
City Rockville State MD Zip 20850
Daytime Phone Number 3012948006 Fax Number _____
E-mail Address josjordan@verizon.net
Complaint against the following person(s) (include contact information, if known): Anita Neal Powell

Section of *Chapter 8 – Elections* allegedly violated: 8-78 Contributions and Expenses

Please explain the basis for your complaint. If necessary, attach additional sheets.

There are contributions on Ms. Powell's 11/1 campaign finance report attributed to Jeffrey
Salvin and Doris Salvin. I believe these are typos and should read as Slavin - not Salvin.
Both contributions exceed the \$1000 limit to an individual candidate, and I am aware the BSE
will send Ms. Powell a letter, instructing her to return \$1000 to each contributor
(Jeffrey and Doris). I would also like the BSE to look into the contribution made by Doris Slavin,
It is my understanding that this is Mr. Slavin's mother, who passed away on September 13th.
and the contribution is dated 10/4. How is that possible?

Date alleged violation occurred: On Ms Powell's 11/1 finance report

I, Joseph Jordan, hereby declare, under the penalties of perjury, that the
information provided in connection with this complaint is, to the best of my knowledge,
true and correct.

Joseph Jordan
Signature of Complainant

11/6/2023
Date

City Clerk's Office Use Only
Date & Time Received:



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

January 5, 2024

Mr. Joseph Jordan:
328 New Mark Esp.
Rockville, MD20850

Dear Mr. Jordan:

I am writing to you regarding the complaint that you filed with the Board of Supervisors of Elections (BSE) on November 6, 2023. The complaint alleged that contributions received by candidate Anita Neal Powell from Jeffrey and Doris "Salvin" were in fact received from Jeffrey and Doris Slavin. Your complaint also noted that the contribution from Doris Slavin (assuming that it was from Doris Slavin) was dated several weeks after her death.

The BSE discussed your complaint at its meeting on November 14, 2023 and again at its meeting on December 14, 2023.

At its November meeting, the BSE voted to send Ms. Powell a letter asking for a clarification of her Second Pre-Election Campaign Finance Report. Ms. Powell responded acknowledging that the contributions had been received from Jeffrey and Doris Slavin and stating that the contribution from Doris Slavin had been dated September 13 but deposited weeks later on November 4, 2023.

At its meeting on December 14, the BSE considered whether to take any further action, in view of the fact that Doris Slavin's date of death was September 13, 2023. After discussion, the BSE voted not to inquire further into what Ms. Slavin may or may not have done on the last day of her life and therefore decided not to take any further action in response to your complaint.

Nevertheless, I do note, as you did, that the contributions received from Jeffrey and Doris Slavin each exceeded the applicable contribution limit and each will require a refund of the excess amount contributed.

I also note that you recently sent an email to the BSE posing several questions. I will try to answer each.

You asked whether the BSE received your complaint. Yes, it did.

MAYOR
Monique Ashton

COUNCILMEMBERS
Kate Fulton
Barry Jackson
David Myles
Izola (Zola) Shaw
Marissa Valeri
Adam Van Grack

ACTING CITY MANAGER
Craig Simoneau

CITY CLERK/DIRECTOR OF
COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

January 5, 2024

You asked about the guidelines for responding to complaints. There are no specific guidelines, but the BSE does attempt to address and respond in writing to each complaint and inquiry received.

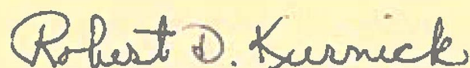
You asked whether the BSE is required to post written minutes in addition to the video recordings of its meetings. My understanding is that posting the video recording satisfies the Maryland Open Meetings Act. We nevertheless post written minutes, prepared by City staff, for each meeting. Because of the press of business surrounding the election, we have fallen behind in preparing and approving those minutes, but we expect to catch up shortly.

You asked when the next BSE meeting is scheduled. The next meeting is scheduled for January 11, 2024 at 6:00 pm.

You asked why the BSE agenda does not include a "community forum" item. So far as I know, that item has never appeared on any BSE agenda. But our meetings are open to the public, and our agendas always include "questions to the Board" as an agenda item, which allows anyone in attendance to ask questions.

Finally, you ask why you are not receiving notices of BSE meetings. I do not know and suggest that you raise that issue with City staff.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive, slightly slanted style.

Robert D. Kurnick, Chair
Board of Supervisors of Elections
Rockville, MD

cc: Anita Neal Powell
Sherlene Marie Lucas, Treasurer



BOARD OF SUPERVISORS OF ELECTIONS COMPLAINT FORM

PLEASE PRINT ALL INFORMATION

Name of Complainant Marissa Valeri

Street Address 13302 Midway Ave

City Rockville State MD Zip 20851

Daytime Phone Number 301-906-6550 Fax Number _____

E-mail Address marissa.rockville@gmail.com

Complaint against the following person(s) (include contact information, if known): _____

Unknown, Our Revolution, and Mark Pierzchela

Section of *Chapter 8 – Elections* allegedly violated: Sec. 8-101 (7)

Please explain the basis for your complaint. If necessary, attach additional sheets.

On Saturday, November 4 at 6:09 pm, I received an unsolicited text message from former Councilwoman Virginia Onley. The text message contained no disclaimer. It has ample space to include one but it does not. This is in clear violation of the City's election code referenced above

Other mass text messages have also lacked disclaimers. One such text message was sent as recently as Monday, November 6, at 1:11 PM by Our Revolution for the candidate Izola Shaw.

Voters have no clear information on the monetary source that paid for the unsolicited text messages. Mass texting incurs a significant expense and should be considered an independent expenditure. Investigation needs to occur regarding coordination with candidates as there may be evidence that coordination occurred.

City Clerk's Office Use Only

Date & Time Received:

Signature of Complainant

Multiple Days

Date Occurred:

November 6, 2023

Date

I, Marissa Valeri, hereby declare, under the penalties of perjury, that the information provided in connection with this complaint is, to the best of my knowledge, true and correct.



+1 (301) 936-1238 >

Text Message
Saturday 6:09 PM



Hello this is former council member Virginia Onley. I'm texting you today because I just received a mailer from the Affordable Maryland PAC. This PAC is funded by developers. This is the first time an outside group has tried to buy Rockville elections.

I am reaching out to urge you to support Mark Pierzchala for Mayor. I trust Mark because has never taken a penny from developers, we can trust him to prioritize our needs as Rockville residents over outside groups.

Please join me in voting Mark Pierzchala for Mayor.
Reply STOP to unsubscribe



+1 (773) 217-9940 >

Text Message
Mon, Oct 23 at 7:11PM



Hi Marissa, this is Ed with Our Revolution. We are proud to have endorsed Izola Shaw for City Council in Rockville.

Izola was a leader in the Fight for \$15 in Montgomery County, raising incomes for Rockville workers. She advocated for a rent frieze during the pandemic, helped draft the rent stabilization bill that passed countywide- and is now working to pass a similar bill in the City of Rockville. Izola was a Rockville Charter Review Commissioner who fought for more inclusive community engagement.

She is the true progressive champion in this race.

Can we count on your vote for Izola?
Reply 1 if YES

STOP to End

Today 1:11 PM

Hi Marissa, this is Ed with Our Revolution, reminding you tomorrow is election day and Izola Shaw for Rockville City Council needs your vote. Ballots must be received by tomorrow at 8pm!

Izola is running to represent you. Serving our community and improving people's lives are her key goals. She has decades of leadership experience at all levels of government. She served on several City and County boards and commissions, including as a Rockville Charter Review Commissioner. She is a longtime policymaker, affordable housing expert, and economic development champion. As your City Councilmember, Izola will work with all neighborhoods to build a brighter future for Rockville.

Can we count on your vote for Izola?

Reply 1 if YES

STOP to End



+1 (301) 936-1232 >

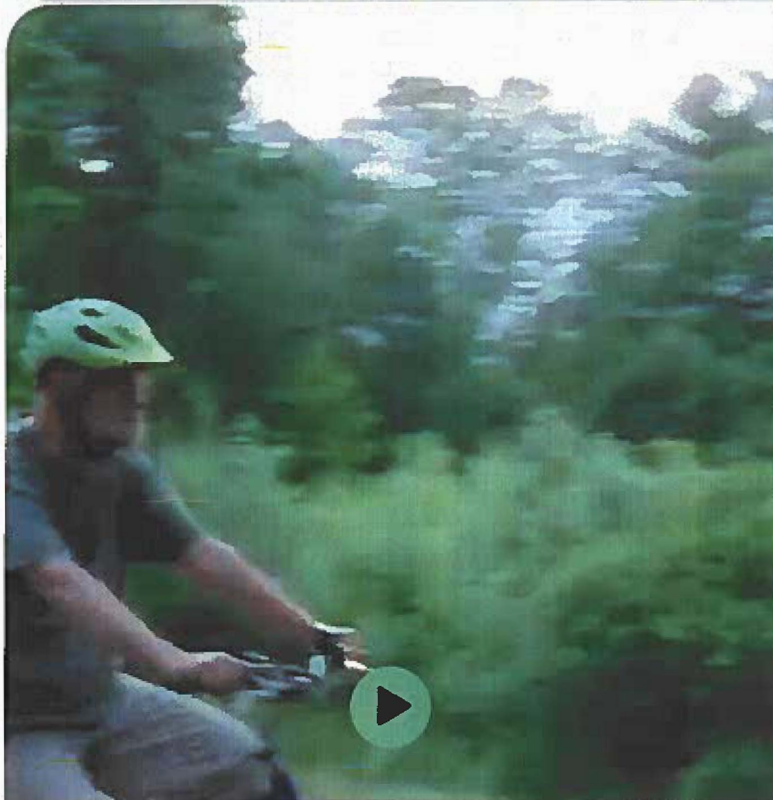
Text Message
Fri, Oct 20 at 2:42 PM

Hi NATHANIEL this is Mark Pierzchala, candidate for Rockville Mayor. I'm running for Mayor to bring the strong leadership and vision our city needs.

In my twelve years on Council, I've effectively built consensus and compromise around some of our most pressing issues like housing affordability, public safety and bringing business to Town Center.

It's been an honor to serve as your councilmember. Can I count on your vote for Mayor?

Reply STOP to unsubscribe





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

January 5, 2024

Councilmember Marissa Valeri
13302 Midway Avenue
Rockville, MD 20850

Dear Councilmember Valeri:

I am writing to you regarding the complaint, dated November 6, 2023, that you filed with the Board of Supervisors of Elections (BSE). That complaint alleged that various persons and entities had violated Section 8-101(7) of the Rockville City Code by sending text messages without the disclaimers required by that section.

The BSE sought legal advice from the City Attorney's office and discussed your complaint and those text messages at its meetings on November 14 and December 14, 2023. Your complaint prompted an inquiry, not only about the absence of required disclaimers, but also about the absence of required reports by the entities responsible for the text messages. (That concern was the subject of a letter, dated December 22, 2023, that I sent to the Mayor and Council.)

The BSE has not made any final determination with respect to your complaint. But I wanted you to know that it is still under active investigation (to the extent that the BSE has the ability to investigate) and that we are hoping to resolve it in the near future.

Sincerely,

A handwritten signature in dark ink that reads "Robert D. Kurnick". The signature is written in a cursive style with a large, stylized "R" and "K".

Robert D. Kurnick., Chair
Board of Supervisors of Elections
Rockville, MD

MAYOR
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