



Maryland Republican Party

James Pelura III DVM, MS
Chairman

December 17, 2007

Ms. Linda H. Lamone
Administrator
Maryland State Board of Elections
151 West Street
Suite 200
P.O. Box 6486
Annapolis MD, 21401-0486

Re: Primary voting for citizens attaining the age of 18

Dear Administrator Lamone:

This letter is to inform you that the Maryland Republican Party opposes the State Board of Elections (SBE) change in policy to one preventing our young people from registering to vote prior to and voting in next year's primary election. The Republican Party believes that preventing our young citizens who will be 18 years of age by the general election from casting ballots in the primary election in February violates the Maryland Code and is contrary to both the Constitution and the public policy of our State. Accordingly, the Republican Party formally requests that the SBE reverse its decision and permit these individuals to register to vote and vote in the primary election, scheduled for February 12, 2008.

Election Law Article 3, section 102(a) of the Maryland Code is unambiguous in providing that an individual may become registered to vote if, among other things, the individual is a citizen of the United States, is at least 18 years old or will be 18 years old on or before the next succeeding general or special election, and is a resident of the State as of the day the individual seeks to register to vote. It has come to the Republican Party's attention that on the basis of an interpretation of dicta from a Court of Appeals decision rejecting the early voting legislation last year, the SBE is now seeking to prevent individuals who are not 18 years old before the *primary* election from registering to vote and voting in the primary election. Indeed, the SBE's Web site states to our citizens that "a voter who wishes to vote in an election must be 18 years old or older on or before the day of the election in which he wishes to vote, even if that election is a primary election."

The Republican Party disagrees with the SBE's interpretation of its authority to summarily dismiss the Maryland voter registration statute and disagrees with the SBE's interpretation of the constitutional provisions pertaining to elections. The Maryland State Constitution grants every citizen the right to vote, so long as the individual meets the qualifications of the Constitution for voting. Maryland Declaration of Rights, Article VII.

Article I, § 1 of the Constitution grants all Maryland citizens, who have attained the age of 18 the right to vote, but it places no limitations on the right of individuals to vote in a principal party's primary election prior to attaining that age. The statute for voter registration, on the other hand, EL § 3-102(a), expressly grants individuals who are not yet 18 years the right to register to vote, assuming the individual satisfies all of the other criteria. Of course, under the Election Law Article, all registered voters are entitled to vote in any election. By preventing these individuals from registering to vote and voting in the primary election, the SBE is violating EL § 3-102(a) and is substituting its judgment for that of the duly elected representatives of the citizens of Maryland who enacted the Election Law Article.

The Maryland Republican Party believes citizens who vote in the general election are disenfranchised when they are not permitted to vote in their party's primary election to select who will be their party's candidate on the ballot in November. By the SBE adopting a conflicting policy, we understand upwards of 50,000 citizens will be disenfranchised in this fashion. Under our system of government, such disregard for these peoples' right to elective franchise is unacceptable.

The Maryland Republican Party therefore requests that the SBE issue a retraction of this new policy and correct any and all communications, including but not limited to internal documents, employee manuals, and instructions to local election boards, stating clearly that citizens who will be 18 years of age by the general election are (1) eligible to register to vote (see, e.g. EL § 3-102(a)(2)) and (2) permitted to vote in the primary election pursuant to EL § 8-202 (a)(1)(I). As the primary election is less than two months away, we request an expedited response and hopefully, a successful resolution of this matter, in order to restore our young peoples' right to cast ballots in this year's primary election for the Republican candidates of their choosing.

I look forward to hearing from you soon.

Sincerely,

/s/

Douglas W. Thiessen
General Counsel
Maryland Republican Party

Cc: Robert L. Walker, Chairman
Bobbie S. Mack, Vice Chairman
Andrew, V. Jezic
David J. McManus, Jr.
Charles E. Thomann