



May 31, 2011

VIA ELECTRONIC AND FIRST CLASS MAIL

Ms. Linda Lamone, Administrator
Maryland State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486
llamone@elections.state.md.us

Dear Ms. Lamone:

I write on behalf of the American Civil Liberties Union of Maryland, concerning the referendum effort under way seeking to overturn the Maryland DREAM Act. As you know, the DREAM Act was passed in April by the Maryland General Assembly, with support from the Governor. The ACLU advocated for this law, because it will help the children of immigrants who were brought to the U.S. by their parents – most at a very young age – have the chance to attend college and contribute to their communities here in Maryland, the state they know as home. By submitting a petition against this Act, however, referendum proponents seek to forestall the implementation of the law and to maintain the obstacles standing in the way of these students and their quintessential American dream.

Sponsors of the petition drive have touted the fact that signature gathering to block the DREAM Act is being conducted, in some significant part, via an automated, online system, at <http://mdpetitions.com>.¹ To our knowledge, this is the first time an online system like this has been used for signature gathering in Maryland, thus presenting new issues for the State Board of Elections (SBE) to consider. At this point, of course, we do not know what share of petition signatures gathered by DREAM Act opponents will be collected through the automated online system, and what share will be collected through a more traditional approach. We have threshold legal concerns about the sponsor's automated system, however, which we thought would be best raised at the outset of validation and verification.

The importance of a thorough review by the State Board of Elections here cannot be overstated: approval of petitions gathered through the sponsor's automated system could not only determine the fate of the DREAM Act petition effort, but could also dramatically change the petition process in Maryland going forward, opening many more state and local laws to petition challenges in the future.

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¹ See, e.g., Sarah Breitenbach, Cyber Emphasis Poses Referendum Obstacle, *Montgomery Gazette*, April 29, 2011, available at:
http://www.gazette.net/stories/04292011/polinew191544_32539.php.

Maryland law strictly regulates referendum petitions, in order to protect the integrity of the process and prevent fraud.

The referendum process allows a tiny minority of voters to challenge an Act passed by the popularly elected legislature, thereby forestalling implementation of the challenged law, prolonging the harm the law was intended to remedy, and limiting the rights of the citizenry at large.² Thus, as the Board of Elections knows well, the Maryland Constitution and laws implementing it contain mandatory language to safeguard the integrity of this process, and the Maryland Court of Appeals has firmly established that the laws governing the petition process demand rigorous compliance so as to protect against petition fraud.

The strict requirements for petition efforts were articulated by the Court of Appeals in *Tyler v. Sec'y of State*:

[T]he stringent language employed in Section 4 of [Article XVI of the Maryland Constitution] shows an intent that those seeking to exercise the right of referendum in this State must, as a condition precedent, strictly comply with the conditions prescribed.

229 Md. at 402, 184 A.2d at 104. A succession of cases since *Tyler* has reinforced this principle.³

² As the Court of Appeals stated in *Tyler v. Sec'y of State*, 229 Md. 397, 184 A.2d 101 (1962):

The exercise of the right of referendum is drastic in its effect. The very filing of a petition, valid on its face, suspends the operation of any of a large class of legislative enactments and provides an interim in which the evil designed to be corrected by the law may continue unabated, or in which a need intended to be provided for, may continue unsatisfied.

Id. at 402, 103-04.

³ See *Ferguson v. Sec'y of State*, 249 Md. 510, 240 A.2d 232 (1968) (affidavits in a referendum petition made on knowledge, information, and belief, rather than personal knowledge – as was required at the time -- were so defective as to invalidate the petition); *Abell v. Sec'y of State*, 251 Md. 319, 247 A.2d 258 (1968) (finding that language regarding the time when proponents of a referendum petition must file the petition is mandatory, and upholding the Secretary of State's rejection of petition challenging statute providing for the gradual abolition of slot machines because the petition had not been filed in strict compliance with the governing statutes); *Selinger v. Governor of Md.*, 266 Md. 431, 435, 293 A.2d 817, 819 (1972) (holding that, despite relying upon faulty advice from "knowledgeable people" in the legislative branch, petitioners failed to obtain required number of signatures before June 1 and therefore petition could not be certified; noting that petitioners forgot the warning in *Tyler* that those seeking to exercise right of referendum must strictly comply with prescribed conditions); *City of Takoma Park v. Citizens for Decent Gov't*, 301 Md. 439, 446, 483 A.2d 348, 352 (1984) (holding that referendum petition that failed to set forth the title of the Act being challenged and failed to inform voters precisely which portions of the Act the petition sponsors wanted deleted did not comply with statutory requirements and was thus invalid); *Doe v. Montgomery Cnty. Bd. of Elections*, 406 Md. 697, 731, 962 A.2d 342 (Md. 2008) (statutory provision requiring name to be signed and printed on petition precisely as in voter registration

At the heart of the mandatory provisions adopted by the General Assembly to govern the petition process -- and the Maryland courts' insistence on meticulous adherence to those laws -- lies the prevention of fraud. Lack of strict compliance opens the door to the certification of fraudulent petitions,⁴ denies voters the ability to make an informed choice, and magnifies the infringement the referendum process exerts on the rights of the citizenry at large.

The online signature gathering process being used by opponents of the DREAM Act raises significant concerns under Maryland law.

As tested by an ACLU investigator,⁵ the automated, online system at <http://mdpetitions.com> works as follows:

- 1) A computer user navigates to <http://mdpetitions.com> and clicks the "sign the petition" link.
- 2) A screen comes up asking the user for six pieces of information about a prospective signer: first name, last name, suffix, email address, telephone number, date of birth, and zip code.⁶ Cruice Aff. ¶4 and Attachment A.
- 3) Once this information is input, a new screen lists the complete names of all registered voters residing at the address the system has identified for the prospective signer, and asks the computer user to select which of the

records is mandatory rather than suggestive); *Gittings v. Bd. of Supervisors of Elections for Balt. Cnty.*, 38 Md. App. 674, 681, 382 A.2d 349, 352 (Md. App. 1978) (affirming the Baltimore County Board of Supervisors' refusal to certify a referendum petition that failed to meet statutory and regulatory requirements, because the language of Art. XVI is mandatory and must be strictly followed by those seeking to avail themselves of the right of referendum.) *See also Kendall v. Balcerzak*, 2011 WL 1108257 (4th Cir., Mar. 28, 2011) (finding that strict enforcement of § 6-203 of the Maryland Election Code infringes no constitutional rights and furthers the state's important regulatory interests in detecting fraudulent or otherwise improper petition signatures.)

⁴ *Tyler v. Secretary of State* and the line of cases that follow it emphasize that the primary reason for rigorous enforcement of petition procedures is the prevention of potential fraud. The issue in *Tyler*, for instance, centered on the falsity of certain affidavits executed by circulators of a petition that indicated, based on the circulators' personal knowledge, that the signers of the petition were registered voters of the state and county as set opposite their names. *See Tyler*, 229 Md. at 401, 184 A.2d at 103. Likewise, in *Gittings*, the Court found that facially sufficient signatures on a petition submitted in a timely manner could not support a petition for referendum once the county board had determined that several of the signatures were not from qualified voters and some signers signed more than once. *See Gittings*, 38 Md. App. at 680-81, 382 A.2d at 353.

⁵ *See* Affidavit of Amy L. Cruice, Exhibit 1 hereto (hereafter, "Cruice Aff.").

⁶ As established by ACLU testing of the sponsor's website, not all of the requested information is required for the automated system to work. The suffix field can be left blank, and erroneous information can be entered in the fields for first name, telephone number, and email address without effect on the user's ability to secure a pre-filled petition form. Cruice Aff. at ¶¶6, 11.

- named individuals will be signing the petition. Cruice Aff., Attachment B.
- 4) After the user selects the names of those who purportedly will sign, a new screen appears informing the user that her petition is ready to be downloaded. She is directed to sign in precisely the same way as pre-printed on the form, and given instructions on how to submit the petition. Cruice Aff., Attachment C.
 - 5) When the user clicks the download button, the computer system creates a "Pre-filled Petition" (as the document is titled by the sponsor.) The form is already filled out with the signers' complete names exactly as listed in the state's voter registration records, the registration address of the voter(s), and the voters' date(s) of birth. Areas that require signing and dating are highlighted in gray, and with arrows. *See* Cruice Aff., Attachment D.
 - 6) The system designates the first listed signer as the circulator and instructs that he or she should self-verify the petition as both a signer and the circulator, precisely as pre-filled on the form. Cruice Aff. at ¶9 and Attachment D.
 - 7) The user is directed that once the pre-filled form is signed and dated, she should mail the signature form (page 1), as well as "the bill" (page 2) to the sponsor in a pre-printed envelope. Cruice Aff., Attachment D at p. 3.

Legal issues raised by this automated signature-gathering system primarily concern whether the pre-filling of petition pages by the sponsor's computer system, combined with self-verification by potentially thousands of individuals, circumvents Maryland's strict rules for petition signing and circulation, opening up opportunities for fraud in the process. In the past, "circulators" seeking petition signatures were a relatively small and identifiable group -- known to and sometimes employed by sponsors of a referendum effort. If questions arose during validation and verification, the circulators could be contacted to address issues concerning their signature gathering. In contrast, the online, automated system for signature gathering enables tens of thousands of individuals to download pre-filled petitions for themselves and members of their households and to self-verify their signatures as "circulators" of their personalized petitions. Should this automated system be approved, policing fraud in this petition effort could become an overwhelming task for election officials.

ACLU concerns about petition fraud are informed by our background experience in 2001 in challenging a referendum effort seeking to overturn the General Assembly's addition of sexual orientation as a protected category under Maryland's antidiscrimination law.⁷ There, even in the absence of the automated signature gathering component introduced by the sponsors here, discovery conducted in the litigation challenging SBE's certification of the petitions uncovered massive fraud perpetrated by referendum proponents, ultimately

⁷See *Gelbman v. Willis*, No. C-2001-73430.OC (Cir. Ct. for Anne Arundel Cnty., November 21, 2001).

resulting in the proponents' abandonment of the effort to avoid an adverse court ruling.⁸

Chief among our concerns with the DREAM Act petitioners' online system are shortcuts it employs that are inconsistent with the express language of § 6-203 of the Election Code, in that they empower the petition sponsors to fulfill obligations the law imposes upon petition signers. That section, entitled "Signers; Information provided by signers" requires that "to sign a petition, *an individual shall*" (1) sign the individual's name as it appears on the statewide voter registration list or the individual's surname of registration and at least one full given name and the initials of any other names; and (2) include the signer's name, address, and date of signing." Md. Code Ann., Elec. Law § 6-203 (West 2011) (emphasis added); *Doe v. Montgomery Cnty.*, 406 Md. 697, 733 n. 28, 962 2d 342 (Md. 2008) (finding mandatory the election code's requirement that signers of a petition provide their name precisely as listed in registration records, address, and date of signing). The section further states that a signature may be validated and counted by election authorities only if *the signer* has provided the information indicated above. These requirements are echoed by SBE implementing regulations, codified at Md. Regs. Code tit. 33, § .06.03-6 (West 2011) (hereafter "COMAR").

Here, however, it is not the signers of the online petition forms who are "providing" information, but the sponsor's automated system, and to some limited extent the system's user (whether or not the user is the purported signer.) To offer a specific example of how this works, the ACLU had employee Amy Cruice log onto the sponsor's website and test the system using the name of another person, Peter Cimboric, as the prospective signer.⁹ Ms. Cruice logged on to

⁸Deposition testimony in the *Gelbman* litigation revealed that sponsors of the referendum effort in that case engaged in conduct that egregiously violated Maryland laws governing the petition process. Specifically, members of "TakeBackMaryland," the petition sponsor, were found to have engaged in forgery, false verification of signatures, misrepresentation of signers' identities, alteration of signature pages, deliberate obfuscation of the petition's purpose and content, and other fraudulent activities. During discovery, ACLU lawyers identified over 7,500 invalid signatures that had been erroneously certified, comprising 22 separate categories of compliance error, including missing circulator signatures, missing signer signatures, missing or false signer addresses, failure to attach statutory language or summaries to petition forms, illegible or missing text, forged circulator affidavits, signatures dated prior to the enactment of the statute, and other anomalies. We successfully argued that these violations contravened Article XVI of the Maryland Constitution as well as of the Maryland Election Code. Discounting the signatures that were determined to be invalid *per se*, we demonstrated that the petition sponsors had clearly failed to collect the minimum number of signatures required to support a referendum on the antidiscrimination law. Thus, notwithstanding SBE's certification of the petition for referendum, the sponsors conceded their failure in the midst of the court challenge, and the petition effort was abandoned.

⁹ This test was conducted solely to gain a better understanding of how the automated system works, and not because Mr. Cimboric or Ms. Cruice intended to sign or submit a petition to the sponsors.

<http://mdpetitions.com> and input the name “Pete Cimbolic,” along with Mr. Cimbolic’s zip code, birth date, an email address and a telephone number. Cruice Aff. at ¶6. The system checked listings for Pete Cimbolic within voter registration records, corrected the name input by Ms. Cruice to precisely match the registration listing, and pulled up Mr. Cimbolic’s information as well as the listing for every other registered voter with whom Mr. Cimbolic resides. Cruice Aff. at ¶7. Thus, in this case, the entry of “Pete Cimbolic” resulted in the computer accessing listings for both “Peter Stephen Cimbolic” and “Amy L. Cruice”, even though Ms. Cruice had typed Mr. Cimbolic’s name differently and had input no information at all about herself. *Id.*

Ms. Cruice was then offered the opportunity to check either or both names as petition signers, and when she checked both, the petition form was filled out for her with both her complete name and the corrected name information for Mr. Cimbolic, as well as the residence address, and birth dates for both. Cruice Aff. ¶7-9, and Attachment D. *Notably, neither complete name information nor address was ever even requested from the system user. That information was supplied by the sponsor’s computer system itself from the voter registration database.* Cruice Aff. at ¶¶7, 13. The computer identified Mr. Cimbolic as the circulator, and filled his name, address, and telephone number¹⁰ in the section for the circulator. *Id.* at ¶¶9, 10 and Attachment D. Although the computer system *user* has, in a sense, “provided” a partial name, birth date and zip code to the computer, the online system does not ensure that *the signer* has provided any information at all, as the computer system user and the signer are not necessarily the same person. In fact, none of the information input into the petition form for Mr. Cimbolic was “provided by” Mr. Cimbolic (and only a small amount of the information on the pre-filled petition form was provided by Ms. Cruice).

We cannot see how this computerized “pre-filling” of forms by the sponsor’s online system can be squared with the Maryland Election Code’s mandate that information required on a petition signature form be provided by *the signer*, not the petition sponsor or any third party. The plain language of the Code is conclusive on this point. “In construing statutes,” the Court of Appeals has stated on numerous occasions, “we obviously begin with the language of the statute. If that language, both on its face and in context, is clear and unambiguous, we need go no further. We give the language its plain meaning.” *Swinson v. Lords Landing Village Condo.*, 360 Md. 462, 478, 758 A.2d 1008, 1017 (Md. 2000).

Indeed, the State Board of Elections already advises that it is improper for petition sponsors to pre-print required information on a petition form for signers. In the “Frequently Asked Questions” section about signature gathering for petitions on SBE’s website,¹¹ the question is posed:

¹⁰ If the telephone number is purposefully input into the computer system incorrectly, it is nevertheless pre-printed by the computer on the form’s circulator listing, making follow-up contacts for verification more difficult. Cruice Aff. at ¶11.

¹¹ http://www.elections.state.md.us/petitions/petitions_faqs_01.html

Can a petition sponsor pre-print signature pages with voters' names and addresses, so that if a voter agrees to sign the petition, the voters need only fill in his or her signature, date of birth, and date of signing?

SBE responds with a categorical “No.” Although no explanation for this advice is offered, SBE presumably reasons, as do we, that the sponsor’s pre-filling of forms – whether via the internet as here, or by traditional means – circumvents the explicit and mandatory requirements of § 6-203 and COMAR 33.06.03.06 that a petition *signer* must provide his or her own information as a part of the signing process.

Permitting a signer’s precise name and address information to instead be provided by the sponsor’s automated online system would open up almost limitless opportunities for fraud. Any unscrupulous petition gatherer who knows just the first and last names, zip codes and birth dates of any persons can input that information into the automated system, then enter random phone numbers and email addresses (since errors in these fields do not hinder one’s completion of the process). This will generate pre-filled petitions containing complete names and addresses for those persons whose first and last names were entered – even if the first name is entered wrong. And because the automated system pulls up registration information for all voters who reside in any particular voter’s household, fraudulent submissions can be multiplied in this way. The unscrupulous gatherer could then print the pre-filled petitions, forge signatures and self verifications, and submit the forged petitions to the sponsor using inaccurate circulator telephone numbers. Because each petition would be self-verified and limited to just a few household members, and because the total number of individual petitions could number in the thousands, fraud would be almost impossible to track.

Compliance with Maryland’s requirement that each signature page include a summary or the full text of the law is also in doubt here.

A separate, secondary concern we have – although also generated in part by the sponsor’s computerized system for signature gathering – relates to the state law requirement that a summary or the full text of the challenged law appear on each signature page. The purpose of this rule is to ensure that those signing the petition fully understand the purpose and meaning of the law in question, to increase the likelihood that those submitting signatures truly intend to challenge the law. Here, the sponsor’s online system offers “Talking Points,” yet does not even suggest that those downloading the petition actually read the DREAM Act before signing. Moreover, the website does not make clear that Maryland law requires the summary or full text of the law to appear on the signature page – it merely suggests that users print the form on both sides of the paper “if possible,” but does not explain the reason for this suggestion. As such, we anticipate that the Board

of Elections may be asked to validate petitions in which no full text¹² appears on the backside of the signature page. We believe such validations would be improper.

Article XVI of the Maryland Constitution states, “A petition may consist of several papers, but *each paper* shall contain the full text, or an accurate summary approved by the Attorney General, of the Act or part of the Act petitioned.” Md. Const. art. XVI, § 4 (emphasis added). This constitutional provision clearly indicates that the summary or full text must appear on each signature page itself. Even if Article XVI, § 4 were ambiguous, the General Assembly has resolved this question definitively. In the definitions section of the Maryland Election Code’s petitions title, the General Assembly specifically states, “‘Page’ means *a piece of paper* comprising a part of a petition.” Md. Code Ann., Elec. Law Art., § 6-101(h) (emphasis added). The General Assembly then mandates in the Code’s section prescribing requirements for petitions on ballot questions, “*Each signature page* shall contain . . . either: (i) A fair and accurate summary of the substantive provisions of the proposal; or (ii) The full text of the proposal.” Md. Code Ann. Elec. Law Art., § 6-201(c) (emphasis added).

In enacting a law that plainly requires an approved summary or full text of the act being challenged to be printed on each signature page, the General Assembly advanced an important policy goal: protecting the integrity of the referendum process. Without this requirement, there is less likelihood that all petition signers will be familiar with the particulars of the law being petitioned. And an unscrupulous petition supporter could easily staple a summary of the Act to a signature page after the page has been submitted to the sponsor.¹³ To avoid such problems, the General Assembly mandated that each signature page contain the approved summary or full text of the Act printed on either the front or back.¹⁴

However, the <http://mdpetitions.com> website explicitly treats the signature page and the page containing the text of the DREAM Act as two separate pages, not as part and parcel of one document.¹⁵ Accordingly, we expect that many of the

¹² We understand that the summary proposed by the DREAM Act opponents was rejected by the State, so the sponsors are using the full text of the challenged law in their petition effort.

¹³ Indeed, evidence in the *Gelbman* case indicated that such an improper practice did in fact occur.

¹⁴ Despite the clear constitutional and statutory provisions to the contrary, the State Board of Elections’ web site continues to advise petition circulators that they can staple the summary of the Act to signature pages, while cautioning that this practice might be vulnerable to challenge in court. For reasons made plain by the circumstances now at issue, we agree that a court challenge to the stapling of petition forms would be likely to prevail, invalidating petitions presented in this manner.

¹⁵ In the sponsor’s instructions to signers, the signature page is referred to as “the petition form” (page 1) and the text of the law is referred to as “the bill” (page 2). Cruice Aff., Attachment D, at p. 3.

petitions submitted to SBE by DREAM Act opponents will not comply with the Election Code requirement that the signature page itself contain the text of the law. It is possible that in some instances, page 2 -- the sheet with the DREAM Act text -- might be stapled to the form (although the sponsor does not mention the stapling option). More likely, the text page will simply be included as a separate sheet in the same envelope, consistent with the sponsor's directions to "Please include pages 1 & 2, the petition form and the bill, inside." Cruice Aff., Attachment D at p. 3.

Conclusion

For all of these reasons, the ACLU believes it is critically important -- both to the certification process under way on petitions challenging the Maryland DREAM Act, and to the future of Maryland's petition process -- that the State Board of Elections carefully examine the legality of signature gathering through the <http://mdpetitions.com> website, under the strict requirements mandated by the Maryland Constitution, Election Code, and the Maryland courts.

Please contact me if you have any questions about this submission, or wish to discuss this matter further.

Sincerely,



Deborah A. Jeon
Legal Director

Cc: Jeffrey Darsie, Esq.

AFFIDAVIT OF AMY L. CRUICE

I, Amy L. Cruice, being duly sworn, hereby depose, swear and state:

1. I am a U.S. citizen over 18 years of age and am competent to testify.
2. I am the Legal Program Administrator for the American Civil Liberties Union of Maryland, where I have been employed for the last 11 years.
3. Herein I detail the process I used to test the automated online petition system¹ currently employed by opponents of the DREAM Act to collect signatures in support of their effort to petition this law to referendum. My aim in testing the system was to enable the ACLU to gain an understanding of how the automated online system works, not to actually sign the petition. Although I obtained pre-filled petitions through this process, none of these petitions was ever signed or submitted to the sponsors.
4. First, I navigated to the website <http://mdpetitions.com>. The website offered various options such as donation and volunteer opportunities, talking points, and a link to “sign the petition.” When I clicked on the “sign the petition” link, the system took me to a screen stating that the website’s “automated form” would make it “easy” to sign the petition, explaining:

The best way to ensure your petition will be valid is to fill in your name and sign it exactly as it appears on your voter ID card. This form will pull up your information exactly as it is registered with the Maryland Board of Elections and pre-fill your registered information on the petition form.

It then offered blanks for me to fill in a first name, last name, suffix, email address, telephone number, date of birth, and zip code. A screen shot of this page is included here as Attachment A.

5. For the purposes of this test, I sought *not* to sign the petition myself, but to obtain a petition for a volunteer tester who was not present, whose name is Peter Cimbolic.²
6. For testing purposes, I entered an incorrect first name, the nickname “Pete,” rather than Peter. Then I correctly filled in the remaining fields as follows:

¹ I conducted this testing during the last week of May, 2011, using a MacBook 2.1 laptop computer.

² Because I reside with the volunteer who permitted me to use his information to test the system, certain consequences followed, as explained in paragraphs 7 and 8.

Last name: Cimbolic

Suffix:³

Email: pete.cimbolic@gmail.com

Telephone: (410) 353-6033

Date of birth: June 12, 1977

Zip code: 21218

7. Although I had purposefully input the first name as “Pete,” and no middle name or middle initial was requested, the automated system corrected my error, pulling up the prospective petition signer’s name as “Peter Stephen Cimbolic,” the name under which Mr. Cimbolic is in fact registered to vote in Maryland. The system listed both Peter Stephen Cimbolic and Amy L. Cruice as registered voters at the residence address the system found for Mr. Cimbolic⁴ and offered me the opportunity to select either or both names for pre-filling on a petition form. A screen shot of this page is included as Attachment B.

8. I selected both Peter Stephen Cimbolic and Amy L. Cruice from the names displayed, as prospective signers of the petition. This brought up a screen informing me that my petition was ready to be downloaded, and offering instructions about signing, circulation and submission. See Attachment C.

9. When I clicked the download button, the automated system generated a pre-filled petition displaying as signers both Peter Stephen Cimbolic and Amy L. Cruice, our names exactly as we had listed them in our voter registration applications, along with our complete address, and our respective dates of birth. As the first named signer, Peter Steven Cimbolic is also listed as the “circulator” of the petition, with his address and telephone number listed and another place for him to sign and date, verifying the signatures on the form. The form was generated by the system in portable display format, with our names and information pre-filled, and could not be edited by the computer user. A printout of this pre-filled form is included as Attachment D.

³ I left the “suffix” field blank, since there is no applicable suffix. This blank field had no effect on the processing of my request.

⁴ As noted above, Mr. Cimbolic’s address was never requested by the system. Rather, only an email address and a zip code were required. The automatic system located Peter Cimbolic’s correct address information on its own and subsequently filled this information in on the form.

10. The system's directions instructed me to download and print the three-page form, which I did. The final printed petition displays the pre-filled fields as discussed in paragraph 9, with signature blocks highlighted in gray and marked by arrows. *See* Attachment D. The petition instructs the user to sign the printed version in exactly the same way as the pre-printed names and it indicates that Peter Stephen Cimbolic should sign again verifying the petition as both signer and circulator. The user is then instructed to mail the completed form to the sponsor in a pre-printed envelope.

11. Separately, I conducted testing to determine whether errors other than the first name error discussed above would prevent the user from securing a petition form. I found that errors in last name, date of birth, and zip code would prevent me from generating a pre-filled petition. However, errors in the prospective signer's email address or phone number made no difference to my ability to access the pre-filled petition form. That is, if I input all of Mr. Cimbolic's information correctly but provided a false email address: pete_cimbolic@yahoo.com, it made no difference. The system still returned the name "Peter Stephen Cimbolic" and allowed me to select the intended signer from a menu of all registered voters residing at the location provided. Likewise, when I entered all of Mr. Cimbolic's information correctly but provided a false phone number: (410) 353-0033, the system still offered the name "Peter Stephen Cimbolic" and allowed me to select that name from a menu of all registered voters residing at the location provided. In both of these situations, after I selected Mr. Cimbolic from the menu, the system generated a pre-filled petition form as detailed in paragraph 9. When the telephone number had been entered incorrectly, the erroneous telephone number was printed by the system as the contact number for the circulator, at the bottom of the form.

12. Nowhere does the website <http://mdpetitions.com> state that Maryland law requires the full text of the statute or a summary thereof to appear on each signature page of the petition, nor state that the text of the law must be printed out by the computer user on the back of the signature page. While at one point the website suggests that the user print the text of law on the back of the signature form if possible, the instructions users download with the petition (*See* Attachment D at p. 3) expressly treat the signature page and the page containing the text of the DREAM Act as two separate pages. The website also neglects to mention the possibility of stapling the text of the statute to the signature page. Users are simply instructed to "include

pages 1 & 2, the petition form and the bill, inside” the pre-addressed sheet that can be folded into an envelope and mailed. *Id.*

13. Throughout the testing described above, Peter Cimbolic never personally provided any information to either the computer system or the sponsors of the DREAM Act petition effort for any form. Moreover, while I served as the computer user supplying the system with certain limited information about Mr. Cimbolic, I never input any information into the system about myself, Amy L. Cruice. Notwithstanding the failure of both Peter Cimbolic and I to provide information personally to <http://mdpetitions.com>, the automated system produced signature forms for us that we could, if we so chose, sign and send to the petition sponsors for submission to the State Board of Elections.

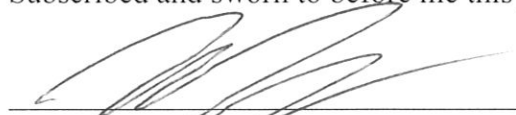
I, Amy Cruice, do hereby solemnly affirm, under penalties of perjury and upon personal knowledge, that the events of the foregoing affidavit are true and correct.

Executed on this 31st day of May, 2011.



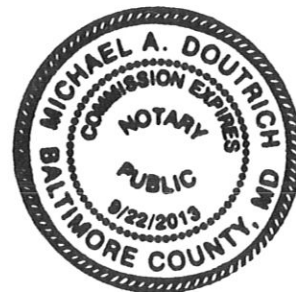
Amy L. Cruice

Subscribed and sworn to before me this 31st day of May, 2011.



NOTARY PUBLIC

My commission Expires 9/22/2013



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Sign the Petition

All petitions must be signed and mailed back. This automated form makes it easy.

The best way to ensure your petition will be valid is to fill in your name and sign it exactly as it appears on your voter ID card. This form will pull up your information exactly as it is registered with the Maryland Board of Elections and pre-fill your registered information on the petition form.

First Name:

Last Name:

Suffix:

Email Address:

Phone

Number:

Date of Birth:

Zip Code:

- ☒ I would like to receive periodic news and announcements from MD Petitions.

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Sign the Petition

All petitions must be signed and mailed back. This automated form makes it easy.

The best way to ensure your petition will be valid is to fill in your name and sign it exactly as it appears on your voter ID card. This form will pull up your information exactly as it is registered with the Maryland Board of Elections and pre-fill your registered information on the petition form.

First Name:	Pete
Last Name:	Cimbolic
Suffix:	
Email Address:	pete.cimbolic@gmail.com
Phone Number:	(410) 353-6033
Date of Birth:	06/12/1977
Zip Code:	21218

- ☒ I would like to receive periodic news and announcements from MD Petitions.

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Sign the Petition

You're almost done **PETER**!

Here are the registered voters that are listed for your address:

Please select everyone that will be signing the petition.

- ☒ AMY L CRUICE
- ☒ PETER STEPHEN CIMBOLIC

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Authority, MDPetitions.com. Neil Parrott, Chairman

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Sign the Petition

Your petition is ready!

Instructions:

1. Download and print your petition. If possible, print the petition form on both sides of the paper.
2. Have each signer sign and date next to their name.
 - We've highlighted the areas that need to be filled out in grey.
3. Sign and date the Circulator Affidavit only **AFTER** all signatures have been completed.
 - Please note, as the Circulator, you will be witnessing your own signature.
4. To mail it back, please include the Petition and Bill Summary and fold them inside the third printed page to create an envelope.
5. Attach a stamp and mail.

Download

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State of Maryland - Statewide Referendum Petition

Attachment D - p. 1

SB 167

Public Institutions of Higher Education - Tuition Rates - Exemptions

(Bill Number)

(Bill Title)

For _____ County or ☒ Baltimore City

We, the undersigned voters, hereby petition to refer the bill identified above to a vote of the registered voters of Maryland for approval or rejection at the next general election.

If the full text of the bill or part of the bill referred (the "proposal") does not appear on the back of this signature page or as an attachment, a fair and accurate summary of the substantive provisions of the proposal must appear on the back or be attached, and the full text of the proposal must be immediately available from the petition circulator.

NOTICE TO SIGNERS: Sign and print your name (1) as it appears on the voter registration list, OR (2) your surname of registration AND at least one full given name AND the initial of any other names. Please print or type all information other than your signature. Post Office Box addresses are not generally accepted as valid. By signing this petition, you agree that the bill identified above should be placed on the ballot as a referendum question at the next general election and that, to the best of your knowledge, you are registered to vote in Maryland and are eligible to have your signature counted for this petition.

SBE 6-201-3C (Rev 4-2011)

Please Note: The information you provide on this petition may be used to change your voter registration address.

1	Print Name:	First Name AMY	Middle Name L	Last Name CRUCE	Birth Date:	Month 05	Date 27	Year 1978
	Maryland Residence Address:	Street Number 302	Street Name BIRKWOOD PL	Apt. No.	City or Town BALTIMORE	Zip 21218		
	Signature (Same as Printed):					Date of Signature:	Month	Date
2	Print Name:	First Name PETER	Middle Name STEPHEN	Last Name CIMBOLIC	Birth Date:	Month 06	Date 12	Year 1977
	Maryland Residence Address:	Street Number 302	Street Name BIRKWOOD PL	Apt. No.	City or Town BALTIMORE	Zip 21218		
	Signature (Same as Printed):					Date of Signature:	Month	Date
3	Print Name:	First Name XXXXXXXXXXXXXXXX	Middle Name XXXXXXXXXXXXXXXX	Last Name XXXXXXXXXXXXXXXX	Birth Date:	Month XXXXXX	Date XXXXXX	Year XXXXXX
	Maryland Residence Address:	Street Number XXXXXXXXXXXXXXXX	Street Name XXXXXXXXXXXXXXXX	Apt. No.	City or Town XXXXXXXXXXXXXXXX	Zip XXXXXX		
	Signature (Same as Printed):					Date of Signature:	Month	Date
4	Print Name:	First Name XXXXXXXXXXXXXXXX	Middle Name XXXXXXXXXXXXXXXX	Last Name XXXXXXXXXXXXXXXX	Birth Date:	Month XXXXXX	Date XXXXXX	Year XXXXXX
	Maryland Residence Address:	Street Number XXXXXXXXXXXXXXXX	Street Name XXXXXXXXXXXXXXXX	Apt. No.	City or Town XXXXXXXXXXXXXXXX	Zip XXXXXX		
	Signature (Same as Printed):					Date of Signature:	Month	Date
5	Print Name:	First Name XXXXXXXXXXXXXXXX	Middle Name XXXXXXXXXXXXXXXX	Last Name XXXXXXXXXXXXXXXX	Birth Date:	Month XXXXXX	Date XXXXXX	Year XXXXXX
	Maryland Residence Address:	Street Number XXXXXXXXXXXXXXXX	Street Name XXXXXXXXXXXXXXXX	Apt. No.	City or Town XXXXXXXXXXXXXXXX	Zip XXXXXX		
	Signature (Same as Printed):					Date of Signature:	Month	Date

PETER STEPHEN CIMBOLIC

Individual Circulator's printed or typed name
302 BIRKWOOD PL

Residence Address

BALTIMORE MD 21218

City State Zip

(410) 353-6033

Telephone

Circulator's Affidavit Under penalties of perjury, I swear (or affirm) that: (a) I was at least 18 years old when each signature was obtained; (b) the information given to the left identifying me is true and correct; (c) I personally observed each signer as he or she signed this page; and (d) to the best of my knowledge and belief: (i) all signatures on this page are genuine; and (ii) all signers are registered voters of Maryland. (Sign and Date when signature collection is completed)

Circulator's Signature

Date (mm/dd/yy)

Senate Bill 167 – Public Institutions of Higher Education – Tuition Rates – Exemptions
 *EXPLANATION: CAPTIALS indicate matter added to existing law; [Brackets] indicate matter deleted from existing law).

Article – Education – Section 15–106.4 (as amended):

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

- (i) The active duty member referred to in subsection (a) of this section:
- (i) Is stationed in this State; (ii) Resides in this State; or (iii) Is domiciled in this State;
- (2) The honorably discharged veteran presents the following documentation within [1 year] 4 YEARS after the veteran's discharge:
 - (i) Evidence that the veteran attended a public or private secondary school in this State for at least 3 years; and (ii) Documentation that the veteran graduated from a public or private secondary school in this State or received the equivalent of a high school diploma in this State; or (3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard or: (i) Provide a Critical Military Occupational Skill; or (ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.

Article – Education – Section 15–106.8 (added):

(A) IN THIS SECTION, "INDIVIDUAL": (1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND (2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL, SHALL BE EXEMPT FROM PAYING THE OUT-OF-STATE TUITION RATE AT A COMMUNITY COLLEGE IN THE STATE, IF THE INDIVIDUAL:

- (1) BEGINNING WITH THE 2005–2006 SCHOOL YEAR, ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE FOR AT LEAST 3 YEARS;
- (2) BEGINNING WITH THE 2007–2008 SCHOOL YEAR, GRADUATED FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE;

(3) REGISTERS AS AN ENTERING STUDENT IN A COMMUNITY COLLEGE IN THE STATE NOT EARLIER THAN THE 2011 FALL SEMESTER;

(4) PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN HAS FILED A MARYLAND INCOME TAX RETURN; (I) ANNUALLY FOR THE 3 YEARS WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE IN ACCORDANCE WITH ITEM (I) OF THIS SUBSECTION; (II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND (III) ANNUALLY DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE;

(5) IN THE CASE OF AN INDIVIDUAL WHO IS NOT A PERMANENT RESIDENT, PROVIDES TO THE COMMUNITY COLLEGE AN AFFIDAVIT STATING THAT THE INDIVIDUAL WILL FILE AN APPLICATION TO BECOME A PERMANENT RESIDENT WITHIN 30 DAYS AFTER THE INDIVIDUAL BECOMES ELIGIBLE TO DO SO;

(6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL HAS COMPLIED WITH THE REGISTRATION REQUIREMENT; AND

(7) REGISTERS IN A COMMUNITY COLLEGE IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE OR RECEIVING THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE AND SUBJECT TO SUBSECTION (D) OF THIS SECTION, AN INDIVIDUAL SHALL BE ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE RESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:

(1) ATTENDED A COMMUNITY COLLEGE NOT EARLIER THAN THE 2010 FALL SEMESTER AND MET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, EXCEPT FOR THE REQUIREMENT SET FORTH IN SUBSECTION (B)(3) OF THIS SECTION; (2) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(3) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER SUBSECTION (B)(5) OF THIS SECTION;

(4) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN HAS FILED A MARYLAND INCOME TAX RETURN; (I) ANNUALLY WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE; (II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM OR ACHIEVING 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE AND REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND (III) ANNUALLY DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(5) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM OR ACHIEVING 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE IN-COUNTY TUITION RATE AT A COMMUNITY COLLEGE IN THE STATE IF THE INDIVIDUAL: (1) MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND (2) ATTENDS A COMMUNITY COLLEGE SUPPORTED BY THE COUNTY IN WHICH: (I) THE SECONDARY SCHOOL FROM WHICH THE INDIVIDUAL GRADUATED IS LOCATED; OR (II) IN THE CASE OF AN INDIVIDUAL WHO RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE, THE SECONDARY SCHOOL MOST RECENTLY ATTENDED BY THE INDIVIDUAL IS LOCATED.

(E) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.

(F) (I) A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT ADMITS AN INDIVIDUAL WHO QUALIFIES FOR THE TUITION RATE UNDER THIS SECTION SHALL:

(I) KEEP A RECORD OF THE NUMBER OF INDIVIDUALS WHO PAY THE TUITION RATE IN ACCORDANCE WITH THE REQUIREMENTS UNDER SUBSECTION (B), (C), OR (D) OF THIS SECTION; AND (II) REPORT THE INFORMATION REQUIRED IN ITEM (I) OF THIS PARAGRAPH TO THE COMMISSION EACH YEAR.

(2) THE COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT CONSISTING OF A COMPILATION OF THE REPORTS SUBMITTED TO THE COMMISSION UNDER PARAGRAPH (I) OF THIS SUBSECTION.

(G) THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ADOPT APPROPRIATE POLICIES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(H) THE STUDENTS THAT ARE RECEIVING THE TUITION RATE IN SUBSECTION (C) OF THIS SECTION MAY NOT BE COUNTED AS IN-STATE STUDENTS FOR THE PURPOSES OF DETERMINING THE NUMBER OF MARYLAND UNDERGRADUATE STUDENTS ENROLLED AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

IMPORTANT:

- 1) Please sign & date next to your pre-printed name AND sign & date the Circulator's Signature.
- 2) Please include pages 1 & 2, the petition form and the bill, inside.

Place Stamp Here

Place Stamp Here

Return address

PETER STEPHEN CIMBOLIC
302 BIRKWOOD PL
BALTIMORE MD 21218

Place
Stamp
Here

MDpetitions.com
c/o Delegate Neil Parrott
PO Box 32
Funkstown, MD 21734

Staple Here

OR

Tape Shut Below