



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

JAN 21 1977

Mr. Cornell N. Dypski
State Senator
638 S. Decker Avenue
Baltimore, MD 21224

Re: MUR 345 (76)

Dear Mr. Dypski:

This acknowledges receipt of your letter dated November 15, 1976, alleging certain violations of the Federal Election Campaign Act of 1971, as amended.

Your letter was not sworn and notarized as required under 2 U.S.C. §437g(a)(1). In any event, I have reviewed your allegations and have concluded that on the basis of the information provided that the Commission has no jurisdiction over the matter set forth. Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me. The file reference number for this matter is MUR 345 (76).

Sincerely yours,

William C. Oldaker
General Counsel

7704101921



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of }
 }
Unnamed Respondents }

MUR 345 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 18, 1977, the Commission adopted the recommendation of the General Counsel that it finds no reason to believe that a violation of the Federal Election Campaign Act, as amended, had been committed in the above-captioned matter.

Accordingly, the file in this case has been closed.

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

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OFFICE OF GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 18, 1977

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE EMMONS *mwe*
RE: 285 (76); MUR 335 (76); and MUR 345 (76)

The above-mentioned MURs were transmitted to the Commissioners on January 17, 1977 at 9:00 a.m.

As of 2:30 p.m., January 18, 1977, no objections had been received to the staff recommendations concerning these MURs.

770400927



DATE AND TIME OF TRANSMITTAL: 1/17/77

NO. 345

REC'D: 11-19-76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Cornell Dypski

Respondent's Name: unnamed respondents

Relevant Statute: _____

Internal Reports Checked: _____

Federal Agencies Checked: _____

SUMMARY OF ALLEGATION

7704000192
The unnotarized complaint alleges that certain individuals devised a plan whereby the Election Judges on Election Day would record those who cast ballots. The complainant believes that the intent of this act was to identify active voters for future campaigns.

PRELIMINARY LEGAL ANALYSIS

Since Mr. Dypski's allegations are unnotarized they are not a proper complaint (2 U.S.C. S437g(a)(1)). In addition, the Act, as amended, contains no portions relevant to the allegations set forth in the complaint.

RECOMMENDATION

Close file. Send attached letter.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Date of Next Commission Review: _____



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

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638 S. Decker Avenue
Baltimore, MD 21224

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William C. Oldaker
General Counsel

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OFFICE OF GENERAL COUNSEL



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1: 06

SENATE OF MARYLAND

ANNAPOLIS, MARYLAND 21401

CONSTITUTIONAL & PUBLIC LAW
47TH DISTRICT

STATE SENATOR
CORNELL N. DYPSKI
638 S. DECKER AVENUE
BALTIMORE, MARYLAND 21224
276-1974

November 15, 1976

Mr. Vernon Thompson
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

763696

Dear Mr. Thompson:

In accordance with our telephone conversation on Thursday, November 11, 1976, I am submitting the following data concerning certain actions of Election Judges on Tuesday, November 2, 1976. Those responsible for the events leading to those actions may have violated the Federal Election Statutes. This is of some concern to me and should be reviewed for possible violation of the Federal Laws.

Summary of Events

- A. A certain group of individuals devised a plan whereby the Election Judges, on Election Day (November, 1976) would indicate on a computer print out sheet, those who voted on November 2, 1976. This plan was executed even though the Baltimore City Election Board Administrator, when consulted, disapproved the plan. His disapproval was based on the fact that the data requested to be shown on the computer print out sheet would interfere with their official duties.
- B. One of the involved individuals, contacted some of the Election Judges with regard to the computer print out notations and allegedly said he was from the Supervisors of Elections when, in fact, he is not an employee of same.
- C. Several of the more inquisitive and concerned Election Judges telephoned the Election Board for guidance with regard to the above and were specifically informed not to perform any act or extra curricular activity that would infringe on their prime and only responsibility.

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OFFICE OF GENERAL COUNSEL

My concern was of such magnitude that I contacted the Attorney General's office for an opinion. The opinion was received and it appears there may have been a violation of two General Provisions (sections 24 - 2 (h) and 24 - 3) prohibiting anyone from delaying or hindering any judge in the discharge of his duties and punishing election judges for any willful neglect of their duty. The opinion further avers, that, in the event the performance by Election Judges of this private chore of keeping a separate written tally of those voting interferes with the performance of their regular and official election day duties, then a violation of the law would appear to have occurred. A violation of these two sections provide for criminal sanctions.

A staff member of the Attorney General's office made it possible for me to receive a copy of a Temporary Restraining order issued by Judge Alexander Harvey, II, concerning restraint of actions by certain individuals on the November 7, 1972, General Election.

In addition to the above, I am enclosing copies of the following:

- (1) Article titled "Election Judges Helped Democrats Boost Vote" which appeared in the November 10, 1976 issue of the Evening Sun.
- (2) Letter of November 9, 1976, from the Attorney General's Office.
- (3) Temporary Restraining Order in the case of

Roy N. Staten, et al

vs.

Lawrence H. Kahl

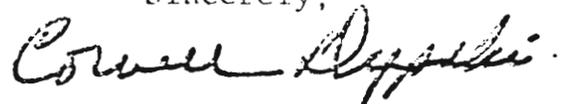
President, Board of Supervisor of Elections
Baltimore County

Please let me know if additional information is required. I have in my possession some of the computer print out sheets with notations.

In my judgement, there is a strong possibility of violations of the Federal Statutes.

Please advise me of the results of your review concerning this matter.

Sincerely,



Cornell Dypski
State Senator

CD:m

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

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a notice in form attached as Motion Exhibit 1 to the Motion For Temporary Restraining Order;

ORDERED that this Order expire at midnight on November 7, 1972;

ORDERED that copies of this Order and of the Complaint, affidavits submitted therewith, Motion For Temporary Restraining Order, and proper summons issuing by the Clerk of this Court, be promptly served by the United States Marshal upon the defendants.

Issued at Baltimore, Maryland, on this 6th day of November, 1972.

United States District Judge

Alexander Harvey, II

MUR 345

CC #1016



FEDERAL ELECTION COMMISSION

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10:06

SENATE OF MARYLAND

CONSTITUTIONAL & PUBLIC LAW
47TH DISTRICT

ANNAPOLIS, MARYLAND 21401

STATE SENATOR
CORNELL N. DYPSKI
636 S. DECKER AVENUE
BALTIMORE, MARYLAND 21224
276-1974

November 15, 1976

Mr. Vernon Thompson
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

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Roy N. Staten, et al

vs.

Lawrence H. Kahl

President, Board of Supervisor of Elections
Baltimore County

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In my judgement, there is a strong possibility of violations of the Federal Statutes.

Please advise me of the results of your review concerning this matter.

Sincerely,

Cornell Dypski
State Senator

CD:m

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OFFICE OF GENERAL COUNSEL

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FRANCIS B. BURCH
ATTORNEY GENERAL

OFFICE OF



JOHN F. OSTER
GEORGE A. NILSON
ATTORNEYS GENERAL

THE ATTORNEY GENERAL

ONE SOUTH CALVERT STREET
14TH FLOOR
BALTIMORE, MARYLAND 21202
366-3933

November 9, 1976

David J. Preller, Esq.
Chairman
Board of Supervisors of
Elections of Baltimore City
People's Court Building
Fayette and Gay Streets
Baltimore, Maryland 21202

Dear Dave:

77741131933

On Thursday evening of last week I received a call from Senator Cornell Dypski and in the course of our telephone conversation he informed me that it had been reliably reported to him that significant numbers of election judges serving in the first, second and sixth wards were approached by various individuals prior to election day and asked to essentially keep a separate written record of the various persons actually voting in their respective precincts. The purpose of his call was to inquire as to whether there was any specific provision of the law making it illegal to ask judges to do this or making it illegal for the judges to agree to perform this additional task on election day. After reviewing various provisions of Article 33, I advised him that there was no specific section of the statute addressing this sort of activity but that there were two general provisions (Sections 24-2(h) and 24-3) prohibiting anyone from delaying or hindering any judge in the discharge of his duties and punishing election judges for any willful neglect of their duty. I informed Senator Dypski that, in the event the performance by election judges of this private chore of keeping a separate written tally of those voting interfered with the performance of their regular and official election day duties, then a violation of the law would appear to have occurred.

FEDERAL BUREAU OF INVESTIGATION
RECEIVED
NOV 11 1976

I informed Senator Dypski that, inasmuch as these two sections provided for criminal sanctions, any referrals for possible prosecution should be directed to the State's Attorney's office and not to our office. He did ask me also to bring this matter to your attention, and that is the purpose of this letter.

I have not asked Senator Dypski to identify the particular judges who were approached or the individuals by whom they were approached, nor have I asked him to identify which judges did or did not agree to keep this separate list. He indicated to me that several judges did indeed refuse to perform this task. He mentioned that the judges who were approached were furnished with a separate computer printout of the registered voters in their particular precinct and were told or were led to believe that the list would be picked up at some time before the polls closed and used for the purpose of determining who had not yet voted and thus should be exhorted to go to the polling place before 8:00 P.M. In many instances the lists were never picked up on election day.

I have taken the liberty of indicating to Senator Dypski that, even though there may not be any specific law dealing with this type of practice, it is my view that the election judges have enough to keep them busy on election day in the way of official duties and that it is entirely inappropriate for them to be asked to perform these kinds of unofficial tasks. I think that at the very least the instructional materials utilized in future elections (and the oral instructions given to judges in the future) should be updated by specifically advising them that under no circumstances are they to perform any such private and unofficial tasks (even for the benefit of those to whom they may owe their appointment) and that their first and exclusive duty on election day is to the performance of their official responsibilities.

Since talking to Senator Dypski, I have discussed this matter briefly with Willard Morris. He tells me that in 1970, prior to the time I came with the office, United States District Court Judge Harvey signed an order the day before the election restraining activity of the sort described to me by Senator Dypski and directing Willard Morris to notify various local election officials. I have asked Willard to send a copy of this order to Senator Dypski.

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OFFICE OF GENERAL COUNSEL

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David J. Preller, Esq.

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If you would like to discuss this matter, please feel free to call on me at any time. Obviously, you should feel free to contact Senator Dypski directly. His telephone number is 276-1974.

Sincerely yours,

George A. Nilson
Deputy Attorney General

GAN:imb

cc The Honorable Cornell W. Dypski
Mr. Willard A. Morris

77040060931

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Election Judges Helped Democrats Boost Vote

By Robert Timberg

A number of Democratic election judges in south and southeast Baltimore, in addition to their regular Election Day duties, were helping local political operatives turn out a big Democratic vote.

The judges, who are paid \$50 on Election Day for processing voters at the polls, were doing double duty by checking off names of voters on a computer print-out sheet so that non-voters could be identified, urged to cast their ballots and, in some cases, provided with transportation.

At least a dozen judges apparently were involved. None was paid for checking the print-out. Activities seemed confined to the city's First, Second and Sixth wards.

Frank A. (Bud) McQuade, city election board administrator, said he objected to the judges' extra-curricular activities when he learned of them even though they were not illegal.

"We didn't want them to do it because it interfered with their duties for our job," Mr. McQuade said.

The judges were recruited by Mr. T. Denney, a prominent local politician, and encouraged by the State Board of

Organization for the City, which is active in a small political group in the south Baltimore neighborhood of the city's First Avenue, which is a Democratic stronghold.

Mr. Denney, a former city councilman, is a vice president of the City of Baltimore. He is also a member of the State Board of

Mr. Denney said he was not paid for his work. He said he was not paid for his work. He said he was not paid for his work. He said he was not paid for his work.

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"I was just giving around a list of voters," Mr. Denney said. "I didn't really know it might have a political effect."

Some of the judges who were involved in the election said they were not paid for their work. They said they were not paid for their work.

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"We had to go out to do it," said Louis Gephart, a judge who refused to get involved. "In fact, we have more than enough to do at times."

"I didn't do it because I didn't think it was fair," he added. "I didn't think it was appropriate."

Betty Piscor, another judge, called the check an "imposition."

By contrast, another judge, Patsy Lou Kotecki, said, "We thought it was a good idea because it meant that old people who needed a ride could get to the polls."

Several called the election board to find out if they should take part and were specifically told they should not.

Two judges, Mrs. Piscor and Lydia Denney, said they checked off voters because Mr. Denney, who contacted them, said he was from the election board. Mr. Denney adamantly denied the allegation.

"I did the opposite," Mr. Denney said. "I said I was not from the election board."

Mr. Denney was temporarily employed by the election board between October 14 and October 27, according to Gene M. Hayden, deputy board administrator.

State Senator Cornell N. Dypski (D., City 47th), who sponsored most of the judges involved, was especially upset and is to meet Friday with a city prosecutor to press his contention that election law violations were committed.

"It definitely impeded and dissipated the electoral process," he said, "especially when you had 40 or 50 people at a time waiting to vote."

Senator Dypski believes the individuals who recruited the judges, at least one of whom is affiliated with a political rival, were motivated by more than a desire to insure a heavy turnout.

The real reason, he said, was to compile lists of active voters which could be used by his opponents in 1978 when he comes up for re-election.

Compilation of such lists—which are used by candidates to target in on actual voters as opposed to those who are registered but inactive—is a time-consuming process after an election, Senator Dypski said.

Mr. Denney has worked as an unsalaried aide to Delegate American Joe Miedusiewski (D., City 47th), who is expected to challenge Senator Dypski in two years.

"It was conceived as an idea to get out the vote," Mr. Denney maintained. "It was done in good faith, on the up-and-up and nobody was lied to."

7701103030

SENATOR CORNELL DYPSKI
638 S. DECKER AVE.
BALTIMORE, MD. 21224

7 7 0 4 0 0 6 0 9 4 1

**RETURN RECEIPT
REQUESTED**

Mr. Vernon Thompson
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

**REGISTERED
NO. 272675**

**FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL**

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COMMUNICATIONS SECTION