

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

O. JOHN BENISEK, *et al.*,

Plaintiffs,

v.

LINDA H. LAMONE., *et al.*,

Defendants.

*
*
*
*
*
*

Case No. 13-cv-3233

* * * * *

SECOND DECLARATION OF LINDA H. LAMONE

I, Linda H. Lamone, under penalty of perjury, declare and state:

1. I am over the age of 18 and am competent to testify to the matters stated below.
2. Since 1997, I have been the State Administrator of Elections.
3. My official duties are set forth in Maryland law. I am authorized to “employ and supervise: (i) a deputy administrator, who shall serve as State Administrator in the event the State Administrator resigns, becomes disabled, or dies, pending the appointment of a successor State Administrator; and (ii) pursuant to the State Personnel and Pensions Article, other staff of the State Board.” Md. Code Ann., Elec. Law § 2-103.
4. As set forth under Maryland law, the State Board of Elections is statutorily required to “manage and supervise elections in the State and ensure compliance with the requirements of [the Election Law] and any applicable federal law by all persons involved in the elections process.” Md. Code Ann., Elec. Law § 2-102(a). Pursuant to that authority, the Board has specific authority to “receive, maintain, and serve as a depository for elections documents, materials, records, statistics, reports, certificates, proclamations, and other information prescribed by law or regulation,” in addition to other statutory obligations. *Id.* § 2-102(b).
5. In 2011, Robert Murphy was a member of the staff of the State Board of Elections, whom I supervised.

6. The emails attached to this Declaration are true and accurate copies of emails and email attachments sent and received by Robert Murphy in May, 2011, in his capacity as a member of the staff of the Maryland State Board of Elections.

7. In 2011, Mr. Murphy was the only staff member responsible for providing elections data for use in redistricting.

8. No other member of my staff or member of the State Board of Elections had any other role in Maryland's 2011 redistricting process.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date

2/3/17

Linda H. Lamone
Linda H. Lamone

From: Bob Murphy
Sent: Friday, May 13, 2011 6:13 PM
To: 'L Janey'
Cc: M Power
Subject: RE: Election Data needed for Redistricting
Attachments: Redist_results_precinct_2010_primary.zip; Redist_results_precinct_2010_general.zip

Final results files... please call me if you have questions on any of these.

Bob Murphy
Maryland State Board of Elections
410-269-2924

-----Original Message-----

From: L Janey [mailto:LJaney@mdp.state.md.us]
Sent: Tuesday, May 10, 2011 2:55 PM
To: Bob Murphy
Cc: M Power
Subject: RE: Election Data needed for Redistricting

Thanks Bob.

Linda C. Janey, J.D.,
Assistant Secretary Clearinghouse & Communications Maryland Department of Planning
301 W. Preston Street Suite 1104
Baltimore, MD 21201
410-767-4490 (voice)
410-767-4480 (fax)
Clearinghouse@mdp.state.md.us
<http://twitter.com/MDClearinghouse>
www.planning.maryland.gov/redistricting

-----Original Message-----

From: Bob Murphy [mailto:bmurphy@elections.state.md.us]
Sent: Tuesday, May 10, 2011 2:26 PM
To: L Janey
Cc: M Power
Subject: RE: Election Data needed for Redistricting

Linda,

Just to clarify what is in the data:

1) In the voter turnout file, "registered" represents the number of "active" status voters (pending and inactive status voters are excluded). "Qualified" represents the number of voters registered with a party that is qualified to vote in the election. The voter turnout numbers include all voting methods (absentee, provisional, early voting, and election day regular ballots). Turnout numbers for persons voting early are included with their registered precincts.

2) Election results numbers include only ballots cast in-precinct on election day. The reason for this is that Maryland law prohibits reporting absentee and provisional results by precinct (see Maryland Election Law §11-402).

The good news is that for analytical purposes the early voting and absentee results track very closely with election day results (as we know from analysis of results at the county level).

Bob Murphy
410-269-2924

-----Original Message-----

From: L Janey [mailto:LJaney@mdp.state.md.us]
Sent: Tuesday, May 10, 2011 1:22 PM
To: Bob Murphy
Cc: M Power
Subject: RE: Election Data needed for Redistricting

Hello Bob,

Great job! The Format works. We do need the precinct-level data and Friday for the delivery is fine. The polling places are not essential.

Just a reminder, the candidate results and voter turnout must be final and not election-day data, to ensure that early voting, provisional and absentee ballot results are included.

Again thanks for preparing the data.

Linda...

Linda C. Janey, J.D.,
Assistant Secretary Clearinghouse & Communications Maryland Department of Planning
301 W. Preston Street Suite 1104
Baltimore, MD 21201
410-767-4490 (voice)
410-767-4480 (fax)
Clearinghouse@mdp.state.md.us
<http://twitter.com/MDClearinghouse>
www.planning.maryland.gov/redistricting

-----Original Message-----

From: Bob Murphy [mailto:bmurphy@elections.state.md.us]
Sent: Tuesday, May 10, 2011 12:53 PM
To: L Janey
Cc: M Power
Subject: RE: Election Data needed for Redistricting

Linda,

Here is the voter turnout history for 2006,2008 and 2010 plus election results for 2006 and 2008 by legislative and congressional districts.

I'd appreciate if someone could load the files and confirm that the format data structure are OK for your purposes.

There's a minor issue with accessing the archived data for the 2010 election results. The person with access to the archive data won't be in the office until Thursday, so I won't be able to get you the 2010 results until Friday.

I have not provided data at the precinct level. I can provide that for you if you need it, but probably not until Monday. Precincts will be identified by a 2-digit county code in a separate column, then district and precinct in "000-000" format. Will you also need a polling place name and street address?

Also, please understand that there were some changes in the precincts between 2006 and 2008, and again between 2008 and 2010, as the counties split up precincts with too many voters, consolidated some with too few voters, and made changes due to polling places becoming unavailable.

Please don't hesitate to call if you have any questions.

Bob Murphy
410-269-2924

-----Original Message-----

From: L Janey [mailto:LJaney@mdp.state.md.us]
Sent: Tuesday, May 10, 2011 10:01 AM
To: Bob Murphy
Cc: M Power
Subject: RE: Election Data needed for Redistricting

Good Morning Bob,
Touching base to see where you are with compiling the data. Just to clarify will this also include the precinct data as well? If it does wonderful. If not please suggest the best way to obtain that information.

Thanks.

Linda...

Linda C. Janey, J.D.,
Assistant Secretary Clearinghouse & Communications Maryland Department of Planning
301 W. Preston Street Suite 1104
Baltimore, MD 21201
410-767-4490 (voice)
410-767-4480 (fax)
Clearinghouse@mdp.state.md.us
<http://twitter.com/MDClearinghouse>
www.planning.maryland.gov/redistricting

-----Original Message-----

From: Bob Murphy [mailto:bmurphy@elections.state.md.us]
Sent: Thursday, May 05, 2011 4:00 PM
To: L Janey
Cc: M Power
Subject: RE: Election Data needed for Redistricting

Linda,

Thanks, this is very helpful.

And just to clarify a bit further, the registered voters and election results counts you've specified will be rolled up in two separate datasets:

#1 by Maryland State legislative district; and
#2 by U.S. Congressional district

Regards,

Bob Murphy
Maryland State Board of Elections
410-269-2924

-----Original Message-----

From: L Janey [mailto:LJaney@mdp.state.md.us]
Sent: Thursday, May 05, 2011 2:41 PM
To: Bob Murphy
Cc: M Power
Subject: Election Data needed for Redistricting

Hello Mr. Murphy,
Staff prepared for me the following list of data sets that we need for redistricting purposes. Many of the items are what we agreed upon when we talked yesterday. Again Thank you for your assistance.

Linda...

DATA SETS NEEDED:

2010, 2008 and 2006 Primary and General Elections: Registered Voters

Total Registered Voters (as a discrete data element or able to be assembled from the components) Democratic
Registered Voters Republican Registered Voters Other Registered Voters

2010, 2008 and 2006 Primary and General Elections: Voter Turnout

Total Voter Turnout (as a discrete data element or able to be assembled from the components) Democratic Voter
Turnout Republican Voter Turnout Other Voter Turnout

2010 Primary and General Election: Candidate Results

Total Votes for Governor/Lt. Governor (as a discrete data element or able to be assembled from the components)
Democratic Votes for Governor/Lt. Governor Republican Votes for Governor/Lt. Governor Other Votes for Governor/Lt. Governor

Total Votes for Comptroller (as a discrete data element or able to be assembled from the components) Democratic
Votes for Comptroller Republican Votes for Comptroller Other Votes for Comptroller

Total Votes for U.S. Senator (as a discrete data element or able to be assembled from the components) Democratic
Votes for U.S. Senator Republican Votes for U.S. Senator Other Votes for U.S. Senator

Total Votes for Representative in Congress (as a discrete data element or able to be assembled from the components)
Democratic Votes for Representative in Congress Republican Votes for Representative in Congress Other Votes for
Representative in Congress

Total Votes for State Senator (as a discrete data element or able to be assembled from the components) Democratic
Votes for State Senator Republican Votes for State Senator Other Votes for State Senator

Total Votes for House of Delegates (as a discrete data element or able to be assembled from the components)
Democratic Votes for House of Delegates Republican Votes for House of Delegates Other Votes for House of Delegates

2008 Primary and General Election: Candidate Results

Total Votes for President of the United States (as a discrete data element or able to be assembled from the components)
Democratic Votes for President of the United States Republican Votes for President of the United States Other Votes for
President of the United States

Total Votes for Representative in Congress (as a discrete data element or able to be assembled from the components)
Democratic Votes for Representative in Congress Republican Votes for Representative in Congress Other Votes for
Representative in Congress

2006 Primary and General Election: Candidate Results

Total Votes for Governor/Lt. Governor (as a discrete data element or able to be assembled from the components)
Democratic Votes for Governor/Lt. Governor Republican Votes for Governor/Lt. Governor Other Votes for Governor/Lt.
Governor

Total Votes for Comptroller (as a discrete data element or able to be assembled from the components) Democratic
Votes for Comptroller Republican Votes for Comptroller Other Votes for Comptroller

Total Votes for U.S. Senator (as a discrete data element or able to be assembled from the components) Democratic
Votes for U.S. Senator Republican Votes for U.S. Senator Other Votes for U.S. Senator

Total Votes for Representative in Congress (as a discrete data element or able to be assembled from the components)
Democratic Votes for Representative in Congress Republican Votes for Representative in Congress Other Votes for
Representative in Congress

Total Votes for State Senator (as a discrete data element or able to be assembled from the components) Democratic
Votes for State Senator Republican Votes for State Senator Other Votes for State Senator

Total Votes for House of Delegates (as a discrete data element or able to be assembled from the components)

Democratic Votes for House of Delegates Republican Votes for House of Delegates Other Votes for House of Delegates

Linda C. Janey, J.D.,

Assistant Secretary Clearinghouse & Communications Maryland Department of Planning

301 W. Preston Street Suite 1104

Baltimore, MD 21201

410-767-4490 (voice)

410-767-4480 (fax)

Clearinghouse@mdp.state.md.us

<http://twitter.com/MDClearinghouse>

www.planning.maryland.gov/redistricting

From: Bob Murphy
Sent: Tuesday, May 03, 2011 2:48 PM
To: Donna Duncan
Subject: RE: Election Data

I spoke with Linda Janey... the MDP redistricting workgroup is meeting tomorrow and she will get back to me with what (if any) information they still need from us.

bob

-----Original Message-----

From: Donna Duncan
Sent: Tuesday, May 03, 2011 2:11 PM
To: Bob Murphy
Subject: FW: Election Data

Bob can you call or contact this person - thanks

-----Original Message-----

From: Linda Lamone
Sent: Friday, April 29, 2011 12:00 PM
To: Donna Duncan
Subject: Fw: Election Data

Can you handle this please.

-----Original Message-----

From: L Janey
To: Linda Lamone
Cc: R Hall
Cc: M Power
Subject: Election Data
Sent: Apr 29, 2011 11:56 AM

Good Morning Ms. Lamone,

Please provide me with the appropriate contact(s) who can assist me with obtaining State election data. Is it available electronically? I know that for the 2000 and 1990 redistricting, the data came to MDP in paper format. Any help and/or direction you can provide is appreciated.

Thanks.

Linda....

Linda C. Janey, J.D.,
Assistant Secretary Clearinghouse & Communications Maryland Department of Planning
301 W. Preston Street Suite 1104
Baltimore, MD 21201
410-767-4490 (voice)

410-767-4480 (fax)

Clearinghouse@mdp.state.md.us

<http://twitter.com/MDClearinghouse>

www.planning.maryland.gov/redistricting

Sent via BlackBerry by AT&T