

6. The State and the Defendant understand, agree, and stipulate to the following Statement of Facts, which the State would prove beyond a reasonable doubt had this case proceeded to trial:

Background

Lora WALTERS (hereinafter "WALTERS") served as the Deputy Director for the Cecil County Board of Elections from approximately June 15, 2006 through July 15, 2020. In her capacity as Deputy Director, she was responsible for registering all local candidates for public office and served as the sole gatekeeper for local political candidates. A prospective candidate could not become an active candidate in Cecil County without going through WALTERS. WALTERS had to swear oaths of office to become the Deputy Election Director. She swore an oath with the Cecil County Board of Elections, and also swore an oath with the Cecil County Circuit Court. Accordingly, WALTERS is a public official under Maryland law.

On November 5, 2019, Danielle Hornberger met with defendant Lora WALTERS at the Cecil County Board of Elections to file her candidacy for Cecil County Executive. One of the forms required to complete the candidacy process was a Financial Disclosure form. Cecil County Ethics Code §39-23B provides that a candidate to elected local office must file a Financial Disclosure form at or before the time they file their Certificate of Candidacy. Additionally, before the State Board of Elections can certify a candidate, all required local Financial Disclosure forms must be filed.

During the appointment, WALTERS certified to the State Board of Elections that the candidate had provided her required Financial Disclosure form. Based on WALTERS' certification to the State Board, Ms. Hornberger's candidacy was approved by the State Board.

If the Financial Disclosure form was, in fact, filed along with Ms. Hornberger's candidacy paperwork on November 5, 2019, copies would have been maintained at the Cecil County Board of Elections, the Cecil County Department of Human Resources, as well as the County Ethics Commission. However, none of these entities have copies of a Financial Disclosure form filed by Ms. Hornberger on that date. Ms. Hornberger later testified under oath that she did not have a specific recollection of filing a financial disclosure on November 5, 2019.

July 6, 2020

On July 6, 2020, questions arose as to whether Ms. Hornberger had properly filed a Financial Disclosure form on November 5, 2019. After a diligent search, it was determined that none of the relevant entities had copies of Ms. Hornberger's Financial Disclosure form in their records.

WALTERS was contacted by her boss, Ms. Ruie Lavoie, and asked for an explanation as to the location of Ms. Hornberger's Financial Disclosure form. At 1:02

PM, Ms. Lavoie sent WALTERS a text message stating, "I really need the emails you told me about with the financial disclosure information." WALTERS responded to Ms. Lavoie's text, "I didn't say I had the Financial Disclosure. I was under the assumption that she filled it at SBE. That's all I have." Notably, financial disclosures for local candidates are never filed at the State Board of Elections.

At 1:05 PM WALTERS emailed Ms. Hornberger, asking if Ms. Hornberger could provide a receipt showing that she filed her financial disclosure. At 4:29 PM, Ms. Hornberger responded to WALTERS's email, "I don't really remember what it looked like. What am I looking for?"

July 7, 2020

The next day, July 7, 2020, at 8:14 AM, WALTERS followed-up with Ms. Hornberger again via email asking, "I wanted to see if you have confirmed that you completed the 'Financial Disclosure'? Please let me know as soon as possible."

At 8:19 AM Ms. Hornberger responded "Yes, I'm pretty sure I provided it, but I didn't find my copy." Ms. Hornberger later testified under oath she had no specific recollection of providing the Financial Disclosure prior to July 7, 2020 and had just assumed that WALTERS had given her all the paperwork that was required to be completed.

At 8:52 AM, Ms. Hornberger emailed WALTERS "Is there an issue? Give me a call if so please."

At 9:16 AM, WALTERS called Ms. Hornberger. Ms. Hornberger testified under oath that during the call WALTERS told her that the Board of Elections could not find her financial disclosure form, and that Ms. Hornberger would need to fill out the form and send it to her.

At 10:32 AM on July 7th, 2020, Ms. Hornberger emailed WALTERS, "I have attached the replacement form. Let me know if you need anything else." A completed financial disclosure form was attached to the email, signed and dated July 7, 2020. *See Exhibit 1.*

TERMS OF SIGNATURE AND FILING

I, the individual submitting this Ethics Commission form, warrant the truthfulness of the information provided in this submittal.

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Signature and Filing.

Please type your First and Last Name (Electronic Signature)

Signature of Person Filing

Date

Check here if you wish to be notified if someone exercises the right to review your financial disclosure statement.

Ms. Hornberger testified under oath that she filled out the form on July 7, 2020, and dated it the same day. Ms. Hornberger confirmed that although she called it a replacement form, she had no specific recollection of ever filing out the financial disclosure form prior to July 7th. Additionally, Ms. Hornberger testified that she did not provide the financial disclosure form in any other format other than as an attachment to

an email to WALTERS. She did not email the form to anyone other than WALTERS, did not mail the form to the office, and did not hand-deliver the form to the office. Accordingly, WALTERS was the only person in possession of the Financial Disclosure form provided by Ms. Hornberger.

At 10:40 AM on July 7, 2020, WALTERS emailed Ms. Hornberger, "Thank you Danielle, I will take it up to HR now."

At approximately 11:10 AM, WALTERS took a copy of the financial disclosure upstairs to the Cecil County Department of Human Resources. The form that Walters filed with Human Resources was identical in all respects to the form Ms. Hornberger emailed to WALTERS less than an hour prior, with the exception of the date, which had been changed to **November 5, 2019**, the date that WALTERS would have been required to collect the form from Ms. Hornberger. *See Exhibit 2.*

TERMS OF SIGNATURE AND FILING

I, the individual submitting this Ethics Commission form, warrant the truthfulness of the information provided in this submittal
 I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Signature and Filing
Please type your First and Last Name (Electronic Signature)

Signature of Person Filing

Date

Check here if you wish to be notified if someone exercises the right to review your financial disclosure statement

The change of the date from July 7, 2020 to November 5, 2019 was significant. If the form was submitted to the Board of Elections when required on November 5, 2019, there could be no questions with regard to the validity of Ms. Hornberger's candidacy, who at that point had won the primary election for County Executive. If the form was not turned in until July 7, 2020, it would call into question the validity of Ms. Hornberger's candidacy and the integrity of both the primary and general elections. Further, if the form was not turned in until July 7, 2020, it would illustrate a serious mistake on the part of WALTERS for failing to collect the required form on November 5, 2019 and falsely certifying to the State Board of Elections that she had done so.

At 11:30 AM WALTERS and the rest of the Board of Elections staff left the office to work remotely in the afternoon. After everyone was gone, and after telling her boss that she was working from home, WALTERS used her access card to re-enter the building at 12:04 PM.

At 12:20 PM, WALTERS called Ms. Hornberger. Ms. Hornberger testified under oath that during the call **WALTERS told her that the Financial Disclosure form had been "backdated."**

At 12:32 PM, WALTERS returned to Human Resources with another copy of the financial disclosure, identical to the one she had already filed but for a time stamp for the Cecil County Board of Elections dated November 5, 2019. Importantly, the time and date stamp machine at the Cecil County Board of Elections can be manually manipulated. *See Exhibit 3.*

COPY

REC'D HUMAN RESOURCES
JUL 7 '20 PM 12:32

CECIL COUNTY ETHICS COMMISSION
<http://www.ccgov.org/government/boards-and-commissions/ethics-commission> c/o
Cecil County Department of Human Resources
200 Chesapeake Boulevard, Suite 2800, Elkton, Maryland 21921
(410) 998-5250 (ph) 1-888-230-2578 (fax)

PRIOR YEAR FINANCIAL DISCLOSURE STATEMENT, Form 1:
County Elected Officials, Candidates for County Office and County Department Heads
(revised Ordinance 2012.08)
Regular Reporting Period, January 1 through December 31, 2019
(or, if filing as a candidate in a year prior to the election year, the period ending as of signature date)

PART I. IDENTIFYING INFORMATION (Please Print Legibly)		
FIRST NAME	M. I. (if used)	LAST NAME
OFFICE (held or seeking)		

CECIL COUNTY
BOARD OF ELECTIONS
A 11: 31

WALTERS asked the Department of Human Resources staff member Karen Nusic if she could have the first form back. Ms. Nusic refused to return the first form.

Importantly, the form that WALTERS filed with the Department of Human Resources could not have been signed or stamped into the Board of Elections on November 5, 2019 because the form was not in existence at that time. The Cecil County Ethics Commission approved changes to the Financial Disclosure form on November 18, 2019, and the form was not publically available in the relevant format until January, 2020.

Additionally, the applicable Financial Disclosure form for November 2019 would have indicated it was for the time period January 1, 2018- December 31, 2018, as it is a "prior year" reporting form. The form that was provided to Human Resources by WALTERS was for January 1, 2019-December 31, 2019, and therefore would not have been applicable to candidates filing in November 2019.

Finally, Ms. Hornberger testified under oath that she did not write in the date of November 5, 2019 on the Financial Disclosure form that WALTERS filed with the Department of Human Resources.

When asked about how she located the Financial Disclosure form dated November 5, 2019, WALTERS reported that she had found it between two files.

WALTERS had a duty as an election official and public official to collect and maintain the integrity of candidacy filings, including the Financial Disclosure form. She was further required to accurately report whether candidates had completed all the legal requirements to be certified and on the ballot. If WALTERS did not adequately complete those duties, she had an obligation to report any issues to election officials, because any irregularities had the potential to impact the integrity of an election. WALTERS further had a duty to safeguard election records and to ensure that they were not altered.

If called to testify, witnesses would identify WALTERS as the individual who engaged in the aforementioned conduct. All events occurred in Cecil County, MD.