

State of Maryland 

State Board of Elections – December 16, 2021 Meeting

Attendees (via conference call):

William G. Voelp, Chair
Malcolm L. Funn, Vice Chair
Severn Miller, Member
Justin Williams, Member
T. Sky Woodward, Member
Linda Lamone, Administrator
Nikki Charlson, Deputy Administrator
Andrea Trento, Assistant Attorney General
Donna Duncan, Assistant Deputy, Election Policy
Mary C. Wagner, Director of Voter Registration
Jennifer McLaughlin, Senior Policy Advisor
Jared DeMarinis, Director, Candidacy and Campaign Finance
Shafiq Satterfield, Director of IT Project Management
Melissia Dorsey, Director of Election Reform and Management
Shermaine Malcolm, HR Director

Also Present: Wendy Adkins, Director, Saint Mary' County Board of Elections
Kaye Robucci, Director, Washington County Board of Elections
Barry Jackson, Deputy Director, Washington County Board of Elections
Seth Wilson, Washington County resident
Peter E. Perini, Sr., Washington County resident

DECLARATION OF QUORUM PRESENT

Mr. Voelp called the meeting to order at 2:03 pm and declared that a quorum was present.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

APPROVAL OF MEETING MINUTES: OCTOBER 28, 2021

Mr. Williams made a motion to approve the minutes from the October 28, 2021 open and closed meetings. Mr. Miller seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

Mr. Voelp requested that only highlights of the Administrator's Report be presented verbally.

Announcements & Important Meetings

Welcome

Ms. Charlson reported that SBE welcomed Mary Ann Mogavero as the newest member of the Election Management and Reform team. Her role will focus on the election judge manual, training, and video development. Mary Ann previously worked at the Prince George's County Board of Elections for 18 years and most recently served as their Elections Operations Manager. We are excited to have her share her experience and expertise with the rest of the State.

SBE also welcomed two new members to our IT team. Arthur Pengosro is our new Computer Information Services Specialist as of December 15, 2021. Maria Thampi will start January 12 as our new IT Programmer Analyst primarily supporting the Voter Services team.

SBE is saying goodbye to Susan Tang who has been a key member of our IT staff for nearly five years performing critical database work, conducting data analysis, and producing election reports. Her last day was December 17, 2021. We wish her well.

Special Election for the Prince George's County Council District 8

Ms. Charlson noted that the Prince George's County Council ordered a vote-by-mail special election to fill a vacancy in Council District 8. The primary election will be held on January 4, 2022, with early voting on December 27 - 30, 2021, and January 2 - 3, 2022. Early voting and election day voting will be held at the Southern Regional Tech and Recreation Center. The local board can start counting vote-by-mail ballots on January 4, 2022, and the primary election will be certified on January 14, 2022.

The general election will be held on February 1, 2022, with early voting from January 26 - 31, 2022. Early voting and election day voting will be held at the Southern Regional Tech and Recreation Center.

Taylor Communications will be printing, inserting, and mailing ballot packets for the special elections. Vote-by-mail packets for the special primary election will be sent on December 17 - 18 to registered Democrats. Since no candidates filed for the Republican primary election, a letter will be sent to registered Republicans in District 8 explaining why they will not receive a ballot for the special primary election.

Election Reform and Management

Mail-In Voting Forms and Information: Usability Review

The University of Baltimore (UB) and the Center for Civic Design (CCD) have submitted their draft usability review report. This report is required by [Chapter 56](#) (Senate Bill 683) and Chapter 514 ([House Bill 1048](#)) of the 2021 Legislative Session. SBE staff are working with UB and CCD to finalize the document.

Mail-In Ballot Request Form Mailer

SBE staff are working with incumbent vendor Runbeck Election Services to prepare for the mailing of mail-in ballot request forms in early February 2022. This mailing is required by [Chapter 56](#) (Senate Bill 683) and [Chapter 514](#) (House Bill 1048) of the 2021 Legislative Session.

Mail-in Voting: Procurement and Vendor Selection

Taylor's contract for mail-in ballots for the 2022 elections was approved at the December 1, 2021 meeting of the Board of Public Works. The contract includes options for the 2024 and 2026 elections.

Permanent Absentee Ballot List Confirmation

SBE staff are working to produce this pre-election communication in-house. This voter communication is also required by Chapter 56 (Senate Bill 683) and Chapter 514 (House Bill 1048) of the 2021 Legislative Session.

Early Voting Center and Drop Box locations

SBE staff are working with the local boards to review proposed locations for early voting centers and ballot drop boxes for the 2022 elections. The State Board approves early voting centers, while the State Administrator approves ballot drop box locations.

Voter Registration

MDVOTERS

Ms. Wagner reported that the final MDVOTERS release of the year was successfully deployed the weekend of December 3. This release finalizes the requirements to implement the permanent absentee ballot list and MVA's new driver license system configurations.

MDVOTERS Audits

Monthly audits of voter registration data continue to verify compliance with federal and State laws governing voter registration. The monthly audits include review of the local boards of elections' processing of Electronic Registration Information Center (ERIC) reports, Department of Health and Mental Hygiene (DHMH) death records, Administrative Office of the Courts (AOC) felony records, and the processing of overall voter registration records. Follow up is conducted with the local boards to ensure all corrections are completed and to address any training issues. On a monthly basis, a minimum of 144 audits are conducted.

Electronic Registration Information Center (ERIC) - Membership

ERIC's membership now has 31 states plus the District of Columbia. For more information on ERIC, please visit <https://ericstates.org/>.

ERIC Files

We are now receiving ERIC data on a monthly basis. On even months (February, April, etc), we receive the In-State Updates, Cross-State, and NCOA (National Change of Address) reports for processing. Odd months bring us the In-State Duplicate and Social Security Administration Death files for processing. As we approach an election and are prohibited from list maintenance mailings (90 days prior to an election), we will receive the In-State Duplicate and SSA Death files on a monthly basis.

Motor Vehicle Administration (MVA) Transactions

During October, MVA collected the following voter registration transactions:

New Registration - 7,748	Residential Address Changes - 17,530
Last Name Changes - 2,188	Political Party Changes - 4,078

During November, MVA collected the following voter registration transactions:

New Registration - 8,542	Residential Address Changes - 17,375
Last Name Changes - 2,729	Political Party Changes - 4,437

Non-Citizen Registration and Voting

From October 26, 2021 through December 12, 2021, a total of 101 voters have been canceled due to these voters not being U.S. citizens. Six voters have voting history and will be forwarded to the Office of the State Prosecutor in January 2022.

Candidacy and Campaign Finance (CCF) Division

Candidacy

The candidacy filings are currently scheduled by appointment, and as of 229 candidates have filed at SBE.

Campaign Finance

Upcoming Reports

The next campaign finance report due is the January 2022 Annual Report. However, independent expenditure entities and Super PACs must file disclosure reports within 48 hours after making disbursements or expenditures of \$10,000 or more.

The semi-annual Contribution Disclosure Statement was due on November 30. This report is due for any person doing business with a governmental entity of \$200,000 or a person who employs a State lobbyist and makes contributions of \$500 or more in a filing period. 98% submitted the statement timely. The entities that failed to file are currently being assessed late fees.

Mr. DeMarnins noted that the Pre-Primary Campaign Finance Report for the Prince George's Special Election is due on December 27, 2021. Pre-report notices were sent to the candidates.

State Public Financing Program

To qualify for a public contribution, the candidate must raise \$120,000 from 1,500 Maryland residents. As of October 31, there is \$4,183,662.42 in the Fund. In the next fiscal year, additional \$4,000,000 will be appropriated to the Fund. One candidate has filed a notice of intent to participate in the program.

County Public Financing Programs

Montgomery County: There are five certified candidates in the program. Additional 16 candidates have filed a notice of intent to participate. The program has made a total of \$320,966 disbursements.

Howard County: Three candidates have filed a notice of intent to participate in the program. There is one certified candidate in the program. No disbursements have been made in the program.

Website Activity

In October, the MD Campaign Reporting Information System (MD CRIS) website was visited by 228,468 individuals for an average of 7,369 per day. Additionally, it had 1,738,511 hits. Each viewer looked at an average of approximately 6.5 page views per day. The Business Contribution Disclosure System (BCDS) website had 847,869 hits, with 26,351 visitors with an average of nearly 19 page views per day.

In November, the website was visited by 231,406 individuals for an average of 7,713 per day. Additionally, it had 1,764,448 hits. Each viewer looked at an average of approximately 6.5 page views per day. The BCDS website had 982,301 hits, with 81,960 visitors with an average of over 10 page views per day.

Enforcement

1. Friends of Ron Watson candidate committee paid \$1,100.00 on November 3, 2021 for receiving contributions during the legislative session.
2. Friends of Angela Jones candidate committee paid \$50.00 on November 3, 2021 for failure to record all contributions and expenditures.
3. Boyd Rutherford for Maryland candidate committee paid \$1,500.00 on November 11, 2021 for failure to maintain accounts and books properly and for failure to record all contributions and expenditures.
4. Citizens for Douglas J.J Peters committee paid \$1,500.00 on November 18, 2021 for failure to record all contributions and expenditures and failure to maintain bank records.
5. Larry Hogan for Governor candidate committee paid \$2,500.00 on November 19, 2021 for failure to maintain accounts and books properly and for failure to record all contributions and expenditures.

6. Friends of Cherri Branson candidate committee paid \$100.00 on November 22, 2021 for cash disbursement greater than \$25.00.
7. Kyle Sefcik for Governor candidate committee paid \$50.00 on November 30, 2021 for failure to include an authority line.
8. Friends of Kathleen M. Dumais candidate committee paid \$1,000.00 on December 8, 2021 for receiving contributions during the legislative session.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Trento gave the following updates:

1. *Fusaro v. Davitt et al., No. 20-1879* (U.S.C.A. for the 4th Cir.). No change from the last update. Plaintiff Dennis Fusaro brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. On July 12, 2019, the Fourth Circuit vacated the dismissal order, and remanded the case for further proceedings. The parties then conducted discovery and briefed dispositive summary judgment motions. On July 14, 2020, the Court awarded Summary Judgment to the defendants on the issue of whether the "electoral process" requirement was unconstitutionally vague and declined to reach the issue of whether Maryland's registered voter requirement violates the First Amendment. Plaintiff appealed to the United States Court of Appeals for the Fourth Circuit. Oral argument took place on September 23, 2021, and on November 19, 2021, the Court issued an opinion affirming the award of summary judgment to the defendants. On December 3, 2021, Plaintiff petitioned for en banc rehearing of his appeal. The Court has not yet issued its ruling on Plaintiff's petition.
2. *WinRed, Inc. v. Ellison, et al., No. 21-cv-1575* (D. Minn.). On July 7, 2021, WinRed, Inc. – a federal PAC created to assist Republican Party candidates – filed a lawsuit against the Attorneys General of Connecticut, New York, Maryland, and Minnesota (the "State AGs"), seeking a declaration that State consumer protection statutes and regulations are preempted by federal law, to the extent that these State laws are being enforced to regulate the use of pre-checked recurring contribution boxes for solicitations for federal offices. WinRed had received letters from the defendants requesting information and documents regarding its use of pre-checked boxes in that context. (It is now public that ActBlue – the PAC formed to assist Democratic Party candidates – has received a similar request from the same State AGs, but has not joined this lawsuit.) On July 16, 2021, each of the State AGs served formal subpoenas seeking the information and documents previously requested by letter from WinRed.

On July 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of the subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Oral argument on both motions took place on November 2, 2021. The Court has not yet ruled on the motions.

3. *[Redacted] v. State of Maryland, et al., No. C-02-CV-21-001282* (Cir. Ct. A.A. Cnty.). On September 23, 2021, the Plaintiff filed a lawsuit challenging the SBE's disclosure of personalized voter information on lists of registered voters without obtaining voters' consent. She alleges that SBE's practices of (i) disclosing information beyond just the names of voters on the voter list, (ii) disclosing the voter list to non-Maryland registered

voters, (iii) transmitting the voter list to individuals or organizations who do not swear the oath that the list will only be used for electoral purposes, (iv) failing to ensure that the purpose for which the list is intended to be used by the applicant comports with that requirement, and (v) allowing only some voters to participate in the voter confidentiality program, violates various State and federal laws and constitutional provisions. The plaintiff is seeking, among other things, damages in the amount of \$400,000 for each instance her voter information was disclosed on a voter list transmitted to an applicant and seeks injunctive relief in the form of an order forbidding SBE from disclosing voter information without the affirmative consent of the voter and requiring SBE to issue new voter ID numbers to every Maryland registered voter. The State of Maryland, the State Administrator, and the Governor are named as defendants in the case.

On November 4, 2021, the Plaintiff filed a Motion for Preliminary Injunction seeking to enjoin the Board of Elections from referring to her by name – including by reference to the case caption – during its open elections. On November 16, 2021, the Defendants filed an opposition to this motion. This motion is scheduled to be heard by the Court on January 5, 2022.

Meanwhile, on November 8, 2021, the Defendants filed a motion to dismiss the Complaint. On November 23, 2021, Plaintiff filed an opposition to the motion to dismiss. The motion to dismiss is scheduled to be heard on February 14, 2022.

In response to questions from Ms. Woodward, Mr. Trento stated that he is not sure if a judge has been assigned to the [Redacted] case, and that the plaintiff requested anonymity because she believes she could be harmed negatively by those who might be harmed by a ruling in her favor.

APPROVAL OF PROPOSED REGULATIONS: COMAR 33.13.07.02 – CAMPAIGN FINANCE – AUTHORITY LINE- ELECTRONIC MEDIA, 33.13.14.07 – PUBLIC FINANCING – COORDINATED IN-KIN CONTRIBUTIONS – TRANSERS, 33.18.02 – PROHIBITED ACTS, AND 33.20.08 – DISCLOSURE BY PERSONS DOING PUBLIC BUSINESS – PENALTIES

Mr. DeMarinis presented for adoption the following proposed amendments to COMAR:

1. 33.13.07.02 (Campaign Financing - Authority Line Requirements – Electronic Media): The proposed amendment to the regulation modifies the authority line requirements for the use of deep fake videos and audio recordings and the sending of text messages by a political committee. The proposed regulations define what constitutes a deep fake audio and video recording. Moreover, it modifies the authority line requirements to include an additional disclaimer at the beginning and end of the recording that the audio or video recording did not occur in reality. Additionally, the proposed regulation requires a political committee that disseminates text messages to individuals, but the text message service limits the number of characters in the text to immediately follow the text message with a text message including the authority line.

In response to a question from Mr. Williams, Mr. DeMarinis stated that these amendments reflect best practices related to deep fake videos. He clarified, in response to a comment from Mr. Voelp, that candidates may use deep fake videos, but the video must make it clear, through the required disclaimers, that the video was produced using editing technology. He further explained, in response to a question from Mr. Williams, that not requiring specific language in the disclaimer enables the disclaimer to fit each video accordingly and be updated as technology changes. Mr.

Trento clarified that deep fakes are defined as videos that seem real; a parody video (e.g., a cartoon or animated video) would not be classified as a deep fake.

Ms. Woodward made a motion to approve the proposed amendments to COMAR 33.13.07.02 as presented by Mr. DeMarinis. Mr. Miller seconded the motion. It passed unanimously.

2. 33.13.14.07, 33.13.14.08, and 33.14.09 (Campaign Financing – Public Financing – Coordinated In-Kind Contributions): The proposed new regulations allow for central committees to make coordinated in-kind contributions to county publicly financed candidates. The proposed regulations set limits and resists the source of the funding consistent with the enabling legislation and county programs.
3. 33.13.14.08 (Campaign Financing – Public Financing – Electronic Signatures): The proposed new regulation defines, sets the process, and places restrictions on the use of electronic signatures in relation to use on a contribution card.
4. 33.14.14.09 (Campaign Financing – Public Financing – Electronic Signatures): The proposed new regulation prohibits transfers from a publicly financed candidate committee to any other political committee and allows for the transfer of the voter access file from the State Central Committee.

In response to a question from Mr. Williams, Mr. DeMarinis clarified that all contributions, including in-kind, must be reported. In the case of a coordinated in-kind contribution, the donating committee and the receiving committee would both be required to report the contribution. He further explained that committees that report in-kind contributions (either donated or received) must include a justification to determine the fair market value of the contributions.

In response to questions from Mr. Voelp, Mr. DeMarinis stated that Prince George's County Council passed legislation allowing for publicly financed candidates, and that both Baltimore City and Baltimore County Councils are in the process of passing similar legislation. He clarified that when multiple candidates benefit from a coordinated in-kind contribution, the value is divided among the benefitting candidates, and time donated by volunteers is not considered in-kind contributions. Mr. DeMarinis further confirmed that the proposed regulations only apply to publicly financed candidates.

Mr. Miller made a motion to approve the proposed amendments to COMAR 33.13.14.07, 33.13.14.08, and 33.13.14.09, as presented by Mr. DeMarinis. Mr. Williams seconded the motion. It passed unanimously.

5. 33.18.02.01 and 33.18.02.02 (Violations – Prohibited Acts): The proposed amendments and new regulations require a person to place the same disclaimer requirements on a deep fake recording attempting to influence a voter's decision going to the polls or casting a vote within 90 days of the election.

In response to a question from Mr. Miller, Mr. DeMarinis clarified that the proposed regulations apply to any person, not just a political committee, and would include, for example, a video telling voters that the polls have closed early, when they have not.

Mr. Williams made a motion to approve the new regulations and proposed amendments to COMAR 33.18.02.01 and 33.18.02.02 as presented by Mr. DeMarinis. Mr. Miller seconded the motion. It passed unanimously.

6. **33.20.08.01** (Disclosure of Person Doing Public Business – Sanctions): The proposed amendments update the late fee penalties to match the late fee fine structure for political committees. In 2019, the General Assembly changed the penalties for political committee to a maximum penalty of \$1,000. The law governing the contribution disclosure statement for persons doing public business requires that penalties for late filings are identical to political committees.

Mr. Williams made a motion to approve the proposed amendments to COMAR 33.20.08.01 as presented by Mr. DeMarinis. Ms. Woodward seconded the motion. It passed unanimously.

APPROVAL OF FINAL REGULATIONS- COMAR 33.01.01.01 – GENERAL PROVISIONS – DEFINITIONS; 33.05.01.02C – VOTER REGISTRATION – PROCESSING APPLICATIONS; 33.11.02.01D – ABSENTEE BALLOTS – APPLICATION; 33.11.03.08B – ABSENTEE BALLOT – TIMELY; 33.17.05.01C – EARLY VOTING – ELECTION JUDGES.

Ms. Charlson presented proposed amendments to COMAR 33.01.01.01, 33.05.01.02C, 33.11.02.01D, 33.11.03.08B, and 33.17.05.01C for final adoption. These proposed regulations were approved by the Board at its July 22, 2021 meeting and published in the September 24, 2021, issue of the *Maryland Register* (Vol. 48, Issue 20). The public comment period closed on October 25, 2021. Ms. Charlson stated that no public comments were received.

There was no discussion on the final adoption of the proposed regulations. Ms. Woodward made a motion to adopt the proposed amendments to COMAR 33.01.01.01, 33.05.01.02C, 33.11.02.01D, 33.11.03.08B, and 33.17.05.01C for final adoption and publication, as presented by Ms. Charlson. Mr. Funn seconded the motion. The motion passed unanimously.

APPROVAL OF CONFIDENTIALITY REQUESTS

Mr. DeMarinis presented requests from five voters (all sitting judges) to keep their address and phone numbers confidential and stated that the Candidacy and Campaign Finance Division verified that the requesting individuals were eligible to have their residential address and telephone numbers be confidential. Mr. DeMarinis stated that all requests for confidentiality have met all conditions.

Ms. Woodward made a motion to approve the waiver requests. Mr. Williams seconded the motion. The motion passed unanimously.

APPROVAL OF EARLY VOTING CENTERS

Ms. Dorsey presented requests for approval of new or changed early voting centers from the Baltimore City, Calvert, Carroll, Cecil, Charles, Frederick, Garrett, Howard, Montgomery, Prince George's, Saint Mary's, Washington, and Wicomico County Boards of Elections. The presentation can be viewed in full at:

https://elections.maryland.gov/about/meeting_materials/EVC_Presentation_122021.pdf.

1. **Baltimore City**- Ms. Dorsey presented a request from the Baltimore City Board of Elections to move the early voting center at the University of Maryland at Baltimore from its current location to a new building 300 feet down the street. SBE recommends approving this request.

Ms. Woodward made a motion to approve the request to move the early voting center location for Baltimore City. Mr. Williams seconded the motion. The motion passed unanimously.

2. Calvert County- Ms. Dorsey presented a request from the Calvert County Board of Elections for two new additional early voting centers at the Southern Community Center and the Fairview Library. SBE recommends approving both requests.

In response to a question from Mr. Voelp, Ms. Dorsey clarified that the trailer at Fairview Library is a temporary structure while a permanent building is being constructed, and therefore a request for an early voting center in the new permanent building near the library would be made for the 2024 election.

Mr. Williams made a motion to approve the request for two new early voting center locations for Calvert County. Mr. Miller seconded the motion. The motion passed unanimously.

3. Carroll County- Ms. Dorsey presented a request from the Carroll County Board of Elections to approve a new early voting center at the North Carroll Senior Center and move the existing early voting center at the South Carroll Swim Club to the South Carroll Senior Center. SBE recommends approving both requests.

Mr. Williams made a motion to approve the request for one new and one changed early voting center locations for Carroll County. Mr. Miller seconded the motion. The motion passed unanimously.

4. Cecil County- Ms. Dorsey presented a request from the Cecil County Board of Elections for a new early voting center at the Cecil Arena. SBE recommends approving this request.

Ms. Woodward made a motion to approve the request for one new early voting center location for Cecil County. Mr. Miller seconded the motion. The motion passed unanimously.

5. Charles County- Ms. Dorsey presented a request from the Charles County Board of Elections to approve a new early voting center at the St. Joseph's Church Hall and move the existing early voting center at the Gleneagles Community Center to the Waldorf Jaycees. SBE recommends approving both requests.

Mr. Williams made a motion to approve the request for one new and one changed early voting center locations for Charles County. Mr. Miller seconded the motion. The motion passed unanimously.

6. Frederick County- Ms. Dorsey presented a request from the Frederick County Board of Elections to return to using early voting center locations that were all used in 2018. In response to a question from Mr. Voelp, Mr. Trento clarified that the Board does need to approve the use of a fourth optional early voting site.

Mr. Williams made a motion to approve the use of a fourth optional early voting site for Frederick County. Mr. Miller seconded the motion. The motion passed unanimously.

7. Garrett County- Ms. Dorsey presented a request from the Garrett County Board of Elections to move the early voting center at the Northern Outreach Center to the Grantsville Volunteer Fire Department. SBE recommends approving this request.

Mr. Williams made a motion to approve the request to change the location of one early voting center for Garrett County. Mr. Funn seconded the motion. The motion passed unanimously.

8. Howard County- Ms. Dorsey presented a request from the Howard County Board of Elections to move three of its early voting centers to the St. John Baptist Church, North Laurel Community Center, and the Gary J. Authur Center. SBE recommends approving this request.

Mr. Funn made a motion to approve the request to change the location of three early voting centers for Howard County. Mr. Miller seconded the motion. The motion passed unanimously.

9. Montgomery County- Ms. Dorsey presented requests from the Montgomery County Board of Elections to relocate two early voting centers to the White Oak Community Rec Center and the Nancy H. Dacek N. Potomac Community Rec Center, and to use the social hall at the Wheaton Library for early voting only. SBE recommends approving these requests.

Ms. Dorsey also presented a request from the Montgomery County Board of Elections to include an optional 14th early voting location at the Bauer Drive Community Rec Center but noted that the addition of this site as the optional early voting site has not been approved by the Montgomery County Council yet. SBE recommends approving this request pending approval by the County Council.

In response to a question from Mr. Voelp, Mr. Trento confirmed that the optional early voting center does need approval from the governing body before approval from the State Board. He noted, however, that there was no reason the Board couldn't give a preliminary approval pending approval by the County Council but that a formal approval would still be required later. No Board members voiced an objection to either approving a 14th optional early voting center in Montgomery County or using the Bauer Drive Community Rec Center as the 14th early voting center.

Mr. Funn made a motion to approve the request to change the location of two early voting centers for Montgomery County and the location of early voting at the Wheaton Library. Ms. Williams seconded the motion. The motion passed unanimously.

10. Prince George's County- Ms. Dorsey presented a request from the Prince George's County Board of Elections for one new early voting center at the Rollingcrest-Chillum Community Center. Ms. Dorsey clarified that the minimum number of required early voting centers increased for Prince George's County from 12 to 13; therefore this is not an optional early voting center.

Mr. Miller made a motion to approve the request for one new early voting center for Prince George's County at the Rollingcrest-Chillum Community Center. Ms. Woodward seconded the motion. The motion passed unanimously.

11. Saint Mary's County- Ms. Dorsey presented a request from the Saint Mary's County Board of Elections for two new early voting center locations at the Mechanicsville Fire House and the Bay District Fire House, one of which is the additional, optional early voting center. SBE recommends approving these requests.

In response to a question from Mr. Voelp, Ms. Adkins stated that the County Commissioners for Saint Mary's County approved at its July meeting the use of additional early voting center and both locations presented today.

Mr. Funn made a motion to approve the request for two new early voting centers for Saint Mary's County at the Mechanicsville and Bay District Fire Houses. Mr. Miller seconded the motion. The motion passed unanimously.

12. Wicomico County- Ms. Dorsey presented a request from the Wicomico County Board of Elections for an additional required early voting center at the Family Life and Cultural Center at First Baptist Church. SBE recommends approving this request.

Mr. Williams made a motion to approve the request for one new early voting center for Wicomico County at the Family Life and Cultural Center at First Baptist Church. Mr. Funn seconded the motion. The motion passed unanimously.

13. Washington County- Ms. Dorsey presented a request from the Washington County Board of Elections for an additional required early voting center at the Washington County Free Library. SBE recommends approving this request.

Ms. Dorsey noted that the Washington County Board of Elections approved an optional third early voting center in Smithsburg, but that site was not approved by the Washington County Board of Commissioners. Both the current early voting center at the Board of Elections office and the additional site are located in Hagerstown.

Ms. Robucci stated that the Washington County Board of Elections requested approval of a third early voting center because the number of registered voters is close to the threshold of triggering a third early voting center, but the county commissioners did not approve this request. Therefore, she requested approval of the second early voting location at the Washington County Free Library, which is located in downtown Hagerstown, is on a public transportation route, is spacious, has adequate parking, and meets all other requirements. Ms. Robucci stated that her office looked at 15 other locations around the county, but none met the requirements and considerations as well as the library in Hagerstown.

In response to a question from Ms. Woodward, Mr. Jackson stated the county commissioner who made the motion to reject a third early voting center stated that the citizens of Washington County shouldn't have to pay for a third early voting center if it is not required. Also in response to Ms. Woodward, he stated that the use of the proposed early voting center in Smithsburg did not rise to discussion by the county commissioners. In response to a question from Mr. Voelp, Mr. Jackson stated that the Smithsburg location was only proposed as a third early voting center because it was not large enough to handle early voting as one of only two sites but would have been sufficient for a third site.

Public Comment- Seth Wilson

Mr. Wilson gave a brief presentation entitled *Unequal Distribution of Early Voting Site in Washington County*. He stated that the current early voting center in Washington County was purposely built and was intended to serve the entire county. Mr. Wilson noted that one requirement that a local board must take into consideration when selecting an early voting center is ensuring equitable distribution of early voting centers throughout the county but claims that the Board of Elections did not consider that factor in making its approval of the early voting center at the Washington County Free Library. Mr. Wilson further asserts that, due to the concentration of voters in the Hagerstown area, that the Board never truly considered any locations outside of downtown Hagerstown.

Mr. Wilson recommended that the State Board:

1. Reject or postpone the approval of the Washington County Free Library as an early voting center;
2. Require the local board to submit a proposal for early voting center(s) that satisfy the factor of equitable distribution throughout the county;
3. Adopt regulations that take equitable distribution into account and update COMAR and the early voting center approval form accordingly; and
4. Require local board submissions related to early voting center proposals to be published for public review and comment.

Public Comment- Peter E. Perini, Sr.

Mr. Perini explained that he has been a regular attendee of the Washington County Board of Elections since 2014. He thanked the local board staff and appointed board members for always leading with impartiality. Mr. Perini stated that due to his regular meeting attendance he was able to vouch for the local board's thorough evaluation of more than a dozen potential early voting center locations in Washington County, and believes the Board made the correct decision in selecting the Washington County Free Library as the second early voting center. In conclusion, Mr. Perini recommended that the State Board approve the early voting center as proposed by the Washington County Board of Elections.

Board Discussion

In response to a question from Mr. Williams, Mr. Voelp stated that he believed the early voting center approval form does align with the current law. Ms. Charlson clarified that at the October meeting of this Board, the members approved regulations to align with current law, but the form was already updated to reflect the new requirements.

Ms. Woodward stated that the close geographic proximity of the two early voting centers concerns her. She stated that in reviewing the early voting centers in the other counties approved at this meeting, none other than Montgomery County have early voting centers as geographically close, but due to the population of Montgomery County, that is expected. Ms. Dorsey pointed out that Wicomico County has both of its early voting centers in Salisbury. She noted that, like Washington County, the majority of the population, areas of low voter turnout, and minority density in Wicomico County are all in one geographic location.

In response to a question from Mr. Funn, Mr. Trento clarified that the State Board does not have any authority to require a third early voting center in Washington County, as the proposed third location was not approved by the local governing body. The question before the Board today is approval of the second early voting center location, which is required by statute, and therefore does not need approval from the local governing body.

In response to a question from Mr. Voelp, Ms. Dorsey confirmed that the local board would not have selected the Smithburg Library as the second early voting center even if the Washington County Free Library was not available. Mr. Voelp stated that he did not see a reason to overrule the local board of elections even though his preference would be for the second early voting center to be somewhere else in the county that has better geographic distribution.

In response to a question from Mr. Funn regarding what alternative locations were available there if the State Board was to postpone the vote, Ms. Robucci stated that downtown Hagerstown would still be the preferred location, but there was not a specific alternate site that met the requirements of the law. In response to a question from Mr. Williams, Ms. Robucci stated that she wasn't certain if there was enough time to find an alternate location.

Mr. Williams stated that he echoed Ms. Woodward's concern regarding geographic distribution but agreed with Mr. Voelp in that he did not see a good reason to override the local board. Mr. Miller agreed with this sentiment, stating that he didn't think there was an alternate solution in the timeframe needed that is better than the one being proposed.

Mr. Funn made motion to approve the Washington County Free Library at Hagerstown as the second early voting center location for Washington County. Mr. Williams seconded the motion. The motion passed unanimously.

OLD BUSINESS

Maryland Association of Election Officials (MAEO) Proposal- Election Director and Deputy Director Grade Adjustment

Ms. Malcolm summarized MAEO's salary request as presented at the last board meeting, which is a two-grade increase for election directors and deputy directors and moving the salary bands up two grades. MAEO is also requesting a 12% salary increase for the directors and deputies as well, with an effective date of July 1, 2021. Ms. Lamone's recommendation is a one grade, six percent salary increase, including moving the salary band up one grade for the election directors and deputies, effective January 1, 2022.

In response to a question from Mr. Williams, Mr. Voelp and Mr. Trento both confirmed that the Board has the authority to deviate the recommendation from the State Administrator if the Board feels that something different is in the best interest of the State. Mr. Williams stated that he is inclined to side with Ms. Lamone's recommendation, citing her previously stated reason of disparity between the salary of local board staff and State Board staff.

Mr. Voelp stated his genuine concern regarding adequate compensation for professional election officials, citing the pervasive competition for employees everywhere and the draining nature of loss of subject matter experts. He stated that paying what we can that is reasonable is generally in the best interest of the State in order to hold fair elections.

Mr. Miller stated that his concerns with any salary changes is the lack of an economic impact study comparing the effect of MAEO's proposal and Ms. Lamone's recommendations. He did commend Ms. Lamone's efforts to keep salaries in line though and stated that he was inclined to support her recommendation.

Ms. Woodward stated that based on Ms. Lamone's years of experience, she is inclined to support her recommendation. Ms. Woodward also reiterated a previous statement she has made which is that she believes the duty of determining the salaries of election staff should be the purview of the State Administrator alone, and not with the State Board. Mr. Williams echoed Ms. Woodward's sentiments and stated that he also is inclined to support Ms. Lamone's recommendation.

Mr. Funn made a motion to approve the salary recommendations of Ms. Lamone for the election directors and deputy directors. Mr. Miller seconded the motion. The motion passed unanimously.

NEW BUSINESS

There was no new business.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Voelp disclosed a \$100 payment for the Anne Arundel County Lincoln Reagan Dinner.

Mr. Williams asked Mr. Trento for clarification on if board members are required to report contributions to candidates or campaigns outside of Maryland. Mr. Trento stated that there has been past reporting of federal candidates but that he would clarify the requirement.

There were no other contributions.

SCHEDULE NEXT MEETING

Due to possible schedule conflicts, the next meeting previously scheduled for Thursday, January 20, 2022 was moved to Thursday, January 27, 2022 at 2 p.m. Ms. Woodward reiterated that she will be out of the country but will do her best to attend, but cannot make any promises based on available technology.

CLOSED SESSION – PERSONNEL

Mr. Voelp requested a motion to close the board meeting under General Provisions Article, §3-305(b) (1), which permits closing a meeting to discuss compensation of officials over whom the State Board has jurisdiction. Ms. Woodward made a motion to convene in closed session under General Provisions Article, §3-305(b)(1), and Mr. Funn seconded the motion. The motion passed unanimously.

The motion having passed, the Board met in closed session in accordance with the exemption defined in (b)(1) of Section 3-305 of the Open Meetings Act to discuss compensation of officials over whom the State Board has jurisdiction. The closed session began at 5:11 pm. Mr. Voelp, Mr. Funn, Mr. Miller, Mr. Williams, and Ms. Woodward attended the closed meeting. In addition to the board members, Ms. Lamone, Ms. Charlson, Mr. Trento, Ms. Duncan, and Ms. Malcolm attended the closed meeting.

During the closed session, Ms. Malcolm presented a salary request for a candidate for a vacant position at a local board of elections and Ms. Lamone's recommendation on the local board's request. Mr. Miller made a motion to accept the State Administrator's recommendation, and Mr. Williams seconded the motion. The motion passed unanimously.

Ms. Woodward made a motion to adjourn the closed meeting. The motion passed unanimously.

The closed meeting adjourned at 5:17 pm.

ADJOURNMENT

The open meeting adjourned at 5:00 pm.