

State of Maryland 

State Board of Elections – October 26, 2023 Meeting

Attendees (via conference call):

Michael Summers, Chair
Carlos Ayala, Member
Janet Millenson, Member
Yaakov “Jake” Weissmann, Member
Dan Kobrin, Assistant Attorney General
Jared DeMarinis, Administrator
Katherine Berry, Deputy Administrator
MaryAnn Mogavero, Director of Election Reform and Management
Melissia Dorsey, Assistant Deputy, Election Policy
Jennifer McLaughlin, Senior Policy Advisor
Keith Ross, Assistant Deputy, Project Management

DECLARATION OF QUORUM PRESENT

Mr. Weissmann [presiding] called the meeting to order at 2:03 pm and declared a quorum was present. Three Members were present.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

APPROVAL OF MINUTES – 09/28/2023

Ms. Millenson identified two minor errors in the September 28, 2023 minutes. The first error appears on page 2, correct the spelling of Chair Atterbearsy. The second error appears on page 8, correct the prefix in the attribution Mr. Millenson to Ms. Millenson.

Mr. Weissman made a motion to approve the minutes as amended. Mr. Ayala seconded the motion. The motion passed unanimously by Board Members in attendance.

ADMINISTRATOR'S REPORT

Announcements & Important Meetings

Mr. DeMarinis shared he and Ms. Berry attended various meetings with Federal and State agencies to establish partnerships moving forward for the 2024 elections.

Mr. DeMarinis reported Ms. Berry will assume the role of representing Maryland on the Election Assistance Commission Standards Board. Mr. Mickley is the Local Board of Election representative and is from Howard County.

Mr. DeMarinis continued visiting and touring local board offices and warehouses, most recently, Garrett, Allegany, Baltimore City, Calvert, and Prince George's counties. He is now over halfway through visiting the 24 local boards.

Mr. DeMarinis reported on October 2, the State Board of Elections issued a press release for Domestic Violence Awareness month. Information on SBE's voter confidentiality program was shared in the press release.

Mr. DeMarinis shared SBE held the Biennial Conference on October 19, at the Doubletree Hotel in Annapolis. Attendance was mandatory for local election directors, board members and counsel.

Presentations covering Artificial Intelligence, Albert Sensors and a talk from Commissioner Hicks of the Elections Assistance Commission were well-received. SBE is still gathering data from a survey issued following the conference, but has received overwhelmingly positive feedback. Mr. DeMarinis offered thanks to Governor Moore for kicking off the conference with welcoming remarks and to SBE Staff who put the conference together.

Personnel News

Mr. DeMarinis shared personnel news.

New Hires and Promotions

Verona Williams officially joined the agency on October 4th, as Director of Finance & Administration. Shelly Holland is assisting with the transition.

Erin Perrone has been selected as Election Director for the Carroll County Board of Elections, replacing Katie Berry. Erin previously worked at SBE, and we are very appreciative that she will be hitting the ground running up in Carroll County.

Allen Norfleet has been hired as the Director of Candidacy and Campaign Finance. He will begin on November 1. Mr. Norfleet has an extensive background in campaign finance and formerly worked at the Federal Election Commission.

Departures

Christina Lohr-Beatty will be departing SBE on November 1, 2023. She has worked in Human Resources at SBE for close to 10 years. Chris is taking another HR position in the State. We are sad to see her go and wish her all of the best in her future endeavors.

Audit - Office of Legislative Auditors

We anticipate that the OLA audit will soon be complete. A final report is expected this week.

Election Directors' Meeting

No Election Director Meeting was held in October.

Election Reform and Management

Text to Cure

Ms. McLaughlin reported the General Assembly passed 2023 MGA SB379/HB535 requiring that SBE offer texting as a way to cure unsigned ballots going forward. In 2022, SBE and the Montgomery County Board of Elections partnered with a vendor, Global Mobile, to pilot a program to accomplish text to cure. SBE has now contracted with Global Mobile so that all counties can offer the option to all Marylanders who need to cure their ballots in 2024.

Mail-In Ballot Applications

Ms. McLaughlin reported Uncodified bill language in 2021 MGA SB683/HB1048 required SBE to mail Mail-In Ballot (MIB) Applications to all registered voters who were not already signed up to receive a MIB in 2022. SBE is required to repeat this process in 2024. Following a competitive bidding process, Art and Negative (a Lanham, MD-based MBE) was issued a contract to mail the applications. In 2024, over 3.5 million Maryland voters will be mailed the MIB Application to become a mail-in voter with a pre-paid postage return envelope.

Mr. DeMarinis added that based on current legislation, this is the last year SBE is required to send mail-in applications to all voters not previously signed up to receive mail-in ballots.

Voting Locations Review and Approval

Ms. Dorsey reported SBE is in the process of approving voting locations, early voting centers, polling place plans, and ballot drop boxes. Early voting center locations were due on October 16. A batch that was submitted early will be presented for review and approval today. The balance will be presented for review and approval shortly. The polling place plans will follow.

Election Judge Recruitment

Ms. Mogavero reported efforts to recruit election judges continue. SBE is successfully working with Power the Polls, Vet the Vote and the University of Maryland. Quantitative data is included in the written report. Details on the Election Judge and Page Program can be found at the [Election Judge and Page webpage](#). As required, SBE developed a recruitment Toolkit in response to 2023 MGA HB1200. The toolkit contains marketing materials for the local boards of elections. Those materials are under final review and should be available to the LBEs soon.

Outreach Efforts

Ms. Mogavero reported on October 12, 2023, Crystal McGinn, SBE's Election Reform and Management Administrator, attended a State Hiring Event at the Baltimore Armory to recruit election judges for the State. A few candidates signed on to be election judges.

Provisional Ballot Application Update

Ms. Mogavero offered a reminder that the provisional ballot and same-day registration applications were combined. Sample hardcopies of the new application were received and are being reviewed.

In response to a question, Ms. Mogavero reported, big picture, recruitment is going well, but it is still very early in the recruitment season. The overall number of applications is at 1,424.

Mr. DeMarinis added, the more election judges we have, the better we are. Mr. DeMarinis noted any election administrator would tell you we are currently in a good place, but you never have enough election judges. We are monitoring and will have a clearer picture once training is underway.

VOTER REGISTRATION

Baltimore City Redistricting

Ms. Dorsey reported Baltimore City will redraw city council lines this election cycle. The redistricting will impact the voter registration database. SBE will offer Baltimore City support as needed. SBE will perform an audit similar to that done for the statewide election.

MDVOTERS

Ms. Dorsey reported election judge voting modules are contained in MDVOTERS. Based on HB1200, SBE would like to make it easier to identify and flag returning election judges who are eligible for a \$100 bonus. The process is more challenging than it sounds and the development team will be working on the changes through the end of the year.

[Mr. Summers presiding.]

High Speed Sorter Integration:

Ms. Dorsey reported to date, seven or eight counties have procured high speed sorters to receive and sort incoming mail-in ballots. Four or five counties utilized high speed sorters on a limited basis during the last election cycle. The MDVOTERS team will meet with the local boards of elections on October 24, 2023, to discuss how SBE can best support the implementation and meet HB535.

MDVOTERS Audits

Ms. Dorsey noted there are no significant updates from audits.

Electronic Registration Information Center (ERIC)

Ms. Dorsey noted there are no significant updates from ERIC.

In response to a question, Ms. Dorsey reported no additional states have dropped out of ERIC participation during the last month.

Motor Vehicle Administration (MVA) Transactions

Ms. Dorsey noted quantitative data from MVA are included in the written report.

Candidacy and Campaign Finance (CCF)

Candidacy

Mr. DeMarinis reported there are currently 43 candidates who filed at SBE. All candidacy filings are scheduled by appointment which streamlines the process.

Public Financing

Mr. DeMarinis reported SBE is waiting for four more commission appointments from the Baltimore City Council President. To date, two candidates have filed a notice to participate: one for mayor, and one for city council president.

Mr. DeMarinis is scheduled to meet with Prince George's Fair Election Fund Commission in November.

Enforcement

Mr. DeMarinis reported one of the larger collection amounts during the month of September 2023, was the Talbot Integrity Project for \$4500 as a result of failing to file a 48 Hour Report. A full list of September 2023 enforcement action is included in the written report.

Website Activity

Mr. DeMarinis noted data for website activity is provided in the written Administrator's Report.

Information Systems, Technology and Security

New Pollbook Solution

Mr. DeMarinis summarized that we are still testing the new pollbook solution for the 2026 election cycle. We anticipate all user acceptance testing at the end of this year.

New Pollbook Contingency Plan Progress

Mr. DeMarinis reported SBE's pollbook project contingency plan for the 2024 election ensures the existing pollbooks will function for the 2024 election. This requires procurement of a

contract extension with the existing pollbook vendor, including all of the necessary upgrades for the current pollbooks and batteries.

New Voting System (NVS) Project

Mr. DeMarinis reported the NVS project officially kicked off on October 16, 2023. Bill Williams, Contractual Project Manager was onboarded. Bill will manage the project and issuance of the RFP.

New Campaign Reporting Information System (NCRIS) Project

Mr. DeMarinis reported the NCRIS project is interviewing a contractual Project Manager. The project goal is to acquire an off-the-shelf Campaign Reporting Information System. The target date to have a Project manager in place is November 1, 2023. The NCRIS Request for Proposals are scheduled to be released by early spring 2025.

Cybersecurity Project Team

Mr. DeMarinis reported the SBE Security team is working to ensure SBE meets the State AI policy.

PROCUREMENT

In Development:

Mr. DeMarinis reported development is somewhat known by what is in the RFPs. Detailed information is included in the written statement.

Recently Awarded:

Mr. DeMarinis reported a few contracts were awarded from the BPW.

Independent Automated Post-Election Audit Method 2024 and 2026 Elections

Clear Ballot Group of Boston, MA will be auditing ballot images for the 2024 primary elections.

Provisional Ballot Application Printing:

RR Donnelly and Sons of Chevy Chase, MD will provide provisional ballot printing.

Option Renewals:

Voter Education Campaign

Mr. DeMarinis reported SBE exercised the Voter Education Campaign option for the 2024 Election. Details are in the written report. SBE plans to move forward with voter outreach and education efforts.

Ms. Millenson expressed her appreciation for the project to scan, index, tag, and OCR records and notes the project is extremely worthwhile.

Mr. DeMarinis noted Mr. Ross is the project lead for the document project and noted that it is a massive undertaking.

Mr. Ross thanked Ms. Millenson for her recommendation and push for the document management system.

In response to a question, Mr. DeMarinis reported SBE is currently looking at the technical aspects of purchasing a new voting system and new campaign reporting information system. SBE

is happy to discuss the process of drafting the RFP with the Board. Mr. DeMarinis anticipates demonstrations and will make the Board aware when the demonstrations are scheduled.

In response to a question, Mr. DeMarinis noted the voting system project will be in the tens of millions of dollars range. The MDCRIS system will likely be in the millions of dollars range.

Mr. Weissmann thanked Mr. DeMarinis for sharing new information.

In response to a question, Mr. DeMarinis reported his level of confidence is good that the current vendor can meet the necessary requirements for the 2024 election. The requirements refer to the existing pollbooks. The election directors, community and judges have a level of understanding of the equipment, it is not brand new. Discussions with the vendor, ES&S, indicate they are 100 percent with us. Mr. DeMarinis noted SBE has searched the United States for additional pollbooks to supplement our supply. Mr. DeMarinis may have a report at the next Board meeting.

In response to a question, Mr. DeMarinis reported we are comfortable with the vendor's knowledge and security.

Project Management Office

Mr. Ross advised the written report contains efforts of the Project Management Office and noted he is prepared to entertain any questions at this time.

Local Board News

Mr. DeMarinis reported local county news is included in his written report.

Calvert and Cecil Counties

Mr. DeMarinis touched on Calvert County election judge recruitment and Cecil County's work with high schools to implement the Page Program.

MAEO

Mr. DeMarinis thanked David Garreis for his efforts and work with MAEO to implement an Election Director Mentorship program that has been well-received. Veteran election directors are paired with newly appointed election directors to facilitate knowledge transfer.

EXERCISE OF DELEGATED DUTIES

Mr. DeMarinis reported there have been no delegated duties.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Kobrin provided the following report:

1. Gibson, et al. v. Frederick County, No. 23-1369 (4th Cir.) On July 5, 2022, Lois Ann Gibson and plaintiff-organizations filed suit against Maryland entities seeking injunctive relief. The complaint alleges that 22 jurisdictions in Maryland engaged in a RICO conspiracy with a Chicago non-profit organization to fund election fraud. The suit seeks a preliminary injunction enjoining the destruction of records of the 2020 Presidential Election. Under federal law, the records of the 2020 election were to be retained until September 3, 2022.

On December 16, 2022, the district court granted motions to dismiss as to all defendants and closed the case.

On January 13, 2023, plaintiffs filed a motion to amend or alter the judgment of dismissal under Federal Rule 59(e). The district court denied the motion to amend on March 29, 2023. The plaintiffs thereafter noted an appeal to the Fourth Circuit on April 1, 2023.

After multiple motions to postpone, the Gibson plaintiffs filed their appellants' brief on July 31, 2023. OAG filed Appellees' Brief on behalf of all Appellees on August 30, 2023. Appellant's Reply Brief is currently due to the Court on October 31, 2023.

APPROVAL OF REGULATIONS

Proposed Changes - 33.07.08.01, 33.11.03.02, 33.11.03.08, 33.16.03.01, 33.17.06.10

Ms. Dorsey presented proposed amendments to the following regulations:

1. 33.07.08.01 – Challenging Voters

Ms. Dorsey explained the proposed change to 33.07.08.01 would codify the current process of allowing original signatures as well as a copy of an original signature, but not a cursive font.

Mr. Weissman made a motion to adopt the proposed amendments to COMAR 33.07.08.01 as presented by Ms. Dorsey. There was no second to the motion. The motion fails.

In response to a question, Ms. Dorsey explained if someone signed and scanned a document to a challenger and watcher certificate, they would be able to print a copy from their computer as long as it started as a wet signature. The point of the amendment is to prevent using a cursive font in the signature block. At some point in time, the signature must have been a wet signature.

Mr. Weissman expressed his appreciation for the amendment. Campaigns have 100s and 100s of scenarios that this would apply to. It would no longer be necessary for someone to sit and sign signature after signature.

Mr. Weissman made a motion to adopt the proposed amendments to COMAR 33.07.08.01 as presented by Ms. Dorsey. Mr. Ayala seconded the motion. The motion passed unanimously by all Members present.

2. 33.07.08.01 – Electioneering Polling Place

Ms. Dorsey explained the proposed change to 33.07.08.01 would clarify the current practice that local boards do not need to draw the no electioneering line. Signs that say no electioneering can be used.

Mr. Ayala made a motion to adopt the proposed amendments to COMAR 33.07.08.01 as presented by Ms. Dorsey. Mr. Weissman seconded the motion. The motion passed unanimously by all Members present.

Ms. Dorsey explained the next four proposed amendments are to address HB410 which defines polling place in a way that includes an election day polling place, but does not include early voting. The proposed change includes a specific reference to early voting to ensure that those regulations also apply to early voting where it is not specified.

3. 33.11.03.02 – Absentee Ballots – Issuance and Return – Updating Election Register

Ms. Dorsey explained the scenario where a person appears to vote in person on election day during early voting is not addressed. The proposed change to 33.11.03.02 would add the early voting provision that mirrors the election day polling place provision. The voter would be required to cast a provisional ballot, if they have already been issued an absentee ballot.

Ms. Millenson made a motion to adopt the proposed amendments to COMAR 33.11.03.02 as presented by Ms. Dorsey. Mr. Weissmann seconded the motion. The motion passed unanimously by all Members present.

4. 33.11.03.08 – Absentee Ballots – Issuance and Return - When are Ballots Timely

Ms. Dorsey explained the proposed change to 33.11.03.08 would add early voting centers to the provision. There is a long list of options that precede. This sets out location and defines what is timely for the location. The proposed language states if you choose to return your ballot to an early voting center, you need to do so before the last day that the early voting center is open. If you do not get your ballot in by then, you can use any of the other options in the long list.

Mr. Weissmann made a motion to adopt the proposed amendments to COMAR 33.11.03.08 as presented by Ms. Dorsey. Mr. Ayala seconded the motion. The motion was unanimously approved by all Members present.

5. 33.16.03.01 – Provisional Voting – Issuance of Provisional Ballots

Ms. Dorsey explained the proposed change to 33.16.03.01 would add early voting centers to issuance of provisional ballots, allowing for them to be issued in the early voting location in addition to the polling place.

Mr. Weissmann made a motion to adopt the proposed amendments to COMAR 33.16.03.01 as presented by Ms. Dorsey. Mr. Summers seconded the motion. The motion was unanimously approved by all Members present.

6. 33.17.06.10– Early Voting – Electioneering

Ms. Dorsey explained the proposed change to 33.17.06.10 would specify that you do not have to draw the 100-meter line. The 100 meter no electioneering zone needs to start at the entrance closest to the voting location as opposed to the actual entrance into the voting room.

Mr. Weissmann made a motion to adopt the proposed amendments to COMAR 33.17.06.10 as presented by Ms. Dorsey. Ms. Millenson seconded the motion. The motion was unanimously approved by all Members present.

**Approval of Departmental Regulations – Secretary of State
Persons Doing Public Business - Disclosure Requirements**

Mr. DeMarinis explained the proposed bill eliminates a provision for the Secretary of State where there is a filing received on beneficial ownership, businesses with contracts of \$200,000 or more. If you do business with a government entity of \$200,000 or more, it would combine information with Title 14 Filings with the State Board of Elections. You would have to disclose all of your political contributions. This would now include the owners on the registration page. It streamlines government efficiency so that businesses are not required to file in two locations. It creates greater disclosure as to business ownership.

In response to a question, Mr. DeMarinis confirmed this would not create a burden for businesses that do business with the State. It would consolidate and change information is collected. This is already a requirement if a business is required to file with the Office of the Secretary of State and to file the semi-Annual Contribution Disclosure Statement. This would streamline the Office of the Secretary of State's manual filing process.

In response to a question, Mr. DeMarinis confirmed Title 14 filing is boiler plate language in every State Contract and RFP. When a contract is approved by the Board of Public Work, the business owner must certify to the Board of Public Works that the Title 14 Statement is filed.

Mr. Ayala made a motion to approve the Departmental Regulations as presented by Mr. DeMarinis. Mr. Weissmann seconded the motion. The motion was passed unanimously by all Members present.

Approval of Title 13 Waiver Requests

Mr. DeMarinis presented requests from 26 campaigns to waive or reduce late fees incurred by the committee. There are eight entities the State Prosecutor's Office declined to prosecute for various reasons. Mr. DeMarinis recommended waiving the late fees and closing the accounts because the State Prosecutor's office has advised they are not going to go after the responsible officers for the committees or send the accounts to the Central Collections unit.

1. The campaigns requesting a waiver or reduction of late filing fees are:
2. Aquino, Frank J. Friends of
3. Bair, (Margaret) Peggy Citizens for
4. BerzoffCohen, Zeke Friends of
5. Calvert County Democratic Central Committee
6. Clark, Gerald Friends of
7. Cogen, Sam Citizens for
8. Delimater (Joseph) Sheriff
9. DePalo, Philip Dr. Citizens for
10. Donald, Jerry Citizens for
11. Eastside 45 Slat
12. Frederick County Republican Central Committee
13. Fuget, Tony Friends for
14. Get Pamela Turner-Tingle to the BOE
15. Hahn, Melissa For The BOE District D
16. Hruz, Jean Citizens to Elect
17. Jemmot, Adriane Friends of
18. McGrady, Patrick Friends of
19. Miller, April Friends of
20. NAIOP Maryland PAC

21. OShea, Bob Committee to Elect
22. Phelps, Nancy Committee to Elect
23. Rehman, Saifur (Saif) Friends of
24. Sesker, Everett Citizens for
25. White, Antoine Citizens for
26. Yoho, Karen Citizens for
27. Young, Calvin Supporters

Mr. Weissmann made a motion to approve the 27 Title 13 late fee waiver requests as presented by Mr. DeMarinis. Ms. Millenson seconded the motion. The motion passed unanimously by Members present.

Approval of Title 14 Waiver Requests

Mr. DeMarinis presented one request from a business to waive late fees incurred by the business. Three businesses were denied a waiver of late fees incurred by the entity, which was presented to the Board for informational purposes only. No action is required from the Board for denied waivers. Mr. DeMarinis recommended approval of the waivers as presented.

The campaign requesting a waiver or reduction of late filing fees is:

1. City of Bowie

In response to a question, Mr. DeMarinis explained it is believed that the City of Bowie was unaware it is a requirement when you have a lobbyist. It was the city and another government entity. At this point it is a little bit different and they are now aware of their obligations.

Mr. DeMarinis agreed to reach out to the Municipal League and ask them to advise their members for future reference.

Mr. Weissmann made a motion to approve one Title 14 late fee waiver request as presented by Mr. DeMarinis. Mr. Summers seconded the motion. The motion passed unanimously by Members present.

Early Voting Center Locations

Mr. DeMarinis thanked the staff who assembled the packet, and noted that it was very easy to understand. The early voting centers comply with Election Law Article 10-301.1 and COMAR provisions.

Mr. DeMarinis summarized each County is required to have a specific number of voting centers and every county has the option to have an additional early voting center. The additional early voting center must be agreed upon with the local board of elections and the governing body. The required number appears in the record and is based on a formula. If an optional early voting center is listed, that is because the county and the governing body have agreed to fund an additional early voting center.

SBE confirmed counties have met all COMAR requirements for population, ability to service as many voters as possible, and criteria set forth in the law as modified in the last General Assembly. Local election directors are on the call and available to answer questions.

Mr. DeMarinis reported Allegany, Caroline, Carroll, Cecil, Charles, Dorchester, Harford, Howard, St. Mary's, and Worcester counties were all reviewed. There were no public comments on the site selections. All have met the statutory and regulatory requirements. SBE recommends approving the sites. Harford and St. Mary's have established two additional sites. SBE recommends the additional sites be approved.

Washington County has two required early voting centers. The County Council and the local board of elections agreed to fund and establish a third proposed early voting center. Several public comments were received. SBE recommends discussion on the proposed early voting center.

Mr. Summers thanked Ms. Berry and the staff for the provided presentation and the insight regarding the early voting center locations. The information was of significant value for the Board.

Mr. Ayala made a motion to approve the early voting center locations in Allegany, Caroline, Carroll, Cecil, Charles, Dorchester, Harford, Howard, St. Mary's, and Worcester counties as presented by Mr. DeMarinis. Mr. Weissmann seconded the motion.

Board Discussion

Mr. Ayala complimented Mr. DeMarinis and the staff of the local boards for the enormous body of work. Mr. Ayala rated the work 10 out of 10. Mr. DeMarinis thanked Mr. Ayala and noted it is always good to have good staff because they make you look better. Mr. DeMarinis gives all of the accolades to the staff.

Mr. Weissmann echoed Mr. Ayala's comments. He noted the document was one of the most readable and easiest to understand of a complex issue. Mr. Weissmann thanked Mr. DeMarinis and the staff.

Mr. Weissmann sought clarification on the COMAR requirement that either 50 percent of the population needs to be within 10 miles or 80 percent of the population needs to be within 5 miles. Mr. Weissmann requested Ms. Dorsey use Havre de Grace as an example and explain how the 5 miles, 80 percent threshold is met? Ms. Dorsey responded that it does not, it is impossible to meet that requirement in Harford County due to the size. The same will apply to Frederick.

In response to a question, Ms. Dorsey agreed the reality is meeting the requirement is sometimes physically impossible. All best efforts must be made. If not possible, the closest combination will be made. In response to a question, Melissia agreed the same will apply in Worcester.

Mr. Summers sought clarification with respect to public comment, the Board is cleared to move forward with Worcester and Harford? [Mr. Weissmann and Mr. Ayala nodded affirmatively.]

The motion to accept early voting center locations in Allegany, Caroline, Carroll, Cecil, Charles, Dorchester, Harford, Howard, St. Mary's, and Worcester counties as presented by Mr. DeMarinis passed unanimously by the Members present.

Mr. Weissmann requested staff run through the three different early voting sites in Washington County prior to testimony.

Mr. DeMarinis explained that the first two early voting sites, Hancock and the Washington County Election Center are required sites. Boonsboro is an optional early voting site approved by the County Council.

Ms. Berry explained the Washington County Election Center is the first site. The site was also used for early voting in the 2022 election. The local board in Washington County approved the Hancock location as the second site during their most recent board meeting. The Boonsboro site was an optional site selected by the local board.

Ms. Berry provided some history of voting sites in Washington County. In 2022, the Washington County Election Center was the first early voting center site. The second early voting center site was the Hagerstown Library.

Ms. Berry noted that the Washington County Election Director is on the call and available to answer questions.

Mr. Summers opened the meeting to public comment.

*Speaker: Angela Batasta
Chair, Washington County Democratic Central Committee*

Ms. Batista explained that the Hagerstown Free Library meets every criterion and requirement to ensure that historically disenfranchised voters have a convenient and local place to cast their ballots. The Hagerstown Free Library has over 100 parking spaces, is central to the hub of the city and was used during the last election.

Ms. Batista further explained the City of Hagerstown is the largest municipality in Washington County and holds the largest number of historically disenfranchised voters. Ms. Batista said moving the early voting location away from Hagerstown to Hancock is a clear attempt at voter suppression and is motivated by racism with the intent to make it harder for people of color to vote.

Ms. Batista said early voting is intended to make it more accessible and asks that the State Board please protect voting rights in Washington County by denying the Hancock location change request.

Mr. Summers thanked Ms. Batista for her participation.

Mr. DeMarinis clarified that the Board was asked to approve the establishment of the additional site. Once the site is approved, each site can be reviewed individually.

Mr. Kobrin clarified what the State Administrator pointed out applies to all counties. The Board has two decisions to make under the law. Under 10-303.01(B)(10) for each county who submits a request to add an additional site to the required sites, the Board must decide to either approve or deny adding an additional site to the required sites. The second and separate decision (and what the Board has already voted on) is to approve the early voting center sites within the county.

Mr. Kobrin noted the Board will need to go back to Harford and St. Mary's counties and vote whether or not they are authorized to have additional sites as they have requested.

Mr. Summers thanked Mr. Kobrin for the clarification.

In response to a question, Mr. DeMarinis reported there are no additional comments from the public. The second scheduled witness had a schedule conflict and cannot make the meeting. She provided written comments.

In response to a question, Mr. DeMarinis confirmed the second witness was from the NAACP in Washington County.

Mr. Weissmann sought clarification on the rationale for the three early voting sites in Washington County from the election director.

Mr. Jackson, echoed compliments to the SBE staff for their work on early voting centers. Mr. Jackson commented the early voting center dashboard was fantastic and was likely the easiest way Washington County has submitted early voting documents.

Mr. Jackson provided historical context. In 2022 the Hagerstown Library was the second early voting site. The first time, Washington County was required to have two early voting sites was in 2022. The Washington County Election Center on Virginia Avenue in Hagerstown was always the early voting site and was purposely built in the most heavily populated area in the middle of the county. The building has a 6000 square foot room and 150 parking spaces.

Mr. Jackson stated when Washington County was required to have two facilities, the goal was to branch out to Boonsboro, but no facility was available. The local board staff suggested the Smithsburg Library in the eastern part of the county. County commissioners did not approve the Smithsburg Library site.

Mr. Jackson stated the only second viable option at the time was the Hagerstown Library. There was concern that there were two voting centers about 1.5 miles apart. The two sites were presented to the State Board and were approved, but all five State Board Members commented that the sites were very close in proximity.

Mr. Jackson stated as a result, the Chairman of the Republican Central Committee in Washington County sued the local board and the State Board, which was dismissed. Many complaints were received relative to the Hagerstown Library as the second site.

Mr. Jackson stated, for the 2024 election, there were five options: the Washington County Election Center (central-covers the entire city of Hagerstown), the Hagerstown Library (central), the Boonsboro American Legion (eastern and southern parts of the county), Hancock Town Hall (western part of the county). After researching 15 combinations, the three sites presented are the best combination for covering the county.

Mr. Jackson stated the numbers back up the need for voters in the western part of the county. Seventy-two percent of voters in the city came to the Virginia Avenue site to vote early, only 28 percent voted at the library.

Mr. Summers thanked Mr. Jackson for his rationale.

In response to a question, Mr. Jackson confirmed that 2022 was the only year the Hagerstown Library was used for voting.

In response to a question, Mr. Jackson reported he learned anecdotally that voters do not feel comfortable going to the library, the neighborhood is not the greatest, some voters do not feel safe. Mr. Jackson notes that he does not necessarily agree and has had no problems in that area. People may have grown accustomed to using the Washington County Election Center for early voting, and passed the Hagerstown Library to go to the Washington County Election Center to vote.

Ms. Millenson thanked Mr. Jackson for his work and noted in reading through the various letters, submissions, and comments there was a theme about access and safe and reliable public transportation.

In response to a question, Mr. Jackson reported he had discussions with the Washington County transit and they have offered a free return ride for voters with an "I voted" sticker and the possibility of altering the route to drop off at the front door which will require federal approval. Mr. Jackson would not recommend that people who live in downtown Hagerstown walk to the Washington County Election Center as there are heavily congested intersections that do not have sidewalks and it could be dangerous. Mr. Jackson stated that central committees have always offered free rides for people who want rides to the early voting centers and polling places.

Mr. Weissmann thanked Mr. Jackson for his work and sought clarification on bus routes and frequency.

In response to a question, Mr. Jackson reported there is a transfer station in downtown Hagerstown near the City Center, and noted there are several routes that would go by the City Center. The one that is the best fit is the Williamsport—the entire circuit takes an hour once it picks up. It is a 15-minute ride and it drops off at the driveway of the Washington County Election Center and picks up one half hour later.

In response to a question, Mr. Jackson confirmed the bus picks up once an hour until 5:45 p.m.

In response to a question, Mr. Jackson confirmed the bus operates on Saturday and Sunday.

In response to a question, Mr. Jackson confirmed the African American population lives anywhere within the corporate city limits of Hagerstown, but most of the population lives downtown. The furthest distance anywhere with Hagerstown to get to the Washington County Election Center would be about four miles.

In response to a question, Mr. Jackson confirmed the local board selected the first two sites. The third site is approved first by the local board and then presented to the governing body for approval.

In response to a question, Mr. Jackson confirmed the first two sites approved are the Washington County Election Center and the site in Hancock. The third, and optional, site approved is in Boonsboro.

In response to a question, Mr. Jackson confirmed the populous of Hancock was more deserving of an early voting site because Hagerstown already had one.

In response to a question, Mr. Jackson confirmed that the Washington County Election Center building is 1/4 mile from the city line, 1.5 miles from the city center.

In response to a question, Mr. Jackson did not confirm that racial inequities were taken into consideration when selecting a site. The sites were selected because they meet the requirements of election law and COMAR, and the Washington County Election Center in Hagerstown provides accessibility to the historically disenfranchised voter.

In response to a question, Mr. Jackson reported in 2022, the complaint was that there was not equitable distribution throughout the county. The 2024 goal was to branch out and select a site outside of Hagerstown so that all voters have equal access to an early voting center, not just one particular population.

In response to a question, Mr. Jackson reported no one in the southern, eastern, or western part of the county had quick access, so the local board did not see it as equitable.

In response to a question, Mr. Jackson reported Hancock has 1,000 residents, but 3,100 in a 10-mile radius.

In response to a question, Mr. Jackson confirmed Washington County had a public comment period. The board took public testimony. The meeting was attended by 50 people, including a representative from the NAACP who spoke.

In response to a question, Mr. Jackson reported, it was not the Board's goal to get rid of the Hagerstown Library site. They looked at five optional sites and picked what they deemed the three best sites that met requirements in the election law.

In response to a question, Mr. Jackson noted that all three sites are not required to meet the 50 percent of the voters within a 10-mile radius threshold. Fifty percent have to be within 10 miles of one of the two.

In response to a question, Mr. Jackson reported he is not aware of any public comments from the commissioners regarding steps they would take to make sites more accessible to historically disadvantaged and disenfranchised voters.

In response to a question, Mr. Jackson reported he is not aware of any negative feedback about Boonsboro. He received feedback that it was a good idea. Boonsboro is a heavily populated area just outside of the city of Hagerstown. The 10-mile radius would cover more of the southern county population.

Mr. Summers thanked Mr. Jackson for his patience with the Board and commitment to the community. Mr. Summers noted the Board understands what it is to be a servant of the people and are here to assist.

Board Discussion:

Mr. Weissmann shared he would like to separate the vote. He would vote to approve the optional Boonsboro site and the Washington County Election Office site as early voting center locations. Mr. Weissmann noted Washington County's work to locate sites and the rationale for the Hancock site was not convincing and he would vote to reject it.

In response to a question, Mr. Kobrin advised, procedurally, the cleanest way to handle the vote would be to have a motion and vote on Boonsboro alone. The Board can vote to approve or not approve the optional Boonsboro site. The Board could then have a second motion on approving or not approving the required early voting center sites in Hancock and at the Washington County Board of Elections.

Mr. Ayala made a motion to approve the third site, in Boonsboro as an early voting center site. Mr. Weissmann seconded the motion. The motion passed unanimously by all Members present.

In response to a question, Mr. Kobrin advised, "the State Board shall vote on an early voting center." The language in the code and COMAR is singular. The sites can be voted on separately.

Mr. Weissman made a motion to approve the Washington County Election Center as an early voting center site. Mr. Ayala seconded the motion. The motion passed unanimously by all Members present.

Mr. Ayala made a motion to approve the Hancock site as an early voting center. The motion was not seconded. The motion failed.

Mr. Ayala shared that coming from a rural area, there are differences in public transportation and distances in travel distance. A resident who lives on the far west side of the county would have to drive 50 to 60 miles round trip to Hagerstown to vote early.

Mr. Weissmann shared he is very sympathetic to the drive. Having received testimony with concerns of historically disenfranchised communities, Mr. Weissmann cannot align creating a voting center for 3,000 voters exclusively within a 10-mile radius. Other counties have managed to come up with a way to better handle election law requirements.

Mr. Summers acknowledged all Board Member concerns and sees this as an opportunity to assist Washington County. Washington County has an opportunity to come back with a newly proposed site.

Mr. DeMarinis explained Washington County can now determine a new site to propose to the State Board of Elections for approval. They do not have a requirement to go before the county commissioners.

In response to a question, Mr. DeMarinis confirmed SBE staff are supporting Washington County. Deference is made to facilities. There is hope that the bill to make more public buildings available will pass and this will be a one-time issue.

Mr. Weissmann reiterated he appreciates the work of Mr. Jackson and the local board and does not think there was any ill intent and does not want to allege anything else is going on. Mr. Weissmann shared with Mr. DeMarinis and Ms. Berry that an email from Kristin Aleshire, a Hagerstown City Council Member, stood out. The email talked about the senior population of the City of Hagerstown and their ability to get to an early voting center. Ms. Aleshire noted the

Hagerstown Library is within walking distance of 500 senior housing units. Mr. Weissmann requested Mr. DeMarinis and Ms. Berry determine if Washington County took that into consideration when selecting a site.

In response to a question, Mr. DeMarinis confirmed SBE will be in contact with Mr. Jackson and hopes to bring a site for review and approval to the next meeting.

Old Business

Discuss approval of State Board of Elections By-Laws

Mr. Summers expressed appreciation for the work the Board Members have done to update the State Board of Elections By-laws. Work was not done with a quorum, rather one-on-one. The bill is being put forth for possible vote in November. Mr. Summers called for any discussion or presentation.

Mr. Weissmann noted the document has suggestions from Mr. Ayala, Ms. Millenson, and Mr. Weissmann, but it is not a document that has been discussed in terms of individual issues. No agreements have been made.

Ms. Millenson commented there are no major changes. Some suggestions are simply to update the document last updated in 2016. The Ethics URL is out of date, video meetings are now acceptable, et cetera.

Mr. Summers noted the document has been presented to the Administration. Staff are free to make grammatical and stylistic changes as they see fit.

Mr. Weissmann commented there will likely be further discussion around gender neutrality and public participation prior to voting on the document. There is nothing to discuss further at this time.

NEW BUSINESS

There was no new business.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

There were no campaign contributions.

SCHEDULE NEXT MEETING

The next meeting is scheduled for November 30 at 2:00 p.m.

Mr. DeMarinis noted the November meeting will be to discuss early voting center locations and polling place plans. The December meeting will resume normal business.

ADJOURNMENT

Mr. Weissmann made a motion to adjourn the meeting. Mr. Ayala seconded the motion. The motion passed unanimously by Members present.

The meeting adjourned at 4:19 pm.

State of Maryland 

State Board of Elections – November 3, 2023 Meeting

Attendees (via conference call):

Michael Summers, Chair
William G. Voelp, Vice Chair
Carlos Ayala, Member
Janet Millenson, Member
Yaakov “Jake” Weissmann, Member
Dan Kobrin, Assistant Attorney General
Jared DeMarinis, Administrator

DECLARATION OF QUORUM PRESENT

Mr. Summers called the meeting to order at 3:02 pm and declared a quorum was present. All Members were present.

Early Voting Center Locations

Mr. Kobrin summarized the Board met during its regularly scheduled monthly meeting on October 26, 2023, to review early voting center plans submitted by about a dozen counties. After approving other plans, the Board carefully deliberated over the plan submitted by Washington County. After much discussion, a supermajority of the board supported approval, separately, for the plan to place an additional, optional early voting center at the Boonsboro American Legion; and for placing one of the county’s two required early voting centers at the local Board’s offices at Hagerstown. A supermajority of the Board did not support approval, however, for placement of the second required early voting center at the Hancock Town Hall.

Mr. Kobrin explained since the October 26th meeting, the State Board has received a query from the local board in Washington County on the formality of the disapproval for the Hancock Town Hall and how that was transmitted to the Washington County Board. The State Board has convened today as a matter of best practice transparency to have all Members present and for all Members to record their position on the approval or non-approval of citing an early voting location at the Hancock Town Hall.

Mr. Summers thanked Mr. Kobrin and called for any questions of Mr. Kobrin.

[No audible response.]

Mr. Summers opened the floor to vote on the Washington County Hancock Town Hall site.

Ms. Millenson sought clarification on whether the Washington County Board of Elections held further investigations or discussions relative to providing enhanced transportation to the Election Center in Hagerstown for those voters who might have difficulty using public transit under the normal schedules.

Mr. Summers thanked Ms. Millenson for her question and noted it is likely the State Board staff would facilitate that discussion when they reach out to assist Washington County following the Board’s vote today.

Mr. Summers offered a reminder that the vote on the floor is in favor of the third location in Washington County at the Hancock site.

Mr. Ayala sought clarification on whether a motion was required.

Mr. Kobrin and Mr. Summers confirmed no motion is required at this time.

Mr. Ayala sought clarification on whether there would be any discussion.

Mr. Summers confirmed there would be no discussion at this time. Mr. Summers called the vote in favor of a Washington County Hancock location.

[Mr. Ayala and Mr. Voelp voted in favor of a Washington County Hancock location. Ms. Millenson, Mr. Summers, and Mr. Weissmann voted in opposition of a Washington County Hancock location.]

Mr. Summers noted there are three opposed and two in favor of approving a Washington County Hancock location. Approval for Washington County Hancock location fails.

Mr. Summers reported the Board received several requests to provide oral comment at today's meeting. Mr. Summers advised he did not personally receive written comments in a timely manner to permit speakers today, but the written comments will be made a part of the record. Mr. Summers noted the written comments were in support of a Washington County Hancock location.

Mr. Kobrin advised that procedurally the Board action taken today would be transmitted to Washington County's Board of Elections so they can take the next steps in the process.

Mr. Summers thanked everyone for joining and participating today.

SCHEDULE NEXT MEETING

The next meeting is scheduled for November 30 at 2:00 p.m.

ADJOURNMENT

Mr. Summers made a motion to adjourn the meeting. Mr. Weissmann seconded the motion. The motion passed unanimously.

The meeting adjourned at 3:11 pm.