

Comprehensive Plan

1. Executive Summary

The highest priority of the State Board of Elections (SBE) is to deliver a safe and secure election for voters and election judges while also ensuring the fundamental right to vote. During this time, the balance between these two objectives is a delicate one, and this plan strives to accomplish both objectives.

SBE proposes to conduct the presidential primary election now scheduled for June 2, 2020 by mail with election day ballot drop off locations. After careful consideration of information provided by the Maryland Department of Health (MDH) and the staff of the local boards of elections, SBE determined that providing in-person voting for this election introduces more risk to voters and election judges than SBE is willing to accept.

2. Background

On March 17, 2020, Governor Hogan issued a proclamation moving the State’s presidential primary election from April 28, 2020 to June 2, 2020 and requiring that SBE, in consultation with MDH, submit no later than April 3, 2020 a comprehensive plan to conduct this election¹. Section 1B(ii) of the proclamation requires that the comprehensive plan “minimize injury and damage from the COVID-19 catastrophic health emergency, and save lives, while, to the fullest extent possible given the interference in the electoral process from the state of emergency and catastrophic health emergency², inspire public confidence and trust in the conduct of the Primary Election by reasonably assuring under the circumstances that:

1. All persons served by the election system are treated fairly and equitably;
2. All qualified persons may register to vote and that those who are not qualified do not vote;
3. Those who administer elections are well-trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of partisan interests;
4. Full information is provided to the public, including disclosure of campaign receipts and expenditures;
5. Citizen convenience is emphasized as is feasible and does not endanger the public health, welfare, or safety;

¹ See §1B(j) of the “Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID” available at <https://governor.maryland.gov/wp-content/uploads/2019/10/Special-Election.pdf>. The proclamation also changed how the special general election for the 7th Congressional District is to be conducted, but this plan does not cover the changes to the special general election for the 7th Congressional District.

² See Public Safety Article, §14-3A-01 *et seq.* and Health General Article, §18-901 *et seq.*, *Annotated Code of Maryland*.

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6. Security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results;
7. The prevention of fraud and corruption is diligently pursued, and
8. Any offenses that occur are prosecuted.”

To prepare this plan, SBE consulted with MDH on infectious disease control and public health issues related to conducting an election under the current circumstances and obtained feedback and information from the local boards of elections on the various options to conduct the upcoming presidential primary election. At its March 25, 2020 meeting, the members of the State Board of Elections (Board) requested and received from an MDH representative relevant health-related information on current and projected COVID-19 information and unanimously recommended sending ballots to all eligible voters and providing election day ballot drop off locations in lieu of in-person voting during early voting and on election day.

3. Relevant Public Health Information

Since Governor Hogan declared a state of emergency and catastrophic health emergency on March 5, 2020, Governor Hogan issued several other relevant orders applicable to conducting an election. These include:

1. On March 12, 2020, Governor Hogan issued an Executive Order directing the State Department of Budget and Management to implement Elevated Level II of its Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy.³
2. On March 23, 2020, Governor Hogan issued Executive Order 20-03-23-01 prohibiting large gatherings of more than ten people.⁴
3. On March 25, 2020, the State Department of Budget and Management required State agencies to follow building entry protocol to protect State employees, visitors, and those in the care and custody of the State.⁵

³ See §I of the order entitled “For the Implementation of Elevated Level II of Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy for Executive Branch State Employees” available at <https://governor.maryland.gov/wp-content/uploads/2020/03/Elevated-Level-II.pdf>. Employees at 20 of the local boards of elections are State employees and are covered by this Executive Order.

⁴ See §III of the order entitled “Amending and Restating the Order of March 23, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and All Non-Essential Businesses and Other Establishments, and Additionally Requiring All Persons to Stay at Home,” available at <https://governor.maryland.gov/wp-content/uploads/2020/03/Gatherings-FOURTH-AMENDED-3.30.20.pdf>. This language was initially §II of the March 23, 2020 order.

⁵ See <https://dbm.maryland.gov/employees/Documents/COVID-19%20Building%20Entry%20Protocol.pdf>

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4. On March 30, 2020, Governor Hogan issued an Executive Order directing all Maryland residents to stay in their homes or places of residences except to conduct or participate in essential and other named activities (defined in the order).⁶

At the March 25, 2020 SBE meeting, SBE requested that MDH provide a representative to answer questions about COVID-19. Some questions and the responses in summary are:

- The Governor’s request to all Marylanders was to not assemble in crowds of more than ten people, and “unless you have an essential reason to leave your house, stay in your home;”⁷
- That the COVID-19 outbreak would more likely than not be a duration of months and not weeks;
- Due to the global nature of this pandemic, certain testing materials and personal protective equipment (e.g. masks, gloves, other items that lessen the probability of exposure to the virus) are in critical supply and their availability to election judges and other elections staff for the April and June elections cannot be guaranteed;⁸ and
- Due to the highly contagious nature of this virus, extreme precautions should be taken to protect the lives of Marylanders, especially those in high risk categories, and any election judge without protective equipment would be at high risk of becoming infected by COVID-19.⁹

In addition, in response to questions from the Board, MDH believes that Maryland in late March is still in the growth phase of this epidemic¹⁰, and that it is too soon to say when social restrictions may be lessened. The goal of all measures implemented by the State to date are designed to limit the number of infected individuals as much as possible and to lower the rate of increase of the infection. Any form of “congregation” where people from one location move to another location and then back or to another location increases the probability of transmitting or becoming infected by COVID-19.

⁶ See <https://governor.maryland.gov/wp-content/uploads/2020/03/Gatherings-FOURTH-AMENDED-3.30.20.pdf>

⁷ See <https://governor.maryland.gov/2020/03/23/governor-hogan-announces-closure-of-all-non-essential-businesses-175-million-relief-package-for-workers-and-small-businesses-affected-by-covid-19/>

⁸ For example, as reported by MDH, the State requested 502,309 surgical masks and 305,541 ‘N95-type’ masks from the federal government’s strategic supply and as of March 29, 2020, only received 264,000 surgical masks and 110,240 ‘N95-type’ masks. As of March 27, 2020, the State’s laboratory has approximately 1,500 test kits and chemical materials to analyze 4,300 tests. In addition, please see the Health Secretary’s Order of March 23, 2020 directing health care providers to conserve personal protective equipment in line with the CDC’s recommendations:

<https://phpa.health.maryland.gov/Documents/03.23.2020%20Sec%20Neall%20Healthcare%20Matters%20Order.pdf>

⁹ The CDC defines those at high-risk for severe illness from COVID-19 to include people aged 65 years and older; those in a long-term care facility; individuals with chronic lung disease or moderate to severe asthma, serious heart conditions, people who are immunocompromised including cancer treatment, and other certain underlying medical conditions. See <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.

¹⁰ See (Maryland): <https://covid19.healthdata.org/> and <https://91-divoc.com/pages/covid-visualization/>

As such, voters are similarly increasing their risk of becoming infected by the COVID-19 virus by voting in person. The Centers for Disease Control and Prevention (CDC) has recognized the risks associated with in-person voting and recommends using voting methods that minimize direct contact with other people and reducing crowd size at voting locations.¹¹ Election judges, especially those without personal protective equipment, in a traditional in-person environment are at high risk of exposure to infection.¹² Employees of the local boards of elections canvassing (i.e., opening and counting ballots), with CDC-recommended safeguards, are at lower risk due to the typical time delay of the U.S. postal system.

4. Preparing for and Conducting an Election

Preparing for an election is a process that takes several months, and the timeline for preparing for an election varies by jurisdiction. While some of the pre-election activities are complete for the presidential primary elections, other activities are not complete and completing them either violates an existing State directive or requires a significant change to the process.

The local boards of elections provided the following list of critical election activities impacted by current State directives.

1. Training classes: Election judges and other training classes typically have more than ten individuals (instructors and trainees), and some training facilities are not available. Smaller classes can be conducted following social distancing guidelines, and online training can be explored as a possible but less than ideal alternative to in-person training sessions.
2. Pre-election logic and accuracy testing of the voting equipment: This is a multi-day effort with multiple individuals supporting this effort. At many local boards of elections, the number of individuals performing this work simultaneously is more than ten. These tasks cannot be performed remotely and should incorporate appropriate sanitizing efforts.

¹¹ See <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>

¹² For example, the Maryland National Guard was deployed to set up a drive-through outdoor COVID-19 testing site at FedEx Field in Prince George's County in mid-late March 2020. Prior to any tests being conducted to the public, members of the National Guard were exposed and may have become infected with COVID-19 while following the military's infectious disease prevention protocols. See <https://foxbaltimore.com/news/coronavirus/military-tents-fedexfield-coronavirus> and <https://www.nbcwashington.com/news/local/sources-guardsmen-with-coronavirus-stationed-at-fedex-field/2256405/>

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3. Packing supplies for voting locations: This is a multi-day effort with multiple individuals supporting this effort. These tasks cannot be performed remotely.
4. Conducting in-person early voting: At most early voting centers, the number of election judges and other support staff needed to run an early voting center is more than ten individuals. Some early voting centers have the capacity to implement social distancing guidelines, while others do not. Most of the early voting centers are in facilities that are currently closed.¹³
5. Conducting in-person election day: The minimum number of election judges and other support staff needed to staff an election day voting location is five individuals. As is the case with early voting centers, some election day voting locations have the capacity to implement social distancing guidelines, while others do not. Most of the election day voting locations are in facilities that are currently closed.
6. Voter registration and absentee voting program at nursing home and assisted living facilities: For the safety of residents at nursing homes and assisted living facilities, the local boards of elections are no longer authorized to conduct this program on-site as long-term care facilities are sharply restricting visitors due to CDC and MDH guidelines.¹⁴

In addition to these activities, there are other important election activities impacted by current directives. These include the inability to issue absentee ballots to and receive voted ballots from voters at the offices of the local boards of elections, updating the electronic pollbooks within a 24 to 48 hour window, and facilitating the election judges picking up supplies. The first activity cannot be performed because the offices are closed to the public, and the other activities require more than ten individuals in one space to complete in the limited time.

Conducting an election typically takes over 20,000 election judges, and recruiting individuals to serve in these important but low pay and long hour positions is one of the most challenging jobs of the local boards of elections. Most local boards of elections have

¹³ While election officials are responsible for providing a safe environment within a voting location for voters and election judges, many voters will be required to walk by individuals campaigning for their candidate or candidates of choice. While the Governor's directives would apply to electioneering activities outside of the authority of the local boards of elections, election officials plan for voters' safety once they arrive at a voting location until they leave.

¹⁴ See <https://phpa.health.maryland.gov/Documents/Recommendations%20for%20COVID-19%20Infection%20Control%20and%20Prevention%20-%20March%2010%202020.pdf>

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not surveyed election judges about whether they would serve without personal protective equipment, but the local boards of elections are currently reporting vacancy rates of 25% for early voting and 26% for election day. As a result of the current public health emergency, the local boards of elections expect that more election judges – the majority of whom are over 60 years old – will resign their appointments and recruitment efforts will become even more difficult. Additional election judges might be needed if health screenings are required to enter the facilities.

5. Conducting the June 2, 2020 Election

A. Proposed Plan for June 2, 2020 Election

At its April 2, 2020 meeting, the Board adopted a plan to conduct the presidential primary election scheduled for June 2, 2020. The plan is to:

1. Send all eligible active voters an absentee ballot¹⁵. A return envelope with pre-paid postage will be included with the absentee ballot.
2. On election day, establish locations where voters can drop off their voted ballots.

Although current regulations allow voters to drop off voted absentee ballots at an early voting center or an election day polling place,¹⁶ the approved plan for the presidential primary election differs in the timing and location of the drop off locations. For this election, there would be ballot drop off locations on election day at each of the Board-approved 79 early voting locations and the offices of the local boards of elections, but no in-person voting opportunities will be available. Rigorous security and retrieval procedures will be developed, implemented and audited.

Implementing this plan will require an extensive voter education campaign. While voters have used a paper-based voting system since the 2016 elections, a vote by mail election is a significant and fundamental change to how elections are conducted in Maryland and makes a statewide voter education campaign necessary. The campaign will include reaching out to voters who have difficulty receiving mail or who are unable to mark a ballot by hand. SBE currently has a contract for public relations and digital media support and can expand this contract to incorporate this effort.

¹⁵ A voter may choose to receive a ballot via SBE’s online ballot delivery system. A voter receiving a ballot this way may: (1) download a blank ballot, print the ballot, and mark the ballot by hand; or (2) use an accessible online ballot marking tool to make and review selections and print the ballot. Regardless of how the voter marks the ballot, the voted ballot must be returned by mail or dropped off at a ballot drop off location.

¹⁶ See COMAR 33.11.03.06

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B. Request for Proclamation

Because the Board’s plan for the presidential primary election differs from the type of election required by the Election Law Article of the *Annotated Code of Maryland*, the Board requests a proclamation with language similar to §II of the proclamation dated March 17, 2020, which declared that the April 28, 2020 Special General Election for the 7th Congressional District should be conducted using an alternate voting system of voting by mail. The Board believes that a similar proclamation for the June 2, 2020 Presidential Primary Election would be sufficient to allow SBE to implement the broad process for the election described in paragraph 5.A above, as well as allow for the following deviations from existing statutory and regulatory requirements that the present emergency conditions necessitate:

1. Change the placement of ballot drop off locations from early voting centers and election day voting locations to other locations, including previously approved early voting center
2. Allow the opening and counting of the ballots to start on May 21, 2020 but the results will be embargoed until 8 pm on June 2, 2020
3. Allow one individual to determine whether a returned voted ballot is timely received, the oath is signed, and whether the ballot can be scanned by the tabulation scanner
4. Provide remote public observation of the canvasses with ability to challenge ballots
5. Require that members of the local boards of canvassers only attend when a canvass starts, ends, and when decisions are made about referred ballots
6. Waive the requirement to report results by precinct

C. Possible Postponement of Dates and Time Periods

The proclamation dated March 17, 2020 authorized the Board to postpone “all other statutory and regulatory dates and time periods” for the presidential primary election in order to “conform” to the Governor’s order. The Board may rely on this language to:

1. Extend the voter registration and other associated deadlines
2. Extend the deadline for completing the pre-election logic and accuracy testing and public demonstration¹⁷. There may not be sufficient time between the release of the equipment for the special general election for the 7th Congressional District and the

¹⁷ Pre-election logic and accuracy testing must be performed on the scanning equipment used for counting ballots returned by mail.

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presidential primary election for the three jurisdictions in the 7th Congressional District to complete these tasks by May 22, 2020.

3. Extend the deadline for certifying the election, as the canvass of mailed ballots will take longer than the usual canvassing window

Except as noted above and one additional exception, SBE expects that all other statutory and regulatory provisions that otherwise apply in a vote-by-mail election administered under Election Law Article, § 9-501 *et seq.* will apply in this primary election. If SBE subsequently identifies other statutory or regulatory provisions that need modification, the modification will be presented to the Board for discussion and approval, in a manner consistent with any proclamation or order issued by the Governor.

The one exception is the requirement in Senate Bill 145 and House Bill 37 of the 2020 Legislative Session. One provision of this emergency legislation changes all references to “absentee ballots” and “absentee voting” to “mail-in ballots” and “mail-in voting.”¹⁸ If this legislation becomes effective before the presidential primary election, this provision will not be implemented for this election. This change will require updating numerous forms and system modifications and may cause voter confusion in the midst of an election cycle.

After conducting the special general election for the 7th Congressional District by mail, there may be a need for additional requests and postponements.

6. Conclusion

As stated above, the highest priority of SBE is to deliver a safe and secure election for voters and election judges while ensuring the fundamental right to vote. As a result of the currently public health emergency, delivering a safe election is challenging in a very real way as the health and well-being of the voters and election judges are at risk. The Board believes that this plan complies with the various directives issued by Governor Hogan and State agencies and guidance from the CDC and MDH and proposes a solution for the 2020 Presidential Election that strikes an appropriate balance between the safety of all participants in the electoral process and the fundamental right to vote.

¹⁸ The other provision of Senate Bill 145 and House Bill 37 requires pre-paid postage for returning absentee ballots. When this requirement was added to the legislation, the original effective date (January 1, 2021) was removed and the bill was changed to emergency legislation. Pre-paid postage will be used for the presidential primary election, and the change to “mail-in voting” and “mail-in ballots” will be implemented after the 2020 General Election, as originally contemplated in Senate Bill 145 and House Bill 37.

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The highest priority of the State Board of Elections (SBE) is to deliver a safe and secure election for voters and election judges while also ensuring the fundamental right to vote. During this time, the balance between these two objectives is a delicate one, and this plan strives to accomplish both objectives.

5. Conducting the June 2, 2020 Election

A. Proposed Plan for June 2, 2020 Election

At its April 2, 2020 meeting, the Board adopted a plan to conduct the presidential primary election scheduled for June 2, 2020. The plan is to:

1. Send all eligible active voters an absentee ballot¹. A return envelope with pre-paid postage will be included with the absentee ballot.
2. During the period designated by law for the conduct of early voting through election day, voters can drop off ballots at the existing available early voting centers.
3. On election day, voters can drop off ballots or, for voters who are unable to vote by mail, vote in person at the existing, available early voting centers.

Although current regulations allow voters to drop off voted absentee ballots at facilities open for voting during early voting and on election day², the approved plan for the presidential primary election allows for ballot drop off after early voting ends through election day. Rigorous security and retrieval procedures will be developed, implemented and audited.

Implementing this plan will require an extensive voter education campaign. While voters have used a paper-based voting system since the 2016 elections, an election primarily conducted by mail is a significant and fundamental change to how elections are conducted in Maryland and makes a statewide voter education campaign necessary. The campaign will include reaching out to voters who are unable to vote by mail (for example, voters who have difficulty receiving mail or who are unable to mark a ballot by hand) and informing voters of ballot drop off locations. SBE currently has a contract for public relations and digital media support and can expand this contract to incorporate this effort.

B. Request for Proclamation

Because the Board's plan for the presidential primary election differs from the type of election required by the Election Law Article of the *Annotated Code of Maryland*, the Board

¹ A voter may choose to receive a ballot via SBE's online ballot delivery system. A voter receiving a ballot this way may: (1) download a blank ballot, print the ballot, and mark the ballot by hand; or (2) use an accessible online ballot marking tool to make and review selections and print the ballot. Regardless of how the voter marks the ballot, the voted ballot must be returned by mail or dropped off at a ballot drop off location.

² See COMAR 33.11.03.06

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requests a proclamation with language similar to §II of the proclamation dated March 17, 2020, which declared that the April 28, 2020 Special General Election for the 7th Congressional District should be conducted using an alternate voting system of voting by mail. The Board believes that a similar proclamation for the June 2, 2020 Presidential Primary Election would be sufficient to allow SBE to implement the broad process for the election described in paragraph 5.A above, as well as allow for the following deviations from existing statutory and regulatory requirements that the present emergency conditions necessitate:

1. Allow for ballot drop off locations from the end of early voting through election day
2. Allow same day registration on election day
3. Limit the number of challengers and watchers if the State directive related to gatherings of more than ten individuals and/or social distancing requirements remain in effect for this election
4. Change the placement of the accredited challengers and watchers in the voting locations if the social distancing requirements remain in effect for this election
5. Allow the opening and counting of the ballots to start on May 21, 2020 but the results will be embargoed until 8 pm on June 2, 2020
6. Allow one individual to determine whether a returned voted ballot is timely received, the oath is signed, and whether the ballot can be scanned by the tabulation scanner
7. Provide remote public observation of the canvasses with ability to challenge ballots
8. Require that members of the local boards of canvassers only attend when a canvass starts, ends, and when decisions are made about referred ballots
9. Waive the requirement to report results by precinct

The Board may require an additional order or proclamation from the Governor to ensure that all facilities previously approved as early voting centers are accessible for purposes of serving as ballot-drop off locations during early voting and through election day, and open for purposes of voting on election day.

C. Possible Postponement of Dates and Time Periods

The proclamation dated March 17, 2020 authorized the Board to postpone “all other statutory and regulatory dates and time periods” for the presidential primary election in order to “conform” to the Governor’s order. The Board may rely on this language to:

1. Extend the voter registration and other associated deadlines

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2. Extend the deadline for completing the pre-election logic and accuracy testing and public demonstration³. There may not be sufficient time between the release of the equipment for the special general election for the 7th Congressional District and the presidential primary election for the three jurisdictions in the 7th Congressional District to complete these tasks by May 22, 2020.
3. Extend the deadline for certifying the election, as the canvass of mailed ballots will take longer than the usual canvassing window

Except as noted above and with one additional exception, SBE expects that all other statutory and regulatory provisions that otherwise apply to an election administered under Election Law Article, § 9-501 *et seq.* will apply in this primary election. If SBE subsequently identifies other statutory or regulatory provisions that need modification, the modification will be presented to the Board for discussion and approval, in a manner consistent with any proclamation or order issued by the Governor.

The one exception is the requirement in Senate Bill 145 and House Bill 37 of the 2020 Legislative Session. One provision of this emergency legislation changes all references to “absentee ballots” and “absentee voting” to “mail-in ballots” and “mail-in voting.”⁴ If this legislation becomes effective before the presidential primary election, this provision will not be implemented for this election. This change will require updating numerous forms and system modifications and may cause voter confusion in the midst of an election cycle.

After conducting the special general election for the 7th Congressional District by mail, there may be a need for additional requests and postponements.

³ Pre-election logic and accuracy testing must be performed on the scanning equipment used for counting ballots returned by mail.

⁴ The other provision of Senate Bill 145 and House Bill 37 requires pre-paid postage for returning absentee ballots. When this requirement was added to the legislation, the original effective date (January 1, 2021) was removed and the bill was changed to emergency legislation. Pre-paid postage will be used for the presidential primary election, and the change to “mail-in voting” and “mail-in ballots” will be implemented after the 2020 General Election, as originally contemplated in Senate Bill 145 and House Bill 37.

From: **laurie feinberg** <laurie.feinberg@gmail.com>

Date: Mon, Mar 30, 2020 at 3:15 PM

Subject: Protest to Mail only elections

To: <info.sbe@maryland.gov>, Donna Duncan -SBE- <donna.duncan@maryland.gov>

Please accept this email as a protest to Mail only election proposed for June 2 2020. I understand protests are being accepted until april 2, 2020.

It appears to be in violation of Maryland's same day registration and it will potentially disenfranchise many voters. This could include those recently moved, those with unstable housing, those who have unreliable mail delivery, handicapped needing assistance, and many others.

I have been an election judge in Baltimore City and would be honored to staff an in-person voting that day. Of course I would appreciate wipes, sanitizer and maybe some plexiglass shields.

Laurie Feinberg

Citizen comment #2

Date: Mon, Mar 30, 2020 at 7:25 PM

Subject: Mail in Ballots

To: <info.sbe@maryland.gov>

Hello, Administrator of Elections Linda Lamone. My name is Jerry Posten and I'm writing to urge you to work with state elections officials to ensure the state of Maryland is prepared during the COVID-19 outbreak. You must take necessary action with the governor to ensure that your constituents can safely participate in our democracy during this election year health crisis. States can receive support from the federal government to establish mail in ballot systems in time for November elections if we act now. Thank you.

Citizen comment 4

Date: Mon, Mar 30, 2020 at 2:41 PM
Subject: Please establish vote-by-mail
To: <info.sbe@maryland.gov>

Greetings Ms. Lamone,

I'm writing to urge you to establish a vote-by-mail system in Maryland. Especially in light of the coronavirus crisis, it is imperative that we protect every citizen's right and ability to vote and to vote safely. Our democracy depends on it.

Other states have made this transition and found it both possible and beneficial. Please do the same.

Thank you very much,

Stacy Andersen

Citizen comment #4

Date: Wed, Apr 1, 2020 at 1:17 PM

Subject: Safe mail-in ballot system

To: <info.sbe@maryland.gov>

Hello, Linda Lamone,

My name is Kate McDill and I'm writing to urge you to work with your state elections officials to ensure the state of Maryland is prepared during the COVID-19 outbreak. You must take necessary action with the governor to ensure that your constituents can safely participate in our democracy during this election year health crisis. States can receive support from the federal government to establish mail in ballot systems in time for November elections if we act now. Thank you.

Kate McDill



April 1, 2020

VIA ELECTRONIC MAIL
Maryland Board of Elections
c/o Linda Lamone
151 West Street, Suite 200
Annapolis, MD 21401
info.sbe@maryland.gov
linda.lamone@maryland.gov

Re: Ensuring Voting Rights of Disabled Voters

Dear Chairman Cogan, Vice Chairman Hogan, and Members of the Board:

I am writing on behalf of Accessible Resources for Independence, a disability resource and advocacy organization representing over 60,000 people with disabilities in Howard and Anne Arundel Counties. We share many of the same concerns as the National Federation of the Blind regarding the upcoming elections and the potential for both of them to be inaccessible to not only those of our consumers who cannot read a paper ballot but also those of our consumers who cannot receive mail because of either being institutionalized in a nursing home or homeless.

I urge you to reconsider the plan for the April 28th and June 2nd election by allowing for minimal in person voting. In doing so, you will be ensuring that all people, including those with disabilities, have **access to their right to vote**.

Should you have any questions or need additional information, please do not hesitate to contact me directly.

Sincerely,

Katie Collins-Ihrke, MBA, MS
Executive Director
kihrke@arinow.org
cell: (410) 903-8073

17328 Blossom View Drive
Olney, Maryland 20832
April 1, 2020

State Board of Elections
c/o Linda Lamone
151 West Street
Suite 200
Annapolis, Maryland 21401

Dear Lamone,

I am writing this letter to you to request that you extend the deadline for the submission of petitions to place a referendum on the November General Election ballot. My specific concern is in regard to the Nine Districts for Montgomery County referendum petition effort that has been suspended by the Governor's response to the COVID-19 crisis that cancelled public events of more than 10 people and now has all but essential persons confined to home.

The purpose of this petition is to get an antiquated political representation map replaced by one similar to that used for State-wide elections where this is one representative for each of 9 districts in contrast to the current system where FOUR "at-large" Councilmembers attempt to represent 1.1 million residents each (more than any State-wide or any General Assembly district). This results in poor representation for citizens. Support for this effort was passed unanimously by the Greater Olney Civic Association (representing 38 community associations and over 10,000 households) in November of 2019. Plans to collect the required individual signatures at the Olney Awards Ceremony in March and the Olney Days events in April have been cancelled by the Governor's ban on gatherings of more than 10 people. Because the Governor has cancelled these and similar gatherings by law due to the health epidemic, it would stand to reason that additional time should be allowed to collect the required signatures. We ask you, therefore, to extend the deadline for submission of petition signatures at least until September 8th (the day after Labor Day).

Thank you for your attention to this request.

Sincerely,



Paul F. Jarosinski



BILL FERGUSON
PRESIDENT OF THE SENATE

ADRIENNE A. JONES
SPEAKER OF THE HOUSE

MARYLAND GENERAL ASSEMBLY
STATE HOUSE
ANNAPOLIS, MARYLAND 21401-1991

March 31, 2020

The Honorable Lawrence J. Hogan
Governor
State House
Annapolis, MD 21401

Dear Governor Hogan:

Last week, the State Board of Elections voted to make the June 2nd primary vote-by-mail without early voting or any Election Day in-person voting. While we share the Board's concern for poll workers, we do not agree that *at this point*, we should be closing off the opportunity to allow for some kind of limited in-person voting on election day to ensure all citizens have the ability to exercise a fundamental right safely and securely.

We are certain you agree that in-person voting is as essential an activity as many of the businesses currently being allowed to service customers across our state. The state must explore potential options for in-person voting opportunities for a limited number of our citizens to ensure that we are demonstrating that democracy can still flourish in the midst of a public health emergency. Furthermore, the vote-by-mail elections on April 28th and June 2nd will be important demonstrations of protocols and processes that may be necessary in November 2020 for the General Election – an election day with enormous consequence for Maryland and the entire country. The uncertainty around the length of phases of impact from the spread of COVID-19 necessitate state efforts to be as prepared as possible with all options available should a state of emergency still exist or get reinstated during a second phase of the virus' spread.

The Maryland General Assembly has considered and has elected not to move on statewide vote-by-mail election legislation on multiple occasions in the past. Concerns that have been raised in committees include the significant research that shows minority voters are less likely to vote by mail, and that transient and low income populations are less likely to participate or even receive ballots. A Pew Charitable Trust study from 2011 reported that a mandatory switch to vote-by-mail reduces the chance that an individual will vote by 13.2% and the chance of voting decreases 50% for urban voters.

Most vote-by-mail only states are overwhelmingly white and took years, not months, to transition. States like Colorado, a vote-by-mail state, do have Election Day options to register and vote. Under the current guidance from the State Board of Elections, we would be ignoring our state law requiring Maryland to have Election Day registration. The Board considered an option to have vote centers and to allow for options to maximize voter participation, but these suggestions were rejected after consulting with Maryland's Department of Health.

We are not opposed to vote-by-mail for this election, and we recognize the context of these decisions in the midst of this extraordinary public health event. However, we oppose the elimination of all forms of in-person voting accommodations for the June 2nd Primary Election unless there is a demonstration that no in-person options are reasonably viable without seriously jeopardizing public health. Ultimately, we would prefer the June 2nd Primary Election include some form of in-person voting options on election day itself to ensure that every citizen can exercise his or her fundamental right safely and securely. While the Board makes a recommendation, the choice is in your hands, Governor Hogan, and we hope that whatever option you choose effectively balances the public health risks with maximized voter access and participation. We also stand ready to assist the Administration in furthering such a policy for the June 2nd Primary Election and the potential application of these methods for the November 2020 General Election should such methods be necessary.

Our concerns aside, if you determine that the Board's current recommendation is the correct path to take, there are a significant number of tasks that must be accomplished between now and June 2nd to make this election as inclusive and successful as possible. These precautions and efforts include, but are not limited to:

- Mailing inactive voters on how to vote and requesting voters to update their mailing and voter status;
- Running a National Change of Address search/match with our active and inactive voter rolls and contacting those voters whose address appears to have changed;
- Allowing ballots to be dropped off on election day until midnight at secure, handicap accessible locations across the state;
- Initiating a paid media campaign on broadcast, cable and social media announcing the changes and requesting voters update their information;
- Conducting further advertising to encourage voters to fill out and return their ballots;
- Ensuring such advertising is widely accessible and targeted at all populations across the state;
- Utilizing email, text and phones to directly communicate deadlines to voters and potential voters;
- Allowing disabled voters on election day to vote in-person, as required by the Americans with Disabilities Act;
- Allowing delivery of online absentee ballot applications up to the day of the election;

- Changing the voter registration deadlines to just one week prior to the election; and,
- Requiring the State Board of Elections to accommodate individuals moving into the state to register to vote since the Motor Vehicle Administration is closed.

We expect a vote-by-mail election on short notice will mean an electorate of older and less racially and economically diverse voters. The impact of the public health emergency on our state will inevitably create undue burdens; however, voting is a fundamental right. Together, we must do everything possible to ensure the voting electorate is as broad as possible. The faith and trust Marylanders place in our democracy depends on it.

Respectfully,

William C. Ferguson, IV
President of the Senate

Adrienne A. Jones
Speaker of the House



April 1, 2020

Members, Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401
cc: Linda H. Lamone, State Administrator

Dear Chairman and Members of the Board:

In times of crisis it is critical that we preserve our democracy and maintain faith in our government and institutions. We appreciate the difficult decisions you are faced with to ensure the security of our electoral systems and provide safe access to every eligible voter during this public health emergency.

Safeguarding democracy is **an essential service**, and every effort must be made to conduct our elections in a manner which will afford every eligible voter an opportunity to cast a ballot and provide election workers the protections they require to carry out this essential duty. In order to afford every eligible voter an opportunity to participate and to ensure the safety of election workers, we have several recommendations for you to consider.

7th Congressional District Special General Election

We applaud the Board for moving to vote-by-mail for the Special General Election to protect the health of the public and elections workers, but are concerned about the decision to allow for no in-person voting. This decision has significant ramifications for Maryland voters residing in the 7th Congressional District. We urge you to consider our additional recommendations to ensure all voters, including those who cannot vote by mail, have access to voting.

- Limited in-person voting: We ask that the local board of election offices in Baltimore City, Howard County, and Baltimore County be open on April 28th (Election Day) from 7am-8pm. Access should be limited to those voters needing to use ballot marking devices, seeking to vote in-person because they did not receive an absentee ballot, seeking to register and vote, and others in need of assistance. The “healthy polling places” tips included in the primary election section below can be applied in this situation in addition to guidance provided by health experts. We also remain committed to helping recruit staff for these locations if needed.
- Drop off locations: We urge the Board to consider making secure drop boxes available at each of the local board of election offices from at least April 21st through Election Day because it is a proven effective way to increase participation and may build faith in the process. Additional drop boxes being made available at secure locations throughout the District is also encouraged, including posting their locations at grocery stores and pharmacies.

- Canvass: Every effort should be made to protect the identity of voters during the video observation of the canvass.

Primary Election

We strongly support the Board's decision to conduct this election by mail-in ballot, but we remain concerned about the impact on, and disenfranchisement of voters who are not able to vote-by-mail. We ask that you consider implementing the following recommendations:

- In-person voting: Washington DC has a plan to have limited vote centers, and we suggest Maryland does the same. We urge the Board to move forward with making limited vote centers available throughout the state for voters who cannot vote by mail. The state should limit access to those seeking to use ballot marking devices, those experiencing issues with ballots (never received, incorrect ballot received, etc.), those wanting to register and vote, and those in need of assistance, including language assistance which is required by law in Montgomery County. Vote centers should be available throughout the early voting period and on Election Day, helping to spread the limited number of voters needing to vote in-person throughout several days. A sufficient number of vote centers should also be made available - especially in Baltimore City where critical elections will be taking place.
 - Healthy polling places: We should do everything we can to protect election workers and those entering vote centers. The Brennan Center's memorandum on "[How to Protect the 2020 Vote from the Coronavirus](#)," provides guidance from the [Center for Disease Control and Prevention \(CDC\)](#) and the [U.S. Election Assistance Commission \(EAC\)](#) on steps that can be taken to prevent transmission of the virus, in compliance with the guidance issued by government health agencies. We believe you should immediately create a task force to review Maryland election procedures in light of the CDC recommendations and develop a protocol for voting at Vote Centers that minimizes health threats to both the election workers and voters.
 - Voter Center Staff: We are committed to helping recruit poll workers for these voter centers. To help with recruitment, we ask that the Board consider a temporary increase in the hourly pay rate for poll workers and any other actions necessary to minimize risk and exposure in including availability of testing.
 - Electioneering: Ask the Governor to forbid electioneering at Vote Centers as part of his Stay in Place Executive Order.
- Drop off locations: We urge the Board to consider making secure drop boxes available at each of the local board of election offices and early vote locations throughout the state from at least May 21st through Election Day.
- Pre-mailer: Prior to mailing ballots, we urge the Board to provide voters with advance notice by direct mail explaining that election will be conducted by mail. These mailers should include short statement in Spanish and additional languages instructing voters on where to access additional information in their language. You might consider using [Every Door Direct Mail](#). That would not depend on having voting addresses, and would get the message out broadly. This mailing should include:
 - Information on who will receive a ballot and how to check to see if they are registered and whether their registration address and party affiliation are correct.
 - How to register or update their registration if necessary.
 - How to have their ballot sent to a different address if necessary.
- Online forms: We urge you to consider looking at ways to make the online voter registration and absentee ballot application process more accessible for voters, and those without State identification. Since many voters don't have access to printing, we suggest you also allow voters to request a voter registration or absentee ballot application form be mailed to them to fill out, sign and return.

- Curing Process: With this being the first time many voters will vote by absentee ballot, we expect that many may forget to sign and date their ballot. We urge the Board to develop a process for curing ballots, contacting voters to make them aware of missing signatures and providing them with an opportunity to sign before the deadline.
- Canvass: With the canvass being live streamed for public observation, we urge the Board to take steps to protect the secrecy of every single ballot, including adding an inner sleeve to return envelopes in order to protect identifying information.

Public Outreach

It is crucial that ample funding is made available for the public outreach which will be necessary to inform Marylanders of the changes to the upcoming elections.

- Educate the public about the process through multiple media outlets such as TV, radio, online, texts and phone alerts and in public places including grocery stores and pharmacies. This information should also be made available in multiple languages.
- Create a Task Force made of community based groups that have expertise in reaching a wide range of potential voters to collaborate on an outreach strategy.
- We urge the Board to make outreach to Colleges and Universities a priority, helping to make sure that displaced students are aware of election changes and that these institutions are communicating these changes to students by email and social media.
- There are a number of incarcerated individuals throughout the state who are eligible to vote. We urge the Board to consider outreach to correctional facilities, sending both voter registration forms and absentee ballot applications to these facilities for individuals who want to vote. We also suggest including envelopes with prepaid postage for easy return. Additionally, absentee ballots sent to eligible voters should also include prepaid postage.

Safeguarding our elections is essential to our democracy. Thank you for your leadership during this time and for doing all you can to ensure every eligible Marylander can exercise their right to vote.

Sincerely,

Joanne Antoine, Executive Director, **Common Cause Maryland**
 Lois Hybl & Richard Willson, Co-Presidents, **League of Women Voters of Maryland**
 Emily Scarr, Director, **Maryland PIRG**
 Dana Vickers Shelley, Executive Director, **ACLU of Maryland**
 Ben Jackson, Staff Attorney, **Disability Rights Maryland**

Document 2 of requests for petition extension or reduction of # of signatures

Dear Ms. Linda,

I am a resident of Montgomery county, MD. I am writing to request the Governor please to extend the deadline to at least 30 days or more for submission of Charter Amendment Petition signatures to place the referendum on the November ballot due to the current COVID-19 crisis worldwide.

I know the state board of elections will meet to discuss the request of the Nine Districts for MoCo ballot committee. Due to coronavirus and social distancing as well as April quarantine, Montgomery citizens are being denied the opportunity to sign the petition by the initially proposed deadline July 27, so please take my request into consideration. Thank you!

Sincerely,
Xiaobo Cheng
Rockville MD

Dear Ms. Lamone,

As a resident of Montgomery County, I'd like to request an extension of the deadline for the Charter Amendment Petition signatures for a period as long as the time when social distancing will be practised. I know people who would like to sign it but cannot do so due to the pandemic. An extension will allow adequate time for those of us who want to exercise our democratic rights to do so.

Thank you,

Evelyn Garland

Greetings!

Please consider extending the deadline for the petition to convert the 4 at-large council seats into specific district seats to make a total of 9 districts. As we are abiding by COVID-19 mitigation measures, there has been very little opportunity to collect signatures.

Thank you!

Regards,
Mark Pasternak

Dear Ms. Linda,

I am a resident of Montgomery county, MD. I am writing to request the Governor please to extend the deadline to at least 30 days or more for submission of Charter Amendment Petition signatures to place the referendum on the November ballot due to the current COVID-19 crisis worldwide.

I know the state board of elections will meet to discuss the request of the Nine Districts for MoCo ballot committee. Due to coronavirus and social distancing as well as April quarantine, Montgomery citizens are being denied the opportunity to sign the petition by the initially proposed deadline July 27, so please take my request into consideration. Thank you!

Sincerely,
Lucy Lin (bethesda, MD)

Dear Ms. Linda,

I am a resident of Montgomery county, MD. I am writing to request the Governor please to extend the deadline to at least 30 days or more for submission of Charter Amendment Petition signatures to place the referendum on the November ballot due to the current COVID-19 crisis worldwide.

I know the state board of elections will meet to discuss the request of the Nine Districts for MoCo ballot committee. Due to coronavirus and social distancing as well as April quarantine, Montgomery citizens are being denied the opportunity to sign the petition by the initially proposed deadline July 27, so please take my request into consideration. Thank you!

Sincerely,
Wenyu Zhang (Germantown MD)

Dear Ms. Linda,

I am a resident of Montgomery county, MD. I am writing to request the Governor please to extend the deadline to at least 30 days or more for submission of Charter Amendment Petition signatures to place the referendum on the November ballot due to the current COVID-19 crisis worldwide.

I know the state board of elections will meet to discuss the request of the Nine Districts for MoCo ballot committee. Due to coronavirus and social distancing as well as April quarantine, Montgomery citizens are being denied the opportunity to sign the petition by July 27, so please take my request into consideration. Thank you!

Sincerely,
Eva Guo (Clarksburg, MD)

Montgomery Charter Petition extension requests

April 1, 2020

Dear Governor,

Please delay the deadline for submission of signatures to place the Nine Districts for MoCo ballot referendum on the November ballot.

Maryland residents should stay at home and keep social distance according to the order by governor. This is the reason of delay the deadline.

Thanks! God bless you, God bless Maryland, God bless America!

Yanli Yang

发自我的 iPhone

I urge you to extend the deadline for receiving petitions!

Thank you!

Sylvia Darrow

Dear Ms. Lamone,

Because of the current situation in Maryland and the restrictions imposed the other day, I am requesting that the deadline for obtaining signatures be extended beyond the cutoff date of July 27th. We can't directly see individuals because of the social distance rules and folks are even reluctant to sign anything and touch paper, especially if you have to provide the pen needed to sign the form. I ask that an extra month be added at this time and depending upon when things get back to normal, that this be open ended.

Thank you for your consideration

Stephen Miller

Stephen B.Miller

North Bethesda, MD 20852-2963

Dear Linda,

As a resident of Montgomery County for over 65 years I would like to let you know my feelings concerning Nine Districts Ballot Petition. I think we need to extend the date for collecting signatures. Due to social distancing we are

preventing voters right to sign the petition. Voters need to have time after social distancing is over to sign the petition. I think this is a matter of good governance and fair elections in these uncertain times. Thank you, Linda Trofast

Good afternoon,

Due to covid-19, could you please ask for Governor to delay the deadline for submission of signatures to place the Nine Districts for MoCo ballot referendum on the November ballot?

Thanks in advance!

Zhenwen Geng

TO: Maryland State Board of Elections
C/O Linda Lamone, BoE Administrator

Dear Ms. Lamone:

Given the fact that Governor Hogan has issued a stay-at-home order due to the Coronavirus, I am asking that you extend the deadline for ballot petition signatures beyond the current July 27 deadline for as long as possible, but at least 30 days. This social distancing mandate, while necessary, also curtails citizen's rights to petition their government. It is critically important that there be enough time for those gathering signatures to be able to do so for the next election under these trying and difficult circumstances once current restrictions are lifted. Therefore, please extend the deadline for as long as possible. Thank you.

Katherine C. Gugulis
Gaithersburg, MD 20882

March 31, 2020
Maryland State Board of Elections
c/o Linda H. Lamone, Administrator
Annapolis, MD 20410

Dear State Board of Elections:

I am writing to you today as a Montgomery County voter who is concerned about the delay in our elections this year especially the inability of citizens to participate in the democratic process of signing a petition to amend the Montgomery County charter. I understand the deadline for signatures to place a referendum on the November ballot is July 27, 2020.

Due to the coronavirus quarantine and social distancing, many citizens in the county are denied an opportunity to sign the petition to place the Nine Districts for MoCo referendum on the ballot.

The proposed charter amendment is a citizens effort with a non-partisan ballot committee supported by citizens of every party and many civic organizations, including the Greater Olney Civic Association and the Montgomery County Civic Federation.

Passage of the referendum would have a beneficial impact on governance in our county and provide for a different Council district for each of the nine members of the County Council, so that no member would be elected 'at large'. The proposed amendment would take effect in time for the drawing of new district boundaries scheduled after the census and be in place for the 2022 Council elections.

We understand that the Governor has the authority to change the signatures submission due date and respectfully request that you move the deadline back 30 days because of the extraordinary constraints imposed upon us by this terrible virus.

Thank you for your consideration of this important matter.

Regards,

Sharon Bauer

Dear Ms. Lamone:

My name is Shawn Nie. I am the citizen of LD-15 of Montgomery County. I am writing to you to ask Governor Hogan to consider delaying the deadline for submission of signature to place the Nine District for MoCo ballot referendum on the November ballot because of the COVID-19 condition.

Sincerely yours,

Shawn Nie

To: Linda Lemone

BOE Administrator

Maryland State of Elections

Ref: 9D Ballot Petition

I am requesting that the signature submission deadline for the 9D Ballot Petition be extended from July 27th

for 30 days or more because the corona virus epidemic for social distancing denies voters the right to sign the petition.

Please support this request on behalf of voters.

Sincerely,

Margie G. Shultz
Beallsville, MD. 20839

NINE DISTRICTS FOR MOCO

Fair and Equitable Representation on the County Council

2212 Henderson
Avenue

Ninedistricts@gmail.com

Silver Spring, MD
20902

April 1, 2020

Maryland State Board of Elections

c/o Linda H. Lamone, Administrator

Annapolis, MD 20410

Dear State Board of Elections:

On behalf of Montgomery County voters, we are writing to ask the Governor to push back the July 27 signature submission deadline by 30 days or more to enable citizens to sign petitions to place referenda on the November General Election ballot. We understand that only the Governor has the authority to change the deadline for submission of 10,000 signatures to the Montgomery County Board of Elections.

The crucial efforts to combat the coronavirus including social distancing are limiting the ability of thousands of citizens to sign petitions in time to meet the July deadline to place a referendum on the ballot.

Nine Districts for MoCo, a nonpartisan citizens ballot committee, is making every effort to facilitate collection of signatures online. Our petition form is being placed on our website so voters can download it, sign it, and use the US mail to send it to us. This is a cumbersome process that is very challenging to all involved including many nonpartisan groups, such as the Montgomery County Civic Federation and the Greater Olney Citizens Association, that support placing the referendum on the ballot. Citizens need more time to participate in this process so they are able to petition their government.

Montgomery County voters should be given a meaningful opportunity to vote this November on the Nine Districts referendum to amend the county charter. Since 1990, the County Council has consisted of five district members and four at-large members. However, the county's population has grown to 1.1 million residents with many residents, especially those living in new up-county communities, feeling disenfranchised by an outdated structure of large gerrymandered districts and at-large representatives who have more constituents than any Maryland Congressman.

New Council district boundaries will be drawn in 2021 to reflect data from the decennial census. It is cost effective and efficient for county residents to decide in November 2020 whether the County Charter should be amended to provide for nine Council districts and no at-large members.

We are asking that you give ballot committees relief from the July 27 deadline so citizens can participate in the electoral process in these extraordinary times.

Regards,

Kim Persaud
Chair,
NineDistricts
for MoCo

Dear Ms. Lamone:

I respectfully request that you consider extending the deadline for at least 30 days for the 9 district ballot petition due to the current social distancing which prevents voters from signing the petition.

With thanks for your consideration.

Marjorie Atkins
Rockville MD 20850



NATIONAL FEDERATION
OF THE BLIND

MARYLAND

Live the life you want.

April 1, 2020

VIA ELECTRONIC MAIL

Maryland Board of Elections
c/o Linda Lamone
151 West Street, Suite 200
Annapolis, MD 21401
info.sbe@maryland.gov
linda.lamone@maryland.gov

Re: Ensuring Voting Rights of Blind and Print Disabled Voters

Dear Chairman Cogan, Vice Chairman Hogan, and Members of the Board:

I write to you as President of the National Federation of the Blind of Maryland on behalf of my organization and its approximately 2,000 members regarding the plans the Board of Elections (“Board”) is forming at the request of the Governor for the April 28, 2020 special general election for the 7th Congressional District and the June 2, 2020 primary presidential and municipal elections. As the foremost organization led by and advocating for the rights of blind and other print disabled Marylanders, we have profound concerns regarding the plans that the Board approved on March 25, 2020 for the April 28 election and those called to be drafted for the June 2 election. Our respectful request is that the Board reconsider those plans before it reports a comprehensive plan to the Governor on or by April 3, 2020.

Our principal concern is the Board’s decision not to have any in-person voting in the two aforementioned elections -- the decision having been affirmed by a vote of the Board for the April election, and tentatively the sense of the Board for the June election, which we understand is to be voted on at the Board’s April 2, 2020 meeting.

Having at least one location in each county for in-person voting using the accessible ExpressVote ballot marking device (“BMD”) is essential for blind and other print disabled voters to be able to independently and privately exercise their right to vote. This is because there are a substantial number of such voters who cannot access a printed ballot, which includes the ballot that results from the online ballot marking tool which is not submitted electronically, but rather must be printed, signed, and mailed by the voter. Some of our members do not possess the equipment, such as a computer and printer, or technological sophistication to mark a ballot in that manner but are capable of voting via the BMD. The barrier to voting in this manner is exacerbated by the closure of public facilities such as libraries, where some blind voters without the necessary equipment had printed their ballots in past elections. Further, it is a mistaken notion – expressed by a member of the Board during the March 25 meeting – that individuals with disabilities presumably live with a nondisabled person who can assist them with completing and mailing a ballot

obtained via the online ballot marking tool. Many National Federation of the Blind of Maryland members, including myself, and others with print disabilities live independently in households without sighted family or friends and are capable of voting independently via the BMDs. We want to maintain and are entitled to maintain that independence.

The above noted considerations are many of the reasons that the law requires at least some in-person voting as express mandates under the Help America Vote Act (“HAVA”), the Americans with Disabilities Act (“ADA”), or Section 504 of the Rehabilitation Act. These antidiscrimination laws are among those cited by your counsel during the March 25 meeting as principles that suggest individuals with disabilities must have an opportunity to vote in person, even in the present circumstances. Our view is that these laws do not merely suggest, but instead require, such an opportunity.

HAVA mandates that “[t]he voting system shall--be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides *the same opportunity for access and participation (including privacy and independence) as for other voters . . .*” 52 U.S.C. § 21081(a)(3)(A) (emphasis added). Likewise, Title II of the ADA, and the Rehabilitation Act which is at least co-extensive with the ADA, requires that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity [i.e., voting], or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. In providing aids, benefits, or services, public entities such as the Board may not “[a]fford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others,” nor may public entities provide qualified individuals with disabilities “an aid, benefit, or service that is not as effective in affording equal opportunity” to gain the same result or benefit as provided to others. 28 C.F.R. § 35.130(b)(1)(ii)-(iii). Furthermore, public entities “shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities . . . an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.” *Id.* § 35.160(b)(1). Public entities must also “take appropriate steps to ensure that communications with . . . members of the public . . . with disabilities are as effective as communications with others.” *Id.* § 35.160(a)(1). To be effective, the “auxiliary aids and services must be provided in . . . such a way as to protect the privacy and independence of the individual with a disability.” *Id.* § 35.160(b)(2).

The lesson of these statutes is straightforward: blind and print disabled voters in Maryland must be afforded the same opportunity to vote independently and privately as their nondisabled peers. For the reasons discussed above, prohibiting in-person voting for voters with disabilities violates that right. And, in the case of the April 28 special election, Maryland law separately and expressly states that “[e]ach local board shall establish at least one voting center for the use of any eligible voter who chooses to cast a ballot in person in a special election in accordance with this section.” Md. Code, Election Law § 9-503(a). The Election Law provision permitting alternate voting systems in a state of emergency does not clearly abrogate the in-person requirement, much less override the federal anti-discrimination laws discussed above that preempt and invalidate any contrary state action.

And so, as a disability rights organization, we join the voices of the many voting rights organizations that are communicating these same concerns, as well as the President of the Maryland Senate and the Speaker of the House of Delegates who pointed out yesterday in a letter to the Governor that even if in-person voting is not carried out broadly, it must be available to voters with disabilities.

We are cognizant of the public health concerns discussed in the Board’s March 25 meeting, which focused on possible COVID-19 transmission at voting centers or a possible lack of poll workers. However, the previously discussed laws make it is essential that public services, programs, and activities – especially affecting the constitutional right to vote – not be curtailed based on assumptions or speculation of risks that are not based on reliable data. The Board’s staff presented a proposal for in-person voting, which was formulated in consultation with the Maryland Department of Health. The Board rejected that proposal largely on the basis of the comments about COVID-19 by Webster Ye, the Director of the Department’s Office of Governmental Affairs, which were repudiated by the Governor the next day. Emily Opilo & Meredith Cohn, Models show coronavirus infection ‘peaking probably around Fourth of July,’ Maryland health agency official says, *Balt. Sun.* (“‘The health department disputed that,’ Hogan said. ‘*That guy who works for the health department I think just made up his own personal opinion to some group and it got quoted in the paper.* He’s not in any of our discussions or our meetings. . . . It’s something he never expressed to anyone else.’”) (emphasis added), available at: <https://www.baltimoresun.com/coronavirus/bs-md-coronavirus-peak-july-4-infection-health-20200326-6heideqntvh7jgwg4c743ybcvq-story.html>.

The Board discussed the possibility of a lack of personal protective equipment (“PPE”) for poll workers as a risk factor. Health authorities continue to advise that use of PPE, such as face masks, is necessary only when the wearer is sick himself or herself, or is caring for someone who is sick; it is not advised that members of the general public should use PPE. Jacqueline Howard, WHO stands by recommendation to not wear masks if you are not sick or not caring for someone who is sick, *CNN*, available at: <https://www.cnn.com/2020/03/30/world/coronavirus-who-masks-recommendation-trnd/index.html>. Thus, poll workers in these very limited in-person voting locations do not appear to need PPE. But in the event that PPE use is desired, it is not clear that supplies will not be available and precluding in-person voting on that basis is inappropriate.

The presence of a state of emergency is not an exception to the protections of the ADA and Rehabilitation Act. Indeed, courts have found violations of those laws when public entities fail to provide for the needs of individuals with disabilities during emergency conditions. *E.g., California Found. for Indep. Living Centers v. Cty. of Sacramento*, 142 F. Supp. 3d 1035, 1062-63 (E.D. Cal. 2015) (holding that certain aspects of a county’s airport evacuation plan violated the ADA by failing to account for the needs of people with mobility disabilities); *Brooklyn Ctr. for Indep. of Disabled v. Bloomberg*, 980 F. Supp. 2d 588, 643-44 (S.D.N.Y. 2013) (finding that the city violated the ADA by failing to account for accessibility to people with disabilities in its evacuation plans and rejecting the city’s argument that *ad hoc* accommodations were sufficient).

In view of all of this, we believe that there is an appropriate balance to be struck that preserves the rights of blind and print disabled voters while employing feasible and non-burdensome precautions. As such, we request that the Board make a limited number of voting centers available for in-person voting at both the April 28 and June 2 elections (which may most easily be done at local boards of election offices), using BMDs that can be easily deployed out of current inventory as the exclusive means of voting at such centers. Because we anticipate that others who did not receive their ballot (which the Board’s counsel estimated ranges from 1-4% of the electorate) will also need to vote in person, the exclusive use of BMDs will have the necessary effect of preventing the segregation of blind and print disabled votes as well as preventing the breach of privacy that results from channeling only disabled voters to BMDs.

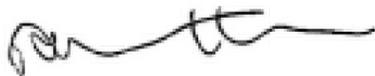
We agree with the Board staff and its counsel that there is a safe way to carry out in-person voting, working within guidelines issued by the Center for Disease Control and Prevention and the U.S. Election

Assistance Commission. With the in-person voting limited to one voting center per county, common sense measures like those employed at grocery stores and other essential facilities can be carefully and consistently applied. We also believe that by focusing on the small number of voting centers, the need for poll workers is greatly reduced and adequate numbers of them can be fielded from the existing group of volunteers, those that have been offered by other groups such as the League of Women Voters, and/or recruitment of younger volunteers from colleges and lines of work that are currently closed. The Board should also consider allowing a limited number of public facilities such as public libraries, colleges, and workplaces to be opened for the purpose of allowing voters with disabilities to print ballots completed via the online ballot marking tool.

We also want to be clear regarding the proper canvassing of votes submitted via the online ballot marking tool. Our understanding is that in prior elections, ballots completed via the tool and submitted by voters with disabilities were deemed valid even if the voter's signature was not a precise match to the signature on file with the Board. This was the case because some individuals with disabilities are not able to produce an identical signature due to medical conditions that cause hand tremors or prevent a visual reference for prior signatures. Any reversal of that policy to require an identical signature verification would disenfranchise many of these individuals and would have a disparate impact on individuals with disabilities.

We hope that you consider these common sense approaches to choose a course that enables all Marylanders to have an equal right to vote and not one that prevents it in violation of the law and basic fairness.

Sincerely,



Ronza Othman

cc: The Honorable Lawrence J. Hogan, Jr. (via email: contact@maryland.gov)
Matthew Clark (via email: matthew.clark@maryland.gov)
Amanda Allen (via email: amanda.allen@maryland.gov)
Michael T. Pedone, Esq. (via email: mike.pedone@maryland.gov)
Nikki Charlson (via email: nikki.charlson@maryland.gov)
Carol Beatty (via email: Carol.Beatty@maryland.gov)
Lou Ann Blake, J.D. (via email: lblake@nfb.org)
Gregory P. Care, Esq. (via email: gpc@browngold.com)

1 April 2020

To

State Board of Elections, Maryland

Dear Members of the SBE,

I understand that the State Board of Elections is recommending that the upcoming special election and the postponed primary be vote-by-mail, and that you will be considering changes to these plans in your meeting on April 2, 2020. In the email I am sending with this public comment as attachment, I am asking to be given the opportunity to virtually address the meeting.

As a scientist, I believe that it is critical for policy decisions to be informed by specialists. For this reason, I am pleased to see that the Board of Elections is taking seriously the input from state health officials and is recommending vote-by-mail as a means of protecting polling officials and voters from health hazards posed by COVID-19.

I have spent much of the last two decades studying voting system security. Hence, I feel compelled to point out two critical vulnerabilities in Maryland's approach to absentee voting and to suggest improvements.

- Unlike other states that vote by mail (Colorado, Washington, Oregon), and against best practice recommendations, Maryland does not compare voter signatures for returned voted ballots.
 - Because there is no way to authenticate a returned voted ballot, Maryland is not able to detect that a ballot was cast by someone other than the voter.
 - If both fraudulent and genuine votes are cast on behalf of a single voter, the State will not be able to tell which is which.
 - Large numbers of ballots could be fraudulently cast in the election, and the SBE would either not be able to tell that this kind of fraud had occurred, or end up creating chaos and generating distrust among voters by announcing that the fraud had been detected, but, when two ballots were received on behalf of a single voter, the State could not tell the two apart.
- Maryland allows all voters to receive ballots over the internet.

- While these ballots need to be printed, completed and returned in person or by regular mail, internet delivery opens the election to a number of vulnerabilities. Voters can be sent incorrect links by software; they would respond and incorrectly believe they had already voted. Another vote could be submitted on their behalf by the bad actor. There are other possibilities for disruption.
- The returned ballots are manually transcribed onto the requisite paper as the scanners do not take paper normally used by home printers or those in libraries and internet cafés. The transcription process is performed by paired volunteers and can hence result in election integrity and ballot secrecy violations. This year, it would also pose health challenges.

Maryland can take two simple steps to protect itself while it scales vote-by-mail to the entire state.

- Require the comparison of signatures with the existing signature on record and put into place procedures for informing voters of mismatches and allowing them to opportunities to correct it.
- Allow internet ballot delivery only for those voters who need it, such as voters with disabilities, UOCAVA voters and voters who are unable to receive ballots delivered by the postal system, or voters who did not receive them. Voters could self-certify that they need internet delivery on the form requesting an internet-delivered blank ballot.

Our intelligence agencies have warned us that US elections this year are very likely to be targeted by multiple possible bad actors. Additionally, Maryland is an attractive target because a bad actor can interfere in its elections without hacking into any part of its election technology. Computer scientists have written to the Maryland State Board of Elections regarding these problems since 2012; I have personally written and testified four times, including at least once to the SBE. The SBE's overconfidence and disregard of our recommendations in the past only increases Maryland's attractiveness as a target. We had concerns when Maryland's absentee ballot rate was 5-6% of total ballots cast. In a vote-by-mail election, our concerns are heightened greatly.

I urge you to heed the call of those of us who have studied election security: please implement simple improvements to Maryland's absentee voting process to protect its elections. Please find attached more detail on the security vulnerabilities I summarized

above; there is a website with details on our communication with the State as well¹. I would be happy to answer questions or meet virtually with any one at any time to discuss this further or to provide any guidance within my expertise.

Respectfully,

Prof. Poorvi L. Vora

Professor, Department of Computer Science

The George Washington University, DC

Note: affiliations are included for identification only

Poorvi L. Vora is Professor of Computer Science at The George Washington University. Her research focus has been on cryptographic end-to-end independently verifiable (E2E-V) voting systems and statistical election audits. She was a member of the team that deployed E2E-V voting system Scantegrity II in the Takoma Park elections of 2009 and 2011. She has worked with the National Institute of Standards and Technology (NIST) on definitions of desired properties of E2E-V systems, and on information-theoretic models and measures of voting system security properties. She obtained her Ph.D. from North Carolina State University.

poorvi@gwu.edu

¹ <https://www2.seas.gwu.edu/~poorvi/MarylandAudits/index.shtml#online-ballot-delivery>

APPENDIX A: Problems With Online Ballot Delivery

Maryland's approach to internet ballot delivery is unintentionally, yet fundamentally, flawed. The flaws jeopardize both ballot secrecy and election integrity. Maryland opens itself to a variety of disruptions, not limited to undetected changes in election outcomes. Some of these disruptions could create far greater chaos than was witnessed recently in the Iowa caucuses². Maryland's State Board of Elections (SBE), legislators and other elected officials have had the benefit of advice from experts over the years; the State now has the charge to avoid a major disruption of Maryland's vote-by-mail election.

Computer scientists have written to the SBE regarding internet ballot delivery since 2012; I have personally written and testified four times³. It is very easy for a bad actor to obtain thousands of voting credentials and request and complete thousands of online ballots from anywhere in the world. It is then trivial to have these ballots mailed in from within the US, and the State would not be able to distinguish fraudulent ballots from those completed by real absentee voters because it does not compare signatures on received ballots! If multiple votes were received on behalf of a single voter, the later one is tallied by Maryland law, but that simply encourages a bad actor to vote late. In the event that an election outcome is very surprising, there would be significant disruption because the State could not be certain that the outcome was correct.

Suspected Russian interference in 2016 and the information released by Special Counsel Mueller in indictments⁴, the report⁵ and testimony⁶ has added a great deal of urgency to

² Reid J. Epstein, Sydney Ember, Trip Gabriel and Mike Baker, "How the Iowa Caucuses Became an Epic Fiasco for Democrats", New York Times, Published Feb. 9, 2020. Updated Feb. 11, 2020. <https://www.nytimes.com/2020/02/09/us/politics/iowa-democratic-caucuses.html> as accessed on February 15, 2020.

³ I wrote a letter, with others, to the SBE and several legislators on 15 January 2018 and another letter earlier to the SBE on 12 September 2016 which was copied to Governor Hogan. I testified in person at the hearings for HB 0859, HB 706 and HB 1658 on 20 February 2020, 26 February 2019 and 27 February 2018 respectively, and earlier at a State Board meeting on 14 September 2016. Other computer scientists have sent letters earlier.

⁴U.S. v. Internet Research Agency, et al (1:18-cr-32, District of Columbia), 16 February, 2018. <https://www.justice.gov/file/1035477/download> as accessed on February 15, 2020.

⁵ Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election", Volume I, parts II-C, III-A, III-B, III-C, March 2019. <http://www.justice.gov/storage/report.pdf> As accessed on February 15, 2020.

our concerns. Maryland is an attractive target because Maryland has a statewide voting system; and a bad actor can target its elections without hacking into any part of its election technology. Our intelligence agencies advise that Russian efforts to interfere in our elections are increasing in intensity over time, and the interest in Maryland's servers and in ByteGrid appear very much like tests to assess the State Board of Elections' readiness to protect its elections. The SBE's overconfidence and disregard of our recommendations in the past only increases Maryland's attractiveness as a target.

Security technology alone cannot adequately address the possible acceptance of fraudulent votes made easy by the use of intermediating computers, weak authentication, stolen credentials, emailed ballot links and insecure computers used by voters. As more voters use the online ballot delivery system, the State becomes a more attractive target.

Maryland is among only three states that have allowed all voters to receive blank ballots online. However, in spite of a best practice requirement that signatures be used as the primary authentication mechanism for voted absentee ballots (see [NIST IR 7711⁷](#)), Maryland does not compare voter signatures for returned voted ballots. This makes it easier for a bad actor to illegitimately obtain and cast electronic ballots in bulk. The bad actor may be a nation state, or any domestic or international group or individual. Electronically-delivered ballots are delivered as internet links to email accounts; it is comparatively easy to set up fake email addresses in bulk.

Two simple measures would greatly reduce Maryland's vulnerability: restricting the use of online ballot delivery to those who need them and comparing signatures on all received voted ballots. These measures would reduce both the incentive for bad actors and the probability of significant election fraud through fake absentee ballots.

⁶ Washington Post Staff, "Transcript of Robert S. Mueller III's testimony before the House Judiciary Committee", July 24, 2019. https://www.washingtonpost.com/politics/transcript-of-robert-s-mueller-iiis-testimony-before-the-house-judiciary-committee/2019/07/24/7164abfe-ad96-11e9-a0c9-6d2d7818f3da_story.html As accessed on February 15, 2020.

⁷"In most cases, any mechanism used to remotely authenticate voters will serve as a secondary method to authenticate returned ballots, with voter signatures generally providing the primary mechanism to authenticate returned ballots." [NIST IR 7711](#), Sept 2011, "Security Best Practices for the Electronic Transmission of Election Materials for UOCAVA Voters".

APPENDIX B: Attacks Enabled by Online Ballot Delivery

A bad actor can easily obtain access to voter registration lists, voting records and the personal information required to register voters and/or request online absentee ballots. Thousands of online ballots can be obtained in one of many ways (some are listed below). The bad actor, using registered voters' credentials, downloads the online ballots, completes them through computerized ballot marking and prints them. All of this can be easily automated by software written for the purpose. The completed fake ballots would be mailed by humans. If no other ballot is received, these ballots would be accepted and counted as legitimate because Maryland's counties have no way of distinguishing legitimate absentee ballots from fake ones, because astonishingly, *Maryland does not compare signatures for absentee ballots!*

Fraudulent Means of Access to Online Ballots

1. Use credentials to impersonate registered voters

Using the credentials for voters who vote regularly, the bad actor creates many thousands of fake email addresses, and then makes thousands of fake online absentee ballot requests to be sent to fake email addresses. All of this can be automated through software written for this purpose, and need not be done manually. By Maryland election law⁸, if more than one absentee ballot has been received for this voter, the later one will be accepted. If a bad actor casts a late internet-delivered ballot, neither the voter nor the State will know that a fraudulent vote was cast on the voter's behalf.

2. Use credentials to impersonate unregistered voters, register them, request and vote online ballots

Once the voter registration is completed, a postcard may be sent to the original address, and a voter may notice it, but not many are likely to draw the State Board's attention to this. Most will not know a ballot was cast on their behalf. A copy of the voter's driver's license or ID is required, but such information is easy for the bad actor to obtain online,

⁸ COMAR: 33.11.05.04

.04 Ballot Rejection — Multiple Ballots from the Same Individual.

B. If more than one ballot is received from the same individual in different envelopes:

(1) If the signed oaths have different dates, only the ballot with the later date shall be counted;

considering the fact that doctors, dentists, lawyers and gyms often store copies of driver's licenses of their patients/clients/customers.

3. Send incorrect links to voters

Voters, whether they requested an internet-delivered ballot or not, could be sent incorrect links by the bad actor, spoofing the local election board. Voters might follow instructions on what they believe to be a state website. They would then download their ballot from the fake website and mail it to the given address. The given address could be incorrect or the ballot itself could be incorrect. Yet they would believe they had voted. There have been reports⁹ that Russian actors explored the possibility of spoofing state election email accounts in 2016, though any such accounts were probably not used in 2016. Even if the SBE detected such efforts because they received too many incorrect ballots, or too many ballots from voters who did not request internet delivery, and made voters aware of such attacks, it would have a large impact on voter confidence.

Impact on the voters who are impersonated by the software

- a. Voters who did not request absentee ballots and did not vote won't know that a vote was cast on their behalf.
- b. Voters who did request and cast absentee ballots could have their vote replaced if the fake ballot is received after theirs. They too would not know their vote was replaced. If there were many instances of multiple ballots being received for a single voter, the state would investigate, however this would not be easy to resolve without contacting each voter and causing chaos and distrust.

The State cannot do much if fraud is suspected.

- a. The State cannot distinguish between legitimate returned absentee ballots and fake ones.
- b. The State cannot reassure real voters who voted with an absentee ballot obtained online that a fake ballot was not received after their legitimate ballot and counted instead. If two ballots were received, ostensibly from the same voter, the State may

⁹ <https://www.documentcloud.org/documents/3766950-NSA-Report-on-Russia-Spearphishing.html#document/p1> pg. 4

not be able to tell which one was genuine, especially without an intensive investigation.

- c. The State will find it hard to reassure those voters who did not vote that a vote was not cast on their behalf. There will be considerable difficulty if a voter claims they did not cast a vote, but the State has a vote ostensibly completed by the voter, which is counted.

Voters can be targeted, based on the desired outcome.

- a. If the bad actor wishes to **create chaos**, it would send fake ballots to voters who would vote them and the SBE would obtain ballots that were clearly fake and would have to be rejected, and the public informed.
- b. If the bad actor wished to **change the election outcome without detection**, it would target voters supporting a particular candidate and change their vote, submitting the voted ballot as close as possible to the deadline and replacing the voter's legitimate vote. Registering voters online is also easy, and the phony new registrations would be useful for subsequent election fraud.

APPENDIX C: The Context

As mentioned in the main body of this statement, computer scientists have been writing to the State Board of Elections regarding this issue since 2012. Most recently, in 2016, one of us also presented these concerns in person at an SBE meeting. Since then, it has been reported that US intelligence agencies believe Russia attempted to interfere in the 2016 elections, and its efforts are expected to increase in intensity and capability in future elections. I have also testified in person to the House Ways and Means Committee at the hearings for HB 0859, HB 706 and HB 1658 on 20 February 2020, 26 February 2019 and 27 February 2018 respectively.

Foreign actors, thought to be Russians, attempted to breach online voter registration databases throughout the US in 2016, and the FBI found that they were successful in doing so in at least one state. Additionally, thousands of fake social media accounts were created and successfully created and operated. While the state of Maryland detected attempts to breach its online voter registration database, officials have testified that they believe the attempts were not successful. But it is not possible to categorically state that a security breach did not occur, because it is relatively easy for competent attackers to hide their trail. Large organizations with considerable resources have been subject to data breaches. (Examples include Equifax, the US Government's Office of Personnel Management, Adobe, Sony, Capital One, Yahoo, Target, Marriott, the University of Maryland, Anthem Health Insurance). It typically takes many months for an organization that does not immediately detect a breach to become aware of it. There are likely many organizations that are successfully breached but never detect the breach.

Any online voter registration database, including Maryland's, can be breached, and it is likely to be a while before the breach is discovered, if ever. Additionally, some attacks do not require the hacking of Maryland's election technology. For example, as with social media accounts, the creation of fake email accounts in bulk is very easy.

The Ease of Obtaining Credentials

The personal information required to request and download an absentee ballot in Maryland (such as driver's license number or birth date) is no longer sufficiently confidential for voter authentication.

- All the information is easily available on the “dark” market—consider the description, in the Mueller indictment of 16 February, of Russians using the social security numbers of real US citizens in order to open bank accounts¹⁰.
- It is also shared legitimately and widely among law enforcement agencies, universities, doctors’ offices and hospitals, and hence could be leaked (or may already have been) through data breaches of these entities.
- Additionally, the recent hacks of credit agency Equifax and the federal Office of Personnel Management (OPM) revealed considerably more “secure” information on a huge number of US voters and are believed to have been carried out by a state actor. Because this information is not yet on the “dark” market for personal gain, it is suspected to have been obtained for some other purpose appropriate for a state actor.
- Finally, ByteGrid servers stored the credentials of all Maryland voters, and an interested ByteGrid insider could have obtained access to all the credentials without leaving a trail.

In fact, reliance on personal data alone to authenticate a voter is never sufficient for any high security activity like voting, and changing the type of data required will not solve this problem.

The Ease of Obtaining and Completing Ballots in Bulk

It is not hard to automate access, download and completion of online ballots. The Mueller indictments describe how Russian trolls from a single company opened and ran

¹⁰“In or around 2016, Defendants and their co-conspirators also used, possessed, and transferred, without lawful authority, the social security numbers and dates of birth of real U.S. persons without those persons' knowledge or consent. Using these means of identification, Defendants and their co-conspirators opened accounts at PayPal, a digital payment service provider; created false means of identification, including fake driver's licenses; and posted on ORGANIZATION-controlled social media accounts using the identities of these U.S. victims. Defendants and their co-conspirators also obtained, and attempted to obtain, false identification documents to use as proof of identity in connection with maintaining accounts and purchasing advertisements on social media sites”, page 16, para 41, *ibid*.

hundreds of email and social media accounts¹¹, pretending to be US citizens. The company's annual expenditure was in the millions of dollars¹².

- “Tests” to differentiate humans from software are not very effective— consider that the Russians are believed to have created many thousands of fake social media accounts that are operated by software, behave like human participants, and exist solely for the purpose of interfering in the US election.
- It is also easy to make fake ballot requests appear to come from different IP addresses, spaced out over time, with an extremely large number being made close to deadlines, making it harder to detect them or respond effectively.
- The Mueller indictment describes how Virtual Private Networks (VPNs) and computer infrastructure in the US¹³ were used to disguise the computers and the location of those opening and using the accounts.

The Ease of Casting Illegitimate Ballots in Bulk with Online Ballot Delivery

The fact that bulk impersonation attacks have not been detected in Maryland in the past does not mean they did not happen or that they will not happen in the future. A determined actor could easily obtain bulk access to virtual ballots delivered online. Information on who votes regularly and who does not is also easily available and can be used to focus attention on those who do not vote often and hence would not know an online ballot was obtained on their behalf. To prevent fraudulently-obtained ballots from being cast, and in order to ensure that a voted ballot received by the election authority was indeed sent by the voter, the State should check signatures, which it does not. So there is no way of determining whether a received, voted absentee ballot was indeed cast by the voter.

¹¹ “Defendants and their co-conspirators also registered and controlled hundreds of web-based email accounts hosted by U.S. email providers under false names so as to appear to be U.S. persons and groups”, pg. 16, para 40, *ibid*.

¹² “The ORGANIZATION [Internet Research Agency] employed hundreds of individuals for its online operations, ranging from creators of fictitious personas to technical and administrative support. The ORGANIZATION’s annual budget totaled the equivalent of millions of U.S. dollars”, page 5, para 10(a), *ibid*.

¹³ “Defendants also procured and used computer infrastructure, based partly in the United States, to hide the Russian origin of their activities and to avoid detection by U.S. regulators and law enforcement”, page 3, para 5, *ibid*.

Potential Impact

In the worst case, such fraud would change the outcome of the election but would not be detected. On the other hand, if fraud is suspected, because some contest outcomes are very different from those expected, it will take a while to determine that fraud did occur, and to determine what the correct election outcome is. Voters not paying much attention to their mail might find out on Election Day that the State received a change of address on their behalf and believes they live elsewhere; hence they are not eligible to vote in the jurisdiction they live in. Election officials will be hard pressed to explain why they ignored several letters from computer scientists urging them to address the core problem. This will easily surpass the problem faced by the Democratic Party in Iowa.

The use of online ballots poses many other problems as well: online ballot marking reveals the vote to any malware on the voter's computer; mailed ballots have to be reproduced by hand on ballot stock requiring a large number of expended person hours and uncertainty regarding whether the vote was reproduced correctly; the return rate of ballots delivered online is smaller than that for ballots delivered by the postal system.



Public Comment-Maryland State Board of Elections April 2, 2020 Meeting

To: State Board of Elections

From: Robert S. Johnston, III, Chair, Libertarian Party of Maryland

March 31, 2020

Chair Cogan, Vice-Chair Hogan, Members of the Board:

On behalf of the Libertarian Party of Maryland, I am asking for consideration of minor party ballot access issues in the 2020 election at your April 2, 2020 meeting, either as new item on an amended agenda or under new business. I understand that the Board has many important issues to consider to maintain the efficacy and integrity of the 2020 elections given the covid-19 state of emergency. I submit that maintaining participation by long-standing minor parties is a part of that electoral integrity.

For well over 25 years, the Libertarian Party of Maryland and the Green Party of Maryland have consistently qualified as minor parties under Maryland law, thus allowing them to nominate candidates to be placed on the general election ballot. A party, once recognized, can extend its ballot access privileges in two ways: by nominating a presidential or gubernatorial candidate who receives at least 1% of the total vote for that office; or by attracting the party affiliations of at least 1% of all registered voters. Md. Code Ann., Elec. Law § 4-103(a)(2). The Libertarian Party of Maryland had over 22,300 affiliated registered voters on December 31, 2018 (the last measuring date), but that did not equal 1% and our candidate for Governor failed to meet the vote threshold of 1% in the 2018 election. Therefore, we lost our party status and must re-qualify by petitioning pursuant to Md. Code Ann., Elec. Law § 4-102 and 4-103(c). The Green Party of Maryland also lost their party status and is in a similar position.

Md. Code Ann., Elec. Law § 4-102 requires that each party collect 10,000 signatures of registered voters of Maryland, a process both parties have done many times before, but which is a time-consuming process for our paid petitioners and volunteers. Because many signatures can be invalidated, it is typical for us to gather and submit anywhere from 13,000 to 15,000 signatures to ensure we qualify. When a petitioner can collect an average of 50 signatures in an hour, you can imagine just how intense of a time commitment it is to reach the required signatures.

Libertarian Party of Maryland
P.O. Box 176, Abingdon, Maryland 20009-0176
1-800-MLP-1776
By Authority: Michael Linder, Treasurer

The process of petitioning places our petitioners in direct contact with Maryland registered voters. Due to the emergency orders of the Governor and the health implications of putting our petitioners in direct contact with thousands of voters, we cannot petition for the foreseeable future and possibly not at all during this spring and summer. We have terminated all interpersonal petitioning methods. The typical method of petitioning is to attend large gatherings (fairs and festivals), go door-to-door, or stand outside of supermarkets or other large retail establishments. The petitioning often involves close interpersonal contact as there is a lot of personal information the registered voter must provide, which requires explanation by the circulator of the petition. Not only would our petitioners be at risk, the covid-19 crisis means that registered voters are, with good cause, unwilling to be approached by a stranger with a clipboard and re-used pens to sign a petition.

Our First Amendment rights to associate and participate in the electoral process have thus been rendered impossible to achieve given the legal orders of the Governor and the legitimate health risks associated with the covid-19 pandemic.

Due to the dangerous health conditions petitioning now would entail, I am asking the State Board of Elections for a recommendation to the Governor that as part of his executive actions in support of the 2020 general elections, he include a provision to reduce the petitioning requirements to 30% of the statutory threshold (3,000 signatures would be required). In the State of New York, Governor Cuomo took executive action to reduce the petitioning requirement to 30% of the statutory threshold. While such a reduction would still require us to continue petitioning, we could delay active petitioning until the covid-19 crisis subsides and still meet the August 3, 2020 filing deadline.

I respectfully ask for your consideration of this request. If you require further information, I can be reached at 800-657-1776. I am willing to call in to your April 2, 2020 meeting to answer any questions you may have.

Sincerely,

/s

Robert S. Johnston, III, Chair
Libertarian Party of Maryland

April 1, 2020

Dear Chairman, Member of the Board, and Staff:

The questions below were submitted by organizations and leaders from throughout the state, many of which have started outreach efforts in the 7th Congressional District. We hope that you will address these questions during the April 2nd meeting or in response by email. Thank you.

Questions Submitted by Community Leaders

1. Will the SBE have additional hotlines to field calls? (Erin, NALEO): Will it provide a number staffed by Spanish-speaking operators?
2. Are you able to change your address over the phone?
3. (Sean Johnson/MSEA): For VBM, is the deadline related to when a ballot is postmarked or when it is received?
4. (Sean Johnson/MSEA): For VBM, does a voter receive notification and an opportunity to cure a problem if the signature on the ballot doesn't match the one on file or is it just not counted?
5. (Sean Johnson/MSEA): For VBM, are community organizations permitted to collect and return sealed ballots on behalf of voters? Is there any accreditation for those organizations?
6. (Sean Johnson/MSEA): For any in-person voting that is permitted, will the SBE provide guidance for electioneering practices or otherwise clarify if they are not permitted for June 2?
7. What steps will the State Board of Elections be taking to clean the voter list before June?
8. Will provisional ballots be counted in the same way? If so, please share that process.
9. If a person registers to vote or changes their registration address after the initial mailing of ballots, will a ballot be mailed immediately to the new address? (Rich Norling/Sierra Club)]
10. Will absentee ballots being automatically delivered to voters in both elections be trackable using the current online tool?
11. (Sean Johnson/MSEA) - this might be related to the question above, as I am not familiar with the "current online tool," but SBE reports how many and who has voted early during early vote. Will that same level of daily reporting be done on ballots that are returned during the VBM process?
12. Can those without a state ID download, print, and mail in their absentee ballot requests forms? If so, where can this form be accessed online?
13. (Erin, NALEO): Can the state make online registration available to people without state IDs?
14. (Wendy Royalty/Our Maryland) For VBM, Is the signature on file matched from the state issued ID? How sensitive is the signature match?
15. What is the voter registration deadline and how was it or will it be determined?
16. What are your plans with engaging vulnerable voters who can't read or write?
17. How do you plan to ensure that eligible voters who are sitting in jail pretrial or incarcerated on a misdemeanor offence will have access to vote by absentee ballot?

2 April, 2020

Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn
Kelley A. Howells
William G. Voelp
Linda H. Lamone, Administrator
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Dear Chairman Cogan, Vice Chairman Hogan, Board Members Funn, Howells, and Voelp, and Administrator Lamone,

We are writing to express our concerns about the electronic delivery of absentee ballots for the June primary elections. To protect the health and safety of our election workers, we urge the Board to revise the regulations and the absentee ballot request forms to restrict the internet delivery of ballots specifically to voters who would not be able to receive or vote a ballot delivered to them by mail.

As you know, ballots delivered online and printed by voters cannot be counted by the scanners used to count the ballots delivered to voters by mail. Instead, each ballot must first be hand-transcribed onto a blank ballot that the scanners can read. This transcription process requires bipartisan pairs of election judges to work in close proximity to one another, far less than the 6 feet advised for social distancing, and the process must be observable by the public. First they must both examine the oath signed by the voter to ensure that it has been signed. Then one election judge reads the voter's choices out loud to the other election judge who marks them on a blank ballot of the correct style for the precinct. They then switch and the judge who marked the ballot reads the original ballot mailed by the voter to the other judge, who checks to ensure that each choice was marked correctly. (*Please see the attached photos of the transcription process.*) These steps are necessary because the voter is not able to verify that the ballot counted in their name accurately reflects the choices they selected.

This process is laborious and time-consuming. According to a letter to the State Board of Elections from Montgomery County in 2018 (*see attached*), the transcription of the 19,133 ballots delivered via internet in that county in the 2016 Presidential General Election required 2,565 man-hours. Since the transcription took 5 days, this required at least 64 election judges, or roughly 34 election workers per every 10,000 ballots transcribed, working in close proximity to one another for several days.

In 2016, only about 6% of voters voted absentee, and of those, about 38% requested online delivery of their ballots. If everyone is voting by mail in our elections this year, that number could be much higher. What will be the plan for transcribing all of those ballots in a safe and timely manner?

Military and overseas voters and voters with disabilities are federally mandated to be able to receive their ballots electronically. There may be other voters who would not be able to receive a ballot by

mail and would need to receive it electronically. All other voters should be required to vote using the ballot that is mailed to them, instead of allowing any voter to request the online delivery of a ballot. Attached is a recommendation for how the current absentee ballot request form could be modified to limit online ballot delivery to voters who need it.

For the health and safety of our election workers, we strongly encourage you to revise the regulations for the 2020 elections to limit the electronic delivery of absentee ballots to as few voters as possible: military and overseas voter, voters with disabilities, and any other voter who would not be able to receive or vote a ballot sent by mail.

Sincerely,

Rebecca Wilson and Robert Ferraro, CoDirectors
SAVE our Votes: Secure, Accessible, Verifiable Elections for Maryland

Rebecca Wilson: rebecca@saveourvotes.org; 202.601.8182

Robert Ferraro: ferraro@saveourvotes.org; 301.661.2989

cc: Gov. Lawrence J. Hogan, Jr.

cc: Webster Ye, Maryland Department of Health

cc: Sen. Paul Pinsky, Chair, Education, Health, and Environmental Affairs Committee

cc: Sen. Cheryl Kagan, Vice Chair, Education, Health, and Environmental Affairs Committee

cc: Del. Anne Kaiser, Chair, Ways and Means Committee

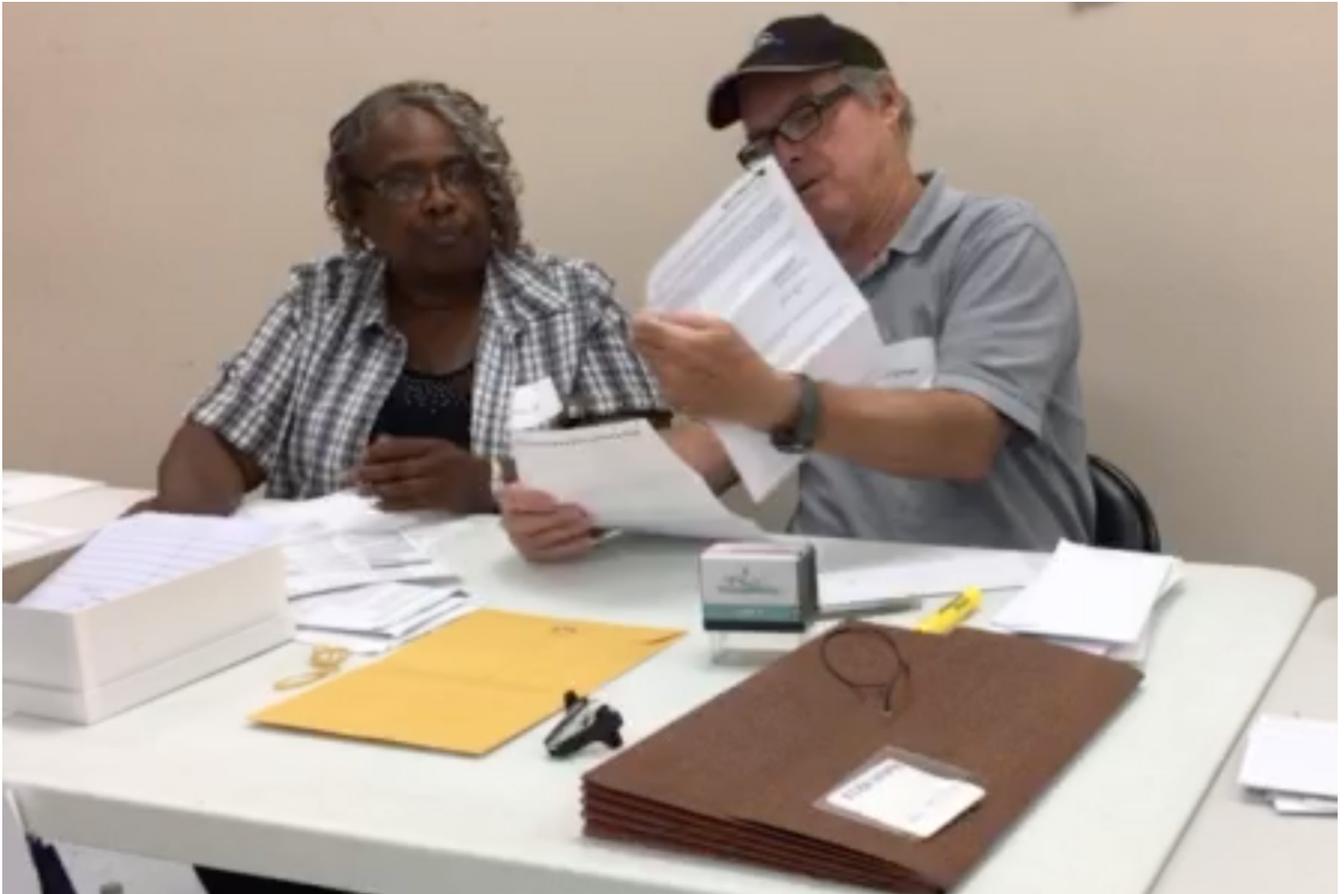
cc: Del. Alonzo Washington, Vice Chair, Ways and Means Committee



Election judges in Prince George's County transcribing ballots delivered via the internet.



Election workers transcribing absentee ballots that voters received online, printed, and mailed in.



Election judges checking the signed oath for a ballot delivered via the internet.

James F. Shalleck
President
Nahid Khozeimeh
Vice President
Mary Ann Keeffe
Secretary
Alexander C. Vincent
Member
David Naimon
Member
Jacqueline Phillips
Substitute Member
Alan Banov
Substitute Member



Montgomery County
Board of Elections
Post Office Box 4333
Rockville, Maryland 20849-4333

Margaret A. Jurgensen
Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
Information Technology Manager
Jessica White
Voter Services Manager
Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

March 20, 2018

David J. McManus, Jr., Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Kelley A. Howells
Gloria Lawlah
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401

Linda H. Lamone, Administrator
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401

RE: Duplication of Ballots

Dear Chairman McManus, Vice Chairman Hogan, Board Members Cogan, Howells and Lawlah and State Administrator Lamone:

It has come to our attention that the Maryland legislature is in the process of reviewing the issue of ballot duplication as it pertains to the canvass of absentee ballots. Because this issue has a meaningful impact on Montgomery County, we wanted you to be aware of the challenges faced by Montgomery County due to the large volume of ballots needing to be duplicated and the resulting cost incurred by the current process. During the 2016 General Election absentee canvass, there were ballots that had to be duplicated so that they could be tabulated by the State's optical scan voting unit. Ballots requiring duplication, such as web delivery, Federal Ballot Only and any ballot that was damaged, had to be manually duplicated.

18753 North Frederick Avenue, Suite 210 • Gaithersburg, Maryland 20879
240-777-8500 • MD Relay 1-800-735-2258 • FAX 240-777-8505
elections@montgomerycountymd.gov • www.777vote.org

Members of the State Board of Elections
Linda H. Lamone, Administrator
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Duplication requires bi-partisan teams to transfer votes from the original, unreadable ballot to a scannable ballot of a matching style that can be tabulated by the scanning unit. The team members must alternate between reading, marking and double checking the ballots for accuracy.

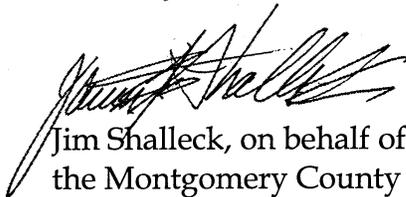
In the 2016 General Election, SBE guidance required an additional step in the duplicating process. In order to "marry" a duplicated ballot back to the original, unreadable ballot sent in by the voter, a match process had to be implemented. This process required teams to number the original ballot and the duplicated ballot with matching numbers, followed by sequentially numbering each subsequent ballot pair, using a yellow highlighter, which is unreadable by the ballot scanner, so it does not interfere with the tabulation process.

Another factor that contributes to the challenge of duplicating ballots is the short window of time to canvass ballots after the election. Overall, ballot duplication is administratively burdensome. Duplicating ballots significantly increases the overall canvass processing time, is labor intensive, costly and extremely time-consuming.

In the 2016 General Election, 19,133 web delivery ballots (38% of the total ballots canvassed in Montgomery County) had to be manually duplicated. This took approximately 2,565 man-hours at a cost of \$37,142.00. By comparison, the remaining 31,061 ballots that did not require the additional duplication steps were canvassed in 1,260 man-hours at a labor cost of \$18,258.00.

Thank you for your time and consideration on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Shalleck", written over a horizontal line.

Jim Shalleck, on behalf of
the Montgomery County Board of Elections

cc: Members, Senate Education, Health and Environmental Affairs Committee
Members, House Ways and Means Committee

James F. Shalleck
President
Nahid Khozeimch
Vice President
David A. Naimon
Secretary
Diane Nash Dillon
Member
Elisse W. Barnes
Member
Jacqueline L. Phillips
Substitute Member
Alan Banov
Substitute Member



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March 30, 2020

via email donna.duncan@maryland.gov

Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn
Kelley A. Howells
William G. Voelp
Maryland State Board of Elections
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via email linda.lamone@maryland.gov only

Linda H. Lamone, Administrator
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via email nikki.charlson@maryland.gov only

Nikki Charlson
Deputy State Administrator
State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401

RE: Contingency Planning for the 2020 Primary Election

Dear Chairman Cogan, Vice Chairman Hogan, Boardmembers Funn, Howells
and Voelp, Ms. Lamone & Ms. Charlson:

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elections@montgomerycountymd.gov • www.777vote.org



On behalf of the Montgomery County Board of Elections (hereinafter "MCBOE"), I would like to thank the State Board of Elections and its staff for all of the hard work that has been put in to preparing for the 2020 Primary Election under such unprecedented circumstances.

Our staff listened to the State Board's meeting on Wednesday, March 25, 2020. We have been advised that the State Board of Elections plans to recommend vote by mail. Our Board supports the State Board's decision in order to minimize the risk of exposure to our voters and election judges.

We are writing to make a request as the State Board finalizes its plan to be presented to the Governor. Our Board respectfully requests that the State Board's plan allow the local boards to begin processing and scanning the vote by mail ballots as they are returned to the local boards. Obviously, there would not be any tabulation of election results until 8:00 p.m. on Election Day. This is comparable to the process followed for tabulating early voting election results, wherein staff begins uploading early voting results during the afternoon of Election Day and the tabulation does not occur until the polls close.

We believe it is critical that the staff be given the flexibility to process ballots when they are returned for two (2) very important reasons. First, by allowing staff the time to process ballots as they are returned, our office can be configured to have employees working at an appropriate distance apart from one another. This is consistent with the directives issued by our elected officials and health experts throughout the country to practice social distancing. If the staff cannot process ballots as they are returned, we are left in the undesirable position of needing to have a large number of people working in close proximity to one another.

Second, as you know, the canvass will present its own unique challenges. MCBOE is expecting more than 100,000 returned mail ballots to be received, processed, opened and canvassed. It will be difficult to find individuals who are willing to serve as canvass workers, particularly in light of the Health Department's projection at your March 25 meeting that the peak of the COVID-19 pandemic in Maryland will occur in late June/early July. Additional safeguards will of course be necessary to ensure the safety of our canvass teams. Those necessary additional safeguards will undoubtedly slow down completion

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of the canvass. By processing vote by mail ballots as they are returned, we hope to be able to turn our attention to the absentee canvass in a more timely manner.

Thank you for your time and consideration.

Sincerely,

 James Shalleck *JS*

James Shalleck, President
Montgomery County Board of Elections

JS:bjap

Charley Olena, Associate Director of State Affairs
Secure Democracy
611 Pennsylvania Ave, SE #143
Washington, DC 20003

Chairman, Michael R. Cogan
and Honorable Members of the
Maryland State Board of Elections
151 West Street, Suite 200,
Annapolis, MD 21401

Dear Chairman Cogan,

As the United States finds itself in the grips of the largest and most deadly pandemic in almost 100 years, legitimate concerns about the ability to conduct critical 2020 elections without disenfranchising voters have been raised. Maryland's primary election was already postponed, but there are real threats to the possibility of administering safe and secure elections in November. Maryland already took a major step forward this legislative session by passing a law requiring prepaid postage for absentee ballots, but voters should not have to choose between their health and their ability to participate in democracy. We must prepare now for a surge in absentee voting and take steps to ensure that the necessary changes in election administration do not result in the inadvertent disenfranchisement of voters.

In Maryland, voters who decide that the best option for them is to vote by absentee ballot are required to sign their name on the ballot envelope when it is returned. But absentee ballots in Maryland can be rejected if the voter did not sign the ballot envelope. This means that voters who inadvertently forgot to sign or did not realize that they were required to sign do not have their ballots counted, resulting in hundreds of eligible ballots thrown out every election. A likely exponential increase in the use of Maryland's absentee voting system, especially by first-time absentee voters, will mean that ballots with mistakes will also increase.

The expected increase in absentee ballot use due to the COVID-19 pandemic, means that the state must create protections against the number of disenfranchised voters from needless ballot rejection. Maryland can do this by implementing a "cure process" for voters to correct minor mistakes on their absentee ballot, such as a missing signature.

Maryland can ensure that all votes are counted--while keeping the state's elections safe and secure-- by requiring that all voters who don't sign the return absentee envelope are 1) immediately notified of the error and 2) provided a clear opportunity to fix - or "cure" - the mistake.

Currently, 18 states have some form of a cure process that allows voters to be notified and given an opportunity to fix an error with a returned absentee ballot or ballot envelope. Included among those with a cure process to protect voters include states like California, Hawaii, Massachusetts, Texas, Oregon, and Wisconsin. The cure process looks different in each state, but all affirmatively require that the state notify the voter when there is an issue and provide them with an opportunity to fix the problem. In Colorado, for example, where everyone receives a ballot by mail, the county clerk and recorder must mail and email, if possible, a voter within three days after the issue is discovered until two days post-election; voters in Colorado can then cure their ballot up to eight

days post-election. In Ohio, voters are required to receive written notice of any issues, and can cure their ballot up to seven days after Election Day.

Maryland can implement a cure process by requiring local boards of election to notify a voter of any issues within two days of their discovery. Boards of election can contact the voter via mail, as well as via phone, text, and email if available, using the information the voter presented on their application to receive an absentee ballot. To limit the number of people who would need to fix issues in person, local boards should send a form to the voter with a letter detailing the issue and instructions to complete it for all errors discovered more than five days prior to an election, or provide a secure online portal to cure electronically. Alternatively, local boards could send a new ballot for voters to complete. For errors discovered within five days of or after the election, voters should be notified and will need to appear in person to cure, adhering to all social distancing requirements as possible, or use an online portal. Voters should have until the start of the second canvass (the second Friday after an election) to cure any problems with the ballot, giving plenty of time for both notification and cure to occur for all absentee ballots. Presenting voters with the opportunity to correct their mistakes is an important safeguard for Maryland's elections system.

In order to protect voter privacy and facilitate the cure process, Maryland should standardize a two-envelope absentee ballot return system statewide. Counties in Maryland can currently choose between a two-envelope system or a three-envelope system for absentee ballots, the latter of which prevents officials from identifying issues under current regulations. In a two-envelope system, voters receive their ballot in an outgoing envelope which also contains a single ballot/return envelope; to return their ballot, they simply place it in the return envelope and sign the outside. Where a three envelope system is used, election officials cannot currently tell when ballots are missing signatures, making it impossible to implement the cure process. Switching to a two-envelope system and requiring clerks to visually inspect ballot envelopes for deficiencies as soon as they are received will uniformly address this issue, thereby giving voters statewide an opportunity to fix their ballots.

The current COVID-19 pandemic has strained our country at all levels. Expanding and improving vote by mail systems, combined with safe in-person and early voting options, may be the only way to ensure the safety of our citizens and the continued functioning of our democracy in a moment of unprecedented crisis. Maryland is a state that has already embraced no-excuse absentee voting, presenting an opportunity for Maryland to serve as a national model for how to conduct fair and equitable elections. The straightforward proposed changes outlined in this letter can enhance the ability of election supervisors to protect the health and safety of Marylanders by expanding opportunities to vote by mail, while preventing disenfranchisement and ensuring a secure and fair election.

We look forward to continuing a conversation regarding a cure process in Maryland with the State Board of Elections. Thank you for your service to the state of Maryland in these uncertain times.

With gratitude,

Charley Olona
Associate Director of State Affairs
Secure Democracy

Ralph S. Tyler
The Casper Firm LLC
400 East Pratt St., Suite 903
Baltimore, MD 21202
RTyler@casperfirm.com
March 31, 2020

Chairman, Maryland State Board of Elections
151 West St., #200
Annapolis, MD 21401

Re: June 2 Primary Election – Baltimore City

Dear Mr. Chairman:

I write on behalf of Baltimore mayoral candidate Brandon Scott regarding the plan which the Board is developing and expects to approve at its April 2 meeting for the conduct of the June 2 primary election. As the Board recognizes, this plan must accommodate Covid-19 public health concerns while not disenfranchising voters or prejudicing candidates.

Neither Baltimore City voters nor the Baltimore City Election Board has experience with voting-by-mail as the principal, let alone exclusive, method of voting. This lack of experience means that problems, some of which are predictable, will occur. I urge the Board to adopt appropriate policy directives to address two predictable problems.

Improperly signed ballots. Inexperience with vote-by-mail will result in some and, perhaps, many voters not complying with ballot signing and attestation requirements. This oversight should not result in the automatic disqualification of the voter's ballot. Instead, when this ballot deficiency is observed, the City Board should be directed to contact the voter to determine the voter's intentions. When those intentions can be determined, a vote should be accepted. A citizen should not lose the right to vote because of an innocent mistake when that mistake can be corrected.

Campaigns' viewing and inspection of ballots. The sheer unprecedented volume of mail-in ballots that the City Board will receive for the June 2 election almost certainly will result in there being discrepancies in the recording of results. The only practical way to protect voters' and candidates' overriding interest in eliminating such discrepancies is to afford campaigns the opportunity to view and inspect ballots prior to the canvass.

It is respectfully requested that the Board adopt policies and procedures addressing these issues. Thank you for your consideration.

Very truly yours,
/s/
Ralph S. Tyler

QUESTIONS FOR STATE AND LOCAL BOARD OF ELECTIONS

1. What does a voter do if they do not receive a ballot in the mail?
2. What does a voter do if their ballot was lost?
3. What does a voter do if their ballot is torn, wet or otherwise damaged?
4. What does a voter do if they need language assistance in completing the ballot?
5. What does a voter do if they assistance in marking a ballot and completing the ballot return process? (people with disabilities and lack of on-line capacity to complete voting process)
6. What does a voter do if they cannot travel to a post office to get their ballot properly postmarked?
7. Can a voter receive a ballot at the local board of election offices on or before Election Day?
8. Will there be other locations for voters to return ballots securely?
9. What should a voter do if they cannot get their ballot postmarked on or before Election Day?
10. What should a registered voter do if they are homeless but wish to receive a ballot?