



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

MEMORANDUM

To: Michael Cogan, Chairman, Maryland State Board of Elections
Linda Lamone, Esq., Administrator, Maryland State Board of Elections

From: David Garreis, President
Maryland Association of Election Officials (MAEO)

Date: August 5, 2020

Re: Plan for Success - 2020 Presidential General Election

The members of the Maryland Association of Election Officials (MAEO) are writing to provide our plan for the successful conduct of the 2020 Presidential General Election. The State of Maryland is at a critical juncture in the Election process. There are slightly more than 90-days until Election Day. The Election Community must have a set-in-stone plan for the conduct of the General Election. Failure to do so will result in the failure of the Election process in Maryland. MAEO has provided the Maryland State Board of Elections (SBE) and the Governor with our professional, non-partisan recommendations for conducting the General Election in writing and in conference call meetings several times. MAEO is dedicated to providing all eligible voters with the ability to cast their ballot in a safe and secure manner.

We are making our final appeal to your decision making authority before we enter a period where no amount of backpedaling or last minute changes will avoid a catastrophic failure of the 2020 Presidential General Election. We are providing four common-sense recommendations for the conduct of the Election in the hopes that the powers that be will find a way to adopt these policies and provide the voters of Maryland with a convenient and hassle-free opportunity to vote, either by mail-in ballot, during early voting, or on Election Day.

2020 General Election Plan

- **Vote Centers**

Nearly all 24 Local Election Boards (LEBs) in Maryland are suffering a severe shortage of Election Judges constituting an emergency situation. Many LEBs have provided consolidation plans for SBE's consideration at this meeting. The LEBs are concerned that consolidation is a band-aid on a problem that requires surgery. Given the Election Judge shortages, including 14,832, an increase of 1,303 vacancies since the Governor requested State Employees serve as Election Judges, the Election Judge problem is a significant failure point for the General Election. Additionally, 99 locations have declined to allow their facilities to serve as polling places on Election Day.

SBE needs to adopt vote centers, to operate from Thursday, October 29, 2020 through Tuesday, November 3, 2020. Each LBE should operate the equivalent number of voter centers as Early Voting sites in their jurisdiction and have the option of adding up to two additional sites. This will eliminate voter confusion by allowing voters to cast their ballot at any vote center operating in the jurisdiction and will reduce the likelihood of voters using provisional ballots to vote. Due to the economies of scale, the LEBs can utilize

their largest facilities to increase the number of ballot scanners, check-in stations, ballot marking devices, and privacy booths while also maintaining social distancing rules to keep voters and election judges safe during the on-going public health crisis.

- **Centralized Vote by Mail Application Processing Center**

The LBEs are receiving Vote by Mail applications at a higher rate this year at this point in the Election cycle than in any previous Election. Large LBEs such as Montgomery County have received nearly 30,000 Vote by Mail applications already. Due to the high volume of applications, the LBEs will need to hire more temporary staff. In many cases this will make social distancing and safe practices difficult or impossible at many offices. Additionally, if the LBE has a staff member report to work with Coronavirus, their staff members may need to take fourteen days or more off work when they are most needed to work in person. There is currently no viable backup plan in place in the event the LBEs have a coronavirus outbreak and must shutdown temporarily.

SBE needs to establish a Centralized Vote by Mail Application Data Processing Center. In this proposal, all applications mailed by SBE will be returned to one central location in Maryland which will be responsible for entering the Vote by Mail ballot request information into the existing statewide voter registration database and generating a ballot request for a vendor to mail the ballot. This will take advantage of the economies of scale while allowing the LBEs to concentrate on other critical tasks related to the election, including preparing the voting system, training election judges, and canvassing returned mail-in ballots. As always, MAEO is willing to assist SBE with the logistics of implementing a Centralized Vote by Mail Application Processing Center.

- **Canvassing Returned Vote by Mail Ballots 30 days before Election Day**

Based on lessons learned from the 2020 Presidential Primary Election in Maryland, the LBEs will need several weeks to canvass the returned mail-in ballots. SBE needs to authorize the canvassing of the mail-in ballots beginning one month prior to Election Day on Monday, October 5, 2020. If mail-in ballots are returned at an equivalent rate as the Primary Election, the LBEs will need additional time to canvass the ballots, or the final results of the Election will be delayed. The LBEs cannot begin the first canvass of the ballots as it is currently scheduled on November 5, 2020 and expect to finish by the scheduled Absentee 2 Canvass on November 13, 2020. Allowing the LBEs to canvass the ballots in October and embargo the results, as is already the procedure for Early Voting, will allow the LBEs to provide mail-in ballot results on Election Day and the timely completion of the canvassing process. This process was already successfully utilized in the 2020 Primary.

- **Adjusting the Vote by Mail Application Deadline by 1 Week**

Previous experience has taught the LBEs many voters wait until the last minute to send their mail-in ballot application. SBE needs to move the deadline to return the mail-in ballot application forward one week from the current deadline. The current deadline is October 27, 2020, which does not leave the LBEs with enough time to process vote by mail requests and mail the ballots. Nor does it leave enough time for the voter to vote the ballots and return them. The deadline needs to be moved to October 21, 2020.

Chairman Cogan

August 5, 2020

Page 3

Thank you for considering these proposals. We would like to remind the Board one final time that the success or failure of the Election is in your hands. Any delay in the adoption of policies and procedures for the conduct of this election will have catastrophic consequences for the 2020 Presidential General Election in Maryland. With 90-days until Election Day, this is your final opportunity to adjust course and save the election process in Maryland.

cc: The Honorable Governor Lawrence Hogan

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn
Kelley Howells
William G. Voelp



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Tracey Hartman
Date: August 4, 2020
Re: Proposed Emergency Regulations – Subtitle 17

At tomorrow’s board meeting, I will propose emergency changes to Subtitle 17 – Early Voting. These changes stem from the Board’s action at its July 23, 2020 meeting directing SBE to determine what regulations needed to be amended to allow for a third early voting center in Carroll County. The proposed emergency amendments changes allow a local board to establish a new early voting center if the number of active, registered voters increased in an amount that would have crossed the threshold for a new early voting center in the time since the number of early voting centers was determined (either months prior to the primary election).

Early Voting- Early Voting Centers (33.17.02.)

The proposed emergency amendments changes allow a local board to establish a new early voting center if the number of active, registered voters increased in an amount that would have crossed the threshold for a new early voting center in the time since the number of early voting centers was determined (either months prior to the primary election).

In order to effectuate this the Board will first need to pass a motion to suspend the requirements of EL § 10-301.1(c), which requires each early voting center to be designated “no later than 6 months before a primary election.” The Board has the authority to do this under the Governor’s emergency delegation of suspension authority to agencies with regard to deadlines, timeframes, etc., in the statutes they administer, as outlined in the Governor’s Emergency Order dated June 19, 2020. Because the current regulations already build in a timeframe for submission and approval of early voting centers for this election, the suspension will not have an effect on existing early voting centers, except that it will allow the regulations contemplating late additions to early voting centers to come to pass.

If you have questions, please don’t hesitate to ask. Thank you.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 17 EARLY VOTING

Chapter 02 Early Voting Centers

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-301.1, Annotated Code of Maryland

.01 Number of Early Voting Centers.

A. Date to Determine Number of Registered Voters.

(1) – (2) (text unchanged)

(3) *If the number of active registered voters in a county increases between the date established in § A(1) of this regulation and August 15, 2020, in an amount that would have required a greater number of early voting centers as established in Election Law Article §10–301.1 had the increase taken place prior to the date established in § A(1) of this regulation, the State Administrator shall permit a local board of elections for that county to establish an additional early voting center, provided that all other requirements of an early voting center as established in COMAR 33.17 can be met.*

B. (text unchanged)

.02 Selecting Early Voting Centers.

A. Form for Proposed Early Voting Center.

(1) (text unchanged)]

(2) Form Submission for Early Voting Center.

(a) *Except as provided in § A(2)(c) of this regulation, [At] at least 7 months before a primary election, a local board shall submit a form for each proposed early voting center.*

(b) (text unchanged)

(c) *For an early voting center established pursuant to Regulation .01A(3) of this Chapter, a local board shall submit a form for that early voting center no later than August 25, 2020.*

B. – E. (text unchanged)

F. Approval of Early Voting Centers.

(1) (text unchanged)

(2) The State Board shall:

(a) *Except as provided in § F(2)(d) of this Regulation, [Vote] vote on a local board's proposed early voting center within 30 days of receipt of the form required in §A of this regulation;*

(b)- (c) (text unchanged)

(d) *For any early voting center established pursuant to Regulation .01A(3) of this Chapter, vote on the local board's proposed early voting center no later than August 31, 2020.*

(3) (text unchanged)

G. (text unchanged)



**WEST COUNTY DEMOCRATIC CLUB
BOARD OF DIRECTORS
P O Box 57, Severn, MD 21144**

**PRESIDENT
Otis Duffie**

July 16, 2020

To: Maryland State Board of Elections
P.O. Box 6486, Annapolis, MD 21401-0486
Also via email to: info.sbe@maryland.gov

**VICE PRESIDENT
Marsha Jackson****

The West County Democratic Club Board of Directors of Anne Arundel County urges you to oppose Governor Larry Hogan's directive to hold in-person voting for the General Presidential Election on November 3, 2020. This is a detriment to the health of every Maryland resident. As you are well aware, the Coronavirus is widespread and has engulfed our state and our nation. Because of this pandemic, we believe you and all county Board of Elections offices will be unable to safely and properly train the thousands of election judges needed to staff polling places on Election Day, and during Early Voting. Indeed, several of our Board Members and other members have served as Election Judges for many years but will not be willing to do so in November.

**RECORDING
SECRETARY
Sari Wisch**

**CORRESPONDING
SECRETARY
Joan Crutchfield**

The West County Democratic Club urges you to impress upon Governor Hogan and all 23 county Board of Elections, the need to provide all registered voters to vote-by-mail for this election, to ensure the safety of all Marylanders. If all registered voters are mailed ballots prior to the November 3rd election, all voters can safely vote from the comfort of their own homes without having to stand in lines (perhaps for many hours), in cold weather and with other persons who may possibly be infected with the Coronavirus. If ballots are mailed early enough and with adequate publicity, registered voters who do not receive the ballot as expected would have time to contact their local election offices to remedy any impediments to getting the proper ballot.

**TREASURER
Mary DesChamps**

Conducting a vote-by-mail election also has the possibility of increasing turnout across all socio-economic and age demographics, decreasing voter fraud, decreasing the opportunity of equipment tampering and increasing the integrity of the election.

MEMBERS:

Dessie Burnett

We do encourage the State Board of Elections to direct its county election offices to have some in-person voting locations to be made available, as we do understand that there are people who would prefer to vote in-person than mail in a ballot. Those limited locations must be staffed adequately and with sufficient supplies and equipment to eliminate long waiting times to vote. We do encourage the majority of the election to be conducted by mail.

Larry Johnson

**JaCina
Stanton-Buttrom**

Thank you for your attention to this matter.

Lucy Travers

Sincerely,

Otis Duffie, President
WCDC Board of Directors
macjoyce@verizon.net

----- Forwarded message -----

From: **Cyril Draffin**

Date: Tue, Aug 4, 2020 at 4:17 PM

Subject: Fwd: MY action today and in future-- Re: Will Maryland be able to certify the November election by the Electoral College deadline?

To: <info.sbe@maryland.gov>

4 August 2020

Dear Chair Cogan, Vice-Chair Hogan, and Members of the Maryland Board of Elections:

I understand that you will be voting on a new ballot request form at tomorrow's meeting.

Written Ballot Request Form

To avoid an election disaster, you need to assure the written form sent to all Maryland voters **strongly** and clearly recommends use of mail in ballots if voters will not be voting in person.

- The mailed ballot request form should only be used to request delivery of blank paper ballots as the much safer method to vote.
- Your ballot request form should indicate that paper delivered mail-in ballots can be accurately and quickly read by voting machines, which will enable results of voting to be announced much sooner.
- You should explicitly and clearly state (in large font) that the internet-ballots printed at home will need to have votes manually and individually re-entered by election workers that will increase their personal exposure to COVID risk, will result in massive delays, will add cybersecurity risks, and may create errors.

You do not want results of voting to be delayed because of manual entry of internet voting, or election workers **getting** sick or **dying** because you did not act to protect them by strongly encouraging delivery of pre-printed ballots.

- The risks of Maryland's internet-printed ballots has been known for years, and Maryland is only one of three states that allows all absentee voters to print their own ballots at home. In the past State officials assumed only a few people would use internet-printed ballots;

however this year it could be hundreds of thousands of voters unless you strongly encourage voters to use mail-in pre-printed ballots. Maryland will not be able to handle the volume of manual duplication if many people use home-printed ballots, and Maryland might miss the December 14th electoral college vote, which would be a travesty and result each of you getting widespread criticism.

Future Steps

- Determine number of internet-printed ballots you can safely and quickly handle within 3-5 days after the election, and monitor how many voters are requesting mail-in pre-printed ballots and how many are requesting internet printed ballots. If projections of home-printed ballots exceed your capacity, be even stronger in recommending use of mail in pre printed ballots that can be read directly by voting machines.
- Change Maryland election website so on its first page (and subsequent pages) it strongly and clearly recommends mail-in pre-printed ballots (and not use internet at-home printed ballots unless a military or overseas voter, or internet delivery is essential because of a disability or no mailing address).

Effective democracy depends on you getting this right.

Thank you for your efforts to allow citizens to vote without creating a disaster.

Cyril Draffin

President, Deerfield Weathered Oak Citizens Association, in Maryland

Member, Maryland Cybersecurity Council



Prince George's County Alumnae Chapter Delta Sigma Theta Sorority, Incorporated

P.O. Box 3604 ▲ Capitol Heights, MD 20791-3604

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2018 – 2020



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July 16, 2020

Ms. Linda Lamone, State Administrator
Ms. Erin Perrone, Director, Election Management and Reform Division
Maryland State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

Subject: 2020 Presidential Primary Election Voting Issues

Dear Administrator Lamone and Director Perrone:

The Prince George's County Alumnae Chapter (PGCAC) of Delta Sigma Theta Sorority, Incorporated would like to go on record with feedback to both the Maryland State Board of Elections and the Prince George's County Board of Elections regarding issues witnessed during the June 2, 2020 primary election. We are an organization of over 900 members within Prince George's County, deeply committed to the community and voting rights. For many years we have partnered with the Board of Elections in various adult and youth voting related activities such as voter training, registration and education events. Additionally, a number of our membership participates as election judges and poll workers during the elections. In light of the issues raised leading up to and on primary election day and the national outcry of voting problems including voter suppression tactics, we are deeply concerned that if the problems are ignored and not addressed before November, voter turnout will be impacted.

Based on experiences from our membership, families and friends, the following is a consolidated list of comments we received that need to be addressed and rectified early so that enough resources, training and communications are provided to enable voter turnout and ensure all ballots are counted. We want you to know that in exercising our right to provide feedback, we are committed to working with you in any capacity to facilitate a fair election process for the November election.

This upcoming election is too important to have any issue that could possibly suppress voter turnout. Therefore, as a valued partner in the Prince George's County community we request that you review all issues and ensure that they are addressed and rectified early so that enough resources, training and communications are provided to enable voter turnout and ensure a fair election where all ballots are counted.

We appreciate the opportunity to provide feedback from the community and look forward to your response. Please let us know if there is anything, we can do to assist you in this effort. We can be reached at 301-736-3250.

Sincerely,

Greta Wiggins-Lewis
President

cc: Ms. Alisha Alexander, Elections Director
Prince George's County Board of Elections

Enclosure: PGCAC Voter Feedback & Recommendations

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JUL 22 2020

STATE BOARD OF ELECTIONS

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: JUL 22 2020

STATE BOARD OF ELECTIONS

Attachment A – PGCAC Voter Feedback & Recommendations

1. Some Bowie area residents received ballots and instructions only written in Spanish.
Recommendation: Determine how this could have happened and correct the process. Quality control of ballots should ensure that all ballots include both English and Spanish.
2. Brandywine area residents reported that the nearest drop-box was in Fort Washington. It was difficult to get over there.
Recommendation: Provide enough drop-boxes across the county. Ensure the locations of the drop-boxes are readily accessible to all county residents, and that these locations are heavily marketed to all communities.
3. Some residents reported that there was confusion regarding the understanding of getting the ballots postmarked by 8pm. Post offices in Brandywine and other areas closed earlier than the postmark deadline of 8pm. So, some people actually dropped off their ballots at the open UPS store or other USPS mail drops by 8pm after the last USPS mail pickup for the day.
Recommendation: Similar to IRS deadline date, request that the USPS provide at least 1 main post office remain open and accept drop off ballots up to 8pm. Also, clarify the instructions regarding the postmark deadline.
4. Senior citizens commented that the circles on the ballots were too small and the ink used to define the circles was too light. Therefore, it was difficult for them to see and ensure that they "colored" inside the lines. They felt that if they colored outside of the lines their ballot would not be counted.
Recommendation: Review accessibility guidelines for the ballots and ensure that the fonts, colors and sizes meet standards/considerations for seniors and people with disabilities. This is imperative since mailed ballots don't allow for assistance that the voter would normally receive at the polls.
5. Some residents said that they never received their ballot in time, even after calling the Board of Elections to get one. Therefore, they went to vote at their polling place on June 2 and encountered extremely long lines.
Recommendation: Review the process of why registered voters did not receive a ballot. Set a standard milestone date for receiving a ballot. If voters do not receive a ballot by that date, provide standard information on what they should do – download or pick up a ballot from the Board of Elections. Waiting should not be an option. Ensure that the call center representatives are trained and provide the same standard information to the public.
6. "I waited til the last minute and was stuck in the traffic and had to wait in the long lines. It took me 3.5 hours to vote."
Recommendation: Anticipate that there will be multiple reasons why voters will vote on the deadline date. Be prepared for large voter turnout and provide officers to control and manage traffic. Determine the number of polling stations and ballots required for large voter turnout

across the county and provide more polling stations with adequate numbers of voting machines.

7. There were comments regarding distrust that USPS would not deliver the ballot on time. "I don't trust the USPS."

Recommendation: Provide enough drop boxes across the county. Provide for easy access to retrieve a ballot if one is not delivered to the voter timely or by a standard milestone date.

8. There were comments admitting voter misplacing their ballots leading up to reasons for deadline voting.

Recommendation: Anticipate that there will be multiple reasons why voters will vote on the deadline date. Be prepared for large voter turnout.

9. Some residents commented that the household did not receive requested absentee ballots. They called 3 times. Each time they were told the ballots would be mailed and to wait a week. Finally, the wife's ballot arrived a week before the deadline for voting, but the husband never received his ballot. He was told to download it and mail it in which he did.

Recommendation: Review the process of why registered voters did not receive a ballot. Set a standard milestone date for receiving a ballot. If voters do not receive a ballot by that date, provide standard information on what they should do – download or pick up a ballot from the Board of Elections. Waiting should not be an option. Ensure that the call center representatives are trained and provide standard information.

10. Resident noted that she never received an absentee ballot which was requested pre-Covid-19. Nor did she receive a mail-in ballot. The online system, however, indicated a ballot had been mailed.

Recommendation: The online system available to the public should provide correct data, the same data that the call center uses and should be easily accessible.

11. Resident stated that she received her ballot and dropped it in the drop box in Bowie on the first day it was available. After a week she accessed the online system to ensure that her ballot was received and counted. The system stated that she wasn't a registered voter. Frantic, she ended up calling the Board of Elections and the call center representative confirmed that the ballot was received and counted.

Recommendation: The online system available to the public should provide correct data, the same data that the call center uses and should be easily accessible.

12. "Only 1 of 3 registered voters in my house received their mail in ballots. The other two were forced to vote in person."

13. "I did not open the envelope until the actual day to complete and discovered there was no ballot contained therein. I called around 2 p.m. and chose to leave my number as indicated expecting to receive a return phone call before 4:30 p.m. (closure). A return phone call was never received. The next day I called both the local Largo Office and another number to report non-receipt of the ballot or return phone call. The directions indicated one could email.

However, why do people always assume everyone has access to a working computer? It may [be] quicker to call and resolve an issue as opposed to always emailing and having to wait for a response. Since this COVID pandemic, I have discovered people use this "COVID" and do not respond within a reasonable amount of time."

14. "I received my ballot in English and the Instructions Booklet in Spanish! I contacted the Prince Georges County Board of Elections to confirm that I was in their system as a Registered Voter and I was informed after all these years Sorors, that I was listed in their system as Hispanic! This is the first time ever encountering this. I filled out my ballot and took it to the Post Office to ensure that it was postmarked and received before the deadline! (I finally received my ballot instructions in English along with a letter of apology.)"

SENATOR SARAH ELFRETH
Legislative District 30
Anne Arundel County

Budget and Taxation Committee

Subcommittees

Education, Business and Administration

Chair, Pensions

Senate Chair

Joint Committee on Administrative,
Executive, and Legislative Review

Joint Committee on the Chesapeake and
Atlantic Coastal Bays Critical Area



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

July 23, 2020

The Honorable Lawrence J. Hogan, Jr.
Governor
Office of the Governor
State House, 100 State Circle
Annapolis, Maryland 21401

Governor Hogan,

I write today to ask you to reconsider your decision to hold November's General Election in the traditional in-person format. This is not about partisan politics, but rather about my constituents' ability to effectively and safely exercise their right to vote. I am writing this letter and offering suggestions for improving the Election on their behalf.

In just one email to constituents this week, 25 percent of individuals who opened the email clicked on the link to register online for a mail-in ballot. That one email demonstrates clear demand for voting by mail. Of the dozens who wrote back with their thoughts on the Election, I would like to share two comments that speak volumes:

From an ICU nurse: "Easy access to mail in ballots is essential to minimize exposure of the virus to our most vulnerable at-risk patient populations."

From a senior citizen: "Who will staff polling places? How can these places be made safe for workers and voters? Who will count absentee ballots, of which I can assure you there will be thousands? Why can't Maryland vote in November the same way it voted in June? Yes, there were some problems. So, fix them."

The vote-by-mail system implemented for the June Primary was not perfect but represented the right decision in the midst of an unprecedented public health crisis. Mistakes in ballot printing and mailing and long lines at polling places were unacceptable mistakes but can be solved with greater lead time and attention. Arguments that voting by mail is less secure than in-person voting are unproven here in Maryland - it is important to note that the Board of Elections found no incidents of voter fraud in the Primary. Lessons can and should be learned from the Primary to build a more effective and safe system for voting in November. From a fiscal perspective, mailing every voter a mail-in application, mailing out absentee ballots to tens of thousands of Marylanders who request a ballot, and holding a full in-person

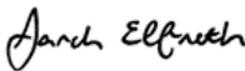
election costs more than a primarily mail-in election with adequate in-person polling places. With the continued uncertainty of a second wave of COVID-19 presenting in the Fall, I ask that you consider the safest course of action: a hybrid model that automatically sends voters an absentee ballot, rather than an opt-in option, and expands in-person polling place opportunities.

If we do move forward with a primarily in-person election, I ask that you consider taking the following measures to ensure maximum voter participation in a safe and healthy manner:

1. Direct SBE to streamline the online voter application for requesting a mail-in ballot. The current website – where there is a single application for both registering to vote and requesting a mail-in ballot – is incredibly confusing. Please reformat the application to be solely for requesting a mail-in ballot.
2. Provide funding to increase pay to poll workers who are putting their health on the line. The majority of Maryland’s poll workers are senior citizens who will not wish to jeopardize their health by working a 16-hour shift. In order to incentivize a younger generation of poll workers, particularly those who may be temporarily unemployed due to this crisis, please consider increasing pay for poll workers to compensate them for their time and dedication.
3. Provide funding to ensure local election board offices are fully staffed and capable of answering phone calls and emails. The shifting format from the June Primary to the November General has and will continue to present obstacles to and confusion among Marylanders. It is imperative that local boards of elections be adequately staffed to respond to the onslaught of questions voters will have regarding the Election.

Thank you for your consideration of these suggestions to strengthen the integrity of November’s Election. Republican or Democrat, our first obligation is to the health and safety of Marylanders and to, in your own words, conduct “free and fair elections that facilitate maximum voter participation.” A hybrid model for November would meet both goals.

Sincerely,



Senator Sarah Elfreth

Copy: Maryland Board of Elections
Anne Arundel County Board of Elections

Email comment to Board

Timestamp :: 7/29/2020 17:59:02

Name :: Catherine Borg

Comments :: In light of emerging shortages polling locations an election judges due to the pandemic the plan to go forward will in-person voting as normal seems highly problematic. I urge you to reconsider your recommendation to the governor at your next meeting August 5. If that is not possible, I urge that that at as many as possible long-standing polling places that will be closed that the board of election put out those huge secure ballot drop-off receptacles where absentee ballots can be dropped off for several days up until election day. I used one outside (Hampden Elementary School in Baltimore in the June primary). Hope you will consider my comments and discuss in your meeting.

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn
Kelley Howells
William G. Voelp



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

July 30, 2020

Via Electronic Mail Only

The Honorable Bill Ferguson
President of the Senate
Annapolis MD 21401

The Honorable Paul Pinsky
Chairman, Education, Health and Environmental Affairs Committee
Senate of Maryland
Annapolis MD 21041

Dear President Ferguson and Chairman Pinsky:

In your June 23 letter, you requested information on four topics: placement and distribution of polling places and recruitment of election judges, an election timeline, and updates on the mailhouse and precinct level results. Each topic is addressed individually below.

Polling Place Distribution & Election Judge Recruitment

Under §2-303(a)(1) of the Election Law Article, the local boards of elections have authority to define precinct boundaries and designate the location of a polling place in any election district, ward, or precinct. Subsection (f) of this section gives the State Board of Elections the authority to approve a new or changed polling place if the local board determines that an emergency exists. Section 10-101 of the Election Law Article defines the criteria for a polling place.

Regulation 33.17.02.02F of the Code of Maryland Regulations requires that the State Board of Elections approve the locations of the early voting centers. This same regulation defines the criteria for early voting center.

Based on current law and regulations, the State Board of Elections has a limited role in determining election day polling place locations but has a greater role for early voting centers.

In a normal election year, recruiting election judges is a challenging job for local election officials; for this election, it is even harder. Over the years, there have been various efforts, including the federal Help America Vote Act's College Program, authorizing administrative leave for government employees, and direct mail to voters registered in certain areas or with a specific political party, to recruit election judges, and these efforts have had varying levels of success.

The local boards are primarily responsible for recruiting election judges, but we plan for this election to use an existing staffing contract to supplement their efforts. I also ask that members of the General Assembly and leadership of the Department of Legislative Services encourage

July 30, 2020

employees to serve as an election judge in the upcoming election. Interested individuals should contact their local board of elections or use the Get Involved link on the State website to apply and sign up for training .

Election Timeline

Ballot preparation and delivery

State ballot question language – July 31

Petition candidates, non-principal party candidates, new political party and charter amendment petition filing – August 3

Candidate decline nomination – August 4

Fill candidate vacancy from declination – August 7

Local ballot question language – August 7

State Board prepares by-precinct ballots (1,900+) – begins August 7

Local boards review and approve by-precinct ballot content - August

Certify and display ballots – August 31

Challenge ballot – September 2

Begin printing ballots – September 3

Send military and overseas citizen's ballots – September 19

Begin sending mail-in ballots – September 24

Mail-in ballot application

State Board approves revised mail-in ballot application – August 5

Provide data files to the printer and mail house – August 7

Begin mailing mail-in ballot applications and pre-paid return envelopes – August 28

Process applications – ongoing through November 3

Validate petitions - August

Recruit and train election judges – July through October

Prepare and test voting equipment – September through October

Voter registration deadline – October 13

Process applications - ongoing

Receive and log acceptance of mail-in ballots – September through November 13

Begin canvass of mail-in ballots – date pending

Early Voting – October 22 to October 29 – 8 am to 8 pm

Election day – November 3 – 7 am to 8 pm

Provisional ballot canvass – November 12

Mail-in ballot receipt deadline – November 13

Certify State level results – December 8

Electoral College – December 14

Update on Mailhouse

In response to the Request for Information we issued on May 22, we have certified two additional ballot printers. These vendors are now authorized to print ballots in Maryland.

On July 14, we issued a request for proposal for additional vendors to print, prepare and mail ballot packets. A pre-proposal conference was held on July 20, and six vendors attended the

July 30, 2020

conference. Proposals are due July 31, and we expect to make a decision about who will be performing this work for the November 3 election by mid-August.

This solicitation is designed to attract the maximum number of proposals. It asks for proposals to perform the required work for all or part of the state and print ballots and all inserts for the mailings or receive ballots from another vendor and include them in the ballot packets. There are several factors to consider as we make decisions about the mail-in voting process for the November 3 election. If we decide to use multiple vendors to support the mail-in voting process for the November 3 election, it will require more resources to manage the various contracts. If we select one or more vendors that have not previously printed ballots, it will require more resources to educate them about elections and introduces risk to the mail-in voting process.

We are using an existing staffing contract to expand the team overseeing the mail-in voting process. An additional individual is expected to join the team by mid-August.

Any new mailhouse-printer contracts will include the following information and reporting requirements. These include:

1. Written status reports three times a week until mailings start
2. Written status reports daily once mailings start
3. Upon request, copies of documents establishing transfer of ballot packets from the vendor to the United States Postal Service (USPS)
4. The name and location of all facilities where work will be performed
5. The postal facility where the ballot packets will be delivered
6. Evidence that the vendor coordinates and cooperates with the postal facility where ballot packets will be delivered
7. Provide the name and contact information for a primary and secondary contact at the postal facility where ballot packets will be delivered

These additional requirements establish greater accountability for the selected vendor or vendors and will provide us with more independent information earlier in the process.

Precinct-Level Results

As we have previously stated, we will provide precinct-level results for the November 3 election. This effort will be a significant undertaking as it impacts every information system used to conduct an election and changes to processes and procedures are necessary.

It is not possible to provide precinct-level results for the June 2 election. It is possible, however, to provide election results by ballot style, but the process of creating results at this level is manual and will not likely be complete before the November 3 election.

We continue working on all aspects of preparation for the November election and will continue to provide the requested periodic updates and reports. If you have any questions or would like more information, please do not hesitate to contact me.

July 30, 2020

Sincerely,

A handwritten signature in cursive script that reads "Linda H. Lamone". The signature is written in black ink and is positioned below the word "Sincerely,".

Linda H. Lamone
State Administrator

There are two ways you can vote in the November 3 election. You can vote by mail, or you can vote in person. This mailing provides information on both ways to vote.

Vote by Mail

Anyone registered to vote in Maryland can vote a mail-in ballot. Voting a mail-in ballot is easy and safe. You submit a request for a ballot, and election officials will send it to you. After you vote your ballot, you can mail it or drop it off at a designated location. A list of designated drop off locations will be included with your ballot. If you request a mail-in ballot and decide to vote in person, you will have to vote a provisional ballot.

How do I ask for a mail-in ballot?

- Ask for your mail-in ballot **online** at <https://voterservices.elections.maryland.gov/OnlineVoterRegistration/InstructionsStep1>; or
- **Text** VBM (English) or VPC (Spanish) to 777-88. We will text you a link to request your mail-in ballot online; or
- Fill out this **paper** form and get it to your local election office before the deadline.

If you have a Maryland driver's license or MVA-issued ID card, we ask you to use the online system to request a ballot. We can process your request more quickly, and we do not have to worry about reading your handwriting.

How will I receive my ballot?

We can mail you your ballot, or we can email you a link so you can print your ballot. You tell us how you want to get your ballot on this form or on the online system.

If you want your ballot by mail, tell us where you want your ballot sent. We can send it to your home or another address.

If you want us to email you a link to your ballot:

- You must provide your email address.
- You must print your ballot and return it by mail or drop it off at one of the designated locations. You cannot return your voted ballot online.
- Your printed ballot cannot be ready by our scanners. Election officials will use the information on your ballot to mark an official ballot for you. The official ballot will be machine counted with other ballots, but it will take longer for it to be counted.

You can also pick it up in person or have someone pick it up. You should ask your local election office how to pick it up in person.

- If you want someone to pick up your ballot for you, you need to provide a *Designation of Agent* form. Get this form at your local election office or online at elections.maryland.gov/voting/absentee.html.
- The person who picks up your ballot must be at least 18 years old and cannot be a candidate on your ballot. You can also have a similar person return your voted ballot to your local election office. This person must sign a form to show that he or she handled the ballot properly.

How will I receive my ballot?

Submit your request now! The sooner you submit it, the sooner we can process it for you.

You must submit your request by the deadline. Your deadline depends on how you send in this form and how you want to receive your ballot.

- If you want your local election office to **mail** or fax you a ballot:
 - Make sure this form is at your local election office by 8 pm on Tuesday, **October 27, 2020**.
 - Or send this form to your local election office by email or fax by 11:59 pm.
- If you want to **print** your ballot from a link:
 - Make sure this form is in your local election office by 5 pm on Friday, **October 30, 2020**.
 - Or send this form to your local election office by email or fax by 11:59 pm.

You can find email addresses and fax numbers to your local election office at elections.maryland.gov/about/county_boards.html.

Vote In Person

Because of the COVID-19 pandemic, we encourage you to vote by mail. If you prefer to vote in person, there will be places where you can vote in person. Your local election office will send you a mailing with information on where you can vote. Look for that mailing in October or visit elections.maryland.gov for information about in-person voting. If you request a mail-in ballot and decide to vote in person, you will have to vote a provisional ballot.

Election officials will make in-person voting as safe as possible. This means keeping voters 6 feet apart and limiting the number of voters inside at one time. This may also mean that there will be lines. The best times to vote on election day are usually between 10 am and 3 pm and on weekends during early voting. If you can vote during those times, we encourage you to do so.

If you are interested in working at a voting location, please sign up to be an election judge. It is an important job, and we need many election judges for in-person voting. Go to elections.maryland.gov and click "Get Involved" under "Quick Links." Please sign up as soon as possible!

Register to Vote

1 You must be registered to vote a mail-in ballot. If you are not registered to vote in Maryland and you want to register, go to elections.maryland.gov/voter_registration/index.html for more information, or contact your local election office (go to elections.maryland.gov/about/county_boards.html).

Print your name. Use black or blue ink.

2 Last name _____ Jr Sr II III IV
First name _____ Middle name or initial _____

About you

3 Email Address _____
Birthdate | M , M | / | D , D | / | Y , Y , Y , Y | Phone | | | - | | | - | | | |

Your current address

Print your current residential address. DO NOT write a temporary address used for school, work, or travel. If you want to get your ballot by U.S. Mail, you can put that address in Section 6.

4 Address _____ Apt. number _____
City/Town _____ State _____ Zip Code | | | | |
When did you move here? | M , M | / | D , D | / | Y , Y , Y , Y | If you do not remember the exact date, give the month and year.

How do you want to receive your ballot?

If you choose internet delivery, we will send you an email with a link to your ballot about three weeks before the election. You must print your ballot and return it to your local election office. If you do not see an email from the State Board of Elections, check your spam folder. Note: A fax or internet ballot you have printed yourself cannot be read by our scanners. Election workers will use the information on your ballot to mark an official ballot for you. The official ballot will be machine counted with other

If you do not have a Maryland Driver's License or ID card, provide the last 4 digits of your social security number.

Choose one:

U.S. MAIL

I want my ballot for the PRESIDENTIAL GENERAL ELECTION mailed to:

Same as above The address below

Address _____ Apt. number _____
City/Town _____ State _____ Zip Code _____

5 INTERNET DELIVERY We will email you an internet link to open your ballot and print it yourself.

Email address _____
Maryland Driver's License or ID Card Number | - | | - | | - | | - | |
Issue Date | M , M | / | D , D | / | Y , Y , Y , Y |
Last 4 digits of Social Security number XXX-XX- - | | | |

FAX

fax number | | | - | | | - | | | |

Signature

(required)

Anyone can help you fill out this form except

- A candidate on your ballot
• Your employer or an agent of your employer
• An officer or agent from your union

6

Voter's Signature (required)

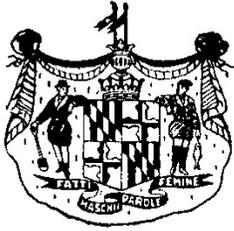
X

Today's Date | M , M | / | D , D | / | Y , Y , Y , Y |

Assistance Signature (required if you had help)

Under penalty of perjury, I hereby certify that this voter needed help with this form because he or she has a disability or is unable to read or write. The voter authorized me to complete this form. If the voter could not sign this form, I printed the voter's name and wrote my initials.

sign: _____
print: _____



The State of Maryland
Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-07-29-01

AMENDING AND RESTATING THE ORDER OF JUNE 10, 2020,
ALLOWING REOPENING OF CERTAIN BUSINESSES AND
FACILITIES, SUBJECT TO LOCAL REGULATION, AND GENERALLY
REQUIRING USE OF FACE COVERINGS

- WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, May 6, 2020, June 3, 2020, and July 1, 2020 to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;
- WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;
- WHEREAS, To reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings;
- WHEREAS, The currently known and available scientific evidence and best practices support limitations on large gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;
- WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;
- WHEREAS, To protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to control and direct the movement of individuals in Maryland, including those on the public streets;

WHEREAS, It is further necessary to control and direct in Maryland the occupancy and use of buildings and premises, as well as places of amusement and assembly;

WHEREAS, the Coronavirus Recovery Team continues to advise on related public health and emergency management decisions;

WHEREAS, the State has implemented measures to reduce community transmission rates of COVID-19, while strategically activating the Maryland Strong: Roadmap to Recovery plan;

WHEREAS, the State is continuously expanding COVID-19 laboratory testing capacity and locations throughout Maryland, and has increased its disease-investigation capabilities by implementing operations to trace the contacts of up to 1,000 new cases per day;

WHEREAS, the State has carefully monitored hospital capacity, and has worked with hospitals to ensure their surge capacity can accommodate Marylanders who may become ill;

WHEREAS, the State is procuring necessary protective equipment to safeguard critical facilities and staff; and

WHEREAS, the Coronavirus Recovery Team has advised that widespread use of Face Coverings is likely to help control the spread of COVID-19;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Administrative and Implementing Provisions.

- a. The Order of the Governor of the State of Maryland, dated March 12, 2020, entitled “Prohibiting Large Gatherings and Events and Closing Senior Centers,” as amended and restated on March 16, 2020, and further amended and restated on March 19, 2020 by Order Number 20-03-19-01, and further amended and restated on March 23, 2020 by Order Number 20-03-29-01, and further amended and restated on March 30, 2020 by Order Number 20-03-30-01, and further amended and restated on May 6, 2020 by Order Number 20-05-06-01, and further amended and restated on May 13, 2020 by Order Number 20-05-13-01, and further amended and restated on May 27, 2020 by Order Number 20-05-27-01, further amended and restated on June 3, 2020 by Order Number 20-06-03-01, and further amended and restated on June 10, 2020 by Order Number 20-06-10-01, is further amended and restated in its entirety as set forth herein.

- b. The Order of the Governor of the State of Maryland Number 20-04-15-01, dated April 15, 2020, entitled “Requiring Use of Face Coverings Under Certain Circumstances and Requiring Implementation of Certain Physical Distancing Measures” is hereby rescinded and of no further effect.
- c. The Secretary of Health is hereby authorized to issue directives under this Order (“Secretary’s Directives”), as the Secretary deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in relation to any activity permitted under this Order or any business, organization, establishment, or facility that is permitted by this Order to be open to the general public, which directives may consist of binding requirements and/or non-binding recommendations, and may include, without limitation, requirements for physical distancing, cleaning, and/or disinfection.
- d. Political subdivisions are not prohibited from opening outdoor public spaces to the general public (such as parks, sports fields and courts, beaches, dog parks, and playgrounds), subject to the following:
 - i. The decision to do so shall be made after consultation with the health officer for the county in which the outdoor public space is located (or, in the case of outdoor public spaces located in Baltimore City, the Commissioner of Health for Baltimore City) (the “Local Health Officer”).
 - ii. The Local Health Officer may issue such directives or orders as may be necessary to monitor, prevent, reduce the spread of, and suppress COVID-19 with respect to the use of the outdoor public space (“Health Officer Directives”).
 - iii. The political subdivision must require persons using the outdoor public space to comply with applicable Secretary’s Directives, applicable Health Officer Directives, and applicable social distancing guidance published by the U.S. Centers for Disease Control and Prevention (“CDC”) and the Maryland Department of Health (“MDH”).
- e. If a political subdivision determines that doing so is necessary and reasonable to save lives or prevent exposure to COVID-19, the political subdivision is hereby authorized to issue orders that are more restrictive than this Order (“Local Orders”):
 - i. requiring any businesses, organizations, establishments, or facilities to close or modify their operations; and/or
 - ii. requiring individuals to remain indoors or to refrain from congregating.
- f. Local Orders may remain in effect for so long as the authority granted by paragraph I.e (as it may be amended from time to time) remains in effect. The authority granted by paragraph I.e (as it may be amended from time to time) is in

addition to, not in derogation of, any authority of a political subdivision under its charter, laws, ordinances, or regulations.

II. Social Distancing.

- a. It is strongly recommended that all Marylanders continue following the most current guidance from CDC and MDH regarding social distancing, including, without limitation, avoidance of large gatherings and crowded places.
- b. The Secretary of Health is hereby authorized to issue Secretary's Directives requiring individuals to remain indoors or to refrain from congregating, as the Secretary deems necessary to monitor, treat, prevent, reduce the spread of, and suppress COVID-19.

III. Businesses, Organizations, Establishments, and Facilities That May Be Open.

- a. Religious Facilities. Subject to applicable Local Orders and Secretary's Directives, churches, synagogues, mosques, temples, and other similar religious facilities of any faith in Maryland ("Religious Facilities") may open to the general public, *provided, however*, that the total number of persons permitted in a Religious Facility at any one time shall not exceed 50% of that Religious Facility's Maximum Occupancy (defined below).
- b. Retail Establishments and Malls.
 - i. Subject to applicable Local Orders and Secretary's Directives:
 1. retail businesses, organizations, establishments, and facilities in the State of Maryland ("Retail Establishments") may open to the general public, *provided, however*, that the total number of persons permitted in a Retail Establishment at any one time shall not exceed 50% of that Retail Establishment's Maximum Occupancy (defined below); and
 2. shopping centers in the State of Maryland that have one or more enclosed pedestrian concourses may open to the general public.
 - ii. All Retail Establishments shall, in good faith and to the extent possible:
 1. where any queue is expected to form, designate with signage, tape, or by other means at least six-foot spacing for persons in line;
 2. sanitize, or provide customers with a means to sanitize, handles of carts and baskets that are available to customers;
 3. provide staff and customers with clean restrooms stocked with soap or sanitizer, and allow staff to wash their hands at least once every 30 minutes; and

4. post signage at each entrance advising customers about the requirement to wear Face Coverings described in paragraph IV.b.
- c. Manufacturing. Subject to applicable Local Orders and Secretary's Directives, all manufacturing businesses and facilities in Maryland may open.
- d. Personal Services.
- i. Subject to applicable Local Orders, applicable Secretary's Directives and paragraph III.d.ii below, the following establishments in Maryland ("Personal Services Establishments") may open to the general public:
 1. beauty salons;
 2. barber shops;
 3. tattoo parlors;
 4. tanning salons;
 5. massage parlors; and
 6. establishments that provide esthetic services or provide nail technician services (as described in Title 5 of the Business Occupations Article of the Maryland Code);
 - ii. All Personal Services Establishments shall:
 1. provide services on an appointment basis only;
 2. not allow the number of persons in the Personal Services Establishment to exceed 50% of the Personal Services Establishment's Maximum Occupancy (defined below); and
 3. after providing services to each customer, clean and disinfect the area in which services were performed in accordance with applicable guidance from the CDC and MDH.
- e. Other Recreational Establishments.
- i. Subject to applicable Local Orders and Secretary's Directives, the following establishments in Maryland may open to the general public:
 1. golf courses and driving ranges;
 2. outdoor archery and shooting ranges;
 3. marinas and watercraft rental businesses;
 4. campgrounds;
 5. horse boarding and riding facilities;
 6. drive-in movie theaters;
 7. outdoor swimming pools;
 8. outdoor day camps;
 9. tour boats;
 10. amusement parks;
 11. miniature golf establishments;

12. go-kart tracks; and
 13. the outdoor areas of any other establishments that are subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.
- ii. Subject to applicable Local Orders and Secretary's Directives, the following establishments in Maryland ("Indoor Recreation Establishments") may open to the general public:
1. bingo halls;
 2. bowling alleys;
 3. pool halls;
 4. roller and ice skating rinks;
 5. social and fraternal clubs (including without limitation, American Legion posts, VFW posts, and Elks Clubs) ("Social Clubs"); and
 6. the indoor areas of any other establishments that are subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code;

provided, however, that the total number of persons permitted in an Indoor Recreation Establishment at any one time shall not exceed 50% of that Indoor Recreation Establishment's Maximum Occupancy (defined below).

- iii. As used in this paragraph III.e:
1. the term "indoor area" has the meaning provided in COMAR 10.19.04.02.B(9); and
 2. the term "outdoor area" means an area that is not an indoor area.

f. Foodservice Establishments.

- i. Subject to applicable Local Orders, applicable Secretary's Directives, and paragraph III.f.ii below, (a) restaurants, bars, nightclubs, and other similar establishments that sell food or beverages for consumption on-premises in Maryland, and (b) Social Clubs with dining facilities (collectively, "Foodservice Establishments") may, to the extent permitted by applicable law:
1. serve food and beverages to customers for consumption in outdoor seating areas;
 2. sell food and beverages that are promptly taken from the premises, i.e., on a carry-out or drive-through basis;
 3. deliver food and beverages to customers off the premises; and
 4. serve food and beverages to customers for consumption in indoor seating areas.
- ii. Foodservice Establishments shall:

1. not allow the number of persons in the Foodservice Establishment to exceed 50% of the Foodservice Establishment's Maximum Occupancy (defined below);
2. not serve food in a buffet format;
3. not serve customers who are not seated; and
4. clean and disinfect each table between each seating in accordance with CDC and MDH guidelines, using cleaning products that meet the criteria of the U.S. Environmental Protection Agency for use against COVID-19.

iii. As used in this paragraph III.f:

1. the term "indoor seating area" means a portion of a Foodservice Establishment that is an indoor area, as defined in COMAR 10.19.04.02.B(9); and
2. the term "outdoor seating area" means a portion of a Foodservice Establishment that is not an indoor seating area.

g. *Fitness Centers*. Subject to applicable Local Orders and Secretary's Directives, fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Maryland ("Fitness Centers") may open to the general public; *provided, however*, that the total number of persons permitted in a Fitness Center at any one time shall not exceed 50% of that Fitness Center's Maximum Occupancy (defined below).

h. *Casinos, Racetracks, and Simulcast Betting Facilities*.

i. Effective as of 5:00 p.m. on June 19, 2020:

1. the Order of the Governor of the State of Maryland dated March 15, 2020, entitled "Closing Casinos, Racetracks, and Simulcast Betting Facilities" is rescinded and of no further effect;
2. subject to applicable Local Orders and Secretary's Directives, the following establishments ("Gaming Facilities") may open to the general public:
 - a. MGM National Harbor;
 - b. Live! Casino & Hotel;
 - c. Horseshoe Casino Baltimore;
 - d. Hollywood Casino Perryville;
 - e. Ocean Downs Casino;
 - f. Rocky Gap Casino Resort; and
 - g. all simulcast betting facilities in the State, to the extent not otherwise included in the buildings and premises listed above; and

3. subject to applicable Local Orders and Secretary's Directives, the following establishments may open for racing and other customary operations, but not to the general public:
 - a. Laurel Park;
 - b. Pimlico Race Course;
 - c. Timonium Race Course;
 - d. Fair Hill Races;
 - e. Rosecroft Raceway; and
 - f. Ocean Downs.
- ii. The total number of persons permitted in a Gaming Facility at any one time shall not exceed 50% of that Gaming Facility's Maximum Occupancy (defined below).
- i. Other Businesses. Except as otherwise closed by this Order or any other Order of the Governor of the State of Maryland, subject to applicable Local Orders and Secretary's Directives, businesses, organizations, establishments, and facilities that are not part of the critical infrastructure sectors identified by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (currently described at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>) may open to the general public.
- j. Determination of Maximum Occupancy. With respect to a Religious Facility, Retail Establishment, Foodservice Establishment, Fitness Center, Gaming Facility, Indoor Recreation Establishment, or Personal Services Establishment (a "Facility"), "Maximum Occupancy" means:
 - i. The maximum occupancy load of the Facility under the applicable fire code, as set forth on a certificate issued for the Facility by a local fire code official; or
 - ii. If no such certificate has been issued for the Facility by the local fire code official, the maximum occupancy of the Facility pursuant to applicable laws, regulations, and permits.
- k. Operating Requirements.
 - i. All businesses, organizations, establishments, and facilities in Maryland shall comply with:
 1. applicable Local Orders;
 2. applicable Secretary's Directives;
 3. applicable social distancing guidance published by CDC and MDH; and
 4. orders issued by the applicable Local Health Officer pursuant to the Order of the Governor of the State of Maryland Number 20-04-

05-02, dated April 5, 2020, entitled “Delegating Authority to Local Officials to Control and Close Unsafe Facilities”, as it may be amended from time to time.

IV. Face Coverings.

a. Definitions. As used herein:

- i. “Face Covering” means a covering that fully covers a person’s nose and mouth and is secured to the person’s head, but is not a Medical-Grade Mask. The term “Face Covering” includes, without limitation, scarves, bandanas, and plastic full-face shields.
- ii. “Medical-Grade Mask” means an N95, KN95, surgical, or other mask that would be appropriate for a health care setting.
- iii. “Public Transportation” means shared-ride surface transportation services that are open to the general public, including without limitation, taxi services, ride-sharing services, car services, transit services provided by any other unit of the State or any political subdivision, and all related stations and platforms. Examples of Public Transportation include, but are not limited to MTA bus service, MARC train service, Light Rail train service, MTA Metro subway service, and Mobility and Paratransit services.

b. Requirement to Wear Face Coverings.

- i. Except as provided in paragraph IV.c, all persons in Maryland over the age of five (5) years old are required to wear a Face Covering when they are:
 1. in or on any Public Transportation;
 2. indoors at any location where members of the public are generally permitted, including without limitation, Religious Facilities, Retail Establishments, Foodservice Establishments, Fitness Centers, Gaming Facilities, Indoor Recreation Establishments, and Personal Services Establishments;
 3. outdoors and unable to consistently maintain at least six feet of distance from individuals who are not members of their household;
 4. obtaining healthcare services, including without limitation, in offices of physicians and dentists, hospitals, pharmacies, and laboratories; and
 5. engaged in work in any area where:

- a. interaction with others is likely, including without limitation, in shared areas of commercial offices; or
 - b. food is prepared or packaged.
 - ii. Single-use Face Coverings shall be properly discarded in trash receptacles. It is recommended that all reusable Face Coverings be cleaned frequently (at least once per day).
 - iii. Wearing a Medical-Grade Mask satisfies any requirement in paragraph IV.b.i to wear a Face Covering, but all Marylanders are urged to reserve Medical-Grade Masks for use by health care workers and first responders.
- c. Exceptions. Paragraph IV.b.i does not require persons to wear Face Coverings:
- i. if, due to a bona fide disability or medical condition, it would be unsafe for the person to do so;
 - ii. to the extent wearing a Face Covering would impede communication by or with persons who have a hearing impairment or other disability, where the ability to see the mouth is essential for communication;
 - iii. if wearing a Face Covering would subject the person to an unsafe working condition, as determined by federal, state, or local occupational safety regulators or workplace safety guidelines;
 - iv. to the extent wearing a Face Covering would make it impossible to receive services requiring access to the face, mouth, or head, including without limitation, dental care, shaving, and facial treatments;
 - v. while consuming food or beverages;
 - vi. while swimming or engaging in other physical activities where the use of a Face Covering is likely to pose a bona fide safety risk; or
 - vii. while operating any Public Transportation conveyance, provided that the person is (1) the sole operator of the conveyance, and (2) located in a separate compartment that is off-limits to riders.

V. Businesses, Organizations, Establishments, and Facilities Required to Close.

- a. Senior Centers. All senior citizen activities centers (as defined in Section 10-501(i) of the Human Services Article of the Maryland Code) shall remain closed.
- b. Theaters.
 - i. This Order controls the occupancy and use of theatres in Maryland at which live performances occur or motion pictures are shown (“Theaters”).

- ii. Except as permitted by paragraph III.e.i.6, all Theaters shall remain closed to the general public.
- c. *Minimal Operations*. Staff and owners may continue to be on-site at any business, organization, establishment, or facility that is required to be closed pursuant to this Order for only the following purposes:
 - i. Facilitating remote working (a/k/a/ telework) by other staff;
 - ii. Maintaining essential property;
 - iii. Preventing loss of, or damage to property, including without limitation, preventing spoilage of perishable inventory;
 - iv. Performing essential administrative functions, including without limitation, picking up mail and processing payroll; and
 - v. Caring for live animals.
- d. *Closure By Other Order*. All businesses, organizations, establishments, and facilities that are required to close pursuant to any other Order of the Governor of the State of Maryland or any other Order of a political subdivision, shall be and remain closed in accordance with such other Order, as the case may be.

VI. Government Buildings and Facilities with Large Occupancy or Attendance.

- a. State and local government buildings and facilities with an expected occupancy or attendance of more than 10 people shall:
 - i. Promptly and conspicuously post in the building or facility a copy of the MDH recommendations for social distancing; and
 - ii. Provide all occupants and attendees with the capability to wash their hands.
- b. A copy of this Order shall be made available to all occupants or attendees at any State or local government building and facility with an expected occupancy or attendance of more than 10 people.

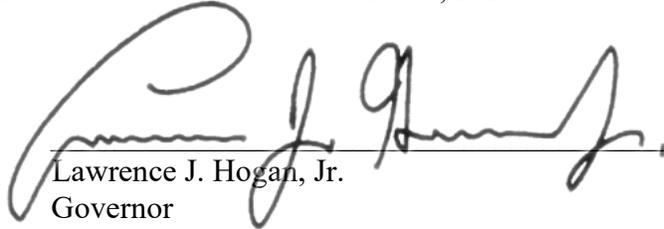
VII. General Provisions.

- a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order and any Local Order.
- b. A person who knowingly and willfully violates this Order or any Local Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$5,000 or both.
- c. This Order remains effective until after termination of the state of emergency and

the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

- d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended to the extent of the inconsistency.
- e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.
- f. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED UNDER MY HAND THIS 29TH DAY OF JULY, 2020, AND
EFFECTIVE AS OF 5:00 P.M. ON JULY 31, 2020.

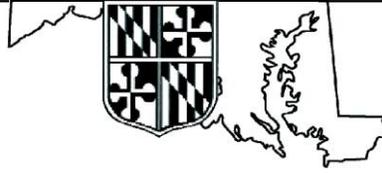


Lawrence J. Hogan, Jr.
Governor

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn
Kelley Howells
William G. Voelp



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

August 4, 2020

Via Electronic Mail Only

The Honorable Larry Hogan
Governor of Maryland
State House
Annapolis MD 21401

Dear Governor Hogan,

Since we received your letter dated July 8, 2020, defining how the November 3 election will be held, we have been working closely and diligently with the local boards of elections to plan for an election as defined by the Election Law Article.

Before responding to your specific requests, I would like to thank you for offering 16 hours of administrative leave to State employees who agree to serve as election judges in the upcoming election. Since your offer was emailed to State employees, we have received over 2,500 online submissions from individuals wanting to serve.

This work includes preparing for a statewide mailing to over 4 million eligible voters. The timeline below outlines the steps to plan and execute this large mailing.

- On July 9, we held a conference call with the local boards of elections to discuss your letter, including the request to mail an application to all eligible voters. We discussed whether the mailer should be pre-populated with voter's information and other ways to streamline the processing of completed forms and the proposed timeline for mailing these applications.
- On July 10, we asked a usability expert at the University of Baltimore to review the existing application for mail-in ballot and make recommendations to improve the usability of the form.
- On July 13, we asked the Maryland Correctional Enterprises (MCE), a preferred provider for State agencies, if they would be able to print and mail applications for a mail-in ballot to over 4 million voters. MCE informed us on July 14 that they were not able to complete this job.
- On July 15, we asked the Department of General Services (DGS) if we could amend an existing contract to include the printing and mailing of these applications.
- On July 16, we held another conference call with the local boards of elections. After conducting a survey, the local boards recommended mailing the applications in mid-to-late August.
- On July 21, the State Board of Elections approved sending with the application mailer an envelope with prepaid postage.
- On July 22, we received from the University of Baltimore's usability expert a revised application mailer. On the same day, DGS approved our request to amend an existing contract to include the printing and mailing of these applications.

August 4, 2020

- On July 29, DGS and the vendor fully executed the contract modification.
- On August 5, the application mailing will be presented to the State Board of Elections for approval.
- Once the application mailing is approved by the State Board of Elections, we will send it to the State's vendor for Spanish translation. The Spanish version is expected within 5 days.
- No later than August 6, we must provide the vendor with the application, instructions, and envelope artwork.
- No later than August 7, we must approve the vendor's envelope artwork proofs. Producing the 4 million envelopes will take 14 business days.
- From August 7 and 9, we must provide the vendor with the data files.
- On August 10 or 11, the vendor will provide application and instruction proofs. Printing will begin after we approve the proofs.
- Inserting the application and instructions into the envelopes will begin on August 21.
- The first mailing will occur on August 24. Mailings will continue until all applications have been mailed. The final mailing is expected to be August 28 but no later than August 31.

Concurrent with these tasks, we are seeking a data center to help with the processing of completed forms. Since neither SBE nor the local boards of elections have the capacity to process the significant number of forms we expect to receive, we need another resource to help with this effort or voters will not receive their mail-in ballots in time to vote and return them.

Several local boards of elections have submitted requests to consolidate voting locations, and these requests will be considered at the August 5 State Board meeting. I am confident that the State Board will carefully consider these requests, receive advice from the Office of the Attorney General, and take appropriate action. Until the local boards of elections submit their requests and the State Board takes action on these requests, I am not able to provide you with the requested minimum number of polling places that will be open.

Lastly, I would like to thank the Department of Budget and Management, the Maryland Emergency Management Agency (MEMA), and DGS for their assistance. We are fortunate that MEMA and DGS were able to provide some quantities of protective supplies, and budget officials are working to find funding for the unexpected expenses for this election.

Sincerely,



Linda H. Lamone
State Administrator

cc: The Honorable Robert K. Hur, United States Attorney, District of Maryland
The Honorable Adrienne Jones, Speaker, Maryland House of Delegates
The Honorable Bill Ferguson, President, Senate of Maryland
The Honorable Michael R. Cogan, Chairman, Maryland State Board of Elections
Members, Board of Public Works



LARRY HOGAN
GOVERNOR

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

August 3, 2020

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

Administrator Lamone:

With Election Day fast approaching, I am very concerned that the State Board of Elections (SBE) appears to be on a path to repeating the massive failures of the June 2 primary election. As you will no doubt recall, tens of thousands of Marylanders received their ballot late or not at all, received incorrect ballots, or were forced to endure hours-long crowded lines at the handful of open polling places—it was an unmitigated disaster. State leaders in both parties were outraged by the failures and demanded answers. A number of them even called for your immediate resignation.

Sixty-one days ago, I directed you to give a full and complete report detailing the failures of the June primary and your plans to correct them to me, the Board of Public Works, the Secretary of State, the presiding officers of the Maryland General Assembly, and the public. Thirty days later, SBE sent a report which deflected blame for the mistakes of the primary election and failed to reach a consensus on any recommendation for a plan to move forward.

As you know, existing state law requires polling places to be open on Election Day. It also requires eight days of early voting and opportunities for voters to request applications for absentee mail-in ballots. Under existing law, and to save voters the extra step of having to request an application for an absentee ballot, I directed you to promptly mail applications to every single Maryland registered voter. It has now been 26 days, and you have failed to take this action.

I am now giving SBE 48 hours to report to me, the Board of Public Works, the Secretary of State, the presiding officers of the Maryland General Assembly, and the public explaining why those applications have not been mailed to Marylanders. In addition, we expect you to provide your plan for how to conduct the election under existing law, including the minimum number of polling places that you will be able to open in each county.

While SBE has the sole responsibility and authority to conduct the election, as governor I am committed to ensuring that every eligible voter in Maryland is given the ability to cast their vote, whether by mail, early voting, or by voting in person on Election Day. Let me be clear—this is not ‘my plan,’ it is what Maryland law requires you to do.

Our administration and the entire state government is going to great lengths in an effort to help you fulfill your responsibility. We have already begun an outreach campaign to encourage all Marylanders to vote by mail. We are actively encouraging state employees and students at Maryland universities and colleges to assist you by serving as poll workers. State officials are working in coordination with SBE to assist local boards of election in procuring PPE, and budget officials are working closely with you to ensure that you have the resources needed

to conduct the election.

Under existing state law, local boards do have the authority to make decisions regarding the consolidation of polling places in the case of an emergency. However, merging two polling places into one is very different than closing 90% of all of the polling places in a county. We are very concerned about recent attempts to deny Marylanders the right to vote. Local leaders have suggested massive closures of polling places, particularly in some of our minority communities. This would likely result in voter suppression and disenfranchisement on a significant scale, disparately impacting Marylanders of color. Last week, we received a letter from Prince George's County—one of the nation's most predominant African American counties with a total of 900,000 residents—saying that they want to close 229 precincts and only open 15. Imagine 244 polling places all trying to jam into 15 locations while trying to distance and keep people safe.

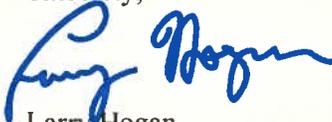
“Even as we sit here,” President Obama said in his eulogy last week for Congressman John Lewis, “there are those in power who are doing their darndest to discourage people from voting by closing polling locations, and targeting minorities and students with restrictive ID laws, and attacking our voting rights with surgical precision...” A new report from the Associated Press details how African Americans are skeptical about mail-in ballots and remain concerned about institutional obstacles to casting their ballots. In the report, a community organizer notes that many people either didn't receive a ballot or simply wanted to vote in a way that felt familiar to them.

The Voting Rights Act of 1965 explicitly prohibits “deny[ing] or abridg[ing] the right of any citizen of the United States to vote on account of race or color.” Section 1983 prohibits depriving any person “of any rights, privileges, or immunities secured by the Constitution and laws.” Any attempt to close 90% of our minority precincts would likely result in the filing of a civil rights violation with the U.S. Department of Justice. At the very least, it would justifiably result in allegations of voter suppression, and it would be unconscionable.

More than two months have passed, and you still have not provided a plan for how you are going to conduct an election. This is your sole responsibility and your only job. Instead, we have seen two months of delay and deflection about why polls can't be opened, and why applications for ballots can't be mailed. There are media reports indicating that those who attempt to volunteer to staff the polls are being told that there is uncertainty about if there is any need and that they should call back at a later time.

The November election is just 92 days away. As I said 26 days ago, the applications should be mailed immediately. Further attempts to suppress the vote by massive closures of polls must be stopped or there will be serious consequences. Without your immediate action to fix these issues, it is very likely that you will again have massive failures of the June primary repeated in November. We await your report no later than Wednesday, August 5.

Sincerely,



Larry Hogan
Governor

cc: The Honorable Robert K. Hur, United States Attorney, District of Maryland
The Honorable Adrienne Jones, Speaker, Maryland House of Delegates
The Honorable Bill Ferguson, President, Maryland Senate
The Honorable Michael R. Cogan, Chairman, Maryland State Board of Elections
Board of Public Works



Maryland Association of Election Officials
Representing the Local Election Boards of the State of Maryland

July 24, 2020

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

RE: 2020 Presidential General Election - Vacant Election Judge Positions

Dear Governor Hogan:

The staff of the 24 Local Boards of Elections (LBEs) are non-partisan professionals dedicated to ensuring every eligible voter in the State of Maryland has a safe and convenient opportunity to cast their ballot. The LBEs take their responsibilities to the voters, the State Board of Elections (SBE), and the elected leadership of Maryland seriously. We pride ourselves on our ability to comply with the policies and procedures set forth to conduct each Election. However, due to the extraordinary issues and the public health crisis confronting the LBEs as we prepare for the 2020 General Election, we are entering an emergency situation that risks the success of the Presidential General Election due to the number of vacant Election Judge positions statewide.

As of July 23, 2020, the LBEs have 13,970 vacant Election Judges positions between Early Voting and Election Day. Additionally, the Election Judge commitments we have today are fleeting. As the public health crisis worsens, Election Judges who confirmed their service for the General Election will drop out with greater frequency. Recruiting Election Judges is the most difficult task for the Local Boards under normal circumstances. In the midst of the public health crisis, it is turning into an impossible task. The LBEs will not be able to make up for the Election Judge short-fall. The only recourse for the local Election Boards will be to consolidate polling places in order to manage in-person voting with the available Election Judge resources.

The Maryland Association of Election Officials has a roadmap to successfully conduct the General Election. We need to encourage all voters to complete and submit their Vote by Mail applications early. We need to employ Vote Centers instead of the ad hoc consolidation of polling places. We need authorization to begin canvassing the returned vote by mail ballots before Election Day. Based on our experience canvassing ballots during the Primary Election we recommend beginning canvassing 30 days before Election Day. We may have historic turnout this election and we need to work together now to avoid the worst outcome: voter confusion and long lines during a pandemic.

The Honorable Governor Hogan

Page 2

July 21, 2020

On behalf of the LBEs, the leadership of the Maryland Association of Election Officials would like to schedule a meeting with you to discuss our concerns, the conduct of the 2020 General Election, and the solutions for these issues, including adopting the use of Vote Centers, mailing a Vote by Mail ballot or application directly to the voters, and increasing the number of days for in-person voting. Since time is of the essence, please email me at david.garreis@maryland.gov or call 410-222-0405 to schedule a meeting at the earliest date and time of your convenience.

Sincerely,



David Garreis, President

Maryland Association of Election Officials

cc: Michael R. Cogan, Esq., Chairman, Maryland State Board of Elections
Michael Sanderson, Executive Director, Maryland Association of Counties



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

GOVERNOR HOGAN SHOULD RECONSIDER HIS DECISION TO HOLD A TRADITIONAL ELECTION AND ORDER BALLOTS MAILED TO ALL MARYLAND VOTERS!

The Montgomery County Women's Democratic Club is Concerned that Governor Hogan's Decision to Hold a Regular Election in November During an Active Pandemic will be Detrimental to the Health and Welfare of Maryland Women and their Families and is a Form of Voter Suppression. We encourage Governor Hogan to modify his decision to mail ballots directly to ALL registered voters.

The Montgomery County Women's Democratic Club (WDC) is one of the largest and most active Democratic Clubs in the county with more than 600 members working to improve the lives of women and their families. Governor Hogan's decision to hold a regular in-person election with an application process for mail-in ballots is not only detrimental to the health of women of all ages and their families, but can also be considered Maryland's own version of voter suppression.

During these difficult times, women's health is paramount to keeping families together and thriving. Even before the health and economic impacts resulting from the Coronavirus pandemic, women of all ages in Maryland faced many challenges. Women and girls represent 51.6% of Maryland's population; 20% of adult women are over the age of 65; and 23% of Maryland's family households are headed by women. This demographic reality demonstrates how a confusing and unsafe voting process will potentially disenfranchise a large number of eligible voters.

Medical experts and our experience over the past 6 months confirm that older residents are at higher risk to contract Coronavirus and to die from COVID-19 related conditions. And we now know that young children are often asymptomatic and can bring the virus home to parents and grandparents. It is common sense that the more we can do to limit exposure to the virus, the better chance we have to abate the spread of the virus across the state. For this reason alone, making it harder to obtain a mail-in ballot and pushing voters to in-person voting centers, is counterproductive to the progress Maryland has made in reducing the number of new cases, hospitalizations, and ultimately deaths from the Coronavirus.

Further to the health implications of in-person voting during a pandemic, is the confusion created by changing the voting process for the second time in 5 months, particularly for the elderly. WDC believes sending out applications for mail-in ballots is an unnecessary step that can only further complicate the voting process resulting in missteps and last minute confusion that might push frantic voters to the polls against medical advice. Not to mention, the Board of Elections will be burdened by lack of personnel to work the polling locations because election workers will be fearful of contracting the virus.

There are many more reasons, other than those stated here, that make Governor Hogan's decision to hold a regular election during these uncertain times just plain wrong.



MONTGOMERY COUNTY
ROCKVILLE, MARYLAND

July 21, 2020

Governor Larry Hogan
100 State Circle
Annapolis, MD 21401

Dear Governor Hogan:

We are writing to you to express our great concern over your decision on how to administer the 2020 general elections in November. While the primary election was not perfect, we should build on the lessons we learned from it instead of starting from scratch. Instead, your decision on the general election creates unnecessary health risks, voter confusion, and increases cost. We urge you to immediately reverse your decision and remove barriers that discourage voters from participating in the upcoming elections.

We support a hybrid vote-by-mail election that includes ballots mailed directly to voters, as recommended by the Maryland Association of Election Officials (MAEO). Since 1963, MAEO has represented the local election officials and Election Boards from all 24 jurisdictions. We believe the organization's recommendations reflect a statewide consensus from our local boards of election.

It is true that problems occurred in the June 2 Primary election—some ballots arrived late in Montgomery County, and there were other issues reported in other jurisdictions. While frustrating, we believe that SBE can learn from these challenges and overcome them.

Like MAEO, we also agree that requiring elections staff to process applications in addition to ballots will increase the health risks they face at work. Adding new steps to this process will increase voter confusion, increase the number of voters impacted by mail delivery delays, and increase the overall costs of implementation, without substantial public benefit. We also believe that requiring an application to be mailed back is unnecessary. The extra steps involved will increase voter confusion—especially for infrequent voters, elderly voters and those who do not speak English as a first language.

Surveys show that there is already a high degree of public anxiety about our elections due to COVID-19. Substantially changing the process from the primary election to the general election in the same year will further exacerbate these fears and undermine confidence.

As a national leader, you responded to the challenge that COVID-19 posed to our election by enacting mail-in voting during the primary. We urge you to continue on that path and amend your 2020 general elections directive by eliminating the application requirement and fully implementing a mail-in election.

It is a fundamental government responsibility to ensure that every voter can cast their ballot. We are counting on you to ensure that the plan for Maryland's 2020 General Election fulfills that important responsibility.

Sincerely,



Sidney Katz
President



Tom Hucker
Vice President



Gabe Albornoz
Councilmember At-Large



Evan Glass
Councilmember At-Large



Will Jawando
Councilmember At-Large



Hans Riemer
Councilmember At-Large



Andrew Friedson
Councilmember District 1



Craig Rice
Councilmember District 2



Nancy Navarro
Councilmember District 4

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



**Montgomery County
Board of Elections**
Post Office Box 4333
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Margaret A. Jurgensen
Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
*Information Technology
Manager*
Vacant
Voter Services Manager
Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

August 4, 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
151 West Street
Suite 200
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via email linda.lamone@maryland.gov only

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151 West Street, Suite 200
Annapolis, Maryland 21401

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: Start of Canvass

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

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

The Montgomery County Board of Elections (hereinafter "MCBOE") requests the Governor and the State Board of Elections to allow the local Boards of Elections to begin canvassing vote by mail ballots in early to mid-October, no later than October 15, 2020, notwithstanding § 11-302 of the Maryland Election Article and § 33.11.04.03 of COMAR. With the uncertainty of COVID-19, coupled with the fact that the State plans to send an absentee ballot request to every registered voter in the State of Maryland, undoubtedly there will be a significant number of voters who will vote by mail. If local Boards of Elections do not begin canvassing vote by mail ballots until the Thursday after the Election (November 5, 2020), as provided by current law, the local Boards may not be able to certify the Election results in a timely fashion.

Our voters have grown accustomed to receiving certified Election results shortly after Election Day. In fact, many of our local elected officials are sworn into office in early December 2020. Given the number of vote by mail ballots that can be expected for the 2020 General Election, including the large number of ballots that we expect will have to be hand-duplicated, it is simply unrealistic to think that certification could occur until at least mid-December, 2020 if canvassing does not begin until November 5, 2020. Given the Electoral College's meeting on December 14, 2020, we are sure you would agree that would be an unacceptable result.

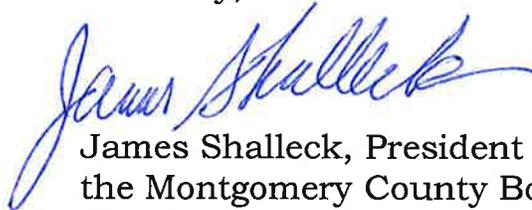
MCBOE urges the Governor and the State Board of Elections to allow the local Boards to begin canvassing ballots in early to mid-October, no later than October 15, 2020. The opening of vote by mail ballots well in advance of the Primary Election worked well, and it would be in everyone's best interests to get certified Election results completed as soon as possible.

MCBOE also voted to request the Governor and the State Board of Elections, notwithstanding § 10-101(a)(2)(iv) of the Maryland Election Article, to allow local Boards of Elections to establish Election Day polling places, when necessary, in locations that are not in the precinct which the

polling place serves or in an adjacent precinct. Given the severe election judge shortage we currently are experiencing due to the COVID-19 pandemic, we are very unlikely to have nearly enough judges to staff the 230+ Election Day polling places we normally have in Montgomery County. While we would still plan, consistent with § 10-101(a)(2)(ii) of the Maryland Election Article, to locate polling places “as conveniently as practicable for the majority of registered voters assigned to that polling place,” it is unlikely that in every case we will be able to find available locations within each precinct or an adjacent precinct. If we are allowed to consolidate polling places, we will have additional flexibility that would allow us to respond more quickly to any last-minute staffing changes that may prevent opening any particular polling place.

On behalf of the Montgomery County Board of Elections, I do hope you will give our requests serious consideration. Thank you very much.

Sincerely,



James Shalleck, President on behalf of
the Montgomery County Board of
Elections

JS:bjap



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Anne Arundel County Branch

"Freedom Fighters of the New Century."

Executive Committee

Jacqueline Boone Allsup
President

Antonio Downing
1st Vice President

Judge Claudia Barber Esq
2nd Vice President

Dr. Mary Dadone
Secretary

Ralph Thomas
Treasurer

June 17, 2020

Chairman, Maryland Board of Elections
151 West Street
Annapolis, MD 21401

RE: Letter of April 4, 2016 sent to The Honorable Claudia Barber and her former employer

Dear Chairman and Members of the Maryland Board of Elections:

In the wake of today's political unrest and search for massive police reform, it is time for government entities to right wrongs that have occurred and gone unchallenged. The Anne Arundel County NAACP fully supports individuals and entities who peacefully pursue justice and government officials who in good faith correct injustices, which have occurred. No longer will the NAACP stand by and watch injustices remain uncorrected.

On April 4, 2016, the attached letter was written to The Honorable Claudia Barber, and copied to her employer's general counsel representative. Within the last paragraph of the first page of this letter, the statement is written: "Maryland Court of Appeals has held that the office of judge of the circuit court is a partisan office." [Emphasis supplied.]

The letter further identifies *Suessman v. Lamone* 383 Md. 697, 862 A.2d 1 (2004), as controlling authority. Nowhere in that written opinion does Judge Irma Raker, writing the majority opinion, states that "the office of judge of the circuit court is a partisan office." The statement was made up, untrue, and led to The Honorable Claudia Barber's termination because the letter was used and made part of the record during a proceeding questioning the partisan nature of circuit court judges in Maryland.

The Anne Arundel NAACP urges the Maryland Board of Elections to do the right thing and correct an injustice. An individual's career and reputation is on the line. Therefore, we hold government entities to a high standard to not produce false information for others to rely on to smear another individual's reputation and career. Read carefully the entire *Suessman v. Lamone* opinion and reach your own conclusion if the Maryland Court of Appeals ever expressly held that "the office of judge of the circuit court is a partisan office." Please circle such a statement in red and notify us of this finding. We did not observe it. If you, too, don't see it, we urge you to correct the record and notify the same persons sent this erroneous letter of the error. As the attachment indicates, the Certificate of Nomination containing Linda Lamone's signature has no reference to any specific partisan office. We, therefore, join the Lieutenant Governor Rutherford Boyd in calling for Linda Lamone's resignation, as these incompetent actions have caused grave consequences, especially since they have gone uncorrected.

Thank you for your time.

Jacqueline Boone Allsup

ox 6210 · Annapolis, Maryland 21401 · 443-883-5151
www.annearundelcountynaacp.org



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Anne Arundel County Branch

"Freedom Fighters of the New Century."

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June 17, 2020

Chairman, Maryland Board of Elections
151 West Street
Annapolis, MD 21401

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Thank you for your time.

Jacqueline Boone Allsup

ox 6210 · Annapolis, Maryland 21401 · 443-883-5151
www.annearundelcountynaacp.org

There are two ways you can vote in the November 3 election: by mail or in person. ~~You can vote by mail, or you can vote in person. This mailing provides information on both ways to vote.~~

Vote by Mail

Anyone registered to vote in Maryland can vote a mail-in ballot. ~~Voting a mail-in ballot is easy and safe. Just submit a request for a ballot, and we'll send it to you. You submit a request for a ballot, and election officials will send it to you.~~ After you vote your ballot, you must return it to your local election office by mail, by dropping it in a drop-off box, or by taking it to your local elections office. You can mail your voted ballot or take it to your local elections office at any time. Drop-off boxes will be available from October ___ through election day. You will receive a mailing in October telling you where the drop-off boxes are located. ~~can mail it or drop it off at a designated location. A list of designated drop-off locations will be included with your ballot.~~ If you request a mail-in ballot and decide to vote in person, you will have to vote a provisional ballot.

How do I ask for a mail-in ballot?

- Ask for your mail-in ballot **online** at <https://voterservices.elections.maryland.gov/OnlineVoterRegistration/InstructionsStep1>; or
- **Text** VBM (English) or VPC (Spanish) to 777-88. We will text you a link to request your mail-in ballot online; or
- Fill out this **paper** form and get it to your local election office before the deadline.

If you have a Maryland driver's license or MVA-issued ID card, we ask you to use the online system to request a ballot. We can process your request more quickly, and we do not have to worry about reading your handwriting.

How will I receive my ballot?

The best way to receive your ballot is to ask us to mail it to you. We can send it to any address you want. ~~Voting a ballot that you get in the mail helps us speed up the vote count and keep election workers safe during the pandemic. We can mail you your ballot, or we can email you a link so you can print your ballot. You tell us how you want to get your ballot on this form or on the online system.~~

~~If you want your ballot by mail, tell us where you want your ballot sent. We can send it to your home or another address.~~

You can also pick it up in person or have someone pick it up. You should ask your local election office how to pick it up in person.

- If you want someone to pick up your ballot for you, you need to provide a *Designation of Agent* form. Get this form at your local election office or online at elections.maryland.gov/voting/absentee.html.
- The person who picks up your ballot must be at least 18 years old and cannot be a candidate on your ballot. You can also have a similar person return your voted ballot to your local election office. This person must sign a form to show that he or she handled the ballot properly.

~~If you cannot receive a ballot in the mail or pick it up in person, we can also deliver your ballot over the internet. This process slows down the vote counting after the election and puts election workers at risk during the pandemic, so we ask that you not use internet delivery unless it is necessary.~~

~~If you want us to email you a link to your ballot:~~

If you need to access your ballot on the internet, you must:

- ~~You must~~ Provide **us with** your email address.
- ~~You must~~ **Print your ballot and return it to your local elections office either by mail, by dropping it in a drop-off box, or by taking it to your local elections office.** ~~by mail or drop it off at one of the designated locations.~~ You cannot return your voted ballot online.
- ~~Your printed ballot cannot be read by our scanners. Election officials will use the information on your ballot to mark an official ballot for you. The official ballot will be machine counted with other ballots, but it will take longer for it to be counted.~~ **Mailed ballots are counted quicker than your printed ballot.**

~~How will I receive my ballot?~~

~~How soon should I request my ballot?~~

Submit your request now! We'll send you a ballot as early as September _____. If you wait, there is a risk that your local elections office may be overwhelmed by last minute requests and may not be able to process your request in time. If that should happen, you may have to vote in person. ~~The sooner you submit it, the sooner we can process it for you.~~

~~You must submit your request by the deadline.~~ Your ~~The deadline for requesting a mail-in ballot~~ depends on how you send in this form and how you ~~want to~~ receive your ballot.

- If you want your local election office to mail or fax you a ballot:
 - Make sure this form is at your local election office by 8 pm on Tuesday, **October 27, 2020.**
 - Or send this form to your local election office by email or fax by 11:59 pm on **Tuesday, October 27, 2020.**
- If you ~~need to receive your ballot over the internet~~ ~~want to print your ballot from a link~~:
 - Make sure this form is in your local election office by 5 pm on Friday, **October 30, 2020.**
 - Or send this form to your local election office by email or fax by 11:59 pm on **Friday, October 30, 2020.**

You can find email addresses and fax numbers to your local election office at elections.maryland.gov/about/county_boards.html.

Vote In Person

Because of the COVID-19 pandemic, we ~~are mailing every voter an application for a mail-in ballot.~~ encourage you to vote by mail. If you prefer to vote in person, ~~early voting centers will be open for 8 days and many (but not all) neighborhood polling places will be open on election day.~~ ~~there will be places where you can vote in person.~~ You will receive a mailing in October that will tell you where and when you can ~~vote in person.~~ ~~Your local election office will send you a mailing with information on where you can vote.— Look for that mailing in October or visit elections.maryland.gov for information about in-person voting. If you request a mail-in ballot and decide to vote in person, you will have to vote a provisional ballot.~~

To make in-person voting safe, we will keep voters 6 feet apart and limit the number of people inside a polling place at one time. This may result in lines and wait times. The best time to vote in person is on weekends during early voting and between 10 am and 3 pm on election day. ~~Election officials will make in-person voting as safe as possible.— This means keeping voters 6 feet apart and limiting the number of voters inside at one time.— This may also mean that there will be lines.— The best times to vote on election day are usually between 10 am and 3 pm and on weekends during early voting. If you can vote during those times, we encourage you to do so.~~

Elections would not be possible without the good people who serve as election judges, and we need more of them for the upcoming presidential election. Election judges get paid! If you are interested, go to elections.maryland.gov and click "Get Involved" under "Quick Links." Please sign up as soon as possible!

You can ask for this form in large type.

Este formulario está disponible en español.

Register to Vote

1 You must be registered to vote a mail-in ballot. If you are not registered to vote in Maryland and you want to register, go to elections.maryland.gov/voter_registration/index.html for more information, or contact your local election office (go to elections.maryland.gov/about/county_boards.html).

Print your name. Use black or blue ink.

2 First name Middle name or initial Last name Jr Sr II III IV

About you

3 Email Address Birthdate M M / D D / Y Y Y Y Phone

Your current address

Print your current residential address. DO NOT write a temporary address used for school, work, or travel. If you want to get your ballot by U.S. Mail, you can put that address in Section 6.

4 Address Apt. number City/Town State Zip Code When did you move here? M M / D D / Y Y Y Y If you do not remember the exact date, give the month and year.

How do you want to receive your ballot?

If you choose internet delivery, we will send you an email with a link to your ballot about three weeks before the election. You must print your ballot and return it to your local election office. If you do not see an email from the State Board of Elections, check your spam folder. Note: A fax or internet ballot you have printed yourself cannot be read by our scanners. Election workers will use the information on your ballot to mark an official ballot for you. The official ballot will be machine counted with other

If you do not have a Maryland Driver's License or ID card, provide the last 4 digits of your social security number.

Choose one:

U.S. MAIL

I want my ballot for the PRESIDENTIAL GENERAL ELECTION mailed to:

Same as above The address below

Address Apt. number City/Town State Zip Code

5 INTERNET DELIVERY We will email you an internet link to open your ballot and print it yourself.

Email address Maryland Driver's License or ID Card Number Issue Date M M / D D / Y Y Y Y Last 4 digits of Social Security number XXX-XX-

FAX

fax number

Signature

(required)

Anyone can help you fill out this form except

- A candidate on your ballot
Your employer or an agent of your employer
An officer or agent from your union

6

Voter's Signature (required)

X

Today's Date M M / D D / Y Y Y Y

Assistance Signature (required if you had help)

Under penalty of perjury, I hereby certify that this voter needed help with this form because he or she has a disability or is unable to read or write. The voter authorized me to complete this form. If the voter could not sign this form, I printed the voter's name and wrote my initials.

sign: print:

**Kagan, Cheryl Senator
(Laptop) <Senator.C.Kagan@senate.state.md.us>**

Sharing this with SBE for public dissemination for tomorrow's meeting.
Thank you.

*Cheryl C. Kagan
State Senator, District 17
(Rockville & Gaithersburg)*

From: Kagan, Cheryl Senator
Sent: Tuesday, August 4, 2020 4:24 PM
To: jclark@oag.state.md.us
Cc: Korman, Marc Delegate <Marc.Korman@house.state.md.us>
Subject: Ongoing SBE Transparency Issues

Dear Ms. Clark:

I am writing regarding my complaint submitted on July 7, 2020, co-signed by Del. Korman.

It is astonishing that despite the pending case before your Board and the clarity of the law, the State Board of Elections (SBE) persists in being out of compliance with Maryland's Open Meetings Act.

Specifically, I am flagging three issues for your consideration:

1. As you will see on SBE's website, the [agenda](#) states, "A link to the audio of the meeting will be available on SBE's website shortly before the meeting starts."
This is in contravention of the 2019 law ([SB184/HB71](#)) I sponsored with Del. Korman, which clearly requires SBE to conduct its business via live video.
Even following the complaint that Del. Korman and I filed with you, SBE continues to meet without video.
2. The Board continues to be dilatory in posting its meeting minutes.
While I appreciate the [new Board Meeting Archives page](#), I was disappointed that as of July 27, 2020 the minutes for the March 25 and April 2, 2020 meetings had not yet been posted.
(Please see the attached photos and note that the minutes had been [approved on at the April 22, 2020 meeting.](#))
3. As you'll see in the attached images, the agenda for tomorrow's SBE Board meeting was not posted on the [Board's Meeting page](#) until [I tweeted about it today](#).
Instead, they had initially [displayed it solely on the homepage](#).

SBE continues to make it difficult for the public to observe its meetings by changing the location of relevant information.

Especially in this historic election year, with heightened interest and concern, it is imperative that SBE make every effort to immediately improve its transparency in order to reassure voters and the press that this election will run smoothly.

To be clear, on October 1, [SB363/HB421](#) will become law.

It will require SBE (and several other agencies) to:

- Post agendas at least 48 hours prior to the meeting;
- Provide live-streaming of the public portions of the meetings; and,
- Share meeting minutes on agency websites within two business days of their approval.

Del. Korman and I are working on 2021 legislation to continue our work toward increased sunshine.

It's disappointing that SBE continues to lag behind the spirit and the letter of the law legal regarding transparency.

I hope the Board will find the attachments to be helpful during its deliberations.

Sen. Cheryl C. Kagan

Vice Chair, Education, Health, & Environmental Affairs Committee

District 17, Rockville & Gaithersburg

2W Miller Senate Office Building

Annapolis, MD 21401

301-858-3134

Cheryl.Kagan@senate.state.md.us

MARY L. WASHINGTON, PH.D
Legislative District 43
Baltimore City

Education, Health, and
Environmental Affairs Committee

Chair

Joint Committee on Ending
Homelessness

Chair

Joint Committee on Children,
Youth, and Families



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 102
Annapolis, Maryland 21401
410-841-3145 · 301-858-3145
800-492-7122 Ext. 3145
Mary.Washington@senate.state.md.us

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

August 3, 2020

Dear Ms. Lamone,

Thank you for your June 5th response to my questions regarding the June primary election and your explanation of November general election procedures. I now have concerns and follow-up questions regarding **the potential for Maryland's general election results to not be counted in the December 14th Electoral College vote.**

Given Governor Hogan's decision to hold an in-person election amid an ongoing pandemic, many Marylanders are likely to opt-in for absentee voting. Unlike the June primary, when all registered and eligible voters automatically received an absentee ballot in the mail, November voters will have the option to receive an absentee ballot electronically. The projected 700,000 electronically delivered absentee ballots in the November election will overwhelm our Counties' Board of Elections' capacity to duplicate, count, verify, and organize these ballots. Many Marylanders may lose their constitutional right to vote because of bureaucratic inefficiencies. This is unacceptable. The SBE must roll out a comprehensive and specific plan to avoid a constitutional crisis.

I have questions regarding the following aspects of the SBE's plan:

- Encouraging voters to request mailed absentee ballots
- Ensuring the security and authenticity of electronic absentee ballots
- Keeping all absentee ballots organized by precinct
- Counting all absentee ballots by December 14th regardless of format

1. Encouraging voters to request mailed absentee ballots

Given that the current ballot projections will render the SBE incapable of performing its fundamental task of counting all votes, what is your plan to dramatically lower the number of electronically delivered absentee ballots?

To many voters, it may seem more convenient and straightforward to print out a ballot at home and mail it in themselves than it would be to wait for a ballot in the mail. With little information about the problems with electronically delivered ballots a voter has no incentive to choose the seemingly less convenient mail option.

The SBE website does not encourage voters to request a mailed absentee ballot. Your press release in response to Hogan's decision to hold an in-person November election stated that, "The Board will... expand efforts to promote voting by mail, early voting, and voting at off-peak times" without any mention of the problems the SBE will face in counting these electronically delivered mail-in votes.

Will you start a media campaign to encourage voters to request to receive their absentee ballots by mail? Will you mark at the top of the paper and online absentee ballot request form that, if at all possible, voters should request to receive a mail delivered absentee ballot? Will you write a press release that makes clear the SBE's inability to count a high number of electronically delivered absentee ballots? Will you share this information with major Maryland media outlets?

2. Ensuring the security and authenticity of electronic absentee ballots

Maryland is one of the only states in the country that does not verify vote-by-mail signatures and is one of only three that offers electronic delivery of ballots to all voters. The Mueller Report and the Senate Collect Committee on Intelligence review found that 200,000 voting records were exfiltrated in Illinois in the 2016 voter database. Unlike physical homes and mailboxes, email addresses are vulnerable to hacking.

With no signature verification protocol to ensure that a ballot is received from an actual voter, it would be relatively easy for hackers to falsify a huge number of Maryland votes from electronically delivered ballots. You stated in your June 5th letter that you will ensure the validity of all November votes by comparing the number of votes in a precinct with the number of registered voters. How, exactly, will this ensure that the SBE knows from whom they received their ballots?

3. Keeping all absentee ballots organized by precinct

How will the SBE ensure that Maryland will have access to accurate and timely precinct level election data?

You had mentioned that you could print the precinct number on all the ballots and then program the voting machines to count the results by precinct. If you use this method, won't that cause difficulties at all the voting centers? They would each have to store and correctly hand out separate ballots for each precinct. For large counties like Baltimore City, that would be hundreds of different types of ballots.

If ballot envelopes or ballots themselves are not sorted by precinct, I worry Maryland will not be able to conduct manual post-election precinct audits as required by law or precinct level recounts.

An alternative solution would be to sort ballot envelopes by precinct. In response to my question about the cost you wrote: "The "cost" to sort return envelopes, not ballots, by precinct would be the staff time for the local boards of elections to sort envelopes by precinct. This would be a manual process, and the cost would vary by local board of elections." It makes sense that the cost would vary. What is your estimate?

4. Counting all absentee ballots by December 14th regardless of format

If you do not conduct a media campaign to encourage mail delivered absentee ballots, or if such a campaign does not work, what is the SBE's plan to perform the fundamental task of counting all ballots in time for the Electoral College vote? Do you plan to hire more staff?

I very much look forward to your responses and would very much appreciate it if you would share this letter with board members and include the letter, and a discussion of these issues, during tomorrow's meeting.

Thank you again for your service and continued dedication to this process during a most difficult time.

In partnership,



Senator Mary Washington, PhD, district 43

cc:

Nikki Charlson, Deputy State Administrator

Donna Duncan, Assistant Deputy for Election Policy

Senate President, Bill Ferguson

House Speaker, Adrienna Jones

Chair and Vice Chair, Education, Health & Environmental Affairs, Senator Paul Pinsky,

Senator Cheryl Kagan,

Chair and Vice Chair, Ways and Means, Delegate Anne Kaiser, Delegate Alonzo Washington

STATE OF MARYLAND

EXECUTIVE DEPARTMENT

LARRY HOGAN

GOVERNOR

BOYD K. RUTHERFORD

LT. GOVERNOR



OFFICE OF THE SECRETARY OF STATE

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JOHN C. WOBENSMITH

SECRETARY OF STATE

July 30, 2020

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

Re: Ballot Language

Dear Ms. Lamone:

Pursuant to Section 7-103(c) of the Elections Law ("EL") Article of the Maryland Code, I have prepared and hereby certify to you "the information required under [EL §7-103(b)], for all statewide ballot questions" as follows:

Question 1

Constitutional Amendment (Ch. 645 of the 2020 Legislative Session)

State Budget Process

The proposed amendment authorizes the General Assembly, in enacting a balanced budget bill for fiscal year 2024 and each fiscal year thereafter, to increase, diminish, or add items, provided that the General Assembly may not exceed the total proposed budget as submitted by the Governor.

(Amending Article II Section 17 and Article III Section 14 and 52 of the Maryland Constitution)

_____ For the Constitutional Amendment

_____ Against the Constitutional Amendment

Question 2

Commercial Gaming Expansion Referendum

(Ch. 492 of the 2020 Legislative Session)

Expansion of Commercial Gaming—Sports and Event Wagering

Do you approve the expansion of commercial gaming in the State of Maryland to authorize sports and events betting for the primary purpose of raising revenue for education?

For the referred law.

Against the referred law.

Please let me know if you will also need an electronic version of the language.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Wobensmith". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John C. Wobensmith

Copy: Josephine B. Yuzuik
Assistant Attorney General

August 4, 2020



Student Government Association
University of Maryland
3972 Campus Drive
College Park, MD 20742

The Honorable Gov. Lawrence J. Hogan Jr.
100 State Circle
Annapolis, MD 21401

Dear Governor Hogan,

We are writing to you on behalf of the student body at each of our institutions within the University System of Maryland to express our concerns about the upcoming November election. As representatives of our Student Government Associations (SGA) and similar governing bodies, we aim to advocate for the health and safety of our students at all times, especially in the midst of the ongoing COVID-19 pandemic.

As such, we are deeply concerned about your [announcement](#) this past month that the November presidential election will be conducted largely in-person, rather than primarily by mail-in ballot, as the June primary was held. We recognize that there were issues with mailed ballots in the June election that resulted in long lines at limited polling locations and delayed receipt of ballots. We hoped you would direct resources toward solving those problems and preventing them from occurring during a November mail-in election rather than asking Maryland voters to potentially compromise their health and safety to exercise their right to vote.

According to the [CDC](#), elections with in-person voting are at a higher risk for the spread of COVID-19 because of large crowds and long wait times at polling locations. The CDC also recommends that voters use “[alternative voting methods](#)” when possible to reduce the risk of contracting COVID-19. Expanding voting options would be much easier for USM students and Maryland voters if ballots were automatically mailed to all eligible voters in November. Doing so would also protect the health and safety of Maryland voters, poll workers and election judges.

At many of our campuses, we have polling locations on or near campus. We want to do all we can to make sure that students are not forced to congregate at those locations. No student should have to risk their health or safety to vote.

We applaud the efforts you have already announced to protect the safety of voters and workers by encouraging the constant sanitization of poll stations, the use of PPE and the wearing of face masks when voting. However, we implore you to reconsider your decision and further protect the health of Maryland

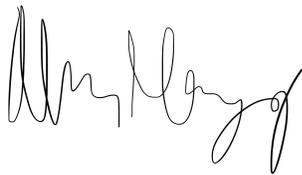
residents by mailing a ballot to all registered voters and encouraging Marylanders to exercise their civic duty from the safety of their homes.

At our institutions, we spend our four years as undergraduates learning to be fearless leaders and defenders of democracy. In that effort, we aim to educate students about voting and encourage each eligible student voter to exercise their constitutional right in the safest, healthiest and most convenient way possible. We hope you'll join us in that effort and revise your directive for the November election to include mail-in ballots to all eligible voters throughout our state.

Sincerely,



Dan Alpert
Student Body President, University of Maryland, College Park



Alexandra Marquez
Director of Civic Engagement, Student Government Association, University of Maryland, College Park



Noah DeMichele
President, Student Government Association, Frostburg State University



Maman Deguene Ndong
President, Student Government Association, Towson University



Anna Windle
Chair, Graduate Student Council, University of Maryland Center for Environmental Science



Nivedita Hegdekar
President, University Student Government Association, University of Maryland, Baltimore



Dan Laffin
President, Graduate Student Government, University of Maryland, College Park



Tiffany Flowers
President, The Universities at Shady Grove Student Council



Johnathan Beckett, Jr.
President, Graduate Student Association, Towson University



Jocelyn Simmons
President, Graduate Student Government, University of Maryland Eastern Shore



Daniel Khoshkepazi
President, University of Baltimore Student Government Association



Kortney Wells
President, Bowie State University Student Government Association

CC:

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

Patrick J. Hogan
Vice Chairman, Maryland State Board of Elections
151 West Street Suite 200
Annapolis, MD 21401



July 31, 2020

Honorable Linda Lamone
Administrator of Elections
State Board of Elections
P.O. Box 6486
Annapolis, Maryland 21401-0486

Dear Ms. Lamone:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Maryland's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

RECEIVED
AUG 03 2020
STATE BOARD OF ELECTIONS

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked by Election Day and received by election officials no later than November 13. If that understanding is correct, voters who choose to mail their ballots may do so on or before Tuesday, November 3. However, it further appears that state law generally permits voters to apply by mail for a ballot as late as 7 days before the election. If a voter submits a request at or near the deadline, and the ballot is transmitted to the voter by mail, there is a risk that the voter will not receive the ballot before Election Day or have sufficient time to complete and mail the completed ballot back to election officials in time to satisfy the state's postmarking deadline. That risk is exacerbated by the fact that the law does not appear to impose a specific time period by which election officials must transmit a ballot to the voter in response to a request.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: <https://about.usps.com/election-mail/politicalection-mail-coordinators.pdf>.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,



Thomas J. Marshall

PRESIDENTIAL ELECTIONS IN MARYLAND

FACT SHEET REGARDING JUNE 2, 2020, PRESIDENTIAL PRIMARY¹

1. The total voter turnout was 1,505,082—*the greatest number of voters* in the history of Maryland presidential primary elections (first held in 1912).
2. The total voter turnout among Democratic registered voters was 1,086,030—*the greatest number of voters* in the history of Maryland presidential primary elections.
3. The total voter turnout among Republican registered voters was 359,276—*the third highest* in the history of Maryland presidential primary elections, exceeded only by the contested, open seat, primary elections in 2000 and 2016.
5. Baltimore City had the *highest percentage turnout* (48.10%) of eligible registered voters among the 24 jurisdictions in the State of Maryland—*6.1% above* the state average of 42.00%.
5. The percentage voter turnout among Democratic registered voters was 48.69%—*the second highest percentage* Democratic turnout in the history of Maryland presidential primary elections, trailing only the 50.49% in the competitive (Obama/Clinton) 2008 primary.
6. Four jurisdictions (Baltimore City, Calvert County, Carroll County, and Talbot County) set records *for the highest percentage turnout* among Democratic registered voters (in their respective jurisdictions) in the history of Maryland presidential primary elections.
7. The percentage voter turnout among Republican registered voters was 35.60%—*the highest percentage* for an uncontested challenge to an incumbent president (as in 1984 and 2004).
8. Howard County had the *highest percentage turnout of Democratic* registered voters at 53.11%. Cecil County had the *highest percentage turnout of Republican* registered voters at 43.34%.
9. Baltimore City had the *highest total voter turnout* (153,688) of Democratic registered voters in the history of Maryland presidential primary elections in the City.
10. 1,463,007 voters returned their ballots by mail or by depositing their ballots in one of the 64 “drop boxes” located in the state’s 23 counties and Baltimore City. It is noteworthy that *none of these voters waited in line to vote at an in-person polling location.*

¹ Prepared by John T. Willis, **Presidential Elections in Maryland** and official election information (copy. 8/4/20).

My name is Ben Frey. I manage the election systems in Somerset County. I also have the honor of serving on the MAEO Board.

You have heard, and will hear, a consensus amongst Election Directors, Deputy Directors, and others of us on the front lines of Maryland elections. I will not repeat the critical points being made by others.

All I wish to present is a plea, also supported by local election officials, that the State Board of Elections come to a unified position on the proposals we are making.

What Maryland elections is facing is an impossible task, multiple impossible tasks, to fulfill our obligations to manage a safe, successful election, in an environment that is surely unique and demands both creative and flexible thinking.

A genuine, honest, and respected difference of opinion is an essential part of the conversation in a democratic society. But in order to make progress, to achieve common goals, eventual compromise is also an essential component.

My point is, at this meeting and after hearing numerous appeals from around the state, for the five of you to come to your own consensus and make an unambiguous declaration to the Governor that the State Board of Elections clearly supports the voices of local election officials. This will require an acknowledgement from all of you that you can't always get what you want, but *we* in the trenches *must* get what we need.

By voting unanimously on our proposals and presenting to the Governor an explicit declaration of support for Election Directors and their staff, the State Board of Elections becomes a true ally of the LBES

Thank you for your time and consideration.

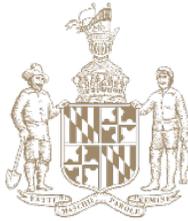
Ben Frey
Somerset County, Election Program Supervisor I
MAEO Board member

MICHELE GUYTON
Legislative District 42B
Baltimore County

Ways and Means Committee

Education Subcommittee

Finance Resources Subcommittee



The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Dear Director Lamone and Members of the State Board of Elections,
Thank you for allowing me the opportunity to speak with you and publicly propose consideration of drive-through or curbside voting in Maryland this November. I have also provided more information about curbside voting and descriptions of how curbside voting is working in other states in this email.

I introduced the concept of curbside voting this legislative session to the Ways and Means Committee during a Hearing for HB142, a bill designed to expand voting access for our elderly and disabled citizens. I have been surprised that this has not been considered as an additional option for Marylanders who wish to vote in-person and poll workers who are worried about safety during the Covid-19 pandemic.

Curbside voting has been successfully implemented in Albuquerque, NM, Milwaukee, WI, and multiple jurisdictions in Utah, Texas, Colorado, and Michigan. The idea has been promoted by both conservative and liberal advocates such as the National Review and Kamala Harris, as a viable option for holding elections successfully during Covid-19. Included in the information I have sent to you is a link to a video of how this actually worked in Michigan during the Primary Election. A voter arrives, is handed a ballot which they can fill out in the privacy and safety of their car and then hands it to a poll worker or puts it directly in a machine. Current polling places, as well as Covid-19 drive-through testing stations, can generally accommodate this option.

I am making this request for consideration of curbside voting because I am never willing to ask my constituents to take risks that I am unwilling to take myself. I am not willing to stand in line at a polling place or to volunteer as a poll worker under the current recommendations. I would be comfortable and willing to do both if curbside voting were available. In order to balance concerns about health and safety and increase voter access to in-person voting, I sincerely hope that the Maryland Board of Elections will consider the option of curbside voting.

Sincerely,
Delegate Michele Guyton

Chaffee County Colorado

<https://www.9news.com/article/news/local/next/colorado-drive-up-voting-chaffee-county/73-4da26035-c0bd-4390-af9d-58deb7dded8b>

Albuquerque New Mexico

<https://www.abqjournal.com/1470359/election-law-opens-door-to-curbside-mail-in-voting.html>

Ferndale Michigan with an explanation of how it works

<https://www.youtube.com/watch?v=IutNQPsts5I>

7 Counties in Utah

<https://www.kuer.org/post/7-utah-counties-will-open-new-kind-drive-thru-june-elections#stream/0>

Milwaukee Wisconsin with some explanation of how it works

<https://www.cbs58.com/news/itdrive-thru-early-voting>

Harris County Texas with explanation of how it works

<https://www.cbs58.com/news/itdrive-thru-early-voting>

Kamala Harris supporting curbside voting

<https://americanpriority.com/news/kamala-harris-honor-ancestors-with-curbside-absentee-voting/>

Conservative National Review supporting curbside

<https://www.nationalreview.com/2020/04/coronavirus-response-holding-elections-during-pandemic/>