

1. Announcements & Important Meetings

Internal Planning Meetings

Each Monday, Wednesday and Friday, SBE staff, our Assistant Attorney General and I meet to identify and resolve issues and tasks related to the June 2nd Presidential Primary Election. This group effort facilitates discussions among different SBE divisions and allows for each division to share decisions and updates related to these elections.

Election Director Conference Calls

We are conducting weekly calls with the Election Directors and appropriate staff. The calls allow us to share information, review decisions, answer or collect questions, and obtain feedback. Meeting summaries will be provided in the board meeting materials.

Pre-Election Conference Calls with Local Board Counsel

Before each election, we host a series of calls with counsel to the local boards of elections to review changes to election laws and regulations, share information about election-related issues, and provide a forum for counsel to share ideas and ask questions. Our pre-election calls were held on May 12th and 26th. Most counsel participated in the calls, and most of the discussions were about canvassing.

Pre-Election Call with Political Parties

Before each election, we host a meeting with representatives of the Maryland Democratic and Republican Parties to share information, identify and explain any election-related issues, and answer questions. This meeting was held on May 15th, and a summary of the call will be provided in the meeting materials.

Pre-Election Weather and Threat Briefing

On May 27th, the Maryland Emergency Management Agency (MEMA) hosted a briefing for State and local election officials and emergency management officials. Representatives of the National Weather Service, Maryland Department of Health, and the Maryland Coordination and Analysis Center will share relevant information. We also share with the State and local emergency management officials critical election dates and facilities where critical election functions are conducted. Representatives of MEMA also review the procedures for reporting incidents.

3. 2020 Special General Election (April 28, 2020)

Post Election Automated Tabulation Audit

The post-election automated audit of ballot images from the 2020 Special General Election for the 7th Congressional District is complete. Before certifying election results, each local board received four reports comparing the voting system's results against the results from the independent tabulation performed by the automated audit software.

These reports showed that:

1. The voting system and Clear Ballot tabulated the same number of ballots (cards cast).
2. Any differences between the two systems' results were less than 0.5%.
3. The voting system accurately tabulated the results

After the completion of the canvasses and prior to the State Board of Canvassers' certification of the

election results, all ballot images were retabulated, and the second set of reports were issued. These reports confirmed that the voting system accurately tabulated the ballot images from all canvasses. The comparison reports and automated audit results (generated before we provided the voting system's results) are posted on SBE's website, and the public portal of ballot images and reports was published last week.

4. 2020 Presidential Primary Election (June 2, 2020)

Vote by Mail Ballots

Approximately 3.6 million ballots were printed and mailed by the mail house vendor SeaChange. These ballots included ballots for newly registered voters, voters who changed their address, or voters who changed their party affiliation. The last day a file was submitted to SeaChange was May 20th. The last day ballots were delivered into the Maryland mail stream was May 26th.

Online Ballot Delivery System Usage

As of May 25th, 42,461 voters have requested an electronic ballot and 43% of these voters have accessed their accounts. As of the same date, 63% of the voters who have accessed their accounts and started the process chose to download and print a blank ballot. The remaining 37% of these voters accessed their accounts and used the online ballot marking tool to make their ballot selections.

Voting Systems

Logic and accuracy testing of the voting equipment for this election has been completed by the local boards of elections. SBE has completed the audit of the logic and accuracy testing conducted by the local boards of elections, and no issues were identified.

Electronic Pollbook

The electronic pollbook database for the upcoming election was distributed to the local boards of elections on May 22nd. The local boards have completed the logic and accuracy testing of the electronic pollbooks, and SBE is actively conducting audits of the testing. A bulk update for the electronic pollbook will be distributed to the local boards of elections on May 31st. The bulk update will contain transactions posted to MDVOTERS since May 21st, when the pollbook database was created.

5. Voter Registration

MDVOTERS

The voter registration team has been working to facilitate the vote by mail election.

Currently, user acceptance testing (UAT) is taking place for a July deployment. Approximately 80 plus issues will be incorporated. Development includes updates and enhancements to reports and exports across all facets of MDVOTERS, ERIC enhancements and a re-design of the electronic registration screens.

MVA Transactions

During April, MVA collected the following voter registration transactions:

| | |
|-------------------------|-------------------------------------|
| New Registration - 459 | Residential Address Changes - 9,076 |
| Last name changes - 267 | Political Party Changes - 1,149 |

Non-Citizens

Due to the telework mandate, no information is available at this time.

6. Candidacy and Campaign Finance (CCF) Division

Reports due

The Presidential/Baltimore City Pre-Primary 1 Report was due on April 28th. This report is only due for political committees participating in the Presidential/Baltimore City election. Over 80% of the committees filed timely, and currently, over 92% of the reports have now filed.

The Presidential/Baltimore City Pre-Primary 2 Report was due on May 22nd. Nearly 85% of the committees filed timely, and currently, over 89% of the reports have now filed. The next report, the Pre-General Report 1, is due on August 25th at 11:59 pm.

Committees that failed to file are accumulating late fees daily. The maximum late fee per report is \$1,000. If an authorized candidate campaign committee for a candidate that won in the primary election does not file and pay late fees, it will be deemed a vacancy in nomination prior to the general election.

On June 1st, the semi-annual Contribution Disclosure Statement is due for persons doing public business (persons with governmental contracts of \$200,000 or more) and persons who employ a lobbyist and make applicable contributions. As of May 27th, 482 statements were filed. The maximum late fee is \$1,000.

7. Project Management Office (PMO)

Inventory Management

The FY2020 statewide inventory audit began on March 1, 2020. At this time, 63% of equipment and supplies have been inventory audited. The 64 ballot drop off containers have been added to inventory.

SBE's Central Warehouse team, Shafiq Satterfield, the State's Transportation Contract Manager, and the transportation company coordinated the delivery of the ballot drop boxes to the dropbox locations around the State.

Keith Ross worked with Shelly Holland, SBE's Budget Director, to identify the other vote-by-mail equipment and supply items purchased so that they could be entered into the inventory system.

FY2022 Pollbook Project

Planning work continues and includes developing the project management documentation required for the Planning phase of the project, developing the Request for Proposal (RFP) that includes the requirements gathering for the pollbook solution, and recruiting of contract project team members.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 16 PROVISIONAL VOTING

Chapter 03 Issuance of Provisional Ballot

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 3-305(e), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

.01 In General.

A. A voter shall be issued a provisional ballot packet if:

(1) – (3) (text unchanged)

(4) The voter is not eligible to vote a regular ballot because:

(a) – (c) (text unchanged)

(d) During early voting, [the] *an individual using the same day registration process:*

(i) – (ii) (text unchanged)

(5) – (6) (text unchanged)

B. –D. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS

Subtitle 17 EARLY VOTING

Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-102(i), 9-503, 10-301.1, and 12-106(a), Annotated Code of Maryland

.02 Applicability to Elections.

A. Early voting is applicable for the following regularly scheduled elections:

(1) Presidential primary and general elections; *and*

(2) Gubernatorial primary and general elections[; and

(3) Baltimore City primary and general elections].

B. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS

Subtitle 19 SAME DAY REGISTRATION AND ADDRESS CHANGES

Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§1-101(v), 2-102(b)(4), 2-202(b), 3-305(e), and 3-306(a), (d), and (e), Annotated Code of Maryland

.01 Applicability to Elections.

A. - B. (text unchanged)

C. [Same] *For special primary and general elections, same day registration [and address changes are not] is available on [for special primary and general elections] election day.*

LINDA H. LAMONE
STATE ADMINISTRATOR

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: January 3, 2020
Re: Proposed Regulations – Subtitles, 16, 17, and 19

At the next board meeting, I will propose changes to Subtitles 16 – Provisional Voting, 17 – Early Voting, and 19 – Same Day Registration and Address Changes. These proposed amendments further clarify procedures that were identified during the review process for regulations that you recently adopted.

Provisional Voting – In General (33.17.03.04(D))

This proposed amendment clarifies that when an election judge is determining if a voter is eligible to vote a regular ballot that the restrictions in Subsection (4) apply only to when an individual is attempting to use the same day registration process during early voting, not the same day address change process.

Early Voting – Definitions; General Provisions (33.17.01.02A(3))

This proposed amendment repeals the reference that early voting is applicable to Baltimore City primary and general elections. Election Law Article §§8-201(b) and 8-301(b) specify that Baltimore City municipal primary and general elections are held on the same days as the presidential primary and general elections, therefore the provision in COMAR 33.17.02A(3) is redundant and no longer necessary.

Same Day Registration and Address Changes – Definitions; General Provisions (33.19.01.01(C))

House Bill 286 of the 2019 Legislative Session established the process for same day registration on election day. It is the advice of the Office of the Attorney General that this legislation require same day registration on election day for all elections, including special elections. This proposed amendment matches the emergency legislation that you approved in October and that the AELR Committee approved and became effective on Dec. 30, 2019.

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: May 14, 2020
Re: Final Adoption of Regulations – Subtitles 16, 17, and 19

At the next board meeting, I will present for final adoption the regulations approved for publication at the January 29, 2020 meeting. Attached to this memo are the proposed regulations as published in the *Maryland Register* and my January 2020 memo explaining the proposed changes. These proposed amendments further clarify procedures that were identified during the review process for regulations that you recently adopted.

These proposed regulations were published in the April 10, 2020, edition of the *Maryland Register* (Vol. 47, Issue 8). The public comment period closed on May 10, 2020, and we received no comments.

The specific regulations ready for final adoption at the upcoming meeting are:

1. 33.16.03.01 – Provisional Voting – Issuance of Provisional Ballot – In General
2. 33.17.01.02 – Early Voting – Definitions; General Provisions – Applicability to Elections
3. 33.19.01.01 – Same Day Registration and Address Changes – Definitions; General Provisions – Applicability to Elections

At the upcoming meeting, I will recommend that the board provide final approval of these regulations.

If you have any questions about these regulations before the meeting, please do not hesitate to contact me. I will be at the next meeting to answer any questions.

ASSISTANT ATTORNEY GENERAL'S REPORT
May 28, 2020

1. *Fusaro v. Davitt et al.*, No: 1:17-cv-03582 (U.S. District Court, D. Md.). No changes from the last update. Plaintiff Dennis Fusaro brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. On September 4, 2018, the State defendants' motion to dismiss the complaint was granted, and the plaintiff appealed. On July 12, 2019, the Fourth Circuit vacated the dismissal order, and remanded the case for further proceedings. The parties have since conducted discovery and briefed dispositive summary judgment motions, and are awaiting a ruling from the Court.

2. *Johnson v. Prince George's County Board of Elections*, No. CAL16-42799 (Cir. Ct. Prince Georges Cnty.). No change from the last update. This case involves a challenge under the U.S. Constitution and Maryland Constitution and Declaration of Rights to the SBE's alleged failure to provide information and access to voter registration and voting resources to eligible voters detained by the Prince Georges County Department of Correction during the 2016 election. The case had been originally filed in the Circuit Court for Prince Georges County but was removed on the basis of the federal claims asserted by the Plaintiffs. On February 27, 2018, the U.S. District Court for the District of Maryland granted SBE's motion to dismiss the Plaintiffs' federal claims, declined to exercise jurisdiction over the state claims, and remanded the case to the Circuit Court for further proceedings. The parties are awaiting further direction from the court.

3. *Judicial Watch v. Lamone*, No. 1:17-cv-02006-ELH (U.S. District Court, D. Md.). This case involves the denial of access to Maryland's voter registration database. Under Maryland law, access to the voter registration list is limited to Maryland registered voters and only for non-commercial, election-related uses. Judicial Watch—an elections watchdog group located in Tennessee—requested Maryland's voter registration “database” and was denied because it was not a Maryland registered voter. Judicial Watch filed suit, arguing that the database was required to be disclosed under the federal National Voter Registration Act. On April 24, 2019, Judicial Watch filed a reply in support of its motion for summary judgment. On May 8, 2019, the defendants filed a reply in support of their cross-motion for summary judgment. An August 8, 2019, the District Court awarded summary judgment to the plaintiffs, but requested further briefing on the issue of whether the State Board of Elections should be compelled to produce the

dates of birth of voters along with the other voter information available on Maryland's voter registration lists. On April 17, 2020, the District Court ruled that dates of birth must be included in the list provided to plaintiffs. The parties have reached an agreement-in-principle as to resolving the remaining issues in the case.

4. *National Federation of the Blind, Inc., et al. v. Lamone et al.*, No. 1:19-CV-02228-ELH (U.S. District Court, D. Md.). No change from the last update. On August 1, 2019, the National Federation of the Blind ("NFB"), NFB's Maryland chapter, and three individual plaintiffs filed a lawsuit against the State Administrator and the individual members of the State Board of Elections alleging that SBE's BMD policy has, in practice, violated the rights of voters with disabilities "to an equal opportunity vote in person by a secret ballot," in violation of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Plaintiffs seek an order requiring the State Board "in all future elections to offer BMDs to every in-person voter as the default method of voting, with paper ballots offered only to those voters who affirmatively opt out of using the BMD or in cases where there are long lines of people waiting to vote." On September 3, 2019, defendants filed a motion to dismiss the complaint, and on September 20, 2019, plaintiffs filed a motion for a preliminary injunction, seeking relief in time for the November 2020 election. On February 10, 2020, the court denied the defendants' motion to dismiss, and denied the plaintiffs' motion for preliminary injunction. On February 24, 2020, the Court entered a scheduling order governing the discovery period for the case, and setting a July 31, 2020 deadline for the filing of dispositive motions. The parties have exchanged initial disclosures and are in discovery. However, due to the disruptions caused by COVID-19 and the changes to the elections, the parties have agreed to extend certain disclosure and discovery deadlines.

5. *Hewes v. Alabama Sec'y of State et al.*, No. 1:19-cv-09158-JMF (U.S. District Court, S.D.N.Y.). On October 3, 2019, plaintiff Henry F. Hewes, a putative candidate for the Democratic nomination for President for the 2020 election, sued the unnamed Secretaries of State of 43 states, (including Maryland), alleging that state-imposed limitations on ballot access for federal presidential candidates violate the First and Fourteenth Amendments to the U.S. Constitution. Plaintiff seeks an order compelling the defendants to place the name of the plaintiff and any other candidate who has registered with the Federal Election Commission on the primary ballots of the states named as defendants. The Defendants jointly filed a motion to dismiss asserting common arguments for dismissal on December 19, 2019. On January 23, 2020, the plaintiff filed an amended complaint, and the defendants thereafter renewed their joint motion to dismiss. The plaintiff's opposition to the motion to dismiss was due May 8, 2020, but the

plaintiff has not served an opposition, nor does the docket reflect that an opposition was filed.

6. *Public Interest Legal Foundation, Inc. v. Lamone*, No. 1:19-cv-03564-ELH (D. Md.). No change from the last update. Plaintiff Public Interest Legal Foundation, Inc., filed a lawsuit against the State Administrator, the members of the State Board, and Erin Dennis, seeking access to Maryland's list of registered voters pursuant to the public inspection provisions of the National Voter Registration Act. Plaintiff alleges that the District Court's published decision in *Judicial Watch, supra*, entitles them to access, and that the issue left outstanding by the court in that case does not implicate their request since they are not seeking individuals' dates of birth as part of the information provided for each voter on the list. Plaintiffs filed a motion for summary judgment simultaneously with their complaint. On January 17, 2020, defendants answered the Complaint. On January 24, 2020, defendants moved for a stay of the proceedings pending the resolution of the *Judicial Watch* matter and any appeals therefrom, due to the similarity of the issues between the cases.

7. *Chong Su Yi v. Hogan*, Nos. 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). On March 6, 2020, plaintiff Chong Su Yi filed four apparently identical complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 2018 elections, and naming Governor Larry Hogan as defendant. Specifically, Mr. Chong appears to be arguing that the results are invalid because of the use of religious facilities as polling places, that the State's use of "scanners" to tabulate ballots is unconstitutional and/or not permitted by federal law, and that the State's identification of candidates' party affiliations on the general election ballot is not permitted by State law. The complaints are substantially identical to complaints Mr. Chong filed in 2019, which the court dismissed with prejudice earlier this year. Defendant moved to dismiss the complaints on May 3, 2020. On May 15, 2020, Mr. Chong filed substantially identical amended complaints in these actions. Defendant's response to these amendments is due June 1, 2020.

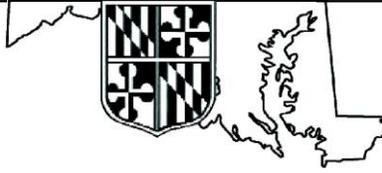
8. *Maryland Green Party, et al. v. Hogan et al.*, No. 1:20-CV-01253-ELH (U.S. District Ct., D. Md.). On May 19, 2020, the Maryland Green Party, its Chairman Steven Ellis, the Libertarian Party of Maryland, and its Chairman Robert S. Johnston, III, filed a lawsuit in federal court against Governor Hogan and State Administrator Lamone seeking relief from Maryland's statutory 10,000-signature petition requirement for new party petitions, and from Maryland's statutory signature verification standard for validating and counting petition signatures. The Maryland Green Party is also seeking damages. Plaintiffs claim that the 10,000-signature requirement and the signature

verification standard, as applied in the COVID-19 environment, violate their First and Fourteenth Amendment rights to obtain access to the ballot as non-principal parties. Plaintiffs seek a reduction in the signature amount required for new party petitions to 1,000, and a requirement that the State Board accept any signature on the petitions that the State Board can match to an actual Maryland voter, notwithstanding any technical non-compliance with the signature standard. Simultaneous with their complaint, plaintiffs filed a motion for preliminary injunction. Defendants' opposition to the motion for preliminary injunction is due May 29, 2020. A hearing on the motion has been scheduled for June 12, 2020.

STATE BOARD OF ELECTIONS

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

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Patrick J. Hogan, Vice Chairman
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Linda H. Lamone
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Nikki Charlson
Deputy Administrator

May 17, 2020

League of Women Voters Maryland
Common Cause Maryland
Maryland PIRG
Out for Justice, Inc.
Our Maryland
Represent Maryland
Progressive Maryland
Indivisible Howard County
AFT-Maryland
NALEO Education Fund

Dear Coalition Members:

Thank you for your letter to Governor Hogan sharing the coalition's thoughts on how to educate voters about the changes to the June 2, 2020 Primary Election. The Governor has reviewed your letter and has asked me to respond.

The estimated \$1.1 million statewide effort includes advertising, stakeholder outreach, earned media, and social media, and is designed to reach all eligible voters, from communities of color to rural Maryland. Here is a summary:

1. **Advertising:** The advertising campaign will include television (broadcast and cable), radio, print, and digital media outlets. The digital media advertising initiative began the week of May 10, and will remain ongoing statewide. Radio and print advertising will begin shortly thereafter. It is expected that the TV ad campaign will include approximately a dozen local TV affiliates in every region of the State.
2. **Stakeholder Outreach:** We are also undertaking an aggressive statewide effort to engage key stakeholder groups, including faith-based organizations, civic and interest groups, associations, senior centers, trade associations, and more. We are proactively contacting more than 100 such organizations statewide and have also engaged strategic marketing and communications firms that specialize in African American and Hispanic outreach. Every eligible voter in Montgomery and Prince George's Counties has been mailed voting instructions in both English and Spanish, and our voter guide for stakeholders is available in English and Spanish.
3. **Earned Media:** Our outreach efforts include a sustained statewide campaign to keep journalists informed of the key facts for voting safely and securely in the primary election. This effort includes media outlets in every county in the State and the City of Baltimore as well as outreach to African American and Hispanic media. We are

May 17, 2020

distributing weekly press releases, “how to vote by mail” videos, phone and video interviews with SBE personnel, and offers to meet virtually with editorial boards.

4. **Key Messages:** As you know, the primary is primarily a vote-by-mail election due to the novel coronavirus. The Board has developed key messaging around this change, including:

- Vote Safe, Vote By Mail.
- Instructions on completing and returning a mail-in ballot. See the Board’s new “How to Vote by Mail” video: [youtube.com/watch?v=ECXB5rU3dgs&feature=emb_title](https://www.youtube.com/watch?v=ECXB5rU3dgs&feature=emb_title)
- No postage is required.
- Ballots must be postmarked on or before June 2.
- The April 28 date on the ballot is incorrect. June 2 is the correct election date.
- Voters who did not receive a ballot in the mail can submit a request to absentee.SBE@maryland.gov or call 800-222-8683.
- For those who wish to register to vote in this election, the deadline is Tuesday, May 27, 2020.
- This is also the deadline to change parties. Please visit elections.maryland.gov and click “Register to Vote” to learn more.
- Votes are still secret when sent by mail. Election officials count ballots using the same equipment used for in-person voting. This equipment is never connected to the Internet or any other database.
- Some Marylanders cannot vote by mail. To accommodate these voters, at least one in-person voting center will be open in every county on June 2, and ballot drop-off boxes will be open in each county beginning May 21 through June 2.
- If someone uses a drop-off box, the ballot must be dropped off by 8 p.m. on June 2. Please find these locations at elections.maryland.gov/june2.

Thank you again for your correspondence. If you have any questions, please do not hesitate to contact Donna Duncan, who is overseeing the voter education campaign. She can be reached at donna.duncan@maryland.gov.

Sincerely,



Linda H. Lamone
State Administrator

STATE BOARD OF ELECTIONS

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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

May 22, 2020

Via Electronic Mail Only

The Honorable Bill Ferguson
President of the Senate
Annapolis MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
Annapolis MD 21041

Dear President Ferguson and Speaker Jones:

Thank you for your May 19 letter regarding the June 2 presidential primary election. Like you, our foremost priority is ensuring all eligible voters have the opportunity to vote in this election.

This is an unprecedented election. We moved quickly after Governor Hogan's executive order requiring a vote-by-mail election due to COVID-19.

While the vast majority of ballots have been delivered to eligible voters across Maryland, we are extremely disappointed that our ballot mailing vendor failed to deliver ballots to voters in the City of Baltimore on schedule and failed to notify us about their delay. We will conduct a thorough review of their performance after the election. Until then, our focus is on ensuring all eligible voters have the opportunity to vote by June 2.

Despite the delay, ballots are being delivered daily to eligible voter addresses on file in Baltimore and Maryland. The USPS is using a combination of measures, including traditional mail and overnight shipping to Baltimore. We thank them for the level commitment and sophistication they have brought to the job.

Additional Ballot Drop Boxes and Voting Centers in Baltimore City

I am pleased to report that the members of the State Board of Elections approved on Wednesday two additional in-person voting centers in the City of Baltimore for the June 2 election. The two new vote centers will be located at Northwood Elementary School and Northwestern High School. Six in-person voting centers will now be available to eligible Baltimore voters from 7 am to 8 pm on Election Day, Tuesday, June 2.

We and the Baltimore City Board of Elections also expanded the number of ballot drop off locations available in Baltimore from 5 to 15. Five of those locations are open now, and the remaining 10 will be opened on a date to be announced soon.

These actions will make it easier for Baltimore City voters to exercise their right to vote if they are unable to vote by mail.

Undelivered Mail-In Request List

When the special general election for the 7th Congressional District was changed to a vote by mail election, we needed to make changes to the database used to manage the traditional absentee voting process. The database is designed to support absentee ballots requested by voters and in person voting for those voters that do not request an absentee ballot. To conduct a vote by mail election, all voters were, in essence, “absentee voters,” and we made changes to the database to accommodate this.

There was a small file of voters who had previously requested absentee ballots but were not included in the initial files sent to the vendor printing and mailing the ballots. This file was 5,853 ballots or about 1% of the ballots sent to eligible voters in the 7th Congressional District. This file included ballots for 2,731 voters in Baltimore City, 1,664 voters in Baltimore County, and 1,458 voters in Howard County. According to data from the United States Postal Service, 5,490 or 94% of these ballots were received on or before April 27.

For the June 2 election, we implemented a continuous review process to ensure that all eligible voters were mailed a ballot. This process involves verifying that all eligible voters have an “issued” ballot in the database used to manage this process, were sent to the vendor printing and mailing the ballots, and were sent a ballot by the vendor. This process increases our confidence that eligible voters will receive ballots for the June 2 election.

Special Election Undelivered Ballots

Because of the short time between the special general election for the 7th Congressional District and the rescheduled primary election, State and local elections officials did not have time to perform list maintenance efforts typically used by jurisdictions who primarily vote by mail. Knowing, however, election officials do not have current addresses for some voters, we are incorporating into our voter outreach efforts how voters who did not receive a ballot can vote in the June 2 election. These efforts include:

1. Promoting how to request a replacement ballot if a voter does not receive a ballot in the mail. This includes calling 1-800-222-8683, sending an email to absentee.SBE@maryland.gov, or calling the local board of elections.
2. Using in person vote centers. With vote centers, voters can vote at any vote center in the jurisdiction in which they live. They are not required to vote at the vote center located closest to the address election officials have on file.
3. Offering provisional voting at all vote centers. This is the traditional way voters can update their addresses on election day.
4. Offering same day registration for individuals who appear eligible but are not registered. This week, the Board sent a postcard to these individuals informing them about the same day registration process and where they vote on June 2.

May 22, 2020

Voter Communications Strategy

We have also expanded our voter outreach program in Baltimore City to educate voters on how to participate in the election. Given the delay in ballot deliveries in Baltimore City, we have expanded our grassroots and in-community engagement with COVID-19 safe street teams, sounds trucks, and influencer events, in addition to planned advertising for Baltimore, including:

- Radio and TV advertisements
- Print media and digital advertising
- Social media toolkit for organizations and individuals
- SBE leadership participating in video forums with Baltimore leaders and organizations

Statewide, we are working to inform voters about their options to vote and the steps they should take if they need to request a ballot – in English and Spanish. From the beginning, our voter education team included communications firms specializing in urban community outreach and Latinx outreach. These firms – greiBO and Veronica Cool & Associates – are playing a central role in educating Marylanders on how to safely and securely register to vote, get a ballot, complete a ballot, and return a ballot.

Lastly, our media and stakeholder outreach campaigns encompass the entire state, with county-by-county press releases on ballot delivery windows, registration deadlines, ballot drop box locations, and what a voter should do if he or she does not receive a ballot in the mail. Our stakeholder outreach effort is estimated to reach more than 200 organizations from every region in Maryland.

Federal CARES Funding

We received \$7.4 million in federal funds from the CARES Act. The federal funds were used to pay for the increased printing and mailing of ballots for a vote by mail election, pre-paid return postage for all voted ballots, and the ballot drop off boxes throughout the State. SBE also used these funds to purchase personal protective equipment and cleaning supplies for voters, staff, poll workers at the vote centers and staff during canvassing. We are also using federal funds to pay for the voter education campaign to educate voters about the change in how the election is being conducted and important information to know about a vote by mail election. Federal funds were used to purchase camera equipment and live streaming services for the local board of elections' canvassing and security measures for the ballot drop off containers.

Thank you for the opportunity to respond to your concerns, and I look forward to working with you and your members to share important information about this election. If you have any questions or would like more information, please do not hesitate to contact me.

Sincerely,

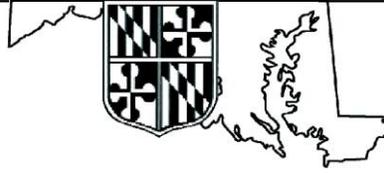


Linda H. Lamone
State Administrator

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Deputy Administrator

May 23, 2020

Via Electronic Mail Only

The Honorable Sidney Katz, President
Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Dear Councilman Katz and members of the Montgomery County Council:

Thank you for your letter dated May 19, 2020, expressing the Council's concerns about ballot distribution for the June 2 election. I appreciate the opportunity to share how we quickly responded to concerns about the late delivery of ballots and how we plan to move forward.

The letter refers to over 20,000 ballots that were not timely sent to Baltimore City voters for the special general election for the 7th Congressional District held on April 28. While there was a small number of ballots that were not timely sent, the number of ballots for Baltimore City was 2,731, not 20,000 ballots¹. According to data from the United States Postal Service (USPS), 2,635 or 96.5% of these ballots were delivered to voters on or before April 27.

On May 7, we discovered that 90,000 voters in Prince George's County received with their ballots instructions in only one language². We and the Prince George's County Board of Elections immediately posted the English and Spanish version of the instructions on our websites and notified media outlets covering Prince George's County. We also directed the mail house to send the English version of the instructions to the voters who received instructions in only one language. This mailing was sent on May 9.

I am extremely disappointed that the vendor contracted to mail ballots has failed to deliver the ballots on schedule and failed to notify us about their delays. The vendor's delay affected some Montgomery County voters and all Baltimore City voters. Once we learned that the vendor had not mailed ballots according to the agreed upon schedule, we immediately contacted the USPS to coordinate expedited delivery of these ballots. The USPS used a combination of measures, including traditional mail and overnight shipping, to move the ballots from the vendor's facilities to the USPS' Baltimore facility. Once at the Baltimore

¹ We reported that there were 20,367 ballots for the special general election for the 7th Congressional District that could not be delivered to Baltimore City voters by the United States Postal Service. These ballots were returned to the Baltimore City Board of Elections as "undeliverable."

² One of the questions posed in the letter was "Why were absentee ballots mailed to voters only in Spanish?" We produce for Montgomery and Prince George's County bilingual ballots; we do not produce a Spanish only ballot.

facility, the ballots were promptly processed and entered the local mail stream or in the case of Montgomery County ballots, transferred to the appropriate facility in the USPS Capital Region for local delivery.

This week, the USPS moved via overnight shipping the remaining ballots for Montgomery County voters, and these ballots were delivered to voters throughout the week. Based on USPS data, almost all of Montgomery County voters should now have their ballots.

After every election, we perform a thorough review of what worked and what did not. I have significant unanswered questions about the ballot mailing process across Maryland and will require a full accounting of the mailing process. That process will begin after the election and until then, our focus is on ensuring all eligible voters have the opportunity to vote on June 2.

We are conducting a statewide voter education and outreach campaign to explain the changes for this election and how eligible voters can participate. This campaign includes:

1. **Advertising:** The advertising campaign include television (broadcast and cable), radio, print, and digital media outlets. The digital media advertising initiative began the week of May 10 and will continue through election day. Radio, TV and print advertising started on May 15, and the TV campaign includes approximately a dozen local TV affiliates in every region of the State.
2. **Stakeholder Outreach:** We also have an aggressive statewide effort to engage key stakeholder groups, including faith-based organizations, civic and interest groups, associations, senior centers, trade associations, and more. We are proactively contacting more than 100 such organizations statewide and have also engaged strategic marketing and communications firms that specialize in African American and Hispanic outreach. Every eligible voter in Montgomery and Prince George's Counties has been mailed voting instructions in both English and Spanish, and our voter guide for stakeholders is available in [English](#) and [Spanish](#).
3. **Earned Media:** Our outreach efforts include a sustained statewide campaign to keep journalists informed of the key facts for voting safely and securely in the primary election. This effort includes media outlets in every jurisdiction in the State as well as outreach to African American and Hispanic media. We are distributing weekly press releases, "how to vote by mail" videos, phone and video interviews with SBE personnel, and offers to meet virtually with editorial boards.
4. **Key Messages:** Since this election is primarily a vote-by-mail election due to the novel coronavirus, we have developed key messaging around this change, including:
 - Vote Safe, Vote By Mail.
 - Instructions on completing and returning a mail-in ballot. See our "[How to Vote by Mail](#)" video.
 - No postage is required.
 - Ballots must be postmarked on or before June 2.
 - The April 28 date on the ballot is incorrect. June 2 is the correct election date.
 - Voters who did not receive a ballot in the mail can submit a request to absentee.SBE@maryland.gov or call 800-222-8683.

May 23, 2020

- For those who wish to register to vote in this election, the deadline is Tuesday, May 27, 2020.
- This is also the deadline to change parties. Please visit elections.maryland.gov and click "Register to Vote" to learn more.
- Votes are still secret when sent by mail. Election officials count ballots using the same equipment used for in-person voting. This equipment is never connected to the Internet or any other database.
- Some Marylanders cannot vote by mail. To accommodate these voters, at least one in-person voting center will be open in every county on June 2, and ballot drop-off boxes will be open through 8 pm on June 2. The vote center and ballot drop locations are available at elections.maryland.gov/june2.
- Voters who are not registered to vote can register and vote at vote centers on June 2.

Thank you for the opportunity to respond to your concerns. If you have any questions or would like any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Linda H. Lamone".

Linda H. Lamone
State Administrator

cc: Members, State Board of Elections