

State of Maryland 
State Board of Elections – August 7, 2020 Meeting

Attendees (via video conference call):

Michael R. Cogan, Chair
Patrick J. Hogan, Vice Chair
William G. Voelp, Member
Kelley A. Howells, Member
Malcolm L. Funn, Member
Linda Lamone, Administrator
Andrea Trento, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy, Election Policy
Tracey Hartman, Director of Special Projects
Art Treichel, Chief Information Security Advisor
Fred Brechbiel, Chief Information Officer
Keith Ross, Director of Project Management
Erin Perrone, Director of Election Reform and Management
Shafiq Satterfield, Regional Manager Supervisor
Mary Cramer Wager, Director of Voter Registration

Also present (via conference call):

David Garreis, President, Maryland Association of Election Officials (MAEO)
Guy Mickley, Election Director, Howard County Board of Elections
Tracy Dickerson, Election Director, Charles County Board of Elections
Stuart Harvey, Election Director, Frederick County Board of Elections
Rebecca Wilson, Co-Director, SAVEourVotes.org

DECLARATION OF QUORUM PRESENT

Mr. Cogan called the meeting to order at 2:05 pm. After taking roll call, he stated that all members were present, and that there was a quorum. He stated that the meeting was being livestreamed.

ADDITIONS TO THE AGENDA

Mr. Cogan stated that Ms. Wilson will be addressing the Board during agenda item 7.

CLOSED SESSION

Mr. Cogan requested a motion to close the board meeting under General Provisions Article, §3-305(b) (7) and (8), which permits closing a meeting to consult with counsel to obtain legal advice and with staff about pending or potential litigation. Meeting in closed session allows the members to be briefed on a personnel matter and share their views without compromising the confidentiality of those discussions, consult with Board counsel without waiving attorney-client privilege and obtain information relevant to potential or pending litigation. Mr. Hogan made a motion to convene in closed session under General Provisions Article, §3-305(b)(7) and (8), and Mr. Funn seconded the motion. The motion passed unanimously.

The motion having passed, the Board met in closed session in accordance with exemptions defined in (b)(7) and (8) of Section 3-305 of the Open Meetings Act to receive advice from counsel and consult with staff about pending or potential litigation.

The closed session began at 2:13 pm. Mr. Cogan, Mr. Hogan, Ms. Howells, Mr. Voelp, and Mr. Funn attended the closed meeting. In addition to the board members, Ms. Lamone, Ms. Charlson, Mr. Trento, and Ms. Duncan attended the closed meeting.

Mr. Trento provided legal advice and staff shared information relevant to potential or pending litigation.

No actions were taken.

The closed meeting adjourned at 2:35 pm.

The open meeting reconvened at 2:45 pm. After taking roll call, Mr. Cogan stated that all members were present, and that there was a quorum.

MAEO PLAN DISCUSSION

Remarks from MAEO

Mr. Garreis stated that MAEO's plan for the election is a crucial step in the success of the 2020 General Election. He summarized the three requests MAEO made at the August 5, 2020 meeting, namely using vote centers in lieu of polling places, begin canvassing ballots 30 days before election day, and having a central data processing center to help local boards process mail-in ballot applications. Mr. Garreis stated the urgency of MAEO's requests as election day is less than 90 days away, and even less for the start of early voting. MAEO consulted with the local boards following the August 5, 2020 meeting, and they are unanimous in their support of vote centers in lieu of polling places. Mr. Garreis stated that MAEO's plan calls for the number of election day vote centers to equal approximately twice the number of early voting centers for each local board.

Mr. Mickley presented the advantages of using vote centers versus consolidating precincts and why consolidating precincts would not lead to a successful election. He stated that vote centers and consolidations are mitigation strategies for a local board to successfully conduct an election with a smaller than usual pool of election judges. Mr. Mickley stated that under the current plan, local boards are essentially running a mail-in voting election and a regular in-person election at once, which they do not have the capacity to do. Reducing the numbers of election judges and voters into vote centers would be a tremendous step in the right direction to enable the local boards successfully run the November election. He outlined the following reasons why vote centers will work:

- 1) Less judges overall to conduct the election.
- 2) Less judges means less election judge training. Vote centers mean only one kind of training for each judge.
- 3) Less sites equals more process advantages, both in the polling place and in the office.
 - a) With less sites to staff, the ability to correctly staff a site increases.
 - b) Less sites mean that a local staff can give centralized, real-time support from employees to individual vote centers.
 - c) Less time spent testing equipment, packing supplies for voting locations on election day, and less time conducting election judge trainings results in more time for a local board staff to work on processing mail-in applications, processing returned ballots to ready for canvass, and perform canvasses of ballots to provide the public and candidates with results earlier than currently anticipated.
- 4) Voters can go to any polling place in their county to get a regular ballot.
- 5) There will be a cost-savings by using vote centers.
 - a) Less PPE would have to be acquired for the amount of election judges and vote centers when compared to any other plan.
 - b) With vote centers, voter notification cards would not be sent. Mailing voter notification cards to voters who are assigned a new precinct would cost the local

boards time and money, as sending thousands of cards is a lengthy, time-consuming process if done in house by a local board. If outsourced, the price goes up.

- c) Less judges utilized means less money coming out of the local board budget.
- 6) Change voting hours to 7 am to 8 pm for every day would provide ten more hours of voting while also making all voting hours the same for each day of the six-day process.

Mr. Mickley concluded by reiterating MAEO's request to establish vote centers on election day instead of polling places.

Board Discussion

A discussion followed regarding the number of proposed election day vote centers. In response to a question from Mr. Hogan regarding the number of vote centers proposed by MAEO, Mr. Garreis stated that not all high schools are available for all voting days, and some are clustered and not spread out. In response to a question from Mr. Cogan, Ms. Charlson stated that historically, about 30% of in-person voters vote during early voting, but there is great variance by county. Mr. Cogan stated that his preference is to do what the Board has the authority to do today, which does not include moving to election day vote centers. In response to a question from Mr. Voelp regarding why MAEO preferred vote centers over consolidating precincts, Mr. Garreis stated that polling place consolidations require voter notification by mail and can lead to voter confusion, as opposed to vote centers where voters can go to any vote center in their county. In response to a question from Mr. Voelp, Mr. Garreis stated that proper training of election judges will ensure that election judges give the correct ballot to each voter. Mr. Mickley pointed out that this has been the procedure at early voting centers for many years. In response to a question from Mr. Cogan, Mr. Garreis stated that MAEO preferred mid-August as the deadline for the Board to request the Governor authorize the use of vote centers, due to multiple statutory and printing deadlines.

After further discussion, Mr. Hogan, Mr. Funn, Mr. Voelp, and Ms. Howells all stated that they support MAEO's proposal and, additionally, using early voting centers and public high schools, if available, as vote centers on election day. Mr. Cogan clarified that the number of high schools should be a floor, not a ceiling, for the number of election day vote centers. Local boards should open as many election day vote centers as they can reasonably staff, he stated.

Mr. Hogan made a motion to send to the Governor a request to exercise his authority to establish election day vote centers equal to or greater than the number of public high schools and early voting centers. Mr. Funn seconded the motion, and it passed unanimously.

In response to a question from Mr. Hogan and Mr. Voelp regarding the dates for early voting, Mr. Trento stated that the Board has the authority, based on the Governor's emergency order dated June 19, 2020, to suspend the effect of Election Law Article, § 10-301.01 without requesting from the Governor approval for new early voting dates. Mr. Hogan stated that he thought early voting should start on October 29, 2020 through November 2, 2020. Mr. Funn concurred with the notion of early voting running continually through election day. Mr. Trento stated that it was not necessary to take any action regarding early voting until the Governor makes a decision on vote centers.

Mr. Hogan concluded the discussion by stating that the Board, by its motion, has directed the SBE staff to draft a letter to the Governor, and the other members concurred.

APPROVAL OF EARLY VOTING AND POLLING PLACE SITE CHANGES

Mr. Hogan suggested that the Board table voting on any proposed polling place changes until a response is received from the Governor. Mr. Cogan concurred and no other members objected.

Mr. Trento advised that the previous motion did not affect early voting, and therefore, the Board could vote on proposed changes to early voting centers without a response from the Governor. In response to a question from Mr. Cogan, Ms. Duncan stated that Charles County had a proposed change to an early voting center, and Frederick County had a precinct merger to present to the Board. Ms. Dickerson stated that the Charles County Board of Elections is waiting for the Charles County Public Schools to determine how long schools will be virtual before they are able to make that determination.

Mr. Harvey presented a polling place merger of Frederick County precincts 07-05 and 07-06, stating that precinct 07-06 has only three registered voters, and if merged would be less than 100 voters. He stated that the precincts are both in the 8th Congressional District. Mr. Hogan made a motion to merge Frederick County precincts 07-05 and 07-06, and Mr. Voelp seconded the motion. The motion passed unanimously.

Mr. Voelp moved that the Board table any further proposed changes to early voting centers or polling places until the next meeting. There were no objections.

REMARKS FROM MS. REBECCA WILSON

Ms. Wilson shared three bottlenecks in the ballot request process for mail-in voting. They are:

1. The number of voters who request mail-in ballots by internet delivery. To alleviate this burden, she requested striking the language from the mail-in ballot application that allowing a voter to request a mail-in ballot by internet delivery and replace it with language directing voters to make this request online.
2. Last-minute applications. She suggested clear and obvious language on the mail-in ballot stating that the application was an application and not the ballot itself, and that it should be returned immediately.
3. How quickly local boards can process mail-in ballot applications once they are received by the local boards. She suggested the applications should include a barcode that would allow the local boards to easily pull up a voter's registration to alleviate time spent deciphering handwriting.

OLD BUSINESS

Start of Canvassing

In response to a question from Mr. Hogan regarding the start of canvassing, Mr. Hogan stated that the topic could be discussed at the next meeting.

There was no other old business to discuss.

NEW BUSINESS

Election Judges

In response to a question from Mr. Voelp regarding whether working as an election judge would disqualify unemployed individuals receiving unemployment from receiving further unemployment payments, Mr. Trento stated that he would look into the answer.

There was no other new business to discuss.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

No contributions were reported.

SCHEDULE NEXT MEETING

The next meeting is tentatively scheduled for Wednesday, August 12, 2020, at 2:00 pm, if the Board has received a response from the Governor by that time. If no response is received from the Governor by Tuesday, August 11, then the next meeting is scheduled for Friday, August 14, 2020, at 2 pm.

ADJOURNMENT

Mr. Hogan made a motion to adjourn the open meeting, and Mr. Funn seconded. The motion passed unanimously. The open meeting adjourned at 4:55 pm.