

State of Maryland 

State Board of Elections – August 28, 2020 Meeting

Attendees (via 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
Erin Perrone, Director of Election Reform and Management
Mary Cramer Wagner, Director of Voter Registration
Jared DeMarinis, Director, Candidacy and Campaign Finance
Art Treichel, Chief Information Security Advisor
Fred Brechbiel, Chief Information Officer
Shafiq Satterfield, Regional Manager Supervisor

Also Present: David Garreis, Deputy Director, Anne Arundel County Board of Elections
Dan Oltman, Anne Arundel County Board of Elections
Nancy Stratton, Deputy Director, Baltimore County Board of Elections
Allison Murphy, Election Director, Caroline County Board of Elections
Katie Berry, Election Director, Carroll County Board of Elections
Tracy Dickerson, Election Director, Charles County Board of Elections
Steve Fratz, Election Director, Garrett County Board of Elections
Kim Slusar, Acting Election Director, Harford County Board of Elections
Guy Mickley, Election Director, Howard County Board of Elections
Cheemoandia Blake, Election Director, Kent County Board of Elections
Margaret Jurgensen, Election Director, Montgomery County Board of Elections
Alisha Alexander, Election Director, Prince George's County Board of Elections
Chrissy Jones, Election Director, Queen Anne's County Board of Elections
Jeri Cook, Election Director, Talbot County Board of Elections
Wendy Adkins, Election Director, Saint Mary's County Board of Elections
Ben Fry, IT Director, Somerset County Board of Elections
Anthony Gutierrez, Election Director, Wicomico County Board of Elections
Patti Jackson, Election Director, Worcester County Board of Elections
Lynn Garland, Citizen

DECLARATION OF QUORUM PRESENT

Mr. Cogan called the meeting to order at 12:06 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 there is one addition to the agenda. Ms. Garland would be addressing the Board between agenda items nine and ten.

ADMINISTRATOR'S REPORT

1. Announcements & Important Meetings

Election Directors' Meetings

Ms. Charlson reported that we are meeting weekly with the Election Directors to plan for the upcoming election. Meeting summaries were included in the board meeting materials, and we will continue to provide them as they are finalized.

US Department of Homeland Security's (DHS) National Table Top the Vote

Ms. Charlson reported that DHS hosted a virtual tabletop exercise for state and local election offices and federal agencies that support elections. The same exercise was held each day (July 28-30) to allow as many election officials to participate. Representatives from Maryland participated all three days and practiced responding to various scenarios, such as dis- and misinformation, loss of printed ballots, website attacks, physical threats against polling places and ballot boxes, USPS delivery issues, etc.

2. 2020 General Election Preparation and Presidential Primary Election: Follow Up

Post-Election Audits

Ms. Hartman reported that draft reports for the comprehensive audit of the special primary and special general elections in the 7th Congressional District have been shared with the local boards. A final report for each local board will be issued after the local boards have time to review and respond to the draft reports.

After each election, we perform a comprehensive audit and an automated ballot tabulation audit. The web portal for the automated tabulation audit for the primary election has been published. It can be viewed [directly](#) or from SBE's [ballot audit plan webpage](#).

Work continues on the comprehensive audit for the 2020 Primary Election. Staff collected and reviewed various documentation from the local boards, and the draft audit reports are being prepared.

3. 2020 General Election Preparation

Mail-in Ballot Application Mailer

Ms. Perrone reported that the mail-in ballot applications were put into the Phoenix, Arizona mail stream on August 24 and August 25. These mailers include instructions, an application for a mail-in ballot, and a return envelope with pre-paid postage. Voters should start seeing the applications in their mailboxes today or over the weekend. There will be two supplemental mailings to individuals who registered to vote or changed an address after August 6, the date the file was exported and provided to the vendor.

This mailing was sent to about 4 million voters. Voters who had requested a mail-in ballot and the local board had processed that request by August 6 were not sent the application form. Some voters who submitted their requests before August 6 will receive this mailing; this is because the request had not been processed by August 6. We encourage voters who submitted a request for a mail-in ballot but received the mailer to use our Voter Look-up website to verify that their prior request has been processed. Voters do not need to send a second request.

In response to a question from Mr. Hogan asking why some voters who applied online for a mail-in ballot by August 6 still received an application, Ms. Charlson stated that the voter's application had to be received and processed by August 6, not just received. She encouraged voters who applied for a mail-in ballot but still received an application in the

mail to use SBE's Voter Look-Up tool to check the status of their application online. Mr. Funn stated that he applied for an absentee ballot on July 20 and received an application in the mail. Mr. Cogan stated that these examples show the need for a data center.

Call Center

Ms. Wagner stated that the call center started on August 27 and is handling calls for 18 local boards and SBE. The call center will answer general election questions through election day.

Data Processing Center

Ms. Charlson stated that we have located one possible facility within the Motor Vehicle Administration for a data processing center and are trying to identify other locations. The facility must have computers and meet certain telecommunications requirements. We will test the facility's connectivity over the next couple of days.

We are working with the Department of Budget and Management (DBM) to identify State employees who may be available to help process requests for mail-in ballots and the Maryland Association of Election of Officials (MAEO) to provide support and oversight of employees working at the data processing center. DBM has also posted an online job announcement for temporary data entry work.

This effort is needed to support the local boards in processing the large number of expected requests for mail-in ballots. As of August 27, just under 400,000 voters have requested a mail-in ballot, and this number is expected to increase dramatically with the arrival of the ballot application mailer.

Mr. Cogan stated that having a data center has been his biggest concern and he is glad to hear that DBM is assisting SBE in finding a facility and staff.

Use of Online Voter Services

Ms. Charlson reported that on August 17, we released a streamlined system for registered voters to request a mail-in ballot. In its first eight days, over 72,966 requests for mail-in ballots were submitted.

The use of the online voter registration system is also seeing high usage. From July 24 through August 24, over 247,000 transactions were submitted. Facebook generated over 16,000 transactions.

We expect voters to continue to use these systems leading up to the election. Usage in the last month is more typical of the October before a presidential general election.

Election Judge Recruitment

Ms. Charlson stated that many of the local boards report that they can now staff all of their voting locations and are now looking for voters who can serve as substitute judges in case other judges cannot serve. A few locations need election judges from certain political parties. Allegany County is looking for Democratic judges, and Baltimore City and Baltimore, Montgomery, Prince George's, and Talbot Counties are looking for Republican judges. We updated our election judge webpage to reflect this information.

Mr. Cogan clarified that we are still recruiting election judges, which Ms. Charlson confirmed, stating that we need back-up judges in the event of cancellations, and that certain local boards need judges from a specific party.

Ballot Drop Off Boxes

Ms. Charlson reported that we have ordered ballot drop off boxes to accommodate requests from the local boards. Once manufactured, the additional boxes will be delivered to SBE's central warehouse and deployed around the State. The boxes will be available continuously from installation through 8 pm on election day. These boxes provide voters with a way to return voted ballots without relying on the United States Postal Service.

In response to a question from Mr. Hogan, Ms. Charlson stated that a sheet listing the number of ballot drop off boxes for each local board is in progress and can be shared when completed.

Public Awareness Campaign

Ms. Duncan reported that a broad, statewide public awareness campaign to encourage individuals to verify the accuracy of registration data and inform voters of the voting opportunities during the 2020 General Election began this week. Digital images will appear first, followed by radio and TV informational spots and on-going press releases. The team has developed extensive website content, created graphics that will be used throughout the election, is coordinating the countless media inquiries and organizing interview schedules. Team partners also assist with tracking social media issues.

In response to a question from Mr. Cogan regarding using the public awareness campaign to address ballots delivered over the internet, Ms. Duncan stated that issue is and will be a part of the messaging.

Ballot Production

Ms. Duncan reported that Natasha Walker finished creating the ballot database and laying out 2,000 ballot styles. The increased number of ballot styles is the result of providing precinct-level results for early voting and mail-in voting. The local boards are now proofing the various versions of the ballots - paper, ballot marking device version, and audio ballots. Once proofed, the ballots will be posted for public review before the ballots are certified and printing can start on September 3, which is on schedule.

Mailing Ballots

Ms. Charlson stated that, with the certification of the ballots, the printing of mail-in ballots can begin. Ballots for military and overseas voters will be transmitted on September 18, as required by the federal Military and Overseas Voters Empowerment Act. Ballots for domestic, civilian voters are scheduled to be transmitted in late September.

4. Voter Registration

MDVOTERS

Ms. Wagner reported that MDVOTERS will have a release this weekend (August 28) to implement enhancements to the election judge module and ballot management processes. One enhancement allows for "by precinct" ballots, which allows for results reporting at the precinct level for mail in ballots and early voting. Another major enhancement is the option to accept ballots in batches during canvassing. This functionality means that we can update voters' status of their ballot on the Voter Look-Up website.

Political Party Recognition

Ms. Wagner stated that the Green Party and the Libertarian Party are again recognized political parties in Maryland following the validation of petition signatures. We will move forward with printing new voter registration applications that add those choices to the party affiliation options.

MVA Transactions

During July, MVA collected the following voter registration transactions:

New Registration - 9,596	Residential Address Changes - 18,135
Last name changes - 1,410	Political Party Changes - 4,306

Electronic Registration Information Center (ERIC)

Reports of deceased voters and duplicate registrations were sent to the local boards. The deadline to complete these reports is September 4.

Training

Janet Smith will conduct a Go-To training for local boards covering a variety of voter registration topics. These topics include provisional ballots, mail in ballots and general voter registration issues. We asked the Election Directors to provide additional topics they would like to see addressed.

Non-Citizens

Ms. Wagner stated that as a result of all resources focusing on election operations, no information is available at this time.

5. Candidacy and Campaign Finance (CCF) Division

Candidacy

Mr. DeMarinis reported that the deadline to file a certificate of candidacy for petition, non-principal political parties and new political parties was August 3. All of the Green and Libertarian candidates are active. The Democratic and Republican Parties have filed the certificate of nominations for their respective Presidential and Vice-Presidential candidates.

Campaign Finance

On August 25, the 2020 Pre-General 1 Report was due for Presidential/Baltimore City designated political committees. Over 78% of the committees filed timely. Fee Running Notices will be sent to non-compliant committees reminding them of their filing obligations. Failure to file timely will result in a fine of \$20 per day for the first seven days late, \$35 per day for the next seven days, and \$50 per day (up to \$1,000) after fourteen days. Additionally, failure to file may result in the non-issuance of the commission to be sworn into office. The late fee must be paid with campaign funds.

Enforcement

Mr. DeMarinis stated that since July 31, the Office of State Prosecutor has collected \$20,610 in civil penalties from numerous CCF referrals outside of late fees.

The CCF Division received payment for the following civil penalties:

1. On July 31, the Carroll County Republican Central Committee paid \$2,000.00 for failure to record all contributions and expenditures and for failure to maintain account books and

records - bank records.

2. On August 11, the Friends of Hassan Allan-Giordano committee paid \$100.00 for disbursement by unauthorized method - cash greater than \$25.00.

6. Project Management Office (PMO)

Inventory Management

On behalf of Keith Ross, Ms. Perrone shared that the PMO continues to reconcile the FY20 inventory items that were not audited in preparation for the submission of the annual inventory reports to the Department of General Services (DGS) in September.

The PMO has started the planning work for SBE's 2020 General Election operations support requirements. This involves determining the levels of technical and operational support that will be needed for the election in addition to how the support will be provided.

FY2022 Pollbook Project

The PMO continued working on tasks related to the project that included:

- Continued internal and external (e.g., with the Department of Information Technology (DoIT) information gathering and status meetings
- Continued to work on the several Major Information Technology Development Projects (MITDP) documentation requirements
- Continued development work on the Request for Proposal that includes the requirements development for the pollbook solution. SBE management and procurement reviews have started and will continue for the next couple of weeks and followed by external reviews
- Continued the detailed analysis and documentation work on the Contingency Plan document that included discussions concerning the level of support and licensing that would be necessary to keep the legacy pollbook system available, if required, for the 2022 election cycle.

Other

Ms. Perrone reported that the Central Warehouse team is planning and preparing for a number of upcoming warehouse related activities that include training sessions for trainers held at the facility, receiving and sending out of the ballot drop boxes, and fulfilling the local boards' requests for equipment and supplies. The team is also making sure that everyone entering the warehouse follows the COVID-19 guidelines for distancing and wearing a face mask or other face covering.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Trento provided the following report.

1. *Fusaro v. Davitt et al.*, No: 1:17-cv-03582 (U.S. District Court, D. Md.). 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 then conducted discovery and briefed dispositive summary judgment motions. On July 14, 2020, the Court awarded Summary Judgment to the

defendants on the issue of whether the “electoral process” requirement was unconstitutionally vague, and declined to reach the issue of whether Maryland’s registered voter requirement violates the First Amendment. On August 12, 2020, plaintiff filed a notice of appeal in the U.S. Court of Appeals for the Fourth Circuit. Plaintiff’s opening brief is due September 23, 2020.

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. *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 on June 11, 2020, the Court modified that scheduling order following a joint motion by the parties. Discovery is now scheduled to close on November 9, 2020, and dispositive motions are due November 30, 2020.
4. *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. On July 23, 2020, the Court granted the motion to dismiss.

5. *Public Interest Legal Foundation, Inc. v. Lamone*, No. 1:19-cv-03564-ELH (D. Md.). 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. The parties have now agreed to resolve the case on terms similar to the resolution of the *Judicial Watch* matter.
6. *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. Yi 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. Yi filed in 2019, which the court dismissed with prejudice earlier this year. Defendant moved to dismiss the complaints on May 3, 2020. Beginning on May 15, 2020, Mr. Chong filed substantially identical amended complaints in these actions, this time adding the State of Maryland as a Defendant in addition to Governor Hogan. The Defendants have moved to dismiss these complaints, or in the alternative have sought summary judgment on plaintiff's claims. The Court held a hearing on Defendants' motions in all four matters on August 25, 2020, and at the conclusion of the hearing granted the Defendants' motions. On August 26, 2020, the plaintiff filed motions for reconsideration of the Court's dismissal order.
7. *Dhillon v. Lamone, et al.*, No. 1:20-cv-02197-RDB (U.S. Dist. Ct., D. Md.). On July 28, 2020, plaintiff Kahan S. Dhillon, Jr., a petition candidate seeking to appear on the ballot as an unaffiliated nominee in the election for Mayor of Baltimore, filed a complaint against Secretary of State John Wobensmith and State Administrator of Elections Linda Lamone seeking a reduction by 90% in the number of signatures required for petition candidates to appear on the ballot, and an extension of 28 days from the August 3 deadline in order to obtain those signatures. On July 29, 2020, plaintiff filed a motion for preliminary injunction to obtain the relief sought in his complaint, and Defendants filed an opposition to that motion on the same day. On July 30, 2020, the Court held a hearing on plaintiffs' motion, and denied the motion on July 31, 2020.
8. *McCarthy v. Hornberger*, No. C-07-CV-20-000261 (Cir. Ct. Cecil Cty.). On July 25, 2020, plaintiff Alan McCarthy, the incumbent Cecil County Executive, filed a complaint against Danielle Hornberger, the certified winner of the Republican Primary for Cecil County Executive; the Cecil County Board of Elections; and Lora Walters, the former Deputy Director for the Cecil County Board of Elections, alleging that Ms. Hornberger's candidacy was null and void due to the candidate's alleged failure to file a county ethics disclosure

form, and that Mr. McCarthy, because he received the second-highest number of votes in the election, should be declared the nominee. Among other forms of relief, plaintiff sought preliminary and permanent injunctive relief, and filed a motion for temporary restraining order along with his complaint. On August 12, 2020, plaintiff filed an amended complaint naming the State Board of Elections as defendant, and alleging additional grounds for the voidance of Ms. Hornberger's candidacy. On August 13, 2020, the Court held a show cause hearing on why the injunctive relief requested in the complaint should not be granted. On August 18, 2020, the Circuit Court issued a Memorandum Opinion and Order denying the requested injunctive relief.

APPROVAL OF WITHDRAWAL OF AND PROPOSED CHANGES TO COMAR 33.17.02.01 &.02- EARLY VOTING

Ms. Hartman presented for withdrawal the amendments to COMAR 33.17.02.01 & .02 adopted by the Board at its August 5, 2020 meeting. Ms. Hartman stated that no local boards met the threshold for adding a new early voting center, and therefore SBE was recommending that the Board withdrawal the regulations.

Mr. Voelp made a motion to withdrawal the amendments to COMAR 33.17.02.01 & .02 adopted by the Board at its August 5, 2020 meeting, and Mr. Funn seconded the motion. The motion passed unanimously.

APPROVAL OF PROPOSED EMERGENCY CHANGES TO COMAR 33.17.02.02- EARLY VOTING

Ms. Charlson presented for adoption proposed amendments to COMAR 33.17.02.02. These changes are necessary to allow the local boards of elections to change previously approved early voting centers or add additional early voting centers. The proposed emergency changes allow a local board to change the location of or establish a new early voting center if: (1) a previously approved center is no longer available; (2) a local board determines that there is a more suitable location; and (3) a local board approves an early voting center authorized under Election Law Article, §10-301.1(b)(7) .

In order to effectuate this, she stated that the Board would first need to pass a motion to suspend the requirements of Election Law Article, § 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 builds 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.

In response to a question from Mr. Voelp, Ms. Charlson confirmed that she was presenting emergency regulations.

Ms. Lamone confirmed that suspending the requirements of Election Law Article, § 10-301.1(c) does not endanger public health, welfare and safety. Mr. Hogan made a motion making a finding that suspending the requirements of Election Law Article, § 10-301.1(c) does not endanger public health, welfare and safety, and Ms. Howells seconded the motion. The motion passed unanimously.

Mr. Voelp made a motion to suspend the requirements of Election Law Article, § 10-301.1(c) for the 2020 General Election, and Mr. Funn seconded the motion. It passed unanimously.

Mr. Voelp made a motion to adopt the proposed emergency amendments to COMAR 33.17.02.02, and Mr. Hogan seconded the motion. It passed unanimously.

NOVEMBER 3 ELECTION DISCUSSION

a. Member's Remarks

Internet Delivery of Mail-In Ballots: In response to a question from Ms. Howells, Ms. Duncan stated that SBE received feedback from the Maryland Association of Election Officials (MAEO) regarding asking voters who requested their mail-in ballot via web delivery to receive their ballot via mail. MAEO was overwhelmingly opposed to such a practice, citing that asking voters who have already requested a ballot be delivered a specific way was another transaction that local boards would have to manage.

Rejected Mail-In Ballots: Ms. Howells asked about mail-in ballots rejected because the voter did not register for an absentee ballot. She gave the example of a mail-in ballot for a voter being voted and returned by someone else in the voter's household. She asked specifically if there are any instances of this happening with internet-delivered ballots. Ms. Charlson stated that we would look at the data and provide a response at a future meeting. In response to a follow up question from Ms. Howells, Ms. Charlson stated that there is nothing to prevent a voter from photocopying an internet delivered ballot, but noted that each ballot packet has a unique tracking number, and any ballot that is returned and does not belong to a registered voter would be rejected for that reason.

b.- d. Approval of Early Voting Center Changes, Election Day Voting centers, and Requests to Deploy Additional Ballot Marking Devices (Combined)

After a suggestion by Mr. Hogan, the Board agreed to approve changes to early voting centers, election day voting centers, and requests to deploy additional ballot marking devices together, by local board. Ms. Charlson presented early voting center and election day voting center requests, and Ms. Perrone presented ballot marking device requests.

Ms. Charlson thanked Zach Howe at SBE for his many hours generating the maps that accompanied the voting center requests, as well as Brandon Mulvey, Mr. Satterfield, and Mr. Brechbiel for supporting Mr. Howe on this project.

Anne Arundel County: Ms. Charlson presented a request from the Anne Arundel County Board of Elections for six proposed new early voting centers for a total of seven early voting centers. 85.5% of voters live within five miles of an early voting center.

She also presented a request to approve 21 election day voting centers, which will be combined with the six early voting centers for a total of 28 voting centers on election day. 98.5% of voters live within five miles of a voting center open on election day.

In response to a question from Mr. Voelp regarding why all but one of the early voting centers for Anne Arundel County were changing, Mr. Garreis stated that the early voting centers are being moved to high schools, which have bigger buildings and more parking. Mr. Oltman stated that the proposed locations have the same coverage as the previously approved early voting centers, but are better buildings for this year.

In response to a question from Mr. Hogan, Mr. Satterfield clarified that there was not enough space on some maps to show the names of the proposed election day voting centers, but each location is represented by a star.

Baltimore County: Ms. Charlson presented a request from the Baltimore County Board of Elections for one proposed new replacement early voting center for a total of 11 early voting centers. The local board is requesting to replace The Center for Maryland Agriculture and Farm Park, which is no longer available for early voting, with Oregon Ridge. During early voting, 95.8% of voters are within five miles of a voting center.

Ms. Charlson also presented a request to approve 31 election day voting centers, which will be combined with the 11 early voting centers for a total of 42 voting centers on election day. For election day, 99% of voters are within five miles of a voting center open on election day.

Ms. Perrone presented a request from the Baltimore County Board of Elections to deploy an additional ballot marking device at each election day voting center, for a total of three ballot marking devices at each of the 31 election day voting centers. Three ballot marking devices will also be deployed to each of the early voting centers.

In response to a comment from Mr. Cogan regarding the minimum number of voters required to use each ballot marking device, Mr. Trento clarified that at least five voters in each voting location must use ballot marking devices, but there is not a minimum requirement per device.

Caroline County: Ms. Charlson presented a request from the Caroline County Board of Elections to approve two election day voting centers which will be combined with the one early voting center for a total of three voting centers on election day. 64% of voters live within five miles of one of the three voting centers, all of which have been used as a voting location previously.

In response to a question from Mr. Cogan, Ms. Murphy stated that she has enough election judges to staff the voting centers. In response to a question from Mr. Funn regarding why only 64% of voters are within five miles of a voting center, Ms. Murphy stated that the Caroline County high schools were not available, and there are no other large sites in the county available. Ms. Charlson clarified that the presented maps use a five mile radius, but a ten mile radius would be a normal parameter for Caroline County.

Ms. Perrone presented a request from the Caroline County Board of Elections to deploy two additional ballot marking devices at each election day voting center, for a total of four ballot marking devices at each voting center.

Carroll County: Ms. Charlson presented a request from the Carroll County Board of Elections to approve 11 election day voting centers, which will be combined with its two early voting centers for a total of 13 voting centers on election day. 97.8% of voters live within five miles of a voting center.

In response to a question from Mr. Cogan, Ms. Berry stated that she has enough election judges to staff the voting centers and training is scheduled to start soon.

Charles County: Ms. Charlson presented a request from the Charles County Board of Elections for one proposed new replacement early voting center for a total of two early voting centers. The local board is requesting to replace Gleneagles Neighborhood Center, which is no longer available

for early voting, with St. Charles High School. 83% of voters live within five miles of an early voting center.

Ms. Charlson also presented a request to approve six election day voting centers, which will be combined with the two early voting centers for a total of eight voting centers on election day. On election day, 83% of voters live within five miles of a voting center.

In response to a question from Mr. Cogan regarding voting center coverage in the lower part of the county, Ms. Dickerson stated that area is not very populous and only has approximately 3,000 registered voters. In response to a question from Mr. Cogan regarding election judges, Ms. Dickerson stated that she has almost all the judges needed and is ready to start making assignments, however her office is always recruiting and never turns anyone away who wants to help.

Garrett County: Ms. Charlson presented a request to approve one election day voting center, which will be combined with the two early voting centers for a total of three voting centers on election day. On election day, 52.7%% of voters live within five miles of a voting center.

In response to a question from Mr. Voelp, Mr. Fratz stated that Garrett County has approximately 20,100 registered voters. He also stated that his office is doing well recruiting election judges.

Harford County: Ms. Charlson presented a request from the Harford County Board of Elections to approve 14 election day voting centers, which will be combined with its four early voting center for a total of 18 voting centers on election day. On election day, 98.8% of voters live within five miles of a voting center.

Howard County: Ms. Charlson presented a request from the Howard County Board of Elections for five proposed new early voting centers, including one additional early voting center approved by the local board and County Executive. During early voting, 92.8% of voters are within five miles of a voting center.

Ms. Charlson also presented a request to approve 12 election day voting centers, which will be combined with the five early voting centers for a total of 17 voting centers on election day. On election day, 99.5% of voters live within five miles of a voting center.

In response to a question from Mr. Cogan regarding election judges, Mr. Mickley stated that the local board has an adequate amount of judges.

Kent County: Ms. Charlson presented a request to approve two election day voting centers, which will be combined with Kent County's one early voting center for a total of three voting centers on election day. On election day, 60% of voters live within five miles of a voting center.

Montgomery County: Ms. Charlson presented a request from the Montgomery County Board of Elections to approve 27 election day voting centers, which will be combined with its 11 early voting centers for a total of 38 voting centers on election day. On election day, 99.6% of voters live within five miles of a voting center.

In response to a question from Mr. Cogan regarding election judges, Ms. Jurgenson stated that Montgomery County has specific needs, specifically Spanish-speaking and Republican judges. Her office is working with the County government to assist with recruiting efforts. Aside from the

specific needs, Montgomery County has an adequate number of judges and has recently started train-the-trainer judge training, which is currently a hybrid of in-person and virtual training.

Ms. Perrone presented a request from the Montgomery County Board of Elections to deploy eight to 20 additional ballot marking devices at each early voting and election day voting center. Ms. Jurgenson stated that the number of ballot marking devices will depend on the location, specifically those areas with a high senior citizen or young adult population. In response to a question from Mr. Cogan, Ms. Jurgenson stated that depending on the day and location, anywhere from five to seven election judges will be assigned specifically to ballot marking devices.

Prince George's County: Ms. Charlson presented a request from the Prince George's County Board of Elections for five proposed new early voting centers for a total of 11 early voting centers. 99% of voters live within five miles of an early voting center.

Ms. Charlson also presented a request to approve 29 election day voting centers, which will be combined with the 11 early voting centers for a total of 40 voting centers on election day. On election day, 99.9% of voters live within five miles of a voting center.

In response from questions from Mr. Voelp, Ms. Alexander stated that Prince George's County has 205 ballot styles and has purchased additional carts to assist in election judges giving out the correct ballot, as well ensuring proper training of judges. In response to questions from Mr. Cogan, Ms. Alexander stated that Prince George's County has enough election judges but is continually recruiting for new judges and is aiming to have a 35% overage. Regarding line management, Ms. Alexander stated that she plans to hire enough election judges to assist with line management inside and outside of the voting centers.

Saint Mary's County: Ms. Charlson presented a request from the Saint Mary's County Board of Elections for one proposed new early voting center, Great Mills High School, for a total of two early voting centers. 79% of voters live within five miles of an early voting center.

Ms. Charlson also presented a request to approve two election day voting centers, which will be combined with the two early voting centers for a total of four voting centers on election day. On election day, 76.5% of voters live within five miles of a voting center.

In response to a question from Mr. Cogan regarding lack of voting center coverage in the southern and northern parts of the county, Ms. Adkins stated that the northern part of the county is very rural and lacks adequate facilities for a voting center, and the southern portion of the county is an island with a very small population. Regarding election judges, Ms. Adkins stated that she has more than enough plus enough for standby.

Somerset County: Ms. Charlson presented a request from the Somerset County Board of Elections to move its early voting center to the Somerset County Technical High School, for a total of one early voting center. 64.8% of voters live within ten miles of the early voting center.

Ms. Charlson also presented a request to approve two election day voting centers, which will be combined with the early voting center for a total of three voting centers on election day. On election day, 70% of voters live within five miles of a voting center.

In response to a question from Mr. Cogan regarding voting center coverage, Mr. Frey stated the peninsula on the western shore of the county was Deale Island, which lacks an adequate facility

for a voting center. Regarding election judges, Mr. Frey stated that since moving to voting centers, Somerset County has enough election judges plus backup.

Ms. Perrone presented a request from the Somerset County Board of Elections to deploy two additional ballot marking devices at each election day voting center, for a total of four ballot marking devices at each voting center. Mr. Frey stated that ballot marking device usage increased in the last election and therefore additional devices should be deployed.

Talbot County: Ms. Charlson presented a request from the Talbot County Board of Elections to approve three election day voting centers, which will be combined with the early voting center for a total of four voting centers on election day. On election day, 77.8% of voters live within five miles of a voting center.

In response to a question from Mr. Cogan regarding election judges, Ms. Cook stated that since moving to voting centers, Talbot County has enough election judges but they are always recruiting as she would like to have more Republican judges for back up. Election judges will start training in a few weeks.

Ms. Perrone presented a request from the Talbot County Board of Elections to deploy two additional ballot marking devices at each election day voting center, for a total of four ballot marking devices at each voting center. In response to a question from Mr. Cogan, Ms. Cook stated that Talbot County will have judges specifically trained to use the ballot marking devices, as usage has caught on in recent elections.

Washington County: Ms. Charlson presented a request from the Washington County Board of Elections to approve ten election day voting centers, which will be combined with the one early voting center for a total of 11 voting centers on election day. On election day, 93% of voters live within five miles of a voting center.

Ms. Perrone presented a request from the Washington County Board of Elections to deploy two additional ballot marking devices at each election day voting center, for a total of four ballot marking devices at each voting center.

Wicomico County: Ms. Charlson presented a request from the Wicomico County Board of Elections to approve six election day voting centers, which will be combined with the one early voting center for a total of seven voting centers on election day. On election day, 87% of voters live within five miles of a voting center.

In response to a question from Mr. Cogan regarding election judges, Mr. Gutierrez stated that since moving to voting centers, Wicomico County has enough election judges and a deep bench of back up judges.

Worcester County: Ms. Charlson presented a request from the Worcester County Board of Elections to approve three election day voting centers, which will be combined with the one early voting center for a total of four voting centers on election day. On election day, 69.6% of voters live within five miles of a voting center.

In response to a question from Mr. Hogan regarding the location of the early voting center, Ms. Jackson stated that she and her staff surveyed 26 facilities in central location but none were available or adequate for an early voting center. In response to a question from Mr. Cogan

regarding election judges, Ms. Jackson stated that since moving to voting centers, Worcester County has enough election judges. She also stated that the Worcester County Commissioners did not want to fund a second early voting center.

Ms. Perrone presented a request from the Worcester County Board of Elections to deploy one additional ballot marking device, for a total of five ballot marking devices at the Roland E. Powell Convention Center for early voting and election day, as well as five total ballot marking devices at the Pocomoke Community Center on election day, and two additional devices at the three remaining election day voting centers.

Mr. Hogan made a motion to approve the proposed early voting and election day voting centers and the requests to deploy additional ballot marking devices, and Mr. Funn seconded the motion. The motion passed unanimously.

Allegany County: Ms. Perrone presented a request from the Allegany County Board of Elections to deploy three ballot marking devices at the Mountain Ridge High School voting center and four ballot marking devices at the Fort Hill High School voting center.

In response to a question from Mr. Hogan, Ms. Charlson stated that Allegany County has six election day voting centers and one early voting center.

Dorchester County: Ms. Perrone presented a request from the Dorchester County Board of Elections to deploy four ballot marking devices each at its two election day voting centers.

In response to a question from Mr. Hogan, Ms. Charlson stated that Dorchester County has three election day voting centers and one early voting center.

Mr. Hogan made a motion to approve the requests to deploy additional ballot marking devices for Allegany and Dorchester County, and Mr. Voelp seconded the motion. The motion passed unanimously.

Cecil County: Ms. Perrone presented a request from the Cecil County Board of Elections to deploy four ballot marking devices each of its election day voting centers.

Frederick County: Ms. Perrone presented a request from the Frederick County Board of Elections to deploy up to six ballot marking devices each of its election day voting centers.

Queen Anne's County: Ms. Perrone presented a request from the Queen Anne's County Board of Elections to deploy four ballot marking devices each of its election day voting centers.

Mr. Funn made a motion to approve the requests to deploy additional ballot marking devices for Cecil, Frederick, and Queen Anne's County, and Ms. Howells seconded the motion. The motion passed unanimously.

ASSISTANT ATTORNEY GENERAL'S REPORT (Addendum)

Mr. Trento stated that he just received word that the case of *Dhillon v. Lamone, et al.*, was dismissed by the U.S. District Court.

SCHEDULE NEXT MEETING

While Mr. DeMarinis fixed a technical difficulty, Mr. Cogan suggested the members schedule the next meeting. The next meeting is scheduled for Friday, September 4, 2020, at 1:00 pm.

APPROVAL OF LATE FEE WAIVERS

Mr. DeMarinis presented the Board with six requests from campaign committees to waive late fees incurred by the committee. Four campaign committees were denied waivers of late fees and were presented to the board for informational purposes. He stated that SBE has collected over \$38,000 in late fees this year.

The committees requesting a waiver of late filing fees were:

1. Bedingfield, Roger Friends for
2. Khan, Hamza Friends of
3. Odongo, Collins Dr. Campaign Committee
4. Sanders, Sterling Vote
5. Smith, Richard Friends of
6. Dhillon Jr., Kahan S. Friends of
7. Warren, Robert "Rob" Anthony Friends of

Mr. Hogan made a motion to approve the waiver requests, and Mr. Funn seconded the motion. The motion passed unanimously.

APPROVAL OF DEPARTMENTAL LEGISLATIVE PROPOSALS

Mr. DeMarinis presented six proposed legislative changes to the Election Law Article for approval.

The first three proposed bills were previously approved as departmental legislation for the 2020 Legislative Session.

1. The first bill removes a subjective deadline for when a political committee must file a final campaign finance report and close. In the 2020 Legislative Session, the bill passed the House of the Delegates with amendments. However, the bill did not pass the Senate prior to Sine Die.
2. The second bill protects contributors' information on the website and campaign finance reports. The bill is modeled after a federal campaign finance contribution information protection statute preventing the use of the information for commercial solicitations. *See* 52 U.S.C. §3011(a)(4) and 11 CFR 104.15. The bill passed the Senate but failed to be passed in the House due to the shortened session.
3. The last bill would increase statute of limitations on Election Law Article offenses from three years to four years. This change has the support of the Office of the State Prosecutor. It will increase enforcements regarding prosecutions for an over-contribution from the prior election cycle and late filing fees. This proposal passed the House but failed to be passed in the Senate due to the truncated legislative session.

The remaining proposals consist of two enforcement clarifications and technical changes in the election calendar to align with ballot printing schedule.

1. Bill #4 clarifies the enforcement powers of the Office of State Prosecutor to seek civil penalties against entities in violation of the provisions in Title 14. When Title 14 was amended in 2013, late fees were to be processed by the State Board in same methods and manner as a political committee in Title 13. However, Title 13 expressly authorizes the Office of State Prosecutor with civil authority. That same provision is only inferred in Title 14. This proposed legislation for approval clarifies the civil enforcement authority and assists in the referral of late filing Title 14 offenders. The Office of the State Prosecutor supports this proposed legislation.

2. Bill #5 increases the enforcement authority of the State Board of Election regarding certain enumerated offenses in the Public Financing program for Governor. The offenses are similar in nature to the current enforcement authority the State Board has under Title 13 of the Election Law Article.
3. Bill #6 is an election calendar correction bill. The proposed legislation alters certain deadlines to avoid disruption with ballot printing, changes the deadline for replacement candidate for a Governor and Lieutenant Governor in a primary election, and changes the deadline for the certification of a ballot question.

In response to a question from Mr. Hogan regarding bill #6, Mr. DeMarinis clarified that the bill only applies during a primary election and only to replacing a candidate. He stated there are other provisions of the Election Law article that address if a candidate for Lieutenant Governor is disqualified.

Mr. Hogan made a motion to approve the departmental legislation as presented, and Ms. Howells seconded the motion. The motion passed unanimously.

APPROVAL TO EXTEND SBE POLICY 2020-01: ELECTRONIC PETITION SIGNATURE ACCEPTANCE

Mr. DeMarinis presented a proposal to extend the SBE Policy 2020-01 to January 13, 2021, the first day of legislative session. The policy, adopted on April 22, 2020, allows for the acceptance of electronic signatures for petitions. The policy had a sunset provision of August 3, 2020. Since then, staff has received requests to extend the deadline for the collection of petition signatures by a ballot issue committee wanting to propose charter amendment questions at the county level.

Maryland is still under the declared State of Emergency by the Governor to prevent the spread of COVID-19. The collection of signatures for a petition is often conducted during gatherings, events, or festivals that are either prohibited under the order of the Governor or have been canceled due to COVID-19. As such, the current conditions inhibit the collection of signatures required for a petition to gain access to or place a question on the ballot. Therefore, it is recommended to extend to the policy to January 13, 2021.

In response to a question from Mr. Cogan, Mr. DeMarinis stated that signature collection is an ongoing process and organizations are currently seeking petition signatures for the 2022 election. Mr. Trento clarified further that a provision of the policy allows for electronic signatures obtained while the policy is in effect to remain their validity even after the expiration of the policy.

Mr. Voelp made a motion to extend SBE Policy 2020-01 – Electronic Signature Acceptance to January 13, 2021, and Ms. Howells seconded the motion. The motion passed unanimously.

SPEAKER

Due to technical difficulties, Ms. Garland was unable to address the Board. Mr. Cogan apologized to Ms. Garland and offered her the chance to speak at a future meeting. Ms. Duncan stated that Ms. Garland's comments were emailed to the Board.

OLD BUSINESS

There was no old business to report.

NEW BUSINESS

There was no new business.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

There were no contributions disclosed.

CLOSED SESSION- LEGAL ADVICE

Mr. Cogan stated there would be no closed session.

ADJOURNMENT

Mr. Hogan made a motion to adjourn the open meeting, and Mr. Voelp seconded. The motion passed unanimously.

The meeting adjourned at 3:00 pm.