

State of Maryland 

State Board of Elections – September 4, 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
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
Katie Berry, Election Director, Carroll County Board of Elections
Ruie Lavoie, Election Director, Cecil County Board of Elections
Stuart Harvey, Election Director, Frederick County Board of Elections
Guy Mickley, Election Director, Howard 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
Wendy Adkins, Election Director, Saint Mary's County Board of Elections
Lynn Garland, Montgomery County resident
Linda Dorsey Walker, Baltimore County resident

DECLARATION OF QUORUM PRESENT

Mr. Cogan called the meeting to order at 1:01 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. Lamone would discuss a topic under New Business.

APPROVAL OF PROPOSED EMERGENCY CHANGES TO COMAR 33.11.02.05, .04.01, .04.03, .04.05, and .05.04- Absentee Ballots, and 33.16.06.04 – Provisional Ballots

33.11.02.05- Absentee Ballots – Applications – Processing Applications – In General

Ms. Charlson presented for adoption proposed emergency amendments to COMAR 33.11.02.05. The proposed change removes the requirement for local boards to date stamp some applications for mail-in ballots. This change is requested because of the large number of applications that have been received and more applications that are expected. If a local board receives an application for a mail-in ballot on or before October 18, 2020, the local board, under these regulations, is not required to date stamp the application but it must store the application in a container with a label showing the date the applications were received. If an application envelope is received on or after October 19, 2020, a local board must date stamp each application.

In response to a question from Mr. Voelp, Ms. Charlson stated that these regulations pertain to the application only, not the ballot.

Mr. Hogan made a motion to adopt the proposed emergency amendments to COMAR 33.11.02.05, and Mr. Voelp seconded the motion. It passed unanimously.

33.11.04.01 & .03- Absentee Ballots- Canvass of Ballots- Procedures

Ms. Charlson presented for adoption proposed emergency amendments to COMAR 33.11.04.01 and 33.11.04.03. The proposed change to Regulation .01 defines when a local board can use a single individual to verify the timeliness of a mail-in ballot, the presence of a signed oath, opening the return envelope, and determining whether the ballot can be scanned. If the local board can provide for in-person observation of the canvass, the local board may assign one individual to perform these tasks. A team is not required. If the local board provides remote observation of the canvass (i.e., livestreaming), the local board must use a team of two individuals to perform these tasks. Ms. Charlson stated that SBE received a lot of feedback from the primary election on this topic and the proposed regulations reflect a compromise for the feedback received.

The proposed change to Regulation .03 aligns the start of canvassing to the action the State Board took at its August 19, 2020 meeting. It allows the local boards to start canvassing ballots no earlier than 8 am on October 1, 2020.

In response to a question from Mr. Voelp, Ms. Charlson stated that “in-person” is defined as normal canvassing with social distancing incorporated. She clarified that the local board of canvassers may still meet remotely. In response to questions from Mr. Hogan, Ms. Charlson stated that in June, the Baltimore City Board of Elections allowed for in-person observation, and confirmed that the canvassing process includes the opening of ballot envelopes, verification of signature and timeliness, and counting. Ballot duplication still requires a two-person team. She also stated that this compromise was presented to the local boards yesterday and they were generally appreciative of the flexibility.

Mr. Funn made a motion to adopt the proposed emergency amendments to COMAR 33.11.04.01 and .03, and Mr. Hogan seconded the motion. It passed unanimously.

33.11.05.04 – Absentee Ballots – Canvass of Ballots- Rejecting of Ballots & 33.16.06.04- Provisional Ballots – Canvass of Ballots- Rejecting Ballots

Ms. Charlson presented for adoption proposed emergency amendments to COMAR 33.11.05.04 and 33.16.06.04. She explained that if a voter votes both a mail-in ballot and a provisional ballot, the current regulations require that a local board of elections reject both ballots. This regulation does not work when mail-in ballots are counted before election day. A voter’s mail-in ballot could be counted before early voting starts, and if that voter votes a provisional ballot, only the provisional ballot can be rejected. The proposed change requires the local board to reject a provisional ballot from a voter who also returned a mail-in ballot. This approach means that voters who vote a mail-in ballot and provisional ballot are treated the same – that is, their mail-in ballot will be counted (assuming that the mail-in ballot is timely and the oath is signed) – regardless of when they return their voted mail-in ballot or when their mail-in ballot is counted.

In response to a question from Mr. Funn, Ms. Charlson stated that it was not necessary to change the words “absentee” to “mail-in” in just these amendments because the amendments are only effective for the November election. She stated that we plan to update the regulations to reflect the name change from absentee to mail-in ballots after the November election.

Ms. Howells made a motion to adopt the proposed emergency amendments to COMAR 33.11.05.04 and 33.16.06.04, and Mr. Voelp seconded the motion. It passed unanimously.

NOVEMBER 3 ELECTION DISCUSSION

a. Member's Remarks

Data Center: Ms. Charlson stated that earlier in the week, SBE completed a site visit at the Motor Vehicle Administration (MVA) headquarters in Glen Burnie which allowed us to see the available space and to test the system. The Department of Budget and Management (DBM) has been very helpful in helping us identify and recruit individuals to work at the data center. DBM has already has individuals who have shown interest and are working their way through the hiring process, including getting a background check if they have not already had one.

Ms. Charlson stated that just this morning, the University of Maryland (UMD) contacted SBE with spaced that they may be able to offer us. The advantage, she stated, is that UMD's location allows us to recruit individuals from the Montgomery and Prince George's County areas that may not want to commute to Glen Burnie.

Printing Schedule: Ms. Charlson stated that yesterday was the first day that ballots could be printed and we gave that authority to the printers. Ballot printing has begun and we are on schedule.

Election Judges: Mr. Garreis reported that there is a statewide surplus of election judges. He has been in contact with the individual local boards and each has stated that they either have a surplus of judges or are receiving applications fast enough that they will not have a problem filling early voting and election day election judge slots. In response to a question from Mr. Cogan, Mr. Garreis stated that most local boards have a reserve and are increasing the number in that reserve. At the Anne Arundel County Board of Elections, their surplus has increased from 200 to 400 judges. He encourages interested individuals to continue to apply if interested, as we do not know what October will bring. Mr. Cogan noted that a person can serve as an election judge in a county other than the one they live in.

Media Message on Emailed Ballots: Ms. Charlson stated that messaging regarding the Board's preference of voters choosing to have a ballot mailed to them instead of emailed was not included in the paid media messages, namely digital ads, radio, and television, due to limitations on allotted time in the ads. All of those ads, however, drive voters to SBE's Elections 2020 homepage, which includes information on how to requests a ballot and there, we explain the preference for voter's to receive a ballot by mail. Ms. Charlson stated that in press releases and interviews, we are explaining the preference for voters to receive their ballot by mail.

Mr. Hogan noted to listeners that printing ballot application takes time and before the applications can be printed, many parts of the application must be approved and thoroughly proofread. He also thanked the Governor for highlighting the need for election judges, for recruiting State employees to serve as judges, for DBM assisting with the process, and DBM and MVA for assisting with the data center.

Curing Policies: Ms. Charlson stated that SBE issued a policy before the primary election regarding envelopes that are returned without a signature. We are in the process of reviewing the policy but she doesn't expect there to be any major changes. She stated that the data shows that the policy in place worked, as there was a lower rejection rate for ballots without a signature than there has been in the last few elections.

b.- d. Approval of Early Voting Center Changes, and Election Day Voting Centers (Combined)

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.

Calvert County: Ms. Charlson presented a request from the Calvert County Board of Elections to approve four election day voting centers which will be combined with its one early voting center for a total of five voting centers on election day. 75.4% of voters live within five miles of one of the five voting centers. In response to a question from Mr. Hogan, Ms. Charlson clarified that Calvert County has one early voting center. In response to a question from Mr. Cogan regarding a lack of coverage in part of the southern end of the county, Mr. Funn stated that there is no high school in that area. He stated that he felt the election day coverage is adequate.

Mr. Funn made a motion to approve the proposed election day voting centers for Calvert County as proposed, and Mr. Voelp seconded the motion. The motion passed unanimously.

Cecil County: Ms. Charlson presented a request from the Cecil County Board of Elections to approve five election day voting centers which will be combined with the one early voting center for a total of six voting centers on election day. 80% of voters live within five miles of one of the five voting centers. In response to a question from Mr. Hogan regarding lack of vote center coverage in the northwest corner of the county, Ms. Lavoie stated that all five high schools in the county are being used, and that there is only a 10-15 minute drive to the closest vote center from the furthest point. In response to follow up questions from Mr. Cogan, Ms. Lavoie stated that she is doing well with the number of election judges, and that she doesn't have any concerns with moving voters through the facilities due to the size of the facilities.

Mr. Hogan made a motion to approve the proposed election day voting centers for Cecil County as proposed, and Mr. Voelp seconded the motion. The motion passed unanimously.

Frederick County: Ms. Charlson presented a request from the Frederick County Board of Elections for two proposed new early voting centers to replace previous facilities that are not available for this election. Both proposed facilities are high schools. During early voting, 66.5% of voters are within five miles of one of Frederick County's four early voting centers.

Ms. Charlson also presented a request to approve ten election day voting centers, which will be combined with the four early voting centers for a total of 14 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 lack of election day vote center coverage in the eastern part of the county, Mr. Harvey stated that part of the county does not have a facility that is viable as a vote center, but that all high schools have been used. Also in response to Mr. Cogan, Mr. Harvey stated that his office is doing well with election judge recruitment and has many individuals on standby. Mr. Harvey corrected an earlier statement by Ms. Charlson, stating that one of the previous early voting centers is a library. It is available but it is a small facility and that is why he chose to move that early voting center to Catocin High School.

Mr. Funn made a motion to approve the proposed early voting and election day voting centers for Frederick County as proposed, and Mr. Hogan seconded the motion. The motion passed unanimously.

Queen Anne's County: Ms. Charlson presented a request from the Queen Anne's County Board of Elections for one proposed new early voting center to replace the local board office as an early voting center. During early voting, 54.6% of voters are within five miles of one of Queen Anne's County's two early voting centers.

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, 73.4% of voters live within five miles of a voting center.

In response to a question from Mr. Voelp, Ms. Jones stated that she believes that four voting centers on election day are adequate as Queen Anne's County's total voter registration is only 36,000. She also stated that Queen Anne's County has a large early voting turnout, and only has two high schools, both of which are being used. In response to a question from Mr. Cogan regarding election judges, Ms. Jones stated that her office is doing well with election judges, that she is building a reserve, and that training starts soon.

Mr. Hogan made a motion to approve the proposed early voting and election day voting centers for Queen Anne's County as proposed, and Ms. Howell's seconded the motion. The motion passed unanimously.

Saint Mary's County: Ms. Charlson stated that at the last meeting, the Board approved a plan for Saint Mary's County that included two early voting centers and five election day vote centers. Last week, the Saint Mary's Board of Elections met and revised their plan for the number of vote centers. Ms. Charlson stated that today she is presenting a request from the Saint Mary's Board of Elections to approve one early voting center and six election day vote centers, which will be combined with the early voting center, for a total of seven election day voting centers.

In response to a question from Mr. Cogan regarding why the second early voting center was being eliminated, Ms. Adkins stated that she was notified last week by the principal of Great Mills High School that the school was no longer available, in anticipation of students returning to the classroom. In response to a question from Mr. Hogan, Ms. Adkins stated that she looked at other possible sites for an early voting center, but the locations were either not available, too small, or the facility would not allow early voting. She also stated in response to questions that Saint Mary's County has 72,000 registered voters and will have ten ballot drop off boxes throughout the county.

In response to a question from Mr. Hogan, Ms. Charlson stated that at the next meeting, in addition to approving all of Baltimore City's voting centers, the Prince George's Board of Elections is expected to propose one additional election day site, and possibly one or two other local boards with an additional site. In response to a questions from Mr. Cogan, Ms. Adkins stated that pushing the vote back would push all planning back another week, and that the Saint Mary's Board of Elections does not want a second early voting center due to the cost and lack of available schools. Ms. Adkins stated that Saint Mary's County has only ever had one early voting center. In 2018 there was a line, but it moved quickly. Mr. Voelp pointed out that Saint Mary's County is only required to have one early voting center.

After consulting with Mr. Trento, the members decided to table the issue until the next meeting. Mr. Cogan stated that the specific steps were: 1) to table the issue; 2) for SBE to communicate with the Saint Mary's County government regarding their position; and 3) to call an emergency

meeting, if needed, before the next scheduled meeting with the sole purpose of approving voting centers for Saint Mary's County.

Mr. Cogan stated that he would accept the members' comments as accepting of his proposal to table the vote until the following meeting.

d. Approval of Requests to Deploy Additional Ballot Marking Devices

Anne Arundel County: Ms. Perrone presented a request from the Anne Arundel County Board of Elections to deploy five ballot marking devices each of its early voting and election day voting centers, except for Severna Park High School, where it is requesting ten ballot marking devices.

Mr. Cogan stated that he would defer voting on additional ballot marking devices until after Ms. Perrone completed presenting the requests.

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

Mr. Hogan noted that the Board had not yet received the request from the Baltimore City Board of Elections to approve its voting centers, and stated that the Board should not approve additional ballot marking devices without knowing the voting centers. Mr. Cogan agreed, and stated that the approval of additional ballot marking devices for Baltimore City would be tabled until the next meeting. There were no objections.

Carroll County: Ms. Perrone presented a request from the Carroll County Board of Elections to deploy four ballot marking devices each of its 13 election day voting centers.

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

Prince George's County: Ms. Perrone presented a request from the Prince George's County Board of Elections to deploy up to 20 ballot marking devices each of its early voting and election day voting centers. She stated that not all voting centers will use 20 ballot marking devices, but the maximum that can be used will be used based on square footage. Ms. Alexander stated that 20 would be used for the largest voting centers such as the Showplace Arena, the Pavilion at the Center Xfinity Center, and the Sports and Learning Center, which are also early voting centers. In response to a question from Mr. Cogan, Ms. Alexander stated that there will be election judges just for the ballot marking devices.

Mr. Funn made a motion to approve the requests to deploy additional ballot marking devices for Anne Arundel, Carroll, Howard, and Prince George's County, and Mr. Hogan seconded the motion. The motion passed unanimously.

OLD BUSINESS

There was no old business to report.

NEW BUSINESS

Ms. Lamone announced that Ms. Perrone will be leaving SBE later this month. She thanked Ms. Perrone for her dedication and noted that she was integral to the success of the primary election. She wished Ms. Perrone all the best in her new position.

APPROVED SPEAKERS

Mr. Cogan stated that there are two speakers and reminded the speakers that they are limited to five minutes.

Lynn Garland

Ms. Garland stated that at the July 23 meeting, she warned that a large number of internet-delivered ballots that need to be hand-duplicated by the local boards could possibly delay the results of the election by weeks, and that results may not be finalized by the time the electoral college votes. Despite changes made by the Board, local boards may still be overwhelmed with duplicating ballots. As of yesterday, 16% of requests for mail-in ballots are for internet-delivered ballots. She recommended that the Board take further action to deter voters from requesting internet-delivered ballots. Specifically, she recommended improving the public media messaging, the language on the SBE website, and language shared with legislators to discourage voters from choosing an internet-delivered ballot.

Linda Dorsey Walker

Ms. Walker stated her concern regarding the number of ballot drop off boxes for Baltimore County in compared to the total number available. She felt that Baltimore County should have more than 13, and that it was not right that other jurisdictions would have significantly more drop boxes than Baltimore County. She stated the need for more early voting centers in Baltimore County near minority populations. She inquired about what outreach SBE was doing for formerly incarcerated individuals, stating that less than five percent of that population is registered to vote. Finally, she requested that SBE provide a list of ballot drop off boxes when the list is finalized.

In response to a question from Mr. Hogan, Ms. Charlson stated that a list of ballot drop off box locations is being finalized and will be included with ballot packets.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Cogan disclosed the following campaign contributions:

- \$55 to McSally for Senate;
- \$110 to the National Republican Senatorial Committee; and
- \$105 to the National Republican Congressional Committee.

SCHEDULE NEXT MEETING

The next meeting is scheduled for Friday, September 11 at 2 p.m. Mr. Cogan noted that if the Board needed to meet prior to September 11 in order

CLOSED SESSION- LEGAL ADVICE

Mr. Cogan stated there would be no closed session.

ADJOURNMENT

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

The meeting adjourned at 2:54 pm.