

State of Maryland 

State Board of Elections – September 24, 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
Jared DeMarinis, Director, Candidacy and Campaign Finance
Tracey Hartman, Director of Special Projects
Mary Cramer Wagner, Director of Voter Registration

DECLARATION OF QUORUM PRESENT

Mr. Cogan called the meeting to order at 2:06 pm, stating that there had been delay due to a technical difficulty. No business took place during that time. After taking roll call, he stated that all members were present, that there was a quorum, and that the meeting was being livestreamed.

ADDITIONS TO THE AGENDA

Mr. Cogan stated that there were no additions to the agenda and that agenda item #5- Approval of Regulations- has been removed. Mr. Cogan further stated that in an effort to keep the meeting short, that only highlights from the Administrator's Report and the Attorney General's Report would be presented, but that the full report is available on the SBE website.

ADMINISTRATOR'S REPORT

Ms. Charlson stated that only the portion of the Administrator's report related to the 2020 General Election preparations would be shared verbally.

Call Center

Ms. Wagner stated that call center is operational 6 days a week from 8:00 a.m. to 5:00 p.m. As of September 21, the call center has assisted with over 15,000 calls. Currently, 18 local boards and SBE are participating. When the volume is high, voters can leave a message and the call representatives return the call as quickly as possible. In addition to taking and returning calls, the call center is mailing applications for mail-in ballots to requesting voters and will soon be assisting with responding to emails that SBE receives at our various public email addresses.

In response to a question from Mr. Voelp, Ms. Wagner stated that the call center has approximately 25 operators answering calls for SBE and the local boards. She stated that the call center has a State contract and assists 14 other State agencies as well, and that operators have been pulled from other agencies to assist with election-related calls. In response to a follow-up question from Mr. Voelp, Ms. Wagner stated that the local boards who are not utilizing the call center are answering calls to their individual offices on their own.

Data Processing Center

Ms. Wagner stated that on September 21, we opened a data processing center at the Motor Vehicle Administration's (MVA) headquarters in Glen Burnie with 25 individuals. This center will help with processing the large volume of requests for mail-in ballots received by the local boards and will

continue through October 20, the deadline to request a mail-in ballot.

Ms. Wagner thanked MVA's Administrator, Christine Nizer, and her team for providing the space and IT support, and Fred Brechbiel and Nikia Wilbon-Turner for working through technical issues with MVA. Ms. Wagner also thanked David Garries, President of the Maryland Association of Election Officials and Deputy Director for the Anne Arundel County Board of Elections, and Alysoun McLaughlin, Deputy Director for the Montgomery County Board of Elections, for their support and collaboration and all the local boards who will provide subject matter expert support in the coming weeks.

Finally, Ms. Wagner thanked Shelly Holland, Shemaine Malcolm, Christina Barton and Lisa Dennis for working with the Department of Budget and Management, Janet Smith and Shekia Harding-Bey for assigning privileges, and Gillian Thomas and Nikia Wilbon-Turner for assigning tokens. This truly has been a collaborative effort. Ms. Wagner was thanked for leading her regular team members during this already hectic time and Janet Smith for providing training.

In response to questions from Mr. Voelp, Ms. Charlson stated that in the first full day (September 23), about 5,000 mail in ballot applications were processed, but that a target could not be precisely quantified as local boards are also processing applications. In response to a question from Mr. Cogan, Ms. Wagner stated that the data processing center was currently open from 8:00 a.m. to 4:30 p.m. The MVA is open to extended hours but is dependent on the MVA providing the processors with proper ID cards and having IT staff on duty during any extended hours times.

Ballot Drop Boxes

With the popularity of the ballot drop boxes in the primary election, Ms. Charlson stated that Whitney LeRoux and Mary Wagner worked with the vendor, Recyclingbin.com, to obtain the maximum number of boxes that could be manufactured in a timely manner. An additional 202 boxes were ordered, bringing the total number of SBE-provided drop boxes statewide to 277. Since these ballot drop boxes are customized to Maryland's specific standards, the delivery dates are on a rolling basis.

There will be 282 boxes available at 281 locations. (Oriole Park at Camden Yards will have two boxes.) The locations of the ballot drop boxes are finalized, and the list is available [here](#). Several local boards already had boxes, and these boxes supplement the State's 277 boxes.

Because of the rolling manufacturing and delivery schedule, the installation of the ballot drop boxes is also a rolling schedule. Boxes for the local boards' offices, early voting locations, and additional locations in the most populous counties will be delivered from September 28 - 30. The next delivery phase will be October 15 - 17 and the final phase will be October 22 - 24. The list of locations includes the delivery date range for each box.

Public Awareness Campaign

Ms. Duncan stated that our response to President Ferguson and Senator Pinsky's request for a public education plan is included in the meeting packet. The letter includes an overview of the campaign, and Appendix A has the images being used in the campaign, links to TV and radio ads, and graphics showing the print and digital ads. Also included in Appendix A is information about media buys and the statewide allocation and specific TV, radio, and print buys.

SBE's [Election 2020 webpage](#) now includes the list of the [early voting centers](#) and [election day vote centers](#). This page also includes a video of how to request a mail-in ballot, and a companion video on how to vote a mail-in ballot will be posted soon.

The assistance of the team members has been invaluable with coordinating numerous media inquiries and preparing responses for our review and approval. We expect the next 6 to 8 weeks to continue to be extremely busy with constant efforts of keeping the public informed.

In response to a question from Mr. Cogan regarding the ballot drop boxes, Ms. Charlson confirmed that the delivery of the boxes was on schedule.

Mr. Cogan, addressing the public audience, stated that we are at a point where changes cannot be made unless anticipated, saying that we are now entering a phase that we have been focused on for half of a year. The opportunity to do things differently is closing or may have already closed.

Ballot Production

Ms. Charlson stated that ballot production began on August 7 and concluded on August 28. On September 2, ballot PDFs and data files were generated for configuring the online ballot delivery system. All ballot materials for the local boards of elections were distributed on September 8, and files necessary for the post-election automated ballot tabulation audit were created and uploaded on September 11.

Printing of ballots for in-person voting is in progress. Delivery started last week with partial deliveries for Anne Arundel and Montgomery Counties. All ballot deliveries are expected to be completed by October 9. A supplemental order of 100,000 ballots was requested by Wicomico County as a result of their pending request for two additional election day vote centers. In total, the printer will print approximately 19.5 million ballots for the upcoming election, which is ten million more than is typical in a presidential general election.

Mailing Ballots

Ms. Charlson stated that federal law requires election officials transmit to requesting military and overseas voters' ballots at least 45 days before the election. For this election, the 45th day was September 19. On September 18 and 19, ballots were mailed to military and overseas voters who requested ballots by mail, and on September 18, we sent emails to military and overseas voters who requested their ballots via web delivery. We confirmed to the U.S. Department of Justice our compliance with this federal requirement.

Sending ballots to domestic voters starts today. Taylor Corporation, the vendor producing and mailing ballot packets, ships its first shipment of ballot packets, and over the next five days, almost 800,000 ballot packets will be shipped. We start providing daily files on September 28, and Taylor Corporation will ship ballot packets almost daily through October. The first set of emails to domestic voters requesting a ballot via web delivery will also be sent today.

In response to a question from Mr. Hogan, Ms. Charlson confirmed that the first shipment of mailed ballots are being shipped to and then entered into the mailstream in Maryland. In response to a question from Mr. Cogan, Ms. Charlson confirmed that we are on schedule for mailing.

In response to a question from Mr. Voelp regarding the email addresses used to send web-delivery ballots and the risk of spoofing, Ms. Charlson stated many voters have marked the addresses as safe and changing that midstream would cause confusion. She stated that this is an area that we would like to improve in the future, but that it is too late to change the process now.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Trento stated that the only legal matter with an updated since his last report was on item number 5 from his written report, *Chong Su Yi v. Hogan*, Nos. 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). 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. On September 17, 2020, those motions were denied.

NOVEMBER 3 ELECTION DISCUSSION

a. Member's Remarks

There was no member remarks.

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

Wicomico County: Ms. Charlson presented a request from the Wicomico County Board of Elections to approve two additional election day voting centers at the Willard Elementary School and the Westside Intermediate School, for a total of nine voting centers on election day.

In response to a question from Mr. Hogan, Ms. Charlson confirmed that Wicomico County would still have only one early voting center. Ms. Charlson stated that Anthony Gutierrez, the Election Director for the Wicomico County Board of Elections, has confirmed that he has enough election judges for early voting and election day.

Ms. Charlson then presented a request from the Wicomico County Board of Elections to approve the use of five ballot marking devices at the its one early voting center, and four ballot marking devices each of its election day vote centers.

Mr. Voelp made a motion to approve the request of the Wicomico County Board of Elections for two additional election day vote centers and increased usage of ballot marking devices during early voting and on election day, as presented, and Mr. Hogan seconded the motion. The motion passed unanimously.

APPROVAL OF LATE FEE WAIVERS

Mr. DeMarinis presented the Board with six requests from campaign committees to waive late fees incurred by the committee. Five campaign committees were denied waivers of late fees and were presented to the board for informational purposes.

The committees requesting a waiver of late filing fees were:

1. Acle, Nicole Friends of
2. Andrews, Corey Michael Friends of
3. Branch, Chanel A. Friends of
4. Brown, Trina Friends of
5. Frank, Corine Friends of
6. Frederick County Republican Central Committee

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

APPROVAL OF TITLE 14 WAIVERS

Mr. DeMarinis stated that there were no waivers granted this month for Title 14 waivers. Two businesses were denied waivers of late fees and were presented to the Board for informational purposes.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Cogan disclosed the following campaign contributions:

1. McConnell for Senate - \$174
2. McSally for Senate - \$85
3. Scott for Senate - \$75
4. James for Senate - \$25
5. Ernst for Senate - \$75
6. Graham for Senate - \$50
7. Harris for Congress - \$100
8. McCarthy for Congress - \$50
9. Crenshaw for Congress - \$50
10. Nunes for Congress - \$50
11. Nunes/Trump Campaigns - \$50
12. Trump for President - \$200
13. National Republican Committee - \$300
14. National Republican Senate Committee - \$235
15. National Republican Congressional Committee - \$50
16. Republican State Leadership Committee - \$50

SCHEDULE NEXT MEETING

The next meeting is scheduled for Thursday, October 10 at 2 p.m.

CLOSED SESSION- LEGAL ADVICE

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 Ms. Howells 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 3:02 pm. Mr. Cogan, Mr. Hogan, Ms. Howells, Mr. Funn, and Mr. Voelp attended the closed meeting. In addition to the board members, Linda Lamone, Nikki Charlson, Andrea Trento, and Donna Duncan attended the closed meeting.

Mr. Trento provided legal advice and the board consulted with staff about potential or pending litigation. No actions were taken.

The closed meeting adjourned at 3:29 pm.

ADJOURNMENT

Mr. Hogan made a motion to adjourn the open meeting, and Mr. Funn seconded. The motion passed unanimously. Mr. Cogan stated that the Board would not be reconvening after the closed session.

The open meeting adjourned at 2:52 pm.