

Attendees: Michael R. Cogan, Chair  
Patrick J. Hogan, Vice Chair (by phone)  
William G. Voelp, Member  
Kelley A. Howells, Member (by phone)  
Malcolm L. Funn, Member (by phone)  
Linda H. Lamone, Administrator  
Nikki Charlson, Deputy Administrator  
Andrea Trento, Assistant Attorney General  
Donna Duncan, Assistant Deputy for Election Policy  
Mary Wagner, Director, Voter Registration  
Erin Perrone, Director, Election Reform and Management  
Jared DeMarinis, Director, Candidacy and Campaign Finance

Also Present: Thomas Hucker, Member, Montgomery County Council  
Bruce Luchansky, President, Baltimore City Board of Elections  
Jim Shalleck, President, Montgomery County Board of Elections  
David Naimon, Secretary, Montgomery County Board of Elections  
Kevin Karpinski, Counsel, Montgomery County Board of Elections  
Armstead Jones, Election Director, Baltimore City Board of Elections  
David Koroma, Resident of White Oak Community  
Diana Conway, Resident of Potomac  
Kate Masters, *Bethesda Beat*  
Michael Solomon, Student and Resident of Montgomery County  
Danielle Gaines, *Maryland Matters*  
Brigid Smith, Office of Congressman John Sarbanes  
Karen Murphy, Citizen  
Tierra Bradford, Common Cause of Maryland  
David Kunes, Citizen  
Diane Dillon, Citizen  
Faith T. Blackburne, Montgomery County NAACP

**DECLARATION OF QUORUM PRESENT**

Mr. Cogan called the meeting to order at 1:05 pm and confirmed that a quorum was present. Mr. Hogan, Mr. Funn, and Ms. Howells attended the meeting by conference call. Mr. Cogan stated that the meeting was being livestreamed and recorded.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**2020 ELECTIONS – ADDITIONAL EARLY VOTING CENTERS AUTHORIZED UNDER ELECTION LAW ARTICLE, §10-301.1(b)(7) FOR BALTIMORE CITY AND MONTGOMERY COUNTY**

Ms. Charlson stated that Election Law Article, §10-301.1(b)(7) allows each local board to establish one additional early voting center. The Baltimore City Board of Elections is required to establish seven early voting centers, and the Montgomery County Board of Elections is required to establish eleven early voting centers. At their respective September board meetings, both the

Baltimore City and Montgomery County Boards of Elections decided not to add an additional early voting center. In response to this action, several elected officials from Baltimore City and Montgomery County indicated their support for the establishment of an additional early voting center.

## **MONTGOMERY COUNTY**

### *Remarks from James Shalleck*

Mr. Shalleck, President of the Montgomery County Board of Elections, stated that the local board voted against establishing a twelfth early voting center at its meeting on September 19, 2019. There are currently eleven early voting centers in Montgomery County, and of those eleven centers, four of them are located in the same part of the county where the possible twelfth center would be located. He stated that the local board was concerned with the estimated \$234K cost of establishing an additional center. Both the Montgomery County Council and County Executive Marc Elrich submitted to the local board letters urging a twelfth early voting center in White Oak for the 2020 General Election but not for the primary election because of the cost. Mr. Shalleck reported that the local board has requested and spent an extra \$125K to acquire additional equipment, and he is confident it will alleviate the long lines experienced during the 2018 General Election.

In response to a question from Mr. Voelp, Mr. Shalleck stated that there are five voting members and two alternate members of the local board. In response to a question from Mr. Cogan, Ms. Charlson stated that the decision to add a twelfth center would take effect for the 2020 Primary and General Elections. She reported that Frederick County added a fourth center for the 2018 General Election but had three early voting centers for the 2018 Primary Election.

### *Remarks from David Naimon*

Mr. Naimon, Secretary of the Montgomery County Board of Elections, stated that the proposed twelfth early voting center in White Oak would benefit the voters in that area who rely on public transportation and address the increased percentage of voter participation during early voting, alleviate lines in polling places with waits of more than thirty minutes, and offer convenience and impartiality to the voters of White Oak.

In response to questions from Mr. Cogan, Mr. Naimon stated that he disagrees with the letter from County Executive Elrich and referred to an article published on September 27, 2019 in the *Bethesda Beat* where the County Executive publicly supported the center for the primary and general elections. Mr. Naimon expressed his concerns about State Board and local board responsibilities, and that ultimately, it will be the responsibility of the State Board for long lines in the eastern part of Montgomery County.

In response to questions from Mr. Voelp, Mr. Karpinski, Counsel for the Montgomery County Board of Elections, stated that the annual budget for the elections office is about \$8,000,000. Mr. Naimon stated that the Praisner Center has parking issues and long lines, so many voters who previously used the Praisner Center would use the twelfth early voting center located in White Oak.

### *Remarks from Thomas Hucker*

Mr. Hucker, member of the Montgomery County Council Member, stated that establishing a twelfth early voting center will be an opportunity to gain early voting participation. He explained that an early voting center in White Oak will provide the low income, African American, high

immigrant population who rely on public transportation the opportunity to participate during early voting. The White Oak early voting center will relieve historically long lines on election day, and the additional equipment acquired by the Montgomery County Board of Elections is insufficient and will not alleviate lines in that area. He knows that Mr. Elrich supports the additional center for the 2020 Primary and General Elections, and the additional funding will be supported.

*Remarks from Daniel Koroma*

Mr. Koroma, a resident of White Oak, explained that many voters in the community do not get an opportunity to vote on election day because of their work schedule. On the weekends, there is more opportunity for residents to partake in activities outside of work. However, public transportation does not run on the weekends, so any activities are limited to the community. He asked that a twelfth early voting center be established at the White Oak Recreation Center so that his community can participate in the voting process.

*Remarks from Diana Conway*

Ms. Conway, a resident of Potomac, submitted written comments and expressed her support for establishing a twelfth early voting center in the White Oak area. An early voting center was established near the Potomac area during the last election cycle, which is an area where people have cars and disposable time and resources to vote at their convenience. In comparison, the White Oak area is a highly dense populated area comprised of low-income, heavily minority and immigrant population.

*Remarks from Michael Solomon*

Mr. Solomon, a senior at Spring Brook High School, expressed his concerns over the lack of access for voters to participate in the voting process. He stated that getting to the polls is a concern across the country for those who are marginalized, and there should be no price tag on democracy.

*Remarks from Faith Blackburne*

Ms. Blackburne, a member of the Montgomery County NAACP, stated her support for the establishment of a twelfth early voting center in White Oak. The additional early voting center would decrease congestion and help alleviate long lines at polling places on election day.

Mr. Cogan reiterated that the State Board is not voting whether to approve an additional early voting center in Montgomery County, but is deciding whether to direct the Montgomery County Board of Elections to provide the required information for an additional early voting center.

Mr. Hogan expressed his respect of the Montgomery County Board of Elections on their actions, decisions, and fiscal responsibilities and state that the purpose of the State Board is to provide full, fair, and accessible voting for everyone. He reiterated that Election Law Article, Section 10-301.1 explains that early voting centers should be determined in collaboration with the State Board and the local boards of elections and the governing body, whether it be the county executive or county council. He stated his support of a motion to receive additional information from the Montgomery County Board of Elections.

Mr. Funn stated that he agrees with Mr. Hogan and no one should be denied the right to vote.

Ms. Howells stated that this is an example of when decent people disagree with each other. The local boards of elections know their precincts and the neighbors in their precincts, while the State Board does not know this type of information. She explained that there is evidence that there was a rigorous debate and vote by the Montgomery County Board of Elections, all the proper procedures were followed, and there is nothing in the Election Law Article that requires the State Board to make that decision. She explained that she trusts the local boards and its members and suggested that citizens who want a 12<sup>th</sup> site seek a mandate from state lawmakers or try again in the future to persuade the local board of the additional site's necessity. She doesn't want to overturn the local board's legitimate vote and will not support a motion to require the Montgomery County Board of Elections to prepare a proposal for an additional site.

In response to a question from Mr. Voelp, Mr. Trento state that his interpretation of Election Law Article, Section 10-301.1 is that the State Board is required to collaborate with each local board and find agreement with the governing body of the county. He reiterated that the State Board cannot force a governing body to establish another early voting center and the county cannot force the State Board to approve the additional early voting center. The State Board must collaborate with the local board within the timeframe to adopt new early voting centers.

Mr. Voelp stated that he is not comfortable with overriding the decision of a local board, as the local boards of elections know their issues understands the concern with the cost of an additional early voting center. He stated, however, that there is a responsibility that everyone has the chance to vote.

Mr. Cogan reminded everyone that the statutory requirement includes a super majority vote, which means that four votes would be required for the State Board to take any action.

Mr. Hogan made a motion to direct the Montgomery County Board of Elections to collect data on an additional early voting center to be presented to the State Board at its next meeting. The data must be given to the State Board of Elections staff by October 24, 2019. Mr. Funn seconded the motion. The motion was passed by a vote of 4-1, with Ms. Howells voting against the motion.

Mr. Hogan departed the meeting by telephone at 2:42 pm.

## **BALTIMORE CITY**

Mr. Cogan reiterated that a quorum was present with Mr. Funn and Ms. Howells attending the meeting by conference call.

### *Remarks from Armstead B. Crawley Jones, Sr.*

Mr. Jones, Election Director of the Baltimore City Board of Elections, stated that an additional early voting center was requested by a State Senator representing Legislative District 40. In prior meetings, Mr. Jones explained that an early voting center already existed in Legislative District 40 and moving one of the existing early voting centers would leave a void in the center of the City. The sites that the State Senator suggested were taken into consideration by the Baltimore City Board of Elections prior to the 2018 elections. Mr. Jones explained that representatives of Mondawmin Mall did not want to provide an early voting center, and schools are not willing to be an early voting center because of the eight days of consecutive usage. According to Mr. Jones, the Baltimore City Board of Elections did not want to increase the number of early voting centers. The concerns for Mr. Jones include the low turnout for early voting, the number of additional

election judges that would need to be recruited, the efforts to staff an additional early voting center, and the additional equipment that will be needed.

In response to a question from Mr. Cogan, Mr. Jones stated that he has not received additional funding from Baltimore City to establish an additional early voting center. In response to a question from Mr. Voelp, Mr. Jones stated that the Baltimore City Board of Elections unanimously voted at its September 19, 2019, meeting to not establish an additional early voting center for the same reasons.

In response to a question from Mr. Funn, Mr. Cogan stated that in the absence of a motion, the State Board would not consider the matter. There being no motion, the State Board will not act.

Mr. Cogan reiterated that the next regular meeting is scheduled for October 31, 2019, at 1:00 pm.

### **ADJOURNMENT**

Mr. Voelp made a motion to adjourn the meeting, and Ms. Howells seconded the motion. The motion passed unanimously. Mr. Cogan adjourned the meeting at 3:08 pm.