

**State of Maryland** 

**State Board of Elections – December 12, 2019 Meeting**

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Attendees: Michael R. Cogan, Chair  
William G. Voelp, Member  
Kelley A. Howells, Member  
Malcolm L. Funn, Member  
Linda Lamone, Administrator  
Andrea Trento, Assistant Attorney General  
Erin Perrone, Director, Election Reform and Management  
Donna Duncan, Assistant Deputy, Election Policy  
Mary Wagner, Director, Voter Registration  
Tracey Hartman, Director of Special Projects  
Jared DeMarinis, Director, Candidacy and Campaign Finance  
Keith Ross, Assistant Deputy, Project Management  
Sarah Thornton, Technical Writer, Project Management Office

Also Present: David Garreis, Anne Arundel County Board of Elections  
Ruie Lavoie, Cecil County Board of Elections  
Tracy Dickerson, Charles County Board of Elections  
Wendy Adkins, St. Mary's County Board of Elections  
Susan Julian, St. Mary's County Board of Elections  
Lynn Garland, Citizen

**DECLARATION OF QUORUM PRESENT**

Mr. Cogan called the meeting to order at 2:02 pm and stated that three members of the board were present and one board member was on the telephone. Mr. Cogan stated that there was a quorum present and the meeting was being recorded.

**RATIFICATION OF MINUTES FROM OCTOBER 2019 MEETING**

In response to a question from Mr. Funn, Ms. Duncan stated that the board's suggested edits were incorporated into the minutes.

Mr. Funn made a motion to ratify the approved minutes from the October 31, 2019 meeting, and Mr. Voelp seconded the motion. The motion passed unanimously.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**ADMINISTRATOR'S REPORT**

**1. Announcements & Important Meetings**

Welcome to SBE

Zeeshan Khan joined SBE's team last month. Zeeshan is part of the information security team and will be working on categorizing various systems and documenting the applicable technical and operational controls applicable to each system in accordance with standards established by the National Institute of Standards and Technology and the State's Department of Information Technology. Zeeshan is currently working with the Voter Registration Division to categorize MDVOTERS, and we are pleased to have him as part of our team.

Renee Crumlin joined our team on December 2nd. Renee is tasked with handling the front desk receptionist area. This is always a busy area with switchboard duties, coordinating visitor arrival and identifying how best to accommodate the needs of each person coming through our doors.

Charneice Fox joined SBE on November 10th. Charneice will be primarily assisting the Candidacy and Campaign Finance Division but also providing extra help to other Divisions with tasks to prepare for and conduct the upcoming elections. We are glad to have them as members of the team.

#### Election Directors' Meeting

We hosted an Election Directors' conference call on November 14th and will host an in-person meeting on December 19th. A summary of the November 14th call was included in the meeting folder, and we will provide a summary of the December meeting in the January meeting folder.

#### Center for Internet Security's Verifying Non-Voting Election Technology Workshop

On November 14th, Nikki Charlson attended a workshop to discuss a future process of certifying non-voting election systems (*e.g.*, voter registration databases, election night reporting systems). At this workshop, invited participants discussed a white paper drafted by The Center of Internet Security (CIS) on a possible process of certifying these election systems. The proposed process would include an intensive, initial architectural and process review of an election system and incremental, quicker reviews of updates. Discussions included identifying the entity or entities to perform this certification, the role of accessibility and usability in the certification process, and whether the proposed architectural and process reviews were sufficient to establish confidence in the certification process.

#### Special Election for the 7th Congressional District - Updates

We have been working hard to prepare for the upcoming special elections for the 7th Congressional District.

- Thirty-three candidates filed for the special primary election for the 7th Congressional District, U.S. House of Representatives.
- The ballots have been designed, posted, and are being printed.
- With one exception, the voting locations for the special primary election will be the same as for the combined presidential primary and special general election. One voting location in Baltimore County was not available on February 4th, so voters in that precinct will be moved to another location just for the special primary election.
- The voter look-up website has been updated to reflect the special election and the one precinct in Baltimore County where the voting location is different than other elections.
- The online voter registration and absentee request system is being updated to allow users to select an absentee ballot for the special elections.
- The deadline to transmit absentee ballots to requesting military and overseas voters is December 21st. The mail house and the online ballot delivery system will be ready to transmit before that date.
- The call center to support SBE and the Baltimore City and Baltimore County Boards of Elections will begin on January 13th and run through February 7th. The call

center representatives will handle questions from voters about where to vote, when to vote, etc. and allow SBE to handle the more complex questions.

- Weekly meetings are held to identify unique needs and requirements for the conduct of a special primary and a combined special general and presidential primary.
- An identified issue is the qualification of 17 year olds to vote in the special elections. If a 17 year old will be 18 by April 28th, the voter qualifies to vote in both the special primary election and combined special general and the presidential primary elections. However, if the 17 year old will be 18 after April 28th, that voter would only qualify to vote in the presidential primary election - but not the special elections. This issue requires development of specific instructions, election judge training and notation in the poll books.

### SBE Data Centers

The current data center contract with Sidus Group ends on December 31, 2019. At its November 20th meeting, the Board of Public Works (BPW) approved a new data center contract between SBE and Koniag Services, starting January 1, 2020 and extending for up to approximately six years. Koniag Services' technical proposal was very strong, as they are currently one of a handful of data centers with a "high" data center certification from the federal government.

While we look forward to transitioning our primary and back-up data centers to Koniag, the ability to make this transition is impacted by the special primary election for the 7th Congressional District. Transitioning data centers will require downtime, and it is not feasible to prepare for the special primary election on February 4th and have downtime for MDVOTERS, the online voter registration and ballot request system, and the online ballot delivery system in the weeks leading up to this election. Additionally, it is expected to take between 3-6 months to obtain the necessary connections at the new data center to the State's network. As a result, SBE requested and BPW approved an extension of the current contract with Sidus for at least six months with the option to extend through December 31, 2020.

## **2. Election Reform and Management**

### New Social Media Campaign - #TrustedInfo2020

Cortnee Bryant is working with the National Association of Secretaries of State (NASS) to promote #TrustedInfo2020. This campaign is a nationwide effort to help combat the spread of wrong election related information by reminding the public that election officials are the trusted source for election related information. The campaign also aims to drive people directly to their election office's website to get accurate election information, encourages people to "think before you link," and to be careful what they believe, share or post on social media.

### Election Judges' Manual for the 2020 Elections

All chapters submitted by the local boards have been reviewed, approved and sent back to the local boards so printing and training can begin. The first training classes will begin January 6th.

### State Employee Administrative Leave for Election Judges

Prior to each election cycle, we ask the Department of Budget and Management (DBM) to grant administrative leave to State employees who serve as election judges. DBM

approved the administrative leave for the 2020 elections, including the Special Primary Election for the 7th Congressional District.

#### “I Voted” Sticker Contest

The public voting period to decide the design of the “I Voted” stickers ended on November 15th. During the ten day public voting period, over 27,000 votes were cast. The winners of the contest will be announced live on Facebook on December 16th at 9 am. Erin Perrone will attend the announcement at the offices of the Maryland State Department of Education.

### **3. Voter Registration**

#### MDVOTERS

Currently, the Voter Registration Division is conducting a mock election for the 7th Congressional District special election. Almost all modules of MDVOTERS, including candidacy, absentee, list maintenance, election workers, provisional voters, and ballot processing, are being tested.

#### MVA Transactions

During the month of November, MVA collected the following voter registration transactions:

New Registration - 8,812	Residential Address Changes - 19,755
Last name changes - 2,835	Political Party Changes - 4,378

#### Non-Citizens

The following summarizes relevant activity from November:

Submitted to the Office of the State Prosecutor - 7  
Removal of non-citizens - 7  
Removal of non-citizens who voted - 1  
Removal of non-citizens who voted multiple times - 2  
Non-citizens reported by Immigration & Customs Enforcement - 0  
Change in status from Office of the State Prosecutor - 0

### **4. Candidacy and Campaign Finance (CCF) Division**

#### Candidacy

Currently, 72 candidates have filed at SBE for the 2020 presidential election cycle.

#### Enforcement Actions

The CCF Division received the payments for the following civil penalties:

1. Friends for Alonzo Washington paid a civil penalty of \$100.00 on November 1, 2019 for failing to record all contributions and expenditures.
2. Friends of Delaneo Miller, 24th District paid a civil penalty of \$50.00 on November 6, 2019 for failing to record all contributions and expenditures.
3. F. O.P Political Action Committee paid a civil penalty of \$300.00 on November 8, 2019 for failing to record all contributions and expenditures.
4. Friends of Phil Kauffman paid a civil penalty of \$25.00 on November 25, 2019 for making a cash disbursement of greater than \$25.00.
5. Team 41 for the People Slate paid a civil penalty of \$50.00 on November 27, 2019 for failing to include an authority line.

6. Friends of Joe Hooe paid a civil penalty of \$25.00 on November 25, 2019 for making a cash disbursement of greater than \$25.00.

## **5. Project Management Office (PMO)**

### Inventory Management

SBE continues to dispose of equipment via the State's disposal process that includes auctioning, recycling, transferring, or trashing of the items.

The PMO and other inventory stakeholders from the local boards of elections are in the process of testing an upgrade to the inventory system. This upgrade is expected to be installed in the production environment the first week of January.

### Procurements

The PMO continued to work on several procurements. All the additional privacy sleeves for the 2020 election cycle were delivered to the local boards. The black precinct carts are now in production at the Maryland Correctional Enterprise (MCE) facilities, and the deliveries have started and will continue through early February. The additional precinct voting booth procurement was completed and awarded. The booths are scheduled to be delivered in February 2020.

The PMO is preparing for the start of the contract management requirements for the Election Resource and Other Support Task Order Request for Proposal agreement.

### Other

The BPW approved a new lease for SBE's Central Warehouse facility in Glen Burnie. The new lease starts on February 2, 2020. The PMO is working with the IT Division and the State's Department of Information Technology to complete the network and internet connectivity to the Central Warehouse facility.

## **6. Voting System**

### Electronic Pollbooks

SBE received from ES&S the final build of EZRoster (pollbook software) on November 15, 2019. The final build has been provided to the local boards of elections to complete the software upgrades on all pollbooks in preparation for the upcoming 2020 elections. SBE has requested that all local boards complete pollbook software upgrades by January 2020.

SBE continues to work on implementing wide area network on election day in six local jurisdictions. A second connectivity test was conducted on November 12, 2019, at three local boards (Anne Arundel, Howard and Montgomery) and was successful.

At the December 4th meeting of the BPW, SBE presented for approval the procurement of 1,355 Cradlepoint routers. The routers will be utilized to establish connectivity between the polling places on election day in the six jurisdictions and SBE headquarters. The procurement for the Cradlepoint routers was approved.

### Voting System

SBE continues to work with ES&S to offer training to the local boards of election on Electionware, voting equipment and associated applications for the voting system. Training will cover several election related activities including creating media, conducting

logic and accuracy testing, and uploading election results. Training is expected to begin in January 2020. To date, over 35 training requests have been received. SBE is currently working with ES&S to define a training schedule to ensure all requested training is delivered.

SBE received BPW approval to remove from the contract with ES&S upgrade-related services. In August, we received approval to amend the contract to include services to upgrade the voting system. When we decided not to upgrade the voting system, we were required to remove from the contract those services. The removal of these services was approved at the December 4th BPW meeting.

### **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 Fourth Circuit concluded that Mr. Fusaro had pled a cognizable claim under the First Amendment, but that the State would be entitled to a relaxed level of scrutiny as to whether the limitations violate Mr. Fusaro's rights on remand. On September 12, 2019, plaintiff moved to supplement his complaint. After consultation with the Court, the parties agreed to proceed to a limited discovery period, which closed on November 22, 2019. Mr. Fusaro's motion for summary judgment is due December 20, 2019, and the Defendants' opposition and cross-motion for summary judgment will be due January 17, 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. *Judicial Watch v. Lamone*, No. 1:17-cv-02006-ELH (U.S. District Court, D. Md.). No change from the last update. This case involves the denial of access to Maryland's voter registration database. Under Maryland law, access to the voter registration list is limited to Maryland registered voters and only for non-commercial, election-related uses. Judicial Watch—an elections watchdog group located in Tennessee—requested Maryland's voter registration "database" and was denied because it was not a Maryland registered voter. Judicial Watch filed suit, arguing that the database was required to be disclosed under the federal National Voter Registration Act. On April 24, 2019, Judicial Watch filed a reply in support of its motion for summary judgment. On May 8, 2019, the defendants filed a reply in support of their cross-motion for summary judgment. On August 8, 2019, the District

Court awarded summary judgment to the plaintiffs, but requested further briefing on the issue of whether the State Board of Elections should be compelled to produce the dates of birth of voters along with the other voter information available on Maryland's voter registration lists. On September 13, 2019, the parties filed simultaneous briefs on that remaining issue, and on September 20, 2019, filed simultaneous response briefs. The issue is fully briefed and awaiting determination by the Court.

4. *The Washington Post, et al. v. McManus, et al.*, No. 1:18-cv-02527 (U.S. District Court, D. Md.), *on appeal at* No. 19-1132 (U.S.C.A., 4th Cir.). This case presents a First Amendment challenge by a coalition of newspaper publishers that maintain an online presence to certain provisions of the recently-passed Online Electioneering Transparency and Accountability Act (the "Act"). On January 4, 2019, the district court granted the plaintiffs' motion for preliminary injunction on the ground that the plaintiffs' "as applied" constitutional challenge to the statute was likely to succeed. On February 2, 2019, the defendants appealed that ruling to the Fourth Circuit. Oral argument was held on October 30, 2019, and on December 6, 2019, the Court issued an opinion affirming the entry of the preliminary injunction. We are reviewing the decision and considering our options.
5. *Johnston, et al., v. Lamone*, No. 18-cv-3988-ADC (U.S. District Court, D. Md.), *on appeal at* No. 19-1783 (U.S.C.A., 4th Cir.). On December 28, 2018, the Libertarian Party of Maryland (the "Party") and its Chairman, Robert Johnston, filed a lawsuit alleging that the statutory scheme governing the official recognition of minor parties in Maryland, as applied to the Party, was unconstitutional in at least two ways. They alleged that the scheme violates their First Amendment speech and association rights by requiring the Party to undertake the petition process to re-obtain formal recognition under State law, when there are already over 22,000 Maryland voters currently registered as Libertarians. They also alleged that the standard by which Maryland verifies petition signatures is unconstitutionally strict, in that it requires the rejection of signatures of known Maryland voters due to technical noncompliance with the statutory standard. On July 11, 2019, the district court dismissed the plaintiffs' claims, and plaintiffs appealed. Oral argument in the Fourth Circuit has been scheduled for January 29, 2020.
6. *Phukan v. Maryland State Board of Elections*, No. C-2-CV-19-000192 (Cir. Ct. Anne Arundel Cnty.). No change from the last update. On January 23, 2019, Anjali Reed Phukan, who was the Republican nominee for Comptroller in the 2018 election, filed a lawsuit against the State Board of Elections seeking a writ of mandamus directing the State Board of Elections to decertify Comptroller Peter Franchot's campaign committee, an injunction requiring Mr. Franchot and his campaign committee to file corrected campaign finance reports, a declaratory judgment that Ms. Phukan is entitled to examine the documentation supporting any corrected campaign finance reports that Mr. Franchot or his committee files, and a declaratory judgment that Ms. Phukan be issued the oath of office as Comptroller and be awarded back pay and the costs of suit, should Mr. Franchot or his committee fail to file corrected campaign finance reports. On April 15, 2019, the court granted the defendant's motion to dismiss and dismissed the complaint with prejudice. On May 22, 2019, the court denied the plaintiff's motion to vacate the judgment and motion for a new trial. On May 29, 2019, the plaintiff filed a notice for in banc review by the circuit court, and filed her memorandum for in banc review on June 21, 2019. The defendant filed its response memorandum on July 19, 2019. The Court has scheduled argument before the in banc panel for December 30, 2019.

7. *National Federation of the Blind, Inc., et al. v. Lamone et al.*, No. 1:19-CV-02228-ELH (U.S. District Court, D. Md.). 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. On November 13, 2019, the Court set a hearing date of January 13, 2019, for defendants’ motion to dismiss and the plaintiffs’ motion for preliminary injunction. The Court also granted leave for Plaintiffs to take discovery in advance of the filing of their reply in support of their motion for preliminary injunction. The plaintiffs’ reply is due December 18, 2019.
8. *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 Court has entered a scheduling order pursuant to which a joint motion to dismiss asserting common arguments for dismissal among the defendants is due December 19, 2019.
9. *Chong Su Yi v. Hogan*, Nos. 464985-V, 466396-V (Cir. Ct. Montgomery Cty.), *on appeal at* Nos. CSA-REG-1435-2019, CSA-REG-1437-2019 (Md. Ct. Sp. App.). On around March 28, 2019, plaintiff Chong Su Yi filed two complaints in the Circuit Court for Montgomery County challenging the results of Maryland’s 2018 elections, naming Governor Larry Hogan as defendant. Specifically, Mr. Chong appears to be arguing in the first suit that the results are invalid because of the use of religious facilities as polling places, and in the second suit that the results are invalid because, under Maryland law, unvoters are unable to “negotiate” the terms of the ballots when they mark and cast them, and because the “digital format” of the ballot was not permitted by the U.S. Constitution. On August 8, 2019, the Circuit Court denied motions for default judgment in both cases on the ground that service on the defendant was improper. Plaintiff has appealed those rulings. Since that time, Plaintiff has effected proper service on the defendant, and the defendant has moved to dismiss both cases. On December 9, 2019, plaintiff served an amended complaint in one of the cases in which he appears to have consolidated all of the claims asserted in both cases into a single complaint. A status conference in one of the cases has been scheduled in the Circuit Court for December 27, 2019.

**APPROVAL OF FINAL REGULATIONS: SUBTITLES 02 (MEETING AND TRAINING – ELECTION DAY PAGE PROGRAM) AND 11 (ABSENTEE BALLOTS)**

Ms. Perrone stated that one public comment was received in support of the Election Day Page Program regulations, but it proposed lowering the age limit to include students in sixth grade. Ms. Perrone asked the board to approve the final Subtitle 02 regulations.

Mr. Voelp made a motion to approve the final Election Day Page Program regulations and Mr. Funn seconded the motion. The motion passed unanimously.

Ms. Perrone stated that the absentee regulations received no public comments and asked the board to approve the final Subtitle 11 regulations.

Mr. Funn made a motion to approve the final absentee regulations and Mr. Voelp seconded the motion. The motion passed unanimously.

**APPROVAL OF FINAL REGULATIONS: SUBTITLE 08 (CANVASSING)**

Ms. Hartman stated that the Subtitle 08 regulations, regarding the manual and automated audits, were approved at the November 2018 board meeting and were published in the *Maryland Registrar* for public comment.

Ms. Hartman explained that the reason for the lengthy period of time between now and when these regulations were first introduced is that these regulations expanded upon a prior set of regulations from October 2018, which needed to go into effect before we could finalize the Subtitle 08 regulations.

Ms. Hartman noted that no public comments were received on the canvassing regulations and asked the board to approve the final Subtitle 08 regulations.

Mr. Voelp made a motion to approve the final Subtitle 08 regulations and Mr. Funn seconded the motion. The motion passed unanimously.

**APPROVAL OF LATE FEE WAIVERS**

Mr. DeMarinis presented a request from one campaign committee to waive late fees incurred by the committee. Two campaign committees were denied waivers of late fees and were presented to the board for informational purposes. The committee requesting a waiver of late filing fees was Friends of Phiona Quincy Bareebe.

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

Mr. DeMarinis presented a request from one business entity to waive late fees incurred by the business entity. Five business entities were denied waivers of late fees and were presented to the board for informational purposes. The business entity requesting a Title 14 waiver of late fees was Intertech Security of Maryland, LLC.

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

### **APPROVAL OF CONFIDENTIALITY REQUESTS**

Mr. DeMarinis presented seven requests for confidentiality of certain information. He stated that these requests met the requirements for confidentiality and have been verified by the Candidacy and Campaign Finance Division.

Mr. Voelp made a motion to approve the seven requests for confidentiality, and Mr. Funn seconded the motion. The motion passed unanimously.

### **APPROVAL OF EARLY VOTING CENTER: WASHINGTON COUNTY**

Ms. Perrone presented a newly proposed early voting center for Washington County for the 2020 elections. In late September, the Washington County Commissioners approved the purchase of a former grocery store building. This building will be the new Washington County Board of Elections office and is proposed to replace the Hager Hall Conference and Event Center as an early voting center.

Ms. Perrone explained that renovations of the former grocery store are set to begin in early January and are expected to be complete by early voting in April. If renovations are not completed by the election, the fire station will serve as the contingency site. Ms. Perrone stated that SBE recommends approval of the proposed early voting center in Washington County.

Mr. Funn made a motion to approve the proposed early voting center for Washington County and Mr. Voelp seconded the motion. The motion passed unanimously.

### **APPROVAL OF BY-LAWS OF THE LOCAL BOARDS OF ELECTIONS**

Ms. Hartman stated that SBE recommends approving the proposed by-laws of the local boards of elections for Anne Arundel and Washington Counties. She stated that the bylaws as presented by each local board were identical to the model bylaws except for the few optional sentences regarding political activity and the meeting agenda and minutes.

Mr. Voelp made a motion to approve the by-laws for the Anne Arundel and Washington County Boards of Elections and Mr. Funn seconded the motion. The motion passed unanimously.

### **APPROVAL OF SBE POLICY 2019-01: CONTINGENCY PLAN FOR 2020 ELECTIONS**

Ms. Perrone presented to the board updates to the SBE Contingency Plan for the 2020 elections. She noted that a section on the "Electronic Pollbook Network" was added to the plan and minor edits could be seen in tracked changes.

In response to a question from Mr. Cogan, Ms. Perrone stated that each local board is required to have its board complete and sign a checklist of contingency supplies, which it sent to SBE, but SBE does not physically go out to the local boards to check their supplies. Mr. Cogan expressed concern that the local boards could become complacent and assume that all supplies are present, rather than carefully verifying that they are indeed present.

In response to a question from Mr. Voelp, Ms. Perrone stated that she is unsure why a "ballot receptacle" was previously included under the "Ballot Marking Device Back-up" section because the ballots are collected by the scanning units. She stated that this may have just been an oversight in the past.

Mr. Voelp made a motion to approve the SBE Contingency Plan for the 2020 elections and Mr. Funn seconded the motion. The motion passed unanimously.

### **APPROVAL OF COMPENSATION CHANGES: LOCAL BOARDS OF ELECTIONS**

Ruie Lavoie and Davis Garreis from the Maryland Association of Election Officials (MAEO) presented proposed compensation changes for the local boards of elections. Ms. Lavoie stated that in the last year, the State Board approved a one-step increase, which is approximately a two percent increase for employees; however, staff could not be moved to the new job classifications at that time. Since then, SBEthe board and DBM approved the new job classifications. Ms. Lavoie stated that they are seeking approval for reclassifying staff into the new classifications to more accurately reflect their work.

The MAEO personnel committee worked with SBE's Human Resources and the State Administrator on a reclassification plan. They requested for each election director to submit a plan for their staff reclassifications, with employees receiving roughly a six percent increase (by selecting the closest grade and step). The reclassification proposals from the local boards were reviewed and approved by SBE's Human Resources and the State Administrator. Ms. Lavoie and Mr. Garreis requested that the board approve the LBE Reclassification Plan for FY 2021.

Mr. Funn made a motion to approve the proposed LBE Reclassification Plan for FY 2021 and Mr. Voelp seconded the motion. The motion passed unanimously.

### **OLD BUSINESS**

In response to a question from Ms. Howells regarding Mr. Shalleck's letter about election day networking, Ms. Lamone stated that Ms. Jurgensen, the Election Director for the Montgomery County Board of Elections, said she has already budgeted for this.

Mr. Voelp stated that counties need to budget for these types of things when there are State mandates.

In response to a question from Ms. Howells, Ms. Duncan explained that State law requires costs be split 50/50 between SBE and the counties if the equipment is part of the voting system; otherwise, the counties are responsible for the cost.

In response to a question from Ms. Howells, Ms. Lamone stated that the Board of Public Works approved the contract for the Cradlepoint routers, which will be used to establish connectivity between the polling places on election day; the money was already budgeted.

### **NEW BUSINESS**

Ms. Duncan informed the board that SBE's Technical Writer, Sarah Thornton, would be leaving SBE. Ms. Thornton's last day at SBE is December 23, 2019.

### **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Mr. Voelp disclosed a contribution of \$75 to Citizens of Brian Chisholm. No other Board members had any contributions to report.

### **SCHEDULE NEXT MEETING**

The next meeting is scheduled for Thursday, January 16, 2020, at 2:00 pm.

### **ADJOURNMENT**

Mr. Funn made a motion to adjourn the open meeting, and Mr. Voelp seconded the motion. The motion passed unanimously. Mr. Cogan adjourned the meeting at 3:21 pm.

## **CLOSED SESSION**

Mr. Cogan requested a motion to close the board meeting under General Provisions Article, §3-305(b)(7) and (8), which permits closing a meeting to consult with counsel to obtain legal advice and staff to consult on pending litigation. Meeting in closed session allows the members of the State Board to consult with Board counsel without waiving attorney-client privilege and obtain information relevant to pending litigation.

Mr. Voelp made a motion to convene in closed session, and Mr. Funn seconded the motion. The motion passed unanimously. The motion having passed, the Board met in closed session in accordance with exemptions defined in (b)(7) and (8) of Section 3-305 of the Open Meetings Act to discuss pending litigation and the compensation of individuals over whom the State Board has jurisdiction.

The closed session began at 3:32 pm. Mr. Cogan, Mr. Voelp, and Mr. Funn attended the closed meeting and Ms. Howells joined the closed meeting via conference call. In addition to the board members, Ms. Lamone, Ms. Duncan, Ms. Perrone, and Mr. Trento attended the closed meeting.

Mr. Trento shared with the members the status of pending litigation.

No action was taken.

The closed meeting adjourned at 4:19 pm.