

**State of Maryland** 

**State Board of Elections – March 25, 2020 Meeting**

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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  
Erin Perrone, Director, Election Reform and Management  
Mary Cramer Wagner, Director, Voter Registration  
Vincent Omenka, Director, Information Technology  
Tracey Hartman, Director of Special Projects  
Shafiq Satterfield, Regional Manager Supervisor  
Jared DeMarinis, Director, Candidacy and Campaign Finance  
Fred Brechbiel, Chief Information Officer

Attendees (at SBE Office): Gary Hastings, IT Division

Also Present (via conference call): Webster Ye, Maryland State Department of Health (MDH)

**DECLARATION OF QUORUM PRESENT**

Mr. Cogan called the meeting to order at 2:05 pm, after verifying that the audio of the meeting was being livestreamed. He stated that all members of the board were present and that there was a quorum. Mr. Cogan apologized to the other board members for not being able to share pertinent meeting information and procedures in accordance with the Open Meetings Act.

Mr. Cogan thanked the SBE and local board staff for their hard work during this difficult time.

Mr. Cogan announced another meeting on April 2<sup>nd</sup> and explained that the purpose of the current meeting was to address items that needed an immediate decision immediately and a draft plan for the June election. That plan, he stated, will be presented in final form on April 2<sup>nd</sup>, and presented to the Governor on April 3<sup>rd</sup>. Mr. Cogan stated that we are not living in normal times that allow for the regular State Board schedule of meeting once every month. He stated that the Board had to make decisions today and on April 2<sup>nd</sup> using the information that they had today, not what information they hoped to have in the future. He stated that there would be little time to make revisions, and that the “best is now the enemy of good enough.”

Mr. Cogan asked everyone present to identify themselves before speaking.

Ms. Lamone echoed her deep gratitude to the SBE staff, especially Ms. Charlson, and the local board staff for their seemingly non-stop work to successfully execute the April and June elections.

In response to a question from Ms. Howells, Mr. Cogan clarified that the meeting on April 2<sup>nd</sup> is specifically to approve the plan that will go to the Governor on April 3<sup>rd</sup>. He stated that he directed there be two meetings because he did not want the Board to wait to meet on April 2<sup>nd</sup> and not have yet been engaged in the plan for the Governor’s approval.

### **RATIFICATION OF MINUTES FROM FEBRUARY 2020 MEETING**

Mr. Cogan stated that the minutes from the previous meeting had been distributed electronically. Mr. Voelp made a motion to ratify the approved minutes from the February 27, 2020 meeting and Mr. Funn seconded the motion. The motion passed unanimously.

### **ADDITIONS TO THE AGENDA**

Mr. Cogan stated that there were no formal additions to the agenda but expected there may be additions as the meetings goes on.

### **ASSISTANT ATTORNEY GENERAL'S REPORT**

Mr. Hogan stated that the written reported Mr. Trento submitted to the Board, which was included in the meeting folder, should be accepted as is, and that Mr. Trento only needed to verbally report any updates or changes to his report.

Mr. Trento stated that there was one addition to the written report. He stated that a Petition for Judicial Review was filed by an officer of the Washington County Republican Party regarding the arrangement and content of the Republican Party primary ballot in Washington County, specifically for precincts in Hagerstown. In recent years, the city charter changed to make certain municipal contests, including mayor and city council, non-partisan. The petitioner alleged that the content and arrangement of the Republican Party primary ballot violated Maryland law by including non-partisan contests on the ballot, or at minimum by failing to identify the party affiliations of these non-partisan candidates. Mr. Trento noted that the initial filing by the petitioner was defective and was not remedied until well after the deadline for the ballot printing process. An agreement was reached regarding notices that will be posted and distributed with ballots and any sample ballots sent to voters. The notice will explain that the municipal contests are non-partisan contests and all ballots will have the same candidates listed.

With no comments or objections from the Board, Mr. Cogan declared Mr. Trento's written report as accepted.

### **PLANS FOR APRIL 28, 2020 CONGRESSIONAL DISTRICT 7 ELECTION**

Mr. Hogan requested that the Board members hold all questions until the end of the report, and Mr. Cogan agreed. In response to a question from Mr. Funn, Ms. Charlson stated that there was no written report for this agenda item, except for the proposed emergency regulations, which were distributed the day prior to the meeting.

Ms. Charlson stated that the Governor's Proclamation, dated March 17, 2020, was included in the meeting folder and changed the special general election in the 7th Congressional District (CD7) from a normal in-person election to a vote by mail election. As SBE staff has been working through how to conduct a vote by mail election, Ms. Charlson stated that several areas were identified that needed to be discussed with the Board, and asked for the Board to consider action either at the current meeting or on April 2nd. She stated that there is already a statute in effect for vote by mail elections for special elections. To the extent practicable, SBE has tried to follow the existing statute when planning for the April 28th vote by mail election.

#### *Change to Voter Registration Deadline*

Ms. Charlson stated that the deadline to register to vote is typically 21 days before an election but the vote by mail statute allows for a delay in the voter registration and change of address deadline. To that end, Ms. Charlson requested that the Board change the voter registration deadline to April 21, 2020, one week before the election. She explained that because there is no

early voting for this election, the time needed to prepare the pollbooks is not required. SBE and the local boards only need to get the vote by mail ballots sent out and prepare the pollbooks for possible in-person voting at vote centers, which she stated will be discussed further in the agenda.

*Adoption of Emergency Regulations – COMAR 33.19.02.01A*

Ms. Charlson directed the Board to a summary of the proposed emergency regulations provided in the meeting folder, which is proposing to amend COMAR 33.19.02.01, specifically the Public Notice chapter of the Same Day Registration and Address Change subtitle. The law corresponding to the current regulations requires SBE to provide appropriate measures to notify individuals of their likely eligibility to register to vote and where they can register and vote on election day.

Ms. Charlson stated that SBE had a contract with the Maryland Correctional Enterprises (MCE) to print the notification, but due to the coronavirus and social distancing guidelines, the print shop was reducing its workforce and working hours and is not able to send the mailing in time for the April 28th election. She stated that Ms. Hartman and Whitney LeRoux, Director of Procurement for SBE, were diligently working to find another printer to complete the job, but in the event that another printer cannot be found who can meet the deadline, SBE is requesting an emergency repeal of Subsection A of the regulation, which requires the mailing.

This emergency repeal is requested for both the April 28th and June 2nd elections, if SBE runs into the same problem for the latter election. The emergency repeal would be back in effect for the November election.

Ms. Charlson stated that even with the repeal of Subsection A, SBE must still comply with the requirements to provide “appropriate measures” to notify individuals of same day registration on election day. Ms. Charlson stated that this can be done several ways, including posting information on SBE’s website, on social media, and news coverage. The repeal of Subsection A will only remove the requirement that the notification be in the form of a mailing for the April 28th and June 2nd elections.

*Vote Centers*

Mr. Trento stated that the vote by mail statute being used as a guide for planning for the April 28th election contemplates the use of vote centers for in-person voting. He stated that every state or jurisdiction that conducts elections principally by mail provides for in-person voting by several groups of voters who have disabilities or for any other reason cannot vote a vote by mail ballot. He stated that the Americans with Disabilities Act (ADA) could potentially require this type of provision, and that the Help America Vote Act (HAVA) requires that every polling place have an accessible voting device in it. Mr. Trento stated that there are voters who, as a matter of their current situation, do not have access to or have difficulty receiving mail and that in every election, there is a small percentage of inactive voters who show up to vote in person. Inactive voters are usually defined as inactive because mail sent to them by SBE or a local board is returned as undeliverable. Mr. Trento stated that ballots could still be sent to inactive voters, but it is likely the ballot would be returned as undeliverable. In any given election, he stated that 1-4% of inactive voters usually show up to vote, and therefore it is important to provide them an opportunity to vote in person and not exclude them from an all vote by mail election.

While these were the legal reasons for having vote centers for a vote by mail election, Mr. Trento acknowledged the extreme circumstances that have confronted the local boards of elections who

will be administering the election, but noted that these extreme circumstances shouldn't exclude certain voters from participating in the election.

Ms. Charlson stated that the issue of vote centers has been a fervent topic of discussion among SBE and the local boards. She noted that if SBE and local boards are required to provide them, they must be provided in the safest way possible for voters and election judges.

#### *Canvass Process & Certification Timeframe*

Ms. Charlson stated that the statute for the canvassing process for a vote by mail special election allows local boards to begin canvassing ballots at 2 p.m. on election day. The statute for a vote by mail special election does not state the maximum number of days the canvass can take, or by what day the election must be certified. She stated that State regulations require an election to be certified by local boards by the second Friday after the election, but explained that with the increased volume of ballots to be canvassed, canvassing will take longer than normal, possibly lasting longer than the typical 10-day window. She clarified that this is not a reflection on the local boards but rather the volume of ballots. Ms. Charlson further explained that canvassing is a labor-intensive process and requires many people operating in a confined space, which violates social distancing guidelines put in place for the safety of everyone. Because of these guidelines, less individuals than normal may be allowed to gather to canvass in a space, which will cause the canvass to take more time. To provide a safe environment to canvass ballots, it may be necessary to alter the canvass process and extend the certification deadline.

#### *Discussion on plans for the April 28, 2020 CD 7 Election*

Mr. Cogan asked if there were any questions regarding the proposed change to the voter registration deadline. There were no questions.

Mr. Cogan asked the members if there were any questions regarding the adoption of emergency regulations. In response to a question from Mr. Funn, Ms. Charlson clarified that the proposed emergency regulations were in COMAR 33.19, not COMAR 33.09 as stated on the meeting agenda. In response to a question from Mr. Voelp, Ms. Charlson stated that in lieu of postcards, potential voters would be notified of vote centers using the SBE website, social media, and press releases. In response to a question from Mr. Funn, Ms. Charlson stated that repealing the regulation COMAR 33.19.02.01A gives SBE and the local boards greater flexibility to reach potential voters by other appropriate measures. Also, in response to a question from Mr. Funn, Ms. Charlson stated that the current vote by mail statute requires one vote center per local jurisdiction.

In response to a question from Mr. Cogan regarding the MDH's view on vote centers, Mr. Ye stated the following three points:

- 1) Whenever possible, keep large groups of people from congregating to minimize the amount of person-to-person contact. Currently, no more than 10 people can gather in any given setting.
- 2) Due to the global shortage of personal protective equipment (PPE) (including masks and gloves), once all PPEs are used, we cannot expect them to be replenished. He stated that the state supply of PPEs is dwindling very quickly and that at this point, the State could not guarantee there would be adequate or any PPEs for use at vote centers.
- 3) Because of the first two points, Mr. Ye stated that anyone who works or votes at an any in-person voting site has a very high chance for contracting the COVID-19 virus.

Mr. Cogan thanked Mr. Ye for his candor. He stated that most election judges are retirees and are therefore at higher risk. Based on the information known today, Mr. Cogan stated that neither the State nor the election community can provide PPEs to any voting personnel, including election judges and local board staff. He stated that the more people involved with in-person voting on election day, the more people that will be sick and stated that this is the crux of the problem currently before the Board. He stated that he understands that there may be voters who cannot vote by mail for a variety of reasons, but he felt the bigger issue was possibly not having enough individuals to staff a voting center for in-person voting. Speaking for himself, Mr. Cogan stated that the members have a responsibility to staff at the State and local levels and election judges and he has very strong feelings about the availability of in-person voting except for a very limited basis. He stated that he does not believe that the applicable statutes provide for the situation presented by the current state of emergency, including the probability of volunteers or staff resigning, or the assumption that younger people will sign up to become election judges despite the risk of becoming infected. He reiterated that he is not willing to contemplate vote centers except on a very limited basis.

Mr. Funn stated that he agreed with Mr. Cogan and that the present situation is not reflected in the statutes. He stated that everyone has the right to vote, but not at the cost of jeopardizing lives. He inquired what could be done to help voters who absolutely could not vote by mail. In response to a question from Mr. Hogan, Ms. Charlson stated that absentee ballots come with a certificate to be completed by an individual who helps a voter complete an absentee ballot. Mr. Hogan responded that in this unique situation, we should be encouraging this option. Mr. Trento noted that by not providing the opportunity to vote in person we are excluding those individuals who require assistance from being able to cast an independent and private ballot. In response to a follow up question from Mr. Hogan, Ms. Lamone stated that she has not had any discussion with other state election administrators regarding other accommodations for individuals who cannot mark their own ballot in states that have or are planning to have a vote by mail election.

Mr. Funn reiterated that the right to vote should not be at the detriment of the health of others. He stated that all registered voters are given their right to vote by being mailed a ballot. He questioned if there were enough cleaning supplies to adequately sanitize or wipe down any voting equipment that may be used for in-person voting, in addition to the necessary PPEs. Mr. Hogan, referencing a document that was included in the meeting folder, stated that Wyoming recently cancelled all in-person voting. He stated that he agreed with everything Mr. Funn said, and emphasized that we are living in unique times.

In response to a question from Mr. Voelp regarding communities affected by not having in-person voting, Mr. Trento stated that SBE received a letter, included in the meeting folder, from several advocacy groups. In a call with these groups, Mr. Trento stated that a few individuals stated that vote centers would be needed but recognized the difficulties posed by having vote centers and understood the need for any in-person voting to be done in a safe and effective way. After reading a section from the letter Mr. Trento referenced, Mr. Funn stated that he did not believe that the advocates understand how serious the current situation is. Mr. Trento disagreed and stated that he believes the advocates do understand the severity of the situation and are willing to help staff and recruit additional staff for in-person voting.

In response to a question from Ms. Lamone regarding if there is a safe way to hold in-person voting, Mr. Ye stated that there is not safe way to hold in-person voting because it is not known definitely how to prevent transmission of the virus and we do not have a foolproof method for protecting people. He stated that all current scientific evidence shows that a person can be

infectious without showing any symptoms. Mr. Ye stated that on March 17th, Maryland had 17 positive cases of COVID-19 with zero hospitalizations, and that today (March 25th), Maryland has 423 positive cases with 67 hospitalizations. He predicted that in approximately a week (around April 1<sup>st</sup>), Maryland would have around 1,800 positive cases. Mr. Ye stated that as of today (March 25th), Maryland has 396 available intensive care unit (ICU) beds, with a little over 2,000 total available hospital beds, and 1,000 ventilators. He stated that public health experts at Johns Hopkins Hospital and University of Maryland Medical Center predict in the next two months we will come close to exhausting Maryland's hospital capacity. These same public health experts predict that this pandemic will last for months, not weeks. Mr. Funn stated, after hearing Mr. Ye's comments, that he is not willing to take the chance of putting lives at risk.

Mr. Voelp expressed his concerns regarding the physical availability of locations to be used as vote centers, due to most public buildings currently being closed. He stated that we may be forced into an all vote by mail election because there is no location that can accommodate in-person voting that is open. He also expressed his concern, if in-person voting was to take place, of how to limit the number of people in the vote center to less than 10 people.

In response to a question from Ms. Howells, Mr. Cogan confirmed that for the special general election, there would only be three vote centers- one in each local jurisdiction. She stated that because special elections tend to have a low turnout and that we would also be saturating the postal service with mailed ballots, she does not feel that many people would show up at vote centers. She stated that not only do voters who require assistance completing a ballot need to be accommodated, but also inactive voters who may not receive their mailed ballot. Ms. Howells stated while she understands we can't guarantee there will be no transmission, if the vote centers are sparingly used, and recommended guidelines and procedures are followed, she doesn't envision a problem. In response to a question from Mr. Hogan, Ms. Howells stated that vote centers would be staffed by volunteers, but in the even there were no volunteers, then the vote center would have to close.

Mr. Funn cited the statistics provided by Mr. Ye and reiterated his opposition to vote centers, stating that he didn't understand why we would ask volunteers to risk exposing themselves. Ms. Howells stated that she would not stand in the way of the health department shutting down vote centers, but envisioned vote centers to be sparingly used.

Mr. Hogan stated that he believed the general sense was that the Board preferred a plan for the special general election that either eliminates or minimizes the use of vote centers. In response to a question from Mr. Hogan, Mr. Trento stated that the Governor's proclamation gives the Board the discretion to implement a vote by mail system as it sees fit.

After a short discussion on how to proceed, Mr. Cogan stated that the Board would make decisions at this meeting regarding moving the voter registration deadline, repealing regulations, and the use of vote centers, and at its meeting on April 2nd, the Board would make decisions regarding canvassing and the certification timeline.

Mr. Voelp made a motion to accept moving the voter registration deadline for the April 28th CD7 Special General Election to April 21, 2020, and Mr. Hogan seconded. The motion passed unanimously.

Mr. Hogan made a motion to adopt the proposed emergency regulations, specifically, repealing COMAR 33.19.02.01(A), and Mr. Funn seconded. The motion passed unanimously.

Regarding the use of vote centers, there was discussion on the specific wording to be used in a motion. Mr. Cogan stated that he felt the Board members were opposed to the use of vote centers but were in favor of allowing the local boards to take measures to accommodate voters who need assistance. Mr. Voelp stated that he would not be opposed to vote centers if they could operate in a safe manner but did not see how in-person voting could be done safely. Mr. Cogan and Mr. Funn both stated that, based on conversations they had, that the local boards were opposed to vote centers, citing safety concerns. Ms. Howells stated that she did not want to make any decisions based on hearsay and supported letting the local boards to decide. Mr. Hogan, while stating personal opposition to vote centers, supported Ms. Howells idea to the local boards decide. Mr. Funn also concurred.

In response to a question from Mr. Hogan, Ms. Lamone stated that SBE was already in the process of implementing election day ballot drop off. She also pointed out the online ballot delivery option, which allows voters to use assistive devices on home computers to help fill out a ballot.

Mr. Cogan stated that he believed the Board had enough information to decide today, and that it was the responsibility of the Board to make the decision. He stated his opposition to vote centers based on the information available today (March 25th) and the fact that we don't know what April 28th will look like regarding the pandemic.

In response to a question from Mr. Voelp, Ms. Charlson clarified that the only decision being discussed was the use of vote centers on April 28th for the special general election but noted that the plan to the Governor is due on April 3rd for the presidential primary election on June 2nd. Mr. Hogan and Mr. Funn both agreed that the Board decides today regarding for the special general does not set a precedent for any decisions the Board make regarding the presidential primary election.

In response to a question from Mr. Cogan, Mr. Ye stated that the MDH expects the pandemic to peak in Maryland around the fourth of July. He reiterated from his previous comments that there are less than 200,000 facemasks in the state supply, and there is not enough PPE for an in-person election. In response to this information, Mr. Hogan and Mr. Voelp both stated that they no longer support having vote centers.

In response to a question from Mr. Cogan, Ms. Lamone stated that, in order to have adequate time for to plan for the special general election, SBE preferred that they did not delay making decisions.

After a short discussion regarding the wording of a motion, Mr. Funn presented the following: "I move that in light of the state of emergency and catastrophic health emergency declared by the Governor on March 17, 2020, that the April 28, 2020 7th Congressional District Election not have in-person voting." Mr. Hogan seconded the motion. The motion passed unanimously.

In response to a questions from Mr. Hogan, Ms. Charlson clarified that 1) the mail-in ballots for the special general election will come with a postage prepaid envelope, 2) the mechanics of the canvassing process, in light of social distancing guidelines, are still being determined, but that the ballots would be counted by each local board, and 3) the current absentee voting process verifies that the absentee ballots are signed. In response to a question from Mr. Funn, she confirmed that anyone found to have falsely signed a ballot can be prosecuted.

## COMPREHENSIVE PLAN FOR JUNE 2, 2020 ELECTION

Ms. Charlson stated that included in the meeting folder was a document that outlined the plan SBE developed in conjunction with MDH and with advice from the Office of the Attorney General (OAG). The plan included three major points:

1. Send ballots to all eligible voters
2. During early voting, voters can drop off ballots **or** vote in person at early voting centers.
3. On election day (6/2/2020), voters can only drop off ballots at designated locations.

Mr. Cogan stated that, based on the earlier statements made by Mr. Ye, he believes that the MDH would prefer to not see election judges in a room with many people coming to vote. He stated that he believed that the June election would mirror the April election because the pandemic situation may be worse by then. In response to a question from Mr. Voelp, Ms. Charlson stated that, based on the OAG advice that in-person voting is legally required, MDH recommended in-person voting during early voting. She stated that it is possible that the recommendation of the MDH could change if the Board decided not to have any vote centers.

In response to a question from Mr. Funn regarding if Maryland would be in a worse situation in the coming weeks and months than presently, Mr. Ye pointed to the COVID-19 tracking website from John's Hopkins University,<sup>1</sup> and stated that Maryland is following the trendline of COVID-19 cases. He stated that 20 or 30 days from now, we would have a better idea of how effective the preventative measures taken in Maryland have been. If people have been following the precautions, Maryland should be below the trendline, but if people have not been following the precautions, then Maryland would be above the trendline. The goal, he stated, is to be below the trendline. He reiterated that the recommendation of the MDH is whenever possible, people should practice social distancing, and policies should be promoted that do not encourage the congregation of people.,

In response to a question from Mr. Voelp, Ms. Charlson stated that having safe and practical in-person voting was challenged by the lack of PPEs for the election judges to reduce their exposure. Further complicating the matter is the vacancy rate for election judges which sits at approximately 40% for early voting and 20% for election day. She stated that she expected the vacancy rate to increase, and that without election judges, there cannot be in-person voting. Mr. Voelp expressed the challenge in planning for an event in June with only the information available today.

In response to a question from Mr. Cogan, Ms. Charlson stated that it would be beneficial to include current public health and other relevant information in the plan presented to the Governor on April 3rd to preface and give context to the decision(s) that the Board makes. Mr. Cogan concurred.

In response to a question from Mr. Voelp, Ms. Charlson confirmed that the draft plan presented at the meeting did not include in-person voting on election day, but rather ballot-drop off only at designated locations. She cited the recommendations of the MDH to prevent the congregation of people and stated that because election day is typically the busiest of in-person voting day as the reason behind this recommendation in the plan. She also stated that it would be impractical and a risk to have unattended ballot drop off boxes at each polling place, and therefore a smaller number of designated locations should be available for ballot drop off.

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<sup>1</sup> <https://coronavirus.jhu.edu/map.html>

In response to a question from Mr. Cogan, Ms. Lamone stated that SBE staff needed direction so they can draft the plan to present to the Governor. In response to a question from Mr. Cogan, Mr. Hogan stated that he felt in-person voting during early voting or election day should be an option, but that it was too early to make that decision. Ms. Charlson stated that deadlines related to the printing of absentee and sample ballots, a decision by the Board regarding having or not having any form of in-person voting for the June election needed to be made sooner rather than later.

In response to a question from Mr. Voelp, Ms. Charlson stated that the Governor has the authority to open buildings that are currently closed if the recommendation is to use those buildings for in-person voting during early voting or on election day. Mr. Voelp stated that he agreed that there should only be ballot drop off on election day but stated that he was in support of in-person voting during early voting if it could be done in a safe manner. Ms. Charlson reiterated her earlier statement about the inability to provide PPE for election judges. Based on Ms. Charlson's comment, Mr. Voelp stated there shouldn't be any in-person voting for the June election and that he couldn't vote to put election judges in harm's way without the proper PPEs to protect themselves. Mr. Funn concurred with Mr. Voelp's comment.

In response to a question from Mr. Cogan, Mr. Ye stated that he could not assure the Board that there would be sufficient PPEs for election judges in late May and June. He stated that both the federal and state stockpiles of PPEs are being drawn down at a very rapid pace.

Ms. Howells stated that she believed that having a small number of vote centers open on election day only, as opposed to during early voting, was enough to accommodate voters who cannot mark a ballot by hand or who have trouble receiving mail. She stated that having ballot drop off at early voting centers during the early voting period was redundant as voting by mail is a form of early voting. She stated that the option to have vote centers on election day could be dropped later if the pandemic situation grew worse. In response, Mr. Cogan stated that he felt the members agreed on sending absentee ballots to all registered voters, but disagreed with the ability to drop the option of in-person voting later on due to the printing deadlines Ms. Charlson stated previously, and the high potential for voter confusion. Ms. Lamone commented that it is extremely difficult to change a decision regarding the election process once it has been made because there is a very large impact throughout the entire election system. Mr. Cogan echoed Ms. Lamone's comment stating that the Board is in an unfortunate position of having to make a decision for which they will never have enough information, but because of the deadlines and time needed to plan for the election and inform voters, the Board needed to not hesitate on making decisions. Mr. Hogan requested a robust voter education campaign to inform voters of the changes being made to voting for the presidential primary, which Mr. Cogan concurred with and reiterated the need for.

Regarding having ballot drop off boxes during the early voting period, Ms. Howells stated that the absentee ballots come with a postage pre-paid envelope and therefore the early voting centers were irrelevant.

In response to a question from Ms. Howells regarding voters dropping off ballots on election day at designated locations, Ms. Lamone stated that post offices do not always postmark mail in a timely fashion, and that mail dropped in a post office box after a certain time would not be postmarked until the next day.

Mr. Cogan confirmed with Ms. Lamone and Ms. Charlson that they received the guidance needed to complete the plan for the Governor, which would be reviewed in detail at the next scheduled meeting of the Board on April 2nd.

### **APPROVAL OF ABSENTEE BALLOT APPLICATION**

Ms. Perrone stated that there were two proposed changes to the absentee ballot application. On the first page, Ms. Perrone identified new information for the special general election explaining that, because a ballot will be mailed to all registered voters, a voter only needs to complete the application if the voter wants to receive a ballot at a different address or by fax or internet delivery. The instructions also include deadlines for returning the ballot. On the second page, Ms. Perrone explained a new option for the special general election allowing the voter to receive the ballot at a different address or by fax or internet delivery. Mr. Perrone stated that no other changes were made to the application.

In response to a question from Mr. Voelp, Ms. Perrone stated that the only time a person is required to give their driver's license number is if they want to receive their ballot by internet delivery.

Mr. Hogan made a motion to accept the changes to the absentee ballot application as presented by Ms. Perrone. Ms. Howells seconded the motion, and it passed unanimously.

### **DELEGATION OF "ESSENTIAL EMPLOYEES" DESIGNATION**

Ms. Charlson stated that the Governor's Proclamation of March 17th gave the members of the State Board of Elections the authority to designate any SBE employee or any State employee of a local board as emergency and essential. She stated that SBE is requesting that the members of the State Board delegate that authority to Ms. Lamone, if a local government authority attempts to send local board employees home, but they are needed to run the election. As a matter of practicality, an emergency and essential designation for a local board employee would likely need to happen very quickly and delegating that authority to Ms. Lamone, through the completion of the June 2nd election, including canvassing and post-election activities, would accomplish that.

In response to a request from Mr. Funn, Ms. Charlson stated that SBE would inform the Board members of any employees that are designated emergency and essential under this delegation.

Mr. Hogan made a motion to delegate the designation of essential employees to the Administrator, with the provision that if these powers are exercised, that the Administrator will inform the members of the State Board. Mr. Funn seconded the motion, and it passed unanimously.

### **OLD BUSINESS**

There was no old business to report.

### **NEW BUSINESS**

There was no new business to report.

### **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Mr. Cogan stated that he gave \$100 to Senator Mitch McConnell and would provide at the next scheduled meeting the formal name of the campaign committee.

### **SCHEDULE NEXT MEETING**

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

**ADJOURNMENT**

Ms. Howells made a motion to adjourn the open meeting, and Mr. Voelp seconded the motion. The motion passed unanimously. Mr. Cogan adjourned the meeting at 5:12 pm.