

State of Maryland

State Board of Elections – April 22, 2020 Meeting

Attendees (via conference call):

Michael R. Cogan, Chair
Patrick J. Hogan, Vice Chair
William G. Voelp, Member
Kelley A. Howells, Member
Malcolm L. Funn, Member
Linda Lamone, Administrator
Andrea Trento, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy, Election Policy
Tracey Hartman, Director of Special Projects
Jared DeMarinis, Director, Candidacy and Campaign Finance
Shafiq Satterfield, Regional Manager Supervisor
Art Treichel, Chief Information Security Advisor
Fred Brechbiel, Chief Information Officer
Erin Perrone, Director, Election Reform and Management
Keith Ross, Director of Project Management
Mary Cramer Wagner, Director, Voter Registration

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

DECLARATION OF QUORUM PRESENT

Mr. Cogan called the meeting to order at 2:04 pm. After taking roll call, he stated that all members were present except Mr. Funn, and that there was a quorum. He stated that the meeting was being livestreamed. Mr. Funn joined the meeting at 2:06 pm.

ADDITIONS TO THE AGENDA

Mr. Cogan stated that there was one addition to the agenda, specifically a letter received from the Montgomery County Board of Elections that would be discussed during new business.

RATIFICATION OF MINUTES FROM MARCH 25 AND APRIL 2, 2020 MEETINGS

Mr. Hogan made a motion to ratify the approved minutes from the March 25 and April 2, 2020 meetings and Ms. Howells seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

Ms. Lamone thanked the staff of SBE and the Congressional District 7 local boards for their hard work in preparing for two elections under very difficult circumstances. Mr. Cogan echoes Ms. Lamone's sentiment and thanked the staff as well.

1. Welcome to SBE

Ms. Charlson welcomed Art Treichel to SBE. Art joins SBE as our Chief Information Security Officer from the private sector where he served in the same capacity at an international firm. Although joining SBE at a difficult time, Art has jumped right in and is learning about the various information systems we use to conduct elections. We are happy to have Art and look forward to working with him.

2. Announcements & Important Meetings

Internal Planning Meetings

Ms. Charlson reported that each day, Ms. Lamone, SBE staff, and Mr. Trento meet to identify and resolve issues and tasks related to the April 28th Special General Election for the 7th Congressional District and the June 2nd Presidential Primary Election. This group effort facilitates discussions among different SBE divisions and allows for each division to share decisions and updates related to these elections.

Election Director Conference Calls

Ms. Charlson stated that SBE conducts regular calls with the Election Directors and appropriate staff. Initially, calls were two to three times a week, but have now moved to a weekly schedule. During these calls, participants share information, review decisions and directives from the Governor and Department of Health, answer or collect questions, and obtain feedback. Topics related to all the local boards are discussed first, and the meetings typically end with information specific to the local boards in the 7th Congressional District.

3. Special Primary Election for the 7th Congressional District (February 4, 2020)

Post Election Automated Software Ballot Tabulation Audit

Ms. Hartman stated that the postelection automated audit of ballot images from the 2020 Special Primary Election for the 7th Congressional District is complete. Before certifying election results, each local board received four reports comparing the voting system's results from election day against the results from the independent tabulation performed by the automated audit software.

These reports showed that:

1. The voting system and Clear Ballot tabulated the same number of ballots (cards cast).
2. Any differences between the two systems' results were less than 0.5%.
3. The voting system accurately tabulated the results

After the completion of the absentee and provisional canvasses and prior to the State Board of Elections' certification of the election results, all ballot images were retabulated, and the second set of reports were issued. These reports confirmed that the voting system accurately tabulated the ballot images from all canvasses. The comparison reports and automated audit results (generated before we provided the voting system's precinct-level results) are posted on SBE's website.

Ms. Hartman stated that a post election automated software ballot tabulation audit will be performed for the special general election on April 28th and the primary election on June 2nd, and that planning is underway for both.

4. Special General Election for the 7th Congressional District (April 28, 2020)

Ms. Perrone stated that the local boards in the 7th Congressional District, with SBE support, have been busy preparing for a lengthy canvass of vote by mail ballots and in-person voting on April 28, 2020.

She reported that approximately 500,000 ballot packets were mailed to voters who are registered in the 7th Congressional District. The return envelopes included prepaid postage. The three local boards are receiving voted ballots. As of Monday, April 20th, Baltimore City has received approximately 3,600 returned ballots, Baltimore County has received approximately 13,000 returned ballots, and Howard County has received about

6,000 returned ballots. Baltimore County started counting ballots on April 20, 2020. Baltimore City will start on April 22nd, and Howard County will start on April 25th.

Other updates include:

- Ms. Charlson reported that the local boards tested their live streaming solution and are ready to go. The local boards understand that, if the solution they are using to provide public access stops working, they must stop canvassing.
- Ms. Charlson reported that each local board has a location for their in-person election day location. These locations are:
 - Edmondson High School, 501 N. Athol Avenue, Baltimore, Maryland 21229
 - Martin's West, 6817 Dogwood Road, Windsor Mill 21244
 - Howard County Fairgrounds, 2210 Fairgrounds Road, West Friendship 21794
- Mr. Satterfield reported that the local boards have prepared or are preparing the equipment for those locations, in similar allocations to what have been used previously at early voting centers. During this meeting, he stated that SBE will ask, on behalf of Baltimore City and Baltimore County Boards of Elections, to deploy more ballot marking devices than the State Board policy of four ballot marking devices.
- SBE's transportation vendor is prepared to move the equipment to the three locations and back to the local board warehouse.

In response to a question from Mr. Cogan, Ms. Charlson stated that SBE is developing procedures that govern the emptying of the bins throughout and at the end of the day and therefore the drop boxes will be emptied prior to the transportation company returning them to the storage facility.

- Ms. Charlson stated that each local board has enough election judges to work these locations, and that there be have enough masks, gloves, and sanitizer for each location. She thanked the SBE procurement team for its hard work in procuring these items in a very short time.
- Ms. Charlson stated that SBE expects to have six ballot drop off containers for the three counties - one for each of their offices and one at each of the voting locations. The containers at the local boards' offices will be available from 7 am to 8 pm each day, and the containers at the vote centers will be available from 7 am to 8 pm on April 28, 2020.
- Ms. Duncan reported that as required under the Governor's Proclamation, SBE has initiated an effort to educate voters about how these elections will be conducted and how to vote by mail. The April election effort includes radio and digital media buys, making social media posts and issuing press releases. As of today, she stated that there were radio ads running on three area stations that will run through election day. She stated that Ms. Charlson would be appearing on the local

television station WBAL on Sunday, April 26th at 9:30 am to speak about the April 28th election. The June campaign is still developing with all the aforementioned platforms including mailing and some TV.

In response to a question from Mr. Cogan regarding reporting results by precinct, Ms. Duncan stated that the process of reporting election results starts when initially laying out the election database, which SBE completed in February. At that point, SBE was planning for a regular in-person election with precinct voting. In this format, each precinct has tabulators that count votes. The tabulators each have a memory stick which store the vote count for that polling place. At the end of election day, the memory stick is removed and brought back to the local board where the results on the memory stick are identified as belonging to a precinct. For the April 28th and June 2nd elections, all results are being tabulated at the local board office and therefore are unable to be identified by precinct. Depending on the election, ballots are used county-wide or in multiple precincts, and do not identify the precinct of the voter. Because of this, precinct results are not available for the April 28th and June 2nd elections. For future elections, SBE is looking into how the database can be set up to identify ballots by precinct. She noted, though, that implementing such a change would exponentially increase the workload, as each local board would have at minimum one ballot style per precinct, and at least double that number for a primary election.

In response to a questions from Mr. Hogan, Ms. Charlson clarified that there are different databases for tracking voter turnout, which can be done by precinct even for a vote by mail election, and election results, which is the process that Ms. Duncan described. Ms. Charlson further explained that the database for tracking turnout is the voter registration database, called MDVOTERS, which can also tell the method a person voted. Ms. Duncan confirmed that SBE is currently looking into options of how to report results by precinct if the general election is held by mail.

In response to a question from Mr. Funn regarding how precinct-level reporting would occur for a voter who requests their ballot be sent electronically, Ms. Duncan stated that there is provision in the law which states that absentee ballot results are not reported by precinct. Ms. Charlson clarified that even in a vote by mail election, ballots that a voter requests to be sent electronically are considered absentee ballots and therefore those results would not be reported at the precinct level. In response to questions from Mr. Voelp, Ms. Charlson stated that currently, in a regular in-person election, results from absentee ballots are reported in either the Absentee I or Absentee II canvass, with each canvass counting as a precinct. Whether absentee ballots would be reported by precinct if the general election were to be a conducted primarily by mail is one of many questions that is part of an ongoing discussion on the topic.

In response to questions from Mr. Cogan, Ms. Charlson confirmed that her and Ms. Duncan's statements are contingency planning for the general election. Ms. Duncan stated that it is too late to make major changes to the structure of the primary election, as ballots have already been printed and ballots to overseas and military voters have already been mailed. Any changes to the database to enable precinct-level results reporting would render the ballots that have already been mailed as unreadable by the scanners.

In response to questions from Ms. Howells, Ms. Charlson stated that it is too early to tell if there has been an increase in technical errors like voters not signing the oath, and that SBE is working on procedures for the primary election for local boards on what to do if they receive a ballot that has not been signed. She stated that those procedures should be

completed in the next week.

In response to questions from Mr. Voelp, Ms. Charlson confirmed that the ballot drop off boxes for the special general election will be open from 7 am to 8 pm but those hours may change for the primary election. She stated that surveillance and frequency of overnight ballot pickups were concerns that were being discussed regarding the possibility of having the ballot drop off boxes available 24 hours a day. Mr. Hogan expressed that he favored having the boxes open 24 hours a day if it was possible. In response to a question from Mr. Hogan, Ms. Charlson stated that for the special general election, the ballot drop off boxes located at the local board offices would be open on the weekend. For the primary election, ballot drop off boxes would be open starting the Thursday that early voting normal begins through election day, which includes two weekends. Mr. Cogan stated that security of the ballot drop off boxes is just as important as surveillance of the boxes.

Mr. Cogan requested, to the degree possible, that Board members receive a summary of lessons learned from the special general elections, particularly to the degree that any lessons can be applied to the primary election.

5. 2020 Presidential Primary Election (June 2, 2020)

Ms. Perrone reported that preparations for the June 2nd vote by mail election are underway. Approximately 4.1 million ballot packets will be mailed for the June 2nd election. Outgoing and return envelope artwork has been completed and approved by several Mail Design Analysts at the United States Postal Service (USPS). Various inserts, including the instructions and list of vote centers and ballot drop off locations, are being finalized.

Ballots for this election will be transmitted as follows:

- April 16th and 17th: Ballots were transmitted to requesting military and overseas voters. Ms. Perrone reported that SBE complied with the deadline established in the federal Military and Overseas Empowerment (MOVE) Act and in response to a request from the U.S. Department of Justice, we supplied the data on our compliance.
- May 1st: Ballots for voters who do not live in the 7th Congressional District counties will be mailed.
- May 8th: Ballots for voters who live in the 7th Congressional District counties will be mailed.
- Before May 26th, there will be three supplemental data pulls that will include any newly registered voters and voters who requested to receive their ballot at a different mailing address.

Ms. Perrone stated as of April 20th, SBE sent approximately 6,000 emails with information about how to access SBE's online ballot delivery system. Over 3,600 voters have successfully logged into their accounts, and almost 3,000 voters printed their ballots. SBE is monitoring USPS alerts about countries where mail delivery is impacted by COVID-19 and sharing with voters in these countries options on how to receive and return their ballots.

Ms. Perrone stated that the final list of vote centers and ballot drop off locations was included in the meeting materials. She is working with the local boards to determine the appropriate amount of equipment to deploy to each voting location and have ordered custom-made ballot drop boxes and personal protective equipment for election judges and

voters.

Ms. Charlson recognized Ms. Perrone, who oversees the absentee ballot program at SBE, and SeaChange, the vendor who prints and mails the absentee ballots, for their hard work in managing the transition from absentee ballots to an election run primarily by mail in a short period of time and under stressful circumstances.

Ms. Charlson stated that a broader voter education campaign will also be conducted for this election. It will include radio and TV, mailing, digital advertising, continuous social media postings and press releases.

She also stated that, as Ms. Hartman mentioned, that SBE is also working with the Clear Ballot Group to prepare for the post-election automated ballot tabulation audit for this election.

In response to a question from Mr. Funn regarding why some vote centers for the primary election are in close proximity to other vote centers, Ms. Charlson stated that at a previous meeting the Board members left the authority to determine the location of vote centers to the local boards.

6. Voter Registration

MDVOTERS

Ms. Wagner reported that to better support the June 2, 2020 election, the MDVOTERS development team created a vote-by-mail solution. This release is currently scheduled for Friday, May 1, 2020. Additionally, vote-by-mail ballot counts will be updated daily, on the SBE website, to reflect ballots received by the local boards.

MVA Transactions

During February, MVA collected the following voter registration transactions:

New Registration - 8,939	Residential Address Changes - 19,684
Last name changes - 2,645	Political Party Changes - 6,206

During March, MVA collected the following voter registration transactions:

New Registration - 8,715	Residential Address Changes - 21,364
Last name changes - 2,504	Political Party Change - 5,760

Non-Citizens

Due to the telework mandate, no information is available at this time.

New Party

Ms. Wagner stated that the “Working Class Party” is now a recognized party. The online voter registration application, as well as the website applications have been updated. Ms. Wagner will be working with Whitney LeRoux to procure paper applications. Notification has been provided to add this new party to the automatic registration systems for the MVA, Maryland Health Benefits Exchange, Maryland Paratransit and Department of Health Services.

7. Candidacy and Campaign Finance (CCF) Division

Enforcement Actions

Mr. DeMarinis reported that the CCF Division received the payments for the following civil penalties:

1. Friends of Robert Stokes paid \$100.00 on March 13, 2020 for disbursement by unauthorized method- Cash greater than \$25.00.
2. Friends of Abdul Anees Rahim paid \$700.00 on April 1, 2020 for disbursement by unauthorized individual- Candidate.
3. Friends of Jay Mason paid \$100.00 on April 1, 2020 for disbursement by unauthorized method- Cash greater than \$25.00.
4. Citizens for Carl Jackson paid \$25.00 on April 8, 2020 for disbursement by unauthorized method- Cash greater than \$25.00.

8. Project Management Office (PMO)

Inventory Management

Mr. Ross reported that equipment from the special general and presidential primary elections will be stored at the SBE central warehouse.

9. Voting System

Electronic Pollbook

Mr. Satterfield reported that on March 6, 2020, SBE conducted another statewide test of the early voting and election day network. The test involved all local boards of elections (except Washington County) and was executed over a six-hour period. Over 83,000 transactions were generated, and no issues were identified or reported during the testing period.

This network will be used at the vote centers on April 28th and June 2nd to ensure that the most current data about returned ballots is available to election judges. With this network, the election judges will know which voters have returned their voted ballots as of election day morning and the local boards can canvass returned ballots up until the day before the election if they so choose. Without this network, the data in the pollbooks will be outdated and the local boards will have to pause their canvassing for several days.

10. Legislation

Ms. Duncan reported the following list of bills that passed during the abbreviated legislative session:

1. SB 4 – Expansion of Commercial Gaming – Sports and Event Wagering: Question that will appear on the 2020 General Election ballot.
2. SB 145/HB 37 - Absentee Voting References in Public Communications and Pre-paid Postage for Return of Ballots: Requiring SBE and the local boards to refer to absentee ballots as “mail-in ballots” and absentee voting as “mail-in voting” in all communications with voters and the general public; requiring SBE and the local boards to include in public communications regarding “mail-in voting” a statement that “mail-in voting” is referred to as absentee voting in the Annotated Code of Maryland and the Code of Maryland Regulations; Requiring that AB return envelopes include prepaid postage; requiring AB instructions include information regarding postage; requiring SBE to reimburse each LBE 50% of the cost of pre-paid postage. Emergency legislation
3. SB 251 (Chapter 10) – Special Elections – Calendar Revisions: Emergency legislation altering certain deadlines related to a special election.
4. SB 390/HB 1158 - Candidate Defeated in Primary Election - Write-In Candidacy

- in General Election Prohibited: Effective date: January 1, 2021
5. SB 1028 - Balancing the State Budget: Question that will appear on the 2020 General Election ballot.
 6. HB 216 – Campaign Material - Definition: Altering the definition of “campaign material” to include certain material that is an automated or prerecorded oral communication. Effective date of January 1, 2021.
 7. HB 465 – Campaign Material – Disclosure of the Use of Bots: Requires political committees to disclose the use of bots when transmitting campaign material. Failure to disclose the use of bots may result in the civil penalties. Additionally, the State Board May seek the removal of the bot. Effective date of June 1, 2020
 8. HB 1222 – Campaign Finance Enforcement and Compliance – New State Positions: Requiring the Department of Budget and Management to create two new State positions for the State Board of Elections for the purpose of employing staff to enforce campaign finance violations and to ensure compliance with campaign finance law. Effective date of July 1, 2020.

In response to questions from Mr. Hogan, Mr. DeMarinis stated that only SB 251 has been signed so far, and that he has not heard yet if the Governor will veto HB 1222 or SB145/HB37 because of the fiscal impact.

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 parties have since conducted discovery and briefed dispositive summary judgment motions, and are awaiting a ruling from the Court.
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. An 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 April 17, 2020, the District Court ruled that dates of birth must be included in the list provided to plaintiffs. The District Court has ordered the parties to file a joint status report by May 15, 2020.

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 currently discussing resolution of the case with the plaintiffs.
5. *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, seeking relief in time for the November 2020 election. On February 10, 2020, the court denied the defendants' motion to dismiss, and denied the plaintiffs' motion for preliminary injunction. On February 24, 2020, the Court entered a scheduling order governing the discovery period for the case and setting a July 31, 2020 deadline for the filing of dispositive motions. The parties have exchanged initial disclosures and are in discovery. However, due to the disruptions caused by COVID-19 and the changes to the elections, the parties have agreed to extend certain disclosure and discovery deadlines.
6. *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 Defendants

jointly filed a motion to dismiss asserting common arguments for dismissal on December 19, 2019. On January 23, 2020, the plaintiff filed an amended complaint, and the defendants thereafter renewed their joint motion to dismiss.

7. *Public Interest Legal Foundation, Inc. v. Lamone*, No. 1:19-cv-03564-ELH (D. Md.). On March 19, plaintiff Public Interest Legal Foundation, Inc., filed a lawsuit against the State Administrator, the members of the State Board, and Erin Dennis, seeking access to Maryland's list of registered voters pursuant to the public inspection provisions of the National Voter Registration Act. Plaintiff alleges that the District Court's published decision in *Judicial Watch*, supra, entitles them to access, and that the issue left outstanding by the court in that case does not implicate their request since they are not seeking individuals' dates of birth as part of the information provided for each voter on the list. Plaintiffs filed a motion for summary judgment simultaneously with their complaint. On January 17, 2020, defendants answered the Complaint. On January 24, 2020, defendants moved for a stay of the proceedings pending the resolution of the *Judicial Watch* matter and any appeals therefrom, due to the similarity of the issues between the cases. The parties are awaiting ruling from the Court on that motion.
8. *In the Matter of Seth Wilson*, No. C-02-CV-20-000664 (Cir. Ct. A.A. Cty.). On February 26, 2020, Seth Wilson, First Vice Chairman of the Washington County Republican Party, filed a petition for judicial review of the content and layout of the ballot, pursuant to section 9-209 of the Election Law Article of the Maryland Code. Upon filing, the petition was rejected as defective by the clerk of the Court and deemed "not a valid pleading or paper." On February 28, 2020, the State Board filed a motion to dismiss the petition and stated that it would commence the printing of ballots after 5:00 pm on Monday, March 2, 2020. This filing, too, was rejected on the ground that there was no valid petition to move against. On March 9, 2020, petitioner filed a memorandum in support of his petition, which the Court accepted as a valid petition, alleging that the ballots certified by the State Board for voters in Hagerstown, Maryland, were contrary to law, because (among other things) the non-partisan contests for Mayor and City Council members of Hagerstown, Maryland, were included on the Republican Primary ballots and/or not properly identified on that ballot as non-partisan contests, and because the party affiliations of candidates in those contests were not listed. The parties have since reached agreement regarding a notice that will be provided to voters in board of elections mailings and at polling places that the contests for Mayor and City Council of Hagerstown are non-partisan contests, and that the candidates for these contests are the same on every ballot and are listed without their individual party affiliations.
9. *Chong Su Yi v. Hogan*, Nos. 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). On around March 6, 2020, plaintiff Chong Su Yi filed four apparently identical complaints in the Circuit Court for Montgomery County challenging the results of Maryland's 2018 elections, and naming Governor Larry Hogan as defendant. Specifically, Mr. Chong appears to be arguing that the results are invalid because of the use of religious facilities as polling places, that the State's use of "scanners" to tabulate ballots is unconstitutional and/or not permitted by federal law, and that the State's identification of candidates' party affiliations on the general election ballot is not permitted by State law. The complaints are substantially identical to complaints Mr. Chong filed in 2019, which the court dismissed with prejudice earlier this year. Defendant's responses to the complaints are currently due May 3, 2020.

SPECIAL GENERAL ELECTION FOR THE 7TH CONGRESSIONAL DISTRICT (APRIL 28, 2020)
Request to Increase Deployment of Ballot Marking Devices – Baltimore City and Baltimore County

Ms. Perrone presented a request from the Baltimore City Board of Elections to deploy eight ballot marking devices (BMDs) at its vote center for the April 28, 2020 Special General Election. She also presented a request from the Baltimore County Board of Elections to deploy nine BMDs at its vote center for the same election, stating that Baltimore County would use three BMDs in each of three rooms for voting at Martin's West.

In response to a question from Mr. Hogan, Ms. Perrone stated that both local boards have the extra BMDs in their possession to use on April 28th. Mr. Hogan and Mr. Voelp both expressed their support for measures that would make social distancing at the vote centers easier to manage.

Mr. Hogan made a motion to approve the requests from Baltimore City and Baltimore County to increase the number of BMDs deployed at their respective vote center. Mr. Voelp seconded the motion, and it passed unanimously.

PRESIDENTIAL PRIMARY ELECTION (JUNE 2, 2020)
Request to Approve Revised Absentee Ballot Absentee Application

Ms. Perrone presented a request to approve the revised absentee ballot application. On the first and second pages, Ms. Perrone removed information pertaining the special general election. On the second page only, Ms. Perrone updated the language for the presidential primary election to mirror the language used for the special general election related to a vote by mail election. She stated that the revised absentee ballot applications would not be posted online until after the special general election.

In response to a question from Mr. Hogan regarding where a voter can return their completed application, Ms. Perrone stated that contact information for each local board is on page three of the application.

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

PRESIDENTIAL GENERAL ELECTION (NOVEMBER 3, 2020)
Request to Extend Deadline to Submit Signatures for Charter Petitions (August 3, 2020)

Ms. Charlson stated that the request to extend the deadline to submit signatures for charter petitions was carried over from the April 13, 2020 meeting. Mr. DeMarinis stated that the current deadline is July 27, 2020, and that the longest the deadline could be extended without impacting other deadlines was for one week, until August 3, 2020. This proposed new deadline would still meet the petition verification timeline, give enough time to certify the ballot, and enable compliance with the federal MOVE Act. Mr. DeMarinis stated that August 3rd is also the deadline for new party petition and petition candidates to submit their petitions as well.

Mr. DeMarinis stated that the Board was given the authority to extend this deadline in the Governor's Executive Order of March 12, 2020. Any authorized extensions granted through the Executive Order expire on the 30th day after the date by which the state of emergency is terminated. He stated that the question left after the April 13th meeting was whether the Board's

deadline extension would be nullified if the state of emergency expires prior to 30 days before the current deadline of July 27th.

Mr. Trento reiterated what Mr. DeMarinis stated and explained the impact of the Governor lifting the state of emergency on July 1, 2020. Under that scenario, any extended deadline would expire 30 days later; in this case, on July 31st. A party, he stated, would have less time than the proposed extended August 3rd deadline. He noted that a party would have notice of the deadline reverting to July 27th by the lifting of the emergency declaration.

Mr. Trento clarified that the Board's authority to move this deadline does not come from either of the Governor's two proclamations specifically related to the special general and presidential primary election, but the Governor's Executive Order of March 12, 2020. He stated any deadlines extended by the authority in the Executive Order become effective 24 hours after notifying the Governor of the extension.

In response to a question from Mr. Voelp, Mr. Trento stated that the July 27th deadline is set by the statute. The deadline falls 99 days prior to the election. In response to a question from Mr. Hogan, Mr. Trento stated that without an additional order or proclamation from the Governor, there was nothing within its authority that the Board could do to extend the deadline beyond 30 days from the end of the state of emergency.

In response to a suggestion from Mr. Voelp to add a clause to a motion that extends the deadline only if the state of emergency extends beyond July 4, 2020, Mr. Trento stated that it would be better for the Board to express its intent today but defer action until it is needed. Mr. Voelp stated that dates are important and expressed his discontent with the possibility of moving and then reverting deadlines. Mr. Cogan stated that he was inclined towards Mr. Voelp's perspective and Mr. Trento's advice to revisit the topic in June if needed.

In response to a question from Mr. Hogan regarding how the current topic is related to agenda item 12- Request to Approve Temporary Acceptance of Electronic Petition Signatures, Mr. DeMarinis stated that the current topic is about the petition deadline, and agenda item 12 is about the acceptance of electronic signatures during the current time. In response to a second question from Mr. Hogan, Mr. Voelp stated that the deadline extension is still needed even if the acceptance of electronic signatures is approved because petitioners have already lost over a month and a half since the stay at home order became effective. In response to a question from Mr. Voelp, Mr. Trento stated that the authority of the Board to accept electronic signatures is granted by the Uniform Electronic Records Act which gives State agencies the right to accept electronic signatures.

Mr. Cogan recognized that the discussion had moved from the petition deadline extension to the acceptance of electronic signatures and stated that the Board could move formally to agenda item 12. The Board could come back to agenda item six if it needed to.

REQUEST TO APPROVE TEMPORARY ACCEPTANCE OF ELECTRONIC PETITION SIGNATURES
In response to a question from Ms. Howells, Ms. Wagner stated that deciding the technology used and method of collection of the electronic signatures is the responsibility of the petitioner. Mr. Trento stated, also in response to Ms. Howells asking if the Board had already recently voted against allowing electronic signatures, that a 2018 Senate candidate asked for a declaratory judgement allowing him to use the names of visitors to his website who completed a survey to later use the information from the survey to populate onto a template of a petition.

Mr. Cogan stated that though the Board was engaged in a blended discussion, there were two items to decide. He stated that regarding the request to extend the deadline to submit signatures for charter petitions, he feels the intent of the Board is to extend the deadline unless the state of emergency expires but to table to the discussion until June. Mr. Voelp and Mr. Hogan agreed, and Ms. Howells agreed so long as there was no concern with waiting until June.

Mr. Voelp made a motion that the Board table the discussion of extending the deadline to submit signatures for charter petitions until its last meeting in June. Ms. Howells seconded the motion, and it passed unanimously.

After moving back to agenda item 12, Mr. Cogan pointed to the document entitled "SBE Policy 2020-01: Temporary Electronic Petition Signature Acceptance" ("the Policy") and called for a five-minute break to give the members a chance to read the document. The members reconvened at 3:51 pm after all stating that they were present.

In response to questions from Mr. Voelp regarding how Section 2e of the Policy would work with a stay at home order, Mr. DeMarinis stated that a person signing a petition would be their own circulator and thus witness their own signature. Mr. DeMarinis stated that the form used for witnessing a signature has not changed – it is a PDF document that the petitioner can distribute with the petition. The petitioner can make the form into a fillable PDF if he or she chooses. Mr. Trento stated that in a household with multiple registered voters, one member of the household can act as the circulator and witness multiple signatures in their own household.

In response to a question from Mr. Cogan asking if the Board is willing to allow electronic signatures now, why not in other times, Mr. DeMarinis stated that the circumstances of the current times have changed. Without allowing digital signatures, he stated, access to charter amendments on the ballot is essentially being denied. He noted that other jurisdictions have begun allowing digital signatures for campaign finances purposes, specifically for the matching program for public finance campaigns. Mr. Cogan stated that he understands why the Board would make this change now, but still wanted to know why the Board would not allow electronic signatures at other times. Mr. DeMarinis stated that that is a discussion the Board can have, but that a broad change like accepting electronic signatures would be better to go through the regulatory process. Mr. Voelp stated that the Board should see how accepting electronic signatures goes for this year if the Board approves the request and use that experience to gauge the discussion for future elections. Ms. Howells' stated that she felt that a permanent change needed to be done at the statutory level, but understood the need for the Board to make a temporary change to the policy now.

Mr. Voelp made a motion to approve SBE Policy 2020-01: Temporary Electronic Petition Signature Acceptance. Ms. Howells seconded the motion, and it passed unanimously.

REQUEST TO APPROVE BY-LAWS OF THE HARFORD COUNTY BOARD OF ELECTIONS

Ms. Hartman stated that SBE recommends approving the proposed bylaws of the Harford County Boards of Elections.

She stated that the bylaws adopted by the Harford County Board of Elections were nearly identical to the model bylaws recommended by SBE, except for the following changes:

1. Section 1.2- Purpose: Addition of the following statement to the end of the Purpose that was recommended in the model bylaws:

- *"The Harford County Board of Elections is to provide all eligible citizens of Harford County convenient access to voter registration; to provide all registered voters accessible locations in which they may exercise their right to vote; to ensure uniformity of election practices; to promote fair and equitable elections; and to maintain registration records, campaign fund reports, and other election related data accurately and in a form that is accessible to the public as permitted by law."*

2. Section 1.3- Adoption and Amendment of Bylaws – Section A- Initial Bylaws Approval

- Changed from first meeting to third meeting: "Bylaws shall be reviewed and approved by a majority vote of the full Board at the *third* meeting of each new Board term or as soon as practical thereafter."

3. Section 2.2 Officers – Subsection D. Duties – Vice President

- Removed requirement for VP to be of a different party than the President.

4. Section 3.2- Rules of Order – Subsection A. Quorum – Items 1b and 2b

- Added the word "principal" before political party, so the statements now read: "*A quorum of the Board/Board of Canvassers shall consist of a majority of the membership, including at least one member of each principal political party.*

Mr. Hogan made a motion to approve the bylaws for the Harford County Boards of Elections, and Mr. Voelp seconded the motion. The motion passed unanimously.

REQUEST TO APPROVE EMERGENCY REGULATIONS – DATE STAMP FOR RETURNED BALLOTS (COMAR 33.11.03.06)

Ms. Charlson presented proposed emergency regulations to COMAR 33.11 – Absentee Ballots. She stated that because of the number of returned ballots each local board will receive for the special general election for the 7th Congressional District and the 2020 Presidential Primary Election, the requirement to stamp the date received on each return envelope is changed.

- If a return envelope is received two or more days before election day, the local board is not required to date stamp the return envelope but it must store the return envelopes in a container with a label showing the date the return envelopes were received.
- If a return envelope is received the day before the election, election day, or any day after election day, a local board must date stamp each return envelope.

This change was proposed as an emergency change. This means that the changes to 33.11.03.06 would be effective for the special general election for the 7th Congressional Election (April 28, 2020) and the presidential primary election (June 2, 2020). After these elections, the requirement to date stamp all return envelopes – regardless when they are received – would return.

In response to a question from Mr. Voelp regarding ballots received by the local board prior to the day before election day and how to determine timeliness, Ms. Charlson stated that those ballots would be put into a specific bin according to the date they are received by the local board.

Ms. Duncan stated that in addition to the postmark, the local board can also look at the date of the oath. Ms. Charlson clarified that the postmark (if the ballot was mailed) can determine if the ballot was mailed timely, and the date stamp from the local board determines if the ballot was timely received. In response to a question from Mr. Hogan regarding how the bins are secured, Ms. Charlson stated that the regulations require the local boards to store returned ballots in a secure location in their office.

Mr. Hogan made a motion to adopt the emergency changes to COMAR 33.11.03.01, and Ms. Howells seconded the motion. The motion passed unanimously.

APPROVAL OF LATE FEE WAIVERS

Mr. DeMarinis presented the Board with 19 requests from campaign committees to waive late fees incurred by the committee. Seven 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. Brown, Gary Friends of | 12. Maryland Promise Committee |
| 2. Davis (William) Will Friends of | 13. Mayer, Morgan for Board of Education |
| 3. Delauter, Kirby Friends of | 14. Newsuan, Theresa (Dolores Reyes) Register of Wills |
| 4. Fogg, Matthew Citizens to Elect | 15. Nicholson, Penelope for Somerset County School Board |
| 5. Frank, Arthur Committee to Elect | 16. Novinger, Frank Friends of |
| 6. Havis, Lee (Andrew) for Senate | 17. O'Connor, Carrie Lee Friends of |
| 7. Herd, (William) Citizens for Mayor Herd | 18. Parrott, Neil for Delegate |
| 8. Jones, Jermaine People for | 19. Porter, Jonathan Friends of |
| 9. Lewis, (Shavonte) Shay Friends for | |
| 10. Malesh, William Friends for Public Education | |
| 11. MAPDA Businesses for a Better Tomorrow PAC | |

In response to a question from Mr. Hogan regarding why the denial fee for the Citizens for Margaret Peggy Bair was so high, Mr. DeMarinis stated that fees have increased, and that Mr. Brown previously had a fee waived.

Mr. Funn made a motion to approve the campaign finance report late fee waiver requests, and Mr. Hogan seconded the motion. The motion passed unanimously.

OLD BUSINESS

Letter from the League of Women Voters

Ms. Howells referenced a letter that the Board received prior to its last meeting from the League of Women Voters. The question posed in the letter had to do with the opening of ballots and separating the ballots from the envelope prior to election day. Specifically, Ms. Howells wanted to know the procedure for when a voter for whom the local board has already received a voted ballot asks for a replacement ballot or shows up at a vote center claiming they have not received their ballot. In response to Ms. Howells' question, Ms. Charlson stated that in this scenario, a provisional ballot from a vote center would be rejected because the voter has already cast ballot. She stated that there are windows of time in every election where the scenarios Ms. Howell described can happen. In response to the first scenario, Ms. Howells described when a voter requests a replacement ballot but the local board has already received the ballot and canvassed it, which she stated presumes someone fraudulently voted the original voter's ballot, Ms. Charlson

stated that the voter could vote a provisional ballot in person, while the local board investigates the returned ballot.

Ms. Howells stated that, while she understood the reason for counting ballots before election day for the special general election, she did not understand the need to open ballots prior to election day for the primary election. She stated that her concerns with opening the ballots prior to election day were 1) the scenario previously described where a voter's ballot could be fraudulently returned and canvassed prior to election day, and 2) that the date when local boards can begin opening ballots is set by State law, and that she hadn't heard a good enough reason to change the date for the primary election as there was for the special general election. In response to Ms. Howells' concerns, Ms. Charlson stated that the main reason for opening the ballots early for the primary election is the expected volume of the returned ballots. She stated that most vote by mail states start opening ballots prior to election day, so that results can be reported at the end of election day. If local boards do not start opening ballots prior to election day, Ms. Charlson stated, it is possible that they would not have results until the end of June or beginning of July.

Discussion Regarding Voters Who Return Ballots Without Signing the Oath

Mr. Hogan stated that at the last meeting, there was a discussion regarding voters who return voted ballots without a signature, which would lead to the ballot not being counted. In response to a question from Mr. Hogan regarding the possibility of reaching out to those voters, Ms. Charlson stated that SBE is working on procedures for the primary election and expects that those procedures would be final in the next week. Mr. Hogan expressed his concern that because this will be the first time many voters have voted by mail, some will not be familiar with the procedures, but he wants all voters to have the opportunity to have their ballot counted. In response to a request from Mr. Voelp, Ms. Charlson stated that she would distribute the procedures when they were completed.

Discussion Regarding the Use of an Internal Envelope for a Returned Ballot

Mr. Hogan brought up the issue of using a privacy sleeve or internal envelope for voted ballots for the general election. Mr. Funn expressed his agreement with Mr. Hogan. He stated that he has researched the topic and learned that other states use a three-envelope system to maintain the privacy of the ballot. Mr. Voelp stated that in a conversation he had with Ms. Charlson, she stated that SBE used to have a three envelope system (meaning one envelope to mail the ballot to the voter, and two return envelopes- one outer envelope and one inner envelope containing the ballot), but that at some point the system switched to two envelopes. In response to a question from Mr. Voelp regarding why SBE stopped using the three-envelope system, Ms. Duncan stated that a 1996 law specifies three envelopes, but a 1998 law, part of an election law overhaul by the Garber Commission, gave the local boards the option of using either two or three envelopes. She stated that local boards found three envelopes to be a bottleneck in the canvassing process, and recently elected legislators wanted to streamline the canvassing process. When SBE took over the mailing of absentee ballots most local boards had already switched to two envelopes. In order to create a uniform process, SBE stuck with two envelope system.

Mr. Hogan thanked Ms. Duncan for the history lesson but stated that times have changed. He stated that he envisions more voters utilizing voting by mail even after the pandemic is over. Ms. Duncan stated that there are three options for a voter who does not want to sign the envelope:

- 1) Photocopy the oath on the envelope, sign the oath, include the signed oath inside the envelope, and write "see inside" on the signature line. This option would still allow the voter to make use of the prepaid postage on the envelope.

- 2) Put the ballot envelope inside of a larger envelope. This option would require the voter to add postage.
- 3) Use either option and take the voted ballot to a drop box instead of mailing it.

In response to a question from Mr. Hogan concerning if the Board had any authority over the use of an inner envelope without requiring a statutory change, Mr. Trento stated that the statute currently states that local boards have the option of using two or three envelopes when mailing an absentee ballot. In response to a question from Mr. Voelp asking if the statute gives the authority to the Board to make that decision, Ms. Charlson stated that the past practice has been for the decision to be made statewide. Mr. Hogan and Mr. Funn agreed that this should be a statewide decision.

Ms. Duncan stated that part of the process for determining if a ballot is acceptable is being able to view whether a signature a signature is there. The unsigned oath cure process could be complicated if the oath is inside the envelope. Mr. Voelp stated that he believed the ballot should be in a ballot return envelope and separate from the oath and signature, which could be on the outer envelope or a separate piece of paper and placed inside the outer envelope. He cited his experience on the Anne Arundel County Board of Elections and stated that he has seen many times a ballot envelope be referred to the Board for not having a signature. The practice was for the Board to open the envelope to see if the oath was inside, which led to removing the contents of the envelope and generally meant that the ballot was viewable in the presence of the return envelope identifying the voter. An inner envelope for just the ballot, he stated, would prevent this situation from happening.

Mr. Cogan noted the timeframe for the general election and stated that changing such a policy in time for November would require significant action immediately following the primary election. Mr. Voelp clarified that he envisioned a change to a three-envelope system as an item for the 2022 elections. Mr. Funn agreed that any issues with voting by mail first need to be worked out this year.

NEW BUSINESS

Letter from the Montgomery County Board of Elections

Mr. Charlson stated that there were two letters to discuss - one from the Montgomery County Council ("the Council") to the Montgomery County Board of Elections, dated April 20, 2020, and a second letter from the Montgomery County Board of Elections (MCBoE) to the State Board of Elections, dated April 22, 2020. The letter from the Council to the MCBoE asks the MCBoE to "...consider placing drop off boxes in areas which may be geographically further from the four (4) voting centers." In the second letter, the MCBoE asks the State Board for direction whether the MCBoE is permitted to consider adding additional drop boxes. She stated that she does not have any background information other than what is asked in the letters.

In response to a question from Mr. Hogan regarding why some jurisdictions had five ballot drop off boxes, as opposed to the maximum of four that the Board had set at its last meeting, Ms. Charlson stated that typically the local boards' offices are open for voters to drop off their voted ballots but because some may not be open due to the pandemic, a ballot drop box at the local board offices provides a way for voters to drop off their ballot at the local boards' offices even if the offices are not open.

In response to a question from Mr. Hogan, Ms. Charlson stated that the Board did have the authority to allow for more ballot drop off boxes and asked if the Board would only be allowing

more boxes for Montgomery County or for all jurisdictions. She stated that the boxes are have already been ordered and that they are customized for Maryland. Ms. Charlson stated that she was not sure if obtaining more boxes in time was even possible.

There was discussion about the feasibility of additional ballot drop off boxes. Ms. Wagner stated that 63 boxes were ordered statewide, and the manufacturer is first producing the boxes for the Congressional District 7 local boards. In response to a question from Mr. Funn, she stated that she could ask the manufacturer about producing more boxes but would need to know approximately how many. In response to a question from Mr. Hogan, Ms. Charlson stated that federal funds were being used to pay for the boxes. Mr. Funn suggested asking the local boards how many additional boxes they may want, and then asking the vendor if manufacturing that amount was possible. Ms. Charlson stated that the ballot inserts are already being printed, so any additional ballot drop off box locations would not be provided with the ballots. In response, Mr. Funn stated that the responsibility would have to be on the local boards to publicize the additional ballot drop off box locations.

After a short break to bring the audio function of the meeting back, the Board reconvened at 4:55 pm. Mr. Cogan stated that no discussions took place while the meeting was offline, other than troubleshooting to resume the meeting audio. Mr. Cogan recounted the two letters from the Montgomery County Council and the Montgomery County Board of Elections that the Board was currently discussing. He gave a brief recap of the discussion prior to the audio going out.

Ms. Wagner stated that during the break she asked the manufacturer about his capacity to produce additional boxes and when he would need to know the additional quantities. Ms. Wagner also noted that the other logistical item to consider is the transportation of the boxes.

Mr. Cogan summarized the logistical issues and stated that if the vendor can not manufacture additional boxes in time or if the transportation company can not transport additional boxes, it would not be possible for the local boards to have additional boxes. If the boxes could be manufactured and transported, Mr. Cogan stated that he felt the consensus of the Board was to allow extra ballot drop off boxes.

Ms. Howells expressed her frustration with the current discussion. She stated that at the previous meeting, she favored letting the local boards decide on how many vote centers to have, but that the Board collectively decided against that option because 1) the other members felt that a maximum number of vote centers was too great of a health risk, and 2) the Board did not want the local boards to “take any heat” if there was a negative public response to the number of vote centers that a local board decided on. She reiterated that the Board decided on a minimum of one and a maximum of four vote centers, and that the Board had to own that decision. Ms. Howells stated that the boxes are already being manufactured and the ballots are already being printed. She stated that she would not vote in favor of a motion expanding vote centers.

Mr. Hogan stated that his motion at the previous meeting of a minimum of one and maximum of four was mostly aimed at vote centers to limit in person voting. He stated that if the vendor has the capacity to manufacture additional boxes, then he would support additional drop boxes, noting that he did not feel the number of additional boxes requested would be high. Ms. Howells stated that additional drop boxes will confuse voters, as there is a risk that voters will think a drop box is also a location of a vote center. She also stated that every mailbox is a drop box, as the ballots have prepaid postage.

Mr. Cogan stated that his recollection from the previous meeting was that the main concern of the Board was limiting in-person voting, and he did not recall any particular objections to drop boxes, other than not wanting voter to walk into the local board offices to drop off a ballot. He also stated though that he agreed with Ms. Howells in that every mailbox is a drop box. He expressed his concern regarding how to properly notify voters of the additional ballot drop off boxes. Mr. Cogan stated that the question comes down to if the Board object to local boards adding additional boxes if 1) the local board wants additional boxes, 2) the vendor can manufacture additional boxes, and 3) the transportation company can transport the additional boxes.

After some discussion regarding the wording of a motion, Mr. Hogan made a motion to 1) have SBE staff determine if additional ballot drop off boxes are feasible to manufacture and deploy, and if so then 2) the Board approves the additional ballot drop off boxes for the local boards who requested them. Mr. Funn seconded the motion.

Ms. Howells stated that she did not like the idea of making more work for the staff. She also stated that if the motion passes and the additional boxes are feasible, all local boards needs to be aware that they have the option of additional drop off boxes, not just the local board who requested additional boxes, and that the responsibility of paying for and promoting the additional boxes lies with the local board who requested the additional boxes.

In response to questions from Mr. Voelp, Mr. Cogan stated that the ballots are already being printed and that the responsibility of promoting the additional boxes lies with the local board who requested the additional boxes. Mr. Funn reiterated that the local boards would be responsible for promoting the additional ballot drop off boxes. Also in response to Ms. Voelp, Ms. Charlson stated that for the boxes already ordered, there are funds from the COVID-19 assistance, but those funds are also being used to purchase personal protective equipment for the local boards for vote centers.

Mr. Funn stated his support for accommodating local boards who believe they need additional ballot drop off boxes for voters who do not live near a vote center. Mr. Voelp stated that he did not agree with the wording of the motion, noting that the motion should state that local boards will pay for the additional boxes. In response to a question from Mr. Cogan, Mr. Hogan stated that he would accept Mr. Voelp's request as an addition to the motion.

Ms. Charlson read the final motion as amended: That SBE staff will determine if additional ballot drop off boxes are feasible to make, deliver, and deploy; if so then the State Board approves the request from the local boards for additional ballot drop off boxes on the condition that the local boards pay for them and the local boards advertise their location.

The motion, as amended, passed unanimously.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Cogan reported a contribution of \$53 to the National Republican Congressional Committee. No other Board members reported contributions.

SCHEDULE NEXT MEETING

The next meeting is scheduled for Thursday, May 28, 2020, at 2:00 pm. A tentative meeting was also scheduled for Thursday, May 14, 2020 at 2:00 pm.

CLOSED MEETING

After conferring with Ms. Charlson and Mr. Trento and in the interest of time, Mr. Cogan tabled the closed session until the next meeting of the Board.

ADJOURNMENT

Mr. Voelp made a motion to adjourn the open meeting, and Ms. Howells seconded the motion. The motion passed unanimously. Mr. Cogan adjourned the meeting at 5:23 pm.