


**State of Maryland** 

**State Board of Elections – June 30, 2020 Emergency 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  
Tracey Hartman, Director of Special Projects  
Fred Brechbiel, Chief Information Officer  
Mary Cramer Wagner, Director, Voter Registration  
Keith Ross, Director of Project Management  
Shafiq Satterfield, Regional Manager Supervisor  
Ebony Parran, Campaign and Candidacy Division

Also present (via conference call): Davis Garreis, Deputy Director, Anne Arundel County Board of Elections.

**DECLARATION OF QUORUM PRESENT**

Mr. Cogan called the meeting to order at 3:01 pm. After taking roll call, he stated that all members were present and that there was a quorum. He stated that the meeting was being livestreamed.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**REPORT ON JUNE 2, 2020 ELECTION**

*Review November 2, 2020 Election Options*

Mr. Cogan began by stating that the State Board of Elections was ordered to produce a report to the Governor regarding the June 2nd election. This report has three main sections: 1) a factual review of the June 2nd election; 2) options and courses of actions for the November election; and 3) tasks for the State Board and local boards regardless of the mode of election decided for November. He stated that the purpose of today's meeting is to discuss Section 2, but noted that the Board does not presume to tell the Governor what to do, that the members may or may not come to a consensus on the best mode of election for November, and that the Governor may issue an order in agreement or disagreement with any recommendations the Board decides. The Board, he stated, will implement whatever mode of election the Governor orders.

Mr. Cogan stated that the draft report lays out three options for the November election: 1) a traditional election; 2) a hybrid election that has extensive, but not precinct-level, in-person voting at vote centers, and voters would receive by mail an application for a mail-in ballot with a strong encouragement to vote using a mail-in ballot; and 3) a primarily vote-by-mail election with more in-person voting than occurred on June 2nd. Mr. Cogan stated that he asked Mr. Garreis, the President of the Maryland Association of Election Officials (MAEO) to join the meeting to answer questions. Mr. Cogan stated there are two realities to the November election: 1) there are finite resources of money, personnel, and time to plan; and 2) we do not know and cannot predict what November will look like regarding voter turnout. Mr. Cogan stated that the members have seen the draft report and various correspondence. Finally, Mr. Cogan stated that

members may note advantages or disadvantages not in the draft report and are welcome and expected to suggest additions during the discussion. He then opened the meeting to discussion from the members.

In response to a question from Mr. Hogan, Mr. Cogan clarified that vote centers in the second option includes early voting centers, and that specification can be corrected in the final report.

In response to a question from Mr. Voelp, Mr. Cogan clarified that historically, the Governor will pick one of the options and leave the details for the Board and staff to implement, however he noted that the Governor could be more specific in his orders.

In response to Mr. Cogan asking the members if they had a preference regarding the three options, the members gave the following responses:

Mr. Hogan stated that he supports option 3- a primarily vote-by-mail election with limited but expanded in-person voting, and that he, in good conscience, could not support option 1- a traditional election. He stated that there will not be a vaccine by November, and that while he feels the Governor has done a great job managing the COVID-19 pandemic in Maryland, health experts say that there will be a spike in infections.

Mr. Funn stated that he always supports getting people out to vote, but because of the pandemic, that he cannot support option 1 and voiced his concern regarding being able to adequately staff polling places with enough pollworkers. He stated that option 2 seemed like extra work, and he believed option 3 was the best way to get people to vote and makes the most sense because we have learned lessons from the June election. Some issues, like long lines, are the responsibility of local boards to manage, but that with some facilities being closed, long lines are to be expected.

Mr. Voelp stated that he supported Mr. Hogan and Mr. Funn from a logistical standpoint, saying that he does not believe we will have the facilities or pollworkers for a traditional election, but that he supports option 2, a hybrid election. He stated that he believes that undeliverable mail would decrease turnout if the election were primarily a vote-by-mail election. In order for a hybrid election to be successful, he stated that mail-in ballot applications should direct voters to apply online, all early voting centers should be used from the traditional start of early voting through election day, the local boards should determine how many additional voting centers can be opened on election day, and ballot drop off boxes should be available at all voting centers. Finally, he stated that any mailed ballots should have a flap for privacy.

Ms. Howells agreed that option 1 is not feasible. She stated her support for option 2, and echoed Mr. Voelp's suggestion that all early voting centers should be used from the start of early voting through election day. She also noted, in opposition of automatically mailing all registered voters a ballot that she received two ballots for individuals who have not lived there in five years.

Mr. Cogan stated that he has never supported mailing out all ballots, noting that we do not know how many ballots were not delivered, only how many were mailed and how many were returned, and that it's impossible to know how many of the not returned ballots were because they were not delivered to voters. He stated that states who have all vote-by-mail elections have other protections in place to deter and prevent fraud, including signature verification. He stated that fraud could have an impact on the outcome of smaller local contests and cited an example from New Jersey. He noted that he understood the position of MAEO- that it would be difficult

for the local boards to support both a vote by mail election and an increase of in person voting. He asked Mr. Garreis if sending mail-in ballot applications to all voters would cripple local boards.

Before Mr. Garreis responded, Mr. Hogan stated that he was concerned about using rumors of fraud in this discussion. He stated that fraud is illegal and consequences for fraud already exist. He noted that there were no allegations of fraud in the 3.5 million ballots cast on June 2nd. Ms. Howells responded by stating that fraud is notoriously hard to prove and is usually only proven in small numbers. She asked hypothetically if she would have been caught if she voted the ballots that came to her house for former residents. In response to a question from Mr. Hogan, Ms. Howells stated that states that have vote-by-mail elections have sophisticated software used to verify signatures. Mr. Hogan stated that one factor the Board is touching on is voter confidence, and that the scenario Ms. Howells referenced is one example.

At Mr. Cogan's request, Mr. Garreis, speaking on behalf of MAEO, stated that MAEO opposes option 2 and supports option 3 for two reasons. First, he stated that historically, voters wait until the last minute to return a mail-in ballot application. Too many applications to process at the last minute means that ballots will not get to voters on time. In response to a question from Mr. Voelp asking if pointing voters to the online mail-in ballot application, Mr. Garreis stated that anything to mitigate paper will help. The downside, he stated, of web delivery ballots is the need to duplicate them and the time involved during canvassing to duplicate ballots. He stated that after the 2018 General Election, the Montgomery County Board of Elections did not finish canvassing until after Thanksgiving. Mr. Howells stated that she shares MAEO's concerns regarding duplicating.

Mr. Garreis stated that voter confusion is the second reason that MAEO opposes option 2 and supports option 3. He stated that because voters received their ballot in the mail in June, they will be expecting their ballot in the mail again in November. Ms. Howells stated that voter confusion supports having a good outreach campaign. Mr. Funn stated that voters will be confused regardless because of additional changes. Mr. Cogan stated that voter confusion is one of his concerns with option 2.

Mr. Garreis thanked the Board for the opportunity to speak and noted that the local boards will be successful regardless of the option, but that they greatly support option 3. Mr. Cogan stated that all his confidence is in the staff of the State Board and the local boards.

Mr. Voelp stated that he continues to be impressed by the thoughtfulness of his colleagues and hears everyone's concerns. He believes that the concerns and responses to the concerns regarding fraud are valid, but that once fraud occurs, it cannot be undone. He noted that all members were opposed to option 1.

In response to questions from Mr. Hogan and Mr. Cogan about MAEO's position on more vote centers in November and their capacity to support more vote centers, Mr. Garreis stated that the need for more vote centers is generally a decision for each local board. He suggested that the decision for more vote centers be left up to the local boards or let the local boards make their recommendations to the State Board.

In response to a question from Mr. Cogan, Ms. Lamone stated that, like everyone else, she has concerns about each option, but that election officials will administer the election and do what is necessary to be successful.

In response to Mr. Cogan asking members for final opinions, Mr. Voelp stated that he supports option 2. Mr. Funn stated that there is no optimal option, but his overall concern is to make sure that everyone can vote. He stated his support for option 3, with the inclusion of early voting centers. Ms. Howells voiced her support for option 2. She stated that a letter and mail-in ballot application should be sent to voters in September and voting by mail was only done in June because the Board had to but that chances can't be taken in November. Mr. Hogan stated his support for option 3, noting that he thought the June election went well, that we learned what to fix. He stated that the pandemic and long lines are even more reason to have a primarily vote-by-mail election.

Mr. Cogan stated that each option has pros and cons, and that no option is perfect. He has concerns about voter fraud related to sending ballots to all voters, which could lead to decreased voter confidence if a voter receives a ballot for a different voter. The bigger issue though, he stated, is voters going the opposite way of the type of election the Governor chooses, and if that were to happen, whether election officials can pivot to accommodate it. Mr. Cogan said that his concern with sending ballots to all voters and limited in-person voting would leave local boards unable to accommodate voters choosing in-person voting over mail-in voting. He stated that his preference is for option 2, because he sees it as the best way for election officials to prepare for accommodating a larger number of voters on election day.

In response to a question from Mr. Hogan, Mr. Cogan stated that the Board would not be making a recommendation to the Governor because the members did not meet the supermajority requirement for Board action. In response to a question from Mr. Voelp, Mr. Cogan stated that he did not see why the members could not make a recommendation against option 1. After taking a formal vote, Mr. Cogan stated that option 1 is disfavored by the Board.

Mr. Trento stated that the Board needs to authorize the transmission of the report. In response to a question from Mr. Funn regarding if the Board can vote at an emergency meeting, Mr. Trento stated that since there was sufficient notice of this emergency meeting, the Board can vote. In response to questions from Mr. Hogan and Mr. Cogan, Mr. Trento stated that the Board may not vote by email regarding policy issues, but can vote by email on smaller topics, including approval and transmission of the final report. Any changes, he stated, to policy in the report would have to be made in an open meeting. There was a short discussion about the wording in the draft report for options 2 and 3, the specific wording of a motion, the distribution of courtesy copies, and the referenced correspondence to be attached to the report.

Mr. Hogan made a motion that the State Board directs the staff to prepare the report to the Governor with revisions as stated by the Board, including that since the Board did not come to a supermajority decision, a sense of each members' comments, and transmit that report to the Governor after each member has the opportunity to review the final draft. Mr. Voelp seconded the motion, and it passed unanimously.

#### **SCHEDULE NEXT MEETING**

Mr. Cogan stated that the next regular meeting is already scheduled for Thursday, July 23, 2020, at 2:00 pm.

**CLOSED SESSION- LEGAL ADVICE**

Mr. Cogan stated that a closed meeting was not presently needed.

**ADJOURNMENT**

Mr. Hogan made a motion to adjourn the meeting, and Mr. Voelp seconded the motion. The motion passed unanimously. Mr. Cogan adjourned the meeting at 5:01 pm.