

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn
Kelley Howells
William G. Voelp



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

State Board of Elections' Meeting
151 West Street, Suite 200, Annapolis, MD 21401
October 8, 2020 – 2:00 pm
By Video Conference Call
Agenda-Revised 10/7/20

1. Declaration of Quorum Present
2. Additions to the Agenda
3. Approval of Minutes
4. Administrator's Report
5. Assistant Attorney General's Report
6. Approval of Proposed Regulations
 - a. 33.08.01.02-1 Canvassing – Board Counsel
 - b. 33.17.06.05 – Early Voting - Ballots
7. November 3 Election Discussion
 - a. Member's Remarks
 - b. Approval of SBE Policy 2020 – 03: Contingency Plans for the 2020 Elections
 - c. Election Observation Visits
8. Security Briefing
9. Old Business
10. New Business
11. Speaker
12. Disclosure of Campaign Contributions
13. Schedule Next Meeting
14. Closed Session – Legal Advice and Security Briefing
15. Adjournment

Closed Meeting: Part of the meeting may be closed in accordance with Open Meetings Act procedures.

Public Participation: Members of the public may address the Board. Pursuant to §3.2B of the Board's bylaws, public participation at a meeting must be pre-scheduled and pre-approved by the Chairman. To request approval to speak at a board meeting, contact Donna Duncan at 410-269-2851 or by email donna.duncan@maryland.gov no later than 5 pm the day before the meeting.

Live Streaming: A link to watch the meeting will be available on SBE's website shortly before the meeting starts.

Announcements & Important Meetings

Election Directors' Meetings

We are meeting weekly with the Election Directors to plan for the upcoming election.

Pre-Election Calls with Counsel to Local Boards of Elections

Before each election, we have a series of conference calls with counsel to the local boards of elections. We held the first call on September 30, and counsel from 18 local boards participated. We reviewed emergency changes to regulations and discussed canvassing procedures. Two additional calls are scheduled before election day.

General Assembly's Administrative, Executive, Legislative Review (AELR) Committee

The committee requested a briefing on the various emergency regulations presented for the committee's approval. We reviewed each of the emergency regulations and answered the committee members' questions about the upcoming election. Accompanying this report is a handout we provided the committee.

Virtual Town Halls and Events

Since the last meeting, Nikki Charlson participated in additional town halls and events and shared important election information. These events were a webinar hosted by the Greater Baltimore Urban League on September 29 and a panelist on WHUR 96.3's "The Daily Drum" on October 7.

2020 General Election Preparation

Call Center

The call center is operational six days a week from 8:00 a.m. to 5:00 p.m. As of October 6, the call center has assisted with over 68,000 calls. The call center returns calls to voters who make that request up until 8:00 p.m.

Data Processing Center

To date, over 86,617 electronic records have been processed. The data center is working evenings and Saturdays. An additional eight more processors have been added to accommodate the high volume of requests for mail-in ballots. Again, many thanks to MVA for their generous hospitality and the Maryland Association of Election Officials for the ongoing processing supervision.

Use of Online Voter Services

Use of SBE's online suite of voter services continues to be high. From September 27 through October 2, almost 100,000 individuals used the online systems to register to vote or request a ballot. On National Voter Registration Day (September 22), over 20,000 users used one of these systems to register to vote or request a mail in ballot on National Voter Registration Day, September 22. Over 90,000 votes have successfully accessed the website to obtain their electronic ballot.

Ballot Drop Boxes

SBE's vendor, Recyclingbin.com, is on track with the remaining two deliveries of October 14 and 21. With increased requests from the local boards to secure more ballot boxes, we have asked the vendor if there is a chance to secure additional boxes with the last delivery on October 21. We will know next week if this is possible. Currently, Maryland has procured 277 ballot drop boxes, and with boxes already owned by the local boards, there will be 284 boxes available for this election.

Public Awareness Campaign

On October 6, there was a nationwide Twitter event called #AskTheElectionOfficials. SBE participated from 12:00 p.m. to 1:30 p.m. and posted 30 tweets sent with #AskMDvotes answered questions about voter registration, voting accessibility, voting by mail, mail-in ballots, ballot drop boxes, rumor control, in-person voting, early voting, the communications toolkit, frequently asked questions, and canvassing.

Two videos about mail-in voting were released. *Requesting A Mail-in Ballot: An Overview* and *Receiving and Returning Your Ballot: An Overview* are both now available to view on SBE's website and on YouTube channel.

The team assisting us continues to manage the media, arrange interviews and produce media statements. They develop content for the website, produce new media spots to be release after the registration deadline.

Ballot Production

Ballot printing has been completed for all original ballot orders and delivery to the local boards is expected to be completed by October 9. Supplemental ballot orders will begin printing next week and are expected to be delivered by October 16.

Mailing Ballots

As of October 7, over 1.1 million ballot packets have been shipped since September 24. This includes requests processed as of October 3. We are sending files regularly to the mailhouse, and they are producing and shipping packets daily. The mailhouse's tracking system allows SBE and the local boards to track ballot packets once they enter the mailstream and share that information with voters asking about the status of their ballots.

Voting Equipment Preparation

The pre-election logic and accuracy testing of the voting equipment allocated for use in the November elections is currently underway. To date, over 50% of the local boards have completed logic and accuracy testing on the voting equipment.

Voter Registration

MDVOTERS

The precinct register will be generated during the evening of October 16. This creates the voter list with the ballot status that will populate the electronic pollbook.

MVA Transactions

During September, MVA collected the following voter registration transactions:

New Registration - 11,362	Residential Address Changes - 21,308
Last name changes - 1,760	Political Party Changes - 4,738

Non-Citizens

As a result of all resources focusing on election operations, no information is available at this time.

Candidacy and Campaign Finance (CCF) Division

Candidacy

The deadline for filing as a write-in candidate is October 19 for the 2020 Presidential General Election.

Campaign Finance

There are two upcoming campaign finance reports due in October. On October 5, active ballot issue committees must file a report. This deadline is only for ballot issue committees designated for the presidential election. On October 23, the Pre-General 2 report is due for all Presidential/Baltimore City

designated political committees. Pre-report notices will be mailed and emailed to the chairs, treasurers and candidates. This is the last report before the 2020 General Election.

Enforcement

The CCF Division received payment for the following civil penalties:

- 1) Austin, Stephen for BOE committee paid \$250.00 on September 23, 2020, for failure to include an authority line.
- 2) Friends of Barbara Frush committee paid \$600.00 on September 23, 2020 for the failure to record all contributions and expenditures.
- 3) Committee to Elect Amanda Bessicks committee paid \$100.00 on September 20, 2020 for disbursement by unauthorized method - cash greater than \$25.00.
- 4) Friends for Christopher Ervin committee paid \$600.00 on October 1, 2020 for the failure to maintain account books and records and for disbursement by unauthorized method - cash greater than \$25.00.

Since January 1, 2020, the Audit and Enforcement Unit collected a total of \$9,400.00 from different violations in civil penalties.

Project Management Office (PMO)

Inventory Management

Planning work for the 2020 General Election operations support continued. In addition to working with the key SBE and vendor individuals developing the structure for the support, we are also finalizing the SBE helpdesk application which will be used to track reported incidences.

FY2022 Pollbook Project

The PMO continued working on tasks related to the project that included:

- Internal and external (e.g., with the Department of Information Technology information gathering and status meetings and working on the several Major Information Technology Development Project (MITDP) documentation requirements
- Continued work on the Request for Proposal (RFP) drafting and approval process.

Other

The Central Warehouse team continued to work on a number of activities and events taking place at the facility. Activities and events included:

- Managing the facility for the train-the-trainer sessions that included making sure that everyone entering the facility was following the CDC and State of Maryland COVID-19 requirements for face coverings and social distancing
- Receiving and shipping out of ballot drop boxes
- Receiving and shipping out of ballot envelopes and inserts
- Receiving equipment from local boards for storage

Information Technology and Security

Information Systems Security

SBE has been working with its IT vendors and public partners to assess and prepare SBE's cybersecurity infrastructure and operations for this election period. These preparations include assessment, testing, and strengthening of core SBE cybersecurity capabilities:

- Secure infrastructure architecture (Cyber Defense)
- Threat and vulnerability intelligence, detection, and management
- Detection and analysis of possible cyber attacks

- Rapid response and remediation of attempts to attack
- SBE has also added advanced social media defense services

Our partners in these efforts include: DHS Cybersecurity & Infrastructure Security Agency (CISA) and the Maryland Coordination and Analysis (MCAC) Fusion Center. SBE has also participated in a number of tabletop exercises to test and prepare our teams for cybersecurity incidents. These exercises were sponsored by DHS, CISA, Secret Service, Microsoft, and our own internal teams. Additional details will be available in closed session.

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Deputy Administrator

Contact:

Julie Scharper
jscharper@hillmanpr.com

Get Your Ballot Sent by Mail, Not Email, to Save Time and Money

ANNAPOLIS (Sept. 8, 2020) – The Maryland State Board of Elections reminds Marylanders that receiving their 2020 ballot by U.S. mail is free and more convenient for the voter than receiving their ballot by email.

Due to COVID-19, all Marylanders are encouraged to vote by mail and must request a mail-in ballot from the State Board of Elections or their local board of elections by October 20, 2020. The Board automatically sent most eligible voters an application for a mail-in ballot along with a postage-paid return envelope in late August.

While voters may request that their ballot be emailed, it is free and more convenient to request that it be sent by U.S. Mail. When a voter requests that their ballot be sent by first-class U.S. mail, they will also receive a first-class postage-paid return envelope. A voter only needs to fill out the ballot, sign and seal the envelope, and return it in the postage-paid return envelope at their earliest convenience. Voted ballots can be mailed to the local election office or dropped into a ballot drop box.

When a ballot is sent to a voter by email, the voter must print the ballot, fill out the ballot, find an envelope, and pay for postage. Local election officials are also required to copy any ballot printed on standard paper onto an official ballot to be scanned and counted.

“Receiving your ballot by mail is free and more convenient than receiving it by email,” said Linda Lamone, Administrator of the State Board of Elections. “To save time and money, request that your ballot be mailed. This will also make Maryland’s vote counting process more efficient because local election judges will not have to hand copy ballots.”

Voters are urged to return their applications for ballots as soon as possible. After receiving a mail-in ballot, there is no need to wait. Complete it, sign the envelope, and send it at your earliest convenience. Mail-in ballots must be postmarked on or before November 3. Putting your ballot in a mailbox on November 3 does not mean it is postmarked. Voters may also drop their voted ballots in a ballot drop box located in their respective jurisdictions. Locations and availability of drop boxes will be announced in the near future.

To learn more about mail-in ballots, ballot drop boxes, early voting, and in-person voting on Election Day, visit elections.maryland.gov/2020.

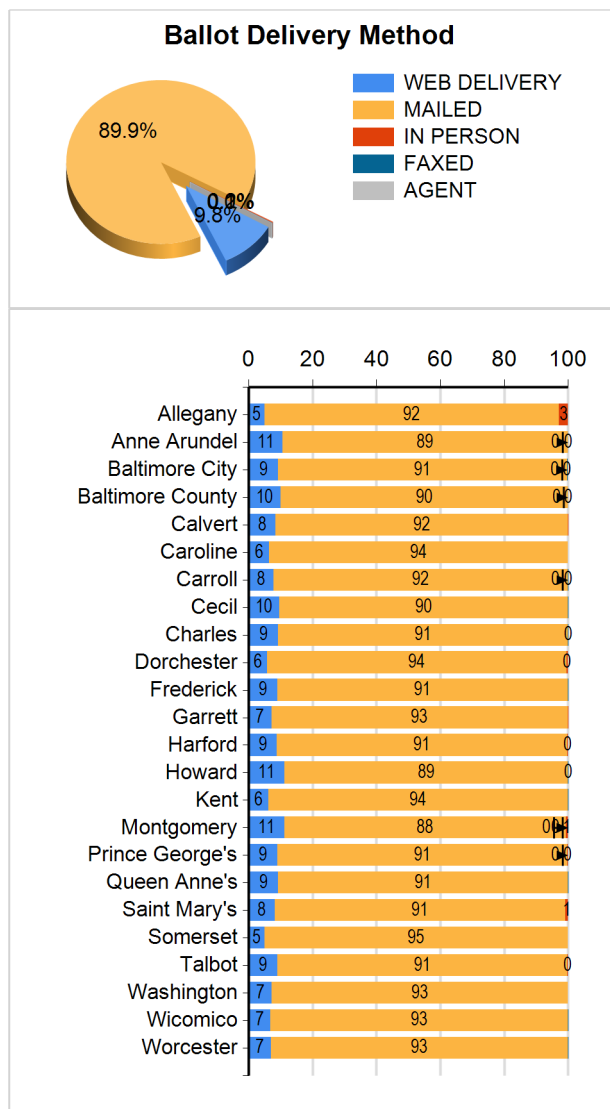
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Mail-in Ballot Requests by County

Election: 2020 Presidential General Election

As of: October 7, 2020

COUNTY	HOW THE BALLOTS WILL BE DELIVERED					TOTAL
	AGENT	FAXED	IN PERSON	MAILED	WEB DELIVERY	
Allegany	3	1	235	7,666	414	8,319
Anne Arundel	2	11	108	125,548	15,079	140,748
Baltimore City	0	385	23	115,330	11,636	127,374
Baltimore County	4	50	67	155,865	17,376	173,362
Calvert	0	0	10	17,581	1,599	19,190
Caroline	0	0	0	3,411	234	3,645
Carroll	0	15	24	31,397	2,659	34,095
Cecil	0	5	0	10,578	1,129	11,712
Charles	0	13	1	34,630	3,520	38,164
Dorchester	5	0	19	4,188	261	4,473
Frederick	0	3	0	53,178	5,284	58,465
Garrett	0	0	3	3,317	254	3,574
Harford	5	8	85	41,625	4,029	45,752
Howard	0	29	2	83,014	10,457	93,502
Kent	0	3	1	3,620	242	3,866
Montgomery	41	111	1,780	274,957	34,873	311,762
Prince George's	4	46	616	197,331	19,681	217,678
Queen Anne's	0	9	2	7,775	798	8,584
Saint Mary's	4	5	156	17,263	1,541	18,969
Somerset	0	0	0	2,299	121	2,420
Talbot	1	1	24	7,615	758	8,399
Washington	0	0	0	19,491	1,499	20,990
Wicomico	0	1	2	13,644	994	14,641
Worcester	0	6	1	9,158	692	9,857
TOTAL	69	702	3,159	1,240,481	135,130	1,379,541



Title 33 STATE BOARD OF ELECTIONS
Subtitle 08 CANVASSING
Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 8-103, 11-201, and 11-301, Annotated Code of Maryland

.02-1 Board Counsel.

A. – B. (text unchanged)

C. The local board's counsel shall be present throughout all canvass sessions *after election day* if it appears that absentee or provisional ballots could decide the outcome of a contest or a question.

Explanation: This clarifies that counsel does not need to be present at all pre-election day canvasses for the 2020 General Elections but does need to be present at post-election day canvasses if the ballots being canvassed could decide the outcome of a contest or question. Subsection B requires that counsel be present at any decision meetings on the legality or acceptability of a vote on any ballot, an absentee ballot, provisional ballot application, or provisional ballot.

This change is presented as an emergency change. It will only be in effect for the 2020 General Election.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 17 EARLY VOTING
Chapter 06 Early Voting Activities

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-406, and 10-301.1, Annotated Code of Maryland

.05 Ballots — In General.

A. Absentee Ballots. During early voting, a local board shall:

(1) (text unchanged)

(2) Ensure that absentee ballots are not issued [or received] at an early voting center.

B. (text unchanged)

Explanation: This proposed change removes the prohibition of receiving an absentee ballot at an early voting center. This provision is currently in conflict with COMAR 33.11.03.06E¹, which allows for the return of voted absentee ballots at early voting centers. When 33.11.03.06E was adopted earlier this year, this provision should have been amended.

This change is presented as an emergency change and a permanent change.

¹ 33.11.03.06E reads: Whenever an absentee ballot is received at an early voting center or polling place, a chief judge or designee shall: (1) Instruct the voter to put the voted absentee ballot into the absentee ballot bag; (2) Ensure the security of the absentee ballot bag; and (3) Return the absentee ballot bag to the local board of elections at the end of voting hours each day of early voting and on election day.

Regulation	Description of and Reason for Emergency Changes	Effective Date
Adopted at the July 23, 2020 meeting of the State Board		
1	<p>33.19.01.02(A)</p> <p>Changes when the pre-election mailing to individuals who appear eligible to vote but are not registered to vote is sent. Since the mailing explains that individuals can register to vote during early voting and on election day, it should be sent after the close of voter registration but before voting starts. This timeline allows the information about the same day registration process to be fresh in the minds of individuals who appear eligible to vote but are not registered to vote.</p>	Aug. 20
Adopted at the August 12, 2020 meeting of the State Board		
2	<p>33.03.03.04</p> <p>Allow the local boards of elections to conduct remote training of election judges. This will provide the local boards with more training options and provide a safer way to conduct election judges' training.</p>	Sept. 4
3	<p>33.08.01.02</p> <p>Removes the requirement that the members of the local board of elections be present at all times during the multi-day canvass. Members are required to be present (via videoconferencing or in person) when the canvass starts, when the canvass ends, and for all decision sessions. The changes do not prohibit a local board member from being present at other times during the canvass but do not require it.</p> <p>This change was also made for the April 28 and June 2 elections.</p>	Sept. 4
4	<p>33.11.03.06(A)</p> <p>Changes the requirements for when a local board of elections must date stamp an envelope with a voted ballot. This is due to the volume of ballots being returned.</p>	Sept. 4

		<ul style="list-style-type: none"> • 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. <p>This change was also made for the April 28 and June 2 elections.</p>	
5	33.11.03.06(F)	Allows for the return of voted ballots at designated ballot drop off boxes.	Sept. 4
6	33.11.03.08	Requires that a ballot be considered timely if the ballot was deposited in a drop off box prior to the close of polls on election day.	Sept. 4
7	33.17.05.01	<p>Changes the requirement for a representative of the local board to be physically present to open or close the vote center. The change means that a representative of the local board does not need to be physically present to open or close the vote center but the local board must provide remote support as needed.</p> <p>This change was also made for the April 28 and June 2 elections.</p>	Sept. 4
Adopted at the August 28, 2020 meeting of the State Board			
8	33.17.02.02	<p>Allows a local board to establish or change an early voting center no later than October 20, 2020, provided that all other requirements of an early voting center as established in COMAR 33.17 can be met, if:</p> <p>(i) A previously approved center is no longer available;</p>	Sept. 25

		(ii) A local board determines that there is a more suitable location; or (iii) A local board approves an early voting center authorized under Election Law, §10–301.1(b)(7)	
Adopted at the September 4, 2020 meeting of the State Board			
9	33.11.02.05A(2)	<p>Removes the requirement for local boards to date stamp some applications for mail-in ballots. This change is requested because of the large number of applications that have been received and more applications that are expected.</p> <ul style="list-style-type: none"> • If a local board receives an application for a mail-in ballot on or before October 18, 2020, the local board is not required to date stamp the application but it must store the application in a container with a label showing the date the applications were received. (The deadline to receive an application is October 20, 2020.) • If an application envelope is received on or after October 19, 2020, a local board must date stamp each application. 	Pending
10	33.11.04.01C	<p>Defines when a local board can use one person to verify the timeliness of a mail-in ballot, confirm the oath is signed, open the return envelope, and determine whether the ballot can be scanned.</p> <ul style="list-style-type: none"> • If the public can observe the canvass in person, the local board may assign one individual to perform these tasks. A team of two individuals is not required. • If the public observes the canvass remotely (i.e., livestream), the local board must use a team of two individuals to perform these tasks. 	Pending
11	33.11.04.03A	<p>Aligns the start of canvassing to the action the State Board took at its August 19, 2020 meeting. It allows the local boards to start canvassing ballots no earlier than 8 am on October 1, 2020.</p>	Pending

12	33.11.05.04C & 33.16.06.04B	Requires the local board to reject a provisional ballot from a voter who also returned a mail-in ballot. This approach means that voters who vote a mail-in ballot and provisional ballot are treated the same – that is, their mail-in ballot will be counted (assuming that the mail-in ballot is timely and the oath is signed) – regardless of when they return their voted mail-in ballot or when their mail-in ballot is counted. This change was necessary in light of the pre-election day start of canvassing.	Pending
Adopted at the September 11, 2020 meeting of the State Board			
13	33.08.05.01B(4)	Amends the definition of “precinct” for the purposes of the post-election verifications and audits. Under the proposed definition, a “precinct” includes election day vote centers.	Pending
14	33.08.05.01B(7)	Extends the definition of “precinct” through Regulation .09 to include election day vote centers to be audited as a “precinct” in the post-election manual ballot tabulation audit.	Pending
15	33.08.05.04A	Removes the requirement for the post-election verification and audit to include precincts with at least 300 registered voters, as precincts with a predetermined number of registered voters will not be used. Instead, the 5% requirement remains, with a minimum of one election day vote centers to be audited.	Pending

Bruce L. Robinson
215 Leslie Avenue
Nottingham, MD 21236

October 6, 2020
VIA Email – donna.duncan@maryland.gov

Chairman Michael Cogan
Maryland State Board of Elections
P.O. Box 6486
Annapolis, MD 21401

Subject: Signatures on Oaths & Other Canvassing Guidance Memorandum

ADDENDUM

Dear Chairman Cogan:

Thank you for your generous consideration of the concerns raised by the Subject Memorandum.

I am writing to offer a possible solution to the risks posed by the directive to accept ballots with handwritten changes and identifying marks.

In an in person election, a voter can readily and easily obtain and vote a replacement ballot upon surrendering a ballot containing a mistake. A voter offering a ballot with a correction and initials for tabulation would find that the scanner will reject their ballot, giving them the option to override the apparent double vote for the corrected race, or obtain a replacement ballot. Vote by mail voters would not have those options to cure the mistaken markings. Prior to 2020 the ballot with additional marks would be overridden during the canvass.

During the 2020 Special CD7 General Election and the Presidential Primary, Maryland elections' staff made extraordinary efforts to assist voters who had not signed the required oath with a mail in ballot. This was made possible by the pre-election day start of the canvass of mail in ballots. Through those efforts, many voters cured the defect and their votes were counted.

Local Boards of Canvassers struggled with ballots containing the initialed changes. There were passionate, lengthy discussions about those ballots and the application of the Election Law, with an emphasis on Title 11 – Canvassing, and the relevant COMAR sections and changes made in response to COVID-19. In at least one case, Local Counsel sought guidance from the SBE Deputy Administrator. Each of the accept ballots (almost all with divided votes from the Boards of Canvassers) containing initialed changes. Those ballots had to be remade by a bi-partisan team of staff members, adding to an already strained work load and adding time to the canvass. None of this was particularly useful to the voters, the campaigns attending the live-streamed Decision Sessions or the SBE.

With the increase in canvass time already anticipated with the large numbers of electronic ballots, the large number of mail in ballots falling under the discussed Section 4 of the memorandum will probably further stress the ability of LBEs to meet the November 13 Certification Deadline.

The Subject Memorandum applies to the Presidential Election. The SBE has authorized the Local Boards to conduct a pre election day canvass with sequestered results. The Local Boards have also been directed to continue their efforts to cure the "Unsigned Oath" problem.

I would like to suggest that a similar cure (to the unsigned oath cure) might be appropriate for voters who erred by changing their ballot choices, placed their initials on the ballot then cast it. If the SBE can add direction to the LBE's to treat ballots containing initialed corrections received by October 31 to the curative process the result would be positive for all parties.

Additionally, Section 4 of the Memorandum can be revised to make it consistent with Canvass regulations:

Remove Depends, Section 4 and renumber Section Five.

The local boards can then follow the standing, existing instruction for handling ballots with multiple votes, including initialed changes; if not cured by Elections Day, those ballots are to be sent through the scanner, and multiple votes overridden.

Lastly, every voter receiving a mail in ballot received instructions:

1. Vote
 - a. Mark your ballot.
 - i. Except for filling in the ovals, do not write on your ballot unless you are writing in a vote.
 - b. If you make a mistake or want to change your vote before you cast your ballot:
 - i. Contact your local board of elections for a new ballot.

Thank you again for your time and attention. I hope that this has been useful to the board and informed their decision making.

Respectfully yours,

Bruce Robinson

COUNTY COUNCIL OF DORCHESTER COUNTY
COUNTY OFFICE BUILDING
P.O. BOX 26
CAMBRIDGE, MARYLAND 21613
PHONE: (410) 228-1700
FAX: (410) 228-9641

RECEIVED

SEP 28 2020

STATE BOARD OF ELECTIONS

JAY L. NEWCOMB, PRESIDENT
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KEITH ADKINS
COUNTY MANAGER
E. THOMAS MERRYWEATHER
COUNTY ATTORNEY

September 23, 2020

Ms. Linda H. Lamone, State Administrator
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401

Dear Ms. Lamone:

On behalf of the Dorchester County Council, I am writing to express its strong opposition to the Maryland State Board of Elections decision to significantly reduce the number of polling places where voters can cast ballots on Election Day despite Governor Hogan's desire to keep all polling places open.

Dorchester County Board of Elections secured a sufficient amount of judges to staff all of its polling places and were preparing to train those individuals. The County will have only three locations open for in person voting, Cambridge South Dorchester High School, North Dorchester High School and the County Office Building. The Council is concerned that individuals in the far northern and southern areas of the County do not have polling locations nearby. The potential increase in crowds of voters may result in longer lines and wait times therefore posing a risk to the safety and welfare of our citizens amid the pandemic.

Thank you for your consideration. Please contact the Council's Office at 410-228-1700 should you have any questions.

Sincerely,

DORCHESTER COUNTY COUNCIL

Jay L. Newcomb
President

JLN:ss

cc: The Honorable Lawrence J. Hogan, Jr., Governor
The Honorable Senator Adelaide Eckardt, Senator
The Honorable Chris Adams, Delegate
The Honorable Sheree Sample Hughes, Delegate
The Honorable Johnny Mautz, Delegate
Gwen Dales, Elections Director

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MEMORANDUM

DATE: October 7, 2020

TO: State Board

FROM: Jared DeMarinis

RE: Election Observation Visitor authorization

As in past elections, I am requesting two organizations be designated as watchers to enable representatives of the organizations to observe vote centers during the 2020 General Election. The two organizations are Organization for Security and Cooperation in Europe and the United States International Center for Electoral Support. Both organizations have had past observation missions in Maryland and are fully vetted by the U.S. State Department. The designated individuals must follow the same rules and regulations as other challengers and watchers, including those appointed by political parties. Additionally, the individuals must follow all COVID-19 protocols for entry into the United States and observe social distancing at the vote centers.

Additionally, I am asking the Board to reaffirm the delegation of the authority to designate challengers and watchers for future requests to the State Administrator. This delegation first occurred in October 2016 and was reaffirmed for the 2018 General Election. The delegation of the authority is contingent that (1) international observers have the approval of the U.S. Department of State, any governmental agency to which the State Administrator is referred by the U.S. Department of State, and any other appropriate U.S. governmental entity; and (2) the members of the State Board of Elections are provided notice by email of the designation.



Live the life you want.

September 30, 2020

VIA ELECTRONIC MAIL

Maryland Board of Elections
c/o Linda Lamone
151 West Street, Suite 200
Annapolis, MD 21401
info.sbe@maryland.gov
linda.lamone@maryland.gov

Re: September 8, 2020 Press Release - Ensuring Voting Rights of Blind and Print Disabled Voters

Dear Chairman Cogan, Vice Chairman Hogan, and Members of the Board:

I write to you once again as President of the National Federation of the Blind of Maryland on behalf of my organization and its members regarding a press release your public relations firm issued on September 8, 2020. The content and intent of the press release was completely inappropriate and outright discriminatory. The press release is a further attempt to continue segregation of voters who are blind and have print disabilities and discourage those populations from exercising their constitutional right to vote. As a result, we urge SBE to issue a press release correcting the misinformation the September 8 release conveyed that explicitly clarifies that email ballots are safe, inexpensive, and accessible to all. The correction should attempt to mitigate the chilling effect for voters with disabilities that the previous press release created by making it clear that email ballot delivery is not less desirable than hard-copy ballot delivery. The press release should also state outright that individuals with disabilities rely on this form of voting to exercise their constitutional right to vote.

The September 8 press release, issued by Kelly Jones, begins with the title, “Get your ballots sent by mail, not email, to save time and money.” In beginning the press release with the phrase “The Maryland State Board of Elections reminds,” Ms. Jones is speaking for you. It is also public knowledge that the PR firm where she works represents SBE. Moreover, she quoted Administrator Lamone, who also, through her words, created a chilling effect on using email-based voting. The press release failed to reference the use of the email ballot delivery system for individuals with disabilities and failed to offer any alternatives for that class of voter.

The press release states, “When a ballot is sent to a voter by email, the voter must print the ballot, fill out the ballot, find an envelope, and pay for postage. Local election officials are also required to copy any ballot printed on standard paper onto an official ballot to be scanned and counted.” While this is factually true, including this language in a release with a subject line and intent to discourage this method of voting

creates the false impression that it is unsafe or unsecure for SBE workers to copy the emailed ballot onto an official ballot.

Ms. Lamone also stated that completing a paper ballot is more convenient and saves the voter money. This is categorically false if the voter has a disability who cannot independently complete the paper ballot. That individual will need to get someone to assist them to complete the ballot, which takes time and money, as many such voters have to hire someone to assist, whereas completing the emailed ballot costs nothing. In fact, for a significant segment of the Maryland voter population, it is cheaper and saves time to use the emailed ballot.

I'd also like to remind the Board that SBE established the emailed voting method as a result of litigation the National Federation of the Blind brought against it because the previous vote-by-mail method was paper-based only and thus discriminatory. Issuing a public statement discouraging the use of a system the State deployed after being found to have discriminated against blind and disabled voters both chills the use of this legally mandated process and further perpetuates the Board's and SBE's attitude that the votes of the blind and disabled in Maryland are unimportant. This is untrue and frankly offensive.

One leader in the disability community, Michael Bullis, Executive Director of the Image Center of Maryland, who is also a member of NFBMD, stated in an email to SBE responding to the September 8 press release, "Essentially, I was given the choice of obtaining a printed ballot by mail and having someone else fill it out for me or, obtaining an online ballot and endangering the health of your employees, or, going to vote at a polling place and endangering my own health." This was the impact of your September 8 press release among the disability community in Maryland.

As you well know, the key to our democracy is access to the ballot. Decisions that foreclose that access have widespread and lasting implications for both the disenfranchised voter and the public at large. There is a means to have a safe and accessible election for blind and print disabled voters by equally marketing all of the voting methods without prioritizing one over another, and we urge you to do so.

Sincerely,



Ronza Othman

cc: The Honorable Lawrence J. Hogan, Jr. (via email: contact@maryland.gov)
Michael T. Pedone, Esq. (via email: mike.pedone@maryland.gov)
Nikki Charlson (via email: nikki.charlson@maryland.gov)
Andrea Trento, Esq. (via email: atrento@oag.state.md.us)
Carol Beatty (via email: Carol.Beatty@maryland.gov)
Lou Ann Blake, J.D. (via email: lblake@nfb.org)
Jessica P. Weber, Esq. (via email: jweber@browngold.com)

National Federation of the Blind of Maryland

Ronza Othman, *President NFBMD* | 15 Charles Plaza, #3002, Baltimore, MD 21201 | 443-426-4110 | www.nfbmd.org



Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights

OSCE/ODIHR Election Observation

United States of America 2020

As a participating state of the Organization for Security and Co-Operation in Europe (OSCE), the United States of America, through the State Department, has invited the OSCE to observe the November 3, 2020 elections. The Office for Democratic Institutions and Human Rights (ODIHR) is the primary OSCE institution responsible for election observation.

No electoral system or process is perfect. The reports of election observation missions are intended to help participating States to improve their electoral processes for the benefit of their citizens. The 57 participating States enjoy equal status but have varying degrees of experience and history with democracy. In consideration of the specific requirements at a given place and time, ODIHR conducts Needs Assessment Missions (NAM) to determine the nature of the election activity for each election.

Based on the findings of mission to assess the need for observation of these elections between May 29 to June 5, 2020, in accordance with its mandate, ODIHR announced its intention to deploy an Election Observation Mission (EOM) to follow both long-term aspects of the elections and election-day procedures on November 3. However, the extraordinary circumstances caused by the COVID-19 pandemic and the existing travel restrictions throughout the OSCE region negatively affected the ability of the OSCE participating States to second long-term observers, resulting in a significant shortfall of long-

term observers (LTOs). ODIHR came to the conclusion that meaningful deployment of short-term observers (STOs) for election day would not be feasible. Instead of an EOM, requiring STOs for Election Day, ODIHR will deploy a Limited Election Observation Mission (LEOM) with a core team of experts and LTOs. The ODIHR LEOM plans to begin observation activities in Washington, D.C. on September 28, 2020. This will be the ninth time the OSCE has observed elections in the United States since 2002.

About ODIHR observation

The OSCE is the world's largest regional security organization, bringing together 57 participating States from Europe, Central Asia and North America. The OSCE is not an agency of the United Nations. The OSCE has a comprehensive approach to security that encompasses politico-military, economic and environmental, and human aspects. It therefore addresses a wide range of security-related concerns, including arms control, confidence- and security-building measures, human rights, national minorities, democratization, policing strategies, counter-terrorism and economic and environmental activities. The principal way the OSCE does this is by observing elections in participating States, which have committed themselves to uphold the key principles of democratic elections: universality, equality, transparency, vote secrecy, accountability, fairness, and respect for fundamental rights and freedoms.

ODIHR election observation missions assess the degree to which elections meet OSCE commitments and other international obligations and standards for democratic elections, as well as their compliance with national legislation. Since its establishment in 1991, ODIHR has sent observers to more than 370 elections, in 56 OSCE participating States. In 2019 alone, ODIHR observed 15 elections in Moldova, Ukraine, Slovakia, Estonia, North Macedonia, Lithuania, Spain, Albania, Kazakhstan, Greece, Poland, Uzbekistan, Belarus and Romania. Each year the United States sends over 250 observers to join ODIHR's election observation missions in other OSCE participating states.



Basis for the assessment of elections

The basis for ODIHR's assessment is the OSCE commitments outlined in the [1990 OSCE Copenhagen Document](#) and other international obligations and standards for democratic elections, as well as federal and state legislation. State legislation is particularly important, given the specific role in organizing elections afforded to the states in the U.S. Constitution. Election observers do not interfere with the election process in any way. There is an important distinction between monitoring and observing elections. Unlike monitoring, which implies a degree of authority, observation is the process of systematically analyzing elections and issuing a report without the authority or mandate to enforce changes. Recommendations are, therefore made in the spirit of improvement towards shared commitments.

ODIHR Needs Assessment Missions

The decision to send an election observation activity is based on the findings of a Needs Assessment Mission (NAM) carried out by ODIHR several months before the election. ODIHR conducted a NAM for the 2020 United States General elections from May 29 to June 5, 2020. The NAM is a fact-finding visit with the goal of assessing election preparations. Based on its assessment it recommends whether to deploy an election observation activity prior to an election and the optimal format of a mission. A public report is issued in the weeks following the NAM visit. Unlike mission reports following an election, the NAM report does not draw any conclusions about the election. NAM visits are undertaken by ODIHR in all participating States.

During the NAM for these elections, the ODIHR team met with a range of federal institutions, as well as media, civil society, political parties and representatives of election administrations. The meetings provided a thorough assessment of the level of preparations and any potential challenges. The NAM looked at the legal framework and technical arrangements and considered the concerns of key political stakeholders. As technology plays a particularly significant role in elections in the United States, the NAM also enquired about the plans for key events, such as the production of voter credentials, public tests of the equipment and other key steps and procedures

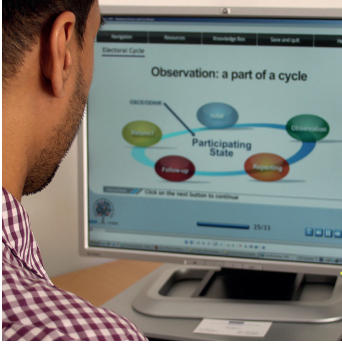
ensuring the integrity of the election involving new voting technologies. The report of the mission was published on 3 July 2020 and is available on the ODIHR website.

Depending on its findings, a NAM may recommend one of four possible formats for election-related activity: a full-scale EOM, LEOM, an Election Assessment Mission (EAM), a mission without LTOs, or the deployment of a smaller Election Expert Team (EET). The 2020 ODIHR NAM to the United States of America recommended the deployment of an EOM to observe the general elections. In addition to a core team of analysts, the mission recommended the secondment of 100 LTOs from OSCE participating States to follow the electoral process countrywide for six weeks, and 400 STOs to follow election-day proceedings. However, faced with limited secondments of observers from states, in part due to the COVID-19 pandemic, ODIHR will now be deploying a LEOM composed of a core team and 30 LTOs. In line with the ODIHR's standard methodology, the LEOM will also contain a media monitoring element.

Structure and format of a Limited Election Observation Mission

An EOM is recommended when a NAM determines that election stakeholders have serious concerns about election administration, the long-term process and election-day proceedings, or where it deems that the presence of observers could enhance public trust in the process. In an LEOM a core team of analysts are based in the capital of the country where the election is being held, LTOs are sent to its various regions, but no STOs are deployed to monitor election-day proceedings. While the duration of an LEOM is similar to that of standard EOMs, in order to allow it to follow all aspects of the long-term election process, the LEOM will not undertake a systematic and comprehensive observation of election-day proceedings.

The LEOM to the 2020 United States elections will start its work in Washington, D.C. on September 28, 2020. The mission will be led by Ambassador Urszula Gacek (Poland) and will be composed of 14 experts from 12 OSCE countries and 30 Long-Term Observers from 13 countries.



The ODIHR mission will work closely with observers from the OSCE Parliamentary Assembly, who expect to deploy some 80 members of parliaments of OSCE countries to observe election day procedures across the United States.

Selection and vetting of observers

The experts in the core team based in Washington have been recruited directly by ODIHR; they are leading international experts in their field. Most LTOs are sent directly by participating States, which means that they are selected and have their expenses paid for by the governments of their countries. This is standard ODIHR practice. Some of the observers are also recruited by ODIHR from countries that do not regularly send observers to help diversify the mission composition and echo the inter-governmental nature and diversity of the OSCE. Most importantly, observers do not represent their respective governments. They are thoroughly briefed by ODIHR, are obliged to follow [ODIHR's election observation methodology](#), and are bound by [ODIHR's code of conduct](#) for election observers. Observers must meet the existing visa requirements of any country they are entering for election observation. ODIHR election observation is funded by all 57 participating States of the OSCE through the unified budget of the organization.

Deploying Observers

ODIHR aims to ensure balanced geographical coverage in its election observation, considering the different electoral laws and practices across the United States, particularly the extent to which the individual states permit international observation. In the past, observers have been deployed to a broad variety of states to ensure this coverage. LTOs are assigned to work in teams of two, with each observer from a different country. They produce a joint report and their different backgrounds and perspectives help ensure balance and neutrality in reporting. During their work, LTOs meet with various state officials, as well as representatives of political parties, civil society and the media, and convey the information gathered to the core team. For these elections, the LTO teams will deploy to 28 states between October 5 and November 8. After the elections, the mission compiles

their observations into a report, which is then shared with the United States government and the public.

What will be observed?

Below is a list of issues that LTOs may pay special attention to during these elections:

- The legal framework, including federal and state election legislation;
- Election administration, including voter registration, voter identification, alternative voting mechanisms and measures to ensure secrecy of the vote;
- Constituency delimitation, including the role of the United States Census in creating voting districts and the mechanisms for delimitation;
- New voting technologies, focusing on the type of technology used in the elections, certification and evaluation of these technologies;
- The campaign environment;
- Campaign finance; and
- Coverage of these elections by the media, including online media.

COVID-19 and election observation

The ability of election observers to conduct their work has been significantly impacted by the COVID-19 pandemic. Notwithstanding the pandemic and the restrictions on global travel, since the declaration of the pandemic, ODIHR has been able to observe elections in Croatia, Georgia, Kyrgyzstan, Lithuania, Moldova, Montenegro, North Macedonia, Poland, Serbia, Tajikistan and Ukraine.

Despite restrictions on travel between certain parts of the OSCE region and the United States, observers have been granted national-interest waivers by the State Department that will permit them to be present in the country for the elections. As with all aspects of their work, observers are required to respect the laws and regulations with regards to travel within the United States and observation of the electoral process. Observers will respect all precautions and necessary restrictions particularly those applied at polling stations.



What can election authorities do to prepare for observers?

Sharing materials, including basic facts about the elections in their particular state, can be very useful for observers. This may include, for example, the number of voters, methods of voter registration and identification, candidate registration information, the composition of electoral boards, the election timeline, early voting methods, the use of electronic voting systems, the number and location of polling stations, and any requirements to register as an observer on Election Day, including those relating to COVID-19.

OSCE Contact:

Hama Munyikwa
ODIHR Election Adviser/Desk Officer for the United States
Email: hama.munyikwa@odihr.pl
Phone: + 48 22 5200 673
Website: www.osce.org/odihr/elections/usa

Previous ODIHR Election Missions to the US:

2018 – Limited Election Observation Mission
2016 – Election Observation Mission
2012 – Limited Election Observation Mission
2010 – Election Assessment Mission
2008 – Limited Election Observation Mission
2006 – Election Assessment Mission
2004 – Election Observation Mission (of a targeted nature)
2002 – Election Assessment Mission

Further Information

- Video on ODIHR Election Observation:
<http://www.osce.org/odihr/elections/179516>
- All ODIHR United States reports:
<http://www.osce.org/odihr/elections/usa>
- ODIHR Election Observation Handbook:
<http://www.osce.org/odihr/elections/68439>

More information

For detailed information about ODIHR's activities, or to read any of ODIHR's publications and reports, please visit www.osce.org/odihr

or contact ODIHR at:

OSCE Office for Democratic
Institutions and Human Rights
Public Affairs
ul. Miodowa 10
00-251 Warsaw
Poland

Phone: +48 22 520 0600
Fax: +48 22 520 0605
E-mail: office@odihr.pl
www.osce.org/odihr





**OSCE Office for Democratic Institutions and Human Rights
Limited Election Observation Mission
United States of America
General Elections, 3 November 2020**

Ms. Linda H. Lamone
State Administrator
Maryland State Board of Elections

Dear Ms. Lamone,

Following an invitation from the U.S. Department of State to observe the November 3, General Elections in the United States, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in keeping with its mandate, has deployed a Limited Election Observation Mission to observe these elections. The mission officially began its operations in the United States on September 29, 2020.

The mission is composed of a core team of 15 international election experts based in Washington, D.C. The experts have been joined by 30 Long-Term Observers who will be deployed across the states in teams composed of two observers. The ODIHR mission will be joined by a delegation from the Parliamentary Assembly whose representatives will be contacting you and the state election officials separately.

We would like to have our experts visit Maryland to meet with election administration, visit polling facilities and observe voting procedures. They are obliged to follow ODIHR's election observation methodology and are bound by ODIHR's Code of Conduct for election observers, which emphasises impartiality and non-interference in the process or the work of election administration. In fulfilling the mission's mandate, in more detail, our experts will be meeting with various election stakeholders to discuss electoral processes, including preparations for early, absentee and in-person voting and tabulation of results, the political campaigns, election legislation at state and federal levels, the media and new voting technologies.

We write to request your assistance in permitting our experts to access elements of the electoral process insofar as your state law allows. We are acutely aware of the challenges election officials are facing this year in the context of the COVID-19 pandemic. I assure you that our experts will observe all necessary protocols related to COVID-19. As such, experts will not attempt to visit election administration offices without making prior contact and appointment via email and the telephone.

Experts are available to conduct meetings using online platforms where this would be more suitable for you and county-level election officials in your state. There are, nonetheless, some aspects of the electoral process which must be observed in person and we would request access to these elements as far as it is practically feasible. These elements include:

- In-person early voting
- Voter access to different voting methods including for people with disabilities

- Ballot storage
- Equipment storage and set-up process (including security features that can be witnessed)
- Ballot processing by election officials, including during the early voting period
- Ballot processing at the USPS offices
- Training of poll workers
- Training of poll watchers

Should you and any of your staff require any additional information regarding our observers, please contact the Deputy Head of Mission Mr. Goran Petrov (North Macedonia), goran.petrov@odihr.us or via the telephone number +1 310 303 1661.

Additionally, the US Department of State has established a hotline for state election officials with any additional questions on the OSCE/ODIHR mission on +1 202 568 3213.

I would like to emphasize that, as with previous ODIHR election observation missions which have observed in your state, our mission will observe and report impartially and in a spirit of a shared commitment to common goals of democracy.

Yours Sincerely



Ambassador Urszula Gacek (Poland)
Head of Mission

OSCE ODIHR
Limited Election Observation Mission
United States of America
General Elections, 3 November 2020



Angela D. Alsobrooks
County Executive

PRINCE GEORGE'S COUNTY GOVERNMENT RECEIVED

SEP 28 2020

STATE BOARD OF ELECTIONS

September 23, 2020

The Honorable Larry Hogan
Governor
State of Maryland
100 State Circle
Annapolis, Maryland 21401

Dear Governor Hogan:

We are writing in follow-up to our correspondence of July 7, 2020 to highlight issues regarding conducting and funding for the November 3, 2020 Presidential General Election.

First, we appreciate both your and the Maryland State Board of Elections subsequent decisions to modify the original order to conduct a primarily in-person election in November, to a hybrid option that includes the use of vote by mail, in-person early voting from October 26, 2020, though, November 2, 2020, sufficient Election Day voting centers and the use of drop box locations. We are hopeful that these additional measures will address the issue expected with the turnout for the General Election. To date, the County Board has received over 203,000 requests for vote by mail ballot applications.


Second, Prince George's County, through our County Board of Elections, is working diligently to implement the County's Election Plan submitted to the State Board of Elections. According to the County Election Plan, we expect to have a total of forty-one (41) total voting sites. Eleven (11) of which will be Early Voting and an additional thirty (30) sites on Election Day, including the recently announced use of FedEx Field. However, it has been brought to our attention, that there will be additional costs to our Board of Elections and other counties to execute the plan, including mailing of ballots, purchase and security of drop boxes and personal protective equipment for poll workers. The Prince George's County Board of Elections staff estimates that there will be additional unbudgeted costs of over \$3.5 million to the County to execute the General Election.

As you are aware, State legislation and partnerships have been for the State and Counties to share costs for the implementation of elections in the State. We join with the Maryland Association of Counties (MACO) and the State Board of Elections in requesting additional State financial contribution to the Prince George's and other local Board of Elections to conduct this unique General Election.

The Honorable Larry Hogan
November 3rd General Election Funding
September 23, 2020
Page 2

For the above reasons, we respectfully urge you to continue your support for the 2020 Presidential General Election by providing addition funding and operational assistance for local Boards of Elections to conduct a fair and successful General Election on November 3rd.

Sincerely,



Hon. Angela D. Alsobrooks
County Executive



Hon. Todd M. Turner
County Council Chair

cc: Honorable Bill Ferguson, President, Maryland State Senate
Honorable Adrienne A. Jones, Speaker of the House, Maryland House of Delegates
Honorable JoAnne C. Benson, Chair, Prince George's County Senate Delegation
Honorable Erik L. Barron, Chair, Prince George's County House Delegation
Ms. Linda H. Lamone, Esq., Administrator, Maryland State Board of Elections
✓ Mr. Michael Cogan, Chairman, Maryland State Board of Elections
Honorable Sharon Green Middleton, President, MACO
Ms. Alisha L. Alexander, Director, Prince George's County Board of Elections
Mrs. Terry L. Bell, Liaison, Prince George's County Council
Members, Prince George's County Council

Each local board of elections must ensure that voting during early voting and on election day continues without interruption if all or some combination of the equipment fails, is inoperable, or is unavailable.

General Contingency Plan Requirements

1. Within 2 hours of the equipment failing or becoming inoperable or unavailable:
 - a. The equipment must be functioning; or
 - b. Replacement equipment must be delivered and functioning.

The appropriate contingency supplies must be used until the deployed or replacement equipment is functioning.

2. Except for electronic pollbook back-up supplies and extended hours voting supplies, a local board can distribute the contingency supplies to an early voting center or an election day vote center before voting starts (*e.g.*, with other election supplies) **or** if they are needed.
 - a. If a local board distributes contingency supplies before voting starts:
 - 1) The local board must label the supplies and specify when they are to be used; and
 - 2) The election judges must immediately use the contingency supplies and continue using them until the deployed or replacement equipment is functioning.
 - b. If a local board distributes the supplies only if needed, the election judges must use the regular provisional voting process to facilitate voting until one of the conditions in §1 above is met. All contingency supplies must be delivered within 1 hour during early voting or on election day.
 - c. Electronic pollbook back-up supplies and extended hours voting supplies **must** be deployed with the election judges.
3. A chief judge must notify the local board of the need for the contingency plan. A local board can require the chief judges to provide notice before or immediately after implementing the plan.

Early Voting Contingency Plans

1. *Electronic Pollbook Back-Up* – Use this contingency plan if **none** of the electronic pollbooks at an early voting center are functioning. Keep the plan in place until the deployed or replacement electronic pollbooks are functioning.
 - a. For counties with one early voting center:
 - a. To check in voters, use:
 - 1) At least one computer with: (1) the pollbook emulator software¹ to check in voters; and (2) a searchable list of registered voters to look up voters (*preferred option*); **or**
 - 2) A paper precinct register (the ballot style number is printed in the precinct register); **and**
 - 3) Blank voter authority cards.
 - b. For voting, use the ballot style written on the voter authority card to issue each voter a privacy sleeve and:
 - a) A pre-printed ballot; or

¹ SBE will provide pollbook emulator software, a searchable list of registered voters, and instructions for loading software and list onto the computer(s). The searchable list is a back-up to the emulator software in case the emulator software has the same issues as the software on the electronic pollbook.

- b) A blank ballot activation card if the voter wants to use the ballot marking device. Write on the back of the ballot activation card the voter's ballot style number, and manually select the voter's ballot style on the ballot marking device.
 - c. For individuals who want to use the same day registration or address change process, issue a regular provisional ballot application, pre-printed ballot, and orange provisional privacy sleeve.
 - b. For counties with more than one early voting center:
 - 1) To check in voters, use:
 - a) At least one computer with: (1) the pollbook emulator software¹ to check in voters; and (2) a searchable list of registered voters to look up voters; and
 - b) Blank voter authority cards.
 - 2) For voting, use the ballot style written on the voter authority card to issue each voter a privacy sleeve and:
 - a) Pre-printed ballot; or
 - b) Blank ballot activation card if the voter wants to use the ballot marking device. Write on the back of the ballot activation card the voter's ballot style number and manually select the voter's ballot style on the ballot marking device.
 - 3) For individuals who want to use the same day registration or address change process, issue a regular provisional ballot application, pre-printed ballot, and orange provisional privacy sleeve.
 - c. The following supplies are needed for this contingency plan. The local board must deploy one set of supplies for each early voting center.
 - 1) At least one computer (*preferred*) or one paper precinct register;
 - 2) Blank voter authority cards;
 - 3) Regular provisional ballot applications for the same day registration and address change process;
 - 4) Extra pens; and
 - 5) Instructions for the election judges, including how to select the ballot style on the ballot marking device.
2. *Electronic Pollbook Network* – This contingency plan only applies to counties with more than one early voting center. Use this plan if the network connection for the electronic pollbooks is not functioning. Keep the plan in place until the network connection is restored.
- a. To check in voters, follow the normal process with the electronic pollbooks.²
 - b. For voting, follow the normal process to issue each voter a pre-printed ballot or ballot activation card and privacy sleeve.
 - c. For individuals who want to use the same day registration or address change process, follow the normal check-in and ballot issue process.
 - d. No supplies are needed for this contingency plan.
3. *Ballot Marking Device Back-Up* – Use this contingency plan if **none** of the ballot marking devices at an early voting center are functioning. Keep this plan in place until the deployed or replacement ballot marking devices are functioning.
- a. For all counties:

² If the network connection is not functioning, electronic pollbooks in the county's other early voting centers will not be updated as voters check in to vote. Once the network connection is restored, these electronic pollbooks will be updated. If any voter voted more than once during this time, election officials will be alerted and will take the appropriate action.

- 1) To check in voters, follow the normal process with the electronic pollbooks.
 - 2) For voting, issue each voter a pre-printed ballot and privacy sleeve. After manually marking the ballot, the voter will feed the ballot into the precinct tabulator.
 - b. For counties with one early voting center, also give voters the following options:
 - 1) Go to the local board to vote an absentee ballot;
 - 2) Return to the early voting center later that day or on another early voting day; or
 - 3) Vote on election day.
 - c. For counties with more than one early voting center, also give voters the following options:
 - 1) Go to another early voting center;
 - 2) Go to the local board to vote an absentee ballot;
 - 3) Return to the early voting center later that day or on another early voting day; or
 - 4) Vote on election day.
 - d. The following supplies are needed for this contingency plan. The local board must have one set of supplies for each voting center.
 - 1) Pens; and
 - 2) Instructions for the election judges on assisting voters marking ballots.
4. *Voting System Back-Up* – Use this contingency plan if **none** of the ballot scanning units at an early voting center are functioning. Keep the plan in place until the deployed or replacement scanning units are functioning.
- a. For all counties:
 - 1) To check in voters, follow the normal process with the electronic pollbooks.
 - 2) For voting, follow the normal process to issue a pre-printed ballot or ballot activation card and privacy sleeve. After making selections, the voter will put the marked ballot in the emergency compartment. This ballot will be tabulated later.
 - b. For counties with only one early voting center, also give voters the following options:
 - 1) Go to the local board to vote an absentee ballot;
 - 2) Return to the early voting center later that day or on another early voting day; or
 - 3) Vote on election day.
 - c. For counties with more than one early voting center, also give voters the following options:
 - 1) Go to another early voting center;
 - 2) Go to the local board to vote an absentee ballot;
 - 3) Return to the early voting center later that day or on another early voting day; or
 - 4) Vote on election day.
 - d. The following supplies are needed for this contingency plan. The local board must have one set of supplies for each voting center.
 - 1) Ballot receptacle;
 - 2) Instructions for the election judges; and
 - 3) Handout with voters’ options (as specified in §4(b) or §4(c) above).
5. *Extended Voting Hours* – This plan is implemented if a court orders one or more early voting centers to remain open past 8 pm during early voting. Keep the plan in place until the closing time in the court order.
- a. The local boards must train election judges on extended hours voting and deploy extended hours voting supplies.
 - b. To check in voters, follow the normal process with the electronic pollbooks.
 - c. For voting:

- 1) For voters who would have voted a regular ballot during normal voting hours, issue a pre-printed paper ballot and extended hours envelope.
- 2) For voters who would have voted a provisional ballot during normal voting hours, issue a provisional ballot and regular provisional ballot application stamped or marked with an "E."
 - d. The following supplies are needed for this contingency plan. The local board **must** deploy one set of supplies for each early voting center.
 - 1) Extended hours envelopes in a quantity to be determined by the State Administrator;
 - 2) Regular provisional voting applications (stamped or marked with "E" written on the application) in a quantity to be determined by the State Administrator;
 - 3) Instructions for the election judges; and
 - 4) Forms for election judges to complete at the end of extended voting hours.

Election Day Contingency Plans

1. *Electronic Pollbook Back-Up* – This contingency plan is implemented if **none** of the electronic pollbooks in an election day vote center are functioning. Keep the plan in place until the deployed or replacement electronic pollbooks are functioning.
 - a. To check in voters, use:
 - 1) At least one computer with: (1) the pollbook emulator software³ to check in voters; and (2) a searchable list of registered voters to look up voters (*preferred option*); **or**
 - 2) A paper precinct register (the ballot style number is printed in the precinct register) with all registered voters in the county listed; **and**
 - 3) Blank voter authority cards.
 - b. For voting, use the ballot style written on the voter authority card to issue each voter a privacy sleeve and:
 - a) A pre-printed ballot; or
 - b) A blank ballot activation card if the voter wants to use the ballot marking device. Write on the back of the ballot activation card the voter's ballot style number, and manually select the voter's ballot style on the ballot marking device.
 - c. For individuals who want to use the same day registration or address change process, issue a regular provisional ballot application, pre-printed ballot, and orange provisional privacy sleeve.
 - d. The following supplies are needed for this contingency plan. The local board must deploy one set of supplies for each election day vote center.
 - 1) At least one computer (*preferred*) or one paper precinct register;
 - 2) Blank voter authority cards;
 - 3) Regular provisional ballot applications for the same day registration and address change process;
 - 4) Extra pens; and
 - 5) Instructions for the election judges, including how to select the ballot style on the ballot marking device.

³ SBE will provide pollbook emulator software, a searchable list of registered voters, and instructions for loading software and list onto the computer(s). The searchable list is a back-up to the emulator software in case the emulator software has the same issues as the software on the electronic pollbook.

2. *Electronic Pollbook Network* – This contingency plan only applies to all counties. Use this plan if the network connection for the electronic pollbooks is not functioning. Keep the plan in place until the network connection is restored.
 - a. To check in voters, follow the normal process with the electronic pollbooks.
 - b. For voting, follow the normal process to issue each voter a pre-printed ballot or ballot activation card and privacy sleeve.
 - c. For individuals who want to use the same day registration process, follow the normal check-in and ballot issue process.
 - d. No supplies are needed for this contingency plan.
3. *Ballot Marking Device Back-Up* – Use this contingency plan if **none** of the ballot marking devices in an election day vote center are functioning. Keep this plan in place until the deployed or replacement ballot marking devices are functioning.
 - a. To check in voters, follow the normal process with the electronic pollbooks.
 - b. For voting, follow the normal process to issue a pre-printed ballot and privacy sleeve.
 - c. The only supplies needed for this contingency plan are instructions for the election judges. The instructions must include how election judges can provide assistance to voters with disabilities. The local board must have one set of instructions for each election day vote center.
4. *Voting System Back-Up* – This contingency plan is implemented if the ballot scanning unit in the election day vote centers is not functioning. Keep the plan in place until the deployed or replacement ballot scanning unit is functioning.
 - a. To check in voters, follow the normal process with the electronic pollbooks.
 - b. For voting, follow the normal process to issue a pre-printed ballot or ballot activation card and privacy sleeve. After marking the ballot, the voter will put the marked ballot in the emergency compartment. This ballot will be tabulated later.
 - c. The only supplies needed for this contingency plan are instructions for the election judges. The local board must provide one set of instructions for each election day vote centers.
5. *Extended Voting Hours* – This plan is implemented if a court orders one or more election day vote centers to remain open past 8 pm on election day. Keep the plan in place until the closing time in the court order.
 - a. The local boards must train election judges on extended hours voting and deploy extended hours voting supplies with the election judges.
 - b. To check in voters, follow the normal process with the electronic pollbooks.
 - c. For voting:
 - 1) For voters who would have voted a regular ballot during normal voting hours, issue a pre-printed paper ballot and extended hours envelope.
 - 2) For voters who would have voted a provisional ballot during normal voting hours, issue a provisional ballot and regular provisional ballot application stamped or marked with an “E.”
 - d. The following supplies are needed for this contingency plan. The local board must deploy one set of supplies for each election day vote center.
 - 1) Extended hours envelopes in a quantity to be determined by the State Administrator;
 - 2) Regular provisional voting applications (stamped or marked with “E” written on the application) in a quantity to be determined by the State Administrator;
 - 3) Instructions for the election judges; and



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- 4) Forms for election judges to complete at the end of extended voting hours.