

State of Maryland 

State Board of Elections – June 18, 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
Keith Ross, Director of Project Management
Mary Cramer Wager, Director of Voter Registration
Erin Perrone, Director of Election Reform and Management

DECLARATION OF QUORUM PRESENT

Mr. Cogan called the meeting to order at 2:01 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.

CHAIRMAN'S COMMENTS

Mr. Cogan stated to the staff of SBE and the local boards of elections, that while the election was not perfect and the Board will be dealing with the issues that took place and that have been brought forward, the members are very proud of the work done by those in the trenches. The other members concurred. Mr. Voelp stated that the staff performed monumentally to try and do the impossible. Mr. Hogan thanked everyone involved.

ADMINISTRATOR'S REPORT

Ms. Charlson thanked the members for their support of the SBE and local board staff. She stated that everyone has learned a lot, and that SBE and the local boards look forward to making the necessary changes moving forward. Mr. Treichel echoed Ms. Charlson's sentiments.

1. Announcements & Important Meetings

Mr. Treichel reported that on June 10, the Maryland Cybersecurity Council met remotely. The meeting was primarily a presentation from Tom Wheeler and David Simpson on their Brookings Institute paper discussing the future of 5G cellular technology in the United States and, what new security approaches may be needed to protect federal, State, and local infrastructures. There was no other new business.

Mr. Cogan requested including key points of the Brookings Institute paper in a future security briefing. Mr. Treichel concurred with Mr. Cogan.

2. Voter Registration

MDVOTERS

Ms. Wagner stated that user acceptance testing (UAT) continues for a July deployment. Approximately 80 plus issues will be incorporated. Development includes updates and enhancements to reports and exports across all facets of MDVOTERS, ERIC enhancements and a re-design of the electronic registration screens.

MVA Transactions

During May, MVA collected the following voter registration transactions:

New Registration - 475	Residential Address Changes - 9,281
Last name changes - 280	Political Party Changes - 1,253

Non-Citizens

Due to the telework mandate, Ms. Wagner stated that no information is available at this time.

In regards to a question from Mr. Hogan regarding undeliverable ballots, Ms. Wagner stated that SBE is looking at the best way to obtain the best data, including possibly a mailer to those addresses.

3. Candidacy and Campaign Finance (CCF) Division

Campaign Finance

Mr. DeMarinis stated that over 92% of the campaign finance reports have been filed for Presidential Pre-Primary 1 and 2 reports. Winners from the Primary election that filed late must pay their late fees by August 4, or their nominations will be vacated. The CCF Division has been in contact with those candidates.

June 1, 2020 was the filing deadline for Title 14 Business Contribution Disclosure Statements. 826 statements have been filed. This is nearly 100% of the registered entities in the system.

Enforcement

1. Committee to Elect Rain Pryor paid \$25.00 on April 29, 2020, for disbursement by unauthorized method- Cash greater than \$25.00.
2. Baltimore for David Warnock paid \$50.00 on May 05, 2020, for failure to record all contributions

Candidacy

Mr. DeMarinis stated that the deadline to file a declaration of intent as a petition or non-principal political party candidate is July 6 at 5pm. We are equipped to handle remote filings.

4. Project Management Office (PMO)

Inventory Management

Mr. Ross stated that the FY2020 statewide Inventory Audit began on March 1, 2020 and is scheduled to be completed at the end of the month. At the time of the meeting, 68% of equipment and supplies have been inventory audited.

Mr. Ross stated that 75 ballot drop off boxes have been received back at the SBE warehouse back after the election. Each of the drop off boxes was checked for any issues.

Pinhole gaps were discovered between the metal plates at the top of the drop off boxes, which were filled.

FY2022 Pollbook Project

SBE continues planning related tasks for the project that include:

- Making additional updates to the project management documentation which is now being peer reviewed by SBE prior to the submission of the documentation to the Department of Information Technology (DoIT),
- Continued identifying requirements for the pollbook solution,
- Completing the interviews for ten contract project candidates for three positions. The individuals are expected to start sometime in July, and
- The continued work on other aspects of the project that include other project requirements and contingency plan development.

In response to a question from Mr. Cogan regarding the use of ballot drop off boxes in the future, Ms. Charlson stated that Ms. Wagner and Mr. Satterfield are working with the vendor on the deadlines for ordering more ballot drop off boxes for the November election.

REVIEW OF JUNE 2ND ELECTION

Ms. Lamone thanked the members for their support throughout the most recent election season, and stated that SBE is committed to making the necessary changes.

Ms. Charlson stated that since the June 2 Primary Election is not yet finished, this report is a preliminary report on the election. Much of the data typically provided after an election cannot be provided until all of the local boards of elections have certified their elections and finished data entry and audits in MDVOTERS (the statewide voter registration database), the system from which most data is obtained.

Ms. Charlson stated that in previous meetings, SBE has shared with members the efforts being taken to educate voters about the upcoming elections, how the primary election would be different, and how to vote by mail. Thanks to the efforts of SBE's dedicated and diverse voter outreach team, voters understood there was an election, that it was a vote-by-mail election, and if they couldn't vote by mail, they knew where to go to vote in person.

Ms. Charlson stated that we previously provided members with the 145-page report on the June 2 voter education effort but wanted to share some of the highlights. The campaign was statewide and included TV, radio, digital, earned media, and grassroots and community-based efforts. In 3 weeks, there were over 84 million impressions, over 4 million views of videos, over ½ million clicks on the ads, and placed more than 225 articles and stories in media outlets around the State. Equally important are the organizations and coalitions - nearly 700 of them - that shared important information about this election. Approximately 20,000 flyers were distributed in Baltimore City through COVID-19 safe street teams, Black Girls Vote and food distribution sites partnering with Thread and Johns Hopkins.

There were specific efforts to reach minority voters. The voter outreach team included GreiBO – a Baltimore-based firm to assist with stakeholder outreach to the African American community statewide, including key influencer messaging, in-community events and social media for Baltimore City residents – and Cool & Associates – a team focused on stakeholder outreach to the Latinx community and Spanish-speaking earned media. These efforts were enhanced by Gilberto

Zelaya of the Montgomery County Board of Elections, who was the face of the Spanish-speaking outreach efforts.

Turnout was impressive – almost 1.5 million voters participated in this election. It is clear that voters wanted to be heard. The statewide turnout was just over 41%. In the last 20 years, only the 2008 Primary Election had higher turnout. There were several counties where voter turnout exceeded the 2016 Primary Election. They were:

- Baltimore City - 48% turnout (3% increase)
- Charles, Kent and Prince George’s Counties - 46% turnout (range of 1% to 9% increase)
- Cecil County - 41% turnout (7% increase)
- Montgomery County - 39% turnout (0.7% increase)
- Calvert County - 36.7% turnout (1% increase)

Ms. Charlson stated that most voters – 97% – voted and returned the ballot they received in the mail or electronically. The ballot drop off boxes were well used, and we are compiling data to show what percentage of ballots were returned by mail and returned at the ballot drop off boxes.

Ms. Perrone stated that SBE sent emails to approximately 50,100 voters to download their ballot from SBE’s website. Approximately, 32,932 of these voters logged into the online account. The table below shows the type of voter requesting an electronic ballot and how the voter chose to mark his or her ballot.

	Domestic, Civilian Voters	UOCAVA Voters	Total Voters
Blank Ballot Delivery (Mark ballot by hand)	22,294 (61%)	1,854 (53%)	24,148 (60%)
Online Ballot Marking Tool (Mark ballot with tool)	14,316 (39%)	1,657 (47%)	15,973 (40%)
Total	36,610	3,511	40,121

In response to a comment from Ms. Howells regarding her concern for the local boards being overwhelmed by the process of duplicating ballots and her surprise that the number of ballots to be duplicated was greater the 2018 General Election, Ms. Charlson stated that it seemed that voters who did not receive their ballot in the mail were using the online ballot marking tool to avoid having to go to a voting center on election day. Ms. Howells stated that she is concerned with local boards not having enough staff to duplicate the ballots, the extra burden to local boards, the cost, and the risk of fraud from the duplication process. At Ms. Howells’ request, Ms. Charlson stated that she could provide a comparison to past elections.

Ms. Charlson stated that about 35,000 voters statewide voted in person at the 44 vote centers. 21 of the vote centers were open beyond 8 pm for voters who were in line at 8 pm.

This election brought a new way of voting for most voters and were conducted in unprecedented times. They also posed significant challenges for election officials, and there were areas where

we could have done better. She stated that we and the local boards have learned from this election and will make the necessary changes for the November election.

1. Mailhouse Vendor

Ms. Charlson stated that we has previously shared its disappointment with the vendor. The issues were not limited to Baltimore City but the City issues were significant.

The vendor did not meet the mailing schedule for Baltimore City ballots. Ballots for Baltimore City voters were scheduled to be mailed on May 8, and the vendor never indicated that Baltimore City ballots would be delayed. On May 7, the vendor confirmed that ballots would be mailed on May 8, and on May 11, the vendor confirmed that ballots were mailed on May 8 and mailings would continue on May 11 and 12. On May 15, we learned that 60,000 ballots were mailed on May 14 and 30,000 ballots were mailed on May 15. Upon learning this, SBE immediately started working with the United States Postal Service and over the weekend, developed a plan to get ballots into Maryland as quickly as possible.

Additionally, the vendor:

- Printed the wrong ballot for Baltimore City Council District 1.
- In Prince George's County, 90,000 voters received only the Spanish version of the instructions and list of vote centers and ballot drop off boxes
- A court-ordered notice was not included in ballot packets for Hagerstown voters
- There were delays in the mailing schedule for Montgomery County ballots
- Ballots for South Carolina voters arrived on a USPS truck with ballots for Marylanders

Ms. Charlson stated that as everyone looks to November, we are evaluating all available options, including exploring the options under the current contract and is working with other ballot printers to get ballots to test and determine their capacity for November. We will build more vendor accountability into the contract and will expand our team to manage the contract and process. An election with a significant number of ballots delivered by mail needs support similar to our in-person voting operation.

2. Removing City Results on Election Night

Ms. Charlson stated that we acknowledged that removing City results from our website election night led to questions and concerns, and should have been quicker in releasing statement explaining what happened.

The vendor was provided with a corrected ballot, but the vendor printed and mailed the wrong ballot. This meant that the voting system counted the votes for District 1 and judge of the circuit court wrong. When that results for District 1 looked wrong, SBE didn't know what the problem was and how many contests were affected. Out of an abundance of caution, all City results were removed.

Ms. Charlson stated that we should have been quicker to tell people why the results were removed and will put a process in place in case results need to be removed in the future.

3. Long lines on Election Day

In response to the public health emergency, there were a limited number of vote centers. The State Board added two additional vote centers in Baltimore City, and ten more ballot drop off locations were added in Baltimore City.

4. Voters whose ballots were returned by the USPS as “undeliverable ballots” were marked as having “voted”

About 1,200 voters statewide were required to vote a provisional ballot on election day. Almost 800 of these voters would have had to vote a provisional ballot anyway because they had a new address or wanted to change party affiliation. Provisional ballots cast by voters who provided a new address were counted.

This issue arose as a result of moving to a vote by mail election. In previous elections, when voters requested a ballot by mail, they provided the address where they wanted the ballot to be mailed. This meant that few absentee ballots were returned as undeliverable. In future elections, these voters will not be coded as “already voted” so if they show up to vote in person, they can cast a ballot if they haven’t moved or vote a provisional ballot if they have

5. Voters in City Council District 12 received a ballot with District 14 contest

When a new apartment building was built, the building’s address was placed in the wrong City council district. This meant that 104 voters in one apartment building were assigned to the wrong City Council District, but only 82 of these voters were eligible for the June 2 election (22 voters were unaffiliated voters). Once the Baltimore City Board of Elections learned of the issue, they immediately notified voters, delivered corrected ballots to some voters, and instructed others that they could vote a provisional ballot that included District 14.

Because this occasionally happens, we are moving away from the manual process of manually assigning streets to districts to a more automated GIS process. This should reduce the likelihood of this type of error.

6. Changing the Date Printed on the Ballots

When the special general election and the presidential/City primary election were split, the ballots had already been programmed and printed and ballots had been mailed. SBE discussed various options and decided that using ballots with “April 28, 2020” had the least risk to the election as long as voters were informed that there was no impact to their ballots being counted.

To reduce any confusion about “April 28, 2020” being printed on the ballot, information was included about it in the instructions every voter received, and this was a key message in the voter education campaign. Ms. Charlson stated that she hesitates to say that this will not likely happen again but if it does, SBE will consider all options, decide what option is least risky, and educate voters if it’s needed. SBE later learned that other states made the same decision when their elections were postponed

After every election, Ms. Charlson stated, there is significant work done to verify the accuracy and integrity of the election. This work is already underway.

Ms. Hartman stated that Phase 1 of the automated ballot tabulation audit of ballot images is mostly completed, and Phase 2 is well underway. Phase 1 includes all ballots counted during

canvassing prior to and up to election day as well as all ballots cast on election day in vote centers. Before certifying election results, each local board received four Phase 1 reports comparing the voting system's results 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

Phase 2 of the audit is underway, Ms. Hartman stated. After the completion of the canvasses and prior to the State Board of Canvassers' certification of the election results, all ballot images are retabulated, and a second set of reports are issued. Like Phase 1, these reports should confirm that the voting system accurately tabulated the ballot images from all canvasses. The Phase 1 comparison reports and automated audit results (generated before we provided the voting system's results) are posted on SBE's website, and Phase 2 reports will be posted as we receive them.

Ms. Hartman stated that the post-election comprehensive audit of critical parts of the election has started. The Voting System Division reviews data associated with the pre-election logic and accuracy testing, opening times of the election day vote centers, reviewing discrepancies between the number of voters checked in to vote and the number of ballots cast, and performs the voting system verification. Erin Perrone and Cortnee Bryant collect and review various documentation from the local boards to complete other auditing tasks, including the ballot accounting forms. An audit is also performed on absentee and provisional ballots from each local board and the canvassing minutes, which Ms. Hartman stated she performs.

Ms. Wagner stated that although voter registration reopened on June 15, SBE needs to "close" the election in MDVOTERS. This "closing" enables us to obtain important data and allows the local boards to start processing new voter registrations and changes to existing registration.

Ms. Charlson stated that SBE has also participated in two post-election briefings.

On June 11, Ms. Charlson participated in a webinar hosted by Baltimore Votes! to discuss the June 2 election. Baltimore Votes! is a coalition of Baltimore-based organizations including the League of Women Voters in Baltimore City, Black Girls Vote, Open Society Institute, Out for Justice, and other organizations. Ms. Charlson participated in the coalition's pre-election webinars and shared information about changes to the June 2 election and was asked to share thoughts after the election. She reviewed preliminary turnout information and challenges from the June 2 election. Other participants explained the roles of the State Board of Elections and staff, the local boards of elections and staff, and pollworkers and the coalition's lists of problems with this election.

On June 16, we participated in a joint briefing hosted by the Senate's Education, Health and Environmental Affairs Committee and the House's Ways and Means Committee. The committees requested information on list maintenance, the mailing process and relationship with our vendor, outreach to "inactive" voters and voters whose ballots were returned as undeliverable, how the number of vote centers were determined, and collaboration with the local boards of elections. In addition to providing this information, we also provided a timeline

of the changes leading up to June 2 and identified corrective actions we will take before the November election.

Discussion regarding the June 2nd election

Mr. Funn stated that in listening to the joint briefing hosted by the Senate and House of Delegates respective committees, he felt some of the questions should have been directed to the local boards, and that SBE and the Board should work with the local boards to help control crowds and decide locations. In response to questions from Mr. Funn, Ms. Charlson stated that it is quite common during primary elections for unaffiliated voters to show up to vote on election day. The law does not allow for same day party affiliation changes. In response to questions and comments from Mr. Funn and Mr. Cogan regarding preventing large numbers of undeliverable ballots in the future, Ms. Charlson stated that SBE is determining what additional mailings and creative ways to get current address information for voters, regardless of the manner that the general election is conducted. She stated that a comprehensive communication plan will be needed to relay information to voters. SBE is also looking at best-practices in vote by mail states to implement those practices in Maryland.

In response to a question from Ms. Howells regarding correspondence stating incidences of ballot drop off boxes being overstuffed, Ms. Charlson stated that while SBE is still reviewing correspondence and requesting more information when needed, local boards were instructed to empty ballot drop boxes at least twice a day. In response to a question from Ms. Howells regarding tracking of mailed ballots, Ms. Charlson stated that SBE did have access to ballot tracking from the United States Postal Service which was provided by the vendor, but the data was not updated in real time. Improved ballot tracking and improved accountability for the vendor are features that SBE is looking for in the contract moving forward. In response to a follow up question from Ms. Howells, Mr. Trento stated that any questions regarding vendor contracts should be discussed during closed session.

In response to a question from Mr. Funn regarding registering inmates to vote, Ms. Wagner stated that she and Mr. DeMarinis were working with advocates on legislation to set up a registration program which did not pass. She stated that currently, there no specific entity responsible or a program to oversee voter registration inmates.

In response to a question from Mr. Voelp regarding if there has been any information from the Governor's office regarding how the general election will be held, Ms. Charlson stated that we shared a timeline with the Governor's office and are currently preparing for both an in person and a vote by mail election. Mr. Voelp expressed his support for an in person election, or, if 100% in person is not possible, then for a hybrid of in person and vote by mail. In response to a question from Mr. Hogan, Ms. Charlson stated that while the report to the Governor on the June 2nd election is due July 3rd, much of the data may be not be available by that time. In response to a question from Mr. Cogan, Ms. Charlson stated that no guidance regarding the report has been issued other than what was stated at the press conference when the report was requested.

Mr. Cogan stated that he had a few questions and comments.

- In response to his first question, regarding if SBE and the local boards have the ability and assets to increase the mail team, Ms. Charlson stated that SBE has a contract that supports MDVOTERS and pollbook development and SBE has begun to look at that contract to help with that effort.

- Mr. Cogan stated that an issue was raised in some of the correspondence received was the occurrence of polling places that that were not ADA compliant. He requested that SBE report back with locations that had ADA violations.
- Mr. Cogan requested that SBE track, to the degree possible, locations that have long lines at voting locations. He stated that he wants to know if long lines have been seen at the same locations in previous elections, and if there are any patterns to long lines.
- Regarding the voter education and communications plan, Mr. Cogan stated that while he did not take any issue with the plan but did not notice any outreach to Asian communities. He stated that he appreciated the outreach to faith communities but noticed that the outreach focused on ethnic groups. He suggested that communication should be to all faith communities.
- Regarding the issue of two versus three envelopes in absentee and vote by mail ballots, Mr. Cogan stated that this issue should be addressed for the 2022 elections, as it has already been considered for 2020 and the Board decided to table the issue until the 2022 elections. Mr. Cogan directed the members to a letter received from the Montgomery County Board of Elections requesting to use three envelopes in the 2020 General Election. In response to a question from Mr. Cogan, Ms. Charlson stated that there has been discussion regarding whether a third envelope increases the time for the local boards to canvass. Regarding the possibility of allowing Montgomery County to use three envelopes, Ms. Charlson stated that the preference is to have all jurisdictions use the same number of envelopes for uniformity. The contract for the printing and mailing of the absentee or vote by mail ballots is a statewide contract and changing the number of envelopes printed could cause unforeseen complications to the process. In response to a question from Mr. Hogan, Ms. Charlson stated that no other local boards have stated their opinion on the matter but SBE would be able to find out. Mr. Voelp expressed his support for three envelopes but stated that he understood if it was not possible until 2022. Mr. Funn concurred with Mr. Voelp. Mr. Hogan clarified that he also supports using three envelopes and feels that it should be reconsidered if a new printing vendor is found. After a short discussion on the feasibility of a vendor to print three envelopes, Ms. Charlson stated that further discussion would have to be reserved for closed session. In response to a question from Mr. Voelp regarding if the local boards can override SBE and use three envelopes, Mr. Trento stated that he is unsure currently because the appropriate provisions of the statute contradict themselves. In response to a final question from Mr. Cogan, Ms. Charlson stated that the Board still had time to decide, that we would poll the local boards regarding their opinion on the matter, and that Mr. Trento will research the State law further.

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.). No changes from the last update. 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.). 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 parties have reached an agreement-in-principle as to resolving the remaining issues in the case, and on May 27, 2020 the District Court dismissed the claims in the case without prejudice pending consummation of the parties' agreement.
4. *National Federation of the Blind, Inc., et al. v. Lamone et al.*, No. 1:19-CV-02228-ELH (U.S. District Court, D. Md.). No change from the last update. 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 on June 11, 2020, the Court modified that scheduling order following a joint motion by the parties. Discovery is now scheduled to close on November 9, 2020, and dispositive motions are due November 30, 2020.

5. *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. The plaintiff's opposition to the motion to dismiss was due May 8, 2020, but the plaintiff has not served an opposition, nor does the docket reflect that an opposition was filed.
6. *Public Interest Legal Foundation, Inc. v. Lamone*, No. 1:19-cv-03564-ELH (D. Md.). 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 have now agreed to resolve the case on terms similar to the resolution of the *Judicial Watch* matter.
7. *Chong Su Yi v. Hogan*, Nos. 480720, 480721, 480722, 480723 (Cir. Ct. Montgomery Cty.). On 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. Yi 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. Yi filed in 2019, which the court dismissed with prejudice earlier this year. Defendant moved to dismiss the complaints on May 3, 2020. On May 15, 2020, Mr. Chong filed substantially identical amended complaints in these actions. On June 1, 2020 Defendants moved to dismiss those amended complaints as well. On June 7, 2020, plaintiff filed yet another round of substantially identical amended complaints, but this time adding the State of Maryland as a Defendant in addition to Governor Hogan. Defendants' response to these amended complaints is due June 22, 2020.
8. *Maryland Green Party, et al. v. Hogan et al.*, No. 1:20-CV-01253-ELH (U.S. District Ct., D. Md.). On May 19, 2020, the Maryland Green Party, its Chairman Steven Ellis, the Libertarian Party of Maryland, and its Chairman Robert S. Johnston, III, filed a lawsuit in federal court against Governor Hogan and State Administrator Lamone seeking relief from Maryland's statutory 10,000-signature petition requirement for new party petitions, and from Maryland's statutory signature verification standard for validating and counting

petition signatures. The Maryland Green Party is also seeking damages. Plaintiffs claim that the 10,000-signature requirement and the signature verification standard, as applied in the COVID-19 environment, violate their First and Fourteenth Amendment rights to obtain access to the ballot as non-principal parties. Plaintiffs seek a reduction in the signature amount required for new party petitions to 1,000, and a requirement that the State Board accept any signature on the petitions that the State Board can match to an actual Maryland voter, notwithstanding any technical non-compliance with the signature standard. Simultaneous with their complaint, plaintiffs filed a motion for preliminary injunction. On June 8, 2020, Peter James – who seeking an unaffiliated nomination for election to the U.S. House of Representatives representing the Sixth Congressional District – filed a motion to intervene in the case. Plaintiffs and Defendants have since agreed to a resolution in principle of the plaintiffs’ complaint, and the hearing that had been scheduled for June 12, 2020 was canceled by the Court.

9. *The Committee for the Baltimore Regional Transportation Authority Mandate, Inc., et al. v. Lawrence J. Hogan, Jr., et al.*, (State Bd. of Elections June 15, 2020). On June 15, 2020, the Committee for the Baltimore Regional Transportation Authority Mandate, Inc., and Samuel Jordan, filed an Administrative Complaint with the State Board of Elections against Governor Hogan, State Administrator Linda H. Lamone, and the State Board of Elections, alleging that the 10,000-signature requirement established by Article XI-A of the Maryland Constitution for petitions seeking to place a proposed amendment to a the Baltimore City Charter was impermissibly high in light of the restrictions imposed by the COVID-19 pandemic. The complaint also alleges that the lack of access to the internet by numerous Baltimore City residents renders the State Board’s promulgation of SBE Policy 2020-01, which allows the use of electronic signatures on petitions, ineffective for Baltimore City petitions. Complainants seek a reduction in the constitutional signature amount to 500 signatures, and the establishment of at least two in-person sites in Baltimore City to permit voters to complete and sign petitions in support of the proposed charter amendment. The complainants have also requested expedited consideration of their complaint.

APPROVAL OF LATE FEE WAIVERS

Mr. DeMarinis presented the Board with 11 requests from campaign committees to waive late fees incurred by the committee. Eight 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. Bowersox, Mike Elect
2. Branson, Cherri Friends of
3. Busch, Mike Friends of
4. Citizens for Informed Voting, PAC
5. Coleman, Quincy Friends of
6. Foley, (James) Alex Wethe People for
7. Harvin, Ebony Citizens for
8. Ivey, Amber (Al) Friends of
9. Landis, Cheryl S. Friends of
10. Musselman, Stephen Friends to Elect
11. Peroutka, Michael Anthony, Friends of

APPROVAL OF CONFIDENTIALITY REQUESTS

Mr. DeMarinis stated that there were no confidentiality requests.

APPROVAL OF EXTENTION OF CHARTER AMENDMENT PETITION FILING DEADLINE

Mr. DeMarinis stated that the Board is revisiting this issue. He requested that because Maryland is still in a state of emergency, that the deadline for charter amendment petitions be extended by

one week to August 4, 2020. After Mr. Trento briefly recapped the issue, there were no questions. Mr. Voelp made a motion to extend the deadline for charter amendment petitions by one week to August 4, 2020, and Mr. Hogan seconded. The motion passed unanimously.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Cogan reported a contributions to Trump for President, the National Republican Senatorial Committee, the National Republican Congressional Committee, the National Republican Committee, and the Maryland Republican Party, all in amounts of \$30 to \$50, but was unable to give the details of each donation at the time of the meeting. He stated that he would give the full details at the next meeting. No other Board members reported contributions.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

SCHEDULE NEXT MEETING

The next meeting is scheduled for Thursday, July 23, 2020, at 2:00 pm.

ADJOURNMENT

Mr. Cogan stated that the open meeting would not reconvene after the closed session and adjourned the open meeting at 3:50 pm.

CLOSED MEETING

Mr. Cogan requested a motion to close the board meeting under General Provisions Article, §3-305(b) (7) and (8), which permits closing a meeting to consult with counsel to obtain legal advice and with staff about pending or potential litigation. Meeting in closed session allows the members to consult with Board counsel without waiving attorney-client privilege and obtain information relevant to pending or potential litigation. Mr. Funn made a motion to convene in closed session under General Provisions Article, §3-305(b)(7) and (8), and Mr. Voelp seconded the motion. The motion passed unanimously.

The motion having passed, the Board met in closed session in accordance with exemptions defined in (b)(7) and (8) of Section 3-305 of the Open Meetings Act to receive advice from counsel and consult with staff about pending or potential litigation.

The closed session began at 4:05 pm. Mr. Cogan, Mr. Hogan, Ms. Howells, Mr. Voelp, and Mr. Funn attended the closed meeting. In addition to the board members, Linda Lamone, Nikki Charlson, Andrea Trento, Donna Duncan, and Erin Perrone attended the closed meeting.

There was a discussion about the potential or pending litigation and the members received legal advice.

No action was taken.

Mr. Hogan made a motion to adjourn the closed meeting, and Mr. Voelp seconded the motion. The motion passed unanimously.

The closed meeting adjourned at 4:55 pm.