



BALTIMORE CITY COUNCIL LEGISLATIVE INVESTIGATIONS COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Legislative Investigations Committee is to investigate and study the continuing operations, efficiency, and functions of Baltimore City government in accordance with the laws of Baltimore City, the State of Maryland, and the United States.

As a result of its investigations and studies, the Committee will recommend and oversee reforms to improve the operations of Baltimore City's government through legislative, administrative, and/or budgetary processes and refer to the Inspector General or State Prosecutor as appropriate for issues that infer criminal intent.

**The Honorable Kristerfer Burnett
Chairman**

PUBLIC HEARING

**Wednesday, July 15, 2020
5:00 PM**

***Legislative Oversight - LO 20-0081
Board of Elections***

**Virtual Public Hearing – Webex
Televised - CharmTV**

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BILL SYNOPSIS

Committee: Legislative Investigations

Legislative Oversight: LO 20-0081

Oversight - Board of Elections

Purpose:

For the purpose of reviewing the 2020 Presidential Primary Election.

BACKGROUND

Authority

The Maryland Code - Election Law Article - Title 2 establishes a local board of elections in each county, including Baltimore City, and provides the boards with certain powers and duties necessary to register voters and conduct elections. The Maryland Code requires each county to appropriate funds essential for the operations and expenses of its local board, including personnel, polling place operation, and required supplies and equipment.

State of Emergency

On March 5, 2020 a state of emergency was proclaimed in Maryland due to risks associated with the coronavirus (COVID-19). On March 17, 2020, Governor Larry Hogan issued emergency proclamations rescheduling the 2020 Presidential Primary Election from April 28, 2020 to June 2, 2020.

2020 Presidential Primary Election

The Presidential Primary Election was conducted primarily by mail due to risks associated with COVID-19. The State recommended that voters who could vote by mail should do so. All eligible voters were automatically mailed a ballot to the address on file. The mailed ballots included a return envelope. Postage was not needed to return ballots. The postmark deadline for ballots was on or before Tuesday, June 2, 2020. Voters also had the option of dropping off their ballots at designated locations from May 21, 2020 through June 2, 2020. If

a voter could not vote by mail, there was at least one, but not more than four voting centers in each county and in Baltimore City. The designated voting center(s) opened on June 2nd from 7:00AM to 8:00PM. Some of the major election issues centered on voter registration, voter education, voting methods (in-person, mail), ballots and election results.

Maryland State Board of Elections Issues 2020 Presidential Primary Report to Governor Larry Hogan

Following the June 2, 2020 Primary, MSBE was requested to issue a report to Governor Hogan. The three-part report was issued on July 2, 2020. It gives a historical timeline of changes for the 2020 Primary Election, identifies challenges and opportunities for improvements, and presents options for conducting the upcoming November 3, 2020 General Election. *See attached: "Report on June 2 Election & Recommendations for November 3 Election"*.

2020 General Election

The General Election is scheduled for November 3, 2020, with early voting occurring from Thursday, October 22, 2020 through Thursday, October 29, 2020 from 8:00AM to 8:00PM.

INFORMATION SOURCES/DOCUMENTS

Maryland State Board of Elections

Analysis by: Jennifer L. Coates
Analysis Date: July 7, 2020

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**LEGISLATIVE INVESTIGATIONS
COMMITTEE**

**Legislative Oversight
LO 20-0081**

ATTACHMENTS



Report on June 2 Election & Recommendations for November 3 Election

Message from the Chairman

July 2, 2020

Dear Governor Hogan:

I am pleased to present to you the State Board of Elections report on the June 2, 2020 election. The report has three parts. The first is a historical report on the June election. The second section presents actions which the State Board of Elections plans to take irrespective of the mode of the November election. The third section presents possible courses of action, with associated advantages and disadvantages, which may provide assistance in making your decisions regarding the November election. This section draws on our experiences in the April and June elections, as well as our general expertise in the mechanics of running elections.


It is my hope, and the hope of the State Board of Elections, that this report may be of assistance in your decision making process regarding the November election.

Michael R. Cogan
Chairman
State Board of Elections

Overview of 2020 Primary Election

The June 2 election was unprecedented. This was the State's first statewide vote-by-mail election and was implemented in response to the COVID-19 pandemic to provide a safe way for voters to participate in the State's presidential and Baltimore City primary elections. Despite the challenges associated with a new way for most voters to vote, almost 1.5 million voters – 41.8% of eligible voters – voted in the State's first vote-by-mail election.¹

¹ In some jurisdictions, turnout exceeded the statewide turnout. For example, turnout in Baltimore City was 48%, while turnout in Kent, Charles and Prince George's Counties was 46%. Several jurisdictions had higher turnout in the June 2 election than they did in the 2016 Primary Election. These jurisdictions include Baltimore City (3% increase) and Calvert (1%), Cecil (7%), Charles (6%), Kent (4%), Montgomery (0.7%), and Prince George's (9%) Counties.



The rapid shift from a primarily in-person voting process to a primarily vote-by-mail voting process was difficult and was not without issue. In states that conduct elections primarily by mail, this transition from in-person voting to vote-by-mail elections took several election cycles, but because of the public health crisis, State and local election officials made this transition in weeks.

This election saw the introduction of ballot drop off boxes. There were 76 ballot drop off locations across the State for voters to return voted ballots. These custom-made boxes were well received by voters and often photographed by the press.

For the first time ever, election officials procured large quantities of a variety of personal protective equipment for voters and election officials to provide the safest environment possible for casting and counting ballots. These supplies and equipment included masks, gloves, hand sanitizer, face shields, plexiglass dividers, and floor stickers to show 6-foot distance between voters.

This report provides a timeline of the changes, identifies challenges and opportunities to improve elections in Maryland, and options for conducting the upcoming November 3 election. Additional data is available on the State Board's website under "Press Room."²

Timeline for and Changes to the 2020 Primary Election

On October 28, 2019, Governor Hogan issued a proclamation ordering a special primary election for the 7th Congressional District. The special primary election was scheduled for February 4, and the special general election was scheduled for April 28, the same day as the presidential primary election. The Baltimore City, Baltimore County and Howard County Boards of Elections conducted the special primary election on February 4. There were 294 polling places for this election, and turnout was 21.8%.

On March 5th, the Governor declared a State of Emergency in response to the global pandemic, and 8 days later, the State moved to teleworking. Like everything and everyone else, this changed how State and local election officials worked and communicated.

Under federal law, election officials are required to transmit ballots to requesting military and overseas voters at least 45 days before election day. For the April 28 election, this date was March 13, 2020. This deadline was met. This meant, however, that ballots for a "combined"

² See https://elections.maryland.gov/press_room/index.html.



April 28 election – an election that four days later was moved to June 2 – had already been sent when the election was moved.

On March 17, Governor Hogan issued a proclamation about this election. Under the proclamation, the special general election for the 7th Congressional District was still on April 28th, but it would be a vote-by-mail election. The proclamation moved the presidential primary election to June 2 and asked the State Board to submit a plan on how to conduct the June 2 election.


This proclamation “uncombined” the elections State and local election officials had been preparing since the Governor’s Proclamation on October 28, 2019. This meant there would be 3 elections in 4 months with 6 weeks to transition to a vote-by-mail election and 6 weeks between the April 28 and June 2 elections. In response, there were many hours of daily internal planning, conference calls three times a week with the election directors, and discussions with election officials in vote-by-mail states and other vote-by-mail experts.

On March 19, the final shipment of the ballots for a “combined” April 28 election were delivered. These ballots had contests for the special general election for three jurisdictions and the presidential primary contests and any local contests for all jurisdictions.³

At its March 25 meeting, the members of the State Board voted against in-person voting for the April 28 special general election and moved the voter registration deadline to April 21.

Eight days later on April 2, the members of the State Board met again and approved a plan for the June 2 election. The recommendations for the June 2 election were a vote-by-mail election with a limited number of vote centers. The members also recommended sending all eligible active voters a ballot and establishing at least one, but no more than four, locations for voters to drop off ballots and at least one, but no more than four, election day voting locations. The members also approved changes for the April 28 special general election in response to the health pandemic. The changes included allowing the local boards to start counting ballots early (April 16) but embargo results until 8 pm on election day, suspending in-person requests at local boards for ballots and in-person return of voted ballots at local boards, extending “no electioneering” zone to ballot drop off boxes, and moving the deadline to register to vote to

³ When the special general election and the presidential primary were “uncombined,” the ballots had already been programmed and printed and ballots had been mailed. There were many discussions about whether the ballot database could be updated with June 2 as the election date and ballots reproofed and printed in time to meet the federal requirement to transmit ballots to requested military and overseas voters on April 18. The decision to use the ballots with “April 28, 2020” printed in the header introduced the least risk to the election as long as voters knew that the election was on June 2 and the April 28 date in the ballot header would have no impact on the ballots being counted.



April 24 for voters who wanted to receive an electronic ballot. On April 3, the State Board submitted its plan for the June 2 election to the Governor.

On April 8, custom-made ballot drop off boxes for use in both the April 28 and June 2 elections were ordered. The manufacturing and delivery of the ballot boxes for the 7th Congressional District were expedited, and the vendor delivered on time.

On April 10, the Governor issued a proclamation ordering that there would be in-person voting for the April 28 special general election unless the State Board submitted a written determination that an election conducted solely by mail would comply with federal and State laws and could not be conducted safely. The proclamation also ordered that the June 2 election would be held primarily by mail with vote centers.

The members of the State Board convened on April 13 to discuss the April 10 Proclamation. There was a motion to send the Governor the written determination about no vote centers, but the motion failed. As a result, the local boards of elections (local boards) in the 7th Congressional District needed to provide one vote center for the April 28 special general election. The members also approved other changes - when local board members must be present for canvassing; authorizing a single person checking for timeliness, signed oath, and ballot readability of returned ballots; allowing remote support of opening and closing of vote centers; and moving the voter registration deadline for the June 2 election to May 27.

The deadline under federal law to start transmitting ballots to requesting military and overseas voters was April 18. This deadline was met.

On April 22, the members of the State Board met again. At this meeting, the members authorized more ballot drop off boxes, approved changes to the absentee ballot request application, and changed requirements for date-stamping ballots returned to a local board.

The voters in the 7th Congressional District needed to be educated about how the election would be conducted. On April 22, a traditional and digital voter education campaign was launched. Over the next six days, voters viewed or heard the ad over 5.5 million times.

In response to the State Board's action on April 22, ten more ballot drop off boxes for Baltimore City were ordered on April 24. With this order, there would be 15 ballot drop off locations in Baltimore City - one in each councilmanic district and one at the local board of elections' (local board) office.

Voters in the 7th Congressional District voted on April 28. 99% of voters that participated in



the election voted by mail. 1,000 voters voted in person. Turnout was 32%.

On May 4, the formal voter outreach campaign for the June 2 election was approved and the production of digital, radio, TV and print ads began. On May 8, digital ads were launched. They were followed by the launch of TV, radio, and print spots. The campaign ran through election day. Through election day, there were over 84 million impressions. These efforts were supplemented by social media and other messages from State and local election officials.

The three local boards in the 7th Congressional District certified local results on May 8, and the Board of State Canvassers certified the aggregated results on May 12.

At its May 14 meeting, the members of the State Board approved opening ballot drop off boxes as soon as they were delivered and installed, using electronic signatures to certify local election results, removing the requirement allowing voters to enter a voting location to return a voted ballot, and removing the requirement for a formal evaluation of vote centers and polling places. These changes were made to reduce in-person interactions and allow more voters in voting locations.

During this time, most ballots for the June 2 election had been mailed. The most significant issue was discovered on the evening of May 15, when State election officials learned that the ballots for Baltimore City voters had not been mailed as had been previously reported. The United States Postal Service (USPS) was immediately responsive and over the weekend, State election officials and USPS representatives developed a plan to get ballots into Maryland as quickly as possible.

The custom-made ballot drop off boxes arrived and were installed from May 18 through May 20. Once a box was installed, voters could deposit their voted ballots. The local boards would collect them at least two times a day.

On May 20, the members of the State Board met and approved two more vote centers in Baltimore City. These vote centers were added in response to the vendor failing to mail ballots to Baltimore City voters according to the mailing schedule. With these two additional vote centers, Baltimore City had six vote centers, and there would now be 44 in-person voting locations statewide.

On May 21, the local boards were authorized to start counting ballots, and many of them did. Voters had until May 27 to register to vote or update an existing registration.

At its May 28 meeting, the members of the State Board formally ratified their May 20 action to



increase the number of vote centers.

The ten additional ballot drop off boxes for Baltimore City were installed on May 30. Statewide, there were now 76 ballot drop off boxes.

Of the more than 3.5 million ballots sent, 95.33% of the ballots were delivered to voters on or before May 30.

Almost 1.5 million voters – 41.8% – participated in the June 2 election. All of the local boards certified their results, and the State Board of Canvassers certified results on July 2.

A more detailed timeline is in Appendix 1.

Voting Trends in Maryland

Voters in Maryland historically vote in person. Until the 2010 elections, this meant voting on election day in neighborhood polling places. Early voting was introduced in 2010, and the number of locations and days has expanded since 2010. Over 90% of voters vote in person during early voting or on election day. Most voters still vote in-person on election day, but the percentage of voters taking advantage of early voting is steadily increasing.

The percentage of Maryland voters who request a ballot and vote by mail⁴ has been stable over time until the June 2 election. The figure below shows ballots sent to requesting voters as a percentage of total voter turnout for each election since the 2004 General Election.

⁴ Voting by mail has traditionally been referred to as “absentee voting” in Maryland. With the enactment of Chapters 36 and 37 of the 2020 Laws of Maryland, this process is now referred to as mail-in voting. Mail-in voting is the same process as absentee voting - that is, voters who wish to receive a ballot in the mail submit a written or electronic request for a ballot, and election officials send the ballot. While absentee or mail-in ballots are identical in content as vote-by-mail ballots and the voter’s steps to vote and return the ballot are the same, the difference is whether the voter asks for the ballot (absentee or mail-in ballot) or whether election officials automatically mail voters ballots (vote-by-mail ballots).

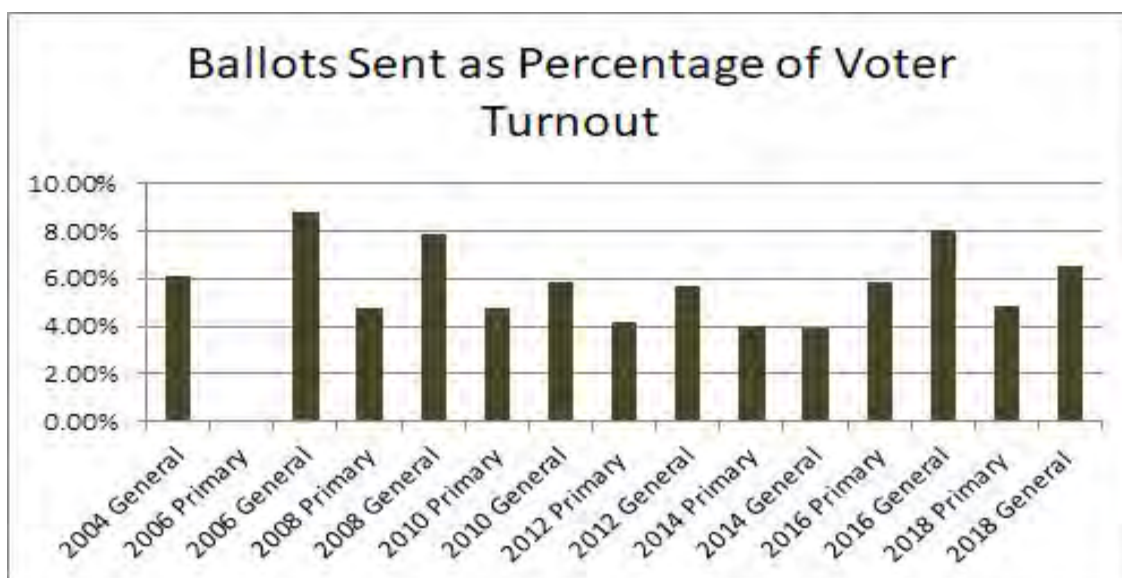


Figure 1: Ballots Sent to Voters as a Percentage of Voter Turnout⁵

Because the June 2 election was conducted primarily by mail, a vast majority of voters - 97% - voted by mail, and for most of these voters, it was the first time they voted this way. Whether voters will return to voting in person with a traditional election or adopt in greater numbers to voting by mail is unknown, but election officials must prepare for both possibilities.


In 2016, election officials implemented same day registration and address change during early voting. Same day registration on election day was implemented in the June 2 election. Since its implementation, over 14,000 individuals have registered to vote and over 17,000 voters have changed address as a result of this process. On June 2, over 1,000 individuals registered and voted.⁶

Voter Education

Since the majority of Maryland voters had never voted by mail and the date of the election changed, it was necessary to educate voters about the new way to vote and when the election would be held. As a result of the statewide, diverse voter education campaign, most voters

⁵ Absentee voting data from 2010 to 2020 is available in SBE's "Press Room" at https://elections.maryland.gov/press_room/index.html. Reports of absentee voting by "canvass" show absentee voting as a percentage of voter turnout.

⁶ This data is available in SBE's "Press Room" at https://elections.maryland.gov/press_room/index.html. Same day registration and address change reports are available for the 2016 Primary Election, 2016 General Election, 2018 Primary Election, 2018 General Election, and 2020 Primary Election.



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.


The campaign was statewide and included TV, radio, digital, earned media, and grassroots and community-based efforts. In three weeks, there were:

- Over 84 million impressions
- Over 4 million views of videos
- Over ½ million clicks on the ads
- More than 225 articles and stories placed 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 Hispanic 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.

The budget for this campaign was about \$1.1 million (\$1,153,000). KO Public Affairs subcontracted with Mission Media to develop the TV, radio and digital campaigns and conduct the media buy. KO also subcontracted with Sandy Hillman Communications, a minority business enterprise (MBE), to help manage stakeholder outreach across the State working with Campfire Communications, Cool & Associates, a public relations firm specializing in Hispanic media and stakeholder outreach, and GreiBO to oversee African American media relations and stakeholder outreach. GreiBO led an in-community engagement and paid social media program partnering with other organizations in the City of Baltimore. The creative design and media buy with Mission Media accounted for almost 80% of the overall budget. Nearly 70% of the remaining budget went to the named MBE firms for statewide stakeholder outreach, earned media, translation services, Spanish-speaking paid media, and in-community engagement for Baltimore City.



A 145-page report is available on the State Board's website under "Press Room."⁷ Sample graphics from the June 2 campaign are in Appendix 2.

Next Steps

The State Board will conduct another statewide voter education campaign for the November 3 election. The members of the State Board have expressed an interest in expanding the outreach provided for the June 2 election. The key messages of this campaign will depend on how the election will be conducted.

Voter Support

Call Center


As with previous elections, the State Board contracted with a call center, CMD Outsourcing Solutions, Inc. in Baltimore, to assist with the volume of phone calls in the weeks leading up to the June 2 election. The call center began supporting the State Board and the Baltimore City and Baltimore County Boards of Elections on April 6 for the special general election for the 7th Congressional District. On April 20, the call center started its support of the Montgomery County Board of Elections, and on April 27, the call center started answering calls for the Howard County Board of Elections. Over the next two weeks, the local boards from Anne Arundel, Caroline, Carroll, Cecil, Frederick, Kent, Queen Anne's, Prince George's, Washington, and Worcester Counties were added. On May 19, the Wicomico County Board of Elections joined the call center. The call center provided support through the primary election and ended on June 26. The call center operated Monday through Friday, including Memorial Day and two Saturdays (May 23 and May 30), for a total of 62 days.

Over the course of 62 days, the call center answered 52,822 calls.⁸ In the last two comparable elections – the 2012 and 2016 Presidential Primary Elections, the call center handled 17,847 calls and 27,840 calls, respectively. In the 2018 Primary Election, the call center received 18,268 calls.

⁷ See

https://elections.maryland.gov/press_room/documents/KO%20SBE%20June%202020%20Campaign%20Report%20FINAL%2006162020.pdf

⁸ 30,861 (58.42%) of those calls were to one of SBE's phone numbers. The call center received more calls for the Prince George's County Board of Elections than any other local board. There were 5,470 calls (10.36%) to the Prince George's County Board of Elections' number.



Once the voter education campaign began on May 15, the call center immediately saw the impact of voters' increased awareness of the election and how it would be conducted. On May 18 – the first full business day after the campaign was launched, the call center saw a 56% increase in voter calls.⁹ In the first week of the voter education campaign, the call center received 25,000 calls for a daily average of 5,100 calls. The call center responded quickly and added more staff and hours to support voters. There were times, however, when the call volume exceeded its capacity.

Email Support

The State Board uses an email address (absentee.sbe@maryland.gov) to provide support for the mail-in voting process. While this address is operational all year, there is typically an increase in incoming emails in the months and weeks leading up to an election.

From January through June 23, over 10,000 emails were exchanged. For the week of May 24, over 3,100 emails were exchanged with hundreds of email exchanges per day. There were over 500 email exchanges on May 26, and over 700 email exchanges on May 27. The number of exchanges on June 1 and election day were over 900 and 1,100, respectively.

Although a team of State Board employees managed this email account, it is clear from the email volume for this election that more individuals are needed to support this email account for the November 3 election.

Next Steps

1. The State Board will work with the call center to expand its capacity for the November 3 election.
2. The State Board will expand its capacity to manage the email account used to support the mail-in ballot process.

⁹ On May 15, the call center received 3,225 calls. On May 18, it received 5,027 calls.

Vote by Mail

The June 2 election was Maryland's first statewide vote-by-mail election.¹⁰ Election officials mailed almost 3.6 million ballots over 3 weeks. Before this election, the most ballots sent to voters was 225,000 ballots in the 2016 General Election.

This was also the first statewide election in which postage for returning voted ballots was pre-paid. In previous elections, voters affixed postage to return voted ballots, but the enactment of Chapters 36 and 37 of the 2020 Laws of Maryland meant that State and local governments paid the postage to return voted ballots.¹¹

State and local election officials worked closely with USPS representatives to deliver blank ballots and return voted ballots. Election officials were already using USPS' Intelligent Mail Barcodes, which enable timely and accurate tracking of mail pieces, but some local election officials needed to establish a business reply permit for use on the return envelopes. USPS representatives approved the design of the ballot packets and were instrumental in responding to delays in the printing and mailing process.¹²

The process of mailing almost 3.6 million ballots was not, however, without issue. The vendor responsible for printing, inserting, and mailing the ballot packets did not perform as expected. Examples include:

- Ballots for Baltimore City voters were scheduled to be mailed on May 8 but were not mailed until May 14. The vendor never indicated that the mailing of Baltimore City ballots would be delayed.
- The wrong ballot was printed for Baltimore City Council District 1. This printing error did not void any ballots, but it did require that the ballots be manually copied onto ballots that could be read by the scanners.
- 90,000 voters in Prince George's County initially received only the Spanish version of the instructions and list of vote centers and ballot drop off boxes.

¹⁰ The special general election for the 7th Congressional District was primarily a vote-by-mail election. In that election, over 157,000 voters participated and 99.3% voted by mail. 1,000 voters voted in-person at one of the three vote centers.

¹¹ Chapters 36 and 37 did not require prepaid postage for ballots delivered electronically.

¹² The USPS facilitated - with short notice - the several overnight deliveries of ballots from out-of-state facilities to the mailstream in Maryland. This expedited delivery meant that ballots were delivered to voters several days earlier than the normal delivery process.

- A court-ordered notice was not included in ballot packets for Hagerstown voters.¹³

Notwithstanding these issues, USPS data shows that 3,416,919 ballots – 95.33% – were delivered to voters on or before May 30. Another 5,000 ballots were delivered on June 1 and June 2.¹⁴ There were variances in the delivery rates by jurisdiction. Generally, delivery rates in the USPS' Capitol Region were lower than the rates in the Baltimore Metro region.¹⁵ Voters who did not receive a ballot could request an electronic ballot¹⁶ or vote in person on June 2.

As expected, there were ballots that the USPS could not deliver.¹⁷ Since ballots are not sent by forwardable mail, ballots that cannot be delivered – referred to as “undeliverable” – are returned to the appropriate local board. There were almost 160,000 ballots that were returned as undeliverable. While State and local election officials will work to reduce this number in future elections, it is consistent with USPS data showing that 4-5% of mail is undeliverable.¹⁸

If a ballot was returned as undeliverable, but the USPS provided a new address on the returned mail, the local boards resent the ballot to the new address if there was sufficient time for the voter to receive the ballot at the new address and vote and return the ballot.

¹³ The Washington County Board of Elections sent a separate mailing to comply with the court order.

¹⁴ The process of mailing ballots continued for several weeks. After the initial large mailings, there were supplemental mailings to provide individuals who registered to vote before the election or registered voters who updated their addresses with ballots.

¹⁵ The USPS' Capital Region includes Calvert, Charles, Montgomery, Prince George's and Saint Mary's Counties, and the Baltimore Region includes the remaining jurisdictions. The counties in the Capital Region with a delivery rate lower than the statewide rate are Charles (89.55% delivery rate), Prince George's (87.93%), and St. Mary's (88.65%) Counties. In the Baltimore Region, only Baltimore City (94%) had a lower delivery rate than the statewide rate.

¹⁶ Voters who requested an electronic ballot received an email with a link to access their ballots. Once they created an account, they could either: (1) download a blank ballot, print the ballot, and mark it by hand; or (2) use an online tool to mark the ballot and print the ballot. Regardless of the option the voter chose, voters must return the voted ballot by mail or drop off the voted ballot at a ballot drop off box.

¹⁷ According to USPS' first quarter 2020 data, the two most common reasons why government mail is returned to the sender is because the USPS has a change of address on file (28.8%) and the mail is not deliverable as addressed, unable to be forwarded, or the forwarding order has expired. See https://postalpro.usps.com/UAA_Mail_FY20QTR1_INDNIXCNT.

¹⁸ An August 2014 report of the Inspector General for the USPS stated that 4.3% of mail is undeliverable. See “Undeliverable as Addressed Mail Audit Report,” Report No. MS-AR 14-006, July 14, 2014, p. 2 (available at <https://www.uspsoig.gov/sites/default/files/document-library-files/2015/ms-ar-14-006.pdf>) (last accessed on June 26, 2020). A recent IRS report on undeliverable mail shows a 6.6% - 7.6% undeliverable rate. See “Additional Actions are Needed to Further Reduce Undeliverable Mail,” Treasury Inspector General for Tax Administration, Reference 2019-40-074, September 11, 2019, p. 3 (available at <https://www.treasury.gov/tigta/auditreports/2019reports/201940074fr.pdf>) (last accessed on June 26, 2020).

As described above, there were 76 ballot drop off locations across the State. In many ways, the ballot drop off boxes became the image of this election¹⁹ and voters liked the alternate way to return their voted ballots.

State and local election officials developed procedures to ensure the security of ballots in the ballot drop off boxes. All of the ballot drop off boxes were under 24/7 surveillance, and some local boards arranged for increased patrolling and monitoring by local law enforcement. The local boards retrieved ballots at least twice a day and followed detailed procedures when collecting and transporting voted ballots to the local board.²⁰

The table below shows the percentage of ballots returned at a ballot drop off box by county. The number in parentheses is the number of ballot drop off locations available in that jurisdiction.

Percentage of Mailed Ballots Received at a Ballot Drop Off Box			
Allegany (1)	10.62%	Harford (2)	11.20%
Anne Arundel (5)	13.78%	Howard (3)	11.51%
Baltimore City (15)	13.11%	Kent (2)	43.93%
Baltimore County (5)	6.32%	Montgomery (7)	14.14%
Calvert (1)	7.38%	Prince George's (5)	18.25%
Caroline (2)	7.77%	Queen Anne's (2)	13.76%
Carroll (3)	10.98%	Saint Mary's (2)	13.01%
Cecil (4)	17.14%	Somerset (2)	6.44%
Charles (2)	22.19%	Talbot (2)	10.20%
Dorchester (1)	10.64%	Washington (2)	10.69%
Frederick (3)	15.35%	Wicomico (2)	11.45%
Garrett (1)	10.14%	Worcester (2)	6.13%
Statewide		13.21%	

Table 1: Percentage of Ballots Returned at a Ballot Drop Off Box

¹⁹ Images of the ballot drop off boxes are in Appendix 3.

²⁰ The procedures required that the person collecting the voted ballots be a sworn election official, have a criminal background check on file, and display a State or county ID. When retrieving ballots, the election official verified that the numbered seals on the box matched the seal numbers recorded on a chain of custody report and recorded the number of removed ballots. The receiving official verified the number of ballots received and stored the voted ballots in a secure location at the local board.

Based on their use in the June 2 election, additional ballot drop off boxes would benefit voters and provide more options for returning voted ballots. Local election officials are currently submitting requests for additional boxes to ensure that there is adequate time to manufacture and deliver the customized boxes. Data from the June 2 election and population data will guide the placement of ballot drop off boxes for the November 3 election.

Conducting a primarily vote-by-mail election means that there are exponentially more ballots to count than a traditional election.²¹ The local boards were authorized to start counting ballots 10 days before election day but had to embargo the results until voting ended on election day. Although all of the local boards started counting ballots before election day, the local boards counted a significant number of ballots after election day. This meant that, for at least a few contests, the “winners” were not known on election night, the day after election day, or for several more days.

State law requires that the counting of ballots be accessible to the public. In response to the public health emergency, the facilities in which the local boards count ballots were closed to the public. This meant that public access to the canvassing of ballots was provided via live stream. State and local election officials worked to identify solutions that provided the public with access to view the canvassing process and view and listen to discussions of the local boards of canvassers²².

The table below provides county-level data about the number of ballots sent and the percentage of those ballots that were voted and returned to the local boards. It also shows the percentage of the received ballots that were accepted and rejected.²³

County	Ballots Sent	Percentage of Ballots Received	Percentage of Ballots Accepted	Percentage of Ballots Rejected
Allegany	43,317	33.70%	98.85%	1.15%
Anne Arundel	330,920	38.42%	98.14%	1.86%
Baltimore City	337,678	46.25%	97.55%	2.45%
Baltimore County	457,674	43.12%	97.65%	2.35%

²¹ For example, the local boards canvassed over 175,000 ballots in the 2016 General Election.

²² The local board convenes as the local board of canvassers to count ballots.

²³ This information for prior elections is available in SBE’s “Press Room” on its website. See https://elections.maryland.gov/press_room/index.html.

Calvert	67,110	35.83%	97.78%	2.22%
Caroline	17,887	32.73%	98.94%	1.06%
Carroll	123,706	34.84%	98.77%	1.23%
Cecil	51,317	39.16%	99.01%	0.99%
Charles	95,655	45.40%	98.08%	1.92%
Dorchester	18,953	36.49%	98.73%	1.27%
Frederick	181,401	33.43%	97.42%	2.58%
Garrett	17,112	40.07%	99.29%	0.71%
Harford	144,547	40.15%	98.21%	1.79%
Howard	211,465	42.01%	97.62%	2.38%
Kent	10,825	45.15%	99.26%	0.74%
Montgomery	670,778	39.89%	96.89%	3.11%
Prince George's	521,991	44.38%	96.94%	3.06%
Queen Anne's	29,308	39.02%	98.87%	1.13%
St. Mary's	56,115	36.74%	99.68%	0.32%
Somerset	11,213	35.30%	98.66%	1.34%
Talbot	22,040	45.55%	97.42%	2.58%
Washington	82,156	35.29%	98.48%	1.52%
Wicomico	50,020	35.87%	98.45%	1.55%
Worcester	31,697	40.45%	98.05%	1.95%
Statewide	3,584,885	40.81%	97.61%	2.39%

Table 2: Ballots Sent, Received, Accepted and Rejected

As shown in Table 2, the vast majority of ballots returned by mail were counted. The overall acceptance rate for the June 2 election was 97.6%, as compared with the average acceptance rate since the 2012 Primary Election of 97.97%. The acceptance rate for ballots returned by

voters who requested the ballot (98.36%) was slightly higher than the acceptance rate for ballots sent automatically to voters (97.57%).

Under State law and regulations, there are fourteen reasons why ballots cannot be accepted and counted, but the two most common reasons are the ballot is late for the election²⁴ and the voter did not sign the oath on the return envelope. Figure 2 below shows the percentage of ballots rejected for the two most common rejection reasons over time.

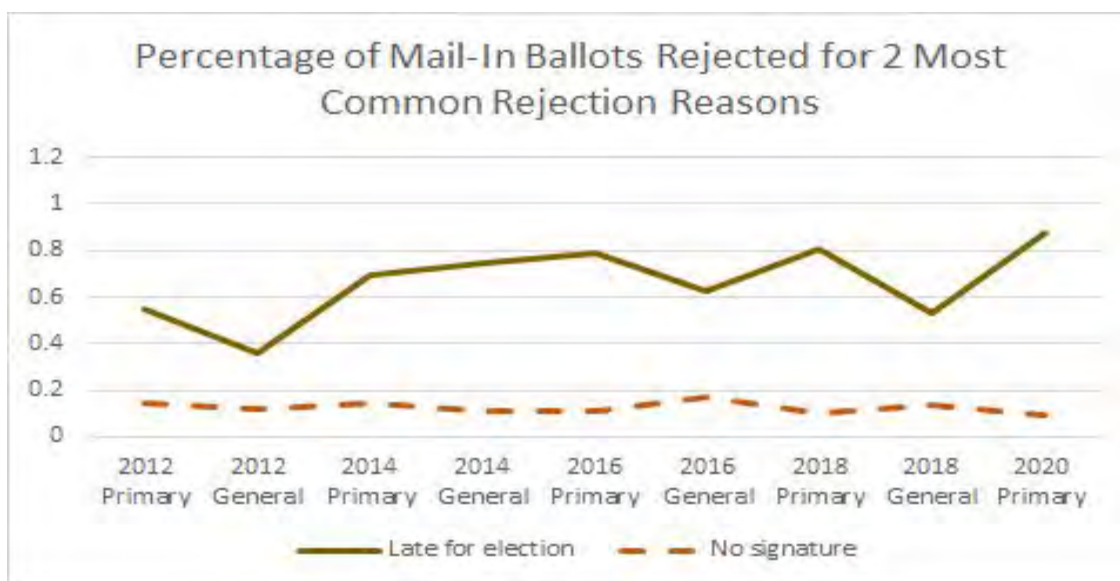


Figure 2: Percentage of Mail-In Ballots Rejected for 2 Most Common Rejection Reasons²⁵

Because the vast majority of voters in Maryland were voting by mail for the first time, the State Board instructed the local boards to contact voters who submitted a ballot that did not include a signature on the return envelope. This process meant that hundreds of voters were able to provide a signed oath and have their ballots be accepted and counted. Since the 2012 Primary Election, the average percentage of ballots rejected for not having a signature was 13.0%. For the June 2 election, the percentage of ballots rejected for not having a signature was 9.41%.

²⁴ A ballot is late for an election if the ballot is: (1) postmarked after election day; or (2) received after 10 am on the second Friday after the election. See Regulation 33.11.03.08 of the Code of Maryland Regulations.

²⁵ A comparison of the rejection reasons by ballot type - mail-in voting and vote-by-mail - shows more mail-in ballots (11.51% of rejected mail-in ballots) were rejected due to no signature than vote-by-mail ballots (9.34% of rejected vote-by-mail ballots.) A similar comparison for ballots rejected for being late shows the opposite; that is, more vote-by-mail ballots (87.27% of rejected vote-by-mail ballots) were rejected for being late than mail-in ballots (82.35% of rejected mail-in ballots).

Next Steps

The State Board will:

1. Mail ballots at least 30 days before the election and identify and implement appropriate best practices used by vote-by-mail states and other government entities to obtain current addresses and deliver mail to individuals who are difficult to reach by mail. There will be mailings to registered voters well before the November 3 election.
2. Work with the USPS to improve the delivery rate of ballots in several counties in the USPS' Capital Region and determine whether ballots can enter the USPS mailstream at the USPS' Baltimore and Capital Region facilities. If they cannot, communicate directly with the USPS representative in the USPS region where ballots will be mailed.
3. Research options to provide voters with the ability to track their ballots. USPS data is currently available to election officials but not to voters. This information would enable voters to obtain this information without needing to contact an election official. Ideally, voters and election officials would view real-time data.
4. In response to voter complaints about the privacy of their signature on the back of the return envelope, consider implementing a solution that prevents a voter's signature from being visible during transit.
5. In response to the performance of the vendor, evaluate all options, including options under the current contract and identifying other vendors capable of printing and mailing customized mailpieces. On May 22, the State Board issued a Request for Information. Six vendors responded and are preparing to submit test ballots.²⁶
6. Build into the contract more vendor accountability and reporting capabilities, and 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. The State Board has a staffing contract with appropriate labor classifications as a potential source of candidates to support an expanded mail-in voting.

²⁶ Ballot printing requires very precise printing. If the specific requirements are not met, the voting equipment cannot count the ballot. As a result, there is a rigorous process to become a certified ballot printer in Maryland. Over the years, the State Board has tried to cultivate in-state ballot printers but has not been able to certify any Maryland vendors as certified ballot printers. Ballots for in-person voting are currently printed by a Pennsylvania printer.

7. Increase the number of ballot drop off locations. Data from the June 2 election and population data will be used to guide the placement of ballot drop off boxes.
8. Review other government sources for updating voter registration data and if other trusted government sources are identified, work with the Maryland General Assembly to allow the use of this data for elections in 2022 and beyond.
9. For future primary elections, review information printed on the voter's return envelope and print only the information that is necessary for processing.

In-Person Voting

Leading up to June 2, the local boards redesigned the layout and flow of each vote center to accommodate social distancing and public health guidelines. This included providing places where voters could pick up masks and use hand sanitizer, mounting plexiglass dividers on tables, determining how many voters could access the voting room and still comply with social distancing guidelines, and verifying that voting booths and places where voters might congregate (e.g., lining up to feed voted ballots into the scanner) were separated by 6 feet. Pollworkers were assigned additional duties related to sanitizing commonly touched surfaces.

On June 2, over 34,000 voters – 2.3% – voted at one of the 44 vote centers around the State. 1,042 individuals registered to vote and voted on June 2, and 8,448 individuals voted a provisional ballot. Local election officials deployed 210 accessible ballot marking devices, and all vote centers complied with the State Board requirement that at least five voters at each vote center use the device to make their selections.

At numerous vote centers, voters waited in line to vote. Although the vast majority of voters voted and returned the ballot they received in the mail, there were voters who were only able to participate in the election by voting on election day. The 44 vote centers were not sufficient to accommodate the almost 35,000 voters who voted in person. With turnout expected to be significantly greater for the November election than June 2, it is clear that more vote centers will be needed to accommodate voters who will vote in person.

In most elections, the majority of provisional ballots are counted. This held true in the June 2 election. Figure 3 below shows the percentage of accepted in full²⁷, accepted in part²⁸, and rejected provisional ballots since the 2012 Primary Election. The rejection rate for provisional ballots in primary elections is higher than general elections since many voters who vote a provisional ballot in a primary election requested a ballot for a political party with which they are not affiliated. In a general election, all voters receive the same ballot and party affiliation is irrelevant.

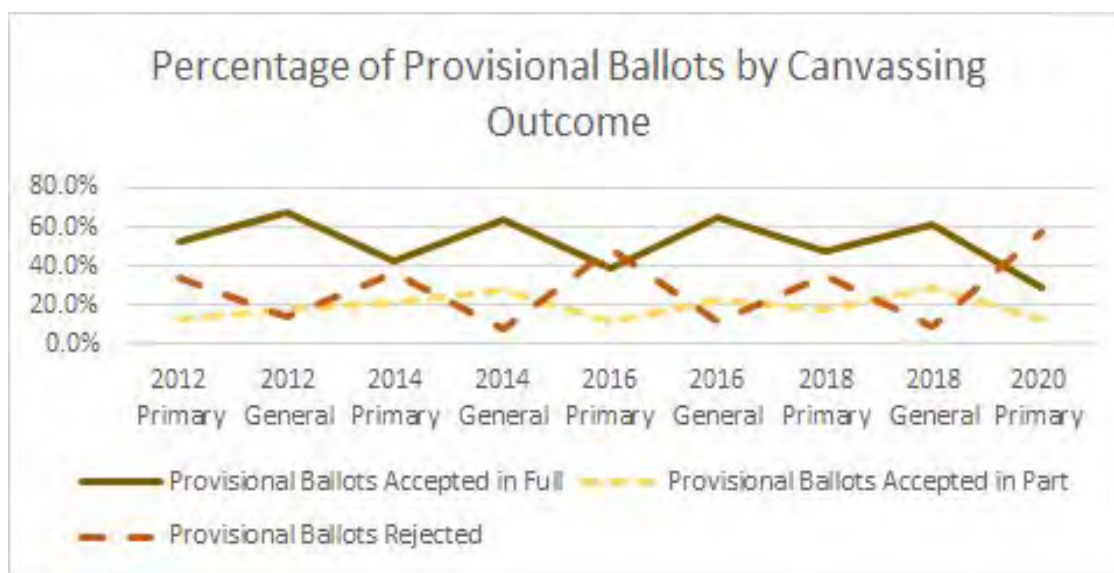


Figure 3: Percentage of Provisional Ballots by Canvassing Outcome

The most common reasons why provisional ballots are rejected in a primary election are: (1) the voter is not registered to vote; (2) the voter is eligible to vote in this election but requested a ballot for a political party with which the voter is not affiliated (“voted wrong ballot”)²⁹; and (3) the voter is not eligible to vote in the election but wanted to vote.³⁰ For the June 2 election,

²⁷ A provisional ballot is accepted in full if the voter is registered to vote and votes the ballot associated with the voter’s residential address.

²⁸ A provisional ballot is accepted in part if the voter is registered to vote but votes a ballot that is not associated with the voter’s residential address. The local boards accept this ballot and count votes for contests for which the voter is eligible to vote. All statewide contests would be counted, but a vote for a candidate for Congress would only count if the voter lives in that Congressional District.

²⁹ For example, a voter who is registered as a Democrat wants to vote a Republican ballot, or an unaffiliated voter lives in a jurisdiction where there is a non-partisan contest (e.g., school board) on the ballot and the voter wants to vote a Democratic or Republican ballot. These voters are eligible to vote, but they want to vote a different ballot.

³⁰ For example, an unaffiliated voter lives in a jurisdiction where there are only partisan contests on the ballot, and the voter wants to vote a Republican ballot. This voter is not eligible to vote.

these three reasons were the three most common rejection reasons. Figure 4 shows the percentage of ballots rejected for these reasons in primary elections since 2012.

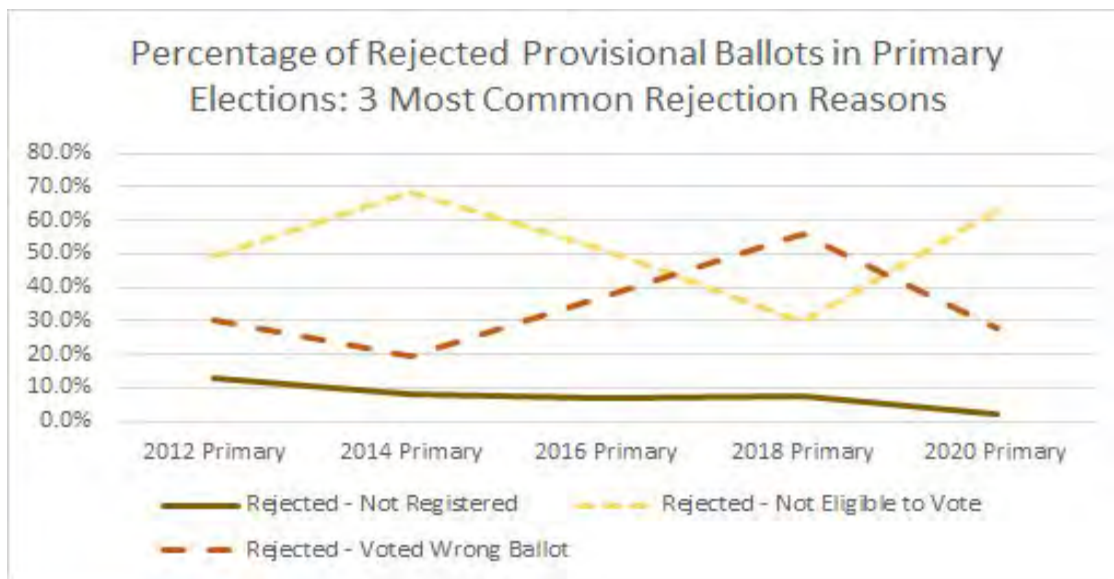



Figure 4: Percentage of Rejected Provisional Ballots in Primary Elections Rejected for the Three Most Common Rejection Reasons

On election day, election officials received reports of voters wanting to vote in person but were required to vote a provisional ballot because they had already voted. State election officials determined that voters whose ballots were returned by USPS as “undeliverable” were marked as having “voted” in the electronic pollbooks.³¹ There were about 1,200 voters statewide who were required to vote a provisional ballot for this reason. Almost 800 of these voters would have had to vote a provisional ballot anyway because they had a new address or wanted to change their 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. When voters request a ballot by mail, they provide the address where they wanted the ballot to be mailed. This meant that few absentee ballots are returned as undeliverable. In future elections, these voters will not be coded as “already voted” so if they want to vote in person, they can cast a ballot if they have not moved or vote a provisional ballot if they have moved.

Shortly before election day, the Baltimore City Board of Elections identified 104 voters who were assigned to the incorrect City District. These voters lived in a new apartment located in District 14, but the voters were assigned to District 12. Once the Baltimore City Board of Elections learned of the issue, they immediately notified the 82 voters eligible for this election,

³¹ Electronic pollbooks are the tablet-like devices pollworkers used to check in voters.



delivered corrected ballots to some voters, and instructed others that they could vote a provisional ballot with District 14 candidates. Because assigning voters to the wrong district occasionally happens, the State Board is 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 in the future.


Next Steps

1. Increase the number of vote centers for any election conducted primarily by mail.
2. Identify and research the availability and use of large facilities as vote centers. These facilities are designed to handle large numbers of people and could include convention centers, sports and concert venues, large meeting spaces at colleges and universities, and vacant real estate space in shopping malls and centers.
3. Assuming that the current public health emergency and social distancing guidelines will be in place for the November 3 election, plan to provide sufficient quantity of personal protective equipment and supplies to provide as safe an environment as possible for voters and pollworkers.
4. Change how voters whose ballots are returned as “undeliverable” are displayed in the electronic pollbooks.
5. Continue transitioning a GIS-based process for assigning voters to districts.

Election Results and Audits

Election Results

Reporting unofficial, election night results is a collaborative effort between State and local election officials. When pollworkers return critical election supplies after voting is over, local election officials load into a secure database the memory devices from the scanners that tabulate ballots at voting locations. Once the results are transferred from the memory devices into the database, State election officials have a secure way to transfer these unofficial results to a State server for posting to the website. The website updates every time new results files are received.




Election results are not typically released until all voters in line at 8 pm are inside a voting room. This is to ensure that unofficial election results do not influence voters' decisions to vote or for whom they wish to vote.

Since there were voting locations that were open after 8 pm on June 2, the State Board implemented a new process for releasing results. Once all of the voter centers in a jurisdiction were closed, the State Board posted on its website results for local offices and the local boards were authorized to release the same results and linked to the State Board's results webpage. Results for federal and State offices, however, were held until all voters were inside a voting room. Because of the lines at some vote centers, federal and State results were not posted until shortly after 11 pm.

Shortly after 1:45 am, the State Board removed from the website unofficial results for Baltimore City contests. This action was taken because the results for the Baltimore City Democratic District 1 contest did not look right. Out of an abundance of caution and because the State Board did not know the cause of the issue or how many contests were affected, the unofficial results for Baltimore City offices were removed.

After some analysis, the cause of the unexpected results in the Baltimore City District 1 contest was determined. During the ballot proofing process, a correction was made to the Democratic ballot for Baltimore City's District 1 voters. The State Board provided the vendor with the corrected ballot artwork, but the vendor printed and mailed the prior version of the ballots. This meant that the voting system had counted votes for the Democratic contest for District 1 and the Democratic judge of the circuit court wrong. Unofficial results for all Baltimore City contests except for the Democratic District 1 and the Democratic judge of the circuit court were posted at 11 am on June 3.

To resolve the incorrect results for the Baltimore City Democratic contest for District 1 and the Democratic judge of the circuit court contest, the Baltimore City Board of Elections reset the results for both contests, created procedures for identifying incoming ballots, and located all impacted ballots that were previously scanned. Ballots that had already been scanned were sent to duplication teams where the results for only those two contests were marked on ballots with the correct artwork. The incoming Democratic ballots for District 1 that had not been scanned were also sent to duplication teams, and all offices on these ballots were duplicated. All duplicated ballots were then scanned on the voting equipment and then uploaded. These results were then posted to the State Board's website along with the results for the other offices.



Typically, precinct-level results are provided for in-person voting but not for mail-in or provisional voting. The State Board is exploring whether precinct-level results can be provided for this election. Precinct-level results for in-person and ballots returned by mail will be provided for the November 3 election.

Post-Election Audits

There are two types of post-election audits performed after each election – a comprehensive audit of critical election processes and equipment and an independent automated tabulation audit that verifies that the voting system counted the ballots properly.

Comprehensive Audit

The goal of the comprehensive audit is to verify that an election is fair and accessible for all voters and the integrity of the election process can be established and is accomplished by ensuring that the local boards are adequately performing tasks as required by State law and regulations.

After each election, the State Board conducts the comprehensive audit and sends to each local board an audit report. Findings from inquiries will determine the local boards' compliance with election laws and regulations prior to and following elections. The audits are conducted by reviewing data and information in State databases or documents submitted by the local boards. In addition, the State Board may inspect records, observe office operations, observe voting equipment testing, and attend and evaluate election judges' training.

The comprehensive audit has three main topics – voting system, polling place operations, and canvassing and post-election audits and reconciliation – with areas of inquiry for each topic. The status of several critical audits are below.

1. Compare the number of voters registered in a precinct against the number of voters from that precinct that voted.

This analysis compares the number of active, qualified voters by precinct to the number of ballots that were cast (in-person, vote by mail, or provisional) in a precinct, in order to identify any precincts where more voters voted than were registered.

For the June 2 election, there were no precincts where more ballots were cast than there were active, qualified voters.

2. Compare the number of ballots received by a local board against the number of ballots presented for counting.


This audit is performed by comparing the number of ballots received by a local board against the number of ballots the local board of canvassers counted during the canvassing process. The “received” data is exported from the database used to manage the mail-in ballot process, and the number of ballots presented for canvassing is obtained from the local boards’ canvassing minutes. The local boards are in the process of approving their canvassing minutes and once approved, will submit them to the State Board. This audit cannot be completed until the canvassing minutes are approved by the local boards and submitted to the State Board for comparison against the number of ballots received.

3. Compare the number of ballots presented each day for counting against the number of ballots that were accepted and rejected that day

When ballots are presented to the local board of canvassers, the local board follows the requirements of State law and regulations when deciding to either accept or reject ballots. The number of accepted ballots and rejected ballots, as well as the reasons for rejections, are recorded in both the canvassing minutes and the database used to manage the mail-in ballot process. As part of the comprehensive audit, the number of ballots presented for counting as recorded in the minutes is compared against the number of ballots accepted and rejected in the database. This audit cannot be completed until canvassing minutes are approved by the local boards and submitted to the State Board for comparison against the data in the database.

4. Compare the number of ballots and election results by scanner against the number of ballots and results in the attributable to that scanner in the voting system’s central database

Called the vote system verification audit, this audit demonstrates that results in the voting system’s central database and results printed by the scanners are the same. After each election, the local boards verify the voting system's vote-counting capabilities by auditing the aggregated number of ballots scanned and results from all scanners used on election day and a randomly selected day of the canvass against the results for the same scanners as reported by the voting system’s central database. Any discrepancies between the scanners and the central database must be investigated.



For the June 2 election, no discrepancies between the voting system and the results printed by the scanners have been identified.

Independent Ballot Tabulation Audit

Following the June 2 election, the State Board conducted automated ballot tabulation audits in each jurisdiction to verify the accuracy of the voting system's results.³² A post-election tabulation audit is not a canvass or a recount; it is used to verify that the voting system accurately tallied votes and that the winners of each contest were called correctly. For this election, the State Board contracted with The Clear Ballot Group, a Boston-based elections technology company.

The post-election tabulation audit is conducted using ballot images. Using ballot images allows election officials to maximize the technological functions of the voting system while minimizing human error and eliminating chain of custody issues by using securely stored ballot images, rather than voted paper ballots. The use of ballot images removes the need for election officials to physically handle or count voted ballots unless a petition for a recount or other judicial challenge is granted.

To conduct this audit, the local boards transmit all of the ballot images to Clear Ballot, and Clear Ballot retabulates them. Clear Ballot then compares their results against the results generated by the voting system and identifies any differences. The State Board previously established that an unexplained discrepancy greater than 0.5% between the two sets of results for any given contest would trigger additional auditing before the local board could certify the election.³³

With this audit, State and local election officials and other interested individuals can sort contests, ballot, and precinct reports, review images of contests and ballots, and provide detailed information about how each ballot image was adjudicated.

Audit Process

The local boards first sent Clear Ballot the images of mail-in ballots that were counted on or before election day and all ballots cast and counted at vote centers on June 2. This was Phase 1. When Clear Ballot received the ballot images, Clear Ballot:

- Transferred the ballot images into an audit database for that jurisdiction;
- Tabulated the ballot images from Phase 1;

³² This audit is required by Election Law Article, §11-309 after each statewide primary and general election.

³³ See Regulation 33.08.05.08C of the Code of Maryland Regulations.

- Resolved unreadable ballots;
- Performed an audit database review; and
- Sent to the State Board a Preliminary Statement of Votes Cast.

Once the Preliminary Statement of Votes Cast was received, the State Board provided Clear Ballot with election results from mail-in ballots that were counted on or before election day and all ballots cast and counted at vote centers on June 2. The delay in sending the Phase 1 results is intentional. It creates a “blind” audit, which means that Clear Ballot provides its results without knowing the results from the voting system. Clear Ballot uses the results from Phase 1 to create various reports comparing the two sets of results.

After the remaining mail-in ballots and provisional ballots were counted, the local boards sent Clear Ballot images of all ballots. This is Phase 2 of the audit. Clear Ballot tabulated these ballot images, resolved unreadable ballots, and generated a Comparison of Votes Cast for all ballots cast in the election.

Reports Produced by Clear Ballot

Clear Ballot produces for each county four audit reports.

- Comparison of Cards Cast for by Counter Group: This report compares the number of ballots counted on election day, mail-in ballots, and provisional ballots against the number of ballots tabulated by Clear Ballot. This ensures that the same number of ballots was tabulated by both systems.
- Comparison of Ballots Cast by Precinct: This report compares the number of ballots cast in each precinct³⁴ against the number of ballots tabulated during the audit. This is another way to ensure that the same number of ballots are tabulated by both systems.
- Comparison of Votes Cast: This report compares for each contest the results from the voting system against the audit results and identifies possible discrepancies by candidate.
- Contest Vote Discrepancy Threshold Report: This report shows – by contest – the number of vote differences between the two systems and the vote difference as a percentage.

³⁴ Although there was no precinct voting in the June 2 election, the report compared the number of ballots cast by each type of ballot (“precinct”) against the audit results for the same types of ballots. For this election, the “precincts” were ABS1 for all mail-in ballots, EVC-1 for all in-person ballots, and PROV for all provisional ballots.

Results of Independent, Automated Tabulation Audit

The completed audits show there are no variances greater than 0.5% between the voting system results and the audit results.³⁵

Next Steps

1. Review the process of live streaming the canvasses and feedback received to identify improvements for future elections where public access must be provided remotely.
2. Determine whether statewide precinct-level results can be provided for the June 2 election.
3. Plan and implement processes to provide statewide precinct-level results for the November 3 election.

Funding

In March 2020, the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted and included \$400 million in emergency federal funds to prevent, prepare for, and respond to the coronavirus for the 2020 election cycle. The CARES Act requires a 20% match of state funds as a term of accepting the federal funds. Maryland's share of these funds was \$7,452,501, and the amount of the State match is \$1,490,550.

Election officials have conducted two elections since the public health emergency – the April 28 special general election for the 7th Congressional District and the June 2 primary election – and used federal funds to support the changes in how the elections were conducted, protect voters and pollworkers, and accommodate on-going teleworking by State Board employees. Table 3 shows spending of CARES Act funds by election.

³⁵ Results from the post-election ballot tabulation audit are available at https://elections.maryland.gov/voting_system/ballot_audit_plan_automated.html

Reporting Categories ³⁶	April 28 Election	June 2 Election
Voting Process ³⁷	\$16,015.38	\$5,402,323.04
Staffing ³⁸	\$0.00	\$0.00
Security & Training ³⁹	\$0.00	\$43,316.70
Communications ⁴⁰	\$40,000.00	\$1,204,971.20
Supplies ⁴¹	\$24,906.56	\$690,592.13
Total	\$80,921.94	\$7,341,203.07

Table 3: Spending of Federal CARES Funds

The State's and local government's current fiscal situations are clearly different than they were when the Fiscal Year 2020 budgets were approved. The federal CARES Act funding enabled State and local election officials to transition to the safest voting method in the midst of a public health emergency and provide the safest possible environment for voters and pollworkers. There will be similar needs for the November 3 election.

³⁶ The U.S Election Assistance Commission (EAC) distributed CARES Act funds for election administration, defined the reporting categories shown in Table 2, and provided descriptions of the types of costs for each category. See <https://www.eac.gov/payments-and-grants/2020-cares-act-grants> for more about CARES Act funding for elections.


³⁷ The EAC's examples of "Voting Processes" expenses are additional costs for printing and mailing ballots, ballot tracking software, high speed scanners, automated letter opening equipment, mail drop boxes, hardware and software associated with signature comparison of returned ballots. The primary expenses for these elections are the costs associated with mailing ballots to all eligible voters and providing pre-paid postage for the voted ballots.

³⁸ The EAC's examples of "Staffing" expenses are additional poll workers, election office staff diverted to pandemic response and temporary staff.

³⁹ The EAC's examples of "Security and Training" expenses are security for additional absentee or mail drop-boxes, pre- and post-election cleaning of polling places, staff and poll worker training on prevention processes.

⁴⁰ The EAC's examples of "Communications" expenses related to notifying the public of changes in registration, ballot request options, precautions or voting procedures.

⁴¹ Expenditures in the "Supplies" category are laptops to provide more secure teleworking for State election officials, mobile IT equipment, cleaning supplies, and masks.



Implementing the recommendations outlined in this report are necessary for the November 3 election. Supplemental CARES Act funding to support these efforts would ease the burden on both State and local government budgets.⁴²

Meeting the 20% match is becoming increasingly difficult with the State's current fiscal situation. In response to the current fiscal situation across the country, there are on-going efforts to eliminate the 20% match for CARES Act funds already received and advocate against any match requirements for any additional CARES Act funding.

State Board Actions - Regardless of How the November 3 Election is Conducted

The following actions are based on election officials' experiences from the first two vote-by-mail elections in Maryland, an expected high turnout for the November election, and an engaged voting population.

Voter Education

1. Fully fund and conduct a statewide voter education campaign for the November 3 election.
2. Expand upon the outreach conducted for the June 2 election.

Voter Support


1. Increase the capacity of the call center and identify solutions to expand the capacity of responding to emails

Vote by Mail

SBE will – regardless of how the November 3 election will be conducted – take actions to improve and encourage vote by mail.

1. Mail ballots at least 30 days before the election.
2. Identify best practices used by vote-by-mail states to obtain more current addresses for

⁴² Elections in Maryland are funded using both State and local funds. For example, State law requires that expenses related to the voting system (e.g., lease payments, costs to move the equipment, staff to test and prepare the equipment, consumables) are shared equally between the State and local governments. Costs associated with pollworkers and preparing voting supplies are the responsibility of local governments.



active and inactive voters and implement appropriate measures. There will likely be multiple mailings to registered voters before the November 3 election.

3. Obtain from other states and other government entities (e.g., Census) best practices for mailing to individuals who are difficult to reach by mail.
4. Research options to provide voters with the ability to track their ballots.
5. Evaluate all options related to the current contract for printing, inserting, and mailing ballots and identify other vendors capable of printing and mailing customized mailpieces.
6. Build more vendor accountability and reporting capabilities into the contract for printing, inserting, and mailing ballots.
7. Fund an expanded State Board team to manage the ballot mailing contract and process.
8. Work with the USPS to improve the delivery rate of ballots in several counties in the USPS' Capital Region.
9. Determine whether ballots can be entered directly into the USPS mailstream at the USPS' Baltimore and Capital Region facilities. If they cannot, communicate directly with the USPS representative in the USPS region where ballots will be mailed.
10. In response to voter complaints about the privacy of their signature on the back of the return envelope, consider implementing a solution that prevents a voter's signature from being visible during transit.
11. Increase the number of ballot drop off locations.
12. Review other government sources for updating voter registration data and if other trusted government sources are identified, work with the Maryland General Assembly to allow the use of this data for elections in 2022 and beyond.
13. For future primary elections, review information printed on the voter's return envelope and print only the information that is necessary for processing.



In-Person Voting

1. Increase the number of in-person voting locations.
2. Identify and research the availability and use of large facilities as vote centers.
3. Change how voters whose ballots are returned as “undeliverable” are displayed in the electronic pollbooks.
4. Provide a sufficient quantity of personal protective equipment and supplies to provide as safe an environment as possible for voters and pollworkers.
5. Continue transitioning a GIS-based process for assigning voters to districts.

Election Results and Audits

1. Review the process of live streaming the canvasses and feedback received to identify improvements for future elections where public access must be provided remotely
2. Determine whether statewide precinct-level results can be provided for the June 2 election.
3. Plan and implement processes to provide statewide precinct-level results for the November 3 election.

Funding

1. Request that Congress provide election officials with additional CARES Act funding.
2. Request that Congress remove the requirement that states provide funds to meet the 20% match for the current CARES Act funding.
3. Request that Congress does not include match requirements for any additional CARES Act funding.

Looking to November 2020

Voter turnout is expected to be very high in November, and election officials are already planning and performing for the upcoming election. Knowing how the November 3 election will be conducted is critical for efficient and effective planning. However, we cannot know the public health concerns which may be extant in late October and early November. If those concerns are high, we expect greater use of mail-in ballots. If they are low, we expect more in person voting. Options 2 and 3 attempt to address those two scenarios.

There are three basic options for the November 3 election.

1. Option 1: It can be a “traditional” election – that is, there is in-person voting during early voting and on election day and voters who wish to vote by mail request a ballot.
2. Option 2: The election has extensive – although not precinct level – in-person voting at vote centers up to and including election day. Voters are sent applications for mail-in ballots and strongly encouraged to use them.
3. Option 3: The election is a primarily vote-by-mail election like the June 2 election with vote centers for in-person voting.

Option 1: Traditional” Election

With a “traditional” election, voters can vote in person during early voting and on election day. There would be 78 early voting centers open from October 22 through October 29 from 8 am to 8 pm each day. There would be about 1,600 polling places open on November 3 from 7 am to 8 pm. These voting locations would be staffed by over 20,000 pollworkers.


- A. Advantages. The State Board, the local boards, and voters are familiar with this type of an election. The voting locations should reasonably be expected to be as safe as grocery stores.
- B. Disadvantages. If the public health emergency will continue through the fall, conducting a traditional election will be challenging for the following reasons:

1. Recruiting pollworkers who are willing to serve in the midst of a public health emergency. The local boards are not confident they can staff all precinct level locations.⁴³
2. We are uncertain whether sufficient facilities that serve as early voting centers and election day polling places will be available for use. Some facilities have already notified the local boards that they cannot, at this time, agree to serve as an early voting center or election day polling place. We are concerned that public health events – real or perceived – may cause facilities to be withdrawn at the last moment.
3. The local boards do not have the capacity to handle the expected, significant increase in the number of requests for mail-in ballots while also planning to conduct in-person voting in 1,700 voting locations.
4. More pollworker training sessions to incorporate social distancing requirements. The process to train will take longer, will limit the ability of trainers to support other preparation activities, and change training space requirements.
5. Although the ability to obtain large quantities of personal protective equipment has improved, the quantity of this equipment and other related supplies would be significant to support over 20,000 pollworkers working at over 1,700 voting locations.

Concerns regarding the capacity of the local boards to process an increased number of requests for mail-in ballots in Option 1 cannot be overstated. The recent primary election cycle has shown that election officials across the country struggled to meet the increased demand for mail-in ballots.⁴⁴ While State and local election officials can and will add more resources to this effort, adding capacity may not occur overnight. The additional staff need access to a computer and have completed a criminal background check to access the database used to manage this process.

⁴³ See letter dated June 26, 2020 from the Maryland Association of Election Officials, an association representing the local boards. A copy of this letter is in Appendix 4.

⁴⁴ See "April 7, 2020 Election Voting Report" by the Wisconsin Elections Commission (available at <https://elections.wi.gov/sites/elections.wi.gov/files/2020-05/April%202020%20Absentee%20Voting%20Report.pdf>) (last accessed on June 27, 2020) and "Vote-by-Mail Ballot Requests Overwhelm New York City Elections Agency," *The New York Times*, June 19, 2020 (available at <https://www.nytimes.com/2020/06/19/us/politics/nyc-vote-by-mail.html>) (last accessed on June 27, 2020)



While many counties are authorized under section 10-301.1(b)(7) of the Election Law Article to add one additional early voting center, it requires approval by the governing body of the county. Although the State Board and others can recommend the additional early voting center, there is no assurance that an additional early voting center will be added in counties where there have been lines during early voting in past elections.

Option 2: Extensive in-person voting and mail all eligible voters a form to request a ballot by mail

This mailing will include an application for a mail-in ballot with return envelope. This option will add as many vote centers up to and including election day as each local board can support (as approved by the State Board). We anticipate that this option will have more vote centers than Option 3.

A. Advantages:

1. The State Board, the local boards, and voters are generally familiar with this type of an election, although not all neighborhood polling places will be available on election day.
2. By sending each eligible voter a form to request a ballot by mail, we will be encouraging voters to vote by mail.
3. The local boards, with the approval of the State Board, will offer as many vote centers as they can reserve, staff, train, supply, and support.

B. Disadvantages: If real or perceived public health issues arise and voters move to mail-in ballots, the election process will be overstaffed on vote centers and understaffed for mail-in ballot processing capability, resulting in an inordinately long canvassing period. This could create constitutional issues in possibly delaying certification of the election and subsequent convening electors for the presidential election. Additionally, conducting an extensive in-person election could seriously impair the local boards, because they do not have the capacity to handle the expected increase in the number of requests for mail-in ballots while also planning to conduct extensive in-person voting and timely canvassing of mail-in ballots.

Option 3: Limited in-person voting with ballots sent to all eligible voters⁴⁵

This will include a return envelope with pre-paid postage included with ballots delivered by mail. It will offer more in-person vote centers than were available in the June 2 election.

A. Advantages:

1. Hundreds of thousands of voters voted this way for the June 2 election.
2. State and local election officials are now experienced with conducting this type of election and have identified improvements that can be implemented for the November 3 election.⁴⁶
3. With more vote centers, it will be more convenient and safer for voters who need to vote in person.
4. Because there are fewer pollworkers to recruit and train and fewer facilities to identify and support, the local boards can support an election in which most voters will vote by mail.

B. Disadvantages:

1. State and local election officials rely on voters themselves and certain other trusted sources of information to provide updated information on addresses. Many ballots sent to voters are misdelivered but not missed by the intended recipients.
2. State and local election officials rely on the USPS to deliver ballots.
3. We will send out over four million unvoted ballots. In the June 2 election, 3.5 million ballots were sent to voters, and 1.4 million number of ballots were returned. This leaves 2.1 million ballots not returned. In the November 3

⁴⁵ A voter may choose to receive a ballot via SBE's online ballot delivery system. A voter receiving a ballot this way may: (1) download a blank ballot, print the ballot, and mark the ballot by hand; or (2) use an accessible online ballot marking tool to make and review selections and print the ballot. Regardless of how the voter marks the ballot, the voted ballot must be returned by mail or dropped off at a ballot drop off location.

⁴⁶ In a letter dated June 26, 2020, the Maryland Association of Election Officials, an association representing the local boards, stated its support for this type of an election. A copy of this letter can be found in Appendix 4.

election, with expected turnout to exceed 80%, up to 800,000 ballots may not be returned.

4. If substantial numbers of voters decline the use of mail in ballots and decide to vote in person, there may be extraordinary lines at vote centers, as there will be no time or resources to pivot to an in-person election.

State Board's Discussion of November 3 Options

On June 30, the members of the State Board met and discussed the three above options. This discussion generally involved the advantages and disadvantages listed above, and after discussing the various options, each member offered his or her preferred option and the basis for support.⁴⁷

- Chairman Mike Cogan stated his preference for Option 2 because it provides State and local election officials with the ability to pivot more quickly to accommodate more voters.
- Vice-Chairman PJ Hogan stated his preference for Option 3 with the maximum number of early voting centers and election day vote centers that the local boards can staff because it is the safest way to vote in a pandemic and State and local election officials will make changes based on lessons learned from the June 2 election.
- Malcolm Funn stated his preference for Option 3 as it gives voters the greatest opportunity to vote.
- Kelley Howells stated her preference for Option #2 as it gives all voters the opportunity to choose to vote by mail while limiting the risk of voter fraud in a system without the capability to verify voter signatures on returned ballots.
- William Voelp stated his preference for Option #2 as it helps to solve the issue of greater than 800,000 unaccounted for ballots while still giving each eligible voter the opportunity to request a mail-in ballot through a form or through the web. Additionally, Option #2 increases the number of in-person vote centers thereby decreasing long lines.

Election Law Article, §2-102(c) of the *Annotated Code of Maryland* requires a supermajority vote to exercise its powers and duties assigned under this article. Based on the members' stated options, there was no option that received an affirmative supermajority vote, and as a result, this report does not include a recommendation on how to conduct the November 3 election. The members were, however, unanimous in their opposition to Option #1.

⁴⁷ A more detailed summary of the meeting will be available in the minutes of this meeting. Once approved, the minutes will be posted on the State Board's website at <https://elections.maryland.gov/about/board.html>.

Appendices

Appendix 1: Timeline of Key Dates

- October 17, 2019: The Honorable Elijah Cummings (D-MD) passes away.
- October 28, 2019: Governor Hogan issued a proclamation ordering a special election to fill the 7th Congressional District vacancy created by the passing of Congressman Elijah Cummings (D-MD). This proclamation set the dates and filing deadlines for a special primary and special general election to fill the remainder of Congressman Cummings' term. The Special Primary Election was scheduled for February 4, 2020, and the Special General Election for April 28, 2020, and would run concurrently with the Presidential Primary Election.⁴⁸
- December 20, 2020: Deadline under federal law to transmit ballots to requesting military and overseas voters for the special primary election in the 7th Congressional District
- February 4, 2020: Special Primary Election in the 7th Congressional District.
- March 5, 2020: Governor Hogan declares a State of Emergency in Maryland.⁴⁹
- March 13, 2020: Due to the State of Emergency, SBE implements mandatory telework for most employees beginning on March 16, 2020.
- March 13, 2020: Deadline under federal law to transmit ballots to requesting military and overseas voters for the special election in the 7th Congressional District
- March 17, 2020: Governor Hogan issues a proclamation regarding the Special General and Presidential Primary Elections.⁵⁰ The Special General Election in the 7th Congressional District will still take place on April 28, but will be a primarily a vote by

⁴⁸ <https://governor.maryland.gov/wp-content/uploads/2019/10/Special-Election.pdf>

⁴⁹ <https://governor.maryland.gov/wp-content/uploads/2020/03/Proclamation-COVID-19.pdf>

⁵⁰ <https://governor.maryland.gov/wp-content/uploads/2020/03/Renewal-of-State-of-Emergency.pdf>

mail election. The Presidential Primary Election is postponed to June 2, 2020. No later than April 3, 2020, SBE shall prepare and deliver a Comprehensive Plan for the conduct of the primary election.


- March 25, 2020: At its monthly meeting, the State Board voted to: (1) Move the voter registration deadline for the special general election to April 21, 2020; (2) Adopt emergency regulations to COMAR 33.19.02.01(A), which removed the requirement that the State Board send a pre-election mailing to each pre-qualified voter for both the special general election and if needed, the primary election, however a pre-election mailing was sent to prequalified voters for the primary election; (3) Not allow in-person voting for the special general election; (4) Accept proposed changes to the absentee ballot application that included updated language and deadlines for the special general election; and (5) Delegate the designation of essential employees to the State Administrator.
- April 2, 2020: At this meeting, the State Board vote to: (1) allow Congressional District 7 local board of election to begin opening and scanning ballots for the special general election on April 16, 2020 at 9 am, but not to publish any results until 8 pm on April 28, 2020; (2) suspend the requirements of COMAR 33.21.02.10 allowing voters to request a vote-by-mail ballot at the local boards' offices for the special general election; (3) waive the provisions of Election Law § 9-504(A)(2), which allows for in-person return of a voted ballot at local boards' offices, as the offices were closed due to the current state of emergency, for the special general election; (4) that, pursuant to Election Law § 16-206, no electioneering zones for the April special general election shall include ballot drop off boxes and shall be the greater of 100 feet from the ballot drop off box or the entrance to a building where the ballot drop off box is located; and (5) extend the voter registration deadline for the special general election to April 24, 2020. The members reviewed and discussed the Comprehensive Plan for Conducting the June 2, 2020 Primary Election and voted to amend the plan as presented to read that: (1) During the period designated by law for the conduct of early voting through election day, voters can drop off voted ballots at drop boxes, located at a minimum of one but at a maximum of four of the existing, available early voting centers in each county; (2) On election day, for voters who are unable to vote by mail, in-person voting shall be provided at a minimum of one but at a maximum of four of the existing, available early voting centers in each county. An early voting center used for in-person voting on election day shall also serve as a location for voters to drop off ballots. The members delegated its authority specifying the early voting centers to be used as vote centers on election day be granted to the State Administrator.

- April 4, 2020: State Board submitted to the Governor a comprehensive plan for conducting the June 2, 2020 Primary Election.
- April 10, 2020: Governor Hogan issues a proclamation regarding the Special General and Presidential Primary Election.⁵¹
 - For the Presidential Primary Election, the proclamation stated that the State Board shall utilize voting by mail as an alternate voting system, and that at least one voting center in each county shall be available to enable any voter who is unable to vote by mail or to return a vote by mail.
 - For the Special General Election, the proclamation stated that the State Board may solely utilize vote by mail as an alternate voting method after issuing and transmitting to the Governor a written determination that: (1) it is not possible to utilize voting centers in a manner that mitigates the risk posed by COVID-19; and (2) that conducting the special general election without vote centers will comply with all applicable federal and state laws.
 - For both elections regarding in-person voting at vote centers, the proclamation required COVID-19 guidance to be compiled with, set the boundaries for no electioneering zones, and allowed local boards to limit the number of challengers and watchers at voting centers, and to begin canvassing vote by mail ballots on the 12th day before the election.
- April 13, 2020: At this meeting, the State Board vote to: (1) not send a determination to the Governor regarding the use of vote centers for the special general election, therefore requiring at least one vote center in each of the three counties in the special general election; (2) approve emergency regulations to COMAR 33.08.01.02 for both the special general and presidential primary elections that would allow for the canvass of votes without the local board members being present during the entire canvass; (3) approve emergency regulations to COMAR 33.11.04.05 and 33.11.04.07 for both the special general and presidential primary elections that altered the requirement that a team of two individuals perform certain canvassing tasks; (4) approve emergency regulations to COMAR 33.21.05.01 for both the special general and presidential primary elections to remove the requirement for a representative of the local board to be physically present to open or close the vote center but requires the local board to

⁵¹ [https://elections.maryland.gov/elections/2020/Governor%20Proclamation 4.10.20 June Primary.pdf](https://elections.maryland.gov/elections/2020/Governor%20Proclamation%204.10.20%20June%20Primary.pdf)

provide remote support as needed; and (5) extend the voter registration deadline to May 27, 2020 for the presidential primary election.

- April 18, 2020: Deadline under federal law to transmit ballots to requesting military and overseas voters for the June 2 election
- April 22, 2020: At this meeting, the State Board voted to: (1) increase the number of ballot marking devices for Baltimore City and Baltimore County for the special general election; (2) approve proposed changes to the absentee ballot application for the primary election that removed references to the special general election and included updated language for a vote by mail election; (3) approve emergency amendments to COMAR 33.1103.06 that changed the requirements for date-stamping ballots returned to a local board office for the special general and primary election; and (4) approve additional ballot drop off boxes if it is feasible to make, deliver, and deploy; if so then the State Board approves the request from the local boards for additional ballot drop off boxes on the condition that the local boards pay for them and the local boards advertise their location.
- April 28, 2020: Special General Election for the 7th Congressional District
- May 8, 2020: local boards certify results of the April 28 Special General Election
- May 12, 2020: State Board of Canvassers met to certify the results of the April 28 Special General Election
- May 14, 2020: At this meeting, the State Board voted to: (1) increase the number of ballot marking devices for Baltimore City, Cecil County, Prince George's County, and Montgomery County; (2) approve the opening of ballot drop off boxes to accept ballots as soon as they were delivered and put in place; (3) allow the local board of canvassers to use electronic signatures on certification of local election results for the special general and primary elections; (4) approve emergency amendments to COMAR 33.11.03.06(E) and 33.11.03.08(B) which removed the requirement allowing voters to enter a voting location to return a voted ballot, moving the drop off process from inside the voting location to the ballot drop off box located outside the voting location; and (5) approve emergency amendments to COMAR 33.07.03.04 to remove the requirement for the formal evaluation program for voter centers for the primary election, in order to limit the number of individuals inside voting centers.
- May 18 - May 20, 2020: Delivery and set up of ballot drop off boxes.

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- May 20, 2020: At this emergency meeting, the State Board voted to increase the number of voting centers (from four to six) in Baltimore City for the primary election.
 - May 21, 2020: Local boards of election are permitted to begin canvassing vote by mail ballots
 - May 27, 2020: Deadline to register to vote.
 - May 28, 2020: At this meeting, the State Board made a pro forma confirmation of additional voting centers in Baltimore City for the primary election.
 - May 30, 2020: Setup and opening of 10 additional ballot drop off boxes in Baltimore City.
 - June 2, 2020: Primary Election Day.
 - June 10, 2020: Local boards of election canvass provisional ballots.
 - June 12, 2020: Certification of local election results by most local boards of election.

Appendix 2: Voter Education Campaign - Sample Graphics







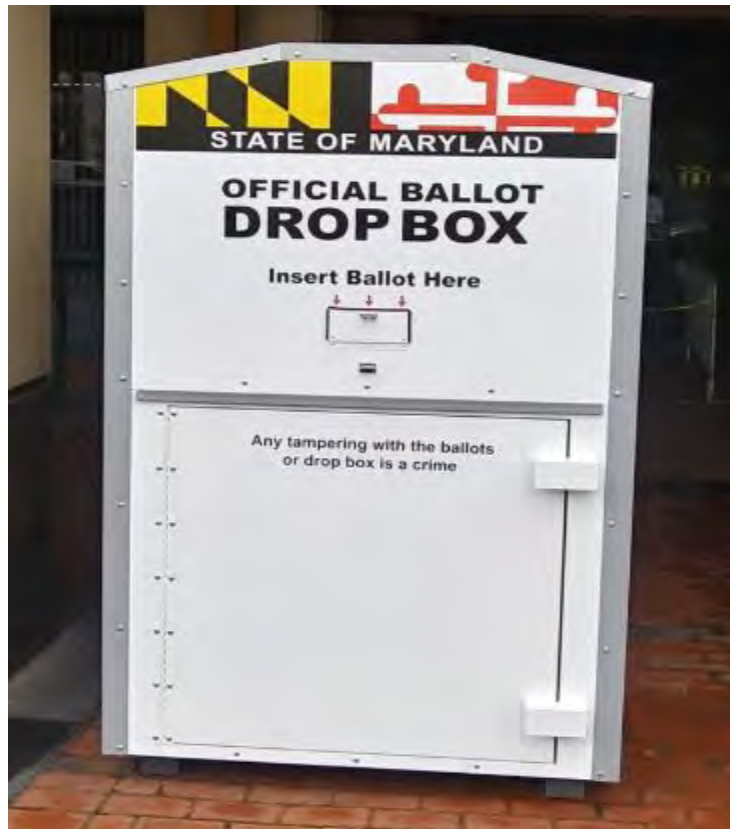
LA ELECCIÓN PRIMARIA PRESIDENCIAL

VOTE SEGURO,
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Appendix 3: Ballot Drop Off Boxes



Appendix 4: Relevant Correspondence



Maryland Association of Election Officials Representing the Local Election Boards of the State of Maryland

MEMORANDUM

To: The Honorable Lawrence J. Hogan, Governor
The Honorable Bill Ferguson, President, Maryland State Senate
The Honorable Adrienne A. Jones, Speaker of the House, Maryland House of Delegates
J.B. Jennings, Senate Minority Leader
Steve Hershey, Senate Minority Whip
Nicholaus Kipke, House Minority Leader
Kathy Szeliga, House Minority Whip
Linda Lamone, Esq., Administrator, Maryland State Board of Elections
Michael Cogan, Chairman, Maryland State Board of Elections

From: David Garreis, President
Maryland Association of Election Officials (MAEO)

Date: June 26, 2020

Re: November 3, 2020 Presidential General Election

The members of MAEO - the professional election administrators in the State - write to urge that the 2020 Presidential General Election be conducted primarily by mail, with more in-person vote centers available than in the Primary Election. This is critical in order for the local boards of elections (LBEs) to successfully facilitate the November 3, 2020 Presidential General Election. Since the Primary Election was conducted by mail, the LBEs have gained valuable lessons learned. There is adequate time to implement these solutions for the General Election if we act immediately. In our opinion, a Vote by Mail election with more in-person Vote Centers is the best method for conducting the General Election given the current uncertainty surrounding the COVID-19 public health crisis. The local election directors are in agreement that we are past the point of having sufficient time to prepare for a "normal" in-person election. MAEO is therefore strongly in favor of a "hybrid vote-by-mail election with extended in-person vote centers."

CHALLENGES FOR A TRADITIONAL ELECTION

- ELECTION JUDGES:** The greatest challenge for LBEs in any election is recruiting enough Election Judges for the polling places. Maryland requires more than 25,000 Election Judges to staff all polling places statewide. The LBEs are gravely concerned it is not possible to recruit, train, and retain 25,000 Election Judges for the November General Election. This task has become impossible during the COVID-19 crisis. The Presidential General Election will fail due to an insufficient number of Election Judges who are willing to manage the enormous task of conducting an Election during a pandemic.

Additionally, it will be difficult to properly train more than 25,000 Election Judges for the General Election given the need for the smaller class sizes required for adequate social distancing. In order to sufficiently prepare the Election Judges, large LBEs would need to begin Election Judge training in early July for the November Election in order to schedule enough training classes while maintaining social distancing and group size requirements. Many LBEs do not have enough staff and space to manage more training sessions

Letter to Election Stakeholders

June 26, 2020

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- **POLLING PLACES:** Many of our polling places are not prepared to host an election during a pandemic. Due to COVID-19, some polling places will not be available to be utilized, as they are in senior living centers which have not been opened to the public. Most polling places are in schools, and it is unknown at this time whether they will agree to allow a large number of in-person voters in one location. Some counties cannot use current polling places as the polling rooms are small and fully staffing them with election judges and voters while maintaining social distancing would be impossible. There is an insufficient amount of time to select new polling places, a limited number of acceptable buildings/spaces, and not enough time to notify voters of polling place changes.
- **ADEQUATE PPE and SAFETY EQUIPMENT:** In order to safely conduct the election, the LBE will need more safety equipment and personal protective equipment (PPE), including plexi-glass shields, hand sanitizer, gloves, disinfectant wipes, face masks and face shields. There is no guarantee that these supplies will be available in the extraordinary quantities needed for nearly 2,000 polling places in the state of Maryland. If it is available, it may be left to the counties to fully fund. This expense is not included in the LBEs FY21 budgets. It would also be expected that the election workers manage set-up of the plexi-glass screens and sanitizing stations. Since plexi-glass screens are not a part of the normal transportation of voting equipment, therefore we foresee an increase in the cost of transportation.

SOLUTIONS FOR THE 2020 GENERAL ELECTION

1. All registered voters who are active, pending and inactive in Maryland's voter registration system should be sent a postcard by the State Board of Elections (SBE) no later than July 31, 2020. This will notify the voters there will be a vote-by-mail option. For active and pending voters, this will be non-forwardable mail, so the LBEs can review the undeliverable addresses in advance of the election. For inactive voters, this notice will be a forwardable piece of mail notifying the voter that they are not going to be sent a ballot to the address that the LBE has on file.
2. Since this would be a hybrid election, vote-by-mail applications should NOT be sent to every registered voter. Sending an application will cause voter confusion and the LBEs who do not have enough personnel to manage processing all Vote by Mail requests will face a significant burden while preparing for the General Election. Many LBEs do not have additional funding available to hire staff to process a large increase in Vote by Mail requests.
3. In-person voting should be available at each jurisdiction's normal number of early voting locations beginning Thursday, October 29 through Election Day, Tuesday, November 3 from 7:00am - 8:00pm each day. Voters should be notified of these locations in an LBE customized insert that is mailed with the vote-by-mail ballot.
4. Drop boxes should be made available at locations selected by each LBE which will include, but not be limited to, each early voting center and the LBE office. Voters should be notified of these locations in an LBE customized insert that is mailed with the vote-by-mail ballot. Drop boxes should be available at all locations from October 6, 2020 through November 3, 2020.

Letter to Election Stakeholders
June 26, 2020
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5. The deadline for address changes to a voter's record should be moved to Tuesday, October 20, 2020. It should not be moved any closer than fourteen (14) days prior to the election. Since there is same day registration, voters can update their address or register to vote during in-person voting. Address changes that are performed closer to Election Day cause voters to receive multiple ballots to multiple addresses leading to voter confusion and misunderstandings of the electoral process.
6. Ballots must be sent from a vendor that is accurately able to account for the ballots and see that there is a timely delivery. All voter ballots must be sent to meet the September 19, 2020 45-day overseas ballot deadline to provide enough time for the postal service and the LBEs to process the ballots when they return as voted.
7. The envelope the voter uses to mail the ballot back should remain the same for this election-cycle. A perforated privacy flap could be added to the envelope to cover the oath and voter signature.
8. Precinct-level results must be managed at the State level when preparing the ballots and it should not be expected that the LBE will sort thousands of ballots by ballot style upon return. LBEs do not have enough space or staff to manage such a task and canvass the ballots in a timely manner.
9. LBEs must be allowed to begin canvassing ballots as soon as they begin receiving voted ballots, which could be as early as September 20, 2020. All results will be embargoed until Election Night, but it is critical that the LBEs manage their received ballots on a daily basis to maximize election results totals on Election Night.
10. Voter outreach must be expanded to ensure that voters in every jurisdiction in the state receive the necessary elections related-information. In addition, the outreach campaign must begin no later than Friday, August 21, 2020.

Everyone at the LBEs work tirelessly to make sure that every voters vote is counted. We are the foundation of democracy and it is critical that we ensure the trust of Maryland's citizens in our voting process. All stakeholders of the electoral process must allow us - the LBE election administrators - to have a voice in determining how the election will be managed in this unprecedented time. The election officials in the State of Maryland need adequate time to implement policies, processes and procedures for the November 3, 2020 General Election. We have provided our roadmap to success, and we urge all involved parties to make all decisions by July 10, 2020 so the LBEs can conduct a fair and efficient Election for all voters.

cc: County Executives
County Commissioners
Mayor, Baltimore City
Michael Sanderson, Executive Director, Maryland Association of Counties



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

June 23, 2020

Michael R. Cogan, Esq., Chairman
Linda H. Lamone, Esq., State Administrator
P.O. Box 6486
151 West St., Suite 200
Annapolis, MD 21401-2019

Dear Chairman Cogan and Administrator Lamone:


On behalf of the Senate of Maryland, we want to thank you, as well as Board Vice-Chair Hogan, and Deputy Administrator Charlson for your testimony before the Education, Health, & Environmental Affairs Committee last week. We were encouraged by the record turnout in the June 2 Primary Election, and we appreciate the conditions that State and Local Boards struggled with in putting this historic election together in the midst of a global pandemic. At the same time, we were greatly disappointed by some of the issues that were discussed at the hearings, together with other issues raised by elected officials and advocacy groups.

While the decision for the November election rests with the State Board and Governor Hogan, we believe it is in the public's best interest for the State Board to conduct a "hybrid mail-in ballot preferred election" with four critical improvements from the June 2 Primary: (1) expansion of the number of ballot drop-off boxes; (2) expansion of the number of in-person voting sites per jurisdiction on Election Day; (3) use of Early Voting Centers statewide; and (4) an enhanced communication plan that better coordinates State and Local Board engagement with the voting public, particularly within historically disenfranchised communities. Specifically, a "hybrid mail-in preferred election" would require the Board to affirmatively mail General Election ballots to all registered voters in Maryland, and would provide expanded opportunities for in-person voting than those provided in on June 2 Primary for those voters who either do not receive ballots in the mail or who strongly prefer to vote in-person. Public health experts across the country agree that it is impossible to determine the effect of COVID-19 come November. Therefore, a "hybrid mail-in preferred" system is the best approach to maximize voter

participation while minimizing public health risks. Time is of the essence, and we urge the Board to make a final decision about the process of the election for the General Election as soon as possible.

Regardless of the process the Board and Governor ultimately decide, it was clear from the June 16th joint hearing that improvements to the elections process are necessary. In an effort to increase accountability and transparency, as well as provide constructive assistance, we are writing to you with requests and recommendations for preparations ahead of November's General Election. Whether the setup for the General Election is similar to the Primary's mail-in preferred method, or one of a more traditional in-person nature, it is certain that concerns about COVID-19 will make mail-in voting a safer method of voting for the majority of Maryland's voters. Further, we expect historic levels of voter turnout in November, and the Board cannot repeat the same mistakes from the Primary. It is essential that over the next five months, the State Board must increase and improve clear and transparent communications to elected officials, advocacy groups, and the public. Therefore, we request the Board adopt the following recommendations:

1. **Universal Mail-In Ballot Applications (if traditional in-person election):** In the case that the Governor elects to pursue a more traditional in-person voting process for the November election, the Board should still plan for a drastic increase in use of mail-in ballots. With the COVID-19 pandemic likely continuing to spread this fall and winter, and with voters having experienced the ease of vote by mail, we expect voters to continue to pursue this option. Therefore, absent an executive order to mail every voter a ballot ahead of November's General Election, we urge the Board to send an easy to use vote by mail ballot application to every voter, regardless of the status of active or inactive. Such an application could include basic information and allow for a voter to opt-in to receiving a ballot in the mail for the November election. Applications should be delivered no later than **August 15**, to ensure maximum participation before the November election. Furthermore, there were concerns from voters during the June 2 Primary that changes to registration conducted at the Maryland Vehicle Administration (MVA) did not accurately update the registration records at the State Board. By **July 15th**, we request the Board provide documentation to ensure that appropriate address changes and registration changes have been transferred ahead of any mailings for the General Election.
2. **Mail-In Ballot Drop-Box Location Plans:** Recognizing the popularity and success of the ballot drop-boxes during the June election, we ask the Board to expand the number of boxes and develop an easily explainable formula for the number and location of these boxes, and that the State Board require Local Boards to provide




implementation plans that explain a rationale for placement locations. These locations must affirmatively enhance voter access, and the State Board should require implementation plans that demonstrate location placement along transit lines or highly trafficked areas of each county. Importantly, these implementation plans should demonstrate how Local Boards are proactively accounting for access to historically disenfranchised voters. We ask that a comprehensive State plan incorporating all Local Board implementation plans be finalized no later than *September 8*, and that the formula for drop off boxes includes rationale on a population and density component.

3. **Reinstating In-Person Early Voting Centers:** If, considering the long-list of unknowns as to the state of health and COVID-19 in November, the Governor and Board of Elections chooses to move forward with a “hybrid mail-in preferred” General Election in November similar to the June 2 Primary, we would urge the State Board still to reinstate a modified Early Voting Center process for days ahead of Election Day. Doing so will both allow for increased observances of social distancing protocols, and will ensure that there can be increased participation at the polls throughout the election period, not just on election day. Thus, whether mail-in preferred or in-person preferred, the State Board should authorize early voting in all counties this November. In the case of a mail-in preferred election, we recognize that a modified Early Voting process may be adopted. To ensure this is done safely and effectively, we request that the State Board by *September 8th* develop an in-person early voting plan in coordination with Local Boards that outlines the operational needs for early voting locations and specifies social distancing protocols, personnel needs, PPE distribution plans, and any other expected challenges.
4. **Election Day In-Person Voting Locations:** We recognize that with this upcoming historic election, it is difficult to project turnout, and the myriad of issues which could cause lines at the polls; however, the location and distribution of in-person polling places during the Primary was arbitrary and flawed. Specifically, too few were available, particularly in Baltimore city. We would urge the Board to make decisions based on population – similar to how the General Assembly has allocated early vote centers – and consider usage of walk-up voting (percentage walk-up versus mail-in) during the June 2 election. The board should make certain that there are enough places to handle increased turnout on election day. Given the need to reduce lines and accommodate the expected large turnout, even with an all mailed ballot, walk-up locations should at least be doubled. In addition, we request that the Board exercises stronger oversight over Local Boards to ensure that there are polling places easily reachable by historically

disenfranchised voting populations to ensure all Marylanders can exercise the franchise. If the State Board does not believe it has sufficient legal authority to hold Local Boards accountable for appropriate polling place distribution, we request the Board explain such rationale in writing and submit these concerns to the appropriate Senate and House Committees no later than *July 30th*. We also encourage the Board to look at Federal statute, including the Help America Vote Act (HAVA), the Help America Vote College Program, and other resources to increase participation for election judges and volunteers. We stand ready to join the Board to negotiate with Governor Hogan any potential executive order that may be necessary ahead of November's General Election to ensure clear lines of authority and accountability.

5. **Enhanced Public Voter Education Plan:** We acknowledge that the State Board of Elections used its limited funds reasonably to create a strong public relations campaign to ensure Marylanders generally knew how they could vote during the June 2 Primary. However, we do have concerns that the communications did not sufficiently reach Maryland's minority communities. We hope that the funding for such an operation in the General Election will be far larger than the \$1.3 million allocated in the Primary, and we urge the Board to enhance communications to all of Maryland's diverse communities. It will be necessary that the State and Local Boards work with local partners and elected officials to help uplift that message. To that end, we request that the Board determine a plan and share it with the public no later than *September 21*, so the public may proactively engage in making sure all Marylanders are aware of the voting process for the November election.
6. **Publicly Available Election Operations Timeline:** The State Board provides a timeline to the public concerning many facets of the election, but as was noted at the June 16th hearing, no such timeline existed for the decisions leading up to the June 2 Primary. As you offered in the hearing, we would request that by *July 30th* the Board and staff update the General Election calendar so all members of the public have clear information as to how the General Election will proceed.
7. **General Election Progress Update Webinars:** Clearly, collaboration and communication are essential, and were at times the cause of unnecessary pitfalls during the June 2 Primary. Therefore, we ask that you engage ahead of time with critical voting rights organizations and host *no less than five organizational webinars* with statewide community and advocacy organizations between Labor Day and Election Day to make sure these voter empowerment organizations are aware of ongoing changes to the elections process during this ongoing public



health crisis. Similarly, we urge you to consider inviting political parties on these calls so they can make their voters aware of the updates as well.

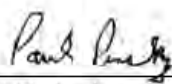
8. **Eliminating Vendor Errors:** We recognize that there are limited options available for a mail-in ballot vendor, but we were encouraged to hear you say at the hearing that the Board is exploring all options for November. We request that you update the Education, Health, and Environmental Affairs Committee no later than *July 30th* on the progress of these efforts, as well as what decisions have been made concerning the current ballot vendor if such decisions can be made public at that time. In addition, we ask that you tell the Committee at that time what new procedural safeguards have been put in place to ensure all vendor related issues identified during the June 16th hearing will not happen in the future.
9. **Precinct-Level Results for General Election:** As has been voiced in the past, the lack of precinct-level results reduces transparency in elections. While we understand the context of the unavailability of these results in the June 2 Primary, we expect precinct-level results to be available for November's General Election. No later than *July 30th*, we request that you update the Senate's Education, Health, and Environmental Affairs Committee as to progress towards ensuring availability of precinct-level results for the General Election, and whether the Board has found a path for retroactively providing precinct-level results for the June 2 Primary.
10. **Policies & Procedures for Reporting General Election Results:** Timely elections results are important – though all would acknowledge they pale in comparison to an accurate and well-managed election. Unfortunately, the process for posting and reporting results during the June 2 Primary was confusing and detrimental to public trust. We appreciate that both staff and Board leadership took some blame for some of the issues at the June 16th hearing. What is most important is ensuring that such confusion does not occur again. Thus, by no later than *September 30th*, we request the Board provide the Education, Health, and Environmental Affairs Committee a comprehensive plan that outlines how votes will be counted, reported, and posted on Election Day and each subsequent day of counting outstanding mail-in votes. This plan should incorporate agreed upon policies and procedures from each Local Board as well.

As we have stated, transparency and communication are key to a successful November election. We are pleased that we are all united in the goals of a positive outcome in November, where Maryland will be an example for other states. We stand ready to assist where we can. Please know that we will continue to ask the tough questions where we

must in the months ahead to ensure that this is a successful election for all Marylanders. We look forward to your reply, and stand ready to assist any way we can.

Sincerely yours,

Bill Ferguson
President of the Senate



Paul G. Pinsky
Chairman, Education, Health &
Environmental Affairs Committee



MARYLAND SENATE REPUBLICAN CAUCUS

MINORITY LEADER
 Senator J. B. Jennings
District 7

MINORITY WHIP
 Senator Stephen S. Hershey, Jr.
District 36

MEMBERS
 Senator Jack Bailey
District 29

Senator Mary Beth Carozza
District 38

Senator Robert Cassilly
District 34

Senator Adelaide C. Eckardt
District 37

Senator George C. Edwards
District 1

Senator Jason C. Gallion
District 35

Senator Michael J. Hough
District 4

Senator Justin Ready
District 5

Senator Edward R. Reilly
District 33

Senator Johnny Ray Salling
District 6

Senator Andrew A. Serafini
District 2

Senator Bryan W. Simonaire
District 31

Senator Christopher West
District 42

June 25, 2020

Michael R. Cogan, Esq., Chairman
 Linda H. Lamone, Esq., State Administrator
 P.O. Box 6486
 151 West St., Suite 200
 Annapolis, MD 21401-2019

Dear Chairman Cogan and Administrator Lamone:

The Senate Republican Caucus is closely following the postmortem of the June 2nd Primary Election and the planning process for November's General Election. We read with great interest the July 23rd letter sent to you from Senate President Ferguson and Chairman Pinsky. Our members also thank you for your participation in the Education, Health & Environmental Affairs Committee hearing earlier this month and understand the extraordinary circumstances affecting the State and Local Election Boards' ability to conduct elections during the COVID-19 pandemic.

Despite these and any challenges, free and fair elections are the foundation of our civil society and recent and continued missteps, failures and lack of accountability have shaken the public's confidence in Maryland's election process. This confidence must be restored by November's General Election.

We appreciate the proactive approach presented by the Senate President and Chairman Pinsky in their June 23rd letter and agree with their emphasis on improved accountability, communication and transparency. However, we strongly object to their recommendation for a "hybrid mail-in preferred election... that would require the Board [of Elections] to mail General Election ballots to all registered voters in Maryland."

We learned from the June 2nd primary that a more complicated process leads to more opportunities for error and fraud. For the primary, ballots were mailed to all registered voters in Maryland, and chaos resulted. Ballots were mailed to individuals who had died and who were gravely infirm and incapable of voting. Thousands of ballots were undeliverable. Many voters called and complained that their ballots had not arrived, and then they received multiple ballots. In one situation that came to our attention, an individual received both a Republican primary ballot and a Democrat primary ballot.

In addition, voters were given inconsistent information, ballots were printed with incorrect dates, ballots were not mailed at the same time across jurisdictions, and voter signatures were exposed, among other deeply concerning errors and oversights. Nearly a month later, the Baltimore County election still has not been certified. It would be foolish to repeat the same failed and expensive process for the larger General Election.

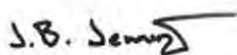
Sending thousands of unsolicited ballots to voters who have moved since they last voted will litter the state with unclaimed ballots and create serious opportunities for voter fraud. The sight of unclaimed ballots strewn about is enough to undermine public confidence in the integrity of our elections at a time when we already appear to have a crisis in public confidence in government.

The State of Maryland already has an established mail-in election option – the absentee ballot. Voters who are uncomfortable or unable to vote in person, due to COVID-19 or any other reason, may request and return an absentee ballot. The absentee voting process was put in place for exactly this reason and has been an important and successful component of the Maryland’s elections for decades.

Given the extenuating circumstances of this pandemic, our members would support moving-up the deadline to request an absentee ballot in order to give the Board of Elections enough time to respond to a greater demand and ensure that the entire process moves forward fairly and efficiently. We also recommend additional communication and marketing strategies to educate voters about the absentee voting process and necessary deadlines.

Again, we understand the new and complicated demands this pandemic has placed on the State and Local Election Boards and share President Ferguson and Chairman Pinsky’s commitment to support and assist you in any way we can. We look forward to your response as well as your report to Governor Hogan at the end of the month.

Sincerely,



Senate Minority Leader J.B. Jennings



Senate Minority Whip Steve Hershey

ANNE R. KAISER
 Legislative District 14
 Montgomery County

Chair
 Ways and Means Committee



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THE MARYLAND HOUSE OF DELEGATES
 ANNAPOLIS, MARYLAND 21401

June 29, 2020

Mr. Michael R. Cogan
 Chair, Maryland State Board of Elections
 Ms. Linda H. Lamone
 Administrator, Maryland State Board of Elections
 151 West Street, Suite 200
 Annapolis, MD 21401

Dear Mr. Cogan and Ms. Lamone:

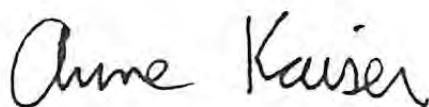
Thank you for participating in the joint hearing before the Ways and Means Committee and Education, Health, and Environmental Affairs Committee on June 16 concerning the conduct of the June 2, 2020 primary election. The hearing improved the General Assembly's understanding of what went wrong in the administration of the election and how the State Board of Elections plans to make improvements in the future. However, due to time limitations, there were many questions that could not be asked at the June 16 hearing. The members of my committee remain concerned about the integrity of the November 3, 2020 general election and would appreciate answers to the questions below to gain greater confidence that all voters will be able to exercise their fundamental right to vote in a safe and convenient manner.

The set of questions concern preparations for the general election and should be considered urgent. We request your written responses to these questions no later than July 17. We may choose to hold another hearing after receiving your written responses to all questions so that the members of the committee may obtain answers to any additional questions they may have. You can also expect a second set of questions in the coming months that will address the administration of the June Primary. This will allow committee members to be best equipped with the necessary information in time for the next legislative session.

In your response by July 17, in addition to answering the questions below, please also describe any other important changes you are planning in the administration of the general election, whether there is sufficient time to implement your plans, and how you plan to collaborate with the local boards of elections and other stakeholders to implement your plans.

Thank you very much for your attention to this important matter. I look forward to continuing to work with you to improve our State's election system.

Sincerely,



Anne R. Kaiser
Chair, Ways and Means Committee



Alonzo T. Washington
Vice Chair, Ways and Means Committee

Questions Concerning Preparations for the General Election

(Response Requested by July 17)

1. Is SBE confident that it has the staff in place to manage the general election? Has SBE considered bringing in outside assistance or consulting to help it administer the general election? Are structural changes needed within SBE to ensure better performance in the general election?
2. What quality control checks could be performed internally at SBE to prevent simple administrative errors, such as the incorrect information regarding postage that was included in the ballot materials for the April 28 special congressional election?
3. How does SBE plan to address the overloaded call center phone lines for voters trying to learn how to vote or to find or track their ballot?
4. Has SBE considered a more expedited process for requesting an absentee ballot through the online portal? Many constituents complained about the multi-step process. How could SBE make it easier to verify voting information and request a ballot?
5. How much would it cost to mail every voter a vote by mail ballot request form in September?
6. What steps must the state take to secure enough personal protective equipment (PPE) for election workers in the event all precincts were open on Election Day?

List maintenance procedures:

1. What specific actions does SBE plan to take to improve list maintenance before the general election? Is it possible for SBE to perform expedited list maintenance either in-house or through a vendor?
2. Has SBE considered using a National Change of Address database to target voters and update voter registrations?

Relationship with mail vendor:

1. Will you require the mail vendor for the general election, whether it is SeaChange or another vendor, to undergo an on-site inspection by state officials or an independent audit to ensure quality control?
2. Will you require the mail vendor for the general election, whether it is SeaChange or another vendor, to provide ample documentation of their work and proof that the ballots were mailed on time?

Outreach to “inactive” voters and voters with “undeliverable” addresses

1. The state did not send ballots to “inactive” voters for the primary. However, some “inactive” voters are still Maryland residents and have the right to vote. Please describe the customized mailings SBE is considering sending to “inactive” voters in the general election. Would SBE consider sending “inactive” voters instructions on how to request an absentee ballot or an absentee ballot request form, as other states are doing?

Process to determine the number of vote centers and ballot drop off locations

1. Will the State Board consider opening many more polling places in the general election, considering that many businesses have now reopened and many states have opened many or all of their usual polling places during the pandemic? Will the Board especially consider opening more polling places in jurisdictions where demand for in person voting was particularly high in the primary, such as Prince George’s County and Baltimore City?
2. The ballot drop boxes were popular with voters. Parking lots became jammed at some drop boxes on primary day and some voters were unable to drop off their ballots in time. In permanent vote by mail states, the large majority of voters choose to drop off their ballots in person rather than mailing them. The federal Cybersecurity and Infrastructure Security Agency’s Joint COVID Working Group on elections recommends one ballot drop box for every 15,000 to 20,000 registered voters. That would require at least 179 drop boxes statewide in Maryland, but there were only 66 drop boxes in the primary election. Will SBE add more drop boxes for the general election, and if so, how many? If large metal drop boxes are not available in sufficient numbers, would SBE consider using smaller, less durable drop boxes that could be set up and staffed by election workers during daylight hours only, as is done in other states?

Ballot canvassing process

1. How can the public observe the canvass when they can’t be there in person and the livestreams are showing the canvass from a distance so that it isn’t possible to clearly see what is going on? How will this be improved for the general election? Will SBE allow limited in person observation of the canvass in the general election, perhaps by one representative per campaign? Will problems with the quality of the livestreams be corrected by the general election? Will SBE ensure that all the local boards follow

uniform policies on public observation of the canvass, in keeping with the State's general strong policy preference for uniformity in election administration?

2. For the general election, would SBE consider having bipartisan teams open each ballot and make an initial determination of whether the ballot should be accepted, as has been done in past elections before social distancing became a priority?
3. Are there any plans to modify the process regarding missing signatures for the general election?
4. Voters can look up on the State Board's website whether their ballot has been received and counted. However, this information is difficult to find. It is under a link called "Look up your voter information" in the lower left corner of the State Board's homepage. Can the link be put in a more prominent place and more clearly labeled as "Ballot status information"? Also, the information on whether a ballot has been counted is not updated until many days after the election even if the ballot was counted early in the canvass. Why isn't this information updated in real time?

Miscellaneous

1. The state's call center erroneously told some voters that in addition to signing the oath on the ballot envelope, they also had to print their name below their signature, on a preprinted line labeled "Printed Name of Voter". This caused anxiety for some voters who forgot to print their name. Since the printed name is not actually required and serves no real purpose, why not remove the "Printed Name of Voter" line from the ballot envelopes to avoid confusion.



MARYLAND HOUSE REPUBLICAN CAUCUS

6 Bladen Street, Room 212 · Annapolis, Maryland 21401 · Phone 410-841-3401 · Fax 410-841-3451

Minority Leader

Delegate Nicholas R. Kipke, District 31B

Minority Whip

Delegate Kathy Szeliga, District 7

June 11, 2020

Sent Via Electronic Communication

The Honorable Lawrence J. Hogan, Jr.
Governor of Maryland
State House
Annapolis, MD 21401

Dear Governor Hogan,

A fair, transparent election process is vital to our democracy. We know you share this value, and we write to alert you to some serious problems our constituents encountered during the 2020 Presidential Primary.

We have been contacted by numerous constituents reporting a wide variety of troubling problems with the vote-by-mail system. These include:

- A family who received a ballot for a son who had not lived at home in 13 years and had re-registered in another state.
- A family with four registered voters, but only two received ballots. The other two adult children's ballots were sent to their college addresses even though they moved home and had voted here in the previous election.
- Many in-person voting sites across the state saw long lines with voters waiting hours to cast their ballots. For example, the Honeygo Community Center in Baltimore County had a line of people voting until almost 11 PM on Election Day.
- The ballots in Baltimore City's 1st council district had a printing error.
- The state mailed out millions of ballots that were labeled with the wrong election date.
- A family whose adult children moved away in 1999 and 2004 but still received ballots even after notifying the Board of Elections of their moves more than once.
- A family who received ballots for the previous owner of their home who had moved to North Carolina in 2009.
- A number of people simply never received a ballot.
- The most egregious example is the family who received a ballot for their parent who had died in 2012 and had never lived at their address.

These problems appear to be widespread across the state. While we appreciate that the State Board of Elections was operating under unprecedented circumstances, they failed in their duty to provide a secure and accessible election for the citizens of Maryland utilizing a vote-by-mail system. Based on the Election Administrator's tepid response to the myriad of issues, we have no faith that the necessary improvements will be made in time by the

The Honorable Lawrence J. Hogan Jr.
June 11, 2020
Page 2

General Election in November. We support your call for the General Assembly to hold investigative hearings on the wide variety of problems encountered in the Primary Election.

It is imperative that we take any and all steps necessary to safeguard the free and fair elections that are paramount to our democracy. **We are adamantly opposed to the use of vote-by-mail system in the General Election in November.** Through Maryland's Early Voting and no-excuse absentee balloting, along with voting on Election Day, there will be plenty of opportunities for Marylanders to cast their votes in a secure and accessible manner that still addresses any COVID-19 concerns that may be present in November.

We know you stand with all Marylanders in support of elections that are accessible but also secure. Every voter should feel confident that our election system is trustworthy and accurate. Thank you for providing the leadership we need to solve these problems.

Sincerely,


Nie Kipke
Minority Leader


Kathy Szcliga
Minority Whip



June 26th, 2020

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

cc: Members, Maryland State Board of Elections and Linda H. Lamone, Administrator

Dear Governor Hogan,

Thank you for instructing the State Board of Elections (SBE) to shift our June primary to vote-by-mail to ensure Marylanders could safely participate in the election. **We write to request that you instruct SBE to conduct November's Election through vote-by-mail with in-person early voting options and expanded in-person voting locations on Election Day for those who need to vote in-person.**

Most Maryland voters were able to safely participate in the June primaries through vote-by-mail. However, the very short timeline to shift to a completely new voting process as well as an insufficient number of in-person voting options led to numerous avoidable problems. The state should learn from those mistakes, and one critical first step to protect Marylanders' right to safely participate in our democracy is a clear direction from you to the SBE *now* on how to start planning and preparing for the November election.

Because of the ongoing COVID-19 public health crisis, we cannot assume it will be safe to run our November elections with predominantly in person voting. We do know that delaying the decision will jeopardize SBE's ability to run a safe, secure and efficient election process, and could lead to even more problems than those experienced in the Primary Election.

We strongly urge you to immediately instruct SBE to mail every active voter a ballot and expand in-person and early voting options.

Vote-by-mail is a safe, secure way for eligible voters to participate in elections during the COVID-19 pandemic. However, as was evidenced by the June primary turnout, we need more in-person voting options for people who are unable to vote by mail because they need assistance, need to register to vote, or did not receive their ballot.

Our groups have a series of additional suggestions to ensure our November elections are accessible and secure; but the most important thing you can do now is to instruct the SBE to mail every active voter a ballot and expand in-person and early voting options.

Sincerely,

Emily Scarr, Maryland PIRG
 Joanne Antoine, Common Cause Maryland
 Reverend Kobi Little
 Dana Vickers Shelley, ACLU of Maryland
 Lois Hybl & Richard Willson, League of Women Voters of Maryland
 David Prater, Disability Rights Maryland



Findings from Survey of Baltimore City Voters

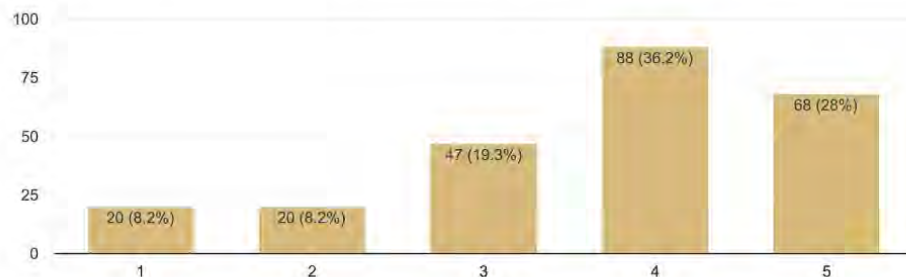
After the June 2 Primary Election, Baltimore Votes conducted a survey to collect information on voter experiences. As of 6/29, 346 voters have responded, 243 of whom voted in Baltimore City.

Summary

While there were a series of problems that took place during the Baltimore Primary Election, the majority of survey respondents reported that they did not encounter any significant problems, and that they rated their experience highly overall.

How would you rate your overall voting experience during the 2020 Baltimore Elections?

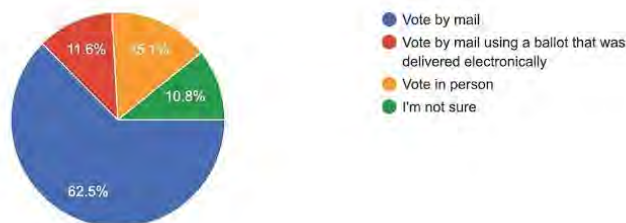
243 responses



A majority of respondents also stated that they want to vote by mail in the upcoming November election.

How would you like to vote in the November General Election?

251 responses



Based on the responses to questions, as well as the survey overall, Baltimore Votes strongly urges the State Board of Elections to recommend that the General Election in November be conducted primarily by mail, with expanded in-person voting options. We also strongly encourage the SBE to adopt the following measures to improve the next election:

Baltimore Votes calls on the State Board of Elections to implement the following changes before the 2020 General Election:

- Form a task force that includes voting advocates, community organizations, and voters
- Allow and encourage all registered voters to vote by mail by sending them ballots
- Allow early voting and increase the number of polling stations
- Increase the number of drop box locations
- Increase voter education
- Improve the tracking tool on the SBE website
- Ensure that voters can quickly find the necessary deadlines and information on the website and their mail-in ballots
- Don't rely on online communication for voter education

Getting a ballot

The first section of the survey asked voters about their experience getting their ballot. 73.9% of Baltimore City voters reported that they did not encounter any problems with the process. Of the 26.1% of respondents who encountered problems, the top concerns shared were:

- Ballots arrived later than expected, with several respondents stating that their ballot arrived a few days before the election.
- Ballots not arriving at all, including after contacting the board of elections and requesting a ballot.

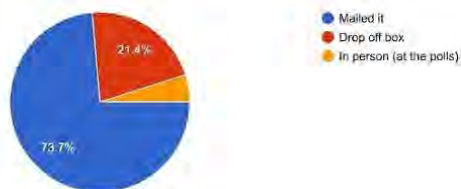
One survey taker wrote: "Ballot arrived 5/30 - before election but too late to mail it back." In fact, that voter could have returned their ballot in the mail and still gotten it in before the postmark deadline. This misunderstanding could be addressed through wider voter education outreach or clearer instructions included with the ballot.

Voters who received their ballots electronically noted barriers related to printer access and the online ballot request service not working.

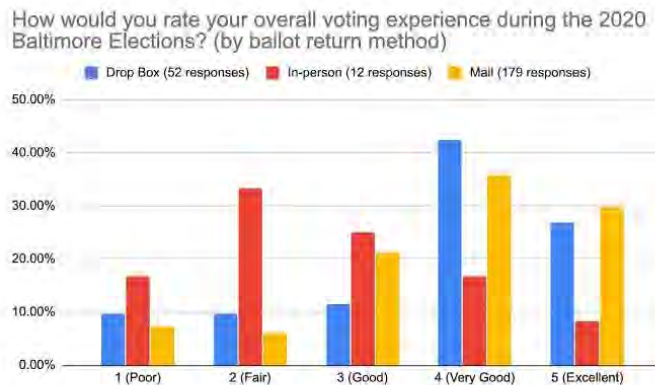
Returning the ballot

A majority of respondents cast their vote by mail, with over 90% choosing to vote by mail or by using the drop box option.

How did you cast your ballot?
243 responses



Those voters were also more likely to rate their overall experience as being more positive than voters who went in person.



Drop Boxes

Of the 52 respondents who used a drop box, 82.7% of respondents drove to the dropbox site, while the remaining respondents walked. No one reported taking public transportation. Just over 90% said that it took less than 20 minutes to reach the ballot drop box. Several respondents noted that the decision to close the drop box at the Board of Elections Office due to protests downtown inconvenienced voters.

Recommendations for improving drop boxes:

- Increase the number and range of locations (one respondent suggested "Place them at locations people already encounter during this time like grocery stores, gas stations, etc.", while another suggested that drop boxes be added to senior living centers)
- Add more signage to help voters find the dropboxes
- Ensure that cars don't park in front of the drop box

In person

While only 12 respondents reported voting in person, a key finding to highlight is that 8 of them chose this option because they hadn't received a ballot in the mail. 4 stated that they chose this option because they enjoy voting in person. 2 respondents reported that they did not feel that their mailed ballot would be secure. (Respondents were able to select more than one answer.)

Transportation was a bigger problem for voters who went in person than for voters who used a drop box. Around 41.7% reported that it took over 20 minutes to reach their voting center, with 16.7% stating that they had to travel more an hour. After driving, the second most used method of transportation to get to the in-person voting center was public transportation.

Recommendations for improving in-person voting:

- Add early voting and more polling centers could have cut down on lines
- Increase the number of polling location in order to cut down on lines
- Directing voters to other, less crowded polling centers when appropriate (one respondent noted that the Edmondson site had a multi-hour long line, but the Carter G. Woodson site was barely seeing people all day.)

Vote by Mail

179 respondents returned their ballot in the mail.

Suggestions for improving the process fell into a few main categories:

- More voter education
- Send ballots earlier
- Improve website tracking tool
- Public acknowledgement of problems and how they are being addressed in real time
- Better customer service
- I know people who did not receive a ballot. They could email all registered voters to confirm their address, send out postcards to residents to confirm voter addresses ahead of sending ballots, and be more proactive about communicating what to do if you do NOT receive one. This includes keeping many in-person voting places open to ensure alternatives.
- More information and updates given to community members in real-time.
- More public advertisements around town for people to expect their ballots soon. Plaster it on buses, put it on billboards, make radio advertisements.
- Black pen confusion
-
- This is a complex question. A thorough investigation must be undertaken to find out what went wrong and what steps need to be taken to ensure this never happens again.
- Use a local, Baltimore City printer to produce the ballots. Have multiple layers of elections office staff review all information on the ballots before signing off to have them printed. Have ballots for all Maryland jurisdictions mailed at least 3 weeks before election day. All ballots, including those marked for Baltimore City residents.

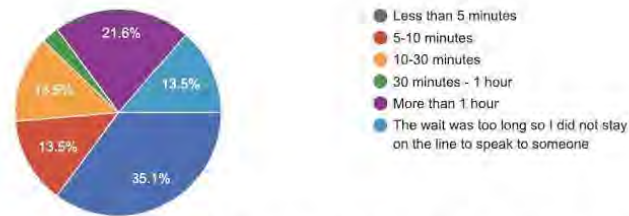
Getting Help

Board of Elections Call Center

37 respondents reported that they contacted the Board of Elections with a question about the election. More than a third of respondents said that they had to wait for over 30 minutes before speaking with someone, or that they had to wait for too long and ended up hanging up before they spoke with anyone.

How long did you wait before you spoke to someone?

37 responses



Feedback from respondents about their experience calling the Board of Elections call center:

- They were supposed to call me back and never did
- Only on the final day did I speak to someone who could help me. The other days I got transferred and or the phone hung up when I was transferred
- I called to confirm the expanded ballot locations (Hamden) and what the hours would be etc. the person was nice and responsive but was unaware of the expanded list on the website. She said she would check with Annapolis.
- The wait was too long so I hung up
- The online ballot checking tool continues to say "received" not "accepted". I don't know if my vote was counted.
- I had to call them 3 times, once to track my ballot, and then twice for an additional issue, but the first time the wait was too long so I hung up. The second time I got to talk to them after around 15 minutes. I noticed as it got closer to the election the wait line was much longer, so I think more people should be hired around the election to fulfill the demand.

Looking forward to the 2020 General Election

Baltimore Votes calls on the State Board of Elections to implement the following changes before the 2020 General Election:

- **Form a task force that includes voting advocates, community organizations, and voters.** They have strong ties in their communities and can help to disseminate information about changes to the election process. Organizations such as Common Cause MD, Disabilities Rights MD, ACLU, Out For Justice, League of Women Voters and others have also identified many of the problems that took place in this election, and could have helped to circumvent them. Bring them into the conversation much earlier.
- **Allow vote by mail:** We strongly recommend that Maryland proceeds with the November General Election through vote-by-mail, as 74.1% of respondents indicated that this is their preferred method of voting in the November General Election.
- **Allow early voting and increase the number of polling stations:** Survey respondents who voted in person rated their experience much lower than counterparts who voted by mail or using a dropbox. In-person voting locations had long lines and many who went in-person reported that they had not received their ballots in the mail. Early voting and

more polling stations will help lessen congestion, decrease wait times, and ensure that voters can go at a time that is more convenient for their schedules.

- **Increase the number of drop box locations:** Increase the number and range of locations of drop boxes, along with signage leading to these locations. Ensure that these locations are at convenient, non-congested areas. Ensure voter trust in the security of drop boxes by informing the public about how their ballots are being secured.
- **Increase voter education:** Invest more resources in educating voters about changes to the election. Partner with local organizations and community based groups to support their GOTV efforts. This could be done by allocating grants. Also, expand beyond radio, tv, and online advertisements by putting notices in frequently visited locations such as buses and grocery stores.
- **Improve the tracking tool on the SBE website:** There was a great deal of confusion about when the tracking tool on the website would update ballot status from "received" to "accepted." This could be addressed with a clear explanation on the website. (From a respondent: "As of 6pm June 10, 2020 the status of my ballot and my husband's are "received." I'm concerned that our ballots have not been counted.")
- **Ensure that voters can quickly find the necessary deadlines and information on the website and their mail-in ballots:** Update the website frequently and work with the Center for Civic Design to improve ballot delivery and return envelopes.
- **Don't rely on online communication:** As one respondent wrote: "It was difficult to get locations of Drop boxes. Radio, newspapers, tv all said 'consult the website for [a] list of locations.' They should have given us the list! The assumption that everyone has easy access to the web is disenfranchising people."



June 18, 2020

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

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& MAILING ADDRESS
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SUITE 350
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T/410-880-8555
or 240-274-5295
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FIELD OFFICE
6980 CARROLL AVENUE
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TAKOMA PARK, MD 20912
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WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

Administrators and Board Members
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Via email to: linda.lamone@maryland.gov, nikki.charlson@maryland.gov,
atrento@oag.state.md.us, and info.sbe@maryland.gov

Dear Administrators and Board Members of the State Board of Elections:

Since 2004, the ACLU of Maryland's Election Protection campaign has been working across the state and in communication with the Maryland State Board of Elections (SBE) to ensure every Marylander can exercise their fundamental right to vote. Undoubtedly, the recent elections in the midst of a pandemic required the most unprecedented and comprehensive changes to our election systems we have ever seen.

While this letter is intended to outline our organization's concerns and recommendations following the Primary election based mostly on undisputed problems, we want to applaud the State Board of Elections' swift decision and execution of a primarily "vote by mail" system during a pandemic that has a disproportionate impact on people of color, people with low income, people with disabilities, and all people considered at risk of complications due to the COVID-19 pandemic. Despite the concerns expressed below, the Board's attempt to provide every registered voter with a ballot by mail helped to make it possible for the vast majority of registered voters to exercise their right to vote safely from home. If this had not been an option, we cannot even fathom how many people would have been disenfranchised, what the polling sites would have looked like, nor what the absentee voting process would have entailed. As such, any attempts to use this letter to argue against mailing registered voters their ballots in November would be a gross distortion of our report, analysis, and recommendations.

And, although we are pleased about the high turnout in the Primary (made possible by ballots mailed to every registered voter), we must not allow that to be an excuse for ignoring the problems, barriers and disparities that have emerged or persisted.



The issues and concerns we have can be summarized in five main categories: 1) negligent or inadequate planning; 2) human error; 3) disenfranchisement of people in jails; 4) insufficient transparency and communication, and 5) lack of accountability. These issues came to our attention through various public sources, coalition partners, and our Election Protection Hotline, which received numerous calls in advance of the June 2 Primary. While the examples detailed in this letter originate from the 2020 Maryland Primary, these categories of concern are far from new. It should be no surprise to Maryland State Board of Election staff that the ACLU is concerned about technological “glitches”, process issues, poor planning that leads to long lines in polling places, mistakes that lead to confusion or voter disenfranchisement, and the overall disproportionate impact these issues have on Black voters, in particular.

We refuse to let another election cycle go by without speaking loudly and clearly about what Maryland voters and our democracy deserve: a well-resourced election system run by proactive, engaged elections administrators, governed by board members passionate about voting rights and with an understanding of the myriad barriers to voting that exist for some people, and a transparent process that promises clarity, equity, and accountability.

Core Recommendations

Investigate the cause of all technological glitches and mistakes, including all those detailed below, ensure results are transparent, and hold those responsible accountable for their mistakes. Without a clear understanding of what went wrong, how, and why, we cannot be certain the same problems will not persist or similar problems will not occur in the General election.

Establish a community task force to ensure the safety and integrity of our election. Bringing together a diverse range of stakeholders can alert elections administrators to concerns and considerations earlier and engage resources and support from community and advocacy partners. Community engagement creates buy-in from the outset and provides those with concerns access to information as well as avenues to address concerns.



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Produce a comprehensive, fully-funded plan with layers of oversight, audits, emergency/contingency planning, logistics, and outreach for the November election. Present the plan in advance to the public, and take community/stakeholder input. Planning for a General election during a pandemic is no easy feat. We know there will be challenges, so we must anticipate and plan to create a smooth, safe, accessible, and equitable election.

Address voter disenfranchisement of people in jails by providing voter registration forms, absentee ballot applications, and ballots with pre-paid postage to all jails and detention centers where eligible voters are held. These materials should be delivered with enough time to allow jail staff and eligible voters to learn and follow the steps (understanding the many barriers that may exist for prisoners.) While it has never been acceptable that people in jails rely entirely on outside volunteers and organizations who help with voter registration in some facilities, the COVID pandemic has left thousands of people who are eligible to vote with virtually no way to access their constitutionally protected right to vote. Now, more than ever, the responsibility lies fully with State Board of Elections to remove the barriers to voting for people in jails and ensure that eligible voters in jails have full and equal access to voting.

Specific Concerns and Recommendations

→ NEGLIGENT OR INADEQUATE PLANNING

Problems:

Our Primary elections suffered from a scarcity of in-person locations and no in-person early voting locations. Pervasive long lines throughout the day – but almost only in counties with high numbers of Black and Brown voters – even caused traffic jams, and inevitably, resulted in disenfranchisement. Long lines disproportionately disenfranchise people with disabilities and people with low income and others who cannot stand in line for two hours. Short lines and quick turnover at each voting location are necessary to ensure that individuals who need or want to vote in person can do so. Election year after election year, we see long lines in certain areas, areas where the polling places also run out of ballots and have glitches, even though advocacy organizations raise these



concerns before the election and the administrators claimed to have it covered. Our elections deserve logistics experts and dedicated contingency planners to identify needs before they become problems and to resolve issues immediately.

Recommendations:

- Produce a comprehensive, fully-funded plan with layers of oversight, audits, emergency/contingency planning, logistics, and comprehensive voter outreach for the November election. Present the plan to the public and take community/stakeholder input.
- Provide all of the available options for voting: Vote by mail, drop boxes, online ballot delivery, in person early voting, same day registration, in-person voting, and provisional voting.
- Invest in robust, strategic logistics and planning such as cutting-edge, forward-thinking logistics, and communications, as well as appropriate IT staff and infrastructure to support the election.
- Plan for high turnout. Plan for unprecedented turnout in areas that all-too-often experience long lines and other issues.
- Develop robust contingency and emergency plans for possible problems.
- Create an Election Day logistics team to be dispatched to polls with growing lines to quickly identify and resolve needs, such as bottleneck at the polling location and other day-of issues.
- Develop a new recruitment and compensation plan for election judges.
- Improve education, training, handbooks, and support for poll workers.
- Have surplus machines, ballots, and election workers throughout the state available for quick delivery.
- Find solutions for slow-loading electronic poll books.
- Consider solutions for people who have their mail forwarded.
- Consider options for prepaid postage for online ballots.
- Provide signage and redirection at any polls that are not open.
- Create guidelines for police presence to ensure voters are safe (adequate amount of police presence for traffic and parking support, but not so much police presence that it creates an intimidating environment for voters).

→ HUMAN ERROR

Problems:

During the Primary election, the numerous errors made by State Board of Elections staff and vendors caused major delays and confusion in the timing,



delivery, and information provided on the ballots to the public. Egregious mistakes by vendors and the State Board of Elections such as mailing ballots late, claims that ballots had been mailed when they had not, failure to make ballot corrections before mailing, and delays in sending information to vendors, caused public confusion about the timing for receipt of ballots. Moreover, inaccuracies on ballots were not corrected, including the date of Primary (explained as not having enough time to change) and District 1 title line, which caused further confusion about the accuracy and validity of the information on the ballots. Further, approximately 90,000 Prince George's voters were inadvertently sent instructions in Spanish only, the wrong ballots were sent to Remington Row in Baltimore City, and an e-poll book problem caused voters with "undeliverable" ballots to be marked as having already voted even when they had not in fact voted. Such blatant errors are unacceptable and must be investigated and addressed to prevent recurrence during the November election.

Recommendations:

- Develop a robust, dynamic, and constant auditing/testing system to identify glitches and errors in all aspects of our election system (to include SBE, local Boards, vendors, USPS, etc.), closely monitor lists and systems, ensure timely ballot delivery, and track voter experience.
- Invest in technology solutions that reduce opportunity for human error and ultimately save staff time.
- Build in staff and board member accountability measures.

→ INSUFFICIENT TRANSPARENCY AND COMMUNICATION

Problems:

A lack of transparency and communication with the public caused widespread confusion when major changes were made to the voting process. On the night after the Election, the Maryland State Board of Elections failed to communicate complete and timely information and explanations to the public about why the results had been removed from the website, which fostered confusion and mistrust in the election.

Moreover, the Maryland State Board of Elections has been inconsistent in the collection and sharing of data and numbers needed to fully understand and resolve problems. For example, the Maryland State Board of Elections says they cannot produce numbers for how many ballots arrived to voters from the vendor



after Election Day, as they are lumped in with numbers of “undeliverable” ballots. It is critically important that we are able to separate out these numbers, as the causes, responsible parties, and reasonableness are vastly different between the number that arrived to the voter late and the number returned as “undeliverable.”

Finally, the Maryland State Board of Elections’ virtual meetings do not allow for public participation, comments, or open forum questions. Trust, transparency, and accountability require dialog. The “listen only” format sends a message to the public that their input and concerns are not valued, and keeps the Board from hearing from impacted voters and other stakeholders, who may have information and experiences that the Board could learn from.

Recommendations:

- Provide complete information, data, and explanations quickly and in language that is easy to understand.
- Collect, analyze, and provide complete, severable, and timely data.
- Invest in clear and consistent voter education and outreach that includes a clear, dedicated, measurable plan to reach Black and Brown voters.
- Improve the State Board of Elections’ website to avoid confusion, make processes simpler, and provide more and timely information to voters about the status of their ballot.
- Consolidate deadlines and clearly convey them to the public.
- Move State Board of Elections meetings to Facebook Live, WebEx, or Zoom so the public can participate.
- Consider a text alert system for major changes, including utilizing other texting systems maintained by public entities like schools.

→ LACK OF ACCOUNTABILITY

Problems:

Staff and vendors have not been held accountable for errors that disenfranchised voters during this process. No apologies have been made, no administrators or officials have been corrected, disciplined, or lost their jobs, no vendors have lost their contracts, and no board members have been removed.

Recommendations:

The logo for the American Civil Liberties Union (ACLU) features the letters "ACLU" in a large, bold, blue sans-serif font.

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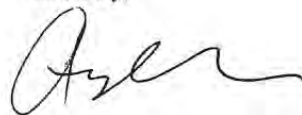
Maryland

- Investigate the cause of all glitches and mistakes, including all listed in this letter. Ensure the results of the investigation are made publicly available, and hold those responsible accountable.
- Establish a community task force that includes representation from community-based and Black-led organizations, people with disabilities, people with low income, people needing language assistance, and advocacy organizations with elections and voting rights experience
- Build in staff and board member accountability measures.

We fully understand that there is a lot to do in a short amount of time, and that 2020 has brought unprecedented and unforeseen challenges to many segments of our government and society. Now more than ever, given the crises we face, we must invest fully in the bedrock of our democracy and steadfastly safeguard the rights of the most marginalized. With proper investment and staffing, and the establishment of a community task force, we can ensure that November's elections are robust, safe, accessible, and equitable.

We look forward to our continued partnership and appreciate your consideration and action on these important recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Cruice", written in a cursive style.

Amy Cruice
Legal Program Manager
Election Protection Director

CC: Andrea W. Trento, Assistant Attorney General

Michael R. Cogan, esq.
Chairman, Maryland State Board of Elections
Annapolis, Maryland

June 15, 2020

Dear Chairman Cogan:

We, the undersigned of this letter representing over four hundred Maryland members of the National Council of Jewish Women, in agreement with Lt. Governor Rutherford concerns expressed at the June 3 Board of Public Works meeting, write to request that specific measures be taken so that the general elections this coming November can avoid the problems encountered during the recent June 2 primary. Those problems resulted in far fewer voters than in the 2016 primary, and long crowded lines that endangered public health.

We almost surely will still be dealing with the need to control Covid-19 contagion this coming November. Therefore, we ask the Board of Elections to start planning now for an election in which the majority of votes will be mail-in votes. To ensure that as many voters as possible are fully enfranchised we request the following three measures:

1. **Develop a marketing campaign and simplified ballots that will result in the maximum number of voters.** To accomplish this we suggest:
 - o The Board hire a commercial marketing company to design a marketing plan and invest in professionally produced TV and radio ads, with special outreach to minority communities and media.
 - o The Board task a marketing company to design a sampled, understandable ballot and encircle the signature panel on the envelope in bright orange as is done in some other states.
2. **Hire an in-state company to produce and mail ballots to allow for better coordination with the Board of Elections.**
3. **Ensure that there are enough polling places to enable social distancing and avoid long waits for election day in-person voting.**

Fully enfranchising every voter and protecting public health should be basic concerns of any democracy. We ask the State of Maryland to fulfill these missions

Thank you for your positive consideration of these requests

Yours for a stronger Maryland,

Signed

The National Council of Jewish Women, Maryland Action Team
Lesley Frost
Sharon Cohany
Marina Khazanov
Norma Krupenie
Merrie Blocker
Abby Sternberg

cc. Linda Lamone, Donna Duncan



June 9, 2020

LWV Maryland Statement on Primary Election

In the June 2nd primary Maryland took the bold step of enabling all registered voters to cast a ballot by mail. However, we saw many issues related to voter access and transparency in the election system that could undermine voters' trust. LWVMD calls upon the Governor and our election administrators to take the necessary steps to prevent the same issues from recurring in November and maintain voters' confidence in our democratic system.

Planning for the November general election needs to start immediately, and resources must be allocated to do it right. LWVMD is advocating for the following:

*** Declare without delay that the General Election be conducted principally by mail.** It is not clear that the current health and safety concerns will be resolved by November. Voters must have this safe option and election officials need to know *now* what kind of election they will be implementing.

*** Improve ballot delivery and confirm accuracy for all Maryland voters.** No voter should sit out an election because the wrong ballot was mailed to them or it was received too late. Election administrators must conduct a thorough analysis of the Primary and improve the mailing process and verify the accurate ballot for every voter.

*** Establish a reliable cure process for ballots marked for rejection.** If election administrators find a mistake or discrepancy in a voter's ballot, that voter must be notified and given an accessible opportunity to cure it.

*** Engage a community based task force with connections to hard to reach populations.** Use them to provide guidance on alternative means to educate voters who were not reached during the primary election and provide feedback on such issues as ballot drop-box placement.

*** Ensure transparency in the ballot counting process.** Voters must have assurance that their ballot is counted securely and fairly.

*** Implement a robust staffing plan for election board call centers and email support centers.** LWVMD and other partners reported people were experiencing sometimes hours-long wait times on the phone or waiting days for email responses when reaching out with questions. All citizens should be able to gain quick and easy access to the information they need to cast their ballot.

No voter should be disenfranchised by a problem-ridden election. By implementing these changes, Maryland officials can re-establish voters' confidence in our electoral system.

BOARD MEMBERS

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WILLIAM E. BATSON
BOARD MEMBER

ROBIN A. WILLEY
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ATTORNEY

GWENDOLYN H. DALES
ELECTION DIRECTOR

BRITTANY M. PHILLIPS
DATA APPLICATION SPECIALIST

JESSICA R. NORANBROCK
DATA APPLICATION SPECIALIST

KIMBERLY K. JONES
ELECTION INFORMATION
SYSTEMS SPECIALIST

SLOANE P. HURLEY
DATA APPLICATION SPECIALIST

June 12th, 2020

Dear Sirs/Madams,

The Dorchester County Board of Elections would like to commend the Maryland State Board of Elections for their diligence in effectively safeguarding voting rights during the 2020 Presidential Primary Election, while also protecting public health during the COVID-19 pandemic.

Dorchester County's conversion to an election conducted by mail with limited in-person voting, in such a short time period, was a success for the following reasons:

- Voter turnout by mail was similar to previous Presidential Primary Elections conducted in-person.
- In-person voters at our vote center were provided a safe and secure voting experience, and Election Judges were protected and prepared.
- The official ballot drop boxes the State procured and delivered were a convenient option for voters that did not want to vote in-person or by mail.
- The ballot drop boxes were noticeable, appealing, and secure.
- SBE staff were highly responsive, and an invaluable resource for LBE staff.
- LBE staff were able to address voter questions and concerns with confidence.

For all these reasons, we highly support conducting the Presidential General Election by mail in November.

Sincerely,

Michael W. Detmer, President
Dorchester County Board of Elections

James F. Shalleck
President
Nahid Khozaimch
Vice President
David A. Naimon
Secretary
Diane Nash Dillon
Member
Elisse W. Barnes
Member
Jacqueline L. Phillips
Substitute Member
Alan Banov
Substitute Member



Montgomery County
Board of Elections
Post Office Box 4333
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Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
Information Technology Manager
Vacant
Voter Services Manager
Christine Rzeszul
Operations Manager
Kevin Karpinski
Counsel

June 8, 2020

via email donna.duncan@maryland.gov
Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn
Kelley A. Howells
William G. Voelp
Maryland State Board of Elections
151 West Street
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via email nikki.charlson@maryland.gov only
Nikki Charlson
Deputy State Administrator
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151 West Street, Suite 200
Annapolis, Maryland 21401

RE: Request to use Privacy Envelope for the November 2020
General Election

18753 North Frederick Avenue, Suite 210 • Gaithersburg, Maryland 20879
240-777-8500 • MD Relay 1-800-735-2258 • FAX 240-777-8505
elections@montgomerycountymd.gov • www.777vote.org

montgomerycountymd.gov/311



Maryland Relay 711

Maryland State Board of Elections
June 8, 2020
Page 2

Dear Chairman Cogan, Vice Chairman Hogan, Boardmembers Funn,
Howells and Voelp, Ms. Lamone & Ms. Charlson:

The Montgomery County Board of Elections (hereinafter "MCBOE") is requesting that a third envelope be utilized for all vote by mail/absentee ballots for the 2020 General Election. Md. Code Ann., Election Art., § 9-310(a)(1) through (3) provides:

§ 9-310. Envelope, oath, and instructions

(a) Online ballots sent by mail. --

(1) This subsection applies only to an absentee ballot that is sent by mail.

(2) An absentee ballot shall be enclosed in specially printed envelopes, the form and content of which shall be prescribed by the State Board.

(3)

(i) A local board may use either two envelopes or three envelopes.

(ii) If two envelopes are used, the inner envelope shall be designated the "ballot/return envelope," and, when issued, it shall fit inside the envelope designated the "outgoing envelope."

(iii) If three envelopes are used, the innermost envelope shall be designated the "ballot envelope", which shall fit inside the envelope designated the "return envelope", both of which, when issued, shall fit inside the envelope designated the "outgoing envelope".

Some of our voters have voiced concerns that the design of the vote by mail ballot compromised their privacy because there was no privacy envelope to prevent individuals from viewing their full name, signature and other information on the side of the envelope where the voter executed the oath. While section 9-310 addresses absentee voting, MCBOE believes that the intent of the statute is to address privacy concerns associated with

Maryland State Board of Elections
June 8, 2020
Page 3

voting by mail. MCBOE therefore requests the use of a third envelope for the General Election and that our staff have input on any request for proposals regarding the design of the envelopes for voting by mail in Montgomery County.

Thank you for your time and consideration.

Sincerely,



James Shalleck, President
Montgomery County Board of Elections

JS:bjap

Board of Elections
Office
300 South Center Street, Room 212
Westminster, Maryland 21157-5248



410-876-2000
TOLL FREE: 1-800-302-0970
MD RELAY: Call 711 or 800-735-2258(TTY)
elections.carrollcountymd.gov
FAX: 410-876-3925

Friday, June 19, 2020

Honorable Lawrence J. Hogan
Governor, State of Maryland
Maryland State House
100 State Circle
Annapolis, MD 21401

RE: General Election Procedures

Dear Governor Hogan:

The Carroll County Board of Elections would like to express its concerns that if the Presidential General Election is conducted using the Vote-By-Mail (VBM) process, the State Board of Elections must fix the issues and errors experienced in the VBM Primary to ensure and inspire confidence of our eligible voters in the accuracy, fairness, security, and accounting of voters' ballots and perception of fraud.

1. The board agrees that it is of the utmost importance that the Voter Registration Database be as accurate as possible. In the primary, 2.09% of 123,910 ballots were returned by the Post Office as undeliverable. A better method of identifying the addresses of voters is required. Collaboration with the other states have addressed these issues is paramount. As important, a modification is required to the Voter Registration Database to ensure the system flag presented to poll workers for undeliverable ballots is not designated as a VOTE, but is presented as address verification required for the poll worker.
2. A greater percentage of voters incorrectly completed their ballots compared with typical elections. If they had voted traditionally in-person, the Election Judges would have assisted the voter to resolve these problems. Additional advertising will be necessary to enhance voter education for VBM.
3. If the absentee ballot or VBM method of voting is used, the Board of Elections will need additional and substantial VBM Staff is required to support an efficient and effective delivery of an available, safe, and secure general election in November and account for the service necessary to manage the extra workload that this method requires.

We managed to work through these problems in Carroll County primarily because we had a 35.34% turnout. With the much higher turnout predicted for the general election, we are concerned that these problems will be exacerbated. Remember, 91,848 ballots were cast in Carroll County for President in the 2016 General Election versus 39,230 ballots cast in the 2020 Presidential Primary. That means the Local Board of Election's in Carroll County has to prepare to service a possible 234% increase in voter turnout for the 2020 Presidential General Election in November.

Board of Elections
Office
300 South Center Street, Room 212
Westminster, Maryland 21157-5248



410-386-2080
TOLL FREE: 1-888-302-8970
MD RELAY: Call 711 or 800-735-2258(TTY)
elections.carrollcountymd.gov
FAX: 410-876-3925

Traditional Voting Method

Some members of the board very strongly believe we should return to the traditional in-person voting system with absentee ballots on request for the Presidential Election in November. This method is preferred because the SBE and LBEs main mission is to deliver a voting mechanism that inspires eligible voters' confidence in our election system and supports eligible voters Constitutional Right to an available, safe, and secure election.

Absentee Ballot Voting with Limited In-Person Voting

Due to Covid-19, other board members equally, strongly believe that we need to continue using the VBM hybrid approach of absentee ballots and voting centers used in the primary. Our election workers may be willing to work the polls, but we also need to protect their health. The majority of Carroll County Poll Workers tend to be in the at-risk population due to their age. The combination of Covid-19 virus and the flu could be particularly serious.

Ultimately, the SBE and LBE must ensure citizens not lose confidence in the election process. They must know that every vote will be counted, and the election is honest and fair.

We hope you will take our concerns into consideration as you make the difficult decision as to how to conduct our next election.

Best regards,

Carroll County Board of Elections



Griffith Manahan, President
Laura O'Callaghan, Vice President
John Woodley, Secretary
Harvey Tegeler, Member
Samuel Foster, Member