

**State of Maryland** 

**State Board of Elections – August 15, 2022 Meeting**

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Attendees (via conference call):

William G. Voelp, Chair  
Severn Miller, Member  
Justin Williams, Member  
T. Sky Woodward, Member  
Linda Lamone, Administrator  
Nikki Charlson, Deputy Administrator  
Dan Kobrin, Assistant Attorney General  
Donna Duncan, Assistant Deputy, Constituent Relations  
Jared DeMarinis, Director, Candidacy and Campaign Finance  
Mary C. Wagner, Director of Voter Registration  
Melissia Dorsey, Assistant Deputy, Election Policy  
Keith Ross, Assistant Deputy, Project Management

Also Present: Alysoun McLaughlin, Acting Director, Montgomery County Board of Elections  
Senator Cheryl Kagan, Legislative District 17, Montgomery County  
Peta Richkus, Baltimore County resident  
Linda Dorsey-Walker, Baltimore County resident  
Aaron Plymouth, Baltimore County resident

**DECLARATION OF QUORUM PRESENT**

Mr. Voelp called the meeting to order at 1:03 pm and declared that a quorum was present.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

Mr. Voelp took a moment to recognize the work that Malcolm Funn did for elections and the citizens of Maryland, stating that he was a good friend also. Mr. Voelp expressed that Mr. Funn's wisdom and work ethic will be very hard to replace, but that we are very appreciative of the work that he did.

Ms. Lamone recognized the election officials across the State of Maryland for successfully administering the 2022 Primary Election. She stated that the election was not without its challenges, namely the change of the election date and the short time turnaround time to implement redistricting. While this was a return to a "normal" election, there was a significant increase in the number of mail-in ballots. She stated that the staff at the local board of elections and at the State Board of Elections stepped up to the plate for Maryland to have a successful election. Ms. Lamone thanked all election workers for a job well done. Mr. Voelp reiterated Ms. Lamone's comments and thanked all State and local election officials for a successful election.

**APPROVAL OF MEETING MINUTES: OPEN AND CLOSED MEETINGS ON JUNE 23, 2022 AND JUNE 28, 2022**

Mr. Williams made a motion to approve the open and closed minutes from the June 23, 2022 and June 28, 2022 meetings. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Voelp explained that because Ms. Woodward is joining the meeting from overseas, the parts of the meeting which require a quorum for voting would be moved up in the agenda, and the Administrator's Report and Attorney General's Report would be moved to later in the agenda.

## **CERTIFICATION OF JULY 19, 2022 PRIMARY ELECTION RESULTS FOR STATE FILED CANDIDATES**

Ms. Charlson noted that one section of the Administrator's Report, the section regarding post-election audits, should be highlighted before moving on to the election certification. Ms. Charlson stated that after each primary election, we perform an automated ballot tabulation audit. The automated audit of ballot images from the 2022 Primary Election is complete. Before certifying election results for local offices, each local board received five reports comparing the voting system's results against the results from the independent tabulation performed by the automated audit software for all ballots cast during early voting and on election day.

These reports showed that:

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

After the completion of the canvasses and prior to today's meeting, all ballot images, including mail-in and provisional ballots, were re-tabulated and a second set of reports were issued. These reports confirmed that the voting system accurately tabulated the ballot images from all canvasses. Reports from the comparison of early voting and election day reports are posted on our [website](#), and reports for all results will be posted shortly.

Ms. Duncan stated that the board members were each provided the full set of election results for State-filed candidates, which are the same as what is posted on our website. After the results are official, we will run the list of candidates for the general election and post on our website.

In response to a question from Mr. Voelp, Ms. Duncan confirmed that each local board of elections has certified the election results in each jurisdiction.

Mr. Miller made a motion to accept the certification of the July 19, 2022 election results as presented. Mr. Williams seconded the motion. The motion passed unanimously. Mr. Voelp stated that the primary election results are certified.

## **APPROVAL OF PROPOSED REGULATIONS TO COMAR 33.11.04.04 (ABSENTEE BALLOTS-CANVASS OF BALLOTS – HOLD BACK OF BALLOTS)**

Ms. Charlson presented the proposed changes to COMAR 33.11.04.04\_(Absentee Ballots — Canvass of Ballots — Procedures — Hold Back of Ballots) that remove the requirement that the local boards hold back mail-in ballots for the final canvass. This means that the local boards can count more ballots in the first canvass of mail-in ballots. With the large increase in the number of mail-in ballots, the secrecy of mail-in ballots is preserved due to the large increase in the number of mail-in ballots. She clarified that mail-in ballots would still be required to be held back for the provisional canvass.

Ms. Charlson stated that she sent the proposed amendments to the Maryland Association of Election Officials' Regulation Committee, which did not have any comments. She also stated that she was proposing these amendments as both emergency amendments and regular process amendments.

Mr. Miller made a motion to accept proposed amendments to COMAR 33.11.04.04 as presented by Ms. Charlson for the regular and emergency promulgation process. Mr. Miller seconded the motion. It passed unanimously.

## **APPROVAL OF TITLE 13 WAIVER REQUESTS**

Mr. DeMarinis presented requests from 46 campaigns to waive or reduce late fees incurred by the committee. Four campaigns were denied waivers of late fees and was presented to the board for informational purposes.

The campaigns requesting a waiver or reduction of late filing fees are:

1. Ajanlekoko, Dorcas Friends of
2. Barlow, (Joshua) 4 Delegate
3. Barry, (Dennis) for BOE
4. Bowers, Ron for Advocates
5. Casa in Action PAC
6. Conaway, Ray Friends of
7. Dayton, Jonathan Citizens for
8. Digman, Christine Citizens for
9. DiMarco, Joe Friends of
10. Ebling, Bryan for Board of Education
11. Foster, Phil Friends of Committee
12. Griswold, Erica Community for
13. Gross, John Citizens for
14. Grubb, Tracy Committee to Elect
15. Guyer, Pat Friends for
16. Harrington, Vincent Darryl Friends of
17. Harris, Lynne Friends of
18. Hudson, Rodney for Baltimore City Council District 7
19. Jester, Jim Friends of
20. Johnson, Shane E. Friends of
21. Johnson, Vladimir Judge of Orphans Court
22. Kellerman, Kim for County Council
23. Kelly, Will for MD42A
24. Laird, Charles W. People for
25. Lieber, Len for MoCo Council
26. Madaleno, Richard Marylanders for
27. Mathews, Tracy for Anne Arundel County
28. Mathias, Jim Friends of
29. McCarthy, Alan Friends of
30. Novinger, Frank Friends of
31. Odongo, Collins Dr. Campaign Committee
32. O'Neill, Pat Friends of
33. Petticolas, Kisha For State's Attorney
34. Rodriguez, Carmelo Friends of
35. Ruane, Joyce for Judge Orphans Court
36. Tevelow, Carla Friends of
37. Thomas, Tim Voters to Elect
38. Thompson, Jymil Friends of
39. Unger, Darian Friends of
40. VanVonno, Tim Friends for
41. Velazquez, Carlos County Sheriff
42. Wade, Vernon Friends of
43. Waiters, Patricia M. Friends of
44. Warren, Linda Friends of
45. Windsor, William Citizens for
46. Wood, Rhonda Friends of

Mr. Williams made a motion to approve the Title 13 late fee waiver requests as presented, and Mr. Miller seconded the motion. The motion passed unanimously.

## **TITLE 14 WAIVER REQUESTS**

Mr. DeMarinis presented to the board for informational purposes only requests from three businesses to waive late fees incurred by the entity, which were all denied. There were no Title 14 waivers of late fees for the board to approve.

## **CLOSED SESSION – PERSONNEL & LEGAL ADVICE**

Mr. Voelp requested a motion to close the board meeting under several provisions of §3-305(b)(7) and (8) of the General Provisions Article, which permit closing a meeting to receive advice from counsel and consult with staff about pending or potential litigation, respectively. Mr. Miller made a motion to convene in closed session under General Provisions Article, §3-305(b)(7) and (8), and Mr. Williams seconded the motion. The motion passed unanimously.

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

1:22 pm. Mr. Voelp, Mr. Miller, Ms. Woodward, and Mr. Williams attended the closed meeting. In addition to the board members, Ms. Lamone, Mr. Kobrin, Ms. Charlson, and Ms. Duncan attended the meeting.

The board received legal advice and consulted with staff about pending or potential litigation. No actions were taken.

Mr. Williams made a motion to adjourn the closed meeting and return to the open meeting, and Ms. Woodward seconded motion. The motion passed unanimously. The closed meeting adjourned at 1:41 pm.

### **OPEN MEETING- CONTINUED**

The open meeting reopened at 1:44 pm.

### **OLD BUSINESS**

*Early Canvassing of Mail-in Ballots for the 2022 General Election:* Mr. Voelp stated that this issue was tabled at the previous meeting. Mr. Williams expressed that the results of the general election could be delayed even longer given the number of mail-in ballots, and therefore he believes that the Board should take action to allow for the canvassing of mail-in ballots to begin earlier. Mr. Miller concurred with Mr. Williams, stating that that what the Board can do on their own authority is limited, and that the appropriate action is to seek judicial relief in the Circuit Court to allow the counting of mail-in ballots before election day.

Ms. Woodward made a motion to permit counsel to seek emergency relief from the Circuit Court to permit the early canvassing and tabulation of mail-in ballots but not the release of any results prior to the close of polls on election day, and Mr. Miller seconded motion. The motion passed unanimously.

### **NEW BUSINESS**

*Approval of Montgomery County Polling Place Changes:* Ms. Duncan stated that the board members had been presented with the Montgomery County Board of Elections' list of eleven election day polling place changes for the general election. Ms. Duncan explained that the proposed changes are for precincts where the previously used polling places were not available for the changed election date. The proposed changes move all of the precincts to the original polling places.

Ms. McLaughlin stated that pre-scheduled summer construction projects forced the moving of these eleven polling places, but the original locations, ten schools and one town hall, will be available in November for the general election.

In response to a question from Mr. Voelp, Ms. McLaughlin stated that there will be signage at the primary election polling place locations to direct voters who go back there to the correct polling place.

Mr. Williams made a motion to accept the polling place changes in Montgomery County for the 2022 General Election as presented, and Mr. Miller seconded motion. The motion passed unanimously.

### **Speakers**

*Senator Cheryl Kagan:* Senator Kagan began by offering condolences on the passing of Mr. Funn, stating that he was a collaborative partner and was always willing to answer her questions. She also thanked the State and local election board members and staff for all the hard work and hours put into running a smooth primary election. She noted that the veto of her bill, Senate Bill 163, was a large part of the reason for the delays in election results, but she thanked the board members for the motion passed earlier in the meeting to seek a judicial injunction regarding the start of canvassing.

Finally, Senator Kagan expressed that she does not feel that SBE is being transparent when it comes to posting materials for board meetings. She stated that the materials for this meeting had not been posted two hours before the start of the meeting, and still not at one hour before the start of the meeting. Mr. Voelp thanked Senator Kagan for bringing this attention forward.

*Peta Richkus:* On behalf of Indivisible Towson and the Vote4More coalition, Ms. Richkus expressed her support for expanding the number of members of the Baltimore County Council. However, she stated that the requirements for ballot petitions, namely that the signatures must be wet and can not be submitted electronically, greatly hindered the ability of her organizations to gather signatures in a post-Covid world. She explained that signature collection was very successful in 2020 when electronic signatures were temporarily allowed. She noted that the return to pre-Covid requirements was not only puzzling but also frustrating. She stated that the requirements to “burn shoe leather” to get in-person signatures discriminates against many who are willing to be petition circulators but cannot due to age-related or other disabilities. For these reasons, Ms. Richkus urged the Board to revisit their earlier decision and allow electronic signatures for ballot petitions.

*Linda Dorsey-Walker:* Ms. Dorsey-Walker first expressed her condolences at the passing of Mr. Funn stating that a great civil rights icon has left us, and that he will be sorely missed. On behalf of the Vote4More coalition, which she chairs, Ms. Dorsey-Walker requested that the Board seriously consider reversing the Board’s earlier decision that electronic signatures need only be accepted for petitions only during a state of emergency. She stated that her organization was tasked with getting 10,000 certified signatures by August 1 of this year in order to be on the November 2022 General Election ballot, a goal which was not reached, she said, because of the need to get signatures face to face. Her organization’s goal now is to make the 2024 General Election ballot. She explained that Vote4More followed all the suggestions for getting in-person signatures- door-knocking, booths at festivals, citizen meetings, etc., but most were unsuccessful. She explained that the electronic process in 2020 was easy and allowed for instant verification of a voter’s registration status, which saved the petitioner and the election officials’ time. She closed by reiterating her request that the Board reconsider their position and allow for the electronic submission of petition signatures.

*Aaron Plymouth:* Mr. Plymouth offered his condolences at the passing of Mr. Funn. Mr. Plymouth stated that he was Vice-Chair of the Baltimore County Board of Elections from 2007 to 2011, and also served on the Baltimore County Redistricting Commission in 2021. He explained the Commission was required to follow the Baltimore County Charter which did not allow for the addition or removal of county districts during redistricting. This made the redistricting process extremely difficult, as the population in the Baltimore County is much greater than when the Charter was written. Mr. Plymouth requested the Board review the state law regarding the modernizing the oversight of elections and the use of modern technology in order to make the

collection of signatures of local charter members more user-friendly and more easily accessible to all registered voters who wish to participate in the privacy of their own homes.

*Discussion by the Board:* Mr. Williams stated that there needs to be a balance between the need to have a “shoe-leather” requirement, which can make it too hard to get petition signatures, and the having all electronic signatures, which can make it too easy for get the required signatures, which could inundate the State and local election offices with petitions for the ballot. In response to a question from Mr. Williams regarding her efforts to get this requirement changed in the legislature, Ms. Dorsey-Walker stated that Delegate Sheila Ruth sponsored a bill to allow for electronic signatures, but the bill failed to make it out of the Ways & Means Committee. She clarified that her request is for electronic signatures to be allowed in addition to wet signatures, as not everyone has access to a computer.

In response to questions from Ms. Woodward, Mr. Voelp clarified that there is no motion in front of the Board to vote on regarding this topic today, and Mr. DeMarinis confirmed that the deadline for ballot petitions for the general election has passed so any action the Board may take now or in the future would affect the 2024 elections.

Mr. Williams stated that he understood the opinions of the speakers, but still feels that this is an issue best taken up by the legislature. Mr. Voelp stated that he sympathized with the position the speakers are in but agreed with Mr. Williams that this is an issue that should be discussed and debated in the legislature. Mr. Voelp stated he would be willing to revisit this issue if the legislature does not take any action in the next legislative session.

There was no further discussion on the topic.

#### **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Ms. Woodward disclosed the following campaign contributions:

- 1) \$250 for Jim Obergefell for Ohio; and
- 2) \$100 for Heather Mizeur for Congress.

#### **SCHEDULE NEXT MEETING**

The next meeting is scheduled for Wednesday, September 28, 2022 at 1 p.m.

#### **ADMINISTRATOR’S REPORT**

Mr. Voelp requested that only highlights of the Administrator’s Report be presented verbally.

#### **2022 Primary Election Highlights**

##### Election by the Numbers

Ms. Charlson highlighted the election turnout. Over 26% of eligible voters voted in this election. This is higher turnout than three of the last four gubernatorial primary elections but lower than the 2006 Primary Election. In-person voting continues to be the primary way voters vote, with 65% of the participating voters voting in person. Most voters voted on election day (47%) with 17% voting during early voting.

Turnout trends by early voting day mirrored prior elections. The busiest days were the final two days, when over almost 78,000 voters voted, and the slowest days were Saturday and Sunday. Voting on election day was spread over 1,500 locations statewide.

Before the 2020 elections, turnout by mail was around 6-8% of total turnout. About 35% of voters who voted in the 2022 Primary Election voted by mail. Almost 500,000 ballot packets were sent, almost two-thirds of these packets were sent to voters who opted to join the “permanent absentee voting list.” and almost 70% of those sent were voted and returned.

More data, including precinct level results, will be posted on our [online Press Room](#) in the coming days. We are still collecting and analyzing data and will include more data and analysis in a forthcoming comprehensive report of the election.

### In Person Voting

There were 96 early voting centers and over 1,500 election day polling places. These voting locations served over 646,000 voters.

The busiest early voting centers were consistent over the eight days. Bowie Gymnasium saw the most voters on seven of the eight days. Other busy locations were Southern Regional Tech and Recreation Center (Prince George’s), Randallstown Community Center and Perry Hall High School (Baltimore County), The League for People with Disabilities and Public Safety Training Center (Baltimore City), and McFaul Activity Center (Harford County). Over these eight days, over 2,900 individuals used the same day registration process to register and vote and almost 600 voters updated their address and voted the ballot for their new address.

Violent thunderstorms passed through the State during early voting, resulting in at least ten early voting centers and two local boards losing power. Power was quickly restored to some centers, others ran on back-up generators, and others implemented contingency plans to stay open using back-up battery power in the election equipment. Two early voting centers in Prince George’s County - College Park Community Center and Rollingcrest-Chillum Community Center - opened and operated without power (or air conditioning) until the following evening.

Elections are difficult to administer in the best of circumstances, but without power in July, it is even more difficult. I commend the local boards for making sure that the centers opened on time and the election judges who worked in facilities without air conditioning on a hot and muggy July day. One election director deployed a portable toilet for the election judges at one early voting center. I would also like to recognize the partnership with and support of the Maryland Department of Emergency Management and the State’s utility providers. These relationships are critical and their responsiveness to our many escalations is appreciated.

In the days leading up to the election, every local board of elections reported a higher than normal “call out” rate of election judges. Some experienced judges contracted COVID-19 while working early voting, while other election judges reported that they were unable to serve at the last minute. These last-minute cancellations required that the local boards revisit assignments and where possible, shuffle assignments so all election day polling places could open. This led to the delayed opening of a handful of election day voting locations as some polling places had fewer or less experienced election judges. As explained later in this report, we are expanding our election judge recruitment efforts to support the upcoming general election.

### Mail-in Voting

As mentioned above, almost 500,000 ballot packets were mailed and over 345,000 (or 69.1%) were voted and returned. Ballot packets to requesting military and overseas voters were mailed before the required 45th day before the primary election (June 4). The first round of ballot

packets for domestic, civilian voters - over 340,000 packets - mailed over several days starting on June 9. The vendor mailed the final round of ballot packets on July 12, and the local boards handled subsequent ballot packet mailings.

While the vendor performed well, we implemented changes during this election to prevent two issues from recurring - the printing of voters' party affiliations on return envelopes, and inadvertent mailing of duplicate ballot packets.

Upon learning that the first shipment of mail-in ballot packets had abbreviations of voters' party affiliations on return envelopes, we instructed the vendor to immediately stop printing this information and no subsequent ballot packets included voters' party abbreviations. We have already implemented a new process for reviewing and approving the data layout on the mail-in ballot packets for future elections.

Immediately upon learning that the vendor had sent less than 1,000 duplicate ballot packets (less than 0.2% of the almost 500,000 ballot packets sent in the 2022 Primary Election), we immediately addressed it with the vendor. The vendor identified the cause of the duplicate ballot issuance, corrected the issue to prevent a similar occurrence in the future, and promptly sent a letter to all voters who received duplicate ballots, instructing them how to proceed with the duplicate ballot.

### Voter Education

During the weeks leading up to the primary election, the statewide voter education campaign focused on registering to vote, the three ways to vote (early, by mail or drop box, or on election day), and the various deadlines associated with each. In the digital campaign, we built awareness around changes triggered by the redistricting process, updating voter information, and finding polling locations. Our election-specific webpage - [www.elections.maryland.gov/2022](http://www.elections.maryland.gov/2022) - was the central communications hub for the campaign and included iconography consistent with the paid media campaign.

Highlights from the campaign are:

- The digital ads garnered over 16.8 million impressions, over 230,000 clicks, and almost 8 million video plays.
- The same ads drove over 170,330 users to our 2022 Election landing page, and the average time spent on the page was significant at 2:03 minutes.
- Facebook & Instagram proved the most successful means of driving impression volume, while Google Search proved the most successful means of driving engaged traffic to the site.
- Across channels, users residing in the Central region of Maryland were most likely to click through ads to the site when presented with them.
- Users grew increasingly likely to click through ads as the election approached.
- There were TV, radio and print ads around the State. While there was an equal number of ads by region, the number of them was limited due to the limited budget for this campaign.

We will include more data and analysis about the campaign in the forthcoming comprehensive report of the election.



### Election Systems & Operations

Following the recent redistricting process, local boards of elections have assigned more than 4 million voters to newly drawn districts in compliance with Maryland's latest congressional and legislative maps. Despite the complexity inherent in every statewide redistricting, more than 99.9% of all registered voters in Maryland were assigned to the correct legislative and congressional districts at the conclusion of the process. After a statewide review, we identified voters who were placed in the incorrect district and worked with the local boards to provide the affected voters with the correct district information and if necessary, a new mail-in ballot. We also supported a local board during the canvassing to make sure that the voter's correct ballot was counted.

The voting system and electronic pollbooks worked well. The equipment is currently under lockdown until the election has been certified and the time to request a recount or contest the election has passed. Once the equipment is released, the local boards will perform post-election maintenance on units with reported issues.

The operations support worked as planned during early voting and election day. The deployment of the election support dashboard and SBE's help desk tracking system and the onsite support at the SBE office on election day went very smoothly. The PMO is now closing out the helpdesk and dashboard in preparation for the upcoming general election.

On election night, four local boards - Baltimore City and Calvert, Montgomery and Prince George's Counties - were unable to upload all of their memory devices. This happens when election judges do not follow the local boards' instructions on removing the memory devices from the voting unit and storing the memory devices for the election night return to the office. I requested that the four local boards provide information about the memory devices that were not uploaded on election night.

- In Baltimore City, election judges in nine different polling places did not return twelve memory devices as instructed.
  - One memory device was found in the locked scanner
  - Election judges returned three memory devices in the wrong transport case
  - The Baltimore City Board of Elections had three devices election night but did not upload them. One device would not upload, so a new device was programmed, the ballots from that precinct were rescanned, and the results from the new device were uploaded
  - Two devices were not located. New devices were programmed, the ballots from these precincts were rescanned, and the results from the new devices were uploaded. One of the devices was located after the rescanning and uploading.
- In Calvert County, election judges in two different polling places left the memory devices in scanners. Both memory devices were found inside the locked scanners.
- We are awaiting Montgomery County's response.
- In Prince George's County, election judges in five polling places left the memory devices in scanners. All ten memory devices (two from each polling place) were found inside the locked scanners.

### Post-Election Audits

After each primary election, we perform an automated ballot tabulation audit. The automated audit of ballot images from the 2022 Primary Election is complete. Before certifying election results, each local board received five reports comparing the voting system's results against the

results from the independent tabulation performed by the automated audit software for all ballots cast during early voting and on election day.

These reports showed that:

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

After the completion of the canvasses and prior to today's meeting, all ballot images, including mail-in and provisional ballots, were re-tabulated and a second set of reports were issued. These reports confirmed that the voting system accurately tabulated the ballot images from all canvasses. Reports from the comparison of early voting and election day reports are posted on our [website](#), and reports for all results will be posted shortly.

### Recounts

Ms. Charlson stated that as expected, there were some very close contests, and we are in the midst of the recount phase of the election.

- A recount for the Republican nomination for Harford County's Council District D was conducted on August 2, 2022. The margin of victory - 11 votes or 0.19% - stayed the same.
- Requests for recounts have already been filed for Democratic House of Delegates Legislative Districts 23 and 24, both of which are in Prince George's County. The vote difference for Legislative District 23 is 19 votes, and this is a free recount, as the margin between two candidates is 0.11%). The vote difference for Legislative District 24 is 101 votes; this is not a free recount, as the margin between two candidates is 0.64%. We are awaiting final confirmation on the date of these recounts.
- A recount is expected for the Democratic nomination for the Montgomery County Executive (35 vote difference or 0.03%). This recount is expected to start on August 18, 2022 and continue for several days.
- A recount was also filed for the Democratic nomination for Frederick County Council District 3. The recount is scheduled for August 16, 2022. In response to a question from Mr. Voelp, Ms. Charlson stated that in Frederick County, the recount is a manual recount of the paper ballots for Council District 3 only.

While preparing for the recount, the Frederick County Board of Elections discovered a discrepancy in the total number of votes in the certified results and the number of accepted mail-in and provisional ballots. This discovery triggered a further review of the ballots cast in Frederick County. The review found that about 100 ballots were scanned more than once, and four provisional ballots had not been presented at a canvass.

On August 10, 2022, the Frederick County Board of Elections decertified the primary election results and with support from other local boards, rescanned over 16,500 mail-in and provisional ballots. We arranged for additional voting equipment to be delivered to the Frederick County Board of Elections and provided on-site technical support during the rescan. After the rescan, the Frederick County Board of Elections recertified the election results. The margin between the two candidates seeking the Democratic nomination for Council District 3 was 3 votes but after the rescan, it is 1 vote or 0.02%. In response to a question from Mr. Voelp, Ms. Charlson stated that in Frederick County, the recount is a manual recount of the paper ballots for Council District 3 only.

## Call Center

The call center continues to be an important part of service to the Maryland voters. The call center will provide help desk support to voters calling SBE and several local boards through the upcoming general election. As of August 9, 2022, the call center handled 64,459 calls.

## **Election Reform & Management**

### Election Judge Recruitment

We are currently working with several non-profit agencies, including Civic Alliance, Democracy Works, and Power the Polls, to promote recruiting more election judges for the upcoming general election. Additionally, we have reached out to Vet the Vote, a group encouraging veterans to serve in elections. We are also continuing to work with The University of Maryland's Civic Innovation Center (CiVIC) to recruit students and staff through the University of Maryland System for the upcoming general election.

We and the local boards will participate in the U.S. Election Assistance Commission's (EAC) Help America Vote Day on August 16. The EAC designated this day to promote service as an election judge, and the Governor has proclaimed August 16 as Help America Vote Day as well. Power the Polls will also be working to amplify that effort for that day. They have also been directly connected with those jurisdictions with reported regular shortages to assist in finding judges that are willing to serve in their areas.

Ms. Dorsey noted that for the primary election, the State Department of Budget and Management authorized 16 hours of administrative leave for permanent and contractual employees. This was a very successful recruitment incentive, as it offered a big last-minute boost of State employees that volunteered to serve. We hope that the offer will be extended for early voting and election day for the upcoming general election. In response to a question from Mr. Williams, Ms. Dorsey stated that DBM did offer administrative leave in 2020, and the status of if that leave will be offered again in the general election is unclear at the moment.

## **Voter Registration**

### MDVOTERS

The August 8.7 development release includes security enhancements that address Maryland's Department of Information Technology (DoIT) and The National Institute of Standards and Technology (NIST) security requirements. The recent release addresses improved ballot processing for web delivery ballots and application performance enhancements regarding processing time.

### Electronic Registration Information Center (ERIC)

Maryland receives ERIC data on a monthly basis. On even-numbered months (February, April, etc.) we receive the In-State Updates, Cross-State, and NCOA (National Change of Address) reports for processing. Odd months we receive In-State Duplicate and Social Security Administration Death files for processing. For more information on ERIC, please visit [www.ericstates.org](http://www.ericstates.org).

### Motor Vehicle Administration (MVA) Transactions

During June, MVA collected the following voter registration transactions:

New Registration - 11,869	Residential Address Changes - 17,688
Last Name Changes - 2,631	Political Party - 3,599

During July, MVA collected the following voter registration transactions:

New Registration - 426	Residential Address Changes - 455
Last Name Changes - 62	Political Party - 99

## **Candidacy and Campaign Finance (CCF) Division**

### Candidacy

The deadline for petition and non-principal political party candidates to file a Certificate of Nomination, petition and pay the filing fee for candidacy was August 2, 2022 at 5 pm. Mr. DeMarinis stated that the only remaining way to become a candidate is to be a write-in candidate. Write-in candidates do not need to file a certificate of candidacy in person.

### Campaign Finance

#### *2022 Pre-Primary 2*

The 2022 Pre-Primary 2 was due on July 8, 2022 by 11:59 pm. Over 82% of the committee filed on time, and as of August 12, nearly 93% of the required committees have filed their report. We sent to those committees that have not yet filed a late fee notice. The maximum late fee penalty for a failure to file is \$1,000.

Pursuant to Election Law Article §13-332.1, the State Board of Elections will not issue a certificate of nomination to any candidate that failed to file a campaign finance report or failed to pay late fees. The deadline to correct the failure to file is August 16, 2022. A candidate who does not rectify the failure to file by the deadline will be deemed to have declined the nomination and will not appear on the general election ballot. The central committee can fill the vacancy created by the declination.

The Pre-General 1 Campaign Finance Report is due on August 30, 2022.

#### *State Public Financing Program*

The certified gubernatorial ticket received a total of \$879,418.76 in public funds. The committee did not make any requests for funds in July. The Division has begun the comprehensive audit for the committee's records and finances.

#### *County Public Financing Programs*

Montgomery County: As of July 31, there are 20 certified candidates in the program. Six candidates received the maximum public contribution allowed for a primary election. The program has disbursed \$1,077,032 in June and \$122,619 in July with a disbursement total of \$3,455,722.

Howard County: There are five certified candidates in the program. All five candidates have advanced to the general election. As of July 31, the program has disbursed a total of \$724,766.79.

### Enforcement

Here are the enforcement actions for the July:

- On July 28, 2022, Adam Cunningham for State Senate paid \$250.00 for a failure to include authority line.
- On July 26, 2022, Friends of Courtney Watson paid \$200.0 for failure to maintain account books - contributions and failure to maintain account books – expenditures.

In response to questions from Mr. Voelp, Mr. DeMarinis stated that a candidate must still pay a late fee if a waiver is not granted or if the waiver has not been approved yet. A refund can be issued to a candidate who pays a fee and then has a waiver granted. Mr. DeMarinis also stated, in response to a question from Mr. Voelp, that the deadline to file as a write-in candidate is one week before the start of early voting.

In response to a question from Mr. Williams, Mr. DeMarinis stated that he believed there would be legislation in the upcoming legislative session to rectify issues that arose from the publicly financed campaign of Rushern Baker for Governor in the primary election.

## **Project Management Office (PMO)**

### Inventory Management

SBE's FY22 Inventory Auditing of equipment and supplies statewide ended on June 30, with 96.44% of the inventory being audited. Most of the equipment items not audited are those going through the disposal process at SBE's Central Warehouse.

### Central Warehouse

The Central Warehouse team continues its work on numerous tasks related to the election, including sending and receiving the ballot dropboxes and the receipt and checking in of the new pollbook printers. The team is also managing the use of the warehouse space by other election teams and trainers.

### Document and Records Management

The PMO continues the review responses to the previously issued request for information on a document management system. In addition, a significant amount of effort went into fulfilling the State's requirements for records management.

### Baltimore City Relocation

Mr. Ross stated that the PMO continues to work with the Baltimore City Board of Elections on their potential relocation plans. In response to a question from Mr. Williams, Mr. Ross stated that the goal is to have the relocation completed prior to the 2024 election, specifically to have the staff in a new office by Dec. 15, 2023.

## **ASSISTANT ATTORNEY GENERAL'S REPORT**

Mr. Kobrin gave the following updates:

1. *Keegan-Ayer et. al. v. Di-Cola et. al.*, C-10-CV-22-000451 (Cir. Ct. for Frederick Cnty.). OAG and SBE are monitoring a residency challenge filed in the Circuit Court for Frederick County. Incumbent Frederick County Councilmember (District 3) M.C. Keegan-Ayer filed suit against her opponent in the Democratic Primary, Jazmin Di Cola, and the Frederick County Board of Elections on August 4, 2022. The complaint alleges that Ms. Di Cola did not reside in District 3 as of July 19, 2022, the date of the primary election and seeks to order her disqualification from the race.

On August 12, 2022, the circuit court held a show cause evidentiary hearing to determine Ms. Di Cola's residency qualification. After the hearing, the Court found Ms. Di Cola did not qualify to run for the District 3 council and ordered the Frederick County Board of Elections to disqualify her from the race.

Ms. Di Cola has until August 17, 2022 to appeal the decision of the circuit court to the Court of Appeals.

2. *WinRed, Inc. v. Ellison, et al.*, No. 21-cv-1575 (D. Minn.). On July 7, 2021, WinRed, Inc. – a federal PAC created to assist Republican Party candidates – filed a lawsuit against the Attorneys General of Connecticut, New York, Maryland, and Minnesota (the “State AGs”), seeking a declaration that State consumer protection statutes and regulations are preempted by federal law, to the extent that these State laws are being enforced to regulate the use of pre-checked recurring contribution boxes for solicitations for federal offices. WinRed had received letters from the defendants requesting information and documents regarding its use of pre-checked boxes in that context. (It is now public that ActBlue – the PAC formed to assist Democratic Party candidates – has received a similar request from the same State AGs but has not joined this lawsuit.) On July 27, 2021, WinRed filed a motion for preliminary injunction against enforcement of subpoenas served by the State AGs. On July 29, 2021, the State AGs moved to dismiss the complaint. Oral argument on both motions took place on November 2, 2021. On January 26, 2022, the Court issued an order denying Plaintiff’s motion for preliminary injunction and granting the defendants’ motion to dismiss and dismissed the Complaint. WinRed has appealed the dismissal to the U.S. Court of Appeals for the Eighth Circuit. On March 25, 2022, WinRed filed its opening brief. The Appellees’ response was filed in late April. WinRed filed its reply brief on May 25, 2022. The Court is in the process of scheduling the appeal for oral argument.
  
3. *Baltimore Cnty. Branch of the NAACP, et al. v. Baltimore Cnty., Md., et al.*, No. 1:21-cv-03232 (D. Md.). On December 21, 2021, the Baltimore County Branch of the NAACP, the League of Women Voters, Common Cause of Maryland, and several individual plaintiffs filed a lawsuit challenging the Baltimore County redistricting map for county council districts, on the ground that it violated section 2 of the Voting Rights Act. Baltimore County, the individual members of the Baltimore County Council, and the Baltimore County Board of Elections were named as defendants. (The individual County Council members have since been dismissed from the case.) On January 19, 2022, the plaintiffs filed a motion for preliminary injunction, and the court entered an order setting a hearing for February 15, 2022 on the plaintiffs’ motion. On February 22, 2022, the court ruled in favor of the plaintiffs, and ordered Baltimore County to produce a compliant map by March 9, 2022. On March 9, 2022, Baltimore County filed its proposed remedial map. The Court has asked the plaintiffs to respond to the filing by 5 pm today and will hold a conference with the parties on March 11, 2022 to discuss further proceedings. On March 25, 2022, the Court approved the remedial map proposed by Baltimore County. On May 9, 2022, after reviewing status reports from the parties, the Court dismissed the matter without prejudice, to allow the plaintiffs to bring a challenge to the county map after the July 19, 2022 election if they determine that a challenge is warranted, and to file a motion to attorneys’ fees by September 6, 2022.

On June 6, 2022, the plaintiffs filed a Motion for Attorney’s Fees and Litigation Expenses. The Court has stayed the proceedings relating to the award of attorney’s fees until September 6, 2022. The case is otherwise closed.

4. *In the Matter of Seth Wilson*, No. C-02-CV-22-000078 (Cir. Ct. A.A. Cnty.). On January 14, 2022, Seth Wilson, the Chairman of the Washington County Republican Party Central Committee, filed a petition for judicial review of the determination and approval, respectively, by the Washington County Board of Elections and SBE, of the locations for early voting centers in

Washington County for the 2022 elections. On January 19, 2022, the agencies were provided notice of the petition for judicial review by the Clerk of the court. On March 22, 2022, the agencies filed administrative records. Mr. Wilson has filed his memorandum of law in support of his petition. The State and Local Boards have filed answering memoranda. Mr. Wilson will likely be filing a reply memorandum within the next two weeks. A hearing on the petition was held on August 15, 2022, and was dismissed.

### **ADJOURNMENT**

Mr. Miller made a motion to adjourn the open meeting. Mr. Williams seconded the motion. The motion passed unanimously. The open meeting adjourned at 2:50 pm.