

State of Maryland 

State Board of Elections – June 23, 2022 Meeting

Attendees (via conference call):

William G. Voelp, Chair
Malcolm L. Funn, Vice Chair
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
Melissia Dorsey, Assistant Deputy, Election Policy

Also present: Alisha Alexander, Election Director, Prince George’s County Board of Elections

Absent: Severn Miller, Member

DECLARATION OF QUORUM PRESENT

Mr. Voelp called the meeting to order at 2:01 pm and declared that a quorum was present.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

APPROVAL OF PROPOSED AND EMERGENCY REGULATIONS TO COMAR 33.07.04 (ELECTION DAY ACTIVITIES), 33.11.03 AND 33.11.05 (ABSENTEE BALLOTS), and 33.16.06 (PROVISIONAL VOTING)

Ms. Dorsey presented proposed and emergency amendments to COMAR 33.07.04.02. The proposed amendments are:

1. 33.07.04.02 (Election Day Activities – Order and Decorum — Cell Phone, Pages, Cameras, etc.): The proposed amendment to section B of this regulation allows for voters to use the Digital Wallet that the Maryland Department of Transportation recently began using as a method of identification or proof of residency, when required, in the voting locations. It also allows voters to use electronic documents to provide proof of residency.

In response to a question from Ms. Woodward, Ms. Dorsey confirmed that the proposed amendments do not allow the use of a cell phone or other electronic device while voting, or for any purpose other than as a method of identification or proof of residency.

Ms. Woodward made a motion to approve the proposed amendments to COMAR 33.07.04.02 for both the emergency and normal promulgation process. Mr. Williams seconded the motion. It passed unanimously.

Ms. Charlson presented proposed amendments to COMAR 33.11.03.06, 33.11.05.04, and 33.16.06.04. The proposed amendments are:

2. 33.11.03.06 (Absentee Ballots — Issuance and Return — Return of Ballot): The proposed amendments to section C of this regulation clarifies the timeframe by which a local board must contact a voter who returned a ballot but failed to sign the oath, and the methods by which a voter may provide their signature. An additional amendment adds a missing closed parenthesis. Ms. Charlson explained that [HB 862](#) and [SB 163](#) (2022) require the local boards

to contact voters who returned a mail-in ballot but did not sign the oath. The State Board previously adopted regulations requiring the same, but HB 863 and SB 163 included a different timeline for contacting voters and defined the ways voters may provide a signature. Although these bills were vetoed, the State Board has the authority to amend its existing regulations related to curing, and the proposed changes to 33.11.03.06C align the regulation with the two bills.

Mr. Funn made a motion to approve the proposed amendments to COMAR 33.11.03.06 for both the emergency and normal promulgation process. Mr. Williams seconded the motion. It passed unanimously.

3. 33.11.05.04 (Absentee Ballots — Canvass of Ballots- Rejecting Ballots — Ballot Rejection — Multiple Ballots from the Same Individual) and 33.16.06.04 (Provisional Voting — Canvass of Ballots- Rejecting Ballots — Ballot Rejection — Multiple Ballots from the Same Individual): The proposed amendments require the local board of canvassers to count the absentee ballot (mail-in ballot) if a voter returns a mail-in ballot and a provisional ballot. These proposed changes are identical to the changes adopted as emergency changes for the 2020 General Election.

In response to a question from Mr. Williams regarding what would happen if a voter returned a mail-in ballot but voted provisionally before the mail-in ballot was counted, Ms. Charlson stated that the local board would reject the mail-in ballot if it was received after the provisional ballot was counted.

Mr. Williams proposed amending the proposed regulations to clarify that the local board of canvassers should reject a mail-in ballot from a voter if it is received after a provisional ballot from the voter is counted. Mr. Funn, Ms. Woodward, and Mr. Voelp all concurred with Mr. Williams' proposal.

Mr. Williams made a motion to approve the proposed amendments to COMAR 33.11.05.04 with his amendment for both the emergency and normal promulgation process. Mr. Funn seconded the motion. It passed unanimously.

Mr. Williams made a motion to approve the proposed amendments to COMAR 33.16.06.04 with his amendment for both the emergency and normal promulgation process. Mr. Funn seconded the motion. It passed unanimously.

APPROVAL OF EMERGENCY CHANGE TO POLLING PLACES FOR BALTIMORE CITY, PRINCE GEORGE'S COUNTY, AND SAINT MARY'S COUNTY

Ms. Duncan presented requests from the Baltimore City, Prince George's County, and Saint Mary's County Boards of Elections for emergency polling place changes. Those changes are:

1. Baltimore City- Ms. Duncan presented a request from the Baltimore City Board of Elections to replace two polling places that were vandalized. They are proposing to replace Sarah Roach School #73 with the Hilton Recreation Center for precincts 20-007 and 20-008, and the Lillian Jones Recreation Center with the Harlen Recreation Center for precincts 15-018 and 16-005. SBE recommended approving this request.

In response to questions from Mr. Williams, Ms. Duncan confirm that changes to polling places only need to be approved by the State Board if the change is made within 13 weeks of an election.

Ms. Charlson stated that she was informed by Armstead Jones, Election Director for the Baltimore City Board of Elections, that the Board had not yet approved the change in location.

2. Prince George's County- Ms. Duncan presented four requests from the Prince George's County Board of Elections to replace polling places. Those requests are to replace:
 - a. Patuxent Elementary School with the Patuxent Community Center, for the consolidated precinct 03-002 and 03-008. This relocation is necessary because the Patuxent Elementary School is under construction and therefore is no longer available for use as a polling place for the primary election;
 - b. Clinton United Methodist Church with Surratsville High School for precinct 09-008. This relocation is necessary because the Clinton United Methodist Church has not opened up since the pandemic;
 - c. First Bethel Baptist Church to Kettering Middle School Cafeteria for precinct 13-013. This relocation is necessary because the First Bethel Baptist Church has rented their building to another business which has declined to be a polling place; and
 - d. E. Michael Roll Municipal Building with the City of District Heights Family & Youth Services Bureau for precinct 06-011. This relocation is necessary because the services of the Municipal Building have been temporarily relocated to the Family & Youth Services Bureau building.

SBE recommended approving these requests.

In response to a question from the Board, Ms. Alexander stated that at its last meeting, the Prince George's County Board of Elections voted to give her the authority to make the necessary changes to polling places as needed.

3. Saint Mary's County- Ms. Duncan presented a request from the Saint Mary's County Board of Elections to replace the Greenview Knolls Elementary School polling place with the Esperanza Middle School Gym. This relocation is necessary because Greenview Knoll Elementary School is under construction which will not be completed in time for the primary election. The request noted that the Saint Mary's Board of Elections approved this change. SBE recommended approving this request.

Ms. Woodward made a motion to approve the emergency polling place changes as presented for Prince George's and Saint Mary's Counties. Mr. Williams seconded the motion. It passed unanimously.

Mr. Williams made a motion to conditionally approve the emergency polling place changes as presented for Baltimore City, dependent upon approval by the Baltimore City Board of Elections. Ms. Woodward seconded the motion. It passed unanimously.

ANNOUNCEMENT

Ms. Charlson introduced Mr. Kobrin, who is the new Assistant Attorney General for SBE.

CLOSED SESSION - LITIGATION ADVICE

Mr. Voelp requested a motion to close the board meeting under several provisions of §3-305(b) Mr. Voelp requested a motion to close the board meeting under (b)(7) and (8), which permit closing a meeting to receive advice from counsel and consult with staff about pending or potential litigation, respectively, of §3-305(b) of the General Provisions Article. Mr. Williams made a motion to convene in closed session under General Provisions Article, §3-305(b)(7) and (8), and Mr. Funn 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 2:45 pm. Mr. Voelp, Mr. Funn, Mr. Miller, Ms. Woodward, and Mr. Williams attended the closed meeting. In addition to the board members, Ms. Lamone, Mr. Lewis, Mr. Kobrin, Ms. Charlson, and Ms. Duncan attended the meeting. The board members consulted with staff about pending or potential litigation and counsel provided legal advice. No actions were taken.

There was a motion to adjourn the closed meeting, it passed unanimously. The closed meeting adjourned about 3:45 pm.

ADJOURNMENT

The open meeting adjourned at 2:39 pm.