

**Senate Education, Health, and Environmental Affairs  
Committee**

**Senator Paul G. Pinsky, Chair**

**House Ways and Means Committee**

**Delegate Anne R. Kaiser, Chair**

**Agenda**

Tuesday, June 16, 2020

1:00 p.m.

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**I. Call to Order and Opening Remarks**

**II. Briefing by the Department of Legislative Services**

Jodie Chilson, Policy Analyst

Stan Ward, Policy Analyst

**III. Briefing by the State Board of Elections**

Linda Lamone, State Administrator

Nikki Charlson, Deputy Administrator

Michael Cogan, Chair, State Board of Elections

**IV. Briefing by the Local Boards of Elections**

Armstead Jones, Baltimore City Election Director

Stuart Harvey, Frederick County Election Director

**V. Closing Remarks and Adjournment**

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# **Covid-19 and Voting by Mail**

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**Presentation to the  
Senate Education, Health, and Environmental  
Affairs Committee and the House Committee on  
Ways and Means  
June 16, 2020**

**Department of Legislative Services  
Office of Policy Analysis  
Annapolis, Maryland**

# Conduct of Maryland's Presidential Primary

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- Governor's actions
  - March 5 – State of emergency declared
  - March 17 – Order is issued:
    - Moving scheduled April 28 primary to June 2; and
    - Requiring the State Board of Elections to submit a comprehensive election plan by April 3
  - April 10 – Governor approved submitted plan
- All eligible voters were sent an absentee ballot
- Ballot drop-off and in-person voting locations
  - At least one, but not more than four, locations in each county
  - No in-person voting before Election Day

# Changes to Regulations

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- Modification of absentee ballot stamping and storage requirements
- Repeal of pre-election mailing requirement
- Repeal of polling place evaluation program requirement
- Repeal of procedures for handling absentee ballots returned at early voting centers and election day polling places
- Authorization of voters to drop off voted ballots at drop-off containers
- Reduction of number of individuals required to be physically present for absentee ballot canvass
- Application of early voting and election day laws, regulations, and procedures generally to voting centers

# All Mail Elections

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- Each registered voter receives a ballot by mail, but not necessarily the only way to vote
- States that conduct all elections by mail
  - Oregon (1998)
  - Washington (2011)
  - Colorado (2013)
  - Utah (2019)
  - Hawaii (2019)
- There are other states that allow:
  - Counties to opt into all mail elections;
  - Certain elections to be conducted by mail; or
  - Certain jurisdictions or portions of jurisdictions to be designated as all mail based on population

# Additional Efforts for June Primaries

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- 14 states, besides Maryland, and the District of Columbia increased vote-by-mail efforts
- Efforts included:
  - Mailing absentee ballot applications to all voters
  - Authorizing counties to conduct all-mail elections
  - Mailing ballots to voters
- Mixture of no in-person voting, a reduction of in-person voting, and in-person voting

# Reported Problems

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- No or little problems reported in:
  - Idaho (absentee ballot request deadline extended due to volume)
  - Iowa
  - Montana
  - New Mexico (delays in reporting results due to large volume of absentee votes)
  - North Dakota
  - South Dakota
  - West Virginia

# Reported Problems (Cont'd)

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- Moderate problems reported in:
  - Nevada
    - hours-long waits at small number of polling places
  - Rhode Island
    - Some voters did not receive a ballot or received late
    - State Board of Elections voted late to place boxes for ballot return at every city and town hall
  - Indiana
    - Ballots arrived late or not at all in some areas
    - Long lines



# Reported Problems (Cont'd)

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- More severe problems reported in:
  - South Carolina
    - Long lines
    - Shortage of poll workers
    - Confusion about which polling places would be open
    - Insufficient equipment
    - Voters being given wrong ballots
  - District of Columbia
    - Many voters did not receive ballots
    - Long lines at voting centers
    - Confusion regarding curfew set due to protests

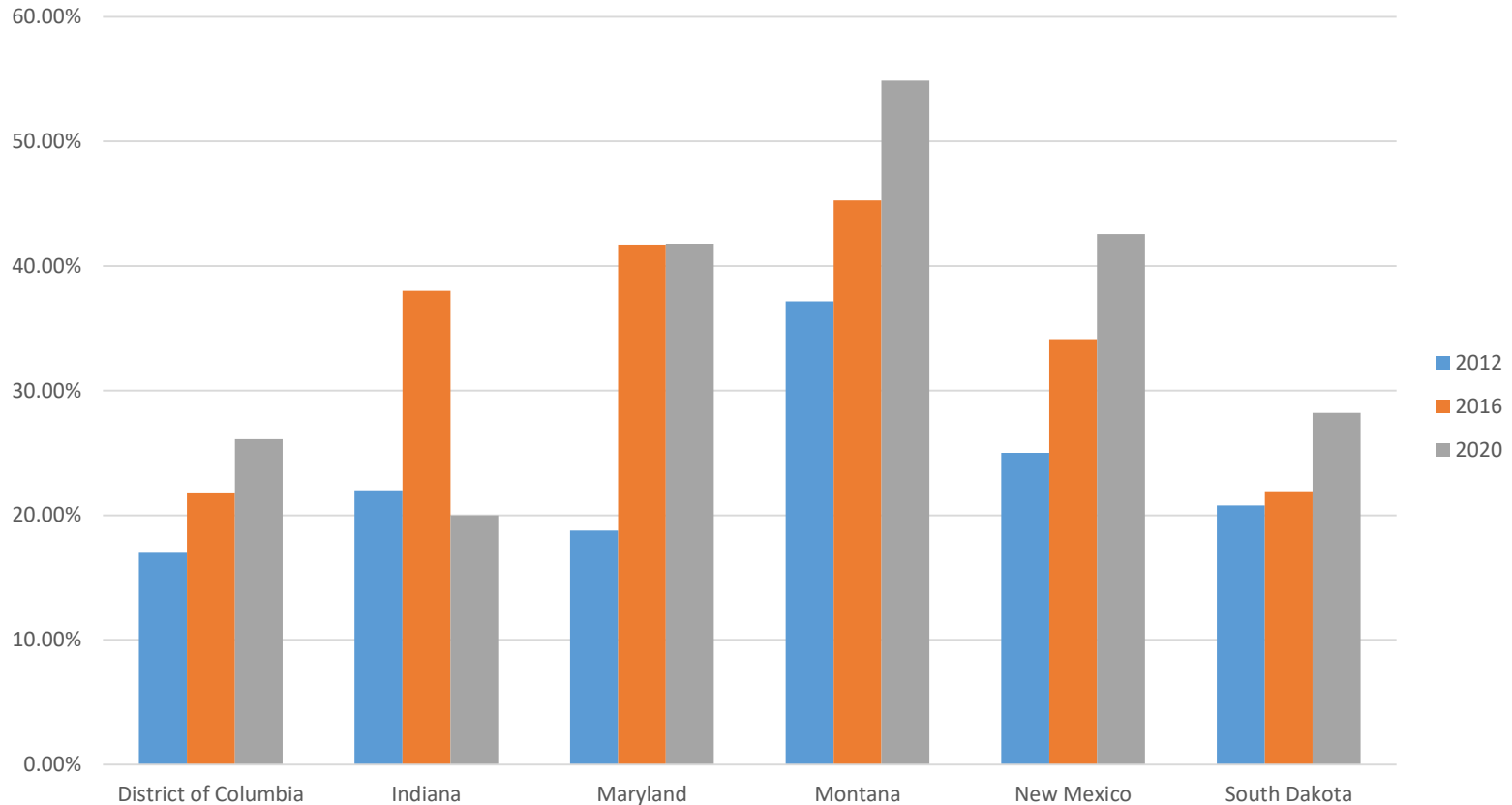
# Reported Problems (Cont'd)

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- More severe problems reported in:
  - Pennsylvania
    - Some counties had difficulty processing the large number of absentee ballot requests
    - Relocation and consolidation of polling places caused confusion and lead to long lines
    - Delays in tabulating absentee ballot results
  - Georgia
    - Number of polling places reduced due to shortage of poll workers
    - Problems with operation of new voting system led to extremely long lines and hours-long waits
    - Insufficient or missing supplies at some polling places

# June Voter Turnout Compared to Previous Presidential Primaries

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# Voter Turnout Context

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- Many factors influence turnout so it is difficult to determine what drives changes in turnout.
- Academic research that controls for other influences on turnout is mixed on whether vote by mail increases turnout, has no effect on turnout, or decreases turnout.
- Researchers have found a “novelty effect” when vote by mail is first adopted: turnout may initially go up but then returns to its previous level when voters get used to it.
- Research has found that vote by mail may be more likely to increase turnout in special or municipal elections than in statewide elections.
- Research has found that vote by mail may increase turnout among voters of higher socioeconomic status and decrease turnout among voters of lower socioeconomic status.



# **State Board of Elections**



Joint Legislative Briefing  
June 16, 2020 - 1 pm

# Election by the Numbers

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- 1 global pandemic
- 3 elections in 4 months
- 6 weeks to transition to a vote-by-mail election
- 6 weeks between special election and statewide primary election
- 41% of eligible voters participated
- 44 in-person voting locations
- 66 ballot drop off locations
- 95.3% of ballots were delivered to voters on or before May 30
- Almost 1.5 million voters
- Over 3.6 million ballots sent
- Over 84 million impressions from voter outreach efforts



# Timeline Highlights

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October 28, 2019	Proclamation related to the special elections for the 7th Congressional District
February 4, 2020	Special primary election for the 7th Congressional District
March 5, 2020	Governor declares state of emergency
March 13, 2020	State moves to telework
March 13, 2020	Deadline under federal law to transmit ballots to requesting military and overseas voters for the April 28 special general election
March 17, 2020	April 28 election is now a “vote by mail” election. The presidential primary election moves to June 2, and SBE is asked to submit plan for June 2 election

# Timeline Highlights

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|----------------|---|
| March 19, 2020 | The last set of ballots for the “combined” April 28 election were delivered to the local boards of elections                                    |
| March 25, 2020 | State Board voted against in-person voting for the April 28 special general election and moved the deadline to register to vote                 |
| April 2, 2020  | State Board approves vote-by-mail election with limited number of centers for the June 2 election and other changes for a vote-by-mail election |
| April 4, 2020  | State Board submits to Governor plan for June 2 election  |
| April 8, 2020  | Ordered custom-made ballot drop off boxes for April 28 and June 2 elections   |



# Timeline Highlights

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|----------------|---|
| April 10, 2020 | Governor issues proclamation addressing in-person voting for April 28 election and declaring June 2 election as vote by mail election with vote centers |
| April 13, 2020 | State Board - by a failed vote - allows limited in-person voting for the April 28 special general election and approves canvassing changes              |
| April 18, 2020 | Deadline under federal law to transmit ballots to requesting military and overseas voters for the June 2 election                                       |
| April 22, 2020 | State Board authorizes more ballot drop off boxes, changes forms to accommodate a vote-by-mail election and receiving voted ballots                     |

# Timeline Highlights

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April 22, 2020	A traditional and digital voter education campaign was launched.
April 24, 2020	Ordered 10 more custom-made ballot drop off boxes for Baltimore City
April 28, 2020	Election Day for voters in the 7th Congressional District
May 4, 2020	The voter outreach campaign was approved and the production of ads began.
May 8, 2020	Local boards of election certify results of April 28 election
May 8, 2020	The formal voter outreach campaign started with digital media.
May 12, 2020	Board of State Canvassers certifies results of April 28 election

# Timeline Highlights

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May 14, 2020	State Board approves opening ballot drop off boxes as soon as they are delivered and other changes to limit in-person transactions
May 18 - 20, 2020	Custom-made ballot drop off boxes are delivered and installed
May 20, 2020	State Board approves 2 more vote centers for Baltimore City
May 21, 2020	Local boards authorized to start counting ballots
May 27, 2020	Deadline to register to vote and update registration information
May 28, 2020	State Board ratifies its May 20 action to increase of vote centers for Baltimore City

# Timeline Highlights

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|--------------|--|
| May 30, 2020 | 10 additional custom-made ballot drop off boxes delivered and installed in Baltimore City. |
| June 2, 2020 | Primary Election Day   |

# Voter Education Highlights



- Voters understood...
  - There was an election
  - The election was primarily a vote-by-mail election
  - If they couldn't vote by mail, they knew where to go to vote in person
- The campaign messages were sent over 84 million times over 3 weeks.
  - 4 million views of the videos
  - ½ million clicks on the ads
  - More than 225 articles and stories in media outlets around the State
  - Nearly 700 organizations and coalitions distributed important information about this election
  - 20,000 fliers were distributed in Baltimore City

# June 2 Overview

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- These elections posed significant challenges for election officials
- Turnout was impressive
  - 2nd highest statewide turnout in a primary election since 1998
  - Statewide turnout is about 41%
  - Baltimore City turnout was 48% - a 3% increase from the 2016 Primary Election turnout
  - Five other counties had higher turnout in this election than in the 2016 Primary Election - Calvert (1% increase), Cecil (7%), Charles (6%), Kent (4%), Montgomery (0.7%) and Prince George's (9%) Counties

# Election Day & Beyond: Counting & Auditing

- Election officials count ballots after election day
- Election officials verify the accuracy of the voting system
  - Independent retabulation of audit images
  - Identifies differences between voting system results and audit results
  - Discrepancies greater than 0.5% trigger additional review
  - To date, no discrepancies greater than 0.5%



# Election Day & Beyond: Counting & Auditing

- We also perform a a rigorous post-election audit
- It includes verifying that:
  - The pre-election testing of equipment was performed and performed correctly.
  - The minimum equipment was deployed
  - The vote centers opened on time
  - The election results match across various systems
  - How many provisional ballots were issued outside of the pollbooks
  - The vote centers are accessible for voters with disabilities
  - Ballot accounting is performed at each vote center
  - The procedures for picking up ballots from the ballot drop off containers were followed
  - At each vote center, the number of voters checked in to vote matched the number of ballot scanned
  - Ballots were properly accepted or properly rejected
  - Documents related to voters who appear to have voted more than once
  - There is a written record of each canvass and the data matches data in other databases
  - The local boards properly handle undeliverable emails to voters requesting an electronic ballot



# Challenges: What, Why & How to Address

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1. Mailhouse vendor
2. Removing election night results for City contests
3. Long lines on election day
4. Voters whose ballots were “undeliverable” were flagged as having “voted”
5. 82 voters in the City’s Council District 12 received wrong ballot
6. Ballot header had April 28, 2020



# What's Next

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1. We will conduct a full accounting of the mailing process.
2. We are looking for a new mail house.
3. We are listening to and will work with you, coalitions, and organizations with suggestions on how to prepare for the November election
4. Perform a thorough review of systems to analyze the impact of vote by mail
5. Until decision is made, plan for both a vote-by-mail election and a “regular” election with increased absentee voting

# Requested Topics to Discuss

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- List maintenance procedures
- Mailing process and vendor relationship
- Outreach to “inactive” voters and voters with undeliverable ballots
- Process to determine the number of vote centers
- Collaboration with the local boards of elections



# List Maintenance Procedures

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- This process is governed by federal and State laws
- State law defines the sources of information we can use to update a record
- Federal law defines how voters become “inactive” and possibly “cancelled”
  - If official election mail is returned as undeliverable, a local election official sends another mailing.
  - If the voter does not respond to the second mailing, the voter is moved to “inactive” status.
  - If an “inactive” voter doesn’t update the address on file or vote in next 2 federal elections, the voter’s registration is cancelled.
- A voter’s registration is **never** cancelled just because the voter doesn’t vote
- An “inactive” voter can vote
- Next steps:
  - Identify best practices from vote-by-mail states on maintaining current addresses
  - Implement strategies to identify address updates
  - Send customized mailings to “inactive” voters

# Mailing Process & Vendor Relationship

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- We provide the vendor with templates for all of the inserts, the mailing schedule, and voter data
- The vendor prints, inserts, and mails ballot packets
- The current contract includes the November election
- Next steps:
  - We are exploring other options
  - This is a DGS contract and we are working with DGS on how to proceed
  - Start ballot certification process with interested vendors



# Outreach to “inactive” voters & voters with undeliverable addresses

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- Voter outreach included what to do if a voter didn't receive a ballot
  - Intended to cover “inactive” voters and voters from whom the USPS could not deliver ballots
  - Message was to call, email or vote in person
- Next steps:
  - Identify best practices from vote-by-mail states on maintaining current addresses
  - Work with USPS to discuss delivery issues
  - Implement strategies to identify address updates
  - Send customized mailings to “inactive” voters

# Process to Determine Number of Vote Centers

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- COVID-19 health situation and projections
- Encourage vote-by-mail
- Limit the number of in-person voting centers
- Staffing ability by local boards of elections
- Dynamic situation constantly changing
- Protecting health and safety of voters & workers



# Collaboration with the local boards

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- Work closely with the local boards of elections
- Support them in conducting the election
- Meet regularly with the election directors
- Newsletters distributed weekly
- On-going participation and observation at State Board meetings



# Questions?

