

Attendees (via conference call):

Michael Summers, Chair
William G. Voelp, Vice Chair
Carlos Ayala, Member
Janet Millenson, Member
Yaakov “Jake” Weissmann, Member
Jared DeMarinis, Administrator
Dan Kobrin, Assistant Attorney General
Mary Ann Mogavero, Director, Election Reform and Management
Brett Paradise, Director, Voter Registration and Petitions
Keith Ross, Assistant Deputy, Project Management
Melissia Dorsey, Assistant Deputy, Election Policy
Jennifer McLaughlin, Senior Policy Advisor

DECLARATION OF QUORUM PRESENT

Mr. Summers called the meeting to order at 1:03 pm and declared that a quorum was present. All Members were present.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

APPROVAL OF MINUTES – 06/20/2023 and 07/27/2023

Mr. Weissmann noted that his name was misspelled in the 06/20/2023 minutes. Mr. Weissmann made a motion to approve the 06/20/2023 minutes with the corrected spelling of his name. Mr. Voelp seconded the motion. The motion passed unanimously.

Mr. DeMarinis noted Mr. Weissmann’s name was misspelled in the 07/27/2023 minutes. Mr. Weissmann made a motion to approve the 07/27/2023 minutes with the corrected spelling of his name. Mr. Voelp seconded the motion. The motion passed unanimously.

ADMINISTRATOR’S REPORT

Announcements & Important Meetings

Personnel News

Mr. DeMarinis announced Shafiq Satterfield resigned from SBE and will be joining Prince George’s County Board of Elections as the IT Director. Mr. Satterfield joined SBE in 2013 as a Regional Manager, served as a Lead Regional Manager, and most recently as the Director of IT Project Procurement and Project Manager for the new electronic pollbook solution. Mr. DeMarinis noted it is a big loss, but SBE is happy that Mr. Satterfield will still be a reliable part of the election community.

Mr. DeMarinis announced Diane Zagorski resigned from SBE and is returning to Howard County as a County Legislative Auditor. Ms. Zagorski was the Audit Manager for the Candidacy and Campaign Division. SBE wishes Ms. Zagorski well in her new position in Howard County.

Mr. DeMarinis announced after 45 years of service, Ms. Donna Duncan will retire on October 1st. Ms. Duncan has been with the State Board of Elections in every iteration. She has spent her entire

career and countless hours serving Maryland's voters and election officials. Ms. Duncan is a historian of election facts. SBE wishes kudos to her as she retires after 45 years of service.

Mr. DeMarinis announced Nikki Charlson left SBE on August 23rd to become the Deputy Administrator of Central Operations for the MVA. Ms. Charlson began her career with SBE in 2003 and served as the Deputy Administrator since 2013. Ms. Charlson is a quality person who has served the voters well. SBE wishes her the best of luck in her new position. Ms. Charlson may still be a part of elections as we interact with MVA as an AVR agency.

Mr. DeMarinis announced Linda Lamone will retire as the State Administrator of Elections on September 1, 2023. Ms. Lamone was appointed in 1997. Ms. Lamone maximized technology and Maryland voters have been in her hands and well-served for more than 25 years. Ms. Lamone previously served as the Assistant Attorney General representing the State and the Board of Elections. Ms. Lamone received recent accolades from The National Association of State Election Directors (NASED). Mr. DeMarinis noted Ms. Lamone has seen it all and provides a fantastic base to build from.

Mr. DeMarinis announced on August 8th, Tyler Carr joined SBE as the Director of Election Policy Projects. Mr. Carr will work with the Policy Division to Manage related projects at SBE. Mr. Carr comes to SBE from the Maryland State Education Association where he served as the Managing Director for Data and Membership Operations. Mr. Carr is eager to work with the Divisions and assist with the implementation of Polling Place Plans, House Bill 410 for the 2024 elections. SBE welcomes Mr. Carr.

Summer Conference of NASED

Mr. DeMarinis reported the Summer Conference of NASED was held in Charleston, SC. The conference focused on disaster preparedness, tabletop exercises, and serving military and overseas voters. Ms. Lamone attended the conference and was honored with the first Elaine Manlove Award for Distinguished Service.

Election Directors' Meeting

Mr. DeMarinis reported Election Directors' meetings were held on July 20th and August 17th. Local boards were provided updates on various projects, most notably, the electronic pollbook project and election preparation tasks. A summary of the July meeting was included with the County Bulletin distributed on August 7, and a summary of the August 17th meeting will be provided with an upcoming County Bulletin.

Election Reform and Management

Ms. Mogavero echoed best wishes to those leaving SBE and welcomed returning and new Board Members.

U.S. Election Assistance Commission's (EAC) 2022 Election Administration and Voting Report Links to [EAC's Comprehensive Report](#) and the [2022 Elections Webpage](#) were provided in the Administrator's Report.

Election Judge Recruitment

Posts were created to recognize National Pollworker's Recruitment Day on August 23rd. An uptick in pollworker participation is expected in 2024. Some local boards hosted events to thank judges for their service, effectively keeping them engaged.

Election Judge Online Training

Online Judge Training has been overhauled and has a new look and feel. It is scheduled to be released in October.

In response to a question, Ms. Mogavero reported the new online judge training is still in draft form and agreed to make it available for review when it is complete.

VOTER REGISTRATION

Mr. Paradise echoed best wishes to those leaving SBE.

MDVOTERS

Version 9.2 was released at the end of July. The release focused heavily on Candidacy and Campaign Finance. Voter Registration list maintenance was enhanced with the release, providing the ability for more detailed record matching.

Surrendered License Mailer

About 14,000 individuals identified by the MVA as having surrendered their licenses to an out of state authority were sent a mailer in June 2023. Some 563 cancellations were processed from responses to the mailer. It is anticipated it will take several months to receive all of the responses from the mailing.

ERIC VPP

The Voter Participation Project (VPP) is underway. The project focuses on possible duplicate voting within the state of Maryland and cross state with other states. Evaluations are being scheduled with other states.

Mr. Voelp expressed his appreciation for the VPP project and requested a report on numbers at the next meeting.

Mr. Paradise reported there are less than 200 individuals found in the categories of in state, deceased, and cross state and agreed to provide a report at the next Board meeting.

In response to a question, Mr. Paradise reported the data received from AOC and MDH is no different than information previously received. The difference is SBE is performing fuzzy matches on AOC and MDH nonmatches for further review. Mr. DeMarinis added a departmental bill is to get better matching data from AOC, which will be further explained in the departmental portion.

In response to a question, Mr. Paradise agreed to research the ability to provide historical data associated with the monthly MVA transactions report.

In response to a question, Mr. Paradise explained when a voter moves within the state and applies for a new driver's license at a new residential address, the MVA will generate a report to SBE. The reported data will be used to update the record.

Candidacy and Campaign Finance (CCF)

Candidacy

Mr. DeMarinis reported there are currently 33 candidates who filed at SBE. Now that we are in September, an uptick in candidate filing is anticipated.

Website Activity

Mr. DeMarinis noted data for website activity is provided in the written Administrator's Report.

Enforcement

Mr. DeMarinis noted June and July enforcement action is provided in the written Administrator's Report. CCF is ensuring that the 48-hour reports and independent expenditure entities are filed timely. A number of fines are attributed to failure to maintain records.

In response to a question, Mr. DeMarinis agreed to research the ability to provide data on traffic at the State Board website.

New Pollbook Solution

Mr. DeMarinis summarized the new pollbook solution was targeted for use in the 2024 election. At this time, the purchased pollbook solution is currently in a no-go state for the 2024 election. The vendor has failed to deliver a minimally viable product suitable for use in a MD election. The vendor provided a final release on Friday, August 25th. We are in a two-week testing period to verify the minimally viable product standard has been met. A final go/no-go determination will be made following the two-week testing period. All stakeholders will participate in the final decision. Should a no-go decision be made, the contingency plan is to use the existing pollbooks for the 2024 election. The contingency plan will require going before the Board of Public Works to seek approval of a contract extension and additional procurement. Every possible scenario has been considered to ensure the local boards—who will be heavily relied upon—are in agreement with the contingency plan for the 2024 election.

Mr. Summers noted in the event of a no-go, the Board can discuss as a legal matter in closed session.

Project Management Office

Mr. Ross welcomed returning and new Board Members. Mr. Ross reported the Project Management Office provided a written report, and highlighted efforts undertaken to transition duties of personnel who have recently or who plan to leave SBE. The transition plan is designed to minimize loss of knowledge associated with personnel transition.

EXERCISE OF DELEGATED DUTIES

Mr. DeMarinis reported he informed the Governor's Office of the balance needed to fully fund the Fair Campaign Finance Fund. Pursuant to Election Law Article 15-103(f), Mr. DeMarinis determined the balance of the fund as of June 30th needed to be sufficient to provide a full contribution to two gubernatorial tickets in the primary election and one gubernatorial ticket in the general election is \$9million. The fund was insufficient as required. The amount required to fully fund the program was less than \$650,000.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Kobrin provided the following report:

1. Gibson, et al. v. Frederick County, No. 23-1369 (4th Cir.) On July 5, 2022, Lois Ann Gibson and plaintiff-organizations filed suit against Maryland entities seeking injunctive relief. The complaint alleges that 22 jurisdictions in Maryland engaged in a RICO conspiracy with a Chicago non-profit organization to fund election fraud. The suit seeks a preliminary injunction enjoining the destruction of records of the 2020 Presidential Election. Under federal law, the records of the 2020 election were to be retained until September 3, 2022.

On December 16, 2022, the district court granted motions to dismiss as to all defendants and closed the case.

On January 13, 2023, plaintiffs filed a motion to amend or alter the judgment of dismissal under Federal Rule 59(e). The district court denied the motion to amend on March 29, 2023. The plaintiffs thereafter noted an appeal to the Fourth Circuit on April 1, 2023.

After multiple motions to postpone, the Gibson plaintiffs filed their appellants' brief on July 31, 2023. OAG is currently preparing a brief on behalf of all appellees in the appeal. Appellees' brief will be filed August 30, 2023.

2. *Johnson v. Hogan*, 8:22-CV-02250-TDC (D. Md.) On September 7, 2022, Thomas P. Johnson filed a complaint challenging the constitutionality of Election Law § 5-706. Mr. Johnson ran during the 2022 Gubernatorial Primary for a seat on the circuit court bench in Montgomery County. He lost that race. Mr. Johnson then sought to file a certificate of candidacy as a write-in candidate for that same office for the general election but was informed by SBE staff that he was ineligible to run pursuant to Election Law § 5-607(b)(2). The law prohibits anyone who has lost a primary election from running in the following general election as a write-in candidate.

The complaint alleges that § 5-706 unconstitutionally prevents Mr. Johnson from campaigning as a write-in candidate. It seeks injunctive relief allowing Mr. Johnson to file a certificate of candidacy as a write-in candidate.

The Office of the Attorney General filed a motion opposing injunctive relief on behalf of Governor Hogan, the sole named defendant, on September 21, 2022. Mr. Johnson filed a response to the OAG opposition on September 23, 2022. The court conducted a hearing on the matter on October 4, 2022. Thereafter, on October 13, 2022, the federal district court issued an order denying Mr. Johnson injunctive relief.

OAG will be filing a motion to dismiss the case outright in the coming weeks. Per local rules, counsel has filed a letter of intent to file a motion to dismiss with the federal court. OAG is awaiting a response from the Court for leave to file its motion.

In response to a question, Mr. Kobrin advised the Chicago nonprofit organization is the Center for Tech and Civic Life (CTCL).

In response to a question, Mr. Kobrin confirmed local boards are covering the cost of record storage.

In response to a question, Mr. Kobrin advised the law suit included 23 jurisdictions (22 counties and Baltimore City). The plaintiffs concede two counties have no part in their obligations.

APPROVAL OF REGULATIONS

Approval of Final Regulations – 33.02.03.01 -.04, 33.02.03.05, 33.12.02.01, 33.17.04.06, 33.17.05.03, 33.17.07.01, 33.19.01.01, and 33.19.02.01

Ms. Dorsey presented the following proposed regulation amendments for final adoption. The proposed regulation amendments were previously approved for publication at the May 4 meeting and two changes approved for publication at the June 20 meeting.

1. **33.02.03.01- .04: Meetings and Training – Judges’ Manuals and Training**
2. **33.02.03.05: Meetings and Training – Judges’ Manuals and Training. Proposed changes were presented for publication at both the May and June meetings.**
3. **33.12.02.01: Recounts – Initiation of Recounts – Petition**
4. **33.17.04.06: Early Voting – Early Voting Center Equipment and Materials**
5. **33.17.05.03: Early Voting – Election Judges – Training of Election Judges. Proposed changes were presented for publication at both the May and June meetings.**
6. **33.17.07.01: Early Voting – Non-Voting Hours Procedures – Voting Equipment Supplies**
7. **33.19.01.01: Same Day Registration and Address Changes – Public Notice**
8. **33.19.02.01: Special Elections by Mail – Issuance and Return**

Ms. Dorsey stated that the new text allows local boards of elections to use electronic copies of the Election Judges Manual, as well as online or virtual Election Judge training. The proposed change to the election judge compensation is to conform the regulations to [HB1200](#) (2023), which increased the minimum compensation for election judge training and provided that local boards must pay election judges for all training classes that they attend.

Ms. Dorsey stated after a special election, it was discovered that 33.12.02.01, 33.19.01.01, and 33.19.02.01 did not match previously existing laws. The changes are proposed to align regulations with previously existing laws.

Mr. Weissmann made a motion to adopt the proposed amendments to COMAR 33.02.03.01 -.04, 33.02.03.05, 33.12.02.01, 33.17.04.06, 33.17.05.03, 33.17.07.01, 33.19.01.01, and 33.19.02.01 as presented by Ms. Dorsey. Mr. Summers seconded the motion. The motion passed unanimously.

Approval of Final Regulations – 33.13.10.05 and 13.13.13.06

Mr. DeMarinis presented the following proposed regulation amendments for final adoption.

1. **33.13.10.05: Campaign Financing – Prohibitions – Contribution Conversion**

The proposed regulation would prohibit contribution conversion to a loan and codifies existing State Board policy on the reporting on contributions.

2. **13.13.13.06: Campaign Finance – Administrative Accounts – Permissible Uses**

The proposed regulation allows for administrative account funds to be used for fundraising activities exclusively for the administrative account.

Mr. DeMarinis reported the proposed changes were reported in May and there has been no public comment. Final adoption is recommended.

Mr. Voelp made a motion to adopt the proposed amendments to COMAR 33.13.10.05 and 13.13.13.06 as presented by Mr. DeMarinis. Mr. Weissmann seconded the motion. The motion passed unanimously.

Approval of Proposed Regulations – 33.11.03.06, 33.11.04.03, 33.11.05.04, 33.15.03.02 and 33.16.06.04

Ms. Dorsey reported the following regulations implement House Bill 535.

1. 33.11.03.06 – Absentee Ballots – Issuance and Return

Legislation requires that the State and each local board provide voters the opportunity to select their preferred method of communication should they need to cure their ballot. This regulation cures that requirement.

2. 33.11.04.03 – Start of Canvass

This regulation sets the date for early canvass at 8 days before the first day of early voting. The regulation allows the State Administrator to grant a waiver if the local board meets certain requirements and reconvenes the Board after election day.

3. 33.11.05.04 – Ballot Rejection

HB 535 now requires a local board to count the first ballot from an individual and reject any other ballot. This regulation specifically spells out scenarios that all have the end result of count the first ballot and reject any other ballot.

In response to a question regarding 33.11.05.04B(1)(a), Multiple Ballots from the Same Individual, Mr. Kobrin clarified Election Law Article 11-303.2 will be effective October 1st and states subject to another provision, if a local board receives more than one ballot for the same individual, the local board shall count the first ballot from the first individual that the local board determines is legally sufficient. The law does not say the word “received.” It says “count the first ballot from the individual.” There could be many different interpretations of “first.” We have interpreted the law as the first ballot that can be proved with the oath signature and the oath date.

Ms. Millenson expressed concern with the ability to canvass the ballot with the “earliest signature date” first and rejecting all others. A ballot with a newer signature could arrive and be canvassed prior to receiving a ballot with an older signature date.

Ms. Dorsey expressed there is a provision in the regulations that speak to the situation. If a ballot is received by a local board and it is in any stage short of canvassing, the situation can be rectified by the local board. The regulation clarifies if another ballot has been counted, then all other ballots are rejected.

Mr. Voelp requested staff identify where the language is found. If the language is only in the provisional regulation, then it may also need to be included in the mail-in ballot regulation or in the canvassing section so that it is clear.

Ms. Dorsey agreed to check the “text unchanged” portion that was redacted when submitted. If the language is not there, she will include it.

In response to a question regarding 33.11.04.03(A)(1), Ms. Dorsey confirmed there is a law in the Constitution that states when you are public facing, use the term “mail-in ballot.” All of the laws remain “Absentee.”

In response to a question, Ms. Dorsey confirmed unless a local board requests and receives a waiver, all local boards shall start processing 8 days prior to the election date.

In response to a question, Ms. Dorsey explained HB535 requires text to cure ballots. Other methods to cure ballots have been included in the regulations prior to the legislation.

4. 33.15.03.02 – Polling Place Plan

Ms. Dorsey stated 33.15.03.02 is amended to align with HB410 and requires a municipal council member be notified.

5. 33.16.06.04 – Provisional Canvass of Ballots

Ms. Dorsey stated 33.16.06.04 is amended to align with HB535 and requires local boards receive detail on which ballot to count and which ballot to reject in each situation encountered.

In response to a question, Ms. Dorsey explained HB535 does not address if a voter has cast multiple votes provisionally. It says count the first provisional ballot. As we are unable to determine logistically which provisional ballot would be first, the outcome is both ballots are rejected. Otherwise, another method would be required to determine which ballot to count during canvass.

In response to a question, Ms. Dorsey explained, if two separate ballots arrive in two separate envelopes, there will be a document with a timestamp on the envelope giving the local board the ability to determine which ballot was cast first.

In response to a question, Ms. Dorsey stated, if someone’s polling place changes, and they go to their old polling place, they would have to vote a provisional ballot. If they then go to their new polling place, they would also have to vote a provisional ballot. It is a rare situation, but possible. If a mail-in ballot was added, then the voter would automatically be in a provisional situation if they go to either their old or new polling place.

In response to a question, Mr. Kobrin clarified HB535 changes the provisional ballot law, which is 11-303 of the Election Law Article. The Election Law Article used to say, reject the ballot if an individual casts more than one ballot in the same election. HB535 removes that language from the code. It is no longer a rejection if it is more than one ballot. The State Board now has to step in and provide instructions since it is no longer an automatic rejection.

Mr. Voelp notes it is statistically insignificant, but expressed concern that a voter would cast two provisional votes. There was a general consensus that a voter casting multiple provisional votes is rare, but it is best to be prepared with a corrective non-punitive amendment.

In response to a statement, Ms. Dorsey acknowledged there are always wrong doers, and notes we see the situation occur in a group of voters that have diminished capacity and who are very

committed to the franchise. This group is not nefarious, rather not cognitively able to grasp what they are doing.

Mr. Weissman made a motion to adopt the proposed amendments to COMAR 33.11.03.06, 33.11.04.03, 33.15.03.02, 33.16.06.04, as presented by Ms. Dorsey. Mr. Voelp seconded the motion. The motion passed unanimously.

Mr. Summers reiterated 33.11.05.04 is on hold for staff clarification and to be represented at the September meeting.

Mr. DeMarinis noted Senate Bill 379 was cross filed with the House Bill and thanked the Senate for passing the bill.

APPROVAL OF DEPARTMENTAL LEGISLATIVE PROPOSAL

Ms. McLaughlin reported on the proposed legislation

Inter-Agency Reporting

Ms. McLaughlin reported the proposed bill alters the report received by the State Board from the Administrative Office of the Courts (AOC) to match the language of persons ineligible to register to vote. The language in Election Law 3-504 will be modified to align with the language in 3-102. Effective 2016, a convicted felon serving parole or probation is eligible to vote as long as they are not currently serving a court-ordered sentence of imprisonment. Current reports provided by clerks are overinclusive since the ineligibility for voter registration is based on incarceration.

Use of Public Buildings for Early Vote Centers

Ms. McLaughlin reported the code for selecting election day locations is found in Election Law at 10-101(a)(3). The code for selecting early voting centers, found at 10-301.19e), does not include the same requirement for public building officials to cooperate with election officials. The use of public buildings upon request by the local boards of elections is mandated for Election Day polling places. This proposed change would bring the same provisions for early voting centers.

In response to a question, Mr. DeMarinis confirmed local boards support the new language. The new language will provide the local boards more flexibility.

Permits Chairs of Central Committees to Seek Election to the Central Committee

Mr. DeMarinis reported this is a cleanup bill to correct terminology. This change would allow incumbent chairs of the central committee to be a candidate for central committee in subsequent elections. Changing the term from treasurer to responsible officer allows for central committee chairs to seek re-election for that position. It still prohibits a chair of the central committee from seeking a public office while being the chair.

In response to a question, Mr. DeMarinis confirmed the language aligns law with reality. The change in language would allow incumbent chairs of the central committee to be a candidate for central committee in subsequent elections, but still prohibits a chair of the central committee from seeking a public office without resigning the position of chair.

Mr. Weissmann made a motion to approve the Departmental Legislative Proposal, as presented by Ms. McLaughlin and Mr. DeMarinis. Ms. Millenson seconded the motion. The motion passed unanimously.

APPROVAL OF TITLE 13 WAIVER REQUESTS

Mr. DeMarinis presented requests from nine campaigns to waive or reduce late fees incurred by the committee. One campaign was denied waivers of late fees and were presented to the Board for informational purposes. No action is required from the Board for denied requests for waivers.

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

1. Gassaway, Dana for Council At-Large
2. Broccolino, Dario Friends of
3. Dorchester County Republican Central Committee
4. Farmers Employee & Agent PAC (Farmers Group Inc)
5. Gibbs, Makeba Committee to Elect
6. Merrill, J.D. (John David) Friends of
7. St. Mary's County Democratic Central Committee
8. State Professional Firefighters PAC, MD
9. Weatherspoon, Gladys Friends of

Mr. Ayala made a motion to approve the 9 Title 13 late fee waiver requests as presented, and Mr. Voelp seconded the motion. The motion passed unanimously.

TITLE 14 WAIVER REQUESTS

Mr. DeMarinis presented three requests from businesses to waive late fees incurred by the business. Six businesses were denied waivers of late fees incurred by the entity, which was presented to the Board for informational purposes only. No action is required from the Board for denied waivers.

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

1. City of Rockville
2. American Cancer Society Cancer Action Network
3. Aslan Realty Partners IV, L.L.C

In response to a question, Mr. DeMarinis stated Title 14 filing requirements have been around since the 1970s. The ethics portion of the filing requirements have been around since 2000. Mandating it was changed before the Campaign Finance Reform Act of 2013 for Title 14 filers. Two years ago, changes were made with the ethics filers. Ethics filers have lobbyist. The basis of the law has been there for a long time.

Mr. Weissmann made a motion to approve the three Title 13 late fee waiver requests as presented by Mr. DeMarinis, and Mr. Voelp seconded the motion. The motion passed unanimously.

APPROVAL OF CONFIDENTIALITY REQUEST

Mr. DeMarinis presented requests from three individuals to keep their address and phone numbers confidential and stated that the Candidacy and Campaign Finance Division verified that the requesting individuals were eligible to have their residential address and telephone numbers be confidential. Mr. DeMarinis stated that the requests for confidentiality met all conditions.

Mr. Voelp made a motion to approve the confidentiality requests as presented by Mr. DeMarinis. Mr. Weissmann seconded the motion. The motion passed unanimously.

OLD BUSINESS

Discuss approval of State Board of Elections By-Laws

Mr. Weissman made a motion to table the discussions to approve the State Board of Elections By-Laws until the September meeting. Ms. Millenson seconded the motion. The motion passed unanimously.

Regulation - 33.11.01.04 – Firearms and Ballot Boxes

Ms. Millenson suggested amended language: “Except as provided in §F (2) of this regulation, an individual shall not brandish, carry, or visibly possess a firearm within the electioneering boundaries set forth in §D of this regulation.” This would prevent penalizing someone who drives up and has a legal firearm stored out of sight in their car’s glovebox or trunk.

Mr. Voelp expressed concern that the word “carry” may be an instrument of law and requested clarification.

In response to a question, Mr. Kobrin advised, he would like to research case law, but most of the time prosecution is for constructive possession. Carry usually denotes physical possession on or about the person. Having a legal firearm in the vehicle glove compartment is not necessarily carrying the firearm. Mr. Kobrin agreed the word “carry” is a valid concern. Mr. Kobrin sought clarification on what the Board would like to allow and what the Board would like to stop.

Mr. Summers stated the provision wants to stop any eminent threat and assure the free access and ability for citizens to exercise their right to vote in a safe environment as guaranteed to each and every citizen via the Constitution. It also conveys over to the dropbox. The Board does not want to create opportunity for stop and frisk.

In response to a question, Mr. Kobrin confirmed all brandishing is a carry. Brandish is to display for the purpose of being seen. Carrying is not for the specific purpose of being seen. Brandish is the most aggressive behavior. Carry is a less aggressive behavior, but they have the same result or outcome.

Mr. Weissman expressed concern that a person can carry a weapon in a way that is not brandishing, but can also make people feel unsafe or that their right to the franchise is being threatened.

Mr. Voelp expressed concern of weaponizing concealed carry and is opposed to the word “possess.” Mr. Voelp suggested the language “shall not brandish or open carry” or “visibly carry.” Mr. Weissmann agrees this language could avoid a chilling effect.

Ms. Millenson suggested leaving the word “possess” in the language and not assuming “brandish” and “carry” cover all circumstances.

Mr. Ayala withdrew his motion to adopt language as presented by Ms. Millenson.

Mr. Weissmann expressed a desire to move further discussions to the September Board meeting and request that Mr. Kobrin provide further clarification and definitions of “carry” and “brandish” in September so that a final decision can be made.

Mr. DeMarinis requested the Board approve D and E about Electioneering Boundaries, so the staff can move forward with the regulations. During the 2022 election, dropbox boundaries were extended. This language would set the electioneering zone at 50 feet.

Mr. Weissmann made a motion to adopt 33.11.01.04D-E, but hold F.

Mr. Voelp asked if the staff would accept a friendly amendment to their proposed language at .04 E(2)(b) to add the word "affiliated." Observing or recording voter activities by a group of "affiliated" individuals. This would prevent unaffiliated individuals from technically breaking the law.

Mr. Summers asked the staff update 33.11.01.04 per Mr. Voelp's request and bring updated language before the Board for approval at the September meeting.

Mr. Weissmann modified his motion and would now like to move 33.11.01.04D for approval. Mr. Voelp seconded the motion. The motion passed unanimously.

NEW BUSINESS

There was no new business.

Mr. Summers requested Board Members send any future new business to Mr. DeMarinis for inclusion in the agenda.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

There were no campaign contributions.

SCHEDULE NEXT MEETING

The next meeting is scheduled for Thursday, September 28, 2023, at 1 p.m.

Mr. DeMarinis noted the November and December meetings are usually combined. Plans are to hold the December Board meeting in person in Annapolis.

CLOSED SESSION

Mr. Summers requested a motion to close the Board meeting under §3-305(b)(1) of the General Provisions Article, which permits closing a meeting to discuss obtaining legal advice. Mr. Weissmann made a motion to convene in closed session under General Provisions Article, §3-305(b)(1), and Mr. Ayala seconded the motion. The motion passed unanimously.

The motion having passed, the Board met in closed session in accordance with exemption defined in (b)(1) of Section 3-305 of the Open Meetings Act to Consult with counsel about pending or potential litigation. The closed session began at 3:08 pm. Mr. Summers, Mr. Voelp, Mr. Ayala, Ms. Millenson, and Mr. Weissmann attended the closed meeting. In addition to the Board Members, Jared DeMarinis, Administrator, Dan Kobrin, Assistant Attorney General, and Fred Brechbiel, Chief Information Officer attended the meeting.

No action was taken in closed session.

Mr. Voelp made a motion to adjourn the closed meeting, and Mr. Weissmann seconded the motion. The motion passed unanimously. The closed meeting adjourned at 4:19 pm.

The open meeting resumed at 4:26 pm.

Mr. Summers invited Members to recognize Ms. Lamone's service and retirement.

Ms. Millenson expressed Ms. Lamone richly deserves all the accolades she received, both locally and nationally. Her deep knowledge and dedicated advocacy have created an electoral system we can all be proud of, and made Maryland a role model for other states. She has built a strong resilient foundation so the State Board of Elections can handle whatever the future brings—although, hopefully we will never see a repeat of 2020. We really need to thank her for all she has done.

Mr. Voelp noted he worked with Ms. Duncan, Ms. Charlson, and Ms. Lamone extensively over the last five years—and less extensively when at the local boards. He expressed Ms. Duncan was awesome and always provided anything needed faster than it should have been provided. Ms. Duncan is so easy to work with and so even-keeled in her temperament. Mr. Voelp expressed the Motor Vehicles Administration had a successful coup to get someone as qualified and organized, high aptitude, high efficiency, and high performance as Ms. Charlson. Mr. Voelp expressed in the five years he worked with Ms. Lamone, he found her to be unflappable and steady. While working with the Ms. Duncan and Ms. Charlson with Ms. Lamone's leadership through COVID, making difficult decisions, and trying to understand and navigate a path through, Ms. Lamone was unbelievably steady. The work Ms. Lamone has done as the first and only administrator created what we have in Maryland. Mr. Voelp noted it is very humbling and he is a better person for having worked with Ms. Lamone, and she deserves a great retirement.

Mr. Weissmann expressed he worked with Ms. Duncan a lot over the years. He noted Ms. Duncan was always behind the scenes doing the work. He noted Ms. Charlson has been the paragon of professionalism. There will never be another Ms. Lamone. National experts, local experts, people who work in campaigns all have tremendous respect for Ms. Lamone and her work. People have counted Ms. Lamone out time and time again, but she always stared down those challenges and proved her doubters wrong. Her passion, her dedication, and her belief in the mission of fair and free elections cannot be overstated. She has been a tremendous leader for the State and I want to thank her for her 25 years of leadership.

Mr. Summers thanked Members for their kind words, their commitment to the mission, and due diligence in getting through the very robust agenda.

ADJOURNMENT

Mr. Voelp made a motion to adjourn the meeting. Mr. Weissmann seconded the motion. The motion passed unanimously.

The open meeting adjourned at 4:54 pm.