



LARRY HOGAN
GOVERNOR

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

August 10, 2020

Michael R. Cogan
Chairman
State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Chairman Cogan:

After months of delay and indecision, the State Board of Elections has now reversed its position of July 2 and reached a consensus on the November general election. As I have previously stated, I do not intend to interfere in the Board's sole responsibility to conduct the election under the law.

As requested, I have issued a proclamation granting the State Board of Elections the authority it is seeking to create voting centers for use during early voting and on Election Day, at the sole discretion of the Board.

My only direction to you, under existing law, was to expand and encourage voting by mail by immediately mailing absentee ballot requests to every voter. The Board's recent decisions make this more important than ever.

I remain very concerned that the Board's decision to close nearly 80% of the polls will have the potential of creating long lines and unsafe conditions, with crowds of people being forced into too few polling places.

Expediently mailing the ballot applications, encouraging voting by mail, and protecting early voting options will be critically important steps needed to lessen the problems caused by your decision to close the vast majority of the polls.

Sincerely,

A handwritten signature in blue ink that reads "Larry Hogan".

Larry Hogan
Governor

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

STATE OF MARYLAND



Proclamation

Renewal of Declaration of State of Emergency and
Existence of Catastrophic Health Emergency — COVID-19

- WHEREAS, on March 5, 2020, a state of emergency and catastrophic health emergency was, pursuant to the Maryland Constitution and Laws of Maryland, including but not limited to Title 14 of the Public Safety Article, and in an effort to control and prevent the spread of COVID-19, proclaimed within the entire State of Maryland;
- WHEREAS, COVID-19 is a highly infectious respiratory disease that spreads easily from person to person, physically contaminates property by attaching to surfaces for prolonged periods of time, and may result in serious illness or death;
- WHEREAS, COVID-19 is a public health catastrophe and has been confirmed in all Maryland counties;
- WHEREAS, rates of COVID-19 infection continue to rise in more than 30 states and the risk of further spread back to Maryland remains high;
- WHEREAS, COVID-19 infection outbreaks continue to occur in Maryland through community transmission and because of travelers returning from out-of-state;
- WHEREAS, since the declaration of a state of emergency and existence of a catastrophic health emergency on March 5, 2020, there have been nearly 96,000 laboratory-confirmed positive COVID-19 cases and more than 3,000 related deaths in Maryland, with increases in new confirmed cases daily;
- WHEREAS, the proclamation declaring the emergencies was renewed on March 17, 2020, April 10, 2020, May 6, 2020, June 3, 2020, July 1, 2020, and July 30, 2020;
- WHEREAS, the spread of COVID-19 in the state continues to pose an immediate threat to all Marylanders of extensive loss of life or serious disability;

WHEREAS, the emergency conditions, state of emergency, and catastrophic health emergency continue to exist;

WHEREAS, all levels of government in Maryland must deploy resources to protect public health and safety;

WHEREAS, continued emergency response by the State is needed to maintain and further progress through the Maryland Strong: Roadmap for Recovery, including expanding COVID-19 testing capacity, maintaining adequate patient surge capacity, supplying sufficient personal protective equipment, and executing a robust contact-tracing operation;

WHEREAS, to reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend the use of face coverings in public settings to the extent possible, continued social distancing, and avoiding large gatherings;

WHEREAS, although the State's elections would ordinarily be conducted mainly at polling locations, the State Board of Elections reports that the state of emergency and catastrophic health emergency have impacted the availability of election judges and facilities;

WHEREAS, elections must be accessible, secure, safe, and fair; and

WHEREAS, the State Board of Elections maintains that COVID-19, the state of emergency and the catastrophic health emergency, and the State's emergency actions in response have interfered with the electoral process and impaired the Board's ability to conduct the general election of November 3, 2020, in accordance with the existing statutory and legal voting systems, locations, and procedures;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE MARYLAND CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE AND TITLE 8 OF THE ELECTION LAW ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, HEREBY DECLARE THAT A STATE OF EMERGENCY AND CATASTROPHIC HEALTH EMERGENCY CONTINUES TO EXIST WITHIN THE ENTIRE STATE OF MARYLAND, RENEW THE MARCH 5, 2020, PROCLAMATION, AND FURTHER PROVIDE AND ORDER, EFFECTIVE IMMEDIATELY:

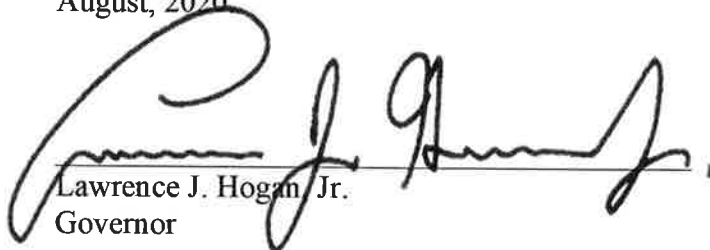
A. General Election of November 3, 2020

- a. The State Board of Elections (the "State Board") may establish, as alternate voting locations or systems, voting centers for the use of any eligible voter who chooses to cast a ballot in person in the general election of November 3, 2020 (the "General Election").

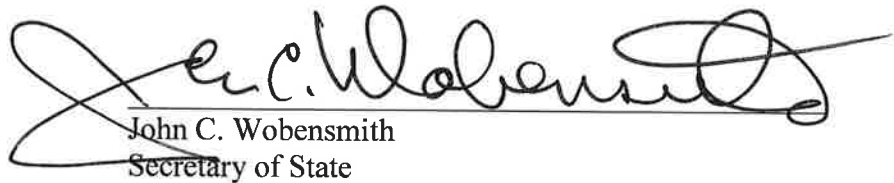
- b. Any eligible voter may vote at a voting center in the voter's county of residence.
 - c. In preparation for and execution of the General Election, the applicable COVID-19 guidance published by the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health, and any other applicable orders, shall be complied with to the maximum extent practicable.
 - d. The State Board shall provide maximum notice as possible to voters about use of voting centers in the General Election, as well as other appropriate education regarding alternate voting locations, systems, and procedures established.
 - e. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with the State Board's establishment of voting centers for use in the General Election, or otherwise inconsistent with this Order, is hereby suspended.
- B. Health care providers who act in good faith under this catastrophic health emergency proclamation, including orders issued under the proclamation by the Governor and by other State officials acting at the direction of or under delegated authority from the Governor, have the immunity provided by § 14-3A-06 of the Public Safety Article of the Maryland Code.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 10th day of August, 2020




Lawrence J. Hogan, Jr.
Governor

ATTEST:


John C. Wobensmith
Secretary of State



COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND

Tony "G" Giangiordano

Council Member, District C

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Michael Cogan & Board
Maryland State Board of Elections
151 West Street
Suite 200
Annapolis, MD 21401

RE: Letter of Opposition of Mail-In Ballots

Dear Michael Cogan and Board of Elections,

I am writing to express my strong opposition to mail-in ballots for the November election.

June 2nd primary election had numerous issues with the mail-in ballots and long lines at single polling stations. As an elected official, I am just as concerned for my constituent's safety during the Covid-19 Pandemic but I am also concerned for my constituent's right to vote. In order to promote fair elections, the Board cannot continue the massive closure of polls and early voting centers. With that, the promotion of CDC guidelines needs to be followed to keep voters as well as the Election Board volunteers safe.

I recommend to call upon Governor Hogan to request the Maryland National Guard to promote the regulations/recommendations provided by the CDC during the November Elections. Board of Elections volunteers are more than capable to promote CDC regulations while conducting elections at voting polls and early voting centers. With the Maryland National Guard to further regulate, the November Elections can be done fairly and safely.

We have a civic duty to not only promote the voting rights of Maryland citizens but also promote safety regulations during this time of uncertainty.

Thank you for your consideration,

Tony "G" Giangiordano
Harford County Councilman, District C

Mail-in Ballot Requests for 2020 Presidential General Election

Report on

8/7/2020

Local Boards	Mailed	Web Delivery	Total
Allegany	818	153	971
Anne Arundel	17718	5061	22779
Baltimore City	9404	3303	12707
Baltimore County	20126	5252	25378
Calvert	1949	584	2533
Caroline	291	78	369
Carroll	3697	821	4518
Cecil	1227	397	1624
Charles	3253	953	4206
Dorchester	283	73	356
Frederick	6853	1883	8736
Garrett	276	92	368
Harford	4144	1134	5278
Howard	10521	3442	13963
Kent	435	87	522
Montgomery	30425	14044	44469
Prince George's	13453	5316	18769
Queen Anne's	865	287	1152
Saint Mary's	1815	524	2339
Somerset	331	29	360
Talbot	952	300	1252
Washington	2442	504	2946
Wicomico	1088	319	1407
Worcester	1014	265	1279
Total:	133380	44901	178281

2020 Primary Election

"Web Delivery" Ballots Received by LBEs for Counting

County	Web Delivery Ballots Received	Total Number of Ballots Received	% Web Delivery
Allegany	96	14,598	0.66%
Anne Arundel	2,684	127,138	2.11%
Baltimore City	2,873	156,163	1.84%
Baltimore County	2,674	197,341	1.36%
Calvert	368	24,048	1.53%
Caroline	38	5,854	0.65%
Carroll	438	43,099	1.02%
Cecil	230	20,095	1.14%
Charles	626	43,427	1.44%
Dorchester	39	6,916	0.56%
Frederick	1,105	60,651	1.82%
Garrett	53	6,857	0.77%
Harford	545	58,032	0.94%
Howard	1,841	88,835	2.07%
Kent	54	4,887	1.10%
Montgomery	11,363	267,583	4.25%
Prince George's	4,690	231,669	2.02%
Queen Anne's	142	11,437	1.24%
Saint Mary's	284	20,619	1.38%
Somerset	17	3,958	0.43%
Talbot	169	10,039	1.68%
Washington	276	28,991	0.95%
Wicomico	179	17,943	1.00%
Worcester	189	12,822	1.47%
Total	30,973	1,463,002	2.12%

Title 33 STATE BOARD OF ELECTIONS
Subtitle 02 MEETINGS AND TRAINING
Chapter 03 Judges' Manuals and Training

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), and 10-206, Annotated Code of Maryland

.04 Judges' Training Sessions.

A. Election Director to Conduct.

(1) (text unchanged)

(2) The training class shall be long enough to cover all of the requirements of the State Administrator's training curriculum and shall include *remote and/or* hands-on practice with any technology that will be used by election judges in a polling place.

(3) (text unchanged)

B. (text unchanged)

Explanation: This proposed change allows remote training of election judges. This will help the local boards with training and provide a safer way to conduct election judges' training.

These changes are being proposed as an emergency change. This means that the changes would be effective for the presidential general election (November 3, 2020) only.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 08 CANVASSING
Chapter 01 Definitions; General Provisions

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 11-201, and 11-301, Annotated Code of Maryland

.02 Board Responsibilities.

A. (text unchanged)

B. Constant Presence, Supervision Required.

(1) The canvass of votes at the counting center shall be conducted [in the presence and] under the [direct] supervision of the local board.

(2) The board shall be present in the counting center *when the canvass starts, concludes, and for all decisions sessions* [throughout each working session of the canvass].

Explanation: This proposed change removes the requirement that the members of the local board of elections be present at all times during the multi-day canvass. If adopted, the members would be required to be present (via videoconferencing) when the canvass starts, when the canvass ends, and for all decision sessions. This proposed change is identical to the changes made for the April 28 and June 2 elections. The changes do not prohibit a local board from being present at other times during the canvass but do not require it.

This change is being proposed as an emergency change. This means that the changes to 33.08.01.02B would be effective for the presidential general election (November 3, 2020) only. After this election, the requirement for board member participation would return to the current regulation.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 11 ABSENTEE BALLOTS
Chapter 03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 11-301, 11-302, and 11-304,
 Annotated Code of Maryland

.06 Return of Ballot.

A. Date Stamp Return Envelope.

(1) Except as provided in §(A)(2) of this regulation, whenever [Whenever] an absentee ballot is received by a local board office, the election director shall stamp the return envelope with the date received.

(2) For the 2020 Presidential General Election held on November 3, 2020, the election director shall:

(a) Stamp the return envelope with the date received if the local board received the return envelope on the day before the election or any day thereafter; and

(b) Store the return envelopes in a container labeled with the date the ballots were received.

B. – E. (text unchanged)

Explanation: Because of the number of returned ballots each local board will receive for the 2020 Presidential General Election, the requirement to stamp the date received on each return envelope is changed.

- If a return envelope is received two or more days before election day, the local board is not required to date stamp the return envelope but it must store the return envelopes in a container with a label showing the date the return envelopes were received.
- If a return envelope is received the day before the election, election day, or any day after election day, a local board must date stamp each return envelope.

This change is being proposed as an emergency change and is identical to the changes made for the April 28 and June 2 elections. This means that the changes to 33.08.01.02B would be effective for the presidential general election (November 3, 2020) only. After these elections, the requirement to date stamp all return envelopes – regardless when they are received – would return.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 11 ABSENTEE BALLOTS
Chapter 03 Issuance and Return

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 9-305, 9-306, 9-310, 11-301, 11-302, and 11-304, Annotated Code of Maryland

.06 Return of Ballot.

A. – E. (text unchanged)

F. *Ballots Returned at a Designated Ballot-Return Location.*

(1) A voter can return a voted ballot at a ballot drop off container outside locations that have been designated by the local board to serve as ballot-return locations.

(2) The ballot drop off container shall:

(a) Be designed to prevent an individual from accessing voted ballots once deposited;

(b) Include a statement that tampering with ballots is a crime; and

(c) Include the State Board's phone number.

(3) The local board shall retrieve ballots according to procedures issued by the State Administrator.

.08 When Ballots Are Timely.

A. (text unchanged)

B. In General. An absentee ballot is considered to have been timely received only if:

(1) (text unchanged)

(2) The ballot is received by a polling place before the polls close at that polling place on election day; [or]

(3) The ballot is deposited into a ballot drop off container before the polls close on election day; or

[[3]] (4) (text unchanged)

C. (text unchanged)

Explanation: With ballot drop off containers available throughout the State, the proposed changes incorporate the ballot drop off containers in the voting process and establishes requirements for the ballot drop off container and retrieving voted ballots from the container. The proposed change to Regulation .08 incorporates similar changes to the “timely” definition.

These changes are being proposed as an emergency change and are similar to the changes made for the April 28 and June 2 elections. This means that the changes would be effective for the presidential general election (November 3, 2020) only, although these changes will be later adopted as permanent changes as we expect the ballot drop off containers to be used in future elections.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 17 EARLY VOTING
Chapter 05 Election Judges

Authority: Election Law Article, §§2-102(b)(4), 9-102(i), 10-206(g), 10-301.1(h), and 12-106(a), Annotated
Code of Maryland

.01 Local Board Employees.

A. – C. (text unchanged)

D. Applicability.

(1) Except as provided in §D(2) of this regulation, [All] all federal and State laws, regulations, and procedures that apply to voting during early voting and on election day apply to voting at a voting center.

(2) An employee or board member of a local board is not required to be present at a vote center to set up or close down the vote center but shall provide support remotely as needed.

Explanation: This proposed change means that a representative of the local board does not need to be physically present to open or close the vote center but the local board must provide remote support as needed.

This change is being proposed as an emergency change and is identical to the changes made for the April 28 and June 2 elections. This means that the changes to 33.08.01.02B would be effective for the presidential general election (November 3, 2020) only. After this election, the requirement for local board on-site support would return.