



**STATE OF DELAWARE
BOARD OF ELECTIONS
OFFICE OF THE STATE ELECTION COMMISSIONER
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Dover, DE 19904
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Minutes of May 11, 2020 State Board of Elections Meeting, conducted entirely via telephone participation pursuant to "THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT" issued by Governor John C. Carney on March 12, 2020.

PUBLIC SESSION
(there was no Executive Session)

**Members Present via
Teleconference:**

Mr. Pasquale, [D]-New Castle County, President
Mr. Sterling, [R]-New Castle County, At Large
Ms. Hopkins-Pugh, [D]-Sussex County
Ms. Philpotts, [D]-Wilmington
Mrs. Sandstrom, [D]-Kent County
Mr. Schneikert, [R]-Wilmington
Ms. Sikora, [R]-Sussex County
Mrs. Williams-Mayo, [D]-New Castle County, At Large
Dr. Warfield-Walker, [R]-Kent County
Mrs. Whittington, [R]-New Castle County

**Staff Present via
Teleconference:**

Mr. Albence, State Election Commissioner
Ms. Dixon, County Director, New Castle County Office
Mr. Sholl, Deputy County Director, New Castle County Office
Mrs. Young, County Director, Kent County Office
Mr. Artigliere, Deputy County Director, Kent County Office
Mr. McDowell, County Director, Sussex County Office
Mrs. Turner, Deputy County Director, Sussex County Office
Mr. Broujos, Deputy Attorney General, Department of Justice

**Public Present via
Teleconference:**

Evelyn Brady

1. Mr. Pasquale called the meeting to order at 4:06 p.m.
2. Ms. Hopkins-Pugh made a motion (Mrs. Sandstrom seconded) to approve the meeting minutes from the Board's April 13, 2020 meeting. Motion passed unanimously.

3. Commissioner Albence provided an update on the current financial status of the Department per its appropriation in the FY2020 State Budget. Expenditures are on track in accordance to the budget as generally expected. Commissioner Albence also provided details on the additional federal funds received by the Department: Help America Vote Act (HAVA) funding is focused on enhancing elections security, and the CARES Act funding was awarded to support elections and for COVID-19-related expenditures.
4. Commissioner Albence provided an update on the current statewide voter registration total. The total number of registered voters in the State as of May 1, 2020, was 720,741. Although online services are available, the increases in voter registration totals that might be expected during an election year are most likely due to limited access to DMV facilities during the COVID-19 pandemic.
5. Commissioner Albence provided a summary of upcoming elections that were impacted by the Governor's fifteenth modification to the State of Emergency declaration on May 7, 2020:
 - The Presidential Primary Election is now scheduled for July 7, 2020 (previously June 2, 2020 and April 28, 2020). Due to the rescheduling of the Presidential Primary, the voter registration registration deadline was moved to June 13, 2020. Additional details on the Presidential Primary appear below under item nine.
 - The party change deadline for the September 15, 2020, State Primary remains unchanged from May 29, 2020.
 - The School Board Election is now scheduled for July 21, 2020 (previously June 16, 2020 and May 12, 2020). As part of the Governor's emergency order modification relating to school elections, current school board members' terms have been extended through July 31, 2020. School board members elected on July 21, 2020, will serve an abbreviated term commencing August 1, 2020, and concluding June 30, 2021.
 - Christina School District is moving forward with its Referendum to held on June 9, 2020. A limited number of polling places will be open for this election.
 - Municipalities may move forward with conducting municipal elections after May 15, 2020, under the provisions that appropriate social distancing requirements are observed in any polling places. Municipalities are strongly encouraged to encourage absentee voting, and to consider offering extended hours for in-person voting.
 - The City of Newark has sent out absentee applications to eligible voters in two City Council Districts for their upcoming municipal election.
6. Commissioner Albence provided an update on the progress on voter registration data conversion from the Elections legacy mainframe system to the current system. This process is now complete and outstanding issues have been resolved.

7. Commissioner Albence provided an update on the Department's and Superior Court's significant progress in updating/revising procedures for the Board of Canvass process, the certification process for General/Special Elections.
8. Commissioner Albence provided a summary of upgrades that are underway for unofficial election night results reporting. The Department is working closely with DTI to modernize the user-interface to enhance its performance, appearance, and usability.
9. Commissioner Albence discussed details of plans for the upcoming Presidential Primary. Per the provisions of the Governor's order under the current State of Emergency, the Department is mailing out absentee ballot applications to eligible voters (registered Democrats and Republicans) who have not yet requested an absentee ballot. In addition, a limited number of polling places will be open on Election Day. The State's new voting equipment will permit a voter to vote at any polling place in their county. With the anticipated higher volume of absentee ballots, the Department is purchasing high-speed inbound absentee ballot check-in and sorting equipment that would automate this process and would allow processing large volumes of ballots quickly and efficiently. The Department continues to acquire personal protective equipment (PPE) for poll workers and cleaning/disinfecting supplies for voting equipment, as well as supplies necessary to maintain appropriate social distancing needed in polling places. Election officer training is also being re-engineered with regards to the number of training classes and development of supplemental training videos.
 - Discussion ensued regarding Mrs. Whittington's inquiry on expectations of the Board's involvement in the election process to which Commissioner Albence welcomed and encouraged the Board's engagement in the absentee process without posing a risk to health. In addition, Ms. Sikora expressed her concerns over the mass mailing of absentee applications which is discussed below in "New Business."
10. Commissioner Albence provided additional details on federal CARES Act and HAVA funds that were awarded to the Department. Both types of funding require a 20% funding match from the State. Congress may potentially amend and remove the State match requirement for the CARES Act funding. Security enhancements to elections offices and warehouses, undertaken utilizing HAVA funding, is scheduled to be completed in the next month. Work entails hardening of physical security in all election facilities, the installation of security cameras, and adding access badge-controlled doors. Physical upgrades utilizing the CARES Act include the construction of a barrier (aka a "sneeze guard") in the Kent County and Sussex County offices. Installation of similar barriers are also being explored for both New Castle County (standalone units) and the State Election Commissioner's office, appropriate to the format of these offices.
11. Commissioner Albence provided an update on the HB 175 (No-Excuse Absentee) legislation and the modifications that have been made to the bill which include additional time allotment for processing absentee ballots received back by the Department. HB 175 eliminates the reasons for requesting an absentee ballot on the application. The bill effective date has been amended from January 1, 2022, to take effect in 2020 (when signed into law).
12. Commissioner Albence provided a summary of the new platform the Department is piloting for secure electronic delivery, marking and return of absentee ballots for the

Presidential Primary hosted by Democracy Live. Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, and sick and disabled voters use this system to securely receive, mark, and return their ballots electronically. A paper ballot is produced by the process, which is the ballot that is scanned for tabulation. The system is not an online voting system. No votes are cast or tabulated online.

13. Mr. Sterling made a motion (Ms. Hopkins-Pugh seconded) to approve the removals as presented. The motion passed by majority of the members voting in favor of the motion. Ms. Sikora voted against the motion and chose not to provide an explanation for her vote when asked by Mr. Pasquale.

- Mrs. Whittington requested that her comment be recorded as part of the meeting minutes: Due to poor phone connection, it was not her intention to interrupt while Ms. Sikora stated her opinion. Mrs. Whittington further explained that Ms. Sikora is entitled to her opinion, and that she only wished to hear Ms. Sikora's reason for her vote against approving the removals.

14. NEW BUSINESS:

- Ms. Sikora requested that the following be recorded as part of the meeting minutes:
 - Ms. Sikora expressed her opinion on the Board's obligation and involvement in the election process. She brought forward her concerns over a "potential fraud in absentee ballot applications being sent out." Ms. Sikora recommended that the Board write a letter to Governor Carney over this concern and to urge him to reconsider his order to mail applications for absentee ballots to all registered voters for the Presidential Primary Election, and to consider other alternatives.
 - Ms. Sikora made a motion for the Board to write a letter to the Governor to reconsider sending absentee ballot applications and discuss alternative options. The motion did not proceed, as the motion was not seconded. Mr. Pasquale noted that the motion would not proceed.
 - Ms. Hopkins-Pugh made a motion (Mrs. Sandstrom seconded) to table Ms. Sikora's pending motion. The motion passed by a vote of 9 -1, with Ms. Sikora voting against the motion.
 - Ms. Sikora provided and inquired of two voter IDs with voting history recorded for the 2020 Presidential Primary to which Commissioner Albence responded that voter history is recorded (not yet tabulated) upon voters returning their absentee ballots. Absentee ballots have been mailed out upon request since mid-March for the Presidential Primary (when originally scheduled for April 28th). The recording of absentee voting history prevents individuals from voting a second time at the polls, as notation of

an absentee ballot requested and returned (or requested and not returned) would be noted in the pollbooks.

- Ms. Sikora discussed her concerns over the number of registered voters who have not voted in the past two election cycles, and voter removal procedures. She provided her recommendations for removing inactive voters, and shared concerns that the U.S. Postal Service may not be returning all mailings to Elections for voters that are sent to addresses on file that are no longer valid. Commissioner Albence indicated that the Department must maintain strict adherence to voter registration removal practices as mandated by federal law, which require the Department to have a minimum of two mail pieces returned as undeliverable by the U.S. Postal Service, in addition to a voter not voting in two consecutive elections including a federal office on the ballot.
- Mr. Pasquale gauged the Board's opinion on proceeding with future meetings once the State of Emergency declaration has been lifted. He provided suggestions on location and options to conducting meetings in person with protective personal gears that will be provided by the Department.

15. PUBLIC COMMENT:

- Ms. Brady expressed her interest in Elections' decision-making process.

16. Commissioner Albence introduced Mr. Artigliere, new Deputy County Director for the Kent County office.

17. Ms. Hopkins-Pugh made a motion (Mrs. Williams-Mayo seconded) that the Board adjourn the meeting. Motion passed unanimously, and the meeting was adjourned at 5:32 p.m.

Respectfully submitted,

James A. Sterling, III
Board Member and Board Secretary

NEXT MEETING: MONDAY, JUNE 8, 2020

LOCATION: OFFICE OF THE STATE ELECTION COMMISSIONER, 905 S. GOVERNORS AVE; DOVER, DE 19904 (NOTE: DISCUSSION ALSO WAS HELD ON POTENTIALLY MEETING AT THE New Castle County Warehouse/Training Center, with teleconferencing options offered for those members unable to attend in person.)