



**STATE OF DELAWARE
BOARD OF ELECTIONS
OFFICE OF THE STATE ELECTION COMMISSIONER
905 S. Governors Avenue, Suite 170
Dover, DE 19904
TELEPHONE: (302) 739-4277
<https://ivote.de.gov>**

Minutes of August 10, 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
Ms. Kirshon, Deputy State Solicitor, Department of Justice

**Public Present via
Teleconference:**

Senator Bryan Richardson
Paul Johnston
Kyle Nahrebne
TJ O'Dwyer
Eric Braunstein
Jane Brady
Hildy Buckdill
Al Frech

1. Mr. Pasquale called the meeting to order at 4:05 p.m.
2. Ms. Hopkins-Pugh made a motion (Mr. Schneikert seconded) to approve the meeting minutes from the Board's July 20, 2020 meeting. Ms. Sikora clarified her statements from the previous amendments regarding ballot applications in Board minutes from May 2020 to July 2020. Motion passed with the amendments.
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 about funds being carried over to the next fiscal year due to the move of the Presidential Primary.
4. Commissioner Albence provided an update on the current statewide voter registration total. The total number of registered voters in the State as of August 1, 2020, was 726,192. There has been increased activity at DMV facilities and on the ivote portal.
5. Commissioner Albence provided a summary of upcoming elections along with deadlines.
 - The voter registration deadline for the September 15th State Primary is Saturday, August 22, 2020.
 - The party change deadline for the September 15, 2020, State Primary remains unchanged from May 29, 2020.
 - The City of Newark had their election on July 28, 2020. They had about an 80% return rate of absentee applications.
 - Sussex County has two (2) upcoming municipal elections (Georgetown 8/15/20 & Bethany Beach 9/12/20).
 - Municipalities are moving forward with conducting elections after May 15, 2020, under the provisions that appropriate social distancing requirements are observed in any polling places. Municipalities are strongly encouraged to promote absentee voting, and to consider offering extended hours for in-person voting.
6. Commissioner Albence stated that the voter portal, ivote, has been updated to reflect the Vote by Mail (VBM) option and it is being used. Absentee applications are still available, and the process remains unchanged. It is anticipated that all usual polling places will be open for the upcoming elections.
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 and the certification process for General/Special Elections.
8. Commissioner Albence stated that the voting history from the Presidential Primary is almost complete. Also, returned mail from the mass mailing of absentee applications for the Presidential Primary is being used for the address verification process of the voter registration list.

9. Commissioner Albence reported a small issue occurred with an outside vendor awarded the contract to mail Vote By Mail (VBM) applications. The mail house vendor experienced a machine jam that resulted in a few dozen pre-populated applications being inserted in the incorrect pre-addressed envelopes. This error was isolated and limited to the Dagsboro area. The pre-populated information on the VBM forms was all publicly available information from the voter registration file. No personal identifiable information was released. The vendor took responsibility for the incident. Ms. Hopkins-Pugh suggested not using pre-populated documents in the future. Commissioner Albence also noted that an option for future mailings could be the use of a single pre-populated form with a window envelope, eliminating the need to match the form to an addressed envelope.
10. Ms. Jane Brady asked Commissioner Albence what was happening to those who did not receive their VBM application and if those voters were identifiable. Commissioner Albence reported that based on the information that we have that it is known who was impacted. Commissioner Albence mentioned that he and other Elections staff spoke with many of the impacted individuals and they expressed that they were not requiring any additional action, that they are going to vote at the polls. Commissioner Albence reiterated that any eligible voter may go to their polling place to vote.
11. Commissioner Albence reported that poll worker recruitment emails were sent to all state workers for the State Primary, and we have received a significant response. In addition, the Department is recruiting college and high school students, as well as partnering with a number of community organizations in this effort, including the League of Women Voters, AARP and the Millennial Summit, and the State Office of Volunteerism.
12. Commissioner Albence reported on municipal elections and school board elections. As previously mentioned, there was a significant increase in absentee voting activity for the City of Newark's election. Statewide School Board elections have been completed and certified. These elections are now in the post audit stage.
13. Commissioner Albence reported that there is a Campaign Finance Manager/Admin Specialist position posted. The previous incumbent, Kenneth 'Bo' McDowell was recently appointed as the Sussex County Director.
14. Commissioner Albence stated there have been no updates on the CARES Act regarding the state match funding. The HAVA funding available is available for actions which improve the administration of federal elections, with a particular focus on enhancing security. Security enhancements to elections offices and warehouses, undertaken utilizing HAVA funding, is scheduled to be completed in the next month. These projects entail hardening of physical security in all election facilities, the installation of security cameras, and adding access badge-controlled doors. There is continued discussion with the Department of Technology and Information (DTI) about security enhancements and user convenience enhancements to election services.
15. Commissioner Albence stated that HB 346 (VBM) has been signed into law and is effective until January 21, 2021. The bill was adapted in DE Code, Title 15, Chapter 56. Absentee voting is still available, and the provisions of absentee voting are not impacted by HB 346. Mr. Sterling asked if the pandemic continued, would the law be extended to reflect. Commissioner Albence responded that this legislation is set to sunset on January 12, 2021, and that new legislation would need to be enacted to make these changes to the Delaware Code permanent.

16. Commissioner Albence provided a summary of the enhanced absentee/VBM equipment. The Outbound Absentee preparation equipment has been delivered and installed. Inbound absentee sorting equipment is in place and is being utilized in the county offices to automate returned ballot check-in and sorting. The New Castle County Elections office is awaiting delivery of an additional absentee/VBM scanner.
17. Commissioner Albence reported on the Department's work with the Electronic Registration Information Center (ERIC). The 2020 mailing for potentially eligible but unregistered individuals is underway. This mailing during an election year, prior to the General Election, is a requirement of the State's membership in ERIC. Approximately 11,000 postcards were mailed. Also, Delaware voluntarily participates in ERIC's Voter Participation Project which determines, via analysis of voting records from members states, if an individual has voted in more than one jurisdiction. If there is such an occurrence, this matter would be referred to appropriate law enforcement authorities.
18. Commissioner Albence provided summaries on website activity and Voter Registration transactions. There was an increase in activity around the Presidential Primary which is expected. Commissioner Albence, also reported on the Voter Removals.
19. Commissioner Albence summarized the absentee ballot data for the 2020 Presidential Primary and the 2020 School Board elections. There was a tremendous increase in absentee requests due to the pandemic and additional interest, generally, in these elections.
20. Commissioner Albence and Mr. McDowell reported on the tardy and non-filers of the 2019 Annual Campaign Finance Report. Mr. McDowell stated that there are more than 300 committees that will need to file the upcoming 30-Day Campaign Finance Report that will be due on August 18, 2020.
21. Mrs. Whittington 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.
22. OLD BUSINESS:
 - Commissioner Albence recapped on the issue of ballot names. There is no mandate in Delaware Code that determines how candidate names must appear on the ballot. State Attorney General opinions offer guidance, but do not have the force of law. The Department provided an opportunity for all candidates to review and to potentially update how their name will appear on the ballot.
 - Ms. Sikora updated the Board regarding the Election Day Incident by providing a synopsis of her July 9 e-mail to New Castle Director Dixon, Deputy Director Scholl, and Commissioner Albence. E-mail forwarded from voter stated that on July 7, that voter reported feeling intimidated by a poll worker who had not closed the curtain and who directed him for whom to vote. Ms. Sikora's e-mail requested this matter be put forth to the Board and she did so at the July 20th meeting. Director Dixon's July 21 e-mail stated she contacted the Inspector who had been assigned to the Conrad School of Science and was told the Inspector had instructed the first-time poll worker a number of times but noted this did not excuse

her behavior. Director Dixon assured that the poll worker will not be used in any future elections. Ms Sikora asked, first: how this could be assured to which Director Dixon replied the personnel file would be annotated, second: are not Inspectors encouraged to report exceptional behavior, bad or good? Director Dixon asserted this was so and Ms Sikora stated she considered the incident closed.

23. NEW BUSINESS: None.

24. PUBLIC COMMENT:

- Senator Bryan Richardson stated his concerns. He wanted to confirm by Commissioner Albence that all polling places would be open with adequate staff. Commissioner Albence confirmed this to be accurate. He also sought confirmation from the Department of Justice that there would need to be an amendment to the State Constitution to amend State law regarding absentee voting. Deputy State Solicitor Kirshon confirmed that such an amendment would need to be passed by a 3/5 majority in two consecutive sessions of the General Assembly.
- Mr. Paul Johnston asked why there was a need for Vote by Mail if all the polling places are open. Commissioner Albence replied to Mr. Johnston saying that the Department is abiding by the provisions of HB 346, passed by the General Assembly and signed into law. Mr. Johnston asked if this was unconstitutional. Commissioner Albence reiterated that the legislation is now State law, and that the Department must follow the directives as prescribed.
- Mr. Al Frech began to ask about potential delays in counting ballots but appeared to lose his connection to the teleconference.
- Mr. Eric Braunstein asked if Elections has communications with the United States Postal Service (USPS) regarding accuracy and timeliness of mail delivery. Commissioner Albence assured Mr. Braunstein that the Department is in regular contact with the USPS, and that experiences with the USPS has been very positive especially considering the current demands during the COVID-19 pandemic.
- Ms. Hildy Buckdill expressed her concern over the current mail situation. Ms. Buckdill was told by a postal worker that the Postmaster General instructed mail service to be slowed. She expressed her concerns about this and the impact this could have on upcoming elections in light of this.

25. There was a discussion regarding the scheduling of the September board meeting. The usual meeting date is the date (September 14), is one day prior to the State Primary Election. Mrs. Whittington moved (Mrs. Sandstrom seconded) to reschedule the September's board meeting to September 21, 2020, and to conduct the meeting via teleconference. The motion passed unanimously.

26. Mr. Schneikert motioned (Mr. Sterling seconded) that the Board adjourn the meeting. Motion passed unanimously, and the meeting was adjourned at 5:29 p.m.

Respectfully submitted,

*Meeting minutes approved
by conference call.*

James A. Sterling, III
Board Member and Board Secretary

NEXT MEETING: MONDAY, SEPTEMBER 21, 2020

LOCATION: TELECONFERENCE ONLY - OFFICE OF THE STATE ELECTION
COMMISSIONER, 905 S. GOVERNORS AVE; DOVER, DE 19904