



**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 July 20, 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

**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 Attorney General, Department of Justice

**Public Present via
Teleconference:**

Evelyn Brady
Nelly Jordan
Al Frech
Cathy Marketto
Fred Silva
Jane Brady
Cody Romano
Paula Manolakos

1. Mr. Pasquale called the meeting to order at 4:13 p.m.

2. Ms. Sikora requested that the June 8th minutes be amended to accurately reflect her requested update to the May 11th meeting minutes. Ms. Hopkins-Pugh made a motion (Mr. Schneikert seconded) to approve the meeting minutes with the amendment. 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 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 July 1, 2020, was 721,747. 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 was July 7, 2020 (previously June 2, 2020 and April 28, 2020). Additional details on the Presidential Primary appear below under item eight (8).
 - The party change deadline for the September 15, 2020, State Primary was May 29, 2020. The voter registration deadline for the State Primary is August 22, 2020.
 - The School Board Election is 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.
6. Commissioner Albence provided an update on the ivote portal. Voters may use the portal to request the Vote By Mail option for the next two statewide 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, which includes the recording of write in votes, and the certification process for General/Special Elections. Commissioner Albence reported that the courts are going to have a mock canvass to test the reporting.
8. Commissioner Albence provided a summary of the July 7, 2020 Presidential Primary. Of the voter turnout 55% was at the polling places with 45% of the voters utilizing absentee voting. Historically, voter turnout has been 3-4% being absentee. There were over 50,000 ballots mailed out to voters who had requested absentee ballots. Election staff are entering in any returned items into the address verification system.
9. Commissioner Albence provided details about the Vote By Mail initiative. The mass mailing of applications to those eligible is in production. Voters that had already submitted an absentee request for the State Primary or General Election will not receive the letter/application. The mailing is broken down by zip code and it will be mailed over a period of a few days. Commissioner Albence also stated the department is working on poll worker

recruitment for the polling places. There will be an email sent to all state workers and to some community partnerships with more information.

10. Commissioner Albence reported on municipal elections and school board elections. Newark City Council will hold its municipal election on July 28, 2020 for two (2) City Council District races. The City of Newark mailed out absentee applications to eligible voters and they currently have about an 80% return. There are three (3) upcoming elections in Sussex County. The Town of Georgetown is having a referendum on July 20, 2020. The City of Rehoboth is having their municipal election on August 8, 2020. The Town of Georgetown is having their municipal election on August 15, 2020. There will be a total of eight (8) School Board elections on July 21, 2020 (Appoquinimink, Red Clay, Caesar Rodney, Capital, Milford, Indian River, Laurel, and Woodbridge). Brandywine and Christina School Districts had late withdrawals so they will not have elections as previously reported. There has been a significant increase in absentee activity for all the school boards.
11. Commissioner Albence reported that the county offices have hired additional temporary staff and that our existing staff has been working evenings and weekends to handle the additional work required. Commissioner Albence announced that there is a vacancy for the Sussex County Director appointment. During this time, Ms. Hopkins-Pugh acknowledged the retirement and the contribution of Sussex County Director Kenneth L McDowell.
12. 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. The HAVA funding focus is on security with federal elections. 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.
13. Commissioner Albence stated that there has been no other action on the HB 175 (No-Excuse Absentee) legislation. 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). The Vote by Mail legislation, HB 346 has been signed into law, and is in effect through January 12, 2021. Voters do not need to state a reason to be able to receive a ballot by mail for the remainder on the 2020 election cycle. Any voter who needs accessibility accommodations can still utilize absentee ballots. There will be ballot drop off boxes in all county offices if a voter would prefer to hand carry the return of their ballot.
14. Commissioner Albence provided an overview of the Vote By Mail/Absentee equipment. The inbound sorting equipment was used extensively in New Castle at the end of the Presidential Primary and it worked well. The sorter will be in place for Kent and Sussex for the State Primary. The outbound equipment is being prepared. Due to our envelope specifications, there are some minor redesigns. Additional ballot scanners have been purchased. Overall, the Ballot on Demand printers and the existing scanners all performed very well. There has been progress with the outbound ballot tracking as we work with the USPS. Commissioner Albence reported that the Postal Service worked diligently with our staff to ensure ballots were received in the election offices.
15. Ms. Hopkins-Pugh made a motion (Mr. Schneikert 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.

16. NEW BUSINESS:

- Mr. Pasquale asked about how a permanent absentee voter can vote at the polls instead of voting absentee and if it would cancel out their permanent status. Commissioner Albence indicated that it is possible for a permanent absentee voter (or any absentee voter) to vote in the polling place if they have not returned their voted absentee ballot (that ballot would be voided). This does not automatically cancel one's permanent absentee status. A permanent absentee voter may cancel their permanent status if they no longer wish to cast their vote by absentee
- Ms. Sikora requested that she receives the board packet by mail.
- Ms. Sikora informed the Board about an email that she received and which she forwarded to New Castle County Director Tracey Dixon and Deputy Director Howard Sholl (with a cc to Commissioner Albence) about a situation involving a poll worker that occurred at the Conrad Schools of Science during the Presidential Primary. The incident is being investigated by the Castle County Director and Deputy Director, who are researching the details.

17. PUBLIC COMMENT:

- Ms. Nelly Jordan reported that she never received her absentee application for the Presidential Primary.
- Mr. Al Frech requested clarification on the terminology of the word affidavit. Mr. Frech also requested some public outreach to clarify the process of Vote By Mail.
- An unknown female member of the public asked about the differences in Absentee Voting versus Vote By Mail.
- Mr. Fred Silva expressed concern over the name of candidate Scott Walker and his use of a nickname.
- Mr. Al Frech questioned the process of the undeliverable and returned elections mail. Commissioner Albence explained the voter removal process. Mr. Frech also asked what safeguards are in place so a voter cannot vote by absentee and in person at the polls.
- Ms. Evelyn Brady asked about how often polling place cards are mailed out. Ms. Brady, also, asked if it is possible for absentee ballots that are emailed to come from an elections email address that is recognizable for the public as some voters received their ballot in their Spam mailboxes.
- Ms. Nelly Jordan commented that false names are being used by candidates (Scott Walker). Commissioner Albence reported that this is not addressed in the Delaware Code but there is an Attorney General's opinion. Ms. Jordan stated that legislation needs to change. Mr. Fred Silva agreed with Ms. Jordan's statement.
- Mr. Al Frech asked about the next board meeting and if it would be held by teleconference.

- Ms. Evelyn Brady questioned the date of the Board meetings and the hour that they start. The next Board meeting will be August 10, 2020 at 4 pm.
18. Ms. Hopkins-Pugh made a motion (Mr. Schneikert seconded) that the public meeting be recessed and that the Board reconvene in Executive session to discuss a personnel issue. Ms. Whittington suggested that the Executive session to start at 6 pm. The motion passed unanimously.
 19. The Public session was called back to order at 6:15 pm.
 20. The Board voted and unanimously voted to appoint Kenneth A. McDowell to fill the vacancy for the position of Sussex County Director.
 21. Mr. Schneikert made a motion (Ms. Sandstrom seconded) that the Board adjourn the meeting. Motion was passed unanimously, and the meeting was adjourned at 6:19 pm.

Respectfully submitted,

*Meeting minutes approved
by conference call.*

James A. Sterling, III
Board Member and Board Secretary

NEXT MEETING: MONDAY, AUGUST 10, 2020

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