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, since the declaration of a state of emergency and existence of a catastrophic health emergency on March 5, 2020, there have been more 27,000 laboratory-confirmed positive COVID-19 cases and nearly 1,300 related deaths in Maryland, with significant increases in new confirmed cases daily;

WHEREAS, the proclamation declaring the emergencies was renewed on March 17, 2020, and April 10, 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 implement the Maryland Strong: Roadmap for Recovery, including the expanding of COVID-19 testing capacity, increasing of hospital surge capacity, supplying sufficient personal protective equipment, and implementing 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 social distancing and avoiding gatherings;

WHEREAS, the currently known and available scientific evidence and best practices support limitations on gatherings and social distancing to prevent exposures and transmissions;

WHEREAS, to reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, the State's elections would ordinarily be conducted mainly at polling locations that, during the state of emergency and catastrophic health emergency, hinder social distancing, enable the transmission of the novel coronavirus, and pose risks to public health, welfare, and safety;

WHEREAS, holding elections mainly at polling locations during the state of emergency and catastrophic health emergency would potentially expose government buildings, voters, and governmental officers, employees, and volunteers to the novel coronavirus;

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

WHEREAS, COVID-19, the state of emergency and the catastrophic health emergency, and the State's emergency actions in response have impaired the ability of governmental officials, employees, and volunteers to conduct their elections in accordance with the existing statutory and legal voting systems 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:

I. Primary Election of June 2, 2020

A. Definitions.

i. "County" means a county of the State or Baltimore City.

ii. "COVID-19 Guidance" means the applicable COVID-19 guidance published by the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health.

iii. "Primary Election" means the primary election of April 28, 2020, postponed to June 2, 2020, in all of the State.

iv. "Return Location" means a location where a vote-by-mail ballot may be returned for the Elections.

v. "State Board" means the State Board of Elections.

vi. "Stay at Home Order" means the Order of the Governor of the State of Maryland No. 20-03-30-01, dated March 30, 2020, entitled "Amending and Restating the Order of March 23, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and All Non-Essential Businesses and Other Establishments, and Additionally Requiring All Persons to Stay Home," as it may be amended or restated from time to time.

vii. "Homes" has the meaning defined in the Stay at Home Order.

B. The Primary Election remains postponed to June 2, 2020, in all of the State.

C. For the Primary Election, the State Board shall, as further specified and provided in this Order, utilize as alternate voting systems:

i. voting by mail; and

ii. at least one voting center in each county to enable any voter who is unable to vote by mail to, in person:

iii. cast a ballot; or

iv. return a vote-by-mail ballot.

D. The COVID-19 Guidance shall be complied with to the maximum extent practicable for all aspects of the Primary Election, including without limitation:

i. instruction and training programs for election judges on the voting system;

ii. the delivery of necessary supplies, records, and equipment; and

iii. the canvassing of ballots and observation of each part of the canvass.

E. Without limiting the generality of § I.D above, utilization of voting centers or other locations for return of vote-by-mail ballots shall:

i. maximize voter accessibility to the extent consistent with public health and safety to protect voters from COVID-19; and

ii. minimize direct contact between voters, election officials and judges, government employees, volunteers, and other participants in the electoral process, including but not limited to as addressed in the COVID-19 Guidance.

F. Electioneering.

i. At each Return Location, signs containing the words "No Electioneering Beyond This Point" shall be posted delineating a line located as near as practicable to 100 feet from the location, as established after consideration of the effect of placement on public safety.

ii. No person shall:

1. canvass, electioneer, or post any campaign material in any Return Location or beyond the line described in § I.F(i); or

2. interfere or attempt to interfere with a voter while the voter is returning a vote-by-mail ballot at a Return Location.

G. As to challengers and watchers at voting centers, the State Board may:

i. limit the number of challengers and watchers allowed in a polling place at any one time; or

ii. enable them to, without physically entering the polling place or voting room, or nearing the election judges, by remote electronic means or otherwise:

iii. be present in the polling place:

1. within one-half hour before the polls open;

2. at any time when the polls are open; and

3. until the completion of all tasks associated with the close of the polls and the election judges leave the polling place;

iv. see and hear each person as the person offers to vote; and

v. challenge the right to vote of any individual.

H. The canvass of vote-by-mail ballots for the Primary Election may commence at 9 a.m. on May 21, 2020.

I. Secrecy of the results for the Primary Election need only be maintained until 8 p.m. on June 2, 2020.

J. The Primary Election shall minimize injury and damage from the COVID-19 public health catastrophe, and save lives, while, to the fullest extent possible given the interference in the electoral process from the state of emergency and catastrophic health emergency, inspire public confidence and trust in the conduct of the Primary Election by reasonably assuring under the circumstances that:

i. all persons served by the election system are treated fairly and equitably;

ii. all qualified persons may register to vote and that those who are not qualified do not vote;

iii. those who administer elections are well-trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of partisan interests;

iv. full information on elections is provided to the public, including disclosure of campaign receipts and expenditures;

v. citizen convenience is emphasized as is feasible and does not endanger the public health, welfare, or safety;

vi. security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results;

vii. the prevention of fraud and corruption is diligently pursued; and

viii. any offenses that occur are prosecuted.

K. The State Board shall provide maximum notice as possible to voters about how to participate in the Primary Election, as well as other appropriate education regarding voting procedures.

L. All other statutory and regulatory dates and time periods relating to the Primary Election may be additionally postponed in the discretion of the State Board to conform to this Order.

M. The State Board shall have the authority to designate any of its employees or the State employees of any local board of elections as "emergency" and "essential" State employees or personnel for the purpose of performing duties necessary to conduct the Primary Election.

N. Notwithstanding the Stay at Home Order, all persons living in the State of Maryland may travel between their Homes and Return Locations and polling places in connection with the Primary Election and for the following purposes:

i. Voting in person;

ii. Returning vote-by-mail ballots;

iii. Participating the election as an administrator, official, employee, worker, volunteer, judge, challenger, or watcher; or

iv. Canvassing, electioneering, or posting campaign material in compliance with the COVID-19 Guidance.

II. 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.

III. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this Order, or inconsistent with an action of the State Board pursuant to this Order, is hereby suspended.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 6th day of May, 2020.

Lawrence J. Hogan, Jr.
Governor

ATTEST:

John C. Wobensmith
Secretary of State