

HOWARD COUNTY BOARD OF ELECTIONS

MEETING MINUTES

9770 Patuxent Woods Drive, Suite 200
Columbia, MD 21046

Monday, May 21, 2018 – 4:00 pm

Regular Open Board Meeting

ATTENDEES:

Board Members:

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| Donna K. Thewes | Board President, Republican Member |
| Ann M. Balcerzak | Vice President, Democratic Member |
| Patrick R. Mullinix | Republican Member |
| Raymond M. Rankin | Democratic Substitute |
| Diane L. Butler | Republican Substitute |
| Michael S. Molinaro | Board Counsel |

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| Staff: Guy C. Mickley | Director |
| Charlotte B. Davis | Deputy Director |
| Phyllis A. West | Board Secretary |

Absent: None

Visitors: None

CALL TO ORDER AND DECLARATION OF QUORUM

Board President Donna Thewes called the meeting to order at 4:02 pm with an established quorum present. The Pledge of Allegiance was then given.

SWEARING IN OF CANVASS BOARD

Wayne Robey, Howard County's Clerk of the Circuit Court, was asked to join the meeting.

Action: Mr. Robey proceeded to swear in members of the Board of Elections as Canvass Board members for the 2016 Primary Election. Members then signed the Oath of Office of the Board of Canvassers, after which Mr. Robey departed.

APPROVAL OF BOARD MEETING MINUTES

Draft copies of the minutes from the April 23, 2018 meeting were provided to Board members by electronic mail prior to the meeting and a paper copy was distributed at the meeting.

President Thewes asked for a motion to accept the minutes as presented. Ray Rankin motioned to accept the minutes and Diane Butler seconded the motion.

Action: The April 23, 2018 minutes were unanimously approved.

ADDITIONS OR CHANGES TO THE AGENDA

Board members made no additions or changes to the agenda.

CORRESPONDENCE

There was no correspondence to discuss.

PRESIDENT'S REPORT

President Thewes asked the Director if he had the polling place closing assignments for Board members on Primary Election Day. Guy Mickley provided a handout with this information and stated that there are 20 people covering 90 polling places, so as getting the information back to the office should go more quickly on Election night at closing. Donna Thewes asked when Public Logistics and Accuracy Testing (L&A) would be held so Board members could attend. Mr. Mickley reported that it would be held at the Warehouse on Friday, June 8th at 10:00 am. Both Ms. Thewes and Patrick Mullinix indicated they would attend. Ms. Thewes then turned the meeting over to the Director.

DIRECTOR'S REPORT

1. Continuing Items

- a. **General Office Update:** The staff has accomplished and will be working on several things as we gear up for the election. They are broken down as follows:

- aa. **Warehouse** -- All ballots are packed for the Primary Election. L&A on the scanners and BMDs is underway and as of Friday, all early voting and District 1 machines were complete. All supplies for the judges have been audited and sealed and all cart supplies will be audited following L&A. All pollbook printer cases have also been audited. L&A should be complete this week.

- bb. **Absentee** – Staff has processed 543 Absentee Ballot requests for the Primary Election. This number is extremely low when compared to past elections of a similar nature. This number is typically also indicative of the type of turnout we will see in the polling places for the election.

- cc. **Voter Outreach** – Dawn Sinclair and other staff members have been tasked with visiting libraries throughout the county to garner voter registrations and recruit judges. We have visited several libraries over the past few weeks and will continue to do so until the voter registration deadline.

Phyllis West & Dawn Sinclair are also making a visit tomorrow to Heartlands Senior Living Village at Elliccott City (at the facilities request) to help residents register to vote and complete absentee ballot applications. This is part of the Nursing Home and Assisted Living Absentee Voting Program. To date, we have six facilities who have requested visits from our teams to help residents with absentee voting for the Primary Election.

dd. SBE Statement re Casting Votes for New Gubernatorial Candidate --The State Board of Elections is currently working on language to put notices in the polling places for the Democratic Primary ballot following the unexpected death of a candidate and subsequent decision of the running mate. Mr. Mickley believes a notice will be posted -- probably in the booths and close to the BMD. Donna Thewes asked what if someone wants to vote for a write-in candidate? Guy Mickley indicated there are no write-ins for the Primary. She then asked if there would be follow-up from SBE for Absentee Voters who have already been sent their ballot. The Director indicated that SBE will send a notice on this and as soon as he knows anything, he or the Board Secretary will advise Board members.

Board members briefly discussed the Definition of a Vote guidelines and potential acceptance of votes with a mark on the ballot. Mike Molinaro stated he would pose this question to Nikki Charlson at SBE to clarify this issue. Donna Thewes asked him to check as to whether the Canvass Board can decide to accept a ballot if they believe they can understand the intent of the voter.

ee. Rovers and Closers -- Those assigned these duties have been updated for the upcoming election. Rover districts are similar to previous election years with a few tweaks and Closers have the same places to close as in the past election except for a few minor changes. Immediately following this meeting, there will be a brief training session for Board members who will be Closers.

ff. Advance Determination of Sufficiency for a Charter Amendment Petition -- We received a request for an Advanced Determination of Sufficiency for a Charter Amendment Petition, and our response was provided within the allotted time frame by law. The Director provided a copy of the potential petitioner's letter and our response. Donna Thewes asked if he would review the process. He stated that we review for petition statement for content and form per legal guidelines. If they provide signatures by the August 20th deadline, the staff would validate them and determine whether they have enough valid signatures to place the issue on the ballot. The Director and Board Counsel made two suggested corrections on the potential petition. Guy Mickley does not currently have any other information on this petition. Mike Molinaro stated that the petition needs 10,000 valid signatures to go on the ballot. Donna Thewes asked the Director if they must notify him if they are doing a petition, and he said no.

gg. Board Help with Pollbook L&A -- Mr. Mickley will advise the Board as to what days we plan to do pollbook L&A if anyone wants to come and assist the office staff. He also stated that the assistance of Board members to help during the Bulk Upload process -- which is usually the Friday after Early Voting ends -- is always welcome. He advised the Board that this process will now take place at the warehouse starting with this election.

2. **Registration** -- The Director stated that registration continues to be typical for a Gubernatorial Primary Election. We have seen a small uptick in voter correspondence in the new year, which will probably be the continuing trend through the Primary Election.
3. **Budget** -- Director Mickley reported that his budget meeting with the County Council for the yearly work session was May 7, 2018. He was asked no questions about his budget submission except why our office lease amount had gone up, which is because of Common Area Maintenance Fee increases. Council members did ask a few questions about cybersecurity and how results would be done at the end of the election.
4. **Judges** -- The Director stated that the judge department staff has continued to work very hard to fill slots vacated by judges who quit for various reasons and to schedule replacement judges for training class. Staff will continue to recruit judges for the alternate judge pool once all slots are filled to

have replacements available for those who drop out at the last minute. Mr. Mickley stated that this year's judges have been much better at word of mouth recruitment for us. He referred members to a handout with current assignment numbers.

Judge training classes have generally been completed and judges really seemed to enjoy the training. We have received many positive comments. We will hold our open house for judges on June 4-6 and June 9, 2018. A make-up class for late hires and those who missed training will be scheduled during this time.

BOARD COUNSEL REPORT

Mike Molinaro, Esq., provided a handout to Board members and reviewed Election Law Article §6-202: *Advance Determination Statute on Petitions*, which was revised in 2015 and sponsored by Senator Allan H. Kittleman. He provided the Board with an overview of the rules, deadlines and process should a Charter Petition be submitted to the Board of Elections by the August 20, 2018 filing date. Section 2 of Election Law Article §6-210 states that the Board of Elections must make an advance determination on a petition within five (5) days of receipt of the petition. Also important is that if the BOE's determination is challenged in court, Election Law Article §6-210 says the Board has ten (10) days to review and respond and the clock begins when the issue is filed in Circuit Court.

Ann Balcerzak asked who has standing to challenge a BOE's determination? Mr. Molinaro stated that members of any sponsoring group, or any group, could try to file a challenge. He then said that for the Board of Elections to meet the ten-day deadline, we need to file only a one sentence response. The court then would rule. During this process, a group could be challenged as well. If a group opposes a petition and files in court, they can then be challenged in court. He also informed the Board that if, for example, a determination was made on the 19th, the ten-day deadline starts from that date and is not ten business days but ten calendar days.

Guy Mickley stated that the deadline for filing a petition falls before judge training starts, which is a better time to process any petition signatures. Mike Molinaro said he does not know if a sponsoring group will file a petition this year, but if they do and it is rejected, the process would go through the Circuit Court, then the Appellate Court. If that happens, the issue would probably be pushed to the 2020 Election.

Donna Thewes thanked Mr. Molinaro for the very helpful overview of this issue.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

ADJOURNMENT

There being no further business, Donna Thewes asked for a motion to adjourn the Regular Open Board Meeting. Ray Rankin offered the motion, which was seconded by Patrick Mullinix.

Action: Board members unanimously voted to adjourn the meeting at 4:46 pm.

The next Regular Open Board Meeting of the Howard County Board of Elections is scheduled for Monday, August 27, 2018 at 4:00 pm.

Respectfully Submitted,

Phyllis A. West, Board Secretary

Donna K. Thewes, Board President