

**HOWARD COUNTY BOARD OF ELECTIONS**

**MEETING MINUTES**

9770 Patuxent Woods Drive, Suite 200  
Columbia, MD 21046

**Monday, April 15, 2019 – 4:00 pm**

**Regular Open Board Meeting**

**ATTENDEES:**

**Board Members:**

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

<b>Staff:</b> Guy 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 4:03 pm with an established quorum present. The Pledge of Allegiance was then given.

**APPROVAL OF BOARD MEETING MINUTES**

A draft copy of the minutes from the March 25, 2019 meeting was 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 approve the March minutes as presented. Diane Butler motioned to approve the minutes and Ray Rankin seconded the motion.

**Action:** The March 25, 2019 minutes were unanimously approved as presented.

**ADDITIONS OR CHANGES TO THE AGENDA**

Board members made no additions or changes to the agenda.

## **PRESIDENT'S REPORT**

Donna Thewes reported that Stuart Harvey sent out a response by ES&S for questions some of the U.S. Senators had related to security. You have a hard copy, but if anyone wants it electronically, Phyllis West will send it to you. She then stated we will not have a May Board meeting due to the MAEO Conference, and the June meeting has been changed to June 10, 2019. Donna Thewes stated that the current Republican members of the Howard County Board of Elections have been reappointed for a four-year term starting June 3, 2019. Ray Rankin indicated that the Democratic Central Committee was working on the Democratic appointments and should be done shortly, but they may be recess appointments. Mike Molinaro stated that the Howard County Clerk of the Court should swear in the new Board. After discussion, Donna Thewes stated that the Board would be sworn in at the June meeting.

## **CORRESPONDENCE**

Director Guy Mickley informed the Board of a letter he received today dated April 12, 2019 from Judicial Watch. The letter requested specific information on voters in certain categories, copies of various documents and contracts related to ensuring the accuracy and currency of the official list of eligible voters, and more. He has sent a copy to the State Board of Elections and indicated that although there are a few things that we do, but keeping the numbers are still a state level function. Ann Balcerzak asked if other counties had received this, and Mr. Mickley said he assumed that they had. Donna Thewes said probably every county in the country is receiving this letter. She discussed other lawsuits within and outside the state related to election Boards not following NVRA rules such as not purging their records. Board members asked a few questions. Mr. Mickley will keep the Board informed of developments.

## **DIRECTOR'S REPORT**

### **1. Continuing Items**

- a. *General Office Update:* Guy Mickley reported on what has been accomplished and will be worked on in the near term. They are as follows:
  - Committee Reports* -- Voter Outreach Committee has finished their first iteration of the "Voter Outreach Board" that will be taken to all events with them in field. They had one event since the last board meeting which was a Veteran Affairs Networking Event here in Howard County. They have many events over the next several months. The Board will receive a calendar of the events when completed. Dawn Sinclair presented the new Voter Outreach Board and Mr. Mickley stated we were trying to have something more eye-catching and which provides information and facts. Staff may make another one in the future. Board members liked it and made a few suggestions. The Director stated there would also be small index cards with election information to hand out.
  - The Polling Place and Early Voting Center Committee has worked on some specific tasks. One was to consider what polling places we could consolidate, but due to the 2020 census and redistricting, he has put this activity on hold. The Director asked them to find a better way to store and hold ballots during Early Voting (EV). With more and more people using the EV Centers, we have decided to purchase large lockable carts to

transport and store the ballots in the EV Centers. The cost will be just over \$3,000 for the six carts we need. This will help organize and make things more efficient for the judges.

We will have this committee, along with the help of most of the office staff, embark on our biennial street look up to ensure all streets listed in MDVOTERS are placed in the correct precinct and more.

The Social Media and Website Committee continues to make sure that we stay on top of information being disseminated to the voters on the internet. He feels our website has improved over the last month and stated that a staff member reviews the site every week to update him. Donna Thewes agreed that the website has improved.

*Budget* -- The Director reported that the budget meeting with the County Council will be on Monday, May 6, 2019 at 9:30 am. Mr. Mickley stated he was told by the State to add \$118,000 to the budget for Same Day Registration (SDR), as these numbers were not available when the initial budget was prepared. He is adding this by earmarking funds that will be saved from this year's budget. He still does not know how the State plans to do SDR and discussed some of the issues involved. Board asked Mr. Mickley a few questions concerning technical and security issues. He said with universal registration starting July 1 and with eight days of Early Voting, the SDR numbers may not be that large in 2020. There may be more charges coming, depending on what the equipment the State decides to use to make this work for 2020.

*Redistricting* -- Guy Mickley reported he had two meetings with the State Department of Planning and our GIS Division in Howard County, and the redistricting process is already gearing up to start with the Census next year. The lines for all political subdivisions in Howard County have been verified to be correct at this time.

*Warehouse* -- The Director stated that the warehouse is working on battery testing for the pollbooks since we will continue to use them for the 2020 election. The battery test consists of charging pollbooks up to 100% and then using a tool to autogenerate check-ins on the pollbooks and record the findings every 10 minutes. So far, our pollbook batteries seem to be holding for around four (4) hours which is good considering their age. It is rare that a pollbook is running on just the battery, but this test is encouraging for our back-up plans for Early Voting and Election Day. So far, there have been only two batteries that needed replacing. Because these pollbooks will not be used past 2020, we will swap batteries with training units instead of buying more batteries. The warehouse staff has been doing a great job through this process.

2. **Registration** -- This continues to be typical for after a Gubernatorial General election. Ray Rankin pointed out that the number of Democrats in Howard County now almost equals Republicans and Other Parties. Mr. Mickley thinks this will continue to be the trend. He stated that there has been a small uptick in voter correspondence in the new year which will probably be the continuing trend through the primary election.

3. **Candidate Filing for 2020** -- The Director still has nothing to report as far as candidates for the 2020 election cycle and no one has filed here to date. We assume this will change slowly over the next few months. Ray Rankin asked if it was just the School Board who files in the LBE offices. Guy Mickley said yes, but through the use of MDVOTERS we can quickly see all filings for other offices in the County that were done at the State.
4. **Legislation** -- Director Mickley stated both he and Ray Rankin had sent out information on pending legislation. In his written report, he provided a brief rundown of legislation that passed (see below). He indicated that the one that impacted the Board most directly was the passing of SB 651, which made all members regular members of the Board instead having substitute members. He then congratulated the two current substitute members. He mentioned that HB 172 passed late in the session, which changes the registration deadline from 9:00 pm to 5:00 pm. President Thewes said she was pleased it had passed since very few people came into the office that late and staff had to be available. Ray Rankin mentioned that another bill passed late, and Guy Mickley said it was SB 743. Mr. Mickley then said we pleased that SB 1004 passed because it gives LBE's roughly nine more days to get the ballots ready. Donna Thewes asked what the changes were for HB 176, and Mr. Mickley said he didn't have them since this is done by the State. Ray Rankin subsequently looked this up and said it primarily has to do with candidates nominated by new political parties. Regarding HB 237, Donna Thewes asked to verify that expanding Early Voting (EV) sites from four to five is not required, and the Director confirmed that. He said we would keep four sites at this time. He believes the next election will be very busy and staffing will work best at the four existing sites. If we wanted to expand to five sites in the future, the County would have to agree to pay for the new site. Board members discussed continuing to educate voters on the fourth "new" site at the Howard County Fairgrounds. Donna Thewes mentioned people often have a tradition of going to a particular voting site. Board members discussed the fairgrounds and Patrick Mullinix reported that the electronic sign should be up by election time.

#### Summary of Election Related Legislation that Passed This Session

HB 71/SB 184 – Video streaming of State Board of Elections meetings

HB 172 – Voter Registration Deadlines – in-person voter registration deadline is now 5 p.m.

HB 174 – Absentee Ballot Requests – Last Four Digits of Social Security Number

HB 176 – Candidates – Revisions – various changes for candidates and new political parties

HB 177 – Judicial Proceedings Involving Local Boards of Elections – Notice – does away with a local board providing notice to SBE by certified mail

HB 237 – Early Voting Centers – Establishment – allows each local board to have one more early voting center above the minimum set by law, if SBE and the county both agree

HB 286/SB 449 – Registration and Voting at Precinct Polling Places – Same day registration

HB 1025/SB 123 – Coordinated Expenditures and Donations – Investigation – subpoena power to investigate to the State Administrator

SB 230 – Canvassing of Absentee Ballots – Reporting Unofficial Results – reporting results daily if there is a multi-day canvass

SB 364 – Election Day Page Program – Establishment – optional election day page program, beginning with 14-year olds – guidance by SBE

SB 651 – Local Boards of Elections – Membership – Makes all local boards 5 member boards, beginning June 1, 2019 (only Montgomery and Prince George’s still have substitute members)

SB 743 – Election Service Providers – Contract Clauses and Termination of Contract – Providing that election service providers are not controlled by foreign nationals, and allowing SBE to terminate any such contracts

SB 1004 – Election Calendar and Processes – Revisions – Significant changes to the election calendar, including candidate filing deadlines (SBE will use to revise the 2020 election calendar)- generally, we will have more time to get ballots ready.

Mr. Mickley then told the Board that he would attend the Election Information Systems Security Specialists (EISSAC) Conference April 29<sup>th</sup> through May 1<sup>st</sup>. He will then be at the State Board on May 2<sup>nd</sup> to help conduct interviews for one of their positions.

The Director reported that he had spoken several times to Bob Francis, the person responsible for signs in Howard County. Mr. Francis will not visit with the Board but reported through Guy Mickley that he does not deal with political signs. He had previously told Donna Thewes that a new sign policy was being prepared. President Thewes said every year there are sign problems and citizen concerns regarding this, as not everyone complies with the County’s sign policy including not cleaning signs up after the election. Patrick Mullinix stated that it is causing an issue at the fairgrounds since they do many other events, and it could risk our keeping that site as an Early Voting Center. Diane Butler thinks emphasizing the rules to candidates when we hold a forum for them will help. Donna Thewes mentioned that regarding signage during a presidential election, it is easier to work with local candidates than with those running for president since they are not usually in-state. Mr. Mickley told the Board he would probably be holding two candidate forums, one during the day and one in the evening. He will highlight the sign policy along with other key issues.

#### **BOARD COUNSEL REPORT**

Michael Molinaro, Esq., reported that Jeff Darsie, former Maryland Assistant Attorney General and who formerly represented the State Board of Elections, passed away recently. He indicated that Mr. Darsie also used to work with the LBE’s and was always very helpful. Board members expressed their condolences and agreed that a sympathy card should be sent to his family.

He then reminded the Board that he will be one of three panelists at the MAEO Conference at a Board breakout session discussing Maryland’s Open Meetings Act. He said another panelist will be Ann MacNeille, Assistant Attorney General who advises the Open Meetings Compliance Board, so she is the expert. She is also Local Board Counsel to the City’s LBE. A third panelist will also take part in this session.

**OLD BUSINESS**

Guy Mickley noted that Phyllis West had provided Board members with the most recent copy of the MAEO Conference agenda and that it may still be modified. He asked Board members to confirm their arrival information and how long they would be staying. He also indicated he would pick up their registration materials for the Conference and asked members to see him Tuesday evening or early Wednesday morning to get their breakfast tickets and materials. He then stated that the State Board's Biennial Meeting, which will be held in October in Annapolis, may be a two-day meeting with one full day devoted to table top exercises. Ann Balcerzak asked if the table top exercises were for staff only. Mr. Mickley indicated that SBE plans to include Board members in this activity, and he and our staff members will be responsible for running the table top exercises there as well.

**NEW BUSINESS**

Donna Thewes indicated that the Board's bylaws must be reviewed and updated due to the new Board being appointed and to include the changes in new laws passed this legislative session (e.g.: five regular members now rather than three regular members and two substitutes). She asked Board Secretary Phyllis West to do an initial edit and provide a draft to members prior to the next Board meeting so they could start their review and input. We also want to make sure we have the timetable to do the reviews for the Director and Board Secretary and anything else necessary.

**ADJOURNMENT**

There being no further business, Donna Thewes asked for a motion to adjourn the Regular Open Board Meeting. Patrick Mullinix made a motion to adjourn the meeting and Ray Rankin seconded the motion.

**Action:** Board members unanimously voted to adjourn the meeting at 5:03 pm.

The next Open Board Meeting of the Howard County Board of Elections is scheduled for Monday, June 10, 2019 at 4:00 pm.

Respectfully Submitted,

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Phyllis A. West, Board Secretary

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Donna K. Thewes, Board President