

HOWARD COUNTY BOARD OF ELECTIONS

MEETING MINUTES

9770 Patuxent Woods Drive, Suite 200
Columbia, MD 21046

Monday, September 23, 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 (arrived late)
Diane L. Butler	Republican Member
Patrick R. Mullinix	Republican Member (arrived late)
Raymond M. Rankin	Democratic Member
Michael S. Molinaro	Board Counsel

Staff: Guy Mickley	Director
Phyllis A. West	Board Secretary

Absent: Charlotte B. Davis	Deputy Director (Excused)
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Visitors: Jay Gerarden

CALL TO ORDER AND DECLARATION OF QUORUM

Board President Donna Thewes called the meeting to order at 4:06 pm with an established quorum present. The Pledge of Allegiance was then given.

WELCOME GUESTS

Donna Thewes welcomed guest Jay Gerarden asked if he wished to make any remarks. He thanked the Board and asked if, with the Identification information now required by the MVA for Maryland residents (Real ID), is this information being reported to the Board of Elections? If so, he asked if this could be added to the voter registration statistics to help the public have further confidence in how many of the County's voters have met these requirements. Director Guy Mickley stated that we do not keep any statistics on Real ID since it is not a requirement for voting, and there are no plans to add this information at the current time. President Thewes said it was an MVA function separate from the Board of Elections. She thanked Mr. Gerarden for his comments.

APPROVAL OF BOARD MEETING MINUTES

A draft copy of the minutes from the August 26, 2019 meeting was provided to Board members by electronic mail prior to the meeting with one edit from the Board Counsel, and a paper copy was distributed at the meeting. President Thewes asked for a motion to approve the August minutes as presented. Ray Rankin motioned to approve the minutes as presented and Diane Butler seconded the motion.

Action: The August 26, 2019 minutes were unanimously approved as presented by those present.

ADDITIONS OR CHANGES TO THE AGENDA

Board members made no additions or changes to the agenda.

CORRESPONDENCE

President Donna Thewes indicated members had received a copy of a voter letter recently sent to her in which the voter questioned her voting record. Staff researched the information and found she had voted in both 2016 and 2018 elections. Donna Thewes will draft a response and send it to the Board Secretary for finalizing.

PRESIDENT'S REPORT

President Thewes thanked Board members for their input concerning the 2020 Swearing In dates for the Canvass Boards. She said that Phyllis West had already been checking on the dates with the Clerk of the Circuit Court and stated they will be at the Board meetings on March 23, 2020 for the Primary Election and September 28, 2020 for the General Election. Ms. Thewes then asked Board members to note on the schedule that due to the Veteran's Day Holiday, the State Board of Elections (SBE) has moved the Provisional/Absentee 2 (Part 1) Canvass from Wednesday, November 11, to Thursday, November 12, 2020. The Final Absentee 2 Canvass will be as normally scheduled on Friday, November 13, 2020.

President Thewes then read a letter given to her by Board Member Patrick Mullinix on behalf of former Board member Chuck Coles. Mr. Coles is in poor health and needs a kidney donation. His letter asked if anyone could consider helping him, either through a donation or by passing the word to others. Board Counsel Mike Molinaro asked Board members to let people know that donating a kidney is not difficult. He discussed a personal experience he had with this and told the Board he has donated a kidney and has had no problems since he made the donation. President Thewes asked members to spread the word if they could.

Board Secretary Phyllis West then asked the Board to review the 2020 Draft Board Meeting Schedule so that Board members could make some decisions on changes to dates noted on the draft. The Board decided to:

1. **Cancel the April 27, 2020 meeting** since there will be a Board meeting on Election Day, April 28th,
2. **Change the May 25, 2020 meeting date to May 18th** due to the Memorial Day,
3. **Cancel the October 26, 2020 meeting** due to the start of Early Voting, unless something comes up that needs Board attention,

4. **Change the November 23, 2020 meeting to November 30th** due to the Thanksgiving Holiday,
5. **Change the December 28, 2020 date** due to the holidays. The new date will be determined later.

Donna Thewes then turned the meeting over to Director Guy Mickley and Board Member Ann Balcerzak joined the meeting.

DIRECTOR'S REPORT

1. Continuing Items

a. *General Office Update:* Guy Mickley reported on issues and projects that the staff has been working on as we gear up for the 2020 election cycle. They include:

aa. Voter Outreach – Staff members have done several events in the past month including visiting Howard Community College (HCC) a few times and will be back at HCC later this week. They also went to the Ellicott City 50+ Center, the Columbia Mall and several libraries (Glenwood, East Columbia, Elkridge). Last week the Director made a one-hour presentation to the League of Women Voters (LWV) at Vantage House Retirement Community. The approximately 60 attendees asked questions on various issues including Election Security and Redistricting. The Director told the LWV that the Board looks forward to working with them again for site surveys for the 2020 Elections.

bb. Same Day Registration (SDR) -- SBE has selected Howard County as one of the counties to be connected for SDR at polling places for the Primary Election. Director Mickley stated that SBE wants us to be part of this first connectivity event and he has discussed it with the staff. Diane Butler asked what the costs would be, and the Director indicated roughly \$1,000 per polling place (Howard County has 90 polling places). He indicated that final costs are unknown since all of the peripheral equipment needs (UPS units, cords, etc.) have not yet been determined. Costs will probably be up to 50% more than the \$90,000 current estimate. These expenses will be paid out of encumbered funds saved from last year's budget for SDR. Ann Balcerzak asked which counties would be participating, and Mr. Mickley stated they are currently Maryland's six largest counties – Anne Arundel, Baltimore City, Baltimore County, Montgomery, Prince Georges and Howard. All will be in the "trailblazer" phase of this process. The Director then reported on a few other items connected to SDR: A final decision has not been made on which vendor we will be using for 4G Networking; there will be a second round of testing to ensure we have bandwidth and reception at every location; Dunloggin Middle School has no reception no matter which vendor we use; and if the vendor will put an antenna at that location, it will help our cell phones get service there as well.

cc. ADA Reviews – Mr. Mickley reported that there are only three schools remaining to review where staff could not gain entry due to construction. These final ADA Reviews and all 2020 polling place schematics will be completed by the next Board meeting,

dd. Review of Street Files – The Director reported that checking the Howard County street database by staff is well underway and will be completed before December. They have found no errors thus far that affected voters.

ee. Two New Initiatives & Committees – The Director reported that he has formed two new staff committees to develop addendums to our Disaster Recovery Plan. One committee will develop a COOP Plan, or Continuity of Operations Plan, which works in conjunction with a Disaster Recovery Plan. The second Committee will develop a Cyber Incident Management Plan. We will be the first LBE in Maryland to have these in place. Both committee plans are due to the Director by the end of December.

ff. Staff Training – Several staff members attended SBE training in Carroll County focusing on MDVoters for Absentee, Voter Registration and Judge issues. In the next few months, those individuals will train the remaining staff members in these areas to ensure all are up to date.

2. ***Voter Registration*** – Guy Mickley stated that since July, he has been assessing whether automatic registration has added more workload to the office. It is clear now that it has, and primarily what we are seeing are many duplicates. Board members discussed the issues including their experience that different MVA staff members handle voter registration in different ways.
3. ***Candidate Filing for 2020*** – The Director stated that no additional Candidates have filed to run for office in 2020 since the last Board meeting. Board members said one candidate has announced she is running but has not yet filed. Board Secretary Phyllis West said members received a Candidate Report in last month's handouts, which is still current.
4. ***Princeton Tabletop Exercise*** – Director Mickley reported that he, Sally Chen, James Holton and Jon Holton participated in a Tabletop Training Exercise (TTX) at Princeton University for New Jersey State Election Officials on September 9-10, 2019. All four served as Facilitators for actual New Jersey counties and were asked to guide each County in the Tabletop Exercise. All four had a positive experience and saw a different tabletop format from what Director Mickley had taken part in at the Harvard Training Session last year, which is what we used in Maryland. The group met many interesting people in the U.S. election community and brought back valuable information from other states. The Director met officials from several jurisdictions including New York, Wisconsin and New Hampshire. Our staff also imparted useful new information to New Jersey Election Officials and others. Several participants and facilitators expressed an interest in coming to view our Tabletop Exercise at the Maryland State Biennial Conference in October.
5. ***Maryland State Board of Elections Biennial Conference*** – Guy Mickley stated that Board members have received information on the October 17th Biennial Conference in their handouts. It is mandatory for all Board Members and Board Counsel to attend, and he asked members to please arrive on time to the Conference so they have time to register.

Ray Rankin mentioned to Board members that traffic gets very heavy going to Annapolis early in the morning, so they should allow extra time to get to the Conference.

6. ***New Pollbooks*** – The Director reported that the office has received 10 additional pollbooks and he is hoping to receive 10 more to have as spares. Ann Balcerzak asked how many total pollbooks now we have with the new ones, and he reported this gives the office 380, and 10 more spares would give us 390. We send out 343 to the polling places. He did not have many spares during the last Election. He mentioned he has added an additional pollbook for each Early Voting Center as well as each large polling place.
7. ***New Scanners*** – Guy Mickley stated we will be receiving 17 additional scanners for the 2020 election. He has added them to Early Voting Centers and several polling places including Hammond High School. We will use 13 of them and keep 4 as spares.
8. ***Software Upgrade and Acceptance Testing*** – The Director stated that all of this equipment must be acceptance tested at the State level. The State has asked him to send Howard County staff to help with this testing, which we will do after the secondary pollbook tests are completed statewide the week of October 7th. The acceptance testing will take place the week of October 14, 2019. Ann Balcerzak asked who on the staff would be going to the State to help with the testing. Guy Mickley named a number of staff members, including office and warehouse staff, who have done testing before. Who goes each day will depend on the workload in the office and warehouse. He will probably send four each day to help SBE. Mike Molinaro asked if there are any additional software updates expected between October and April. The Director said the pollbook software is definitely going to happen, with testing next week and the upgrade the week after.

BOARD COUNSEL REPORT

Michael Molinaro, Esq., stated that he had a few things to share with the Board. He distributed a section showing some of the new COMAR regulations being announced. In light of the new provision for SDR going into election law, the State Board must publish these for public review, and the public has 60 days to provide their comments. For example, the section on provisional voting was updated to accommodate SDR, and during Early Voting, polling sites may combine the provisional voting station with Same Day Registration, which Guy Mickley has been aware of for some time and has done. The procedure is the same -- staff will again do the pre-cavass reviews to ensure all documentation is present. Mr. Mickley stated he had asked SBE some months ago about allowing Absentee Ballots (AB's) to be dropped off at Early Voting and at the polling places on Election Day. This will be done. AB's will be put in a separate bag (locked and sealed like a provisional bag). There will be a sign in sheet for those dropping off AB's, with information such as how many ballots were dropped off, the voter's name, etc.

Mr. Molinaro then mentioned two news articles he saw last week in the Washington Post – one where Senator McConnell is backing legislation to provide more funding for Election Security. The Second was about college voter turnout almost doubling in 2018, from 20% to 40%.

OLD BUSINESS

Diane Butler did a review of her attendance at the MAEO Legislative Session led by Stuart Harvey of Frederick County. Two key issues discussed were SDR and concerns about fraud, as well as concerns about the costs, especially for smaller counties. She said they reviewed all of the bills that had passed, not just election bills, and the funding requirements for all of the bills, including the new education bills. This can impact funds available for other requirements like elections. Director Mickley said this has been discussed, and we may not be able to get some things funded.

President Thewes then discussed the Bylaws, and Board member Patrick Mullinix arrived. She thanked the Board and Board Secretary for making the last adjustments for the final version, which was sent to all Board member for review prior to the last meeting. All of the changes were made. She asked if there were any comments, questions, or if someone would make a motion to approve the revised Bylaws as presented. Diane Butler asked for clarification on the review process at the State level, and Guy Mickley explained that once the Board approves the bylaws, they are sent to the State Board for final acceptance and approval. He will keep the Board informed on process. Ray Rankin moved to accept the Bylaws as presented, and Diane Butler seconded the motion.

Action: Board members unanimously voted to approve the revised Bylaws.

Ann Balcerzak asked if the Duties of the Board, Election Director and Staff was part of the Bylaws, and Director Mickley stated it was more of an informational document.

NEW BUSINESS

There was no new business.

EXECUTIVE SESSION

President Donna Thewes stated that the Board would be going to Executive Session and thanked the guest for his attendance at the open meeting before he departed. She then asked for a motion to recess the Regular Board meeting so that Board could meet in Executive Session pursuant to the Maryland Open Meetings Act (Title 3, Maryland Code, General Provisions Art. § 3-305(b)(1)). Donna Thewes read the Statement for Closing a Meeting and citation of authority, stating that the Session was held "to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals". Diane Butler then offered the motion to recess, which was seconded by Ray Rankin.

Action: Board members unanimously voted to recess the Regular Open Board Meeting at 5:20 pm so that the Board could convene in Executive Session. Mike Molinaro, Guy Mickley and Phyllis West then left the room. Mr. Mickley and Ms. West were asked separately to come back into the Session at later times.

At the end of the Executive Session, President Donna Thewes reconvened the Regular Open Board Meeting at 6:31 pm. Pursuant to MD Code General Provisions Art. § 3-305 (b) she reported that all five Board Members were present at the Executive Session and that performance reviews for Election Director Guy Mickley and Board Secretary Phyllis West had been conducted during this session. Ms. West had also prepared a new job description at Ms. Thewes request to better reflect the responsibilities of the Board Secretary position, which the Board accepted by a unanimous vote.

ADJOURNMENT

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

Action: Board members present unanimously voted to adjourn the meeting at 6:32 pm.

The October Meeting of the Howard County Board of Elections has been cancelled. The next Open Board Meeting of the Howard County Board of Elections will be held on Monday, November 18, 2019 at 4:00 pm. This is date has been moved forward one week due to the Thanksgiving holiday.

Respectfully Submitted,

Phyllis A. West, Board Secretary

Donna K. Thewes, Board President