

**HOWARD COUNTY BOARD OF ELECTIONS**

**MEETING MINUTES**

9770 Patuxent Woods Drive, Suite 200  
Columbia, MD 21046

**Monday, January 27, 2020 – 4:00 pm**

**Regular Open Board Meeting**

**ATTENDEES:**

**Board Members:**

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

<b>Staff:</b> Guy Mickley	Director
Charlotte B. Davis	Deputy Director
Phyllis A. West	Board Secretary

**Absent:** None

**Guests:** Timothy J. Mummert, Esq. (arrived later)

**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 FOR SPECIAL PRIMARY ELECTION FOR CONGRESSIONAL 7**

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 2020 Special Primary Election for Congressional 7. Members then signed the Oath of Office of the Board of Canvassers, after which Mr. Robey departed.

**WELCOME GUESTS**

There were no guests to welcome at this time.

### **APPROVAL OF BOARD MEETING MINUTES**

A draft paper copy of the minutes from the November 18, 2019 meeting was provided to Board members at the meeting. A copy of the December 11, 2019 minutes was provided to Board members by electronic mail prior to the meeting and a paper copy was distributed at the meeting. After review by Board members, President Thewes asked for a motion to approve the November 18, 2019 minutes as presented. Ray Rankin motioned to approve the minutes as presented and Diane Butler seconded the motion.

**Action:** The November 18, 2019 minutes were unanimously approved as presented.

President Thewes then asked for a motion to approve the December 11, 2019 minutes as presented. Ray Rankin motioned to approve the minutes as presented and Diane Butler seconded the motion.

**Action:** The December 11, 2019 minutes were unanimously approved as presented.

### **ADDITIONS OR CHANGES TO THE AGENDA**

Board members made no additions or changes to the agenda.

### **CORRESPONDENCE**

Correspondence will be discussed later in the Executive Session.

### **PRESIDENT'S REPORT**

1. **Ethics Reports:** President Thewes reminded Board members to file their Ethics report if they had not already done so. All member indicated they have already filed their reports.
2. **New Board Member Update:** Donna Thewes updated the Board on the status of a new Board member. The Governor's Office has approved an appointment and the final approval by the Maryland Legislative Committee handling this is being done at a meeting taking place this evening. All offices expedited this so that the new member could be sworn in by Election Day and take part in the Canvasses after the Election. If approved this evening as expected, Timothy J. Mummert, Esq., will be sworn in on February 3, 2020 as a member of the Howard County Board of Elections and the Special Primary Canvass Board. President Thewes stated that he will be an asset to the Board and has served as a Chief Judge in Howard County for many years.
3. **Rescheduling September Board Meeting:** Donna Thewes stated the Board would need to reschedule the September 28, 2020 meeting since it falls on the Yom Kippur Holiday (which is one of several holidays Howard County government asks departments to avoid scheduling meetings). This was also the date the General Election Canvass Board was to be sworn in. President Thewes asked members to check their calendars for availability on Monday, September 21<sup>st</sup>, and all indicated they could attend a meeting on that date.

**Action:** President Thewes stated that the new date for the September meeting of the Howard County Board of Elections will be Monday, September 21 at 4:00 pm. She asked Board

Secretary Phyllis West to check with the Clerk of the Court for his availability to swear in the Canvass Board on that date. Ms. West stated she had already tentatively reserved that date with Mr. Robey and would confirm it with him. She will also provide Board members with a revised meeting schedule for 2020 and post the revised schedule on the website and in the lobby.

## **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 upcoming elections. They are broken down as follows:

aa. *Special Election-* The Director reported that we will have a Special Election for the vacancy in Congressional 7. The Special Primary Election will be held on February 4, 2020. He also reported the following:

1. Training for Special Primary Election judges will be finished this week. Staff has already trained approximately 95% of the judges and the polls will be staffed sufficiently for Election Day.
2. We do not expect a large turnout, as historically, a Special Election is not a well-attended election.
3. The Special Primary will NOT have early voting.
4. Logic and Accuracy (L&A) testing on both the voting machines and the pollbooks has been completed by the staff. The Public L&A was held on Friday, January 24, 2020, and no one from the public attended.
5. All supplies, signage and polling place peripherals have been packed.
6. All carts are packed, audited and started being delivered to polling places today.
7. The Nursing Home Absentee Program is underway and will be completed this week.
8. Rovers and Closers will all be staff members, since there are fewer precincts open than during a regular election. The Director stated he would like to use Board members who are interested in handling "special non-technical missions" if they are available. He stated that members have received a Board Member Polling Place assignment list from Donna Thewes.
9. All of Howard County's polling places will be connected to the State through a router, which will give us the ability to observe real time what is going on in the polling places. This is significant, as it allows us to see how many voters are checking in versus how many ballots were sent to the location. Also, if we have a pollbook problem, and if the connection to the State is working properly, we will be able to identify it immediately. This will allow staff to perform administrative functions more efficiently on Election Day in the polling places throughout the County. SBE was able to purchase these routers through a federal grant, so our only cost will be a small maintenance fee. He reported that Baltimore City and Baltimore County are also going to be using this for the Special Election. Mike Molinaro asked if they were safe from

hacking, and the Director said this system has not been hacked, but he can't go into the security being used.

Donna Thewes asked about the cards being sent to voters, which have names of individuals who have never lived at their address. The Director stated that it is now required by law that the State send cards to voters who are not registered but eligible to register. Ann Balcerzak asked if it was only sent to those in Howard County Congressional 7, and Mr. Mickley said some other counties got cards as well. He understands that there was a human error made which matched the wrong names with the wrong addresses in many cases. A corrected mailing is going out to all unregistered voters this week from SBE. Board members discussed the issue and their concerns with this error. Some felt it reflected badly on the integrity of the election process. The Director said that staff members have had some voters calls and are using talking points to answer voter questions.

10. There are currently 737 voters who have received Absentee Ballots for this Special Primary Election. Returned ballots received are about 100 to date. This also indicates to us that there will be a low voter turnout for this election.
11. Canvasses for the Special Primary Election are scheduled for February 4<sup>th</sup> (Absentee 1), February 12<sup>th</sup> (Provisional) and February 14<sup>th</sup> (Absentee 2 and Happy Valentine's Day!) These canvasses should be shorter than typical election canvasses.

*bb. Same Day Registration (SDR)* – Guy Mickley stated that this is proceeding as scheduled. We have had five pollbook, database and equipment tests, and the new equipment we will be using for SDR has been tested in a polling place environment and then load tested at the State level. The judges have been specifically trained in this process, and he is confident that SDR in the polling places on Election Day will be successful in Howard County. Board members asked a few questions about training, and the Director indicated both the check-in judges and chief judges were trained for this process. Chief judges will assist the check-in judges.

*cc. Review of Street Files* – The Director reported that the street database check is about 80% complete. Staff focused on all of the streets in Congressional 7 and made sure that they were complete for the Special Primary Election. We have a very clean database.

*dd. Candidate Filing* -- Director Mickley stated that filing for the Primary Election ended on Friday, January 24, 2020. A list of filed candidates is available for your review here, or you can see it on the State's website.

2. **Voter Registration** – The Director stated that registration closed for Congressional 7 on January 14, 2020. We have continued to process registrations and changes for the whole County after the pollbook information was sent to us, as any changes made now will not affect the pollbook. He reported that there will be a bulk updated to the pollbooks because

of Absentee requests from January 14<sup>th</sup> until Thursday, January 30<sup>th</sup>. Board members are welcome to come to the warehouse for this, but we don't need any help during this election. He also stated that the office will not be mailing VNCs until after the Special Primary Election and referred members to the Registration Statistics Report handout in their materials for current registration numbers.

Donna Thewes then took a moment to introduce guest Timothy J. Mummert, Esq., who had just arrived. She then turned the meeting back over to Director Guy Mickley to continue his Director's Report.

3. **Staffing** – The Director stated that he recently held interviews for Election Information Systems Specialist positions in the office. He has selected two candidates to fill the positions but can't announce them until the individuals have accepted the positions officially. Charlotte Davis is also going to interview candidates for temporary office positions in the near future to help us get through this very long 2020 election cycle.
4. **Visitors on Election Day** – Mr. Mickley reported that we will have some visitors from other election offices on Election Day, February 4<sup>th</sup>, to observe how we operate our elections in Howard County. They particularly want to see how we handle the new SDR process and connectivity to the State of Maryland network at the polling places. Some counties are sending staff members to help in the office, act as Rovers, or do whatever they can to assist. He wants to offer a special thanks to our Maryland election family from other jurisdictions who are willing to help us during the Special Primary Election.

Director Mickley said that he and Bill West will manage the tracking system for polling place information on Election Day in our office. Board members asked some questions about connectivity, and he indicated there are two sites for this election that have no reception for connectivity to the state. Voters will vote provisionally if they are out of their precinct. Member also discussed the Bain Center construction, and Guy Mickley indicated that he has been working with Lonnie Robbins, and the County will have no construction at the Bain Center during the eight days of Early Voting for the Presidential Primary. He is also working on a possible change of buildings at the fairgrounds for Early Voting during the Presidential General Election.

5. **Budget** – The Director reported that the FY2020 budget is tracking well, even with the Special Election. He stated that he has not heard anything concerning our FY2021 budget submission as of this date. Mr. Mickley said staff members are taking half overtime and half comp time, which is saving money for the office.
6. **Proposed Legislation** – Guy Mickley reported that he has been tracking bills in the Maryland General Assembly but has not seen anything "earth-shattering" as of yet. He will have the opportunity to review these bills prior to next month's Board meeting. Board members discussed several proposed bills they were aware of and their potential to move forward.

7. **Reminder** – The Director stated the office will go directly into training judges, post-election maintenance for the Congressional 7 equipment, and supplies for the rest of the polling places for the Presidential Primary Election after the Special Primary Election is complete. He asked Board members to thank staff members when they see them in the office. Staff has been and will continue to work diligently for very long hours for all of the voters in Howard County.

#### **BOARD COUNSEL REPORT**

Michael Molinaro, Esq., reported that as in past years, Nikki Charlson from the State Board of Elections (SBE) is holding phone calls with local board counsel prior to the Special Primary Election for Congressional 7 to discuss any issues and answer questions. He has also spoken individually to a few local board counsels. One mentioned that Howard County is at the forefront of elections and his county will use the Howard County process as a model for their staff's Same Day Registration (SDR) activities.

Mr. Molinaro then reported that Andrea Trento, Counsel for the State Board of Elections, reviewed the status of the lawsuit brought by the Federation for the Blind (NFB) on the phone call. There is currently a preliminary injunction and there was a hearing before a federal judge, but there has been no decision yet. Mr. Molinaro mentioned that there now must be at least 5 votes on each Ballot Marking Device (BMD) in the polling place. Also, the language used at check-in has changed. Director Mickley stated it provides voters with a choice to vote either by paper or on the BMD. Ann Balcerzak asked the Director if it would be helpful for Board members to vote on the BMD to ensure this number is met, and he said that it would.

Mike Molinaro then mentioned that the law has changed in Maryland and Absentee Ballots can now be dropped off at a polling place or Early Voting Center. Guy Mickley stated that there will now be a yellow sealed bag, like the orange provisional bags, for judges and staff to accept and transport Absentee Ballots back to the office after the polls close.

#### **OLD BUSINESS**

There was no old business.

#### **NEW BUSINESS**

Director Mickley mentioned again the list distributed to Board members which assigned each to cover certain polling places. He said if members want to switch polling places due to geography or other reasons, they should coordinate with each other. He asked that members let him know who will be visiting each polling place if they do make a change. Director Mickley also stated that if there is an issue at a polling place, and a Board member can help if no Rover has arrived yet (such as Ray Rankin who has been a Rover in previous Elections), please help. The Director stated that Board members would not be Closers for this Special Election, since staff can handle it due to fewer polling places. The Board should be able to start their mandatory Board meeting earlier than in regular elections.

**EXECUTIVE SESSION**

President Donna Thewes requested a motion to recess the Regular Open Board Meeting so that the Board could convene in closed Executive Session under General Provisions Article 3-305B. A motion to recess the Regular Open Board Meeting was made by Ray Rankin, and Diane Butler seconded the motion.

**Action:** The Board voted to unanimously to recess the Regular Open Board Meeting at 5:28 pm.

At the conclusion of the Executive Session, President Donna Thewes reconvened the Regular Open Board Meeting at 6:26 pm. She reported that the Board had approved the minutes for the Executive Sessions held on September 23, 2019 and December 11, 2019. The Board had then discussed correspondence received by Director Guy Mickley from the League of Women Voters (LWV). It was decided that due to the busy preparation schedule for the upcoming Special Primary Election, the Director will respond to the LWV letter after the Special Primary Election.

**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 unanimously voted to adjourn the meeting at 6:27 pm.

The next Special Open Board Meeting of the Howard County Board of Elections will be held on Monday, February 4, 2020 at approximately 8:00 pm.

Respectfully Submitted,

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Phyllis A. West, Board Secretary

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Donna K. Thewes, Board President