

## HOWARD COUNTY BOARD OF ELECTIONS MEETING MINUTES

9770 Patuxent Woods Drive, Suite 200  
Columbia, MD 21046

**Monday, March 23, 2020 – 4:00 pm**

**Note:** *This meeting was held by Conference Call due to the current COVID-19 issues and the Governor’s directives concerning limiting in-person gatherings & meetings.*

### 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
Timothy J. Mummert	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:** None

#### CALL TO ORDER AND DECLARATION OF QUORUM

Board President Donna Thewes called the meeting to order at 4:04 pm with an established quorum present. Since members were in different locations without flags available, the President indicated the Pledge of Allegiance would not be given for this meeting.

#### WELCOME GUESTS

There were no guests.

#### APPROVAL OF BOARD MEETING MINUTES

A copy of the February 24, 2020 minutes was provided to Board members by electronic mail prior to the meeting. After review by Board members, President Thewes asked for a motion to approve the February 24, 2020 minutes as presented. Tim Mummert motioned to approve the minutes as presented and Ann Balcerzak seconded the motion.

**Action:** The February 24, 2020 minutes were unanimously approved as presented.

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

Board members made no additions or changes to the agenda.

### **CORRESPONDENCE**

There was no correspondence.

### **PRESIDENT'S REPORT**

President Thewes stated that since there were so many changes and updates happening related to the upcoming elections, she was turning the meeting over to Election Director Guy Mickley.

### **DIRECTOR'S REPORT**

Director Guy Mickley stated it had been a very trying 10 days. He has been working with SBE and others in this quickly changing environment to prepare to conduct the elections.

#### **1. *Continuing Items***

- a. *General Office Update:* Guy Mickley reported on what he and the staff have accomplished and will be working on as we gear up for the upcoming Congressional 7 Special Vote-By-Mail General Election and the Presidential Primary Election cycle. They are as follows:
  - aa. *Special Election* – The Director reported that the Special General Election for Congressional 7 will continue as a Vote-By-Mail Election on April 28, 2020. He also reported the following:
    1. Judges will not be used unless there is a decision by SBE and the Governor to have a voting center open on Election Day for in-person voting. If there is one, it will NOT be at the Election Office to ensure the staff have limited contact with the public and are able to conduct the election and canvass. Judge classes have been stopped, as we cannot have 10 or more people in a room due to current CDC guidelines for COVID-19.
    2. Voters will automatically be sent a ballot from the system and marked as an “absentee” voter. The staff will have to do the normal “receiving” of ballots as the ballots are returned to the office. The Director will be shifting resources over to the Absentee Department to assist with this critical function. He estimates that we could have as many as 75,000+ absentee ballots returned to be canvassed.
    3. The ballots will be mailed around April 1<sup>st</sup> to all voters in Congressional 7. The Office started an immediate social media and website campaign to tell voters they need to update their address or make sure that their address is current with the Board of Elections to alleviate ballots being returned.
    4. Director Mickley is currently writing procedures for handling ballots during this pandemic following CDC guidelines which will be sent to the State for approval.

Once approved, these guidelines will be used by all three jurisdictions for receiving, storing and canvassing ballots for this Special Election.

5. Storage of the ballots is going to be challenging. Director Mickley has the Special Projects Committee in the office figuring out where we can put the potentially more than 75,000 ballots between the office and the warehouse. He is asking the Attorney General's office for guidance on this and asked for Board Counsel Mike Molinaro's assistance if needed.
6. The canvassing of ballots will be very long. It will be even longer if we are still under CDC guidelines limiting us to no more than 10 people in a room. The Board will only have to be there for the canvass when we open, recess, close, or need a vote on a ballot, which we will hold until certain times. Also, he plans on holding the canvass in two locations --the office and the warehouse -- if we are still under the COVID-19 guidelines. Since the canvass will be probably be closed to the public physically, we are looking at options such as live streaming or closed-circuit TV to allow the public to attend safely. Director Mickley said we will finalize the details as we get closer to the canvass. He said that everything is a moving target at this time.  
Board Members then asked several general questions, which the Director answered. They were concerned about having a vote center open and keeping staff and voters safe. He indicated there were new laws such as Same Day Registration that have to be discussed and considered, and there are many decisions that will need to be made in the coming weeks.
7. The State Board of Elections (SBE) has already told LBEs that anyone sent a ballot on the 45-day UOCAVA deadline for the military and overseas voters will not receive an additional ballot for Congressional 7, as they have already received a ballot. For processing during the canvass, we will have to open their ballot, take the CD7 ballot out of the envelope, copy the oath, and put the original oath and Presidential Primary ballot back in the envelope, seal it, and put it back for the Presidential Primary canvass. The Director reported that we will have to separate these ballots in the CD7 canvass for obvious reasons.

*bb. Primary Election* – Guy Mickley stated that the Presidential Primary Election has been postponed from April 28, 2020 to June 2, 2020. He then reported the following:

1. The State Board of Elections has been tasked with writing a plan to present to the Governor by April 3 as to how this election will be conducted. The plan must be written in conjunction with the State Health Department. The Director has been asked to help write the plan, and the Tabletop Exercise Committee is assisting in this effort. They should have the draft plan to stakeholders early next week.
2. The judge department is currently assigning judges for the election, but we have lost a considerable number of judges. The office lost about 80 judges the week before the election was postponed. We did send flyers out to all grocery stores, community centers, senior centers and libraries in Howard County to garner more judges and visited most high schools in Howard County earlier this month until the Director discontinued the program, after which all schools closed. These methods have been

quite successful in the past in recruiting judges for the office, but in this current State of Emergency, only time will tell.

3. The Director had the judge department send a questionnaire to all the judges when we found out the new date of the Presidential Primary Election. Currently, we have about a 60% response. Approximately 15% of those responding say that they will NOT work the Primary Election. This would put us down almost 325 judges at this time. A polling place election would be difficult to conduct at that point. This will obviously have to be taken into consideration for the State plan.
  4. Polling places were all alerted about the change in date. Unfortunately, several of our polling sites are at retirement homes, senior centers, etc., which under the current restrictions, have already informed us that they may not be able to fulfill their contract. With the schools currently being closed, and probably more restrictions coming from the Governor, polling places could be very hard to come by for June given the current conditions in our region.
  5. Testing of the pollbook software and the network for Early Voting was done for the State and we found that the new iteration works very well. More testing will be done in the future but has been halted for now.
  6. We have the ballots for the election, but since the Congressional 7 General is now a separate election, all of our page 2's will not be used. This also means that if a voter's registered party is *Unaffiliated* or *Other* in Councilmanic 1, the voter will NOT receive a ballot for the Presidential Primary Election, as there will be no contest for the voter to vote. Director Mickley has updated the website Q and A on the Board of Education race to reflect this change.
  7. The equipment was released from the Special Election, and the staff immediately performed Post-Election Maintenance on all of the equipment.
  8. The warehouse staff continues packing supplies for the Presidential Primary Election in the precincts that were not associated with the Special Election. They are also checking all booths for signage and charging voting equipment.
  9. All L&A is on hold until the State determines the plan for the June 2, 2020 election. We also will have to do L&A for units for the Special General Election, but once again, we cannot move forward until we know exactly how we will be counting the ballots for the Special General Election. We will not have to count ballots by District/Precinct, which will be a huge savings
2. **Voter Registration** – The Director stated that registration numbers continue to slowly rise. The books have reopened following the Congressional 7 Special Primary Election and the first Voter Notifications Cards have been sent out post-election. The staff continues to do a good job of cleaning up the election and getting new registrations and changes in on a continuing basis for applications sent electronically or by mail. The current situation in Maryland will result in a slowdown of registrations, since the MVA and most other State and County agencies are closed to the public.
  3. **Staffing** – The Director reported that Charlotte Davis held interviews for additional staff members. We have hired three (3) contingent employees for this election cycle.

Unfortunately, because of the timeframe of current COVID-19 events, the office can only use one of them at this time.

4. **Budget** – Guy Mickley reported that the FY2020 budget will once again take a hit because the Vote-By-Mail was added to the Congressional 7 Special General Election. He had already asked the county to add \$440,000 to our budget for the Congressional 7 Special Primary Election, which is being done through Legislative Budgeting. For this election, the budget projection is not known at this time as we await numbers from the State on how much it will cost to mail and receive ballots. The canvass will also require a significant amount of overtime to complete it in a timely fashion. In addition, we may have to open a voting center. Director Mickley said he will work through this with the State and the County to ensure we have solid numbers and the funds we need to conduct the elections. He has been told that we should be able to use COVID-19 federal funding to help with election costs.
5. **Proposed and Passed Legislation** – Guy Mickley stated that the Maryland General Assembly had recessed early until sometime in May. SB362, the bill that would have changed the first Absentee Canvass from Thursday to Friday and put a moratorium on the election-day network did fail. However, a bill that makes the return envelope a postage paid one for any absentee or “Vote-By-Mail” election was passed in an emergency nature, meaning it is now in effect.
6. **Changes to Office Procedures and Staffing** – The office is currently under a telework environment, with everyone coming into the office one day a week to continue vital aspects of the process, but still doing our best to practice social distancing and make sure we have Continuity of Operations. It is extremely important that we have employees to work on the elections moving forward. The Director stated that he has been very aggressive in changing procedures and limiting the number of staff members in the office, and he has been out in front of this situation. He will continue to watch and alter schedules as deemed necessary. He stated he is holding conference call staff meetings every other day to keep staff informed, and other counties are asking for our guidance on procedural changes.

President Donna Thewes said the Board appreciated the update and the good work of the staff as well as the outstanding efforts of the Director. She said we are in uncharted territory for these elections and appreciates what the Director and the staff are doing to take the lead and help develop new processes and procedures to accommodate the quickly changing requirements. Director Mickley thanked her and said he is trying to approach these using a safety and common-sense approach.

The Board then discussed the need to change the Swearing-In date for the Canvass Board. Board Secretary Phyllis West asked Counsel Mike Molinaro if both the Special General Election and Presidential Primary Canvass Boards could be sworn in the same day. He said he would ask SBE on the conference call the next day. To maintain social distancing, the Board agreed to be

sworn in outside of the office. Phyllis West will work with the Clerk of the Circuit Court and Board members to select a new date and time.

### **BOARD COUNSEL REPORT**

Michael Molinaro, Esq., reported that the first conference call between the local board counsels and Nikki Charlson at SBE related to the Presidential Primary Election will take place tomorrow. They will discuss COVID-19 and related issues as well as other election related questions. The three local Board attorneys for counties involved in the Congressional 7 Special General Election will speak with Ms. Charlson at the end of the call. Mr. Molinaro said that two more calls are scheduled for May 12<sup>th</sup> and May 26, 2020. He ended his report by giving his compliments to Director Guy Mickley for the great job he is doing during this challenging time.

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

There was no new business

### **BOARD OF CANVASSERS MEETING**

President Donna Thewes asked for a motion to recess the Regular Open Board Meeting so that the Board of Canvassers could convene. Ann Balcerzak moved to recess the meeting and Tim Mummert seconded the motion.

**Action:** The Board voted unanimously to recess the meeting at 4:50 pm to meet as the Board of Canvassers.

The Regular Board meeting reconvened at 4:57 pm. Donna Thewes reported that the Board of Canvassers for the Congressional 7 Special Primary Election had approved the minutes of the First Post Certification Board of Canvassers Meeting held on February 24, 2020. Since no additional ballots had been received, the Board of Canvassers adjourned their meeting.

President Thewes asked if there were any other issues to discuss and Board members had none. Guy Mickley said he would keep the Board informed of developments.

### **ADJOURNMENT**

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

**Action:** Board members unanimously voted to adjourn the meeting at 4:58 pm.

The Regular Open Board Meeting scheduled for April 27, 2020 was previously cancelled. The Special Open Board Meeting of the Howard County Board of Elections will be held on Tuesday, April 28, 2020 at approximately 8:00 pm. **SPECIAL NOTE:** *The April 28<sup>th</sup> Board meeting was*

*subsequently cancelled due to the COVID-19 restrictions and the change to "Vote-By-Mail" for the Congressional 7 Special General Election.*

Respectfully Submitted,

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Phyllis A. West, Board Secretary

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Donna K. Thewes, Board President