

HOWARD COUNTY BOARD OF ELECTIONS MEETING MINUTES

9770 Patuxent Woods Drive, Suite 200
Columbia, MD 21046

Monday, January 24, 2022

Note: *This meeting was held virtually due to the current COVID-19 pandemic and safety concerns 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

Staff: Eric C. Brousaides, Esq.	Board Counsel
Guy C. Mickley	Election Director
Charlotte B. Davis	Deputy Director
Phyllis A. West	Board Secretary

Absent: None

Guests: Tiffany Ferrell	Staff
Michael David	Howard County Coalition for Immigrant Justice
Jay Gerarden	
Joel Hurewitz	
Ken Stevens	
Nick Steiner	ACLU of Maryland

CALL TO ORDER AND DECLARATION OF QUORUM

Board President Donna Thewes called the meeting to order at 4:01 pm with an established quorum present.

Since Board members were in different locations without flags available, the President indicated the Pledge of Allegiance would not be given for this meeting.

WELCOME GUESTS

Donna Thewes welcomed all guests to the meeting and said they would have the opportunity make comments and ask any questions at the end of the meeting.

APPROVAL OF BOARD MEETING MINUTES

Copies of the draft minutes for the November 23, 2021 Regular Open Board Meeting were provided to Board members by electronic mail for their review prior to the meeting. President Thewes asked for a motion to approve the minutes. Ray Rankin motioned to approve the minutes and Tim Mummert seconded the motion.

Action: The minutes for the November 23, 2021 Regular Open Board Meeting were approved as presented.

ADDITIONS OR CHANGES TO THE AGENDA

Board members made no additions or changes to the agenda.

CORRESPONDENCE

Director Guy Mickley indicated he had been contacted by Kyle Lorton who wanted to review **all** of the 2020 election ballots. Mr. Mickley contacted Jared DeMarinis at the State Board of Elections (SBE) and the Attorney General's office to discuss the request and fees for the service. The Board of Elections would have to charge approximately \$6,000 for staff to pull out all of the ballots, move them to a secure environment at the office, be available to handle the ballots for the requestor, etc. The Director provided this information and an invoice to Mr. Lorton and has not heard back from him.

PRESIDENT'S REPORT

1. **Ethics Reports** – Donna Thewes stated that the Ethics Reports for 2022 are now available and reminded Board members to file them for this year.
2. **Tax Forms** – Ms. Thewes reminded Guy Mickley to send Board members the necessary tax forms since Board members don't receive them directly.

DIRECTOR'S REPORT

General Office Update: Director Guy Mickley reported on recent accomplishments and what the office and warehouse staff will be working on as we gear up for the 2022 elections.

1. **Street Maintenance/Redistricting** – Director Mickley reported that the street maintenance project is complete. We are currently in the process of reviewing the Councilmanic Redistricting lines and determining where the splits are and how they will impact the precinct lines. We have also downloaded the bills/laws for both the Congressional Redistricting (which currently is in litigation) and the Legislative Redistricting (which has not been passed yet and it is believed will end up in litigation as well). From this information we have determined where the splits are in these bills, and how they will impact the County in conjunction with the Councilmanic lines. In several instances, there are cuts which will create extremely tiny precincts, which unfortunately seems to happen every redistricting process. We will be doing some "outside-the-box" thinking on this since there have been a number of changes since the last redistricting process, including Early Voting being instituted and the certain rise in voting by mail. We are considering having less precincts/polling places with larger overall numbers

contained within each one, knowing that a certain percentage of the voters will not be coming to their local polling place on Election Day. More information will be provided in the next month or two on this topic. Guy Mickley noted that we must have the redistricting done for the March board meeting, as the deadline is Tuesday, March 29, 2022 for the Board to pass any polling place changes. He stated that litigation may prevent us from having this done by that time. If that would happen, he said the Board would probably have to hold a special session as soon as litigation clears to pass the lines. The Director stated that this is a large project that will require many hours of staff work to complete with 100% accuracy.

He also said that since we foresee a large number of voters being affected by redistricting, we will set up an RFP through the county for a third-party vendor to handle the mass mailing of voter notification cards. His plan is to finish all redistricting, and then have the vendor send a card to all registered voters. This process will serve as a mass mailing from the office and will also be used to further clean the voter rolls for anyone that has moved without informing the office. He also noted this would be a hit to our budget.

2. **Warehouse** – Guy Mickley reported that the warehouse has been working on a multitude of projects that are impacted by associated functions.
 - a. The warehouse continues to serve as the mail house for Voter Notification Cards from the office.
 - b. SBE has given us the go-ahead to reinstall the software back onto the old pollbooks for use in the 2022 election cycle. We will be completing this task in the next few weeks. Information on the new pollbooks will be discussed later in this meeting.
 - c. Our carts being housed at the State Central Warehouse (while we were using vote centers and didn't need them) have been returned. Warehouse staff did a great job of redesigning the layout of the back of the warehouse to accommodate the carts and other associated items.
 - d. We will be receiving new printers and giving the old printers to the State sometime in March. The new printers for the pollbooks work similar to the old printers, with a few updated features that the judges will like.
 - e. We have performed several tests with the State Board on pollbooks and routers and to date, everything has worked as planned. More testing will be done as we move towards the Primary Election.
 - f. Most supplies that can be packed have been packaged up for the Primary Election. An overall umbrella statement for the work that the warehouse is doing (and a lot of the rest of the office) is that **everything** that they do will be impacted by redistricting as well as the number of polling places and precincts we will have in 2022. For that reason, staff will most likely be working overtime to “catch-up” from the impact of redistricting to ensure we do not fall behind with the assignment of equipment and repositioning of the equipment, carts and supplies to accommodate all of the changes.

3. Voter Registration/Office Work –

- a. Guy Mickley reported that the staff is keeping up with the daily work, verifying the day's work as well as reviewing older records to ensure they are consistently clean and correct. The staff has done an excellent job ensuring that the daily work is verified before the warehouse mails out voter notification cards. We are starting to see a small uptick in registrations, address changes and mail-in applications, but not enough to change the way we are currently processing. We will keep a close eye on the workload as we move closer to the election and deadlines.
- b. The staff is still primarily working remotely due to the uptick in COVID numbers that we experienced over the course of the last several weeks. We have been on top of this problematic issue and will continue to respond accordingly throughout the next few months to ensure that we have a staff to run our elections. Once again, we will probably think a little "outside-the-box" with how we institute our staff in the office, whether it be half in, half out on certain days, or whatever we need to do to continue to keep the staff safe in our office. Management and the supervisors will be making some critical decisions over the course of the next few weeks to ensure that the work gets done efficiently, and just as importantly, safely.

- 4. Election Judges –** We sent our initial mailing/emailing (in three separate parts) to almost 5,000 potential judges who have either previously served as a judge or showed an interest in being a judge over the course of the past three election cycles. We have received 928 responses so far, 55 of whom are no longer interested. At this point, we have a pool of 873 potential judges, and I can affirm that at least two of these individuals have since bowed out because of COVID numbers. As our polling places currently exist, this is approximately 250 judges shy of what is needed for Election Day. Redistricting will obviously affect how many judges we will need and where in Howard County they will be needed. The judge department is categorizing the individuals who have responded by their past judge assignment type, past location assignments and what part of the county they live in. Then when the redistricting is complete, staff can then efficiently assign the judges.

The Director stated that he would "sound the alarm" that the judge department needs judges. As we found in the 2020 elections, garnering judges during a pandemic is not the easiest task. He told the Board members to keep in mind that if we put floor monitors in the field that are cleaning and ensuring social distancing, we would need approximately 200 more judges on top of the 250 we are short right now. Other counties in Maryland have also sounded the same alarm as we start to move toward the Primary Election. He said that the office will continue to think of ways to recruit judges in these "strange" times. He also mentioned that people were contacting the State through the call center to say they wanted to serve as judges. We can now see real time what is happening with this process.

Donna Thewes said she had spoken to MDOT's HR Department at the State to remind them about getting a letter out to MDOT staff concerning being a judge. She said since

they are the largest department, it is important their staff get notified of the benefits and opportunity to serve as a judge.

Guy Mickley reported that Election Judge training is currently being scheduled and designed. We are awaiting instructions from the State Board telling us how we will train judges and what we will train, meaning we are hopeful that at least part of the training will be done virtually so that the judges do not have to spend so many hours in an in-person training. He stated we also are thinking about doing our trainings at an off-site location, like the Ridgely Run Community Center, so that the judges are not coming into our office. He will provide an update on this next month as we have more information to move forward.

5. **Vote By-Mail (Mail-In Voting)** – Director Mickley reported that we currently have 728 voters scheduled to receive a ballot by mail in the Primary, and 211 of those voters are now permanent mail-in voters, meaning that they will always receive a ballot for an election in the mail. We expect these numbers to rise exponentially once the applications for mail-in voting are mailed to all registered voters in the first week of February. He will keep the Board informed of the numbers of applications coming in, as it will dictate the workload and overtime hours required of staff.
6. **Early Voting Centers** – Howard County’s Early Voting Centers were approved by the State Board of Elections at their Board meeting on December 16, 2021. We will continue to coordinate with the center locations staff on our schedule needs as we move towards the Primary Election.
7. **Drop Boxes** – The drop boxes, as presented and approved by this Board in November 2021, were given to the SBE staff for review. The drop boxes do not need State Board approval, and we received no questions about our drop box locations from the SBE staff. We are proceeding with the ten (10) locations this Board approved.
8. **Budget** – Guy Mickley reported that we are in the new budget year and the budget is tracking well. He provided Board members with a budget tracking sheet in the handouts for this meeting. He has submitted our initial budget to the Howard County Budget Office for the 2023 Fiscal Year and will provide the Board with this submission once it goes through the initial approval/“slashing” process. He does not believe that anything he put into this year’s budget submission will be removed, as per the past several years of presenting a generally flat budget with “unfunded state mandates” that are out of our control.
9. **New Pollbooks** – Director Mickley reported that the State has informed us that the new pollbooks will not be used until the 2024 election cycle. SBE will be going before the Board of Public Works on January 26, 2022 to have the contract for the new pollbooks approved.

10. **Mock Election** – SBE’s mock election was completed in December 2021. Everything that the State wanted to test was completed and there were no issues during the testing. We tested the candidate filing system, ballot creation, DS200, and Logic and Accuracy Testing. Everything performed correctly, including the results gathered.
11. **State TTX** – Guy Mickley reported that the State TTX was postponed. There was no date given as to the timeframe for the postponement.
12. **Candidate Filing** – Mr. Mickley reported that a few more candidates have filed. Their names can be found on the State Board website (the Board Secretary provided the link information to Board members). We will continue scheduling candidate filings on Wednesdays only until we start to get more of a candidate showing. We attribute a slow filing to the fact that redistricting is on the horizon, which may alter the district where someone runs as a candidate. In addition, Linda Lamone said she may ask the legislature to delay the filing date until March 22, 2022. He said Tiffany Ferrell is on the call if anyone has any questions about Candidate Filing, and there were no questions.
13. **Legislation** – Guy Mickley stated there are several bills that we will be keeping an eye on as they move through the Maryland Legislative Session, and nothing has moved yet. He has provided the Board with the link to MAEO’s Legislative Committee documents so that Board members can see where the bills are, what is moving, and what MAEO thinks of the bills, and explained the process for them to access this information.

He said one of the most important issues on MAEO’s agenda for this session is the ability to open ballots as we did in 2020, meaning opening them in Canvasses before Election Day and being able to have the results available from Early Voting when the polls close on Election Day. If we are not able to open these ballots prior to Election Day, we will have very long canvasses after the election, and there would be a very real chance that for many offices, no one would know who won the election for several days after Election Day. State Senator Clarence Lam from Howard County has introduced a bill concerning early opening of ballots.

14. **Call Center** – We will once again enter the State call center for this election cycle to take some of the burden of answering regular questions from the voters off of our staff. The call center started this past Friday.

Donna Thewes and Diane Butler voiced concerns based on our 2020 experiences with the State call center, with some voter calls not being answered or put on hold and left and incorrect information being provided. Director Mickley said the State has spent a lot of time and money to build a more robust system for the 2022 election cycle, and we will closely monitor how it works for us. He also mentioned there would be no data center used in 2022.

Board members also discussed the judge shortage issue and additional ways to recruit judges and spread the word, live in person training vs virtual training using our videos and live webinars, and the potential early canvasses and early ballot opening issue and processes.

Guy Mickley then said he was providing the Board with a spreadsheet showing the voters affected by redistricting at this point and identified a few of the small precincts that would be created.

BOARD COUNSEL REPORT

Eric Brousaides, Esq., stated he had nothing to report.

GUEST COMMENTS

President Thewes then asked the guests in attendance if they had any comments or questions. Michael David from the Howard County Coalition for Immigrant Justice presented concerns about a petition process and asked how the Board could deal with this? President Thewes asked Mr. David to please email his comments to Guy Mickley so that the Board can research this and discuss it at the next meeting. Joel Hurewitz then commented on several items as well as his concerns on voter assignment issues to precincts related to distances and consolidating ballot styles by precinct. Director Mickley indicated that after current redistricting process has been completed, his concerns should not be an issue. Mr. Hurewitz also asked if having Early Voting at a church would be an issue on a Sunday, and the Director stated that he has spoken to the church, and there won't be an impact to voting since it is in a separate hall and has a separate parking area from those attending services.

Guest Jay Gerarden noted that the Director reported the BOE budget is flat again this year, and he commended Mr. Mickley for the good stewardship of taxpayer funds. Finally, Nick Steiner from the ACLU of Maryland stated he had the same concerns as Mr. David related to a petition process and thanked the Board for their willingness to look into this issue.

Donna Thewes stated that if guests had any more questions, they can email these to Director Guy Mickley.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

EXECUTIVE SESSION

President Thewes read the closing statement and asked for a motion to recess the Regular Open Board Meeting so that the Board could convene in closed Executive Session according to the Open Meetings Act General Provisions Article 3-305 (b)(1) to discuss a personnel issue. A motion to recess the Regular Open Board Meeting to go into Executive Session as per Item 1 was made by Ray Rankin, and Tim Mummert seconded the motion.

Action: Board members voted unanimously to recess the Regular Open Board Meeting at 5:23 pm.

The Regular Open Board Meeting was reconvened at 6:38 pm. President Thewes reported that the purpose of the Executive Session was to conduct the semi-annual performance review of the Director, the annual performance review of the Board Secretary, and to approve the Executive Session minutes from the June 28, 2021 meeting.

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 Tim Mummert seconded the motion.

Action: Board members unanimously voted to adjourn the meeting at 6:38 pm.

The next Regular Open Board Meeting of the Howard County Board of Elections will be held on Monday, February 28, 2022 at 4:00 pm.

Respectfully Submitted,

Phyllis A. West, Board Secretary

Donna K. Thewes, Board President