

HOWARD COUNTY BOARD OF ELECTIONS MEETING MINUTES

9770 Patuxent Woods Drive, Suite 200
Columbia, MD 21046

Monday, February 28, 2022

Note: *This meeting was held virtually.*

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: Joel Hurewitz
Ken Stevens

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 guests 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 January 24, 2022 Regular Open Board Meeting and the February 17, 2022 Special 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

both sets of minutes. Ray Rankin motioned to approve the minutes and Ann Balcerzak seconded the motion.

Action: The minutes for the January 24, 2022 Regular Open Board Meeting and the February 17, 2022 Special Open Board Meeting were unanimously approved as presented.

ADDITIONS OR CHANGES TO THE AGENDA

Board members made no additions or changes to the agenda.

CORRESPONDENCE

Donna Thewes said there was one follow-up item which would be covered under the Board Counsel's Report.

PRESIDENT'S REPORT

Ethics Reports – Donna Thewes reminded Board members to file their 2022 Ethics Reports if they have not already done so.

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 redistricting process has taken several turns since the last Board meeting. There is litigation on both the Congressional and Legislative lines, and the timelines are shrinking for us to either have an election on June 28th, or possibly, have a polling place election. He stated that he had sent Board members a copy of a letter sent by MAEO to Linda Lamone on Friday, February 25th on behalf of the Local Election Boards (LBE's). It said that due to the issues and difficulties that LBE's will have in meeting the currently scheduled deadlines and holding a successful Primary Election, the LBE's requested that the Primary Election date be changed to a later date in 2022 and that the state adopt vote centers on Election Day. The letter provided a list of the issues and explains why these recommendations were made. Board members said they felt it was well written

Guy Mickley stated that in Howard County, we have taken all the lines, identified all the splits, worked the splits on the interactive mapping system and placed the new lines into the correct or new precincts. He said we have not had the GIS Department map anything for us at this point, as we are being told that there is a very good chance that some lines may change. This would take us back to the drawing board with what we have done up to this point. He said there are two different courses we could be taking within the next month:

- a. **No Lines Changed** – We will be able to put everything into MDVOTERS, do the splits and combines of precincts that we have identified, and hopefully have GIS maps available for presentation at the March 28, 2022 Board meeting. If we have not finished as of this date, the Board will have to hold a Special Open Board Meeting to

approve the new precincts and polling places. The Director believes that the second option will be the case, as the special magistrate is not expected to have a report to the Court of Appeals until approximately April 4, 2022. He said even April 4th is not the end date, as the case would still have to be heard by the Court of Appeals at a later date. We are estimating that any final decisions won't be made until mid to late April by the Court of Appeals. Due to this delay, the Director indicated he is not sure that the Primary Election could be held on June 28th, even if the lines did not change.

- b. **Line Changes** – Guy Mickley stated that if this happens, we will essentially have to start the process over and identify where the new lines cut precincts, which means discarding everything that has been completed to date for the old lines. The redistricting process usually takes about three (3) months or more, but due to the delays, we will only have four to six weeks to complete the process, depending on when the Primary Election date is set. Staff will have to work long hours to meet the deadlines so that the Board can approve the precincts and polling places, get the newly approved precincts entered into MDVOTERS, and get the information to the State.

The Director said that generally speaking, all Maryland LBE's will have to "back into" whatever the dates are for the start of ballot production, as that is probably the most time-intensive project for the State and the County LBE's. This is when LBE's must proof and approve all the ballots. The date to start ballot production is usually about 12 weeks prior to an election, which allows LBE's to get everything ready for printing in advance of an election. This date for the upcoming Primary Election is about April 8, 2022, which already spells issues for a June 28th Primary Election date.

Guy Mickley said this is a fast-moving issue, and he will keep Board members informed as things progress. Donna Thewes asked if the Primary Election date **was** moved back, what would be an optimal "new" date for the Primary? Guy Mickley said MAEO intentionally did not give a date, and that Assistant Attorney General Andrea Trento would provide the MAEO letter to the Court. Board members then discussed the issue and the court's review process. Ann Balcerzak and Tim Mummert both felt the cases will be expedited and the judges will release opinions fairly quickly since they know there are time schedules involved with the election. When asked if security would be impacted due to potential late changes to vote centers or vote by mail, Guy Mickley stated that both were used in 2020 and the processes worked well. He also said that due to that experience, we have added some new processes to enhance our procedures.

Guy Mickley 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 voter 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 cost hit to our budget.

2. **Warehouse** – Guy Mickley reported that the warehouse has been working on a multitude of projects, which include:
 - a. The warehouse continues to serve as the mail house for Voter Notification Cards from the office.
 - b. Staff has finished re-installing the EZROSTER software onto the pollbooks for the upcoming election.
 - c. Staff has reorganized the carts in the warehouse in precinct and polling place order so that when we do execute redistricting, things can be moved around quickly. This will also allow us to quickly switch to vote centers should that be determined by the courts, which would give election officials some relief.
 - d. We have received 50 of the 450 new printers allocated to us and should receive the balance of our new printers sometime in March. We have performed acceptance testing on the 50 new printers received.
 - e. We have asked the State Board to perform a more robust test of the Cradlepoint routers before the Primary Election to ensure that the problems seen during the 2020 Special Primary Election are fixed and will not slow down the system. We expect to hear more on this soon.
 - f. Supplies that can be packed have been done for the Primary Election.

Director Mickley said an overall umbrella statement for the work that the warehouse is doing (and much 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 in general, the staff is keeping up with the voter registration daily work and verifying the registrations. The State just sent the Mail-In Ballot Applications to all registered Democrats and Republicans the first week of February, so there has been an influx of applications coming into the office. He said a system has been established to catch up on this process. *(He covered more on Mail-In Ballots under Item 6.)*
 - b. **Staff Schedules** –The staff is now on a half in-office, half virtual schedule. Over a two-week period, each person comes into the office at least five (5) days. We are still trying to keep everyone safe as we move forward toward the election, while still getting all of the work done.
Donna Thewes asked when he planned to have staff return to the office full time, and he indicated it would probably be once judge training begins, probably the first or second week of April. These dates could change if the election date is moved.

4. **Election Judges** – The Director reported that our second mailing has been sent to all prospective judges to remind them to sign up to be an election judge. We are in the process of sending a memo to all judges who have already signed up, explaining what is happening due to redistricting, and asking them to be patient as we work through the process. We have tentatively made a schedule for training, which will be altered as necessary as we have more information on the election. The judge manual has been written, edited and sent to the State for approval.

Director Mickley stated we still have less than 900 judges signed up to work for this election. If we do have a polling place election, that means we are still several hundred judges short of what's needed.

Board members asked that the link to recruit election judges be sent to them to assist in this process.

5. **Vote By-Mail (Mail-In Voting)** – Director Mickley reported that there are currently 4,408 Howard County voters scheduled to receive a ballot by mail in the Primary Election, and 2,867 of those voters are now permanent mail-in voters, meaning that they will always receive a ballot for an election via mail. We have roughly 13,000 more applications in the queue to input into MDVOTERS, and we will continue to get more of these applications over the next several months. It is obvious that the Mail-In voting process has gained momentum. He informed the Board that we now have roughly 1,000 more applications than we have ever received for a Gubernatorial Primary Election, **excluding** the 13,000 still waiting to be put into the system.
6. **Drop Boxes** – The drop boxes, as presented and approved by this Board in November 2021, were given to the SBE staff for approval and we received no questions about our drop box locations. The drop boxes do not need State Board approval. We are proceeding with the ten (10) locations this Board approved.
7. **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 for the meeting. The Director has had an initial meeting with the Howard County Budget Department and will have a meeting with the County Executive and his staff sometime in March. So far, nothing has been taken from the budget he submitted.
9. **New Pollbooks** – Director Mickley reported that the Board of Public Works has approved the contract for the new pollbooks. These pollbooks will be implemented for the 2024 Presidential Election. Donna Thewes asked what company got the contract and he said DemTech, which had the highest rating of the pollbook review committee (on which he served as a member).
10. **Candidate Filing** – Mr. Mickley reported that the candidate filing deadline has been extended until March 22, 2022. He said it is possible that this date will be extended again depending on when and if we get new lines, and if the election date changes. He

reported that more candidates have filed, and their names can be found on the State Board website. We are currently scheduling candidate filings on Tuesdays, Wednesdays and Thursdays.

13. **Legislation** – Guy Mickley stated there are several bills that we will continue to monitor as they move through the Maryland Legislative Session. He asked Board members to check the MAEO Legislative sheet he had provided in January for updates.

He said one of the most important issues on MAEO’s agenda for this session is the ability to open ballots early--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 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. SB163 is the bill that contains most of this information. The bill has passed the Senate with all of the amendments MAEO wanted, and it is now in the House.

Director Mickley said that the idea of Risk-Limiting Audits, or RLA’s, has come up again recently in session. We will also be keeping an eye on these bills and where they go.

14. **Call Center** – The call center is up and running and we have been getting phone calls on a regular basis. It has definitely been a smoother transition than in 2020.

BOARD COUNSEL REPORT

Eric Brousaides, Esq., thanked Director Guy Mickley for the yeoman’s job he has been doing to prepare for the 2022 Elections. He then reported that as the Board had directed, he had followed up by letter last week in response to a public request.

Mr. Brousaides asked if Donna Thewes or Guy Mickley knew when the State Board of Elections would start their conference calls with LBE Counsel’s prior to the Primary Election. Guy Mickley said he would contact SBE to see when they plan to begin these calls.

GUEST COMMENTS

President Thewes then asked the guests in attendance if they had any comments or questions. Joel Hurewitz asked Guy Mickley what some other states were doing to hold Primary Elections starting this week? He said he understands the pandemic delayed the Census being completed on time. Mr. Mickley said this was discussed at a recent MAEO Meeting and he does not have this information. For Maryland, the main challenge is completing redistricting prior to the June Primary Election since the Census information was delayed, plus several court challenges have further delayed our process. That means we will have even less time to handle the redistricting process after the court makes its final ruling, which could be late April. Mr. Mickley said possibilities were discussed to improve the redistricting process, one of which was being proposed, was that redistricting be done three years following a Presidential Election (each 10-year census cycle) rather than within two years, so it could be during an “off-election” year. This would allow more time for redistricting efforts and potential court challenges. Donna

Thewes agreed that proposing this third-year timeframe for the redistricting process would be helpful. However, the Director also stated that we have no control over this issue – it is under the purview of the Federal Government.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Donna Thewes stated that when the staff returns to the office full-time in the next few months, she will be looking at returning to in-person meetings for the Board, or possibly partial hybrid meetings with in-person and virtual attendance. Since Board meetings are open to the public, she does not want to add any stress on the staff with safety concerns during their busy election season, so this will be assessed in the coming months.

Guy Mickley stated that as things progress with redistricting, he will keep the Board advised as things happen rather than waiting until the next Board meeting. Donna Thewes told Board members that due to the many changes coming up, she may have to call a Special Open Meeting on short notice and will do her best to work with members around their schedules.

She asked Guy Mickley if he could send the Board both the judge flyers and the QR Code link discussed earlier, which he said he would do. She also asked him to contact her anytime he needs the Board's input.

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 4:52 pm.

The next Regular Open Board Meeting of the Howard County Board of Elections will be held on Monday, March 28, 2022 at 4:00 pm. *(This meeting was subsequently cancelled, with the next meeting scheduled for April 25, 2022.)*

Respectfully Submitted,

Phyllis A. West, Board Secretary

Donna K. Thewes, Board President