

OPEN SESSION  
Howard County Board of Elections  
8900 Columbia 100 Parkway  
Columbia, Maryland 21045  
January 25, 2010

Persons Present:

Board: Ann M. Balcerzak, President  
Donna K. Thewes, Vice-President  
Raymond M. Rankin, Member  
Donna L. Rice, Substitute\*  
Charles M. Coles, Jr., Substitute  
Michael S. Molinaro, Board Attorney  
Vivian L. Dixon, Board Secretary

Staff: Betty L. Nordaas, Election Director  
Guy C. Mickley, Deputy Director

Guests: None

Ms. Balcerzak called the meeting to order at 3:34 PM. Following the Pledge of Allegiance, it is noted that all members present, constituted a quorum. Ms. Rice arrived 4:15 PM.\*

Before starting the Meeting, Ms. Balcerzak welcomed Mr. Coles back from medical leave and extended best wishes to Ms. Thewes whose brother-in-law, passed over the Holidays.

**Approval of Minutes:** Ms. Thewes' motion to approve the November 16, 2009 Minutes was seconded by Mr. Rankin, unanimously approved and the Minutes were signed.

**Changes to Agenda:** Under New Business – Ms. Thewes will address meeting with Delegation and Mr. Rankin, the League of Women Voters Legislative Luncheon.

**Correspondence:**

- Wicomico County Board of Elections request to elevate Substitute Member to full Membership/Salary, dated 01-19-2010. (HCB Salary was provided by Ms. Nordaas, in December, per request)
- Letter dated 01-19-2010 to Central Committees with an attachment of Sign Regulations.

**President:** Ms. Balcerzak shared the status of the Appeal based on conversation with *Special Counsel*, Attorney Gerald Richman.

- COPE appealed Judge Motz's Decision and are preparing a brief, due by January 26<sup>th</sup>, which is tomorrow. The Board's Appeal would then be due February 26, 2010.
- Attorney noted he had prepared a detailed Motion to Dismiss, which he believes, with some editing, will be a sufficient response to Plaintiff's Briefing, thus saving some cost.

- The other Circuit Court case involving Howard County Citizens for Open Government (HCCOG) case challenging Board's Decision was heard November 13<sup>th</sup> before Judge McCrone. (Board's President and Counsel, Michael Molinaro attended that Hearing)
- A request was received from Carol Fisher, for a speaker on February 15, 2010, at 6:00 PM, in the Jessup Ridgley Run Community Center, on Mission Road. The audience will primarily be High School Juniors/Seniors. Ms. Fisher would like presentation to address voter registration and 2010 Early Voting. Ms. Thewes and Ms. Balcerzak will attend.\*

### **Director's Report:**

- In discussing the Budget, Ms. Nordaas reported that the Optical Scan request was not signed by the Governor.
- How this will affect the Budget is yet to be determined.
- Without On-Demand-Printers for Early Voting, 30+ different style ballots would be required.
- Discussions continue and Notice from Ross Goldstein reads in part: "should *also be noted the fact that the funding is not in the budget, does not completely eliminate all possibility of moving forward with the new system. The Governor still has opportunities to restore the funding; accordingly we are still working to finalize negotiations on the contract with S&S and are still planning to present the Contract on February 10<sup>th</sup>...*" (to Board of Public Works)
- Handout of Budget was reviewed; Director drew attention to specific line items and discussion followed. Any future changes will not reflect an increase.
- Draft of Fiscal Year 2011 was shared. Director noted some tweaking would be done after the Optical Scan issue is resolved.
- Ms. Balcerzak questioned current telephone service, Ms. Nordaas noted service has not be corrected and notice his posted on the webpage advising caller that messages left after office hours cannot be retrieved, and urging them to call back during office hours. Noting, it continues to be an ongoing challenge. Current Verizon phone system was selected based on County's recommendation.
- Correspondence from Federation for the Blind to Linda Lamone was shared as "information." Letter highlights their concerns and expectations when voting.
- Although there is no way of knowing if Jerry Whexter and "Lazy Gringo" are one in the same, emails from both raise the same question. Copies were sent to Mary Wagner, who indicated she would be happy to speak to him about his issues.
- Issues involved non-citizens registering to vote and ultimately voting. The assumption being, anyone with a driver's license number was eligible to vote. HCBE uses the Jury Report as a check and balance, with only 2-8 on a quarterly basis.
- One of his questions was; why the E-Verify System (EVS), was not used? (Ms. Nordaas asked Ms Wagner "what is EVS and why don't we use it?")
- To prepare for possible visitors, an answer was given by Board Counsel.

**Attorney's Report:** E-Verify System (EV) is an internet based system available to check to see if new employees who complete the I-9 Form, are authorized to work in the United States. The I-9 Form proves to the employer a person is eligible to work as well as being a piece of identification. If employers sign up for this EV system, made available through Homeland Security, responses are received in a matter of minutes. A name and social security number is all that is required. Response is either "yes" or "no-problem." This is not a system that would be helpful in the voting arena.

**President** Ms. Balcerzak asked Ms. Nordass to send copy of EV information to Mary Wagner. President shared a letter she prepared to Honorable Guy Guzzone, reiterating the Board and Staff's willingness to share their technical and training experience with Howard County Legislative Delegation. Ms. Thewes asked to have added that the Board would like to meet with the Delegation, from time to time, for constructive dialogue. Before moving to next discussion, Mr. Rankin was asked if Petitions were discussed at the League of Women Voters Lunched, he attended.

**Mr. Rankin** shared the highlights of the Luncheon noting that Referendum Petitions were discussed. When recognized as a Board Member, he made it clear that his opinion on the issues was personal and not the opinion of the HCBE.

SB-240, which lists Senator Kasemeyer as a Co-Sponsor, reads in part: "[that a] Signature reasonably matches the signature for the individual on file with the appropriate election authority." This is interpreted as signatures must be compared at the County level. Here again local Boards are faced with a regulation, not required at the State level.

Draft of letters to Hon. Guy Guzzone and Courtney Watson, Council Chairperson that were developed by Ms. Nordaas and Atty. Molinaro were discussed. These letters, along with Atty. Molinaro's suggested revision of the State's Petition Signature Form, was discussed. The Board unanimously thanked Ms. Nordaas and Atty. Molinaro for their arduous efforts.

**New Business:** Speaker Request was addressed in President's Report.\*

**Old Business:** None

The next meeting of the Howard County Board of Elections is scheduled for February 22, 2010 at 3:45 PM in the Howard County Board of Elections Boardroom. There being no further business, Ms. Thewes' motion to adjourn was made seconded by Mr. Rankin and unanimously agreed upon. Meeting adjourned at 5:34 PM.

Respectfully submitted,

*Vivian L. Dixon February 23, 2010*  
Vivian L. Dixon, Board Secretary

*Ann M. Balcerzak February 22, 2010*  
Ann M. Balcerzak, Board President