

HOWARD COUNTY BOARD OF ELECTIONS

MEETING MINUTES

9770 Patuxent Woods Drive, Suite 200
Columbia, MD 21046

Monday, February 22, 2016 – 4:00 pm

Regular Open Board Meeting

ATTENDEES:

Board Members:

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

Staff:

Guy C. Mickley	Director
Charlotte B. Davis	Deputy Director
Phyllis A. West	Board Secretary

CALL TO ORDER AND DECLARATION OF QUORUM

Board President Donna Thewes called the meeting to order at 4:10 pm with an established quorum present. The Pledge of Allegiance was then given. There were no guests in attendance at the meeting.

APPROVAL OF BOARD MEETING MINUTES

A draft copy of the minutes from the January 28 meeting was provided to Board members by electronic mail prior to the meeting and a paper copy was made available for each at the meeting. Members had no changes to the minutes. Board members indicated they liked the new format, particularly the addition of the **Action** line, which makes it easier to see quickly what actions the Board took at a meeting. Diane Butler then motioned to accept the minutes as presented, and Ray Rankin seconded the motion.

Action: The minutes were unanimously accepted as presented.

ADDITIONS OR CHANGES TO THE AGENDA

Board members offered no additions or changes to the agenda

CORRESPONDENCE

There was no correspondence to discuss.

PRESIDENT'S REPORT

President Donna Thewes asked Guy Mickley for the dates of the next MAEO Conference so that Board members could put it on their calendars. He said the conference is scheduled for June 19-21, 2016 at the Hyatt Regency Chesapeake Bay Golf Resort in Cambridge, Maryland. President Thewes asked him to file a complaint with the MAEO Board because the conference has been schedule over Father's Day weekend again, which interferes with family gatherings and make some attendees arrive Monday rather than Sunday due to family commitments. He indicated he raised the issue with the MAEO Board but was out-voted. Mr. Mickley indicated that the Hyatt was a very nice facility and all amenities except the spa were included in the room price.

President Thewes thanked members for signing the revised bylaws. An original copy will be forwarded to the State Board of Elections. She then turned the meeting over to Director Guy Mickley.

DIRECTOR'S REPORT (see attached)

Guy Mickley provided Board members with a copy of his Director's Report, the February Monthly Statistical Report, the current Judges Manual and new judge recruitment fliers for members who were interested in posting these or handing them out. (Each member took a supply of the fliers.)

Mr. Mickley provided an update on the issues identified in his report. Board members had further discussion on the following issues:

- **NVSR Project** – There has been a significant change since the last Board meeting. BMD's will only be used during the Primary Election by visually impaired voters and we will try to get at least two other voters at each polling place to vote on the BMD's each day of Early Voting and on Election Day. The office recommends judges in that precinct or their family members can provide the two votes on the BMD's. There will be one BMD per polling place. President Thewes asked if we could get our money back since we can't use most of the machines. Director Mickley said no, and they could possibly be used during the General Election. The main issue is that for the primary, all candidates for an office must appear on one page, and no more than seven candidates could appear on the BMD screens. Navigation on the ballot could also be an issue. Fifty three races in the state go to two pages or more on the BMD. The School Board race in Howard county had thirteen candidates, so we will have two pages on the BMD. Only six candidates will go on to the general election. He also mentioned that in the gubernatorial election, eight candidates for School Board are selected and go on the ballot for the General Election, so the BMD won't be able to be used then either. He has informed the State Board of this issue.

Board members asked some general questions about the ballots (they will be two sided), and whether magnifiers would be available for those who needed them. Mr. Mickley indicated that they would be available at EV and all polling places on Election Day.

He updated the Board on the work at the warehouse, reviewed the status of the judge manual and indicated that voter outreach will be limited in March, with none in April, due to staff workload. Per SBE directive, the BMD is no longer being used for outreach.

- **Voter statistics** -- he indicated voter registrations have increased slightly this month.
- **Judges** -- Guy Mickley indicated that this change in the voting process necessitated making significant changes to the judge training classes and materials, which had to be done in one day. The staff was able to accomplish this, which President Thewes commended. He asked the Board members to please thank the staff when they had the opportunity for all of their hard work.

He reviewed the current election judge status and informed the Board that recruitment fliers have been posted in senior and community centers, grocery stores, and more. We may do mailers to certain areas of the county to recruit judges. President Thewes asked if we had them posted in high schools. The director said no, because our experience has been that many of these volunteers fail to show. We may revisit that depending on our needs as we get closer to the election.

Judge training continues and has been well received by those attending. He stated that if Board members wish to attend a class, he recommends they choose a chief judge class to get a full overview of all positions, and to please let us know in advance which class they plan to attend.

- **Budget** – The director mentioned the budget reduction for equipment from the state, which was unusual, but there were cost increases elsewhere. Ray Rankin mentioned higher costs for the additional paper needed for ballots. Donna Thewes said the additional judges needed would also add to costs. Mr. Mickley indicated he had added about 25 judges to each early voting site plus more at the polls on Election Day. We have added a total of 200 additional judges at a cost of \$27,000 for the primary election.
- He also mentioned that the Bain Center charges us \$5,600 rent for Early Voting dates, and said that by law they should not.. He discussed it with the Howard County Budget Office, who indicated they will speak to the contact there.
- **Absentee Voting** – Currently AB registrations are in line with estimates of about 2,000 this election.
- **Sample Ballots** – He stated that the bid had been delayed until today due to the BMD issue, and SBE had to develop the procedures for voting. Donna Thewes asked if the ballots were being mailed bulk rate, as she remembered problems in past years with delivery issues. Guy indicated that was because the vendor sent the ballots under their

own bulk rate. This year ballots will be mailed at the non-profit, first class rate used by the office on a weekly basis.

- **Ads** – The director review the status of current ads placed in county and regional publications. Donna Thewes indicated that she has a contact at the Laurel 50+ Center and will provide her email address to Charlotte Davis.
- **Website** – The web site was down for a day and a half due to the county website upgrade issues, which prevented judges from being able to register for classes. Val Patterson has done a good job identifying the issues and trying to resolve them with the county.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Guy Mickley informed the Board that he will give a deposition with regard to a legal issue on Wednesday, February 24, 2016.

Legislative Update: He reviewed two bills that are currently in the Maryland legislature:

- **Senate Bill 350** -- This would provide Universal Voter Registration for Maryland citizens when they go to the MVA or to other state social services agencies. It would have a significant impact on the office, requiring more staff to handle the increased workload. Ann Balcerzak asked if this would be ongoing. He indicated it would depend on a number of factors, but he can see an additional two to four positions needed. Processes would need to be developed to identify non-citizens at all agencies handling voter registrations.
- **House Bill 1008 – Early Voting Centers** – This bill covers the same issues discussed previously, including additional Early Voting Centers. Howard County chose to maintain three EV Centers for this election cycle.

Mr. Mickey also mentioned that Phyllis West has a folder with MAEO's updates on current legislative issues if they would like to review it.

BOARD COUNSEL REPORT:

Mike Molinaro, Esq., reported he had received email from Nikki Charlson, Deputy Administrator at SBE, regarding dates for the bi-weekly telephone conference calls to be held with Local Board Counsels starting six weeks prior to the election. He will provide them to Guy and Phyllis West. He indicated that if Board members or staff have any questions or issues they want him to address on these calls, they should let him know.

He then mentioned that Diane Butler had a question last week on the prohibition of political activities for Board members as stated in Maryland Election Law Article §2-301 and as referenced in the Howard County Bylaws under Article 4 Rules of Conduct., Section 4.2 – Political Activity. He wanted to remind Board members to review the bylaws so they have a

clear understanding on this issue. The Board's first obligation is to ensure the integrity of the election process.

Mr. Molinaro then provided an update on a lawsuit in federal court which relates to the Ballot Marking Wizard. The Fourth Circuit Board of Appeals in Richmond upheld Judge Bennett's ruling in Maryland on the issue. Guy Mickley explained that at one point due to a lawsuit, Maryland was not permitted to use the online device, but that has changed now. Diane Butler asked for more information on this, and Guy Mickley explained it was an on-line marking tool to help a voter electronically mark their ballot.

Ann Balcerzak asked for an update on the Baltimore County zoning petition issue. Mr. Molinaro indicated it would be placed on their ballot and no advance determination had been requested.

He indicated he was not aware of any local legislation that might result in a referendum petition. Guy Mickley indicated that there has been none at this time.

NEW BUSINESS – continued

Ann Balcerzak asked if the Board could discuss the canvass dates and related issues. Phyllis West provided Board members with a list of the scheduled dates. Ms. Balcerzak and Diane Butler discussed potential schedule conflicts, which were addressed and resolved. Guy Mickley mentioned that Veterans Day will be Friday, November 11th during the working period of the canvasses for the general election.

Board members must be sworn in by the Howard County Clerk of the Court as the Canvass Board prior to the election. Donna Thewes indicated this should be done at the March Board meeting. Phyllis West will contact the Clerk to make the arrangements.

President Thewes also reminded Board members who have not already done so to file their financial disclosure statements

ADJOURNMENT

There being no further business, President Thewes asked for a motion to adjourn the meeting. Ray Rankin offered the motion, which was seconded by Diane Butler.

Action: The Board unanimously voted to adjourn the Board meeting at 4:51 pm.

The next regular open meeting of the Howard County Board of Elections is scheduled for Monday, March 21, 2016 at 4:00 pm due to the conflict with the holiday.

Respectfully Submitted,

Phyllis A. West, Board Secretary

Donna K. Thewes, Board President

Director's Report- February 22, 2016

1. NVSR Project- Several changes.
 - i. Change in Use of BMDs- We no longer will be using the BMDs exclusively for early voting. Because of the problem with displaying only seven candidates on a page, and the "more" button functionality associated, we will be using all paper ballots for both early voting and election day. There will still be one BMD at all early voting centers for use by visually impaired voters.
 - ii. The warehouse staff has been busy making sure that all equipment is in the carts for all precincts and that it is entered into our inventory database. This process is almost complete.
 - iii. The judge manual has been finalized and a copy is provided to you. I will talk about judge training under election judges.
 - iv. Voter Outreach- The office continues to conduct voter outreach events throughout the county. For the month of March, we have a limited schedule due to staff is no longer able to leave and do functions with everything going on in the office. The folks that were hired to do voter outreach are the only people going out, and they will continue to go out 1-2 times a week through March. No one will be doing voter outreach in April.
2. Voter statistics- these statistics encompass the month of February to date. No confirmation cards can be sent out and no voters can be made inactive at this point by state law.
3. Judges- We are "pretty good" on judges. What this means is that if we were to hold the election tomorrow, we would have enough to hold the election with barely any noticeable difference. Early voting continues to be full. We currently have 77 vacancies for election day across the county, but are getting calls daily for folks who want to be a judge. These vacancies all occurred in the past two weeks as we called judges that had not signed up for training classes and they quit. We have put fliers in all the Howard County libraries, community centers and senior centers, as well as the Giants in the area to get more judges. We will continue recruitment of judges, as enough is never quite enough. Judge training has started and we have conducted most of the voting judge and provisional judge trainings with good success. We have, to this point, conducted two check-in judge trainings- the first day is today. I recommend if anyone wants to come to a training class, they come to a Chief Judge class, as you get to see all the jobs in a nutshell.
4. Staff- Our new contingent staff has started and they immediately were put to work with various tasks, most all having to do with putting training class manuals together, or calling judges to schedule training class. They have been a tremendous help. Also, a general note- Thank the employees when you get a chance. Everyone on this staff has been working up to their full potential this election cycle. I feel confident I have the best staff in the State, and they deserve accolades any time there is an opportunity.
5. Budget- The State reduced what our share of the voting system will be for next year from 951,000 to 687,000, so I was able to report a reduction in my budget request to the county for next Fiscal Year...but...with the change in Early Voting, we needed to hire an additional 200 judges for early

voting for going back to paper, which meant I had to add an additional 27,000 to next Fiscal year's budget. The County is aware of both and is very understanding of the moving targets in our budget.

6. Absentee- We currently list 1053 voters that have applied for an Absentee ballot for the Primary Election. This is actually a little higher than anticipated at this point. I still anticipate less than or right around 2000 for the Primary Election.
7. Sample Ballot- The request for bid for the Sample Ballot through the county will hit the streets today.
8. Advertising for Early Voting- We have decided to advertise in the same papers we did the past several elections for early voting, as it seems to work. They are the Baltimore Sun papers (Sun, Laurel Leader, Howard County Times, Columbia Flier), and the Beacon. We also are in conversation with the Office on Aging to see if we can get something in the Senior Center newsletters.
9. Website upgrade has occurred, but it is at best a work in progress. It is slow, and there are things that are not working quite right on our website at this point. Val and I have been in contact with the County and the vendor responsible for the change, and they are working on fixing the issues.