

HOWARD COUNTY BOARD OF ELECTIONS

MEETING MINUTES

9770 Patuxent Woods Drive, Suite 200
Columbia, MD 21046

Monday, January 28, 2019 – 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

Absent: Phyllis A. West	Board Secretary, Board Secretary (excused)
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Visitors: Jay Gerarden

CALL TO ORDER AND DECLARATION OF QUORUM

Board President Donna Thewes called the meeting to order at 4:02 pm with an established quorum present. The Pledge of Allegiance was then given.

WELCOME GUESTS

Visitor Jay Gerarden was invited to make a few remarks if he wished, and he declined.

APPROVAL OF BOARD MEETING MINUTES

Draft copies of the minutes from the December 19, 2019, meeting were provided to Board members by electronic mail prior to the meeting and a paper copy was distributed at the meeting. President Thewes asked for a motion to approve the minutes as presented. Patrick Mullinix made a motion to approve the minutes, and Diane Butler seconded the motion

Action: The minutes were unanimously approved as presented.

ADDITIONS OR CHANGES TO THE AGENDA

Board members made no additions or changes to the agenda.

CORRESPONDENCE

Vice President Ann M. Balcerzak requested to bring to the Board's attention an AOC correspondence received by a voter with regard to her registration. Deputy Director Charlotte Davis clarified that the

correspondence had been sent in error from information received when there was a change to the voter's record. Ms. Davis had corrected the voter's record and subsequently spoken to the voter's husband and sent a letter to the voter clarifying what had occurred. The letter was to reassure the voter that there were no problems with her registration. Board members discussed the issue. The Director and Deputy Director explained the process to the Board. Guy Mickley indicated he was initiating additional checks on this and other office correspondence activities to ensure accuracy. Board members appreciated the extra steps Ms. Davis took to contact the voter and agreed with the Director on the checks and balances.

PRESIDENT'S REPORT

Board President Donna Thewes discussed the requirement that each board member needed to file their yearly Ethics Report and that the system for filing had changed. It now requires a new start and not a rollover from the prior year's report. Several Board members have already filed their reports.

Board President Donna Thewes discussed the recent news article regarding the Los Angeles, California, lawsuit they lost for not purging their inactive voter records. The group that brought that lawsuit had also looked at Maryland's records, and she knows we always purge our records regularly. Guy Mickley stated that federal law states that after two elections of not voting once a voter is made inactive, we must cancel their voter record. Ray Rankin asked what triggers making a voter inactive. The Director explained that after two returned pieces of mail, we must make the voter inactive. He referred the Board members to the Registration Statistics report to see the number of voters made inactive in the month of January in Howard County.

DIRECTOR'S REPORT

Director Guy Mickley highlighted his report as follows:

- a. General Office Update: The office and warehouse have been restructured with a number of changes in personnel responsibilities. Bi-weekly staff meeting, supervisor meetings and department meetings have been implemented to ensure that all personnel are up to date and on the same page going into the 2020 election cycle. Lessons Learned meetings will be conducted in the future, and committees have been formed to focus on improving election processes. He wants to provide more cross training and give more input to other processes. Board members felt this was a good idea.
- b. The Website and Social Media Committee has met and is working on making improvements to both sites. The website will now be updated on a weekly basis and we will focus more on the social media site closer to the election.
- c. The Director is putting on hold for now polling place consolidations due to possible legislation which could have a significant impact on this. He will keep the Board advised.
- d. Absentee, Judges and all other departments are currently in the clean-up mode. The registration backlog is finished and returned sample ballots are almost done. We are trying to finish the judge surveys and contacting those who have not responded to try to get their input before summarizing the results.
- e. Voter Outreach is scheduling events for the upcoming months and looking at other opportunities and events for voter education and registration. Staff is visiting HCC this week to conduct voter registration at the request of the school.
- f. The Budget was submitted in December and no cuts have been made to date to our increase, which was primarily due to new pollbooks. Any updates in the future will be reported to the Board. Donna Thewes asked if the State was also considering replacing the voting machines, and Guy Mickley indicated he was not aware of that.

- g. The Warehouse is doing Post-Election Maintenance on the voting equipment and general cleanup. The Director indicated he will be buying supplies out of this year's budget as soon as staff finishes their review of our needs. He stated that an RFI has been put out for new pollbooks, and when he has more information, he will inform the Board.
- h. The required Manual Audit of ballots for Howard County is scheduled for February 12, 2019, at 10:00 am. The Board is invited to be here and Donna Thewes indicated she would attend. We have selected precincts and an early voting machine.

Registration continues to be typical for after a Gubernatorial General. There is a small uptick in voter correspondence due to sending updated confirmation cards.

Candidate filing starts on February 5, 2019, and candidate staff refresher training is scheduled so they will be prepared for any early filers. Most candidates now file at the state.

Legislation has been filed in the General Assembly. Mr. Mickley provided a brief review of the following proposed bills to the Board: HB 71, HB 79, HB 119, HB 172, HB 174, HB 237, SB 32, SB 154 and SB 230. There is still time to file bills as the time for filing is still open. He will continue to update the Board and do it via sharing the email sheets.

Congressional 6 continues to be of interest as to where the lines have been drawn and this will be watched closely for any additional changes that might affect Howard County.

Board members and the Director then discussed the potential significant impacts of some of the proposed legislation, including financial and work processes.

BOARD COUNSEL REPORT

Michael Molinaro, Esq., will be participating in a panel at the MAEO Conference pertaining to the Open Meeting Act and requested that he be informed of any issues or concerns prior to the Conference.

OLD BUSINESS

Donna Thewes indicated that the tentative meeting agenda was included for the MAEO Conference. One date is always mandated for Board attendance by the State. Guy Mickley indicated that it will probably be for the table top exercise for staff at the MAEO Conference similar to what was done last year with some new exercises. Donna Thewes asked about the MAEO agenda and date the Board should attend. The Director indicated they should plan to attend both days. Donna Thewes stated she would like to have Local Boards meet with the State Board members.

Guy Mickley reminded the Board that they needed to discuss and set the Board's compensation.

Diane Butler asked about double voters and the consequences. Guy Mickley indicated that letters were sent to the voters and they must reply to the State Board as to why it happened and the State Board handles it from there. Diane Butler also requested information about the enforcement of candidate signage rules at the polling locations. Guy Mickley indicated he is going to hold a candidate forum closer to the election to inform candidates of the signage laws. Board members discussed issues and many complaints from voters during the recent elections including freedom of speech, offensive signs and authority lines on signage. The Director stated that signs cannot be within 100 feet of the polling place and it cannot be a public safety issue. He said people think it is our office's responsibility and all we can do is refer these people to the Howard County office responsible for public signage. Donna Thewes asked if it would help to meet with the county individuals responsible for enforcement of illegal signage in public rights of way? The Director said he could set up a meeting with the Howard County staff responsible to discuss the issue and Board members said they would be willing to attend. Members also discussed problems with candidates removing their signs in a timely way.

NEW BUSINESS

There was no new business.

BOARD OF CANVASSERS MEETING

Donna Thewes asked for a motion to recess the Regular Open Board Meeting so that the Board of Canvassers could convene to approve several sets of Canvass Board minutes as well as to canvass more Absentee Ballots received after the Election. Patrick Mullinix made a motion to recess the meeting which was seconded by Diane Butler.

Action: The Board voted to recess the Regular Open Meeting at 5:35 pm.

At the end of the Board of Canvassers Meeting, President Thewes reconvened the Regular Open Board Meeting at 5:39 pm and reported that the Canvass Board had approved the amended minutes for the First Absentee Canvass held on 11/08/18, the Provisional/Absentee Canvass 2 Part I on 11/14/18 and Absentee Canvass 2 Part 2 held on 11/16/2018 pm. In addition, one absentee ballot was presented as Late for Election and was rejected by the Canvass Board.

EXECUTIVE SESSION

Donna Thewes then asked for a motion to recess the Regular Open Meeting so that the Board could convene in closed Executive Session under General Provisions Article 3-305B to discuss compensation, performance evaluation and any other personnel matters and to approve minutes. A motion to recess the Regular Meeting was made by Ray Rankin to go into session for those reasons and Patrick Mullinix seconded the motion.

Action: The Board voted to unanimously to recess the Executive Session at 5:40 pm.

At the conclusion of the Executive Session, President Donna Thewes reconvened the Regular Open Board meeting at 6:29 pm. She reported that the minutes from the August 28, 2018, Executive Session were approved, the semi-annual performance review of the Director was conducted and the Board compensation was decided.

ADJOURNMENT

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

Action: The Board Meeting was adjourned 6:29 pm. The next Regular Open Board Meeting will be held on Monday, February 25, 2019, at 4:00 pm.

Sincerely,

Charlotte B. Davis
Deputy Director

Donna K. Thewes
President