

**HOWARD COUNTY BOARD OF ELECTIONS**

**MEETING MINUTES**

9770 Patuxent Woods Drive, Suite 200  
Columbia, MD 21046

**Monday, August 26, 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
Diane L. Butler	Republican Member
Patrick R. Mullinix	Republican Member
Raymond M. Rankin	Democratic Member
Michael S. Molinaro	Board Counsel

<b>Staff:</b> Guy Mickley	Director
Phyllis A. West	Board Secretary

**Absent:** Charlotte B. Davis Deputy Director (Excused)

**Visitors:** None

**CALL TO ORDER AND DECLARATION OF QUORUM**

Board President Donna Thewes called the meeting to order at 4:00 pm with an established quorum present. The Pledge of Allegiance was then given.

**APPROVAL OF BOARD MEETING MINUTES**

A draft copy of the minutes from the June 10, 2019 meeting was provided to Board members by electronic mail prior to the meeting with one edit from the Board Counsel, and a paper copy was distributed at the meeting. President Thewes asked for a motion to approve the April minutes as presented. Diane Butler motioned to approve the minutes as presented and Ray Rankin seconded the motion.

**Action:** The June 10, 2019 minutes were unanimously approved as presented.

**ADDITIONS OR CHANGES TO THE AGENDA**

Board members made no additions or changes to the agenda.

## **CORRESPONDENCE**

Director Guy Mickley stated that the Board Secretary had given members a letter from MDOT to Linda Lamone, which Ms. Lamone had forwarded to LBE's to share with their employees. The letter provides information and instructions on how to obtain Maryland's new Real ID Driver's License.

## **PRESIDENT'S REPORT**

Donna Thewes asked members to mark their calendars for December 11, 2019, for the Board Meeting and Office Holiday party. She then asked members if they wished to cancel the October 28<sup>th</sup> meeting since the SBE Biennial Conference is being held on October 17<sup>th</sup>. After discussion, members felt the meeting should be cancelled unless something comes up. President Thewes asked for a motion to cancel the October 28<sup>th</sup> meeting. Patrick Mullinix offered the motion and Ray Rankin seconded the motion.

**Action:** Members voted unanimously to cancel the October 28, 2019 Board Meeting.

Donna Thewes reported two items. First, she saw a news article reporting that the incorporated city of Rockville, MD is in handling voting for a local city election all by mail--the first time it's been done in the state. Ann Balcerzak asked if the city had to get special permission from the State to do this, and Guy Mickley said no. Rockville is not governed by the state, they are a municipality. The only thing Montgomery County's LBE does is provide the city with a database of registered voters in the city (usually electronic). He also stated that Carroll County uses all paper in their polling places for municipal elections. Mike Molinaro asked if Takoma Park was doing their elections by mail, and Mr. Mickley said they were still using paper. Donna Thewes stated that Howard County has no incorporated municipalities, but it will be interesting to see how this works in Rockville, especially from a cost perspective. Members also discussed Columbia Village elections and their turnout.

Donna Thewes then followed up on a previous meeting discussion concerning Judicial Watch and their lawsuits and subpoenas in different areas, including in Maryland. A recent article reported that Judicial Watch filed their lawsuit against the Maryland State Board of Elections concerning SBE's refusal to release Montgomery County voter registration records. Director Mickley said the person who had originally asked for the registration list wasn't a registered Maryland voter, and someone registered in the State had to make the request. Judicial Watch contended that more voters than are eligible to vote are on the rolls in Montgomery County. There has been no verdict yet. Mr. Mickley stated that we purge our Howard County voter rolls of ineligible voters late in December each year as required by NVRA. In response to a question from the Board Counsel, the Director stated he keeps yearly records of who was purged. If there are exceptions that don't meet the criteria for cancellation, these few appear on another list so that is then researched and resolved. The Director stated that voters cannot be cancelled for a long period of time—two Federal elections to be made inactive, and two additional Federal elections before they can be cancelled – a total of eight elections—before they are purged.

## DIRECTOR'S REPORT

### 1. *Continuing Items*

a. *General Office Update:* Guy Mickley reported on issues and projects that the staff has been working on as we gear up for the 2020 election cycle. They include:

*aa. Voter Outreach* – Staff members have been to several venues and festivals, including the Howard County Fair. We debuted a rolling PowerPoint presentation on a large screen in our booth there. We will continue to include this electronic media where possible along with the Voter Outreach Display Board. Next year the Director said there will be more materials to distribute, including a card with Early Voting and EV Center locations, Election Dates and a judge question and information. Voter registrations and judge interest has been light at these events. Board members indicated they liked the PowerPoint presentation and discussed promoting the Early Voting sites more. Guy Mickley indicated at next year's fair we can promote all the Early Voting Centers and times prior to the General Election. He also reported that unfortunately, our September 24<sup>th</sup> event has been put on hold due to circumstances beyond our control. There are outreach visits scheduled soon at HCC, the Mall in Columbia and Ellicott City 50\* Center.

*bb. Same Day Registration (SDR)* -- We have tested signal strength for wireless service in all our polling places in preparation for Same Day Registration on Election Day. We were the first county to do so and our test went well. There is a signal available at each polling place except for Dunloggin Middle School. As it currently stands, we will not be "connected" on Election Day. SBE is considering having a few counties connected for the Primary Election. The counties scheduled to participate are Montgomery, Prince George's, Baltimore County and possibly Baltimore City. SBE will be able to tell if there is an issue at those polling places. Other Maryland counties will have the downloaded version of eligible voters on the pollbooks. Howard County has a choice as to whether we wish to be part of this connectivity for the Primary. However, if a signal goes down and we have an issue, it will slow the process down significantly. Director Mickley expects a slowdown in the process even with the data downloaded on the pollbook cards. He discussed the connectivity issue with staff and asked for their input. The majority do not want to participate in the program for the Primary. He asked Board members for their thoughts on the issue.

The Director also mentioned that SDR requires new software from start to finish and It has not yet been tested. This office has volunteered to be one of the test counties for initial testing of the new software upon arrival in September. A statewide test will be conducted the week of October 7<sup>th</sup>. A decision will be made on connectivity for any county after that test. Board members discussed the issue, and asked questions including: Will SDR's vote provisional ballots? (The Director indicated no, they will be on the qualified voter list.) and Is full state registration database on the card? (Yes, and now there will be another full database of qualified voters on the card). Board members discussed the potential for new voting equipment in future elections, the current multi-state lawsuit against election equipment manufacturers related to ADA issues, and the potential high cost of meeting any new ADA requirements requiring new equipment.

Board members agreed with the staff that we should wait on participation in a connectivity issue. Director Mickley thanked them for their input and said he would make a final decision soon on this issue.

*cc. ADA Reviews* -- Except for seven schools where staff could not gain entry due to construction, every polling place in Howard County has been visited for ADA evaluations. Once construction is done at those facilities, staff will visit them to complete the ADA review process. The new ADA Polling Place Forms were used, and new room schematics were drawn. Staff also took photos of the polling places and precise location where the 100-foot limit for signs should be.

*dd. Review of Street Files* -- Guy Mickley stated that every off-election year, we review the street database to ensure that all the streets are assigned in the correct precincts and that the segments are correct. The initial process has been done by the warehouse staff, and a second review will be led by staff here at the office.

*ee. Interns* -- This summer, we again had young adults from both LoKA (League of Korean Americans) and Workforce Howard in our warehouse. They helped count pens, check booths and fix issues, and organize a multitude of supplies. We also had our first repeat Workforce Howard individual this year. Ann Balcerzak asked how many helped this year? Guy Mickley said eight from LoKA and three from Workforce Howard, for a total of eleven. As in previous years, it proved to be a fruitful endeavor for all. Phyllis West reported on behalf of Charlotte Davis that Ms. Davis attended an awards dinner at LoKA and Roy Smith attended the awards ceremony for Workforce Howard. Certificates from the Board of Elections were presented to participants at these events.

2. **Registration** – Registration continues to be typical of an off-election year. We have seen a slight increase in work load due to automatic registration at the MVA and other State Designated Agencies which started on July 1. There has been a large increase of exact duplicates during this process. It will be several more months until the long-term impact to our workload can be determined.
3. **Candidate Filing for 2020** – The current list of Candidates filing for the 2020 election was distributed to Board members. Director Mickley said there are a few more candidates than in June.
4. **Performance Evaluations** – PEPS were completed for all employees in July.
5. **DEFCON Conference** – In addition to himself, Guy Mickley stated that several staff members visited DEFCON for the State of Maryland in August. It was an eye-opening experience. He said that Maryland while has done a good job of implementing policies and procedures that go a long way toward being secure, there is always more work to be done. Conference attendees made several recommendations to the State Board of Elections concerning the things they saw and heard and how it relates to our work in elections. Overall, it was a

tremendous conference and one that he will send additional staff members to attend in the future.

6. **Princeton Tabletop Exercise** – Director Mickley reported that he, Jim and Jon Holton, and Sally Chen were invited to attend the New Jersey Statewide Tabletop exercise at Princeton University on September 9-10, 2019. He has spoken to their representatives and shared some of Maryland’s Tabletop exercises. They will be facilitators and help to run the event.
7. **Maryland State Board of Elections Biennial Conference** -- The State Biennial Conference will be held on October 17, 2019. It is mandatory for all Board Members and Board Counsel to attend. Director Mickley will be presenting on DEFCON and security issues at the conference. No agenda for the Conference has been published yet.
8. **Universal Postal Union** – Mr. Mickley informed the Board that the United States is deciding on October 17 whether the U.S. is going to withdraw from the UPU (Universal Postal Union). This could affect the delivery and return of absentee ballots to our military and overseas voters. At this time, what the exact consequences would be for a voter are unclear. He will keep the Board advised when we know more.
9. **New Pollbooks** – The Director reported that the office will receive 20 additional pollbooks and batteries for the 2020 election. We also have a new cart and will receive some additional batteries as backup for existing pollbooks. He has added another ballot scanner to polling places that had lines in 2018. These were included in the budget request.

#### **BOARD COUNSEL REPORT**

Michael Molinaro, Esq., stated that he had nothing to report. He mentioned that he had received a thank you card from the Secretary of MAEO for serving as a panel speaker on the Maryland Open Meetings Act session at the June MAEO Conference.

#### **OLD BUSINESS**

Donna Thewes stated that Board members had received an electronic draft copy of the Current Howard County BOE Bylaws with changes based on the new State Template. It included potential edits suggested by the Board Secretary, Board Members and Board Counsel. A paper copy was also provided in the handouts. Board members reviewed and discussed changes they wished to make to the current bylaws. Members agreed on several edits and changes, which will be presented in a final copy for approval at the September 23, 2019 meeting.

#### **NEW BUSINESS**

President Thewes and Board members discussed the value of members having official business cards for Board members. She indicated that since members don’t have an “official” phone number, email or business address, she did not support members having them. Some Board members mentioned that people ask them for a card at some events. After discussion, it was decided not to pursue this issue. Donna Thewes said we can request the state to provide

contacts for all Board members across the state to share with other Board members in other counties for networking purposes. Guy Mickley will discuss this possibility with SBE.

Ann Balcerzak briefed the Board about a conversation with a representative of the League of Women's Voters (LWV) as to whether a donation could be made to help them with their semi-annual Voter's Guide. Guy Mickley indicated that our "Sample Ballot" is an authorized guide by law and the LWV it is not an official guide according to SBE. He said we also don't have control of their publication, and if there are accuracy errors, it could reflect on us. He said the guides are allowed outside of polling places and Early Voting Centers. He also mentioned that LWV is not the only group that prepares an Informational Guide. The Board decided not to pursue this issue.

#### **EXECUTIVE SESSION**

Due to the late hour, the Board decided to postpone the Executive Session until the next Board meeting September 23, 2019.

#### **ADJOURNMENT**

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

**Action:** Board members present unanimously voted to adjourn the meeting at 6:45 pm.

The next Regular Open Board Meeting of the Howard County Board of Elections will be held on Monday, September 23, 2019 at 4:00 pm.

Respectfully Submitted,

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Phyllis A. West, Board Secretary

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Donna K. Thewes, Board President