

MINUTES

WASHINGTON COUNTY BOARD OF ELECTIONS

October 11, 2022

17718 Virginia Avenue

Hagerstown, MD 21740

240-313-2050

Present:

Board:

Martin Lumm, Board President

Tammy Downin, Board Vice President

Bill Blazes, Board Secretary

Connie Mozingo, Assistant Board Secretary

Jim Schultheis, Member

Brian Kane, Board Attorney

Staff:

Kaye Robucci, Election Director II

Barry Jackson, Election Deputy Director II

Cory Green, Election Program Assistant I

Absent:

Guest:

Kevin Tucker Clerk of the Circuit Court

Peter Perini, Dem Central Committee

Paul Pittman

Donna Brightman, Chair Dem Central Committee

President Martin Lumm called the meeting to order at 3:06 p.m. at the Washington County Election Center, 17718 Virginia Avenue, Hagerstown, MD 21740. There was a quorum present.

Swearing in of Board of Canvassers (Kevin Tucker, Clerk of the Circuit Court):

Kevin Tucker swore in the following members of the Board of Canvassers: Martin Lumm, Tammy Downin, William Blazes, Connie Mozingo and James Schultheis. Attorney Brian Kane was also sworn in. Mr. Tucker then left the meeting

Approval of Minutes of September 13, 2022.

Tammy Downin moved to accept the minutes, for September 13, 2022, Bill Blazes seconded, and the motion was carried unanimously.

Request for Additions/Changes to Agenda:

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Correspondence:

N/A

Reports:

I. Election Director

A. Personnel - Election Judge Recruitment – 604 Election Judges assigned, 690 target

B. Meetings & Trainings

Director's Meetings: Next meeting 10/20/22, combined with MD Dept. of Emergency Management

a. Highlights from 10/6/22 Director's Meeting:

- i. Montgomery County Circuit Court decision to allow for opening and tabulating mail in ballots before Election Day was appealed. Hearing was scheduled in the Maryland Court of Appeals on Friday, October 7, 2022.
- ii. SBE asked that we continue to update the election judge vacancy report.
- iii. SBE wants chief judges to call in at 11 a.m. on Election Day with the BMD numbers.
- iv. SBE has begun the discovery phase of looking into a new voting system, to be implemented in 2026.
- v. SBE will craft a response to citizen requests to do a "Double Check Program."

b. Election Judge Training all but completed (22 refresher trainings for returning election judges and 14 of 16 classes for new election judges completed). BMD and Provisional classes on October 12, 2022 at 5 p.m.

C. Correspondence Received: N/A

D. Registration Statistics for September 2022 were distributed to the Board

E. Voting System Activities:

1. Logic and Accuracy (L&A) testing is underway.

II. Attorney

Brian Kane had his first call on October 1, 2022 regarding regulatory changes and pending changes that would affect this election. Brian Kane stated all pending litigation involving the Washington County Board of Elections has been completed. The 2020 litigation involving the 22 counties in Maryland is still pending in Federal Court and will more than likely be dismissed by the Attorney General in Maryland. Brian Kane stated that the Plaintiff may attempt electronic service and could attempt to reach out to Marty

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Lumm or Kaye Robucci. Brian Kane stated that if an email is received to contact him prior to opening.

Old Business:

- I. MAEO Meeting, September 22, 2022
The virtual conference went better than the 2020 conference. Barry Jackson was elected to MAEO as a board member.
- II. EV02 – update
Meeting with the Libraries Deputy Director and Head of Security on September 16, 2022. More signs will be placed to promote the location. When the Library is open all entrances will be utilized and a security coverage calendar was completed. City of Hagerstown Police Department has not been contacted for the General Election due to them not actually entering the library during the primary.
- III. Election Worker Training Schedule
N/A
- IV. Flags for outside facility
Commissioner Jeff Cline and Randall Wagner attended the flag ceremony along with Danny Hixon and other Washington County employees.
- V. Christmas Party
December 1, 2022 at 7:00 p.m.
- VI. ARF (Agenda Report Form) to request increase in Election Worker pay
Permission for the Agenda Report Form to be on the County Commissioners agenda has not been granted yet. The request is for \$50.00 pay increase for election judges for just the 2022 General Election. Future elections will require reapproval.
- VII. 2 Page Ballot
Tammy Downin asked if there were any clarifications from the state. Barry Jackson stated no not really. A pink paper stating that you must scan both pages of your ballot and Page 1 must be scanned first will be attached to the scanning unit. Also, it is being stressed when the ballots are handed out to voters that the ballot is 2 pages.
- VIII. General Election – upcoming dates
October 11- October 14, 2022 L&A
October 18, 2022 close of registration
October 19, 2022 at 10:00 a.m. Public Test
October 21, 2022 Verification of Early voting supplies at 6:00 p.m.
October 24, 2022- October 26 Poll Book L&A
October 25, 2022 Set up Election Center Early Voting
October 26, 2022 Set up Library
November 1, 2022 Verification of Voting Day supplies at 6:00 p.m.
November 5, 2022 Chief Judge Pick up 9-12
November 8, 2022 Election Day
November 10, 2022 Mail In Ballot Canvass 1
November 14, 2022 Mail In Ballot Canvass 2
November 16, 2022 Provisional Canvass 10:00 a.m. to 4:00 p.m.
November 18, 2022 Final Canvass and Certification 10:00 a.m. to 4:00 p.m.

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Per SBE, canvassing during early voting is prohibited. A possible canvass day of Monday October 24, 2022 from 9 a.m. to 4 p.m. and another possible day is Friday November 4, 2022 from 9 a.m. to 4 p.m. Tammy Downin asked how many days is needed for the public notice to be posted? Barry Jackson stated a 10-day notice is needed. Jim Schultheis asked if we could post a public notice and then cancel? Barry Jackson stated we could cancel the canvass if it was needed. Peter Perini asked how many mail in ballots were requested and Barry Jackson stated around 10,000. All members of the Board of Canvassers are available on all days. The room set up will be identical to the set up from the primary. Tammy Downin asked if the projector could be a request that comes from the surplus budget and Kaye Robucci made a note. Jim Schultheis asked if there was a way to display only the issue with the ballot? Brian Kane stated that this is the intent, but it depends on what the issue with the ballot is (ie. Pencil mark/voter intent for a contest). Brian Kane suggested that a template be made with card stock to shade portions of the ballot that are not an issue. Jim Schultheis asked if it was discussed for the board to have a scanner that they could cast the ballots for certain scenarios (ie. stray marks)? Tammy Downin stated that she would shy away from the scanner at the Board of Canvassers table due to it looking like ballots were be counted twice or not being counted in the publics view. Brian Kane stated that he thought it was discussed that a label was going to be created showing why a ballot was referred to the Board, Board's Decision, and then result from the canvassing team such as the scanning unit, etc.

IX. Manual Audit

Must be completed within 120 days after the election.

SBE will pick 5 precincts

Percentage of provisional ballots will be determined based on how many provisional ballots are received (generally it is around 15 based on years past)

New Business:

I. Social Media Policy

The question is to continue to allow comments to be made on the Board of Elections Facebook page or if the Board votes to turn off the comments for Facebook and only use Facebook as an informational source. This policy is very similar to the State Board of Election, but it has been reworded by Brian Kane to reflect Washington County regarding comments made by the public on the Facebook Page. Brian Kane stated that it is a slippery slope if comments stay on as an individual could feel that their first amendment rights are being violated if a commentor is blocked from commenting. Jim Schultheis asked what the staff's discretion is regarding leaving the comments on or off the Washington County Board of Elections Facebook page? Barry Jackson and Kaye Robucci stated that they would prefer if comments were turned off for the Facebook Page. Brian Kane asked if this has been a problem in the past and if people were blocked in the past or if posts were removed? Barry Jackson stated they have blocked people and deleted posts in the past. Peter Perini suggested 3 minor changes to social media Policy. After a lengthy discussion the board agreed that the social media policy will be rewritten for the December 13, 2022 board meeting.

Scheduling of Next Meeting:

The next regular meeting of the Washington County Board of Elections will be held on Tuesday, December 13, 2022 at 3:00 p.m. The location is Washington County Election Center, 17718 Virginia Avenue, Hagerstown, MD; as pursuant to the Bylaws of the Washington County Board of Elections, Article 3, Section 3.3(A) 8.

Members Remarks:

Tammy Downin asked if the Board of Canvassers would reconvene to approve the canvass minutes and Kaye Robucci stated it would reconvene.

Distributed Information:

Future Events:

Early Voting - October 27- November 3, 2022
Election Day – November 8, 2022

Adjournment and Reconvening the Board of Canvassers:

There being no other business to come before the Board at this time, President Marty Lumm called for a motion to adjourn the Regular Board Meeting and reconvene the Board of Canvassers. At 4:38 p.m., Jim Schultheis made a motion to adjourn the Regular Board Meeting and reconvene the board of canvassers. Tammy Downin seconded the motion, and it carried unanimously.

Jim Schultheis made a motion at 5:11 p.m. to go into executive session and Bill Blazes seconded and the motion carried unanimously.

SUMMARY OF CLOSED SESSION HELD ON October 11, 2022

1. *Statement of the time, place, and purpose of the closed session:*

Time of closed session: 5:11 p.m.

Place (location) of closed session: Election Center 17718 Virginia Avenue, Hagerstown, MD 21740.

Purpose of the closed session: (7) To consult with counsel to obtain legal advice on a legal matter.

2. *Record of the vote of each member as to closing the session:*

Names of members voting aye: Tammy Downin, Bill Blazes, Connie Mazingo, Jim Schultheis

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Members opposed: None

Abstaining: Marty Lumm

3. Statutory authority to close session:

This meeting was closed under the following provisions of General Provisions
Art. § 3-305(b):

Topic #1: § 3-305(b) (7) **Topic #2:** § 3-305(b) (7) **Topic #3:** § 3-305(b) ()
(add others as needed)

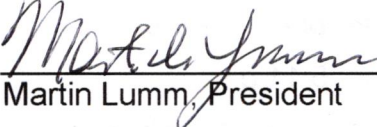
4. Listing of each topic actually discussed, persons present, and each action taken in the session:

Topic description	Persons present for discussion	Action Taken/Each Recorded Vote
#1: Public Harassment on Social Media Platforms	Marty Lumm, Tammy Downin, Connie Mazingo, Jim Schultheis, Brian Kane, Bill Blazes, Barry Jackson, Cory Green, Kaye Robucci	No Action Taken
#2: Request for Double Check Program	Marty Lumm, Tammy Downin, Connie Mazingo, Jim Schultheis, Brian Kane, Bill Blazes, Barry Jackson, Cory Green, Kaye Robucci	No Action Taken

After the discussion was completed, Tammy Downin made the motion to adjourn Executive Session at 6:17 p.m. Connie Mazingo seconded, and all parties voted aye.

Compiled by Cory Green
Election Program Assistant I

Respectfully Submitted,


Martin Lumm, President 11/10/2023
Date


Bill Blazes, Secretary 11/10/2023
Date