



MINUTES

WASHINGTON COUNTY BOARD OF ELECTIONS

March 14, 2023

17718 Virginia Avenue

Hagerstown, MD 21740

240-313-2050

Present:

Board:

Martin Lumm, Board President
Tammy Downin, Board Vice President
Connie Mazingo, Assistant Board Secretary
Jim Schultheis, Board Member
Bill Blazes, Board Secretary

Staff:

Kaye Robucci, Election Director II
Barry Jackson, Election Deputy Director II
Teresa Morningstar, Election Program Supervisor I
Sarah Hall, Temporary Employee

Absent:

Brian Kane, Board Attorney

Guests:

Donna Brightman
Candace Carpenter
Peter Perini
Angela Batista, Chairperson Democratic Central Committee

President Marty Lumm called the meeting to order at 3:08 p.m. at the Washington County Election Center, 17718 Virginia Avenue, Hagerstown, MD 21740. There was a quorum present.

Minutes of the February 14, 2023 Regular Board Meeting:

Tammy Downin moved to accept the minutes, for February 14, 2023 as amended. Jim

WASHINGTON COUNTY BOARD OF ELECTIONS

March 14, 2023

Page 2

Schultheis seconded, and the motion carried unanimously.

Request for Additions/Changes to Agenda:

Barry Jackson requested to add the following:

In "New Business," add

V. Comprehensive Audit Findings

Correspondence:

- I. Emailed to Board: Election Center Member notification of new CISA grant opportunity

Reports:

- I. Election Director
 - A. Personnel – discuss in Closed Session.
 - B. Meetings:
 1. Barry Jackson participated as a panelist in the League of Women Voters' Maryland Youth Voter Summit, March 11, 2023.
 2. Director's Meetings: Recap of February 16, 2023 Call:
 - a) SBE is working on a combined Provisional/SDR application.
 - b) JAD/Product Development Mtg - March 28-30th
 - c) New Voting System 2026 team was created
 - d) Update on new pollbooks. Tablet delivery expected to begin by March. User acceptance testing to begin in the Summer and last several months.
 - e) Next Meeting, March 16, 2023
 - C. Trainings: Candidate filing refresher was January 17
 - D. Legislative Update: Status of election-related bills:
 1. Bills on the way to passage:
 - a) SB195 (West, Balt/Carr) – adds Judge of the Orphan's Court to Non-Partisan races. **Passed Senate, referred to House**
 - b) SB379/HB535 (Kagan, MoCo/Feldmark, HoCo) – sets rules for the early processing of mail in ballots, tabulating and releasing results, curing of ballots without signatures, and acceptance of ballots if more than one is submitted by the same voter. **Passed each respective chamber, crossing to opposite chamber.**
 - c) SB339/HB642 (Kagan, MoCo/Grossman, WashCo) – Recount bills putting into law practices that we already have in place. **SB339 passed Senate, referred to House Ways and Means.**

WASHINGTON COUNTY BOARD OF ELECTIONS

March 14, 2023

Page 3

- d) SB863/HB899 (Kagan, MoCo/Jones, AA) – allows for the removal of the State Administrator of Elections upon 4 votes from SBE. **Passed both houses and crossing over.**
 - e) HB572 (Kaiser, MoCo) – Risk Limiting Audits. **Passed House, received hearing in Senate EEE.**
Kaye Robucci wonders if this would be for both elections.
 - f) HB410 (Rosenberg, Balt.City) – Election Reform Act of 2023. Originally set rules for how local boards can change polling places and prohibited records requests within 90 days of an election and until after certification. Amended version prohibits reducing polling places by more than 5% of 2018 polling places. **Currently on 2nd reader in the House.**
 - g) HB1200/SB925 (Jones, AA/Washington, PG) – minimum \$250 for election judges, minimum \$50 for training. **On 2nd reader in both houses.**
2. Other bills:
- a) HB0114/SB0039 (Qi/Kagan, MoCo) – Affiliating with a Party – Unaffiliated Voters. Would allow unaffiliated voters to choose a political party until 5pm the day before the start of Early Voting. – **HB114 Hearing on 1/24/23, SB39 Hearing on 2/16, no update**
 - b) HB616/HB1092 (Barnes/Metzgar) – competing bills: HB616 has Early Voting days from Sunday to Thursday, HB1092 has Early Voting days from Monday to Thursday – **HB616 Hearing on 2/21/23, HB1092 Hearing on 3/7/23 (MAEO is supporting both bills)**
- E. Voter Registration Activities and Statistics:
- 1. Registration Statistics for February 2023
- F. Candidate Filings:
- 1. Filing for 2024 Presidential Election began on January 19, 2023. No filings so far.
 - 2. Candidate filing refresher training on Friday, 2/17.
- G. Voting System Activities:
- 1. Post Election Maintenance completed March 13th. No scanning units or pollbooks failed, 15 out of 171 BMDs failed, 10 of 198 pollbook printers failed.
 - 2. New MPA-40 pollbook printers were delivered and the old MPU printers picked up on March 1st. SBE says a “limited” UAT should be performed, no deadline.
 - 3.

WASHINGTON COUNTY BOARD OF ELECTIONS

March 14, 2023

Page 4

H. Projects:

1. Still awaiting new systems from county as a result of cyber attack in November, 2022.
2. Clean up from 2022 election (clean out black transfer carts and put everything away, box up voted and unvoted ballots for storage).
3. Inventory audit to be completed by June 30th, 2023.

II. Attorney
N/A

Old Business:

- I. FY24 Budget
 1. The County Personnel Committee recommended to the County Commissioners our request for a 7th full time staff member. Pay increase for Election Judges was not approved. However, House Bill 1200 would require the pay increase if it passes.
- II. Canvass Minutes
 1. Both Primary and General Canvass Minutes were amended and sent by email. Signed copy is still required for the State after they are reviewed by the Board. Board of Canvassers meeting will be held to discuss the minutes.
- III. MAEO
 1. Tentative agenda and instructions were distributed to Board Members and Guests. Meeting is May 14-19
- IV. Ethics – due April 30, 2023
 1. Final ethics report still pending. All but Jim Schultheis and Kaye Robucci have submitted their reports.

New Business:

- I. Early Voting
 1. Barry explained the packet handouts for voter turnout. Discussion ensued about where people chose to vote early vs where they lived. Jim Schultheis reviewed early voting site data across the state and found the Hagerstown Library Voting Site had a median percentage turnout comparatively. A new Early Voting site in Boonsboro at the American Legion was suggested by Jim Schultheis and discussed; may need a budget increase to secure the site. It would be a third Early Voting site. The Big Pool Community Center was also suggested as a site for the western part of the county as a possibility. Jim Schultheis asked how long would it take to realistically add the American Legion as an approved Early Voting site; 90 days and be ready by the summer?
Kaye Robucci discussed the interactions with the Library as an Early Voting site; pros and cons. Further investigation into new voting sites is recommended. Tammy Downin and Jim Schultheis want to ensure that any new site is able to make a long term commitment.

WASHINGTON COUNTY BOARD OF ELECTIONS

March 14, 2023

Page 5

II. Polling Place Consolidations

1. Barry discussed reasons for consolidation: lack of election judge staffing, increase in vote by mail means less voters appearing in person on Election Day. Consolidations would be for efficiency but also as not to add a burden to our voters. While in person voting is decreasing, consolidations would bring polling places down to 40. Suggestions from the packet were discussed. Jim Schultheis raised the question about the optics of closing the percentage of polling places that were suggested; as far as disenfranchising any voters or groups of voters. Martin Lumm asked for a priority list of consolidations, in case we are limited to closing/consolidating only 5% of current polling places. Peter Perini asked for clarification of the proposed law concerning the number of physical polling places and the polling places we are proposing to combine.

III. Voter Confidentiality Request

1. Kaye Robucci asked the Board to review 2 requests. Connie Mazingo made a motion to approve the Confidentiality Requests, Jim Schultheis seconded the motion and it was unanimously approved.

IV. CISA Grant Opportunity

1. The qualifications of what the grant may be used for were discussed. At least 3% must be spent on Election Security and must be to fund new security projects only. Future security cameras, and key card locks on ballot room doors are possibilities. Jim Schultheis suggested having a security firm monitor cameras on ballot drop boxes. Connie Mazingo suggested a metal detector at the door as a possibility. Tammy Downin made a motion that the Board pursue the grant. Seconded by Jim Schultheis. Motion carried unanimously.

V. Comprehensive Audit Findings

1. Kaye Robucci explained the Comprehensive Audit Findings and the action items that were suggested. The Board is asked to review the findings before March 30th.

Members Remarks:

Jim Schultheis asked about the bounced email list process. It was explained by Barry Jackson. Tammy Downin thanked the incoming Board members for attending the meeting. Candace Carpenter raised a question on the combining polling places, and made a suggestion on a potential new site. Donna Brightman would like clarification of combining polling places and which sites would satisfy the new law and also be efficient. Peter Perini asked for the deadline date to be repeated for the Early Voting site; September 23rd. Also, are we required to open the Early Voting site to public comment? Barry Jackson explained that election law requires local boards of elections to give 48 hours notice to the public. Angela Batista asked for clarification on deadline of August 22nd for the State to determine how many Early Voting sites are required. The date is based on the premise of being 8 months before the Primary and may move,

WASHINGTON COUNTY BOARD OF ELECTIONS

March 14, 2023

Page 6

because the 2024 Primary Election date has not yet been determined.

Scheduling of Next Meeting:

April 11, 2023 at 3:00 pm

Distributed Information:

Comprehensive Audit Findings

Future Events:

MAEO

Staff visiting Harford LBE for viewing of "No Time to Fail," March 15, 2023

Adjournment and Opening of Executive Session:

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 Open the Executive Session and for the board of canvassers to reconvene. At 5:29 p.m., Jim Schultheis made a motion to adjourn the Regular Board Meeting and Open the Executive Session. Connie Mozingo seconded the motion, and it carried unanimously.

SUMMARY OF CLOSED SESSION HELD ON March 14, 2023

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

Time of closed session: 5:29 p.m.

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

Purpose of the closed session: (1) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, and (10) to discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:

- (i) The deployment of fire and police services and staff; and
- (ii) The development and implementation of emergency plans.

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

Names of members voting aye: Tammy Downin, Connie Mozingo, Jim Schultheis

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) (1) **Topic #2:** § 3-305(b) (10) **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: Hiring of new Election Director	Marty Lumm, Tammy Downin, Connie Mazingo, Jim Schultheis, Kaye Robucci, Barry Jackson	Information only, No Action Taken
#2: Continuity of Operations (COOP) site	Marty Lumm, Tammy Downin, Connie Mazingo, Jim Schultheis, Kaye Robucci, Barry Jackson	Tabled

After the discussion was completed, Bill Blazes made the motion to adjourn Executive Session at 5:57 p.m. Jim Schultheis seconded the motion, and it carried unanimously.

Compiled by Barry Jackson
 Election Deputy Director II

Respectfully Submitted,


 Martin Lumm, President 4/11/2023
Date


 Bill Blazes, Secretary 4/11/23
Date