



MINUTES

WASHINGTON COUNTY BOARD OF ELECTIONS

August 9, 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 Mazingo, Assistant Board Secretary

Jim Schultheis, Member (Virtual)

Brian Kane, Board Attorney

Staff:

Kaye Robucci, Election Director II

Barry Jackson, Election Deputy Director II

Cory Green, Election Program Assistant I

Teresa Morningstar, Election Supervisor I

Absent:

Guest:

Paul Pittman

Peter Perini (Dem. Central Committee)

President Martin Lumm called the meeting to order at 3:03 pm at the Washington County Election Center, 17718 Virginia Avenue, Hagerstown, MD 21740. There was a quorum present.

Approval of Minutes of July 12, 2022.

Tammy Downin moved to accept the minutes, for July 12, 2022, Bill Blazes seconded, and the motion was carried unanimously.

Request for Additions/Changes to Agenda:

II. Common Cause Maryland and ACLU Maryland Information (to be added in correspondence)

III. Frederick County is doing a rescan of their canvass (to be added in correspondence)

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Correspondence:

- I. Revised Election Calendar was distributed to the Board
- II. Common Cause Maryland and ACLU Maryland letter sent to SBE was distributed to the Board. The letter is regarding a list of issues that were brought to their attention during the 2022 Primary Election. MAEO is forming a response to the letter
- III. Frederick County Recount - Frederick County has decertified their results from the 2022 Primary Election and will reconvene to rescan all mail-in and provisional ballots counted in the post-election canvasses.

Reports:

- I. Election Director
 - A. Personnel: N/A
 - B. Meetings:
 1. MAEO Meeting: August 12, 2022, 10 am
 2. Director's Meeting: August 18, 2022, 10 am
 - C. Correspondence: N/A
 - D. Trainings: CERA Conference & Class, August 19-August 24, 2022. Barry Jackson and Teresa Morningstar have completed their CERA requirements and will graduate! They will also be attending a Renewal Class.
 - E. Legislative Update: N/A
 - F. Voter Registration Activities and Statistics:
 1. Registration Statistics for July 2022
 - G. Candidate Filings:
 1. Petition Candidate
Billy Williams candidate for sheriff submitted his petition signatures, however, he did not submit the required 1% of signatures. The signatures must still be processed by the staff.
 - H. Voting System Activities:
 1. Post-Election Maintenance: Voting Booths & ADA Tables
 2. Clean out black carts to prepare for the General Election
 - I. Projects:
 1. Continue to recruit Election Workers (535)
 2. Election Worker Payroll
 3. Election Worker Training Schedule
 4. Process Petition pages

The Board and staff discussed the need for additional election workers and made the following suggestions:

- Marty Lumm asked if we worked with guidance counselors at schools and Kaye Robucci responded that in the past we have not worked directly with guidance counselors and it would require a lot of coordination with the schools.

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- Brian Kane recommended contacting our election worker, Genie Massey, who was a teacher for the Washington County Public Schools. Genie Massey suggested that the Board of Elections work with the local civic education group “We the People” that is sponsored by WCPS.
- Connie Mazingo stated that if more information could be sent to Pen-Mar Regional Association of Realtors that it may help recruit some of her colleagues.
- Teresa Morningstar suggested targeting the new Leadership of Washington County class that will start in the fall.
- Kaye Robucci informed the Board that she recently discovered that the Administrative Leave that was approved by the County Commissioners in February 2019 for County employees who served as Election Workers was according to the County only approved for the 2020 Elections. We would have to go before the County Commissioners again to request Administrative Leave for the 2022 and future elections.
- Tammy Downin suggested doing some training online. Barry Jackson stated that the State’s online version was very lengthy and he would have liked to see it reduced to a degree rather than a step by step of the manual. Teresa Morningstar and Cory Green both stated that the online training did not work as it involved a lot of hands-on interaction with the election workers. The election workers would come into the office as they were not able to navigate the online training.
- Barry Jackson and Kaye Robucci will be using a Mock Election style format for the Refresher Training Classes.

II. Attorney: Brian Kane updated the Board on the following:

- In the Matter of Seth Wilson, Case Number: C-02-CV-22-000078, the case is pending and the hearing is scheduled for August 15, 2022 at the Circuit Court of Anne Arundel County 9 am. Brian Kane will be in attendance.
- Senator Corderman vs. Shawn Perry, Case Number: C-21-CV-22-000226, the ruling of May 27, 2022, is final.
- Civil Complaint, Case pending in the US District Court for Maryland. The plaintiffs are Lois Ann Gibson, Maryland 20-20 Watch, and a Private Unincorporated Association of Maryland Citizens and Voters in MD. The named defendants are Frederick, Howard, and Carroll Counties with 18 (unnamed) additional counties and others.
 - Brian Kane stated it is a RICCO enterprise criminal case. The plaintiffs have made claims regarding the 2020 election and the grant money received from Center for Tech and Civic Life, which was used to allegedly pay “ballot mules.” The judge denied the temporary restraining order regarding the retention of 2020 election

- records. Brian Kane asked that due to pending litigation, don't destroy any 2020 election records until further notice. The records should be held until litigation has been completed or the State says the information can be shredded.
- County Attorney, Kirk Downey, has to file a response as Washington County is named as a defendant (not the Washington County Board of Elections). Brian Kane stated it is not certain if County Commissioner, Jeff Cline, has been served.
 - Marty Lumm stated that Tim Kenny has filed a complaint on August 5, 2022, with the State Board of Elections. In summation Mr. Kenny's complaint is that there is something illegal or unconstitutional that prohibits unaffiliated voters from voting for the circuit court judge race. Mr. Kenny would like Brian Kane to file a lawsuit on behalf of the citizens of Washington County. Brian Kane informed Mr. Kenny that he could appear at the Board Meeting today and reminded him that the local Board does not determine the laws regarding who could and could not vote for the circuit court judge race. Mr. Kenny's request needs to go through the proper channels.

Old Business:

- I. Review of 2022 Primary Election
 - A. Pre-election Activities:
 1. EW Training:
 - a. General EW Training is scheduled for Sept 14 through October 6, 2022.
 - b. Possible mock election for returning election workers so that it is hands on versus an open house.
 - c. There will also be classes for New workers.
 - d. We have requested 4 trainers from the State.
 - e. Peter Perini asked if the Board has reached out to teachers and Barry Jackson stated that he thought the teachers conduct parent, student, teacher conferences that day. Barry Jackson also pointed out that the primary was during the summer when school was out and there were not many teachers who participated in the election. Peter Perini suggested that the Board reach out to the new superintendent, Dr. David T. Sovine.
 2. Drop Boxes:
 - a. Barry Jackson stated that the process ran smoothly and there were no major issues. It was tough finding election workers especially on election night.
 - b. Hancock was the least used drop box in the county.
 - c. The locations for the drop boxes are not changing for the general election. Tammy Downin suggested that the percentage of the eligible voters needs to be looked at rather than just raw numbers especially for Hancock as a better indicator for how productive the drop boxes were.

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- d. Teresa Morningstar suggested new bags for the ballot drop box teams.
 - e. Teresa Morningstar stated that prior to the drop box staff leaving the office, that the forms need to be reviewed by staff so that they are complete.
 - f. Peter Perini asked about having a drop box at every town hall for the general election. That would be an additional drop box at Funkstown, Sharpsburg and Keedysville. It is too late to request additional drop boxes for the 2022 general election.
3. Mail-in Ballots: N/A
 4. Early Voting:
 - a. EV01: Election Center
 1. 2,700 voters
 2. No complaints
 - b. EV02: Washington County Free Library
 1. 300 voters
 2. Recommendations: promote location and free parking. Need additional signage.
 3. Connie Mozingo shared a letter from Craig Harvey, CJ at District 10-4 and at the library during early voting. Craig Harvey offered several suggestions regarding signage and other ways to promote early voting at the library.
 4. Mummers parade is Saturday, October 29, 2022:
 - a. Tammy Downin asked if there is access to the parking lot from other streets? Kaye Robucci will inquire about this during the meeting with Jay Kelsh, Head of Security at the library.
 - b. Brian Kane asked if there is enough time to find another location? Kaye Robucci stated that she was only considering another location if the ruling from the pending court case would prohibit the use of the Washington County Free Library as an Early Voting Site.
 - c. The parking lot may need to be monitored (by election staff, auxiliary police or library security) to make sure parade attendees aren't using the free parking.
 - d. Marty Lumm asked if the board could file an emergency request to have the early voting site closed at 5:00 pm due to the parade. Kaye Robucci stated that would not be possible due to the requirement to have Early Voting hours from 7am to 8pm.
 - e. Kaye Robucci asked if the board wanted to use the library again and Marty Lumm stated we have talked about other locations and didn't know if they are available for the General Election.

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- f. Cory Green asked if there was a way to use the gate to monitor the parking lot such as having a key code to open the gate after a voter votes and has their parking ticket validated.
 5. Packing of supplies:
 - a. All supplies were packed, but some supplies could not be located by the election judges.
 - b. Tammy Downin made a comment that the black bags were falling apart and were already pretty full. Kaye Robucci stated that Cory Green has already ordered replacements.
 - c. Kaye Robucci stated she will work with Larry Shipe and Cindy Russell to see what supplies could be removed or consolidated.
 6. Delivery of Voting Equipment:
 - a. Everything was delivered.
 - b. During delivery two trucks broke down and one truck was in an accident.
 7. Supply Pick-up:
 - a. Saturday pickup with the chief judges went well and for the most part everyone showed up when they were supposed to.
- B. Election Day:
1. Polling Place Visits. The Board discussed the following:
 - a. Marty Lumm:
 - i. More BMD's
 - ii. Several locations did not follow the polling place layout 100% and it messed up the voter flow.
 - b. Connie Mozingo:
 - i. Pangborn, District 22-2: more table top booths for their elderly population.
 - ii. Chief Judges need to be assisting more.
 - iii. Move the Scanning Unit closer to the exit.
 - iv. More signage at the front doors (which door to enter).
 - c. Brian Kane:
 - i. The Provisional pollbook was not clearly marked and he thought it got mixed in with the other pollbooks on election day.
 - ii. Provisional/SDR made a backup at some locations due to how lengthy the process can take. Should large locations have 2 Provisional/SDR judges?
 - iii. Suggested that the chief judges take the full provisional/SDR training class or have additional cross training for other election workers.
 - iv. Chief Judges need to assist more.
 - v. More signage is needed.

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- d. Tammy Downin:
 - i. Have a floater/rover staff who would be cross trained in all positions and is enthusiastic that would be willing to jump in and help where it is needed on election day.
 - ii. Tech judge's need to assist if not working on technical issue
- e. Bill Blazes:
 - i. Sharpsburg needs more signs with big arrows for parking. Barry Jackson asked how the parking went at Sharpsburg and Bill Blazes stated some voters were confused where to go with parking as some voters were parking in the front like in the past.
- f. Kaye Robucci:
 - i. Election Center, 26-1, Breakroom was left a mess, food in the sink and tables not wiped off.
 - ii. No A/C. We knew about District 8-0, Substation 8, but did not know that 14-1, 19 and 21-2 had little or no A/C.
 - iii. Were there enough cables (due to additional EPB at many locations)?
2. Election Workers (discuss in Executive Session)
3. Equipment issues:
 - a. Two BMDs broke down on Election Day (18-3 and 21-2). They were the refurbished ones that were purchased.
4. Food:
 - a. Everyone agreed the food was good but there was too much for the evening meal.
 - b. They prefer boxed lunches due to having to eat quickly and head back out.
 - c. Tammy Downin suggested a buffet style for dinner.
5. Election Night Activities (tasks, return process, enough helpers):
 - a. Bill Blazes stated more helpers are needed.
 - b. Kaye Robucci asked Marty Lumm and Tammy Downin about the check list and if the people loading the carts could do the checklist.
 - c. More carts and teams are needed. Barry Jackson agreed more carts are needed but we can't have too many helpers otherwise the back loading area could be bottlenecked.
 - d. Cory Green offered to help in the back area where Jim Schultheis and Bill Blazes were stationed.
 - e. Connie Mozingo stated that the support tech was using his phone a lot.
 - f. Lighting was not an issue and the floodlight was not used.
 - g. Line around the building was a bit out of control with some people waiting an hour to be unloaded. Everyone agreed it will go smoother and faster during the General due to it being the second time at Virginia Ave.

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- h. Marty Lumm asked if the wait time was any longer than in the past and Barry Jackson stated it was longer than in the past.
- i. It was suggested that both front doors be used to unload vehicles and possibly have Cindy Russell and Larry Shipe as a second check list team in addition to Marty Lumm and Tammy Downin.

C. Post-Election Activities:

1. Canvasses (MIB1, Provisional and MIB2):
 - a. Kaye Robucci stated that as difficult as it was to hear about the room being set up incorrectly, the attorney had a valid point and the room would follow a similar layout in the future.
 - b. Maybe open up the divider to use the whole room.
 - c. Brian Kane suggested using a projector for the ballots that the board reviews to speed up the process and it would allow the public to see the ballots.
 - d. Kaye Robucci asked Barry Jackson if the number of teams was adequate and Barry Jackson stated they were.
 - e. Jim Schultheis stated that the number of Challengers and Watchers had an impact on the teams as the teams were more conscious and it affected their speed.
 - f. Suggestion to turn the teams around so they are facing the Challenger and Watchers.
 - g. Peter Perini stated that the adaptation of the room was commendable.
 - h. Peter Perini asked when the general comes around and there are more ballots if the number of teams will have to be increased?
 - i. Jim Schultheis asked if on the voter assistance form if an oath could be placed on the form as we had numerous oaths that were not signed on the ballot envelope. Kaye Robucci will bring this issue up on the Directors call which begins later this week.
 - j. Jim Schultheis reported there was a large number of voters who showed up on election day thinking it was a vote center. How can we inform the voters where they can vote? Kaye Robucci said she is not sure how to inform the voters where they should go to vote as they receive voter notification cards and Sample Ballots in the mail telling them where to vote.
2. Audit and Certification Procedure:
 - a. Kaye Robucci stated that we are continuing with the Comprehensive Audit process. Phase II of clear ballot will be coming.

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II. Drop Boxes at Correctional Facilities:

Kaye Robucci sent an email to Tracey Hartman, SBE, on July 29, 2022, indicating that due to safety issues (a fight broke out at RCI and several guards were injured) and time constraints (2-2.5 hours to empty the drop boxes); the staff of the Washington County Board of Elections will no longer be emptying the drop boxes at the correctional facilities.

Kaye Robucci informed the Board that currently there is no law that requires drop boxes in the correction facilities in Washington County. The law only applies to Baltimore City Centralized Booking Facility.

Kaye Robucci is requesting that the state find a contractor to empty the drop boxes from now on. Tammy Downin asked how the staff began to go to the prisons and Kaye Robucci indicated that initially she was under the impression it was now a law that required all of the correctional facilities to have drop boxes. However, she has since learned that while SB525 only required the drop boxes at the Baltimore Central Booking Facility, DPSCS took the bill further and installed a ballot drop box in all of its correctional and pre-trial detention centers. The LBE's were asked if they would empty the drop boxes at the correctional facilities and in November 2021, I said we would. The Election Board staff did faithfully empty the (8) drop boxes located at the (4) correctional facilities for the period leading up to and including the primary election.

Marty Lumm agrees with Kaye of finding another alternative to the pick up at the prisons. Peter Perini stated that the staff neglecting the prisons could lead to the prisoners claiming voter suppression. Peter Perini asked how the prisoners received their election mail and Kaye Robucci explained that the state determined the number of eligible voters at the prisons and provided packets for the facilities to distribute to the eligible residents.

Kaye Robucci clarified to Peter Perini and Tammy Downin that the state would hire a contractor or find vetted election workers to empty the drop boxes in the correctional facilities.

Kaye Robucci will reach out to Tracy Hardman to get clarification and bring additional information in September) Possible censorship of mail and that could be the reason for the drop boxes were installed in the prisons

III. MAEO Meeting, September 22, 2022

Virtual meeting in the Conference room for Board Members and staff. Kaye Robucci and Barry Jackson may go in person.

New Business:

- I. Washington County Free Library. Meet with Jay Kelsh after August 15 to discuss security and signage for the General Election. Discuss Mummers Parade and parking.
- II. Recount Process: N/A
- III. Petition Candidate, Billy Williams, Sheriff
The petition signatures will be processed.

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- IV. Election Worker Training Schedule is being generated.
- V. Polling Places 2022 General:
 - a. District 8-0: Return to Pleasant Valley Baptist Church
 - b. District 21-2: North Hagerstown HS
 - i. Complaints about the gym due to the distance to walk.
 - ii. Revise the layout to use the area closer to the entrance and exits.
 - iii. No air conditioning during the primary and it could be because the system was broken. M.S. Johnston vans were outside of the school.
 - iv. Review Ballot Distribution requirements with the workers.
 - c. District 9-0, Leitersburg
 - i. Verify room layout and placement of mats.
- VI. Local Ballot Questions: There are no local ballot questions for Washington County.
- VII. Flags for outside facility
The issue came up during early voting when a voter raised a complaint that there were no flags at the vote center. The voter talked to the county commissioners while they were campaigning and the commissioners took action on it. Barry Jackson has been in contact with Andrew Eshelman. Three flag poles will be installed on the island, 1-25' and 2-20'. The other flower beds will be converted to rock beds.
- VIII. Conference Room Phone
There is a Shortel conference room phone. Barry Jackson will reach out to the county.
- IX. Christmas Party
Nothing has been scheduled yet. Tammy Downin suggested Hoffmans. Connie Mozingo suggested Rik's Café.

Members Remarks:

Marty Lumm asked about an Open House for our new facility. Possible Christmas open house? Brian Kane stated that the County Commissioners have multiple Christmas dinners and possibly do it around the holidays. Connie Mozingo suggested a ribbon cutting ceremony for when the flags are installed.

Marty Lumm requested that when the training schedule is solidified to have the posters made so they can be distributed and put on social media.

Brian Kane suggested point of contact advertising such as county employees other state employees to try and target specific groups of people.

Jim Schultheis stated that it is challenging to find election workers.

Distributed Information:

- I. Revised Election Calendar

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Future Events:

- I. August 19-25: CERA Graduation and Class, Barry Jackson and Teresa Morningstar
- II. August 24: Williamsport HS Back to School Event, Voter Registration: Tamara Derr and Cory Green

Scheduling of Next Meeting:

The next regular meeting of the Washington County Board of Elections will be held on Tuesday, September 13, 2022 at 3:00 PM. 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.

Adjournment and 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 move into Executive Session. At 5:50 pm, Tammy Downin made a motion to adjourn the Regular Board Meeting and convene an Executive Session under State Government Article, § 10-508 (a) (1). "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals." Bill Blazes seconded the motion, and it carried unanimously. No guests present.

SUMMARY OF CLOSED SESSION HELD ON May 10, 2022

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

Time of closed session: 5:50 pm.

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

Purpose of the closed session: Election Judge Conduct Interactions

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

Names of members voting aye: Tammy Downin, Bill Blazes, 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):

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

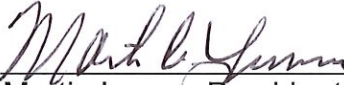
4. Listing of each topic actually discussed, persons present, and each action taken in the session:

Topic description	Persons present for discussion	Action Taken/Each Recorded Vote
#1: Conduct of certain election judges during Primary Election	Marty Lumm, Tammy Downin, Connie Mazingo, Brian Kane, Bill Blazes, Kaye Robucci Barry Jackson, Cory Green	Board agreed not to rehire two election judges and counsel another for conduct during Primary Election

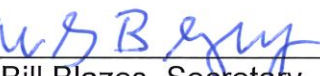
After the discussion was completed, Tammy Downin made the motion to adjourn the Executive Session at 6:25 pm. Bill Blazes seconded, and all parties voted aye.

Compiled by Cory Green
Election Program Assistant I

Respectfully Submitted,


Martin Lumm, President

9/13/2022
Date


Bill Blazes, Secretary

9/13/2022
Date