



MINUTES

WASHINGTON COUNTY BOARD OF ELECTIONS
February 14, 2023
17718 Virginia Avenue
Hagerstown, MD 21740
240-313-2050

Present:

Board:

Martin Lumm, Board President (remote)
Tammy Downin, Board Vice President
Connie Mozingo, Assistant Board Secretary
Jim Schultheis, Board Member (remote)
Bill Blazes, Board Secretary (remote)
Brian Kane, Board Attorney (remote)

Staff:

Barry Jackson, Election Deputy Director II
Teresa Morningstar, Election Program Supervisor I

Absent:

Kaye Robucci, Election Director II

Guests:

Donna Brightman, Democratic Central Committee
Angela Batista, Democratic Central Committee
Matt Breeding, County Treasurer

Vice-President Tammy Downin called the meeting to order at 3:03 p.m. at the Washington County Election Center, 17718 Virginia Avenue, Hagerstown, MD 21740. There was a quorum present.

Minutes of the January 10, 2023 Regular Board Meeting:

Connie Mozingo moved to accept the minutes, for January 10, 2023 as presented Marty Lumm seconded, and the motion carried unanimously.

Request for Additions/Changes to Agenda:

N/A

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Correspondence:

- I. Email from Nikki Charlson regarding the passing of Rudy Lamone sent to the Board.
- II. SBE Report on the 2022 General Election emailed to the Board 2/1/23
- III. Article, "Electronic Pollbooks Raise Concerns" emailed to the Board 2/7/23

Reports:

- I. Election Director
 - A. Personnel – PEPs due on January 20, 2023; they were mailed to SBE.
 - B. Meetings:
 1. Barry Jackson speaking at Lion's Club meeting on February 14, 2023 at 6:00 p.m. on topic of Election Security.
 2. Director's Meetings: Recap of January 19, 2023 Call:
 - a) Linda Lamone and Nikki Charlson gave a briefing of the 2022 elections to the House Ways & Means Committee. The report is attached to the Board packet.
 - (1) Del. Barnes expressed interest in reducing early voting days to 3 or 4 days.
 - b) RICO lawsuit appeal period ended but plaintiffs submitted another filing. Nikki Charlson reported the matter is close to being settled.
 - c) Brett Paradise is the new Director of Voter Registration. Originally from Maryland but worked in California state government the last 20 years.
 - d) SBE is currently working with University of Baltimore to produce an application that includes provisional and same-day registration.
 - e) BMD issues need to be reported to SBE in order to schedule a visit from ES&S to perform maintenance. LBEs should not perform Post Election Maintenance (PEM) on any BMDs with issues until after ES&S visit.
 - f) February 2023 is the target for pollbook printer swap, returning the MPUs and delivering the A40s (SBE has since scheduled the swap for March 1, 2023).
 - g) Election Directors were sent a survey about carrying cases for the new pollbooks. Conference call conducted by SBE and Howard County to display possible solutions using existing pollbook cases.
 - h) Mock elections scheduled to begin mid-May with new pollbook solution.
 - i) February 27th is Green Bag day for board appointments.

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j) SBE Biennial meeting will be a one day conference in the fall.

k) Next Meeting, February 16, 2023

C. Correspondence: N/A

D. Trainings: N/A

E. Legislative Update: Linda Lamone and Nikki Charlson of SBE gave a presentation to the House Ways and Means Committee on January 17th. There were the expected questions about signature verification and other Mail- In Ballot related topics. But Delegate Barnes (PG) surprised some when he said, given the increasing popularity of Mail-In Voting, he'd like to see Early Voting decreased to 3 to 5 days.

Status of election-related bills:

1. HB022 (Long, BaltCo) – Signature Requirements and Verification. Requires a witness to sign a voter's envelope (except for uniform service members and family serving overseas) and LBEs to verify signature. – **Hearing on 1/31/23, no update**
2. HB035/SB567 (Long, BaltCo) – In-Person Voting – Proof of Identity – **HB035 Hearing on 1/31/23, SB567 Hearing on 3/14/23, no update**
3. HB041 (Williams) – Curbside Voting for Certain Individuals (disabled, unable to enter polling place, pregnant, "in the interest of public health and safety.") – **Hearing on 1/31/23, no update, legislative committee does not believe this will pass.**
4. HB095 (Hill, Balt& HoCo) – Training and Signs – Accommodations for Voters in Need of Assistance – **Hearing on 1/24/23, no update**
5. 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**
6. **(New)** SB379/HB535 (Kagan/Feldmark) – Ballots – Processing and Reporting Procedures – **HB535 Hearing on 2/14/23, SB379 Hearing on 2/16**
7. **(New)** 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)**
8. **(New)** HB 700 – Increase in pay of election judges to \$250.00 and training to \$50.00 as a compensation floor for every Maryland LBE election judge. This would be an increase for Election Judges in Washington County.

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- F. Voter Registration Activities and Statistics:
 - 1. MDVOTERS Release 9.0 was installed weekend of 2/11.
 - 2. Registration Statistics for January 2023
- G. 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.
- H. Voting System Activities:
 - 1. Post-Election Maintenance continues on all electronic voting equipment.
 - 2. New MPA-40 pollbook printers will be delivered and the old MPU printers picked up on March 1st.
- I. Projects:
 - A. Manual Audit of 2022 General Election completed on February 7th (discuss in Old Business)
 - B. Clean up from 2022 election (clean out black transfer carts and put everything away, box up voted and unvoted ballots for storage:
- II. Attorney
N/A

Old Business:

- I. Manual Audit
 - a. Barry Jackson, Election Deputy Director II, reported the manual audit consisted of 1,174 Ballots from Early Voting, Election Day, Mail- in Ballot Canvass, & Provisional Ballots. The audit was conducted by using the sort method. 6 bipartisan teams consisted of 2 election judges, and 1 floor supervisor. The audit was successfully completed in less than 1 hour.
- II. Social Media Policy
 - a. Brian Kane, Board Attorney, suggested we have a social media policy and post under the About Section of our Facebook page and our Election Website. Tammy Downin, Board Vice-President entertained a motion to accept the social media policy as presented below:
"The purpose of the Washington County Board of Elections' social media accounts is to provide important information in a timely manner to the voters of Washington County. Since our posts are for informational purposes only, the ability to leave comments has been disabled on both our Facebook page and Twitter account.
If you wish to comment on or have a question about any of our social media posts, you may contact us via email at

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washco.elections@maryland.gov or phone at 240-313-2050.

We will respond to your inquiry as soon as possible."

- b. Marty Lumm so moved, Connie Mozingo, seconded, and it was carried unanimously.

III. FY24 Budget

- a. Barry reported election judge wages moved from Contracted Purchase Services to 500005 Wages Part-Time per the County Budget & Finance Department. We opted to increase election judge pay to all the positions, making the amounts approved by the County Commissioners for the 2022 General Election permanent, and increase training pay from \$25 to \$50. Overall FY24 budget decreased from FY23.
- b. Personnel request – Requested a 7th office employee to increase our staff due to the extra demands put on us from the State Board of Elections.
- c. Added a new line item in the budget for Professional Fees to cover any costs of litigation in the amount of \$10,000.
- d. Note: No change in payment of \$500.00 to Board Members to cover Election Day Pay and the pay for three canvasses. It does not cover any increase in pay due to the added canvass days from 3 days to 8 days.
- e. Board Attorney fees for a Recount and Litigation are hourly rates for the attorney; beyond the scale of the regular election pay for the Board Attorney. Legal requirement for Board Counsel to be present during any Canvass where a certain race outcome could be affected.
- f. Matt Breeding suggested that we attend a Closed Session with the County Commissioners to ask for our new employee.

IV. Canvass Minutes:

- a. Reported that completed draft minutes were submitted to SBE. Copies to be forwarded to Board Members to approve at next Board meeting.

New Business:

- I. Approval of raise in Hourly wage for Election Judges
 - a. To increase part-time election workers from \$12.50 to \$15.00, and increase the Election Clerk pay from \$15.00 to \$20.00. A motion was requested by Tammy Downin, moved by Marty Lumm, and seconded by Connie Mozingo. All in favor signified by aye, none opposed. Motion passed.
- II. Approval of Rent Increase for Private Polling Places
 - a. Barry Jackson, Election Deputy Director II, asked the board to approve the rent for the private polling places from \$125.00 to

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\$250.00 to be consistent with the new market. A motion was made by Connie Mozingo and seconded by Marty Lumm. All in favor signified by aye, none opposed. Motion passed.

III. MAEO

- a. Connie Mozingo mentioned that she would not be interested in attending the 2023 MAEO Conference. Marty Lumm, Tammy Downin, Jim Schultheis are interested in attending the conference as originally planned.

IV. Ethics – due April 30, 2023

- a. Marty Lumm, Tammy Downin, Bill Blazes and Connie Mozingo all reported having completed the ethic requirements of the board. Jim Schultheis reported that he has not completed the ethic requirements of the board, as of this meeting.

Members Remarks:

N/A

Scheduling of Next Meeting:

March 14, 2023 at 3:00 pm

Distributed Information:

Future Events:

Barry Jackson speaking at Lion's Club Meeting, February 14, 2023

Adjournment and Opening of Executive Session:

There being no other business to come before the Board at this time, Vice-President Tammy Downin called for a motion to adjourn the Regular Board Meeting and Open the Executive Session. At 4:02 p.m., Connie Mozingo made a motion to adjourn the Regular Board Meeting and Open the Executive Session. Marty Lumm seconded the motion, and it carried unanimously.

SUMMARY OF CLOSED SESSION HELD ON February 14, 2023

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

Time of closed session: 4:02 p.m.

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

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Purpose of the closed session: (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: Marty Lumm, Connie Mozingo, Jim Schultheis

Members opposed: None

Abstaining: Tammy Downin

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) (10) **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: Continuity of Operations (COOP) site	Marty Lumm, Tammy Downin, Connie Mozingo, Jim Schultheis, Brian Kane, Barry Jackson, Teresa Morningstar and Guest: Matt Breeding, County Treasurer	No Action Taken

After the discussion was completed, Connie Mozingo made the motion to adjourn Executive Session at 4:31 p.m. Marty Lumm seconded the motion, and it carried unanimously.

Compiled by Teresa Morningstar
Election Program Supervisor I

Respectfully Submitted,

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Martin A. Lumm 4/11/23
Martin Lumm, President Date

Bill Blazes 4/11/23
Bill Blazes, Secretary Date