



**REGULAR SESSION
MINUTES**

**WASHINGTON COUNTY BOARD OF ELECTIONS
March 12, 2024
17718 Virginia Avenue
Hagerstown, MD 21740
240-313-2050**

Present:

Board:

Tammy Downin, President
Donna Brightman, Board Secretary
Nancy Armstrong, Assistant Secretary
Claudia Martin, Member
Brian Kane, Board Attorney (arrived 3:06pm)

Staff:

Barry Jackson, Election Director II
Teresa Morningstar, Election Deputy Director II
Sarah Hall, Election Program Specialist I

Absent:

Kandace Carpenter, Vice President

Guest:

Kevin Tucker
Patrick Leone (left before and rejoined after Executive Session)
Angela Batista (joined 3:20pm)

President Tammy Downin called the meeting to order at 3:01pm at the Washington County Election Center, 17718 Virginia Avenue, Hagerstown, MD 21740.

Declaration of Quorum Present:

President Tammy Downin declared that a quorum was present.

Swearing in of Board of Canvassers

Kevin Tucker, Clerk of the Circuit Court swore in the Board of Canvassers. Kandace Carpenter was not present and will be sworn in at a later date. Brian Kane was met upon his arrival and sworn in.

Recess and Opening of Executive Session:

President Tammy Downin called for a motion to recess the Regular Board Meeting and

WASHINGTON COUNTY BOARD OF ELECTIONS

March 12, 2024

Page 2

open the Executive Session. Claudia Martin made a motion at 3:06pm to go into Executive Session. Nancy Armstrong seconded, and the motion carried unanimously.

SUMMARY OF CLOSED SESSION HELD ON March 12, 2024

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

Time of closed session: 3:08pm

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

Purpose of the closed session: (13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

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

Names of members voting aye: Tammy Downin, Donna Brightman, Nancy Armstrong, Claudia Martin

Members opposed: None

Abstaining: None

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) (13) **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: Executive Minutes	Tammy Downin, Donna Brightman, Nancy Armstrong, Claudia Martin, Barry Jackson, Teresa Morningstar, Brian Kane, Sarah Hall	None

After the discussion was completed, Claudia Martin made a motion to adjourn Executive Session and return to Regular Session at 3:19pm. Nancy Armstrong seconded, and all parties voted aye.

Tammy Downin called to reconvene the Regular Meeting at 3:28pm.

WASHINGTON COUNTY BOARD OF ELECTIONS

March 12, 2024

Page 3

Approval of Draft Agenda:

Nancy Armstrong moved to accept the Agenda and Claudia Martin seconded. Tammy Downin made a note that the previously expected session for the by-laws be moved to the end of the meeting so guests may leave ahead of time. Claudia Martin moved to accept the motion as amended. The vote carried unanimously at 3:29pm.

Approval of Draft Meeting Minutes:

Donna Brightman made a motion to accept the Executive Minutes for February 8, Nancy Armstrong seconded and the motion was passed unanimously at 3:30pm. Donna Brightman made a motion to accept the Executive Minutes for February 13. Claudia Martin seconded and the motion passed unanimously at 3:30pm. Donna Brightman made a motion to accept the Executive Minutes for February 20. Claudia Martin seconded and the motion passed unanimously at 3:31pm.

The February 8 Regular Minutes were amended. Donna Brightman made a motion to accept the Regular Minutes for February 8 as amended. Claudia Martin seconded and the motion passed unanimously at 3:40pm.

Donna Brightman made a motion to accept the February 13 Regular Minutes. Nancy Armstrong seconded and the motion passed unanimously at 3:41pm.

Donna Brightman moved to accept the Special Session Minutes for February 20.

Nancy Armstrong seconded and the motion passed unanimously at 3:43pm.

Correspondence:

None.

Reports:

I. Election Director

A. Personnel – N/A

B. Meetings:

1. Director's Meetings:

a) Highlights from February 15th meeting:

(1) No update regarding RICO case.

(2) New Party – No Labels Maryland.

(3) Several PIA requests

(4) New CMOS batteries were distributed to LBEs and have been integrated into pollbooks.

(5) Cradlepoints to be updated in March. Still awaiting a third Cradlepoint for third EV site.

(6) Ballot preparation. All ballots have been proofed and approved.

(7) New pollbooks-Path forward being discussed with all stakeholders.

WASHINGTON COUNTY BOARD OF ELECTIONS

March 12, 2024

Page 4

- (8) New voting system-RFP development underway.
- (9) Provisional ballot applications-delivery scheduled for 4/4
 - (a) Same Day Registration and Provisional applications will be combined. Tammy Downin and Nancy Armstrong asked for clarification of the process. Barry Jackson explained the process and how it will be less confusing for election judges.
- (10) Get By-Laws revisions in ASAP
- (11) Inventory: 6 LBEs are at 100%, Washington is one of them!
 - b) Next Meeting: Thursday, March 14, 2024, virtual
- 2. Trainings: Election Judge Training begins March 14th with Check In Judges and Voting Judges. 539 confirmed for 2024, need a minimum of 540, would like 670. Met with SBE provided trainers on February 28th.
- C. Legislative Update:
 - 1. Today is the deadline for each chamber's committees to report their own bills
 - 2. March 18th is deadline for bill crossover to opposite chamber
 - 3. Sine Die is April 8th
 - 4. Bill Status:
 - a) HB0014 (Atterbury) – departmental bill, authorizing LBEs to commandeer public buildings for Early Voting. 2nd reading passed w/amendments
 - b) SB0029 (Kagan) – Special Elections to fill a vacancy, conducted by mail. Ways and Means hearing 3/19.
 - c) HB0257/SB0099 (Qi/Kagan) – would allow Unaffiliated voters to vote a party ballot during Early Voting. Concerns about increase in provisional ballots. No update since 2/6
 - d) HB0040/SB0523 (Qi/Washington) – requires a risk limiting audit (RLA) be performed before certification of each election. MAEO supports it, only if other audits are eliminated in lieu of the RLA. No update
 - e) HB0436 (Fair) – Changes the minimum age of registration to 15 years, 9 months No update
 - f) HB0585/SB0480 (Jones et al (including Grossman)/Ferguson et al (including Corderman and McKay) – would make it illegal to threaten an election official, punishable up to 3 years imprisonment and/or \$2,500 fine. No update
 - g) SB417/HB449 (Hayes/Jones) – State administrator must provide a performance evaluation, at least annually, to the local

WASHINGTON COUNTY BOARD OF ELECTIONS

March 12, 2024

Page 5

board. Local board must confer with state administrator when appointing a director. Changes “may” to “shall” when listing duties of local election director. Committee hearing on 2/21, no further update - SB417 passed the House today and was sent to Ways and Means.

- h) HB700 (Jones) – requires county governments to provide administrative leave to its employees who work as election judges. Would allow high school students to both get paid and receive service-learning credit. Ways and Means hearing on 2/13, no further update. – HB700 passed the House today.
- i) HB1303 (Grossman) – requires counties to pay board members \$100/day for canvasses, \$350/day for election day, and \$100/day for recounts. Ways and Means hearing on 2/27, no further update

D. Voter Registration Activities and Statistics:

- 1. Registration Statistics for February 2023 and Mail in Ballot statistics were distributed to the Board.

- a) Donna Brightman asked for clarification of which Mail in Ballot requests were included in the statistics. Barry Jackson explained which requests were included in the statistics. Donna Brightman would like to know if the voters are aware of the duplicating process of their web delivery ballots. Nancy Armstrong also asked for further clarification of the duplicating process at canvassing. Teresa Morningstar and Barry Jackson explained the process.

E. Candidate Filings: N/A

F. Voting System Activities:

- 1. Received files for Logic and Accuracy testing, scheduled for April 9th.
- 2. Curtis Surratt working on polling place/chief judge supplies

G. Projects:

- 1. Ballot Drop Box Security Camera Procurement awarded to Securitas
 - a) Donna Brightman asked if the downtown Hagerstown Library drop box will remain at that location or be moved to the Town Hall. Barry Jackson responded that the drop box will remain at the Hagerstown Library location. As far as security cameras goes, the drop box security camera has raised some concerns because it is possible to record the public in the area as well as the drop box. Tammy Downin reminded the Board that the video may not be made public; however, the security footage is subject to PIA requests and must be kept for 22 months. Tammy Downin noted that the drop box locks should be made as secure as possible. She noticed some possible evidence of

WASHINGTON COUNTY BOARD OF ELECTIONS

March 12, 2024

Page 6

an attempt to open a drop box in the previous election. More discussion will be had with the Hagerstown Library and the Hagerstown Police to be able to secure an acceptable camera at the Hagerstown Library drop box.

Election Judge Manuals were delivered 3/8.

Brian Kane asked if the Board members, himself included, need to sign up to audit a training. After some discussion, Brian was able to find his emailed invitation to sign up. Donna Brightman relayed that she has had numerous questions about why a noncompetitive race would be on the Primary ballot. Barry Jackson responded that it's in the Hagerstown City Charter that all races, even if running unopposed, are on the Primary ballot, except for Board of Education, which follows their own guidelines.

II. Attorney

As far as Brian Kane is aware, the legal case and mediation are fully resolved. Donna Brightman asked if the mediation would be public record. Brian Kane replied that the terms of the mediation would be in the public documents. Brian Kane noted that one of the parties involved was the State Board of Elections and he was unsure of whether their documentation was subject to a court record, which in turn would be made public, or not.

Brian Kane received information regarding a complaint alleging that the State has failed to keep voter records accurate, the current voting system is not compliant with federal regulations, etc. There will be no immediate impact on the local board from this complaint.

Pre-election calls for Brian Kane with SBE counsel and LBE counsels will begin on Friday, March 15. Brian Kane may receive more relevant information on impending litigation at the local board levels from these calls and will be able to keep the Board members aware of any.

Unfinished Business:

- I. Early Voting – nothing new to report.
- II. SBE Requested Revisions to By-Laws
(moved to end of meeting)

New Business:

I. Draft Budget

The draft budget was distributed in the packet. Barry Jackson reviewed the budget. Nancy Armstrong asked for clarification regarding the budget for the ballot and manual printing costs. Barry Jackson explained that each fiscal year has just one election. The costs Nancy had asked about are incurred during the Primary election, but not the General.

Tammy Downin asked why there does not appear to be a budget allowance for additional manuals for the General Election. Barry Jackson responded that we will be able to cover the cost of printing additional manuals if needed. This cost should be fairly insignificant to print just a few, if needed.

WASHINGTON COUNTY BOARD OF ELECTIONS

March 12, 2024

Page 7

Donna Brightman asked about the increase in the overall budget request and why it was so much more than the previous year's request. Barry Jackson explained that the cost of additional employees and the equipment necessary for them to work made up most of the increase.

Donna Brightman asked how much travel and meetings outside of Washington County are required for the Director's position. Barry Jackson explained the expected travel requirements and commitments for meetings, trainings, etc.

Claudia Martin asked if wifi for the office was included in the budget. The office wifi is part of the county's budget and not the Board of Elections budget.

Tammy Downin asked if the requested budget for part time workers would be enough to cover the returning judges' additional pay. Barry Jackson affirmed that the requested budget would be enough to cover the additional cost of the returning judges' bonus pay.

II. Board Member Election Schedule

The election schedule for the Board members was discussed. Barry Jackson noted that some scheduled events are required attendance for all Board members and some are not.

Tammy Downin asked how many Early Voting days will the Board members be required to be present. Donna Brightman asked for a more specific list/schedule of where she is expected to be and when for polling place evaluations on election day. Tammy Downin said she would prepare the list. The polling place evaluations are more flexible for Early Voting. An evaluation form will be provided for the Board members.

Barry Jackson explained the calendar and the expectations of the Board members for the canvass days. There will likely be a canvass day on May 10 that Board members will be expected to attend. The chief judges will pick up supplies on May 11 and typically Board members have helped that day as well. All Board members will be expected to be available for election day, May 14, also.

Election night obligations for the Board members during the returning of supplies was discussed and explained.

II. SBE Requested Revisions to By-Laws

Donna Brightman requested that there be a decision on the handling of the Executive Minutes. The By-Laws were amended to reflect how the Executive Minutes should be handled once they are reviewed and signed.

The by-laws were reviewed and edited per the State Board of Elections suggestions and remarks. Section 4.2 B (3,4,5 and 6) will all be revisited by the Board members during a retreat at a later date.

After the by-laws were edited, excluding section 4.2 B (3,4,5 and 6), Nancy Armstrong moved to accept the by-laws as amended today at 5:49pm. The Board will vote on the section 4.2 amendments at the next meeting. Claudia Martin seconded and the motion passed unanimously at 5:50pm.

Members Remarks:

No further comments.

WASHINGTON COUNTY BOARD OF ELECTIONS

March 12, 2024

Page 8

Guests Remarks:

Patrick Leone said he was pleasantly surprised at the organization and efficiency of the Board and their meetings.

Angela Batista offered to bring coffee from Starbucks for election day.

Both guests left before the By-Laws discussion.

Confirmation of Next Meeting:

The next Regular Meeting of the Washington County Board of Elections will be held on Tuesday, April 9, 2024 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.

Distributed Information:

Board Packet

Future Events:

Election Judge Training, beginning March 14th

UOCAVA ballots mailed out March 30th

Regular Mail In Ballots mailed, week of April 1st

Adjournment:


Tammy Downin called for a motion to adjourn the Regular Board Meeting. Nancy Armstrong made a motion to adjourn the Regular Meeting. Claudia Martin seconded. The motion passed unanimously and the Regular Meeting concluded at 5:53pm.

Compiled by Sarah Hall
Election Program Specialist I

Respectfully Submitted,

 4/9/24

Tammy Downin, President Date

 4/9/24

Donna Brightman, Secretary Date