



**REGULAR SESSION
MINUTES**

**WASHINGTON COUNTY BOARD OF ELECTIONS
December 12, 2023
17718 Virginia Avenue
Hagerstown, MD 21740
240-313-2050**

Present:

Board:

Tammy Downin, President
Kandace Carpenter, Vice President
Donna Brightman, Board Secretary
Nancy Armstrong, Assistant Secretary
Claudia Martin, Member
Brian Kane, Board Attorney

Staff:

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

Absent:

None

Guest:

Guest List

President Tammy Downin called the meeting to order at 3:00pm 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.

Recess and Opening of Executive Session:

It was noted that Kandace Carpenter was absent for the Opening of the Regular meeting and the Executive Session. She later joined the Executive Session while in progress.

President Tammy Downin called for a motion to recess the Regular Board Meeting and open the Executive Session. Nancy Armstrong made a motion at 3:00pm to go into Executive Session. Claudia Martin seconded, and the motion carried unanimously.

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SUMMARY OF CLOSED SESSION HELD ON December 12, 2023

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

Time of closed session: 3:00pm

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

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

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) (7) **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: Pending Litigation	Tammy Downin, Donna Brightman, Kandace Carpenter (arrived at 3:47pm), Nancy Armstrong, Claudia Martin, Barry Jackson, Teresa Morningstar, Brian Kane, Sarah Hall	None

After the discussion was completed, Nancy Armstrong made a motion to adjourn Executive Session and return to Regular Session at 4:13pm. Kandace Carpenter seconded, and all parties voted aye.

Tammy Downin called to reconvene the Regular Meeting at 4:24pm.

Approval of Draft Agenda:

Claudia Martin moved to accept the Agenda and Nancy Armstrong seconded. The vote carried unanimously at 4:24pm.

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Approval of Draft Meeting Minutes:

Donna Brightman made a motion to approve the November 14, 2023 Regular Session Minutes. Kandace Carpenter seconded and the motion was passed unanimously at 4:26pm.

Donna Brightman made a motion to approve the Minutes for Executive Session for November 14, 2023. Nancy Armstrong seconded and the motion passed unanimously at 4:26pm.

Correspondence:

None.

Reports:

- I. Election Director
 - A. Personnel –
 1. Jessica Bobbitt, Election Program Assistant I, starting December 27, 2023.
 2. PEPs due January 13, 2024
 - B. Meetings:
 1. Director's Meetings:
 - a) November 16th in person at SBE
 - (1) Updated Disaster Recovery Plans due early 2024
 - (2) OLA Audit – SBE Press Release
 - (a) Referrals for prosecution for those that attempted to vote multiple times were coming late and not able to be processed. Some changes were made by the State Board to solve this in the future.
 - (3) CMOS batteries for every pollbook will be replaced for 2024
 - (4) New Pollbook Training, November 28-30.
 - (5) Statewide Testing of New Pollbooks, December 4-8.
 - (6) New Ballot Vendor is Singlepoint. Working on a manifest solution to accurately identify ballots on each pallet.
 - (7) Delegation of Duties of Board Members and Directors/Staff need to be approved and submitted to SBE.
 - (8) New Party Petition sometime in 2024.
 - (9) End of Year List Maintenance on December 28th.
 - (10) Drop Box rain flap stickers
 - b) Next Meeting: Thursday, January 18, 2024.
 - C. Trainings: Barry and Carl New Pollbook training, November 30th.
 - D. Legislative Update: Legislative Priorities Discussion

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1. Protection for election workers – MAEO is prioritizing including election workers as a protected class
2. Cleaning up the 50/50 split; shared costs of equipment between the counties and the state; there needs to be definitive answers on what is split and what is not
3. Administrative leave for state employees for primary election day; previously only for the general
Donna Brightman asked how may Board members send legislative suggestions to MAEO? Barry Jackson responded that as Director he is a de facto member of the MAEO Legislative Committee and will take the Board's legislative suggestions to the committee.
Tammy Downin asked if the Board members may have access to view/hear the MAEO discussions. Barry Jackson responded that the meetings are open to the public and can be viewed or listened to as such.

E. Voter Registration Activities and Statistics:

1. Registration Statistics for November 2023 were distributed to the Board.
2. End of Year List Maintenance – December 28th.

F. Candidate Filings:

1. Filing for 2024 Presidential Election began on January 19, 2023. Still only one filing so far. (Bill McIntire/Mayor)

G. Voting System Activities:

1. Statewide New Pollbook Test – December 4th-8th.
2. Equipment charging in early January

H. Projects:

1. Ballot Drop Box Security Camera Procurement
2. FY25 Budget Preparation

II. Attorney

Brian Kane explained the current status of the pending litigation regarding the proposed Early Voting location in Hancock. The State Board's previous decision to reject the Hancock location was involved in a lawsuit in which the Circuit Court for Anne Arundel County granted the State Board summary judgement on all counts on December 1, 2023. The plaintiffs have appealed. The appeal, however, was bifurcated with 3 counts being sent to the lower Maryland appellate court and 1 count being sent directly to the Maryland Supreme Court. The appellate court has not scheduled a date/time to hear the appeal yet. The Maryland Supreme Court, however, has scheduled oral arguments for the remaining count on February 5, 2024. We expect to know the decision of that count shortly after the oral arguments.

It is also possible the Supreme Court will take up all of the appeals themselves, instead of leaving 3 counts with the appellate court. Brian Kane is watching the

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cases and staying abreast of the process.

This Board will not take action on an alternate Early Voting Center location until the legal process has completed or any new information compels the Board to act sooner.

Unfinished Business:

- I. Early Voting
No further discussion.

- II. Polling Place Plan
Barry Jackson noted that the polling place plans have been submitted to SBE and he was made aware that the Washington County polling place plans will be on the January 2024 schedule for approval.

New Business:

- I. Assignment of Duties to Members of the Local Board, the Election Director and Staff
All local board's must be made aware of their assignments. Kandace Carpenter motioned to acknowledge the assignments. Nancy Armstrong seconded and discussion ensued:
Donna Brightman approved the motion but wanted to note several items that pertain to process. Donna Brightman requested that more of the process be explained. For instance, "how do board members procure election judges?"
Tammy Downin and Barry Jackson agreed that the process can be explained to the Board members further with advanced notice. There was no further discussion. Since the motion had been made and seconded already, a vote was taken to acknowledge the assignments. All members voted aye and the motion passed at 4:42pm.

Members Remarks:

No further comments.

Guests Remarks:

Mr. Rollins spoke to express his opinion that the Early Voting Center location in Hancock should never have been denied. He explained that as a senior citizen himself, he wanted to see that the Early Voting Center location remain in Hancock. He noted that there are many people in the Hancock area who are elderly and may not drive or have other transportation to get to an Early Voting Center elsewhere.

Tammy Downin strongly encouraged Mr. Rollins to contact the State Board with his concerns.

Tammy Downin then welcomed the public and thanked them for attending the meeting.

Confirmation of Next Meeting:

The next Regular Meeting of the Washington County Board of Elections will be held on Tuesday, January 9, 2024 at 3:00 pm. The location is Washington County Election

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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:

December 25th – Office Closed

December 28th – Office Closes Early

December 29th – Office Closed

January – Barry and Teresa at iGO Winter Conference

January – Barry at EAC LLC Conference

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 and the Regular Meeting concluded at 4:56pm.

Compiled by Sarah Hall
Election Program Specialist I

Respectfully Submitted,

 2/8/24

Tammy Downin, President Date

 2/8/24

Donna Brightman, Secretary Date