



# Frederick County Board of Elections

8490 Progress Drive, Frederick, Maryland 21701

FrederickCountyMD.gov/elections

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MINUTES of the  
July 12, 2023, Meeting of  
The Frederick County Board of Elections

The meeting was called to order at 2:00 PM, in person and virtually, by Board President Mary Costello.

**PRESENT:**

Mary Costello, President	M. C. Keegan-Ayer, County Council Liaison
Nathaniel C.W. Wilson, Vice President	Jim Filson, League of Women Voters of FC
Shirley McDonald, Secretary	Jay Kaminsky, Self
Ted Neeves, Board Member	Kat Harper, Self
Michael Sowell, Board Member	Shelley Alois, Republican Central Committee
Daniel B. Loftus, Board Counsel	Winston Mann, Self
Barbara Wagner, Election Director	Mari Lee, Democratic Central Committee [by phone]
Thomas Coogan, Election Program Manager	
Marc R. Welch, Voting Operations Manager	
Ian Astheimer, Election Program Assistant	

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**ADDITIONS/CHANGES TO THE AGENDA**

Three people were approved to make Public Comments.

**APPROVAL OF BOARD MINUTES**

One typo needed to be corrected. With that in mind, Mr. Wilson made a motion to accept the June 7, 2023, meeting minutes. Ms. McDonald seconded, and the motion passed unanimously.

**COUNTY COUNCIL LIAISON COMMENTS**

Ms. Keegan-Ayer had no comments.

**BOARD COUNSEL REPORT**

The Gibson case was granted a 2-week extension, to July 26, 2023, to file briefs with the First Circuit Court of Appeals. State and Counties will file afterwards, within days of the plaintiff's briefs.

## **ELECTION DIRECTOR REPORT**

### **1. Announcements and Important Meetings**

- **Voter Outreach Events:**
  - ✓ The 275<sup>th</sup> Jubilee – June 10, 2023 (+100 Kids Voted – Results on Website)
  - ✓ PRIDE – June 24, 2023
  - FCDCC Monthly Meeting – July 18, 2023
  - In the Streets – September 9, 2023
  - Federal Active/Retired Federal Association – September 12, 2023
  - National Voter Registration Day – September 19, 2023
    - Mr. Sowell recommended attending Asbury Methodist Church's annual community block party. This year's event will be held on Saturday, July 15, 2023. The Board will not be able to have a presence at the block party this year, but next year is a possibility.
    - Ms. Wagner is in the process of planning events with the League of Women Voters of Frederick County and with the Frederick Keys.
    - Ms. Wagner has a standing speaking engagement with Our Voices of America every Columbus Day.
- The new 2024 Election Reporting Schedule includes Candidacy and Campaign Filing dates that were affected by the Primary Election date changes. Dates include:
  - Candidate Filing Deadline Friday, February 9 at 9:00 PM,
  - Withdrawal of Candidacy Tuesday, February 20 COB,
  - Financial Disclosure Statement, Tuesday, February 20 COB,
  - Fill Vacancy Friday, February 23 COB,
  - Replace Delegate, Monday, February 26 COB,
  - Challenge Residency of Candidate, Monday, February 26 COB,
  - Pre-Primary Campaign Finance Report 1, Tuesday, April 9 at 11:59 PM,
  - Pre-Primary Campaign Finance Report 2, Friday, May 3 at 11:59 PM,
  - Primary Election, Tuesday, May 14.
- The State website is the best place to get an up-to-date listing of candidates. Currently, 1 Board of Education candidate has filed.

## 2. Voter Registration

<b><u>TOTAL ACTIVE + PENDING: 198,530</u></b>				
<b>PARTY</b>	<b>ACTIVE</b>	<b>PENDING</b>	<b>TOTAL</b>	<b>PERCENT</b>
DEM	77,413	22	77,435	39.00%
REP	67,729	7	67,736	34.12%
LIB	1,176	1	1,177	0.59%
UNA	50,461	33	50,494	25.43%
OTHERS -				
<b>TOTAL</b>	<b>1,684</b>	<b>4</b>	<b>1,688</b>	<b>0.85%</b>
<b>TOTAL</b>	<b>198,463</b>	<b>67</b>	<b>198,530</b>	<b>100.00%</b>

<b>VOTER REGISTRATION TRANSACTIONS REPORT</b>		<b>June 2023</b>
Additions to County Registration		1,290
Subtractions from County Active Status		1020
Party Affiliation Changes		244
Address Changes within Jurisdiction		893
Name Changes		509

- Pending status – identification has not been able to be verified by either MVA or the Social Security Administration.

<b><u>CURRENT PENDING VOTERS</u></b>	
<b>Reason</b>	<b>Number</b>
ID Not Provided	8
ID Not Verified	50
Incomplete Application	9
<b>TOTAL</b>	<b>67</b>

- The State Board of Elections has released a new online cancellation form. The cancellation form is the only form that is allowed to have an electronic signature.

## 3. General and Continuing Items

Frederick County Board of Elections will be a designated satellite office for delegate filings starting in December. The State Board will train office staff.

County Council approved of the budget journal request on June 20, 2023. The Director has alerted the budget office about the new legislation and its impact to the current budget.

**Warehouse Division** is currently rearranging the new warehouse. The Montevue site is closed. The warehouse has completed the annual inventory control in E-Quip. Election Day Polling Place site visits are planned. Early Voting sites under consideration include the Middletown Volunteer Fire Department, Thurmont Regional Library, and Mount Airy American Legion. All EV Sites need to be approved by October 14, 2024, with SBE.

- Mr. Neeves asked if the Middletown Volunteer Fire Department replaces the Myersville Town Hall. Ms. Wagner confirmed that it does.
- Trinity is not being repaired, HVAC does not work properly, lighting is poor in the parking lot, and Porta Potties need to be rented to provide adequate accommodations. Trinity will remain as a backup if needed.
- Urbana Regional Library is also a backup. The Urbana YMCA would be perfect for EV, but the cost is prohibitive at \$2,000 per day. The Urbana Fire Hall is under consideration as well.

**Voting Systems Division** – Equipment was securely moved to the new warehouse. 2022 PEM has been completed on all equipment. Pollbook Workgroup has been established by SBE to provide bi-weekly progress updates to SMEs (Barbara and Shakir). Barbara and Shakir will attend the SME meeting in Washington County in Early August.

### **Pollbook Project Milestones**

- Delivery March 20,
- Tablet hardware acceptance March-April,
- Configuration, set-up, validation of ePolltab application on tablets ongoing,
- Incremental Phased Integration Testing which includes comprehensive functional, usability, accessibility, and integration testing of the three major components. The three major components are (1) ePollTab application (software loaded onto the tablet). (2). Merlin application which is the pollbook data security and synchronization) and (3) the CenterPoint application (pollbook customization and configuration tool).
- Software integration testing continuing at the SBE Warehouse.

**Voter Registration Division** is up to date on daily work. They completed ERIC (Electronic Registration Information Center) and the July COP Audit in a timely manner and continue to work on cleaning voter rolls. Ian and Dan accompanied the Director and Program Manager to a Regional Training on June 22, 2023, on the topic of List Maintenance. The training was conducted by Janet Smith from SBE

**Election Judge Division** released the Quarterly Election Judge Newsletter on June 20, 2023. So far, approximately 300 Election Judge Applications have been received. Over the next 90 days, the Election Judge Division will focus on communicating with Election Judges from 2022 to determine who will return in 2024. The EJ Program will be affected by HB1200. The first Volunteer Voter Registration training class is scheduled for July 27. Outreach efforts to nursing homes and High School Service-Learning programs are underway.

**Social Media and Website Content** – There is a group effort to update all sites/pages with the latest information.

**The Board of Elections is approximately 10 months from the Primary Election on May 14, 2024.** Major goals include the following:

- Districts/Precincts Clean-up – Lines between precincts that already vote in the same place and share the same ballot style will be removed. These changes *will not* affect where voters vote on Election Day.
- Securing 4 or 5 Early Voting sites.
- 56 Election Day Polling Places – affected by SB410.
- 10 Drop box locations.
  - 2 more than the 2022 Gubernatorial Election. GIS and State heat maps will be utilized to determine the best locations within range of 80% of the voting population. Frederick County has a large landmass, which makes coverage difficult. Attention will be paid to placing drop boxes in or near historically disenfranchised areas.
- Standard Operating Procedures (SOPs) – Each division is tasked with going over current procedures and writing or rewriting them to a standard, which can be given to any incoming employee to assist with training. To be completed by mid-October.
- SBE has created a Purchase Order for the mail sorter, which is expected to be built in October.

### **Grants**

The Board of Elections worked with the Office of Emergency Management to submit one project. The project includes adding an AI Phone in the front lobby.

BJAG Grant – The Board of Elections is currently working with different vendors to secure drop box security cameras and additional security equipment for interior and exterior use.

### **OLD BUSINESS**

#### **A. Riverside Five Move Update – 8490 Progress Drive, Ste 125 and 300**

The moving phase for the Board of Elections has ended.

343 Warehouse moved on June 20, with turnover back to the County on June 30.

All work provided by Matan contractors has been completed.

3<sup>rd</sup> floor Wi-Fi and I.T. items are due for completion the end of July. There is no timeframe on Card readers.

**B. Other**

N/A

**NEW BUSINESS**

**A. FY24 Budget**

Mr. Coogan distributed the Fiscal Year 2024 Budget Detail report, which displayed the current FY budget along with the prior 3-year actuals. The monthly budget report for FY24 was also distributed; however, it includes a State Payroll expenditure that was erroneously added to FY24 instead of FY23. This error will be corrected by the County prior to the next Board meeting.

**B. 2024 Proposed Polling Place and Early Vote Center Plan**

Mr. Welch conducted the first presentation of the 2024 Polling Place Optimization Plan. Board members received packets with legal justification, plan objectives, potential benefits, and proposed precinct merges and consolidations to review in tandem with a PowerPoint presentation. All work was based on 2022 election data. Only Election Day sites will be impacted by the changes.

2020 redistricting, newly implemented legislation, and Election Judge recruitment and retention factored into the Optimization Plan.

Due to the removal of Congressional District 8 from Frederick County and the reconfiguration of Maryland legislative districts, 17 precincts are redundant. A redundant precinct has the same ballot content as an adjacent precinct in the same election district, and the boundary lines between those precincts can be erased. The number of precincts would drop from 83 to 66, eliminating approximately 50 ballot styles.

Polling places would similarly be reduced from 63 to 56. By consolidating polling places, more equipment can be available for the busiest locations, more judges can be deployed where needed, warehouse space can be better utilized, and Election Day Field Support staff can improve response times while reducing mileage. The reduction in polling places would save approximately \$1,000 in facility fees. If fewer Election Judges are required, the savings could be applied to the State's unfunded mandate to pay returning Judges an incentive fee.

Questions were raised regarding the negative impact of the Optimization Plan. Only 9% of registered voters in Frederick County will be impacted by the proposed changes. Of those, the

majority will not have to move polling places. Eliminating the boundary between precincts 12-001 and 12-002 was cited as an example. 12-002 only has one registered voter, who will no longer need a separate ballot style. People's Baptist Church, which voters had a difficult time finding in 2022, will no longer be used.

Mr. Wilson asked if the Board should take 30 days to review the plan before voting to approve it. Mr. Welch said today's presentation was just the first step in the process. The vote would be to move to the next step, during which the staff will collect information and develop resolutions to implement the plan. The legalese will be available for the September Board meeting and provided beforehand if possible. The deadline to submit a plan to the State isn't until October.

Ms. McDonald made the motion to approve moving to the next step, Mr. Sowell seconded, and the motion passed unanimously.

### **C. Bylaw Review**

Prior to the meeting, Board members received a preliminary draft of the bylaws. They noted topics to discuss further, raised questions, and recommended changes to the content. Ms. McDonald compiled the feedback into a working draft, which was checked for spelling and grammar.

"Discuss" was added to the items that needed further discussion, and new additions were added in **bold**. Those indicators guided the in-person review. Each member of the Board, along with Mr. Loftus and Ms. Wagner, received a printed copy of the working draft to use as reference.

Although discussed today, new additions will be voted on at the next Board meeting.

Items under review included:

- Section 1.1 – Add definitions for "SBE" and "Board Attorney".
- Section 1.3(D)(2) – Accepted as written.
- Section 1.3(E) – Accepted as written. SBE approves everything.
- Section 2.1 – Due to the number of new appointments, swearing in new Board members did not occur within 30 days of receiving the commission of appointment from the Governor. Per Mr. Loftus, there may be other examples like this, where the Board is supposed to do something but cannot due to other circumstances. This was a State issue.
- Section 2.2(A) – Accepted as written.
- Section 2.3(C) – Add "Vice President" to the list of officers elected by the Board.
  - Add a line of succession (President to Vice President to Secretary) in the event that the President is unavailable or unable to perform the required duties.

- Section 2.3(D)(1) – Taking the Board of Canvassers oath “before the first mail-in canvass if the Board of Canvassers will convene before early voting to canvass mail-in ballots” was added by the State. 8 days of pre-election canvassing were approved by law.
- Section 3.1(A) – Is meeting at 2 pm on the first Wednesday of the month exclusionary? Does it conflict with other meetings or duties? Ms. Keegan-Ayer said the County has meetings every night, so there will always be a conflict if the Board meetings move to the evenings. 2 pm on the first Wednesday of the month does not present any conflicts for Board members.
- Section 3.2(B)(3) – The need to pre-schedule and pre-approve public participation was questioned. Per Mr. Loftus, time is the reason. The Board wants to hear from the public but needs to manage time to ensure meetings are efficiently run.
  - Either to §3.2(B)(3) or as a separate subsection, add a 3-minute window per public speaker with the option to extend the time limit. A staff member (e.g., the Deputy Director) would act as timekeeper.
- Section 3.2(B)(4) – Include more specific language: “Participation at **closed** meetings **shall** be in person. Any request by a member to attend an **open** meeting via phone or video conferencing must be made to the President.”
  - Per Ms. Keegan-Ayer, County Council has the same rule.
  - Reorder §§3.2(B)(3) and 3.2(B)(4).
- Section 3.3(A) – Add to the agenda:
  - “County Council Liaison”
  - “Board Attorney’s Report” per the State
  - “Disclosures” for transparency. Other LBE minutes record member attendance to political events as well as contributions to candidate campaigns. This could be done at each Board member’s discretion.
- Section 3.3(C)(2) – Add “voter roll maintenance efforts” to the written report of office activities. This is already included in the Director’s Report.
- Section 3.3(D)(2) – Change “Board attorney” to “Board Secretary” to reflect who prepares minutes and writes summaries for closed meetings.
  - Add a similar subsection for open meetings.
- Section 4.2 – Remove “See Appendix 1.” There is no Appendix 1.

- Section 4.2(B)(3) – Board members were reminded to check the list of attendees to be announced at an event before announcements are made to avoid being identified.
- Section 4.2(B)(4) – See §3.3(A) above.
- Section 4.2(B)(8) – The State and Montgomery County allow Board members to sign and circulate petitions.
- Section 4.5 – Change “absentee ballot process” to “mail-in ballot process”.
- Section 4.7(B) – Should Board members have individual County email addresses? A single point of contact has been the standard. The Director monitors the Election Board inbox and routes messages to the Board attorney to present to the Board. The Board responds as a unified voice. Individual County email addresses could be used strictly for communication between Board members regarding Board matters, allowing personal email to remain private during PIA requests. Other divisions in Frederick County have shared inboxes, but employees have their own email addresses. Ms. Keegan-Ayer recommended contacting Brian Black at Frederick County IIT. What do other LBEs do?
  - Ms. Wagner still needs identification documents from new Board members to complete their I-9 forms for HR.
- Section 5.1(A) – Include a copy of the Election Law Article as reference.
- Section 5.1(B) – Per Mr. Loftus, Board responsibilities are already detailed in Election Law §202.
- Section 6.2(B) – Add: “All items as related to training and attendance to any function by the Board Members or Board Appointees shall be brought before the current sitting Board **for Board decision.**” The Board should decide what training members and appointees receive. Does the Board have budgetary approval per §6.5?
- Section 6.5(B) – Change “The President” to “The Board”. Approving reimbursement for unbudgeted expenses should not be at the discretion of one person.

Footnotes were not included but will be in the next draft.

## **DISCLOSURES**

Ms. Costello attended the Democratic Convention Gala and contributed financially. Mr. Sowell and Ms. McDonald also attended.

Mr. Wilson consulted with members of the Republican Party as allowed by the bylaws. He is willing to consult with members of the Democratic Party as well if invited to do so.

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## **NEXT MEETING**

The Board scheduled the next meeting for August 2, 2023, at 2:00 PM at 8490 Progress Drive. Mr. Neeves asked for permission to attend remotely, which was granted by Ms. Costello.

## **PUBLIC COMMENT**

*Per the board's by-laws, public comment is allowed after the request has been approved by the Board President.*

Ms. Aloi thanked the Board for their work and acknowledged Ms. Wagner and Mr. Coogan for speaking to the Republican Central Committee regarding election integrity. She wanted to follow up on the voiced commitment to maintain clean, accurate voter rolls. Ms. Aloi said 8,416 names on the voter rolls were in the National Change of Address database. She requested clarification on the voter cancellation process. Additionally, Ms. Aloi stated that the public does not have access to materials, like the Optimization Plan and bylaws, reviewed during the Board meetings.

Mr. Kaminsky asked if progress had been made on mailing postcards to voters who had mail returned with yellow UPS stickers. He said many of his neighbors in Liganore received multiple ballots in the mail, and he would like to prevent that from happening. Mr. Kaminsky will be passing out Election Judge applications at the Lake Liganore concert on July 13. He has signed up for Voter Registration Volunteer (VRV) training and asked if there are more ways for the public to get involved than attending meetings once a month. Mr. Kaminsky also asked if half-day shifts would be available for Election Judges.

Ms. Wagner asked for permission to respond to the last item, and Ms. Costello granted it. Ms. Wagner confirmed that there is a pilot program for half-day shifts in the works for the Primary Election. She said this is one of the most important projects in development. Frederick County relies on its older population to serve as judges, and it would be heartbreaking to lose them because of the hours required to participate. House Bill 1200, which requires a minimum payment of \$250 per day, is a new wrinkle. Ms. Wagner will check the pay scales, job titles, and language used in other counties to determine what options are available.

Ms. Harper was unable to stay to make a comment. Ms. Wagner said she can submit her comment in writing, and the Board will respond.

## **ADJOURNMENT**

The motion to close was made by Ms. McDonald, seconded by Mr. Sowell, and passed unanimously. The meeting was called to a close at 4:06 PM by Ms. Costello.

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## **EXECUTIVE SESSION**

On July 12, 2023, at 4:10, The Frederick County Board of Elections met in Executive Session following the July Board meeting in the conference room at 8490 Progress Dr., Frederick, MD.

A motion to close the session was made by Mr. Wilson and seconded by Mr. Neeves, the vote was unanimous. The meeting was held to discuss multiple personnel issues.

This action was in accordance with the authority granted under the Annotated Code of Maryland, General Provisions Article, Sections §3-305. The session discussions pertained to the following subsections under this provision:

- §3-305 (b)(1) to discuss the appointment, resignation, or performance evaluation of appointees, employees, or officials over whom this body has jurisdiction; any other personnel matter that affects one or more specific individuals.

Mary Costello, President, present

Nathaniel C.W. Wilson, Vice President, present

Shirley McDonald, Secretary, present

Ted Neeves, Board Member, present

Michael Sowell, Board Member, present

Daniel B. Loftus, Board Counsel, present

Barbara Wagner, Election Director, present

During the executive session, the Board discussed personnel issues. The only action taken by the Board was to pass the amended minutes of the June 7 meeting, the motion to do so was made by Mr. Wilson and seconded by Mr. Neeves. The vote was unanimous.

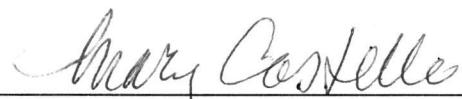
Motion made at 4:56 pm by Mr. Wilson, seconded by Mr. Neeves for adjournment, vote was unanimous.

Respectfully submitted by Shirley McDonald, Board Secretary

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Respectfully submitted by Ian Astheimer, Election Program Assistant

Approved by:



Mary Costello, Board President



Date