



# Frederick County Board of Elections

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## MINUTES of the October 04, 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	Winston E. Mann, Self
Nathaniel C.W. Wilson, Vice President	Patricia Louison, Self
Shirley McDonald, Secretary	Jim Filson, League of Women Voters of Frederick Co.
Ted Neeves, Board Member	William Woodcock, Self
Michael Sowell, Board Member	Jay Kaminsky, Self
Daniel B. Loftus, Board Counsel [WebEx]	Mari Lee, Democratic Central Committee
M.C. Keegan-Ayer, County Council Liaison	Shelley Aloï, Republican Central Committee [WebEx]
Barbara Wagner, Election Director	
Anthony Gutierrez, Deputy Director	
Thomas Coogan, Election Program Manager	
Marc R. Welch, Voting Operations Manager	
Ian Astheimer, Voter Registration Lead	

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### **ADDITIONS/CHANGES TO THE AGENDA**

N/A

### **FEMA AND FCC EMERGENCY ALERT TEST**

The Board meeting was briefly interrupted around 2:20pm by FEMA and the FCC's nationwide test of the Emergency Alert System and Wireless Emergency Alerts.

### **APPROVAL OF BOARD MINUTES**

Mr. Sowell made a motion to accept the September 13, 2023, meeting minutes, Ms. McDonald seconded, and the motion passed unanimously.

### **COUNCIL LIASON COMMENTS**

Tomorrow, October 5, 2023, at 6:00 pm, there will be a public hearing at Winchester Hall to review the proposals going into packet from the County to delegation in Annapolis. Ms. Keegan-Ayer said anyone

who submitted a proposal will want to be in attendance. Ms. Wagner said she will attend.

Ms. Keegan-Ayer said the Council passed the bill changing the requirements for serving on County boards, commissions, and committees. The old provision was repealed, and new language is being written to include a preference for residence or place of employment in the County and a preference for registered voters unless a candidate is under the age of 16 and cannot register.

Mr. Neeves asked about precedence, and Ms. Keegan-Ayer replied that living in Frederick County would likely take precedence over being a registered voter.

Preference will still be given to candidates who meet all criteria. However, there are teachers who would like to participate but previously could not because they live in Washington County. Similarly, liaisons to the Board of Health may have sought-after expertise but would not have qualified otherwise.

Mr. Wilson said being a registered voter and resident of Frederick County were presented as requirements, not preferences, during the last Board meeting. Ms. Keegan-Ayer said that they had to give a little bit to get four Council votes.

#### **BOARD COUNSEL REPORT**

Mr. Loftus provided an update on the Gibson trial, which is before the Fourth Circuit Court of Appeals in Richmond, Virginia. Gibson et al has until October 31, 2023, to reply to the Attorney General's brief. No date has been given for when the Fourth Circuit might render a decision likely because the Court is still waiting on Gibson's reply. If the Fourth Circuit rules against Gibson et al, Mr. Loftus suspects that the plaintiffs will file a petition for cert. Mr. Loftus asked the office staff to keep the records related to the case until next year, probably through the Primary.

The Attorney General's office has asked all LBEs to adopt and approve the delegation of duties for the Board and the Election Director as described in the Board's onboarding packet. Having a uniform, standardized delegation of duties across all LBEs will prevent chaos in the event of statewide litigation. Mr. Loftus said this is a housekeeping issue that needs to be voted on and adopted in a public meeting.

Ms. Costello made a motion to adopt the delegation of duties, and Ms. McDonald seconded. Mr. Neeves asked how the Board should refer to the document to vote on and approve it. Mr. Loftus said it would be a motion to approve the assignment and the delegation of the duties for the Board and the Election Director. Mr. Wilson said it's already part of the bylaws. Mr. Loftus agreed but said that it needs to be approved in an open meeting so that, should there be any litigation, Frederick County is on board with the other LBEs. Mr. Neeves said the Board already voted, referring to the delegation of duties' inclusion in the bylaws. Mr. Loftus described the situation as "belts and suspenders" in case there's any ambiguity or if there are questions dealing with a technicality. He reiterated that this was a

compliance measure to be in line with the other LBEs and attorneys.

The motion passed with four in favor and one abstention.

## **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
  - ✓ Voter UP – Harry Grove Stadium – Frederick Keys – August 11, 2023
  - ✓ In the Streets – September 9, 2023
  - ✓ Federal Active/Retired Federal Association – September 12, 2023
  - ✓ National Voter Registration Day – September 19, 2023
    - Wonder Book and Video 4pm-6pm
    - Thurmont Regional Library 10 am-12 pm
  - Hispanic Heritage Festival – October 7, 2023
    - Carroll Creek, Noon to 5pm
  - ✓ MAEO Monthly Meeting – September 15, 2023 – 10:00 am
- 2023 Biennial Meeting of Maryland Election Officials – October 19, 2023
  - Final agenda is still pending. Mr. Gutierrez can arrange transportation if requested.
- 2024 Election Candidacy
  - The State website is the best place to get an up-to-date listing of candidates. As of 10/4/2023, SBE has had 39 Candidates for statewide offices. Currently, FC has 1 Board of Education candidate.

Primary Election Tuesday, May 14, 2024

Early Voting Dates – Thursday, May 2-9, 2024

### **2. Voter Registration**

#### **VOTER REGISTRATION STATISTICS REPORT**

**As of  
10/4/2023**

<b>TOTAL ACTIVE + PENDING:</b>		<b>199,206</b>		
<b><u>PARTY</u></b>	<b><u>ACTIVE</u></b>	<b><u>PENDING</u></b>	<b><u>TOTAL</u></b>	<b><u>PERCENT</u></b>
DEM	77,610	18	77,628	38.97%
REP	67,464	10	67,474	33.87%
LIB	1,199	0	1,199	0.60%

UNA	51,174	22	51,196	25.70%
OTHERS - TOTAL	1,707	2	1,709	0.86%
<b>TOTAL</b>	<b>199,154</b>	<b>52</b>	<b>199,206</b>	<b>100.00%</b>

<b>VOTER REGISTRATION TRANSACTIONS REPORT</b>	<b>September 2023</b>
Additions to County Registration	1,219
Subtractions from County Active Status	1,266
Party Affiliation Changes	208
Address Changes within Jurisdiction	521
Name Changes	472

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

**CURRENT PENDING VOTERS**  
**As of 10/4/2023**

<b>Reason</b>	<b>Number</b>
ID Not Provided	7
ID Not Verified	42
Incomplete Application	3
<b>TOTAL</b>	<b>52</b>

In September, 9 pending voters were made active, 7 were cancelled, and 8 new pending voters were added.

### **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. SBE is requesting all designated sites to stay open until 9 pm to accept filings from Jan 29<sup>th</sup> to Feb 9<sup>th</sup>.

Surrender License Mailer – SBE sent out 14, 000 letters to Maryland Voters who have been reported as surrendering their MD licenses in other states. 621 Frederick voters were sent letters. Most of these voters moved without notifying the Board of Elections. SBE is processing the responses. So far, they have logged 215 responses:

- 48 have confirmed moving to a new state and have been cancelled.
- 17 have replied that they remain in the state of MD, and VR is unchanged.
- 84 have been returned as undeliverable with no forwarding information.

- 66 have been returned as undeliverable with some forwarding information on the return sticker and have been sent to our office for NVRA processing.

## **Warehouse**

The warehouse has added 8 worktables with power strips built in, along with work stools, wheeled shelving units, and other items.

330 pollbooks are getting ready for use and are on a monthly charging plan. New batteries are expected in February 2024. CMOS batteries recharge but expire after a while.

## **Voting Systems Division**

The reinstallation of the EzRoster software on the legacy pollbooks has been completed. This software provides the user interface for the election judges to check-in voters at early voting and on election day.

Preparation for the upcoming Thurmont Municipal Election is ongoing. The Town will be using 2 DS200 ballot scanners and 4 voting booths. Training will occur prior. The scanners will have Logic and Accuracy testing performed once the test deck is received from the printer, currently scheduled for the week of October 16. Thurmont's election is on October 31.

The team is preparing to conduct site visits to private polling place locations expected to be used for the 2024 elections.

## **Electronic Pollbook Project**

- Pollbook Solution – Using Legacy for 2024. Statewide testing for new pollbooks to begin mid-October.

**Voter Registration Division** is up to date on daily work. The ERIC Deceased report was released on September 15, followed by the ERIC In-State Duplicates report on September 28. They were both small reports, totaling a combined 7 voters. The next ERIC report should be released this week.

From July through September (Q3 of the calendar year), VR processed 11,382 electronic registrations and updates, 1,270 scanned registrations and updates, and 12,898 ERIC updates.

The September COP Audit is due October 12.

**Trainings – Election Judge Refresher – 10/4/2023 – virtual training is currently underway**

## **Election Judge Division**

Chief Judge Roundtable on October 5.

Volunteer Voter Registration training on October 19.

Volunteer Voter Registration training on November 9.

Volunteer Voter Registration training on December 7.

Judge applications are currently at 562 total. The Judge team will be conducting meet-and-greet events in the office for potential judge applicants on October 12 and November 2. Plans are in place to work with colleges and high schools to get additional judges.

**Social Media and Website Content** is a group effort to update all sites/pages with the latest information. The Voter Registration Statistics page launched. Reports will be published by the 15<sup>th</sup> of each month.

**The Board of Elections is approximately 7 months from the Primary Election on May 14, 2024.**

Major goals include the following:

- Districts/Precincts Clean-up – plan to take out lines between precincts that already vote in the same place and share the same ballot style. These changes WILL NOT affect the place where the voter votes on Election Day.
- 56 Election Day Polling Places – affected by SB410.
- Standard Operating Procedures (SOP) each division is tasked with going over current procedures and writing or re-writing them to a standard which can be given to any incoming employee to assist with training. – Mid October to be completed
- Election Judge Pilot Program Assessment – October
  - Baltimore County has a program for closers, who work partial shifts. Frederick is running a small pilot program during the Primary with closers at one EV site, one small polling place, one medium polling place, and one large polling place. If successful, the program will be carried forward for the General. Anyone not fully able to work a 15-hour day is eligible to participate.

Three job vacancies have been posted: Election Program Assistant (contractual), Supervisor II, and IT Specialist I (GIS). The postings close October 10, 2023, at 11:59 pm.

The staff was 100% in compliance with the State's security awareness training, which ended September 30. October is cybersecurity awareness month, and both the County and State have issued mandatory training lessons. Staff is working toward 100% compliance with those trainings as well. Harassment training is 100% complete.

SBE's revised language for the voter registration data request application bumped up against HAVA and NVRA regulations. A correction was released. The website and request form have been updated.

SBE also issued new language for the ballot issuing judge for 2024. The statement now reads, "Would you prefer to mark your ballot by using the ballot marking device or by hand using a pen?"

## **Grants**

Mr. Coogan said the Board of Elections worked with the County's Office of Emergency Management to submit one project. The DHS grant will be used for the AI Phone for Suite 125 later in the fall. This grant will begin this month – October.

See Old Business Section C below for additional grant details.

## **OLD BUSINESS**

### **A. Board Orientation Retreat Planning Update**

The Board Orientation is scheduled for Tuesday, October 24, 2023, from 8:00 am to 4:00 pm. There will be short breaks mid-morning and mid-afternoon, and lunch will run from 11:30 am to 1:00 pm. Ms. Costello said the agenda is being finalized, thanked Ms. Wagner for suggesting the orientation, and thanked everyone for their input.

### **B. Assignment of Early Voting Centers and Drop Box Locations for the 2024 Presidential Elections**

The Early Voting Centers proposal, which was approved by the Board at the last meeting, is due to SBE by October 14, 2023. Staff is in the process of updating SBE's Google forms and providing the necessary documentation.

The Drop Box Locations proposal is not due until November 13, 2023. All camera mounts have been received, and Mr. Coogan will attend an installation demo tomorrow, October 5, 2023.

### **C. BJAG Grant Update**

Mr. Coogan said bid of \$63,200 has been procured and a P.O. has been issued. The project—which includes computers, monitors, TVs, interior cameras, the Verkada intercom, and door control for the third-floor lobby—is about 30% complete. The estimated completion date is October 20, 2023.

## **NEW BUSINESS**

### **A. 2024 Proposed Election Day Polling Places**

Mr. Welch presented the staff's Polling Place Optimization Plan, which would reduce the number of polling places to 56 and the number of precincts to 66. These reductions were made possible by removing redundant boundary lines between precincts that now share ballot styles due to redistricting. ADA compliance at polling locations and voter densities within precincts also factored into the decision-making process.

By having fewer polling places, more equipment (including BMDs) and election judges could be



allocated to busier locations, backup equipment and reserve judges could be on standby, and office staff and field teams could better support the open locations. A reduction in the number of equipment carts would free up warehouse space as well.

New polling place configurations would include:

- Precinct 03-003 merging into 03-001, eliminating Middletown Primary School
- Precinct 09-008 merging into 09-006, eliminating Oakdale Elementary School and reducing the number of voters showing up at Oakdale Middle School by mistake
- Precinct 14-002 merging into 14-001, eliminating Valley Elementary School
- Precinct 24-003 merging into 24-001, utilizing the Braddock Heights Community Center
- Precincts 24-004, -005, and -006 merging into 24-002, eliminating People's Baptist Church (which served as a polling place in 2022) and Grace Community Church (which served as a polling place prior to the pandemic)

These recommendations would change the polling place assignments for fewer than 6,000 voters.

Mr. Gutierrez said, if the Board approved the plan, each member would need to sign the resolutions for each of the changes presented. These "meets and bounds" documents are the legal descriptions of the new boundary lines by compass direction in prose.

Ms. McDonald made the motion to approve the Polling Place Optimization Plan, Mr. Neeves seconded, and the motion passed unanimously.

## **B. Other**

N/A

## **DISCLOSURES**

N/A

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## **NEXT MEETING**

The Board scheduled the next meeting for Wednesday, November 1, 2023, at 2:00 pm at 8490 Progress Drive.

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## **PUBLIC COMMENT**

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

Ms. Lee, the Chair of the Democratic Central Committee, introduced herself to the Board. She was unable to attend previous meetings in person while recovering from a broken ankle. Ms. Lee suggested a call-in option, approved by the Board President in advance, to allow the public to participate remotely.

Ms. Lee pointed out that the Board members signed the last page of the bylaws posted on the website, but their names were not printed underneath their signatures. It is difficult to know whose signature is whose.

Ms. Lee was happy to hear about the half-day pilot program for election judges. She thanked the staff of the Board of Elections for the work they do to ensure the election process is transparent, open, efficient, and fair.

Mr. Kaminsky said Ms. Wagner already addressed most of his items for today's meeting. He knew of the regulatory amendment effective July 10, 2023, that prohibits the use of voter registration data for research and investigations into illegal activity and for election fraud. He was not aware of any new amendments. As a canvasser, Mr. Kaminsky will be circulating information and registering voters, and he does not want to break any laws. Ms. Wagner clarified that she was referring to the same amendment he mentioned, which defined the electoral process.

## **ADJOURNMENT**

The motion to close was made by Mr. Neeves, seconded by Mr. Sowell, and passed unanimously. The meeting was called to a close at 2:46 pm by Ms. Costello.

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## **EXECUTIVE SESSION**

On October 4, 2023 at 2:50 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 approve the minutes of the July 12 meeting.

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

During the executive session, the only action taken by the Board was to pass the amended minutes of the July 12 meeting, the motion to do so was made by Mr. Willson and seconded by Mr. Neeves. The vote was unanimous.

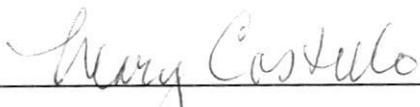
Motion made at 3:26 pm by Mr. Wilson, seconded by Mr. Neeves for adjournment, vote was unanimous.

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