



Frederick County Board of Elections

8490 Progress Drive, Frederick, Maryland 21701
FrederickCountyMD.gov/elections

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MINUTES of the December 3, 2025, Meeting of The Frederick County Board of Elections

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

PRESENT:

Mary Costello, Board President

Nathaniel C.W. Wilson, Board Vice President

Shirley McDonald, Board Secretary

Ted Neeves, Board Member

Michael Sowell, Board Member

Daniel B. Loftus, Board Counsel

Barbara Wagner, Election Director

Anthony Gutierrez, Deputy Director

Tom Coogan, Election Program Manager II

Jeremy Levin, Election Program Manager II

Marc Welch, Special Projects Supervisor

Dan Callahan, Election VR Supervisor II

Brian Blakesley, Election IT Specialist

Diane Zepp, Election Program Assistant II

Shelley Alois, Self

Jay Kaminsky, Self

Mari Lee, Self

Kelly Foster, Self

Jean Struharik, Self

Susan T Levitan, Self

Winston E Mann, Self

Virtual: M.C. Keegan-Ayers, County Council

ADDITIONS/CHANGES TO THE AGENDA

Mr. Wilson will be adding item under New Business.

APPROVAL OF BOARD MINUTES

Mr. Neeves made a motion to accept November 5, 2025, minutes as presented. Ms. McDonald seconded. Minutes passed unanimously.

COUNCIL LIAISON COMMENTS

Ms. Keegan-Ayers mentioned the Public Hearing schedules on the FY'27 Budget.

BOARD COUNSEL REPORT

Bryson vs. Moore case was dismissed by the Circuit Court. We have been informed that plaintiffs are planning to appeal, however, we have yet to receive any word. The other case is in the Fourth Court, and we are waiting for oral arguments.

ELECTION DIRECTOR'S REPORT

December 2025

Announcements and Important Meetings

- December 4 – hosting staff from Western Region local board offices
- December 18 – Change Appeals due to Budget Office

1. Voter Registration

VOTER REGISTRATION STATISTICS REPORT					As of 12/3/2025
TOTAL ACTIVE + PENDING:		208,512			
PARTY	ACTIVE	PENDING	TOTAL	PERCENT	
DEM	78,643	38	78,681	37.73%	
REP	69,264	26	69,290	33.23%	
LIB	1,028	2	1,030	0.49%	
UNA	57,178	48	57,226	27.44%	
OTHERS - TOTAL	2,279	6	2,285	1.10%	
TOTAL	208,392	120	208,512	100.00%	

VOTER REGISTRATION TRANSACTIONS REPORT		November 2025
Additions to County Registration		884
Subtractions from County Active Status		778
Party Affiliation Changes		308
Address Changes within Jurisdiction		1245
Name Changes		536

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

CURRENT PENDING VOTERS	
As of 12/3/2025	
Reason	Number
Confirmation Mail process	1
ID Not Provided	15
ID Not Verified	94
Incomplete Application	10
TOTAL	120

2. Administration Division

The office is currently in the process of onboarding a new IT employee and will soon be recruiting a new Election Specialist II employee for our Election Judge division. We are also continuing to process candidate filings until the Feb 2026 deadline. Preparing for FY'27 Budget submission.

Staff are in compliance with all State and County training deadlines.

3. Voting Systems Division

The Voting System Division has successfully completed state-mandated testing and certification for the Jackey Explorer 2000 Portable Power Stations. These units are high-capacity, solar-capable backup batteries that provide power. In the event of a power outage at a polling location, they will be deployed to maintain critical operations by powering electronic pollbooks, Ballot Marking Devices (BMDs), essential lighting, and communication equipment, ensuring voter access and procedural continuity.

Following the completed Electronic Pollbook battery testing, a new routine charging cycle for all DS200 precinct scanners and BMDs has been initiated to ensure optimal battery performance and readiness for the upcoming election cycle.

As of November 20, 2025, the Frederick County Board of Elections has submitted the comprehensive 2026 Polling Place Plan to the Maryland State Board of Elections for their review and approval. This submission is a key milestone in our preparatory timeline. These documents are required by SBE for their eventual consideration and approval.

4. Voter Registration Division

Completed November COP Audit, DHMH Report, AOC Report and DHMH and AOC Fuzzy list.

Completed ERIC Report.

Staff are reviewing and updating SOPs as needed.

MAEO VR meeting scheduled for 12/3/2025.

5. Mail-In Ballot / Official Ballot Drop Boxes Section

MAEO MIB meeting scheduled for 12/3/2025.

6. Election Judge Division

Our next Election Judge Open House is scheduled for Saturday, January 24, 2026. Information about the event will be in the Election Judge newsletter, on our website, in our social media posts and will be announced in a press release after the first of the year. We continue to work on our 2026 media plan to include our local radio and cable channel ad campaigns for Election Judge recruitment and Early Voting outreach, as well as a possible Warehouse Cinemas partnership. We will also reach out to the Frederick County Libraries to distribute our information.

Total Election Judge Applications (as of Dec 1) - 412
Returning Judges -294
Dem - 212
Rep - 124
Una - 71
Others - 5

7. GIS and Special Projects

The division has launched upgraded in-office tools, including the time-off request tool, staff training log, and others. The 2026 EOC (Election Operations Center) project continues. Major EOC software and system upgrades are complete, with no new major changes anticipated. The development team is working on testing scripts and exercises to be conducted in early 2026. The testing scripts will help to ensure data moves through the systems properly. Exercises with call-taking, technical, field support and leadership staff will help familiarize key staff with their roles during in-person voting operations.

The division continues to provide networking and technical support for office operations.

8. Building Management

To ensure the ongoing safety of our staff, we conducted a fire drill designed to maintain their proficiency in emergency procedures.

With preparations complete and Standard Operating Procedures (SOPs) finalized, staff are beginning to use the new mailroom. This facility offers a significantly more secure and safer environment for mail processing.

Voter Education

- A. Candidate Filing Presentation – See attached presentation slide show.

OLD BUSINESS

- A. FY27 Budget Request update – Mr. Coogan has informed the Board that a Base Change Request has been submitted prior to deadline. There are a few changes/requests.

NEW BUSINESS

Mr. Wilson mentioned under Board of Elections Information on website has “Assignment of Local Board of Elections’ Duties to Members of the Local Board, the Election Director and Staff” He mentioned Election Law 10-201 on page 3 and Election Law 10-203 on page 4. He would like to gain a better understanding of this process going into 2026 and request a report from staff on their plan on how they will be handled.

DISCLOSURES

No disclosures.

NEXT MEETING

The next scheduled Board meeting will be Wednesday, January 7, 2026, at 2:00 p.m. at 8490 Progress Drive.

PUBLIC COMMENT

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

Jay Kaminsky, Jean Struharik and Winston Mann spoke during public comment.

ADJOURNMENT

A motion to adjourn the open meeting by Mr. Neeves and seconded by Mr. Sowell. Motion passed unanimously at 2:36 p.m. to go into Executive Session. The meeting adjourned at 2:36 p.m. by Mrs. Costello.

EXECUTIVE SESSION

On December 3, 2025, at 2:36 p.m. The Frederick County Board of Elections met in Executive Session after the December Board meeting in the conference room at 8490 Progress Dr., Frederick, MD.

A motion to close the session was made by Mr. Neeves and seconded by Mr. Sowell, the vote was unanimous. The meeting was held to approve the minutes of the November 5 meeting, and to go over the PEP for the Election Director and consider amendments to the contract of legal counsel.

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

Dan Loftus, Counsel, present

Discussion of the PEP was held; the draft will be prepared by legal counsel and will be approved and

signed at the January 2026 meeting.

Possible amendments to the contract for legal counsel were discussed. Additional time and information are needed prior to approving any amendments. Will look at it again in January 2026.

The minutes of November 5 were approved as written. Motion to approve was made by Mr. Neeves, seconded by Mr. Sowell. The motion passed unanimously.

Motion to close meeting made by Mr. Sowell and seconded by Mr. Neeves was made at 3:16 p.m. The motion passed unanimously.

Respectfully submitted,

Shirley McDonald

Respectfully submitted by Diane Zepp, Election Program Assistant II.

Approved by:

Mary Costello

Mary Costello, Board President

1/7/26

Date

SUMMARY OF OMCB OPINION

To Be Read

1. Pursuant to the Open Meetings Act, Section 3-211, the Board is required to acknowledge and announce and orally summarize the Open Meetings Compliance Board's Opinion.
2. Ms. Kelly Foster filed a complaint with the Open Meetings Compliance Board against the Frederick County Board of Elections on or about October 15, 2025 alleging that the Board of Elections violated the Open Meetings Act by:
 - Failing to, before an open session, to post online a summary of a policy that the Board discussed and voted on;
 - Making conflicting public disclosures before and after a closed session and by possibly discussing public business outside of an open meeting; and
 - Stating, in closed session summary, that the Board invoked two statutory authorities to meet in closed session, when in reality, the Board relied on only one statutory authority.
3. The Board denied any violations of the Open Meetings Act and filed a response. Ms. Foster then filed a reply and the Board subsequently filed a surreply.
4. On or about January 5, 2026, the Open Meetings Compliance Board issued its Opinion and held that the Board of Elections did not violate the Open Meetings Act when it did not post on its website a summary of a policy that the Board would vote on at an open meeting.
5. The Open Meetings Compliance Board also held that the Board did not violate the Open Meetings Act with respect to Ms. Foster's allegation that the Board possibly discussed public business outside of an open meeting because her allegation was pure speculative and not based on facts.
6. The Open Meetings Compliance Board found that the Board violated the Open Meetings Act due to a clerical error in the meeting summary. While the summary incorrectly cited two statutory authorities for closing the session, only one was applicable. The specific authority used to close the session, however, was correct.
7. Please know under the Open Meetings Act, Section 3-211 (d) that by announcing the violation and giving an oral summary of the opinion, this is not an admission to a violation of the Open Meetings Act.