



**REGULAR SESSION
MINUTES**

**WASHINGTON COUNTY BOARD OF ELECTIONS
April 9, 2024
17718 Virginia Avenue
Hagerstown, MD 21740
240-313-2050**

Present:

Board:

Tammy Downin, President
Kandace Carpenter, Vice President (arrived 3:03pm)
Donna Brightman, Secretary
Nancy Armstrong, Assistant Secretary
Claudia Martin, Member
Brian Kane, Board Attorney (arrived 3:11pm)

Staff:

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

Absent:

Guest:

Angela Batista

President Tammy Downin called the meeting to order at 3:02pm 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.

Approval of Draft Agenda:

Donna Brightman moved to accept the Agenda and Claudia Martin seconded. The vote carried unanimously at 3:03pm.

Approval of Draft Meeting Minutes:

Donna Brightman made a motion to accept the Executive Minutes for March 12, Nancy Armstrong seconded. Donna Brightman asked that it to be noted on the record that there is a new order to the meeting; there will not be an Executive Session for Executive Minutes unless there is a need to discuss the Executive Minutes. Donna Brightman asked for a pause to the meeting to allow Kandace Carpenter to review the Executive

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Minutes. After Kandace Carpenter was given time to review the Executive Minutes the vote was passed unanimously at 3:05pm.

Donna Brightman made a motion to accept the March 12 Regular Minutes as is. Claudia Martin seconded and the motion passed unanimously at 3:05pm.

Correspondence:

None.

Reports:

- I. Election Director
 - A. Personnel – N/A
 - B. Meetings:
 1. Director's Meetings:
 - a) Highlights from March 21st meeting:
 - (1) SBE recommends board members utilize maryland.gov email addresses for all board correspondence
 - (2) Disaster Recovery plans due to SBE by April 1st. We turned ours in on time.
 - (3) Public Notice of Canvass Dates is due April 12th.
 - (4) April 17th deadline for supply verification of Early Voting and polling places. April 15th at 5:00pm there will be 2 teams of Board members for the supply audit.
 - (5) April 18th Threat Briefing with MDEM
 - b) Next Meeting: Thursday, April 18, 2024, virtual
 2. Trainings: Election Judge Training began on March 14th with Check In Judges and Voting Judges. Have also trained Greeter Judges and Ballot Marking Device Judges. Currently training Provisional Judges and begin training Technical Judges and Chief Judges this week. 571 election judges confirmed for 2024, need a minimum of 540, would like 670.
 - C. Legislative Update:
 1. Sine Die was April 8th
 2. Bills that passed:
 - a) HB0014/SB0271 – departmental bill, authorizing LBEs to commandeer public buildings for Early Voting. Appeals process was added to bill. Effective date 1/1/25
 - b) HB0371/SB0115 – Recount Procedures. Requires LBEs to store duplicated ballots with voter verifiable paper ballot. We already do that. Emergency passage
 - c) SB0417/HB0459 (Hayes/Jones) – State administrator must provide a performance evaluation, at least annually, to the local board. Local board must confer with state administrator when

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appointing a director. Changes “may” to “shall” when listing duties of local election director. Effective date 7/1/24

d) HB0585/SB0480 (Jones et al (including Grossman)/Ferguson et al (including Corderman and McKay) – makes it illegal to threaten an election official, punishable up to 3 years imprisonment and/or \$2,500 fine. Emergency passage

e) HB0700 (Jones) – requires county governments to provide administrative leave to its employees who work as election judges. Allows high school students to both get paid and receive service-learning credit. Defines “returning judge.” Effective date 6/1/24. Donna Brightman would like the election judge pay and returning judge pay to be advertised, especially to high schools. All Board members agreed.

f) HB0809 – Removal or Suspension of Board Members. Effective date 10/1/24

3. Bills that did not pass:

a) SB0029 (Kagan) – Special Elections to fill a vacancy, conducted by mail. Passed Senate, died after first Ways and Means hearing.

b) HB0257/SB0099 (Qi/Kagan) – would allow Unaffiliated voters to vote a party ballot during Early Voting. Concerns about increase in provisional ballots. Never made it past initial committee hearings.

c) 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. HB40 passed house, referred to Senate EEE committee on 2/23. SB523 never made it out of initial committee hearing.

d) HB0436 (Fair) – Changes the minimum age of registration to 15 years, 9 months. Passed house, died after first Senate EEE committee hearing on 2/23

e) HB1303 (Grossman) – requires counties to pay board members \$100/day for canvasses, \$350/day for election day, and \$100/day for recounts. Never made it out of initial Ways and Means hearing on 2/27.

D. Voter Registration Activities and Statistics:

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

E. Candidate Filings: N/A

F. Voting System Activities:

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1. Logic and Accuracy testing completed on Ballot Marking Devices, Scanning Units currently underway, waiting on SBE to release files to test pollbooks, should begin next week.

G. Projects:

1. Ballot Drop Box Security Camera installations to be completed by April 14th. Drop Box Security Cameras will be installed April 16-26. This is past the deadline for installation. It has been reported to the State Board and the county contractor will receive a penalty for the noncompliance of the timeline. The Hagerstown Library security camera is still in discussion. Brian Kane would like to know if the Hagerstown Library can preserve the footage in case further review is necessary. The Washington County Board of Elections will need to preserve documented records (security footage) for 22 months to be compliant with state regulations. It is believed that the Hagerstown Library is neither funded nor operated by the county. Brian Kane offered to start a dialogue with the operators of the Hagerstown Library in order to preserve the footage. Tammy Downin asked that Barry Jackson notify the State Board of the current problem with the Hagerstown Library security footage as soon as possible. Claudia Martin asked if other locations are experiencing any issues with the security footage, such as the Smithsburg Library. There is already a camera present at the Smithsburg Library with no issues. It is only the downtown Hagerstown Library that has an issue with the security camera footage being accessible to the Election Board. Drop Box usage was discussed and the Board members would like a "how to" video made and distributed on social media to explain how to put a mail-in ballot in the drop box.

- a) Sample ballot procurement underway. Bids are due on April 19th and will be awarded immediately after. Files will be sent on April 22nd. Sample ballots will likely go out just before Early Voting. Kandace Carpenter would like to know if a sample ballot can be posted on social media. Barry Jackson and Teresa Morningstar noted that samples are already on the website.

II. Attorney

Brian Kane noted that any current litigation regarding elections is exclusively at a state level and not affecting the Washington County Board of Elections at the local level. There are multiple cases pending, including: allegations that the State Board violated the National Voter Registration Act (NVRA); a ballot mule case (Gibson v Frederick County) which is on the last appeal; and a case which involves the United Sovereign Americans and is regarding maintaining the voting system itself. Brian Kane stated that the State is expecting more similar

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“nuisance” cases to be filed with the intention of delaying the Maryland Primary. These cases are unlikely to have such an effect. Brian Kane asked that anyone who may be aware of possible litigation inform Barry Jackson, Brian Kane, and Tammy Downin. He would like to notify the State Board as soon as possible of any potential future litigation.

Regarding HB459, Tammy Downin asked if “damage” includes vandalism. Brian Kane stated that even putting decals on a drop box or defacing voting equipment does fall under the purview of the House Bill. Per the last call from the State and Brian Kane, there is polling place law enforcement guidance that may be provided to chief judges. This guidance indicates that the public must obey the direction of an election official. If a person is asked to leave a polling place by a chief judge and does not, that is considered trespassing. Law enforcement may remove an individual from a polling place at the direction of the chief judge based on this guidance. Brian Kane will send or resend the guidance to the Board members which also addresses voter intimidation. Brian will also distribute a manual that is a publication on the “definition of a vote.” This will provide guidance to the Board members for the canvassing of ballots.

Donna Brightman requested guidance from the State regarding challengers to the voter rolls. Brian Kane suggested that since the voter registration closes on April 23, a challenge after April 23 may not be addressed until after the primary election has passed.

Unfinished Business:

I. Approval of Revised By Laws

Tammy Downin called for a motion to approve the By Laws. Donna Brightman asked that the Board update the reasons for the Executive Minutes. Brian Kane explained that the worksheet that Donna was referencing does not have to be approved by the State and may be used as a checklist for the secretary. Tammy Downin did find there was merit to the worksheet and would like it to be used when writing the Minutes for the meetings. Donna Brightman made a motion to approve the By Laws as amended. Claudia Martin seconded and the motion passed unanimously at 4:19pm.

Tammy Downin asked to address the date/time of the Board meetings. After some discussion, the date and time agreed upon will be the second Tuesday of the month at 5:00 pm.

I. Draft Budget

Nothing new to report.

II. Board Member Election Schedule

Tammy Downin reviewed the calendar and the expectations for the Board members. Kandace Carpenter asked for further explanation of the process regarding when to arrive to each polling place, how to evaluate each facility, etc. Tammy Downin explained a typical election day routine. Teresa Morningstar and Brian Kane also clarified the expectations of the Board members on election day at each polling place for evaluations. Kandace Carpenter asked for more specific instruction on the evaluation itself. Barry Jackson and Brian Kane explained

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what should be on the evaluation. Nancy Armstrong asked how many of the polling places need to be evaluated on election day. Barry Jackson said 50% must be evaluated during the primary and the other half during the general election. All polling places must be visited on election day but only 50% need to be evaluated. Tammy Downin requested that one of Donna Brightman's polling place locations (Fairplay) be shifted to Claudia Martin, based on location. Donna Brightman said she will keep the polling place locations she was assigned for the primary and revisit the idea of shifting the Fairplay location to Claudia for the general later.

Donna Brightman was asked to randomly choose the 5 polling place locations for the supply audit on April 15th. The locations chosen were: 2001 Williamsport, 10001 South Hagerstown High, 14001 Ringgold Ruritan, 14002 Ft. Ritchie Community Center, and 20000 Downsville Ruritan.

Barry Jackson went over what each board member will be doing on election night as far as receiving equipment and supplies back at the office. After the last drop box pickup of the night, board members will meet back at the Election Center.

Tammy Downin and Kandace Carpenter will ensure the blue carts are returned with what was needed to be returned. Nancy Armstrong will be organizing the black bags with wheels. Donna Brightman will be organizing provisional, mail-in and red voter authority card bags. Claudia Martin will be in charge of the Forms Folders. Brian Kane will retrieve the memory sticks for Carl. Staff members will be responsible for removing the forms from the forms folders.

Barry Jackson said the Board members are exempt from the fingerprinting/background check process for drop box pickup but any other people scheduled to pick up drop box material will need to be fingerprinted/background checked before they are to retrieve drop box material.

New Business:

None.

Members Remarks:

Claudia Martin would like a representative from the Election Board to speak on May 21 at 6:00 pm at a Sunset Rotary Club. Barry Jackson responded that he may be able to attend.

Guests Remarks:

Angela Batista will contact Teresa Morningstar about bringing the coffee for election day.

Confirmation of Next Meeting:

The next Regular Meeting of the Washington County Board of Elections will be held on Tuesday, June 11, 2024 at 5:00 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:

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Board Packet

Future Events:

Mail In Ballot Canvass, Monday, April 22, 2024, 10am – 4pm

Mail In Ballot Canvass, Friday, April 26, 2024, 9am – 4pm

Early Voting, Thursday, May 2 through Thursday, May 9, 2024, 7am – 8pm

Mail In Ballot Canvass, Friday, May 10, 2024, 9am – 4pm

Chief Judge Supply Pickup, Saturday, May 11, 2024, 9am – 12pm

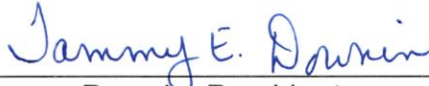
Primary Election Day, Tuesday, May 14, 2024, 7am – 8pm

Adjournment:

Tammy Downin called for a motion to adjourn the Regular Board Meeting. Kandace Carpenter made a motion to adjourn the Regular Meeting. Nancy Armstrong seconded. The motion passed unanimously and the Regular Meeting concluded at 4:55pm.

Compiled by Sarah Hall
Election Program Specialist I

Respectfully Submitted,

 6/11/24
Tammy Downin, President Date

 6/11/24
Donna Brightman, Secretary Date