

Howard County Board of Elections
8900 Columbia 100 Parkway
Columbia, MD 21045
April 27, 2009

Present:

Ann M. Balcerzak, President
Donna K. Thewes, Vice-President
Raymond M. Rankin, Member
Charles M. Coles, Jr., Substitute
Donna L. Rice, Substitute
Michael S. Molinaro, Board Counsel
Vivian L. Dixon, Board Secretary

Staff: Betty L. Nordaas, Director
Guy Mickley, Deputy Director

Ms. Balcerzak called the meeting to order at 4:04 PM, followed by Pledge of Allegiance. All members were present, constituting a quorum.

Approval of February 23, 2009 Executive Minutes:

Ms. Balcerzak asked if there were any additions or corrections to Minutes. Mr. Coles, motion to approve was seconded by Mr. Rankin, unanimously approved and signed.

Agenda Additions/Changes:

- Update on MAEO Conf. – Mr. Mickley
- Confidential Voter Request – Ms. Nordaas

Correspondence: (copies provided)

- Letter of explanation and apology to deceased voter's daughter. The voter was transferred to Howard County from another county and the notification of death was not matched. Voter was removed from voting rolls.
- Carroll County Board Elections to Linda Lamone, Ref: Commendation for Nicole Trella (Nikki), Election Reform Director.

President's Report:

- President gave brief report on Annapolis Meeting with Howard County Delegates. The purpose of the meeting was to give the Delegation the staff comments on the technical provisions of certain pending legislation. The Delegation asked the Board and Staff about the Doe case as it was applied to the processing of the petition on Howard Count Council Bill 58. The Board and Staff stated they would be available to the Delegation to discuss any aspect of elections bills being considered.

In an effort save on attorney fees for Special Counsel Richman, Ms. Balcerzak gave the following status report for ongoing litigation regarding actions taken by the Board in light of Doe vs. Montgomery County:

- April 21st hearing on current Litigation was reported in newspaper. Gibbons, Plaintiff, filed a declaratory judgment action against the Board. However, Judge Burnhart dismissed it stating there was no case of controversy at that point.
- There is other legislation, at the local level, from Mr. Norman concerning Boards Decision on the Petition signatures to reflect the requirements of the Doe vs. Montgomery County. This Case will be working its way through the elections system.
- A response to the Federal District Court suit filed by Mr. Kendall on Behalf of Interested Citizens is due, May 11th.

Director's Report:

- Spoke at Public Session on FY-10 Budget. Budget impact of Early Voting and the new voting requirements. May be under-budgeted for approximately One hundred thousand dollars (\$100,000), based on the latest information from SBE.
- Early Voting may cost approximately seven hundred fifty thousand dollars (\$750,000) for Primary/General elections in FY-11. It could be more if Ballot-on-Demand machines are required.
- FY10 Budget [received today]; Items that had been cut were put back in. There are minor changes. However it is a very good budget which has been presented to the County Council.
- Reminder Financial Disclosure Statements.
- Ref: 2009 Legislation, it is not yet known how Holidays (Labor Day), might impact on Early Voting.
- Director would like to continue scheduled dialogue meetings with the Legislators.
- County Contract to continue leasing space at Dorsey Building being reviewed by Board Counsel.
- Letters from Commonwealth of Virginia (handouts), College Students registered in Virginia/Maryland. No action to be taken in that the students are considered Maryland residents and did not vote in Virginia. Will follow action taken by Virginia.
- Attended two (2) State Board Meetings. March 26th. Marc Norman and Angie Beltran testified. New Petition Guidelines were approved by SBE and updated on website. At the April 23rd. Board meeting Sandy Bradley, Attorney General spoke about Howard County's ongoing litigations.
- March 8th meeting with County Attorneys and County Government IT concerning new products/services. There are ongoing discussions about where we want to go.

- Elections Directors Conference calls April 14th which centered on Legislation that as passed and what would impact budgets. Public Information Act requests discussed. SBE defers to local Board responsibility for responding to such requests. A PIA request from Robert Ferrari about voting system costs was responded to.
- Campaign Finance Training on April 21st and County Government session on Dealing with the Media, April 24th.

Confidential Voter Application: Voter is the spouse of violent crime victim, who is already in confidential voting database. It is believed that the confidential status (voting records), should be extended to the initial victims spouse and approval is recommended and requested by Ms. Nordaas. Ms. Thewes motion to accept application was seconded by Mr. Rankin and unanimously approved.

Deputy Director:

- MAEO Conference Agenda, Speakers and directions to Rocky Gap MD provided.
- Rooms reserved: 2-nites for Board Counsel and 3-nites for other Attendees.
- Schedule for Van departure noted along with Board/Staff using this mode of travel to Conference.
- Board Secretary expressed her gratitude for having been allowed to attend previous Conference and asked that she not be paid for time there.

Attorney's Report: Atty. Molinaro reported that during the Attorney's Break-out Session he would foster discussion on Petitions and the Doe case.

(Board Members added: 1) issues with 16202 and not receiving good follow-up from States Atty. on "double voting" referrals; 2) Board Attys. share any information that impacts on local Boards.)

Old Business: Canvassing Minutes had been approved, signed, forwarded to SBE and posted on Website. The Board thanked Ms. Dixon and Ms. Thewes for their work.

New Business: Per MAEO Planning request, Board offered the following issues to be considered at MAEO Conference: 1) More communication between the County Election Boards 2) Disparity in salary between Directors/Deputy Directors, within the system in MD pay scale in relationship to other State and County Agencies.

Action Executive Session: At March 23, 2009 Executive Session, Board voted unanimously to file, as a Party to Petition for Judicial Review, filed December 11, 2008, County Clerk of Howard County 13-C-08-075564, and instruct Board Counsel, Michael Molinaro to seek clarification from Attorney General's Office, concerning a request received for information under the Freedom of Information Act. Individuals voting in favor were: Ann M. Balcerzak, Donna K. Thewes and Raymond M. Rankin.

Adjournment:

There being no further business, Meeting re-opened at 5:30 PM and adjournment was unanimously agreed upon at 5:33 PM. The next regular meeting will be held June 22, 2009 at 4:00 PM.

Respectfully transcribed,

. Vivian L. Dixon 24 Aug 2009 .

Vivian L. Dixon, Board Secretary

. Ann M. Balcerzak 24 Aug 09 .

Ann M. Balcerzak, President