

APPROVED

April 18, 2016

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS  
18753-210 North Frederick Avenue, Gaithersburg, Maryland

In Attendance:

Board Members:

James Shalleck, President  
Nahid Khozeimeh, Vice President  
Mary Ann Keeffe, Secretary  
Alex Vincent  
David Naimon  
Jacqueline Phillips  
Graciela Rivera-Oven

Staff:

Margaret Jurgensen, Election Director  
Alysoun McLaughlin, Deputy Election Director  
Lisa Merino, Office Services Coordinator  
Marjorie Roher, Management and Budget Specialist III  
Janet Ross, Information Technology Manager  
Christine Rzeszut, Operations Manager  
Jessica White, Voter Registration Manager  
Leslie Woods, Election Judge Coordinator  
Gilberto Zelaya, Outreach Coordinator

Board Counsel:

Kevin Karpinski

Guests:

Adam Fogel  
Loretta Garcia  
Dolly Kildee  
Kimberlyn Persaud  
Barbara Sanders  
Michael Subin  
Judy Tankersley  
Ira Unger  
Helen Vallone

Audio of the minutes can be found at the link below:

[https://youtu.be/\\_I96zUJZPk3I](https://youtu.be/_I96zUJZPk3I)

APPROVED

### **Convene the Board Meeting and Declare a Quorum Present**

Mr. Shalleck called the Board meeting to order and declared a quorum present at 2:30 p.m.

### **Approval of the March 21, 2016, Board Meeting Minutes**

Ms. Khozeimeh made a motion to accept the minutes presented. The motion was seconded by Ms. Keeffe and passed unanimously.

### **Additions and Changes to the Agenda**

Mr. Shalleck stated that an Executive Session would be held directly after the Board meeting to discuss potential litigation.

### **Public Comments**

Judy Tankersley, an Aspen Hill resident and member of the Friends of the Library and the Mid-County Citizen Advisory Board (MCCAB), asked to address the Board members. Ms. Tankersley spoke against the use of the Wheaton Volunteer Rescue Squad as an Early Voting site for the General Election. She stated that the closure of the interim library would limit several amenities for the community. Mrs. Rivera-Oven inquired if MCCAB was contacted or involved at any point regarding an interim location for the Wheaton Library. Ms. Tankersley stated that MCCAB had no involvement in selecting the location. Mr. Vincent inquired if there have been any views/opinions from the Wheaton community or leaders as to what should be done. Ms. Tankersley stated there have been strong views for an Early Voting site in Wheaton as well an interim library and its amenities. Mr. Naimon stated that Ms. Tankersley and the Board potentially share that same goal - that Wheaton have both an Early Voting site and the interim library; and that the community should not have to choose one or the other. Mr. Naimon noted that the Board of Elections had a contract in place prior to the announcement of the placement of the interim library at the Wheaton Volunteer Rescue Squad. Ms. Keeffe inquired if Ms. Tankersley knew when the Wheaton Library renovation/closure would occur or if discussions had been held regarding when another site would be opened. Ms. Tankersley stated that it has always been known that the renovation of the Wheaton library would occur because it is a capitol project; the interim location was unknown to her until recently. The Board members thanked Ms. Tankersley.

Adam Fogel, Chief of Staff for Council Member Nancy Navarro, asked to address the Board members. Mr. Fogel stated that Council Member Navarro sent a memo (See Attachment A) indicating her preference (based on information provided by the Executive Branch) to hold both Early Voting and the interim Library at the Wheaton Volunteer Rescue Squad Ballroom. It was her understanding at the time that the interim Library would be closed no more than 2 weeks to accommodate Early Voting. However, since the memo was sent, new information has been received that it would be a 6-week process to move the books out from the ballroom, which is unacceptable to her. She is in support of the library as it is important for the community to have

the library and its amenities and she hopes that the interim library will open as scheduled (next month).

As for Early Voting, she understands that the alternate sites suggested by the County Executive are not ideal. Mr. Fogel publicly stated that Council Member Navarro is committed to working through the Council process to ensure that the BOE has the resources to make an alternative site work and, if that means funds to make the mall or the old Wheaton Rescue Squad work, then so be it. On behalf of the County Executive, we can make this work and ensure that public education is fully funded if a change of venue is made. Mr. Shalleck inquired if Council Member Navarro would consider that the interim library be held at one of the alternate sites suggested. Mr. Fogel responded that he would leave that decision to the County Executive and the Department of Libraries.

Ms. Keeffe and Mr. Naimon expressed surprise to hear that Ms. Jurgensen attended a tour of the old Wheaton Rescue Squad building, after Ms. Jurgensen sent an email to Board members forwarding a letter from the County Executive about that tour without mentioning that she had attended. Ms. Jurgensen said she attended the tour immediately after county officials visited the Wheaton Early Voting site during early voting.

Mr. Naimon asked that Mr. Fogel clarify comments he made to him privately as they sounded slightly different from comments he (Mr. Fogel) made today – that Council Member Navarro understands that it is the role of the Board of Elections to determine the appropriate early voting sites, not the role of the County Executive or the Council. However, Mr. Naimon asked for clarification of Ms. Navarro's position because statements made today indicate that resources would be made available to move, but not an opportunity to discuss or assist in finding an alternative site to hold the interim library. Mr. Fogel stated that Council Member Navarro's position is that of the State law, which states that the Board of Elections determines an Early Voting site. Her goal is to have them both coexist. He added that Council Member Navarro is committed to having high quality services in the community. Mr. Naimon inquired if Mr. Fogel is familiar with the literature about the effect of changing polling places and that it invariably, regardless of who the population is and the public education conducted, leads to a decrease of voter turnout, especially with young people. Mr. Fogel responded that he is not familiar with the literature and requested that Mr. Naimon forward it to him. Mr. Fogel stated that, at no fault of the Board of Elections, it is apparent that Board members have been put in a difficult position to move out of the Wheaton Volunteer Rescue Squad's (WVRS) ballroom. The County needs to make an effort to ensure that resources are available so that voters know where their voting site is - especially if it's changed. Mr. Naimon stated that the Board of Elections is the victim, stating that funding and support was received by the County Executive, Council Member Navarro, and others to use the Wheaton Volunteer Rescue Squad ballroom, and an MOU for the site was signed months ago. Now, Montgomery County Government wants the site; it is up to Board members to determine what the needs are (polling place, voting equipment, and location etc.) for the voters, and to look into holding both "events" is what best suits the voters and community.

Mrs. Rivera-Oven asked Mr. Fogel when Council Member Navarro knew the library would be moved to the WVRS. He responded that she knew a day or two prior to the public announcement by the County Executive on March 13. She added that she recently visited the old Wheaton Fire and Rescue location and noted that it lacks several ADA accommodations, parking, and is an overall depressing site. She is sure that if it was even considered to move the interim

library there the community would be horrified. Mrs. Rivera-Oven suggested that the library consider moving into the mall where there is high foot traffic, public transportation, and sufficient public parking. The Board members thanked Mr. Fogel.

Kimberly Persaud, President of the Wheaton Regional Park Neighborhood Association and Co-Founder of Save the Wheaton Library asked to address the Board members. She stated that there has been a fight for a new library in Wheaton for 20 years. The Wheaton library is the third busiest in Montgomery County with 1,000 visitors a day. Ms. Persaud stated that a library is desperately needed in Wheaton. The community wants to maintain an interim library and an Early Voting site, and they should not be made to choose between them. As a Board member on the County Library Board she can confirm no discussions were held, or information provided, as to where the location of the interim library would be held. Mrs. Rivera-Oven expressed her frustration and stated that members of the Board of Elections went through a lot of trouble to find an Early Voting site in Wheaton that would fit all of the requirements. Discussions of an Early Voting site in Wheaton were held all summer (Board Meetings/Public Meetings) and the County Executive and his staff knew the site was being considered, when contracts were signed, and when the site was confirmed. Ms. Persaud acknowledged that the Board of Elections has no fault in the discussion; she pleaded that the community have both. Mrs. Rivera-Oven noted that the WVRS has not notified the Board of Elections, either in writing or verbally, that the interim library will be located there. Mr. Naimon stated that the Board of Elections' goal is to find appropriate voting locations for the community. The Board members thanked Ms. Persaud.

Loretta Garcia, concerned citizen, asked to address the Board. She stated that Election Law 3-202B; prohibits local boards from moving the polling place or changing the voting boundaries between thirteen weeks prior to the Primary Election and the day of the General Election. During that time no changes can be made. The Board members thanked Ms. Garcia.

Ira Unger, President of the Kemp Mill Association and Community Liaison for Delegate Bonnie Cullison, asked to address the Board. Mr. Unger stated that he had previously questioned the library as to why it and Early Voting could not coexist. Their response was that the library would not. He is in support of the community maintaining the library in the Wheaton Rescue Squad. The Board members thanked Mr. Unger.

Mr. Subin requested to address the Board. Mr. Subin stated that the County Executive is not making a decision (on an Early Voting site) for the Board and understands it is the decision of the Board members. He stated that the issue to use Wheaton Volunteer Rescue Squad for the library was discussed in late March and early April in conjunction with the closing of the library and the ceremony announcing the interim library. David Dice, Director of General Services, and Parker Hamilton, Director of Libraries, approached the Wheaton Volunteer Rescue Squad to inquire if the interim library could be located there as they did not know that the ballroom would be occupied. Mr. Subin stated that they (County Executive) knew there were funds in the budget for an Early Voting site; but, not specifically for the Wheaton Volunteer Rescue Squad. He stated that he found out that the interim library was being considered to be placed in the ballroom of the Wheaton Volunteer Rescue Squad when the Board President and Secretary found out. Mr. Subin stated that Montgomery County Government was not part of negotiations or contracts between the Board of Elections and Wheaton Volunteer Rescue Squad. The Board members stated that it is unclear that the County Executive was unaware that the Wheaton Rescue Squad was chosen as an Early Voting site. A letter was signed by the County Executive and the Council Members

requesting that the Wheaton Volunteer Rescue Squad be an Early Voting site, ensuring that funds would be provided to assist in its selection. Mr. Subin responded that the County Executive signs numerous letters every day, can't be expected to know their details, and was not part of the initial conversations. Mr. Subin stated that Mr. Leggett found out from Mr. Dice that there was an issue two weeks prior to his announcement at the closing ceremony. Mr. Subin suggested that the Early Voting site be moved to the old Wheaton Volunteer Squad on Grandview Avenue.

Ms. Keeffe expressed her frustration that no information was provided to, or discussed with, the Montgomery County Board of Elections Board members. Mr. Naimon suggested that there should be time to consider all the issues with all the interested parties, referencing a letter received from the County Executive stating that he has "decided to reaffirm his decision." Mr. Subin responded that Mr. Leggett has decided it is what he wants to move ahead with but acknowledges it cannot be done without the affirmation of the Board members, noting that the public will have a win/win if both could be done in Wheaton. Mr. Subin stated that the longer the Board decides on what location is used the longer Wheaton will not have an interim library. The Board members expressed their frustration/outrage that the blame will fall on the Board of Elections, when the Board of Elections already had a signed contract with the Wheaton Volunteer Rescue Squad. The Board members further discussed when Mr. Subin knew the interim library would be in the ballroom. Mr. Subin agreed that there should be a better way to discuss with each other issues of mutual interest that may impact us. Ms. Rivera-Oven stated that she received a call from Delegate Ana Sol Gutierrez who was not able to attend the meeting today but wanted to relay that she is outraged that the community is being treated like second class citizens and was not involved in the matter. Delegate Gutierrez will send a letter noting her concerns. Mr. Subin stated that the County Executive would need to know in May if the Board of Elections will move out of the Wheaton Volunteer Rescue Squad ballroom.

## **Election Director Status Report** (Incorporated as Attachment B)

### **Personnel**

Ms. Jurgensen stated that additional temporary personnel have been hired in Voter Services.

### **Budget** (Incorporated as Attachment C)

Ms. Roher provided a spreadsheet detailing FY16 expenditures through March 31, 2016, in advance. She stated that she expects a deficit; however, until all State bills are received the amount of the deficit is undetermined. Ms. Keeffe inquired if the deficit is expected due to insufficient funding for the new voting system. Ms. Roher agreed and noted that the deficit will be handled through a year end transfer.

**Voter Registration**

Ms. Jurgensen stated that monthly statistics were posted and all voter registration processing is current.

Ms. White and Mr. Zelaya provided a list of schools participating in the High School drive that included Future Vote Registrants and a breakdown of how those under the age of 18 registered to vote. (See attachment D for both reports.)

**State Board of Elections**

Ms. Jurgensen reported that the State Board of Elections held an Emergency Management conference call where threat scenarios were discussed.

Ms. Jurgensen added that regional upload testing continues in preparation for the regional site uploads for Election Day.

**Legislation** (Incorporated as Attachment E)

Ms. McLaughlin briefly reported on legislation.

**Attorney Report**

Mr. Karpinski had no new items to discuss.

**Old Business**

**Other Old Business**

No Old Business was discussed.

**2016 Election Preparation**

**New Voting System Update**

Ms. Jurgensen reported that all required verification procedures have been completed and provided to the State. Finalization of the verification of supply bags will occur April 21, at 5:30 p.m.

Ms. Jurgensen reported that the preparation of the pollbooks for Election Day began today.

Ms. Jurgensen has requested that the State Board review the limitation of one ballot marking device for those precincts with a high senior citizen population. She added that the State Board has provided greeters to assist at Early Voting sites and on Election Day during the morning hours.

Ms. Jurgensen reported that the Chevy Chase Town Council has not allowed a waiver for parking during early voting at the Lawton Center for the Primary Election. A letter is being prepared to request a waiver for the General Election, and to offer for Board Members to come to a Town Council meeting to discuss this request.

Ms. Jurgensen stated that the Monday night Board member routes will be made available throughout the week. She briefly described the process to the Board members. Ms. Jurgensen requested that the Board members provide their preferred area of visits to her via email. Mrs. Rivera-Oven requested that a phone list be provided in their supply bags. Ms. Jurgensen agreed.

Mr. Naimon requested that the Board of Elections make arrangements for those election judges who are observing Passover this weekend and are not allowed to drive, but are required to pick up their supply bags. He suggested that requiring judges to contact their recruiters to make alternative arrangements for pick-up was not as sensitive to their needs as just providing another opportunity to all for pick-up. Mr. Shalleck commented that this is a significant religious holiday over the whole weekend where many people can't drive, and asked if election judges could be given a different date to pick up materials on Monday or Thursday. Ms. Jurgensen responded that it would be possible to schedule a supply pick up for Monday, but not on Thursday. Mr. Shalleck said that he thought that was acceptable. Board members and staff agreed that there would be a supply pickup on Monday in addition to the weekend days, and that an email would go out to all chief judges to let them know that pick-up would be possible on Saturday, Sunday, or Monday.

Mrs. Khozeimeh made a motion to accept the list of election judges serving for the 2016 Primary Presidential Election. The motion was seconded by Ms. Keeffe and passed unanimously.

## **Election Judge Update**

Ms. McLaughlin and Ms. Woods provided a graph describing Election Judge recruitment status.

## **Early Voting**

Ms. Jurgensen reported that the opening of Early Voting went well. There was an occurrence at the Marilyn Praisner Early Voting site where one pollbook was down; however, the issue was resolved quickly and no delays occurred.

Ms. Jurgensen reported that recurring complaints from candidates and election judges are being received that David Trone and staff are visiting Early Voting sites, refusing to sign in, and continue to observe and talk with election judges. She stated that a letter has been sent to the State Board of Elections. Ms. Jurgensen added that David Trone's attorney has submitted complaints with the placement of the ballot marking device. She has explained that the setup of the unit is to ensure there is a convenient electrical outlet and that election judges may easily see if a voter needs assistance when their hand is raised.

Ms. Jurgensen reported that she was present at the opening of the Germantown Early Voting site where the DS200 was opened and the serial number did not match the integrity reports. She ordered that the chief judge not use the unit until IT staff could come and resolve the issue. Two other units were available to process voters. No delays occurred and the longest time a voter had to wait was five minutes.

Ballots need to be torn cautiously, if they're ripped incorrectly issues will then occur at the DS200 (scanner). Overall the opening of Early Voting went very well.

Ms. Keeffe stated that she and Ms. Khozeimeh visited the Germantown Early Voting site where complaints were received of long wait lines. After talking with election judges it could not be confirmed that any long lines had occurred on said day of complaint. Mr. Naimon stated that he forwarded a complaint received from an individual that he (the voter) was steered to the ADA ballot marking device although he had not asked to be and that an election judge was looking over his shoulder as he voted. Ms. Jurgensen verified that 29 voters used the ADA ballot marking device in Germantown and 9 voters used it on the first day of Early Voting. Mr. Naimon asked if our judges are trained not to look over voters' shoulders, and Ms. Jurgensen said she was insulted by the question. She stated that election judges do not look over the shoulder of voters while voting as it is a private and secret ballot and they are absolutely trained not to do this.

## **Canvass**

The Board members reviewed the canvass schedule. The Board briefly discussed the process of the canvass.

## **Outreach Update**

Updated outreach events were provided to the Board members in advance.

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## **Future Meetings**

*All meetings begin at 2:30 p.m. unless otherwise indicated*

- A. May 16, 2016 - Board Meeting
- B. June 20, 2016 - Board Meeting
- C. June 20, 2016 - Board Meeting
- D. June 20, 2016 - Board Meeting
- E. July 18, 2016 - Board Meeting
- F. August 15, 2016 - Board Meeting (Tentative)
- G. September 19, 2016 - Board Meeting

Ms. Khozeimeh made a motion to go into Executive Session following a five minute break. The motion was seconded by Mrs. Rivera-Oven and passed unanimously.

## **Report on Executive Session**

The Montgomery County Board of Elections convened in Executive Session at 5:51 p.m., pursuant to State Government Articles 10-508(a)(7) and (13) to review Executive Session minutes and seek legal advice.

The Montgomery County Board of Elections met in closed session on this date. The following members of the Board and staff were in attendance: Jim Shalleck, Nahid Khozeimeh, Mary Ann Keeffe, David Naimon, Jackie Phillips, Graciela Rivera-Oven, Margaret Jurgensen, Alysoun McLaughlin, Marjorie Roher, Lisa Merino, and Board Attorney Kevin Karpinski.

The Board reviewed the Executive Session minutes.

The Board sought legal advice.

Mrs. Khozeimeh made a motion to close the Executive Session and return to Regular Session. The motion was seconded Mr. Naimon and passed unanimously.

## **Executive Session Minutes**

Mrs. Khozeimeh made a motion to accept the March 18, 2016, Executive Session minutes. The motion was seconded by Ms. Keeffe and passed unanimously.

The Board members requested that additional handicap parking be made available closer to the entrance of the cafeteria since the circle is currently not available. Ms. Jurgensen stated that she would ask the Operations Manager to inquire about additional handicap parking. Mr. Karpinski stated that if Ms. Jurgensen needed assistance he would be available to talk with the City of Rockville's acting attorney.

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**Adjournment**

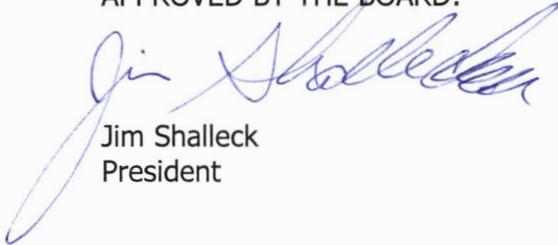
With no further business to discuss, Mrs. Khozeimeh moved to adjourn the Board meeting. The motion was seconded by Ms. Keeffe and passed unanimously. The meeting adjourned at 6:45 p.m.

Respectfully Submitted,



Lisa Merino  
Office Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck  
President

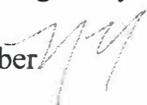


**MONTGOMERY COUNTY COUNCIL**  
ROCKVILLE, MARYLAND

**NANCY NAVARRO**  
COUNCILMEMBER, DISTRICT 4

**MEMORANDUM**

**TO:** Isiah Leggett, County Executive  
James Shalleck, President, Montgomery County Board of Elections

**FROM:** Nancy Navarro, Councilmember 

**DATE:** March 24, 2016

**SUBJECT:** Wheaton Early Voting Site for the 2016 General Election

I am writing to urge you to work collaboratively to resolve the issue regarding the availability of the Wheaton Volunteer Rescue Squad Ballroom for General Election Early Voting.

When I learned that the Ballroom was selected to serve as the interim library, my first question was how this solution would be compatible with Early Voting. My understanding was that the interim library would not open until after the Primary Election and that it would close for a period of no more than two weeks to accommodate Early Voting for the General Election in November. I believe this is a reasonable solution and would serve our residents well.

I am very pleased the County will maintain an interim library during the two years of construction. Wheaton Library is one of the most heavily utilized libraries in the entire system, making a well-resourced interim library essential for this community. At the same time, a large and diverse group of residents testified before the Board of Elections at the September 12, 2015 Public Hearing in support of maintaining an Early Voting Site in Wheaton while the Wheaton Recreation Center would be unavailable. The Board of Elections did an excellent job recognizing the need to maintain Early Voting in Wheaton when it pursued the Wheaton Volunteer Rescue Squad Ballroom as an alternate site.

At the Board's March 21 meeting, Board Members were informed that the County now recommends using the old Wheaton Volunteer Rescue Squad building on Grandview Ave as the Early Voting site for the General Election. My office was never informed of this recommendation, and only learned about it from Board Members during and after the

meeting. While it is exclusively within the purview of the Board of Elections to evaluate the suitability of a specific Early Voting location, I understand Board Members' concerns about the availability of parking at that site and the confusion it may cause to change sites between the Primary and General Elections.

I strongly encourage you to direct your staff to evaluate the feasibility and cost of temporarily closing the interim library site for no more than two weeks to accommodate Early Voting for the General Election. I continue to believe this solution will create the least amount of confusion for voters and minimize disruption to library patrons. While I understand the logistics of temporarily relocating library equipment and revising plans for setting up Early Voting operations may be difficult, I have confidence that your staff will be able to work together toward a positive outcome.

Thank you for taking the time to consider my views on this matter. Please do not hesitate to contact me if I can be of assistance as you work through these issues.

CC: David Dise, Director, Department of General Services  
Parker Hamilton, Director, Montgomery County Public Libraries  
Margaret Jurgensen, Election Director  
Board of Elections Members  
Councilmembers

April 18 2016

Election Director Report

Meeting Agenda posted April 8 2016

Posted on website on April 11 2016

Minutes – no changes submitted

Director Status Reports

- A. Personnel – added several part-time positions for absentee
- B. Budget – Margie Roher
- C. Voter Registration – Jessica White  
(See attached registration numbers)
  - 1. High School Registration
- D. State Board of Elections
  - 1, State of Maryland Emergency Management Conference Call
    - a. Report from National Weather Service,
    - b. Discussed threats
    - c. Data submission completed
    - d. Local Emergency Management submission completed
    - e. Emergency order / Court system
    - f. Alternative Polling places identified
    - g. Public Safety briefed on known traffic issues
  - 2. Regional Upload
    - a. Testing continues to with Regional Upload sites
  - 3. Focus of communications are related to upcoming election
- E. Legislation – Alysoun McLaughlin

Board Attorney Report – Kevin Karpinski

Old Business

- A. Wheaton Rescue Squad Ballroom
  - 1. Letter to the Board President
  - 2. Report – if desired

2016 Election Preparations

- A. New Voting System
  - 1. Public Review of the Voting System Logic and Accuracy Testing conducted April 8, 2016, all L&A is completed.
  - 2. Verification of Early Voting Supplies complete April 8 2016
  - 3. Performance of the Voting Supplies Cart for Election Day to be completed on April 18, 2016, prior to the Board Meeting

4. Verification of the supplies in the Green Bag, Blue Bag and Orange Bag plus the L & A testing has been completed.
5. Preparation for the electronic poll books commence April 18, 2016
6. Delivery of the equipment will commence the upcoming week.
7. Deadline for absentee & provisional canvass to be posted is April 18, 2016
8. Requested clarification about use of Ballot Marking Device at precincts with significant senior citizen voters.
9. Greeters arranged for early voting and some precincts on Election Day provided by State Board of Elections
10. April 19, 2016 is deadline for delivery by mail for absentee ballots
11. April 22, 2016 is deadline for electronic delivery of on-line absentee ballot
12. Letter for Chevy Chase Town Council for parking waiver for the General Election
13. Walk-in training continues
14. Final preparations of critical items for Chief Election Judges
15. Thursday is close of Early Voting
16. Critical bag check on Thursday April 21 at 5:00pm

B. Election Judge Update/ Appoint Election Judges

1. Motion

C. Early Voting

D. Monday Night Route assignments

E. Canvass

F. Outreach – Gilberto Zelaya

**FY16 OPERATING BUDGET SPREADSHEET**  
**Through March 31, 2016 (As of April 4, 2016)**

LINE ITEM	FY16 APPROVED	FY16 YEAR TO DATE*
<b>PERSONNEL COSTS</b>	<b>3,943,284</b>	<b>2,329,222</b>
<b>5A001 - Salaries &amp; Wages</b>	<b>3,244,549</b>	<b>1,876,345</b>
50010 - Full Time Salaries	2,137,481	1,322,762
50012/50020 - Part Time Salaries/Seasonal Temps	656,424	465,162
60168 - Temporary Office Clerical (moved from OP for clarity)	201,329	10,422
<b>SUBTOTAL FOR TEMPORARY PERSONNEL</b>	<b>857,753</b>	<b>475,584</b>
50324 - Overtime (includes emergency, multi-lingual & holiday)	249,315	77,999
<b>5A002 - FICA</b>	<b>218,646</b>	<b>136,950</b>
<b>5A003 - Group Insurance</b>	<b>305,315</b>	<b>196,750</b>
<b>5A004 - Group Retirement</b>	<b>174,774</b>	<b>119,177</b>
<b>OPERATING EXPENSES</b>	<b>3,609,635</b>	<b>1,862,425</b>
<b>6A001 - Services and Contracts</b>	<b>1,688,863</b>	<b>659,902</b>
60060 - Legal/Attorney Services	75,000	47,509
60066 - SBE Program Management	613,682	300,223
60304 - Maintenance - Electrical	0	3,005
60314 - Maint - Computer Systems	25,000	4,596
60326 - Repair/Maint Agmts - Office Equip	11,000	3,427
60412 - Moving Services	27,857	19,737
60414 - Building Construction	277,060	281,242
60530 - Other Professional Services - EJ Stipend	624,764	0
60532 - Other Non-Professional Services (includes EJ mod.)	34,500	162
<b>6A002 - Maintenance</b>	<b>188,765</b>	<b>38,765</b>
61010 - Computer Equip Repairs/Maint (EPB)	188,765	38,765
<b>6A003 - Rentals/Leases</b>	<b>842,337</b>	<b>679,699</b>
61902 - Furniture Rentals (Polling Place)	7,000	320
61924 - Other Equipment Rentals (MDVoters)	717,448	286,642
61926 - Bldg or Space Rental/Leases (Pol. Place)	24,500	18,523
61932 - Other Rentals/Leases (Voting System)	93,389	374,214
<b>6A004 - Office Supplies &amp; Equipment (&lt;\$5,000)</b>	<b>125,004</b>	<b>113,765</b>
62010 - General Office Supplies+	70,000	50,167
62016 - Computer Supplies	5,000	468
62018 - Computer Equip (<\$5,000)	28,000	4,511
62022 - Paper and Supplies for Copiers	0	971
62028 - Other Supplies & Equipment	22,004	57,648
<b>6A011 - Books, Videos, and Subscriptions</b>	<b>3,500</b>	<b>3,837</b>
62700 - Books/Reference Materials	2,500	2,140
62712 - Other Books, Videos, and Subscriptions	1,000	1,697
<b>6A012 - Other Supplies/Materials/Equipment</b>	<b>107,726</b>	<b>30,058</b>
62826 - Keys and Locks	0	0
62946 - Charges from SBE	107,726	30,058
<b>6A013 - Printing/Central Duplicating Services</b>	<b>169,336</b>	<b>106,855</b>
63016 - Imaging	35,380	4,045
63018 - Document Shredding	0	101
63020 - Office Mach. Cop. Leasing	11,760	13,089
63022 - Other Central Dup Svc - Printing (all printing costs)	122,196	89,620
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		

**FY16 OPERATING BUDGET SPREADSHEET**  
**Through March 31, 2016 (As of April 4, 2016)**

<b>LINE ITEM</b>	<b>FY16 APPROVED</b>	<b>FY16 YEAR TO DATE*</b>
<b>6A014 - Outside Printing</b>	<b>100,550</b>	<b>0</b>
63100 - Outside Printing/Copying	550	0
63104 - Sample Ballot Printing	100,000	0
<b>6A015 - Mail</b>	<b>138,361</b>	<b>104,433</b>
63200 - Central Dup - Postage - Bulk (services, NO postage)	36,530	20,274
63202 - Central Dup - Postage - Individual (PO Box rental)	21,081	1,658
63206 - Inter-Office Mail/Pony Charge	750	2,501
63208 - Other - Mail (Sample Ballot Postage)	80,000	80,000
<b>6A016 - Outside Postage and Mail</b>	<b>38,000</b>	<b>46,502</b>
63300 - Outside Mail Services (VNCs and all other postage)	37,500	46,318
63304 - Other Outside Mail Services	500	185
<b>6A017 - Motor Pool</b>	<b>10,832</b>	<b>5,287</b>
63500 - Assigned Motor Pool Vehicles	8,832	4,978
63504 - Daily Rental Motor Pool	2,000	152
63508 - MP EZPASS Charges	0	157
<b>6A018 - Communications Services</b>	<b>123,549</b>	<b>53,461</b>
63600 - Local Telephone Service Charges	50,000	14,121
63604 - Cellular Phone Line Charges	2,800	0
63618 - Blackberry Charges (smart phones)	9,000	6,223
63624 - Communication Circuits	36,279	22,967
63626 - Communication Modems (SBE)	4,870	523
63634 - Other Communication Services (PP Phone Lines)	20,600	9,626
<b>6A020 - Charges from Others</b>	<b>11,148</b>	<b>101</b>
63810 - Charges for Facility Maintenance	11,148	101
<b>6A021 - Travel</b>	<b>23,996</b>	<b>12,061</b>
64010 - Metropolitan Area Travel	17,996	9,892
64012 - Non-Metropolitan Area Travel	6,000	2,169
<b>6A022 - Education, Tuition, and Training</b>	<b>5,125</b>	<b>638</b>
64100 - Local Conference Related	2,000	0
64120 - Other Education, Tuition, & Training	3,125	638
<b>6A023 - Dues/Memberships</b>	<b>2,000</b>	<b>855</b>
64200 - Professional Memberships (Individual)	2,000	855
<b>6A024 - Advertising</b>	<b>25,036</b>	<b>5,616</b>
64300 - Advertising - Jobs	0	616
64304 - Advertising - Marketing/Sales	25,036	5,000
<b>6A099 - Miscellaneous Operating Expenses</b>	<b>5,507</b>	<b>589</b>
69999 - Other Misc Operating Expenses	5,507	589
<b>DEPARTMENTAL TOTAL</b>	<b>7,552,920</b>	<b>4,191,647</b>
* Included prior year encumbrances		
+ Includes office supplies, polling place supplies, and office furniture		
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		

School Name	Registrations: High Schools	Registrations: FV Drive	High School EJ Recruits	Future Vote Recruits
Albert Einstein	0	53	55	10
Alternative Programs	22	0	0	0
Bethesda-Chevy Chase	0	3	2	21
Clarksburg	107	23	30	16
Col. Zadok Magruder	0	40	16	6
Damascus	0	3	3	8
Gaithersburg	8	29	34	12
James Hubert Blake	0	53	50	1
John F. Kennedy	56	0	4	3
Montgomery Blair	31	65	71	18
Northwest	1	32	25	22
Northwood	50	4	0	3
Paint Branch	129	13	19	2
Poolesville	0	0	0	22
Quince Orchard	0	67	66	10
Richard Montgomery	27	53	52	35
Rockville	6	26	25	3
Seneca Valley	0	47	29	5
Sherwood	0	7	12	10
Springbrook	0	29	39	5
Thomas S. Wootton	0	42	55	25
Walt Whitman	0	19	23	24
Walter Johnson	1	76	82	17
Watkins Mill	0	30	29	1
Wheaton	0	19	13	8
Winston Churchill	0	29	28	16
Other	3	0	0	835
Don Bosco Cristo Rey (Private)	0	87	72	0
<b>Total to date:</b>	<b>441</b>	<b>849</b>	<b>834</b>	<b>1138</b>

## All Registered Voters 18 y/o and Younger

<b>Total</b>	<b>13,263</b>
<b>Registered and have a Maryland Drivers License, Permit or ID</b>	<b>12,401</b>
<b>Percentage with Maryland Drivers License, Permit or ID</b>	<b>93.5%</b>
<b>Motor Vehicle Administration</b>	<b>10,445</b>
<b>Online Voter Registration</b>	<b>1,015</b>
<b>High School</b>	<b>916</b>
<b>Volunteers</b>	<b>502</b>
<b>By Mail</b>	<b>260</b>
<b>In Person</b>	<b>61</b>
<b>NVRA by Mail</b>	<b>54</b>
<b>Federal Postcard Application</b>	<b>8</b>
<b>PB Registration (Provisional Ballot)</b>	<b>2</b>

## Registered Since 10/01/2015 - 18 y/o and Younger

<b>Total</b>	<b>6,129</b>
<b>Motor Vehicle Administration</b>	<b>4,017</b>
<b>Online Voter Registration</b>	<b>923</b>
<b>High School</b>	<b>526</b>
<b>Volunteers</b>	<b>361</b>
<b>By Mail</b>	<b>217</b>
<b>NVRA by Mail</b>	<b>48</b>
<b>In Person</b>	<b>27</b>
<b>Federal Postcard Application</b>	<b>8</b>
<b>PB Registration (Provisional Ballot)</b>	<b>2</b>

## Miscellaneous

The Maryland Constitution provides for gubernatorial appointments in the event of a vacancy in the offices of the Attorney General and the Comptroller, and the Election Law Article provides for appointments to fill a U.S. Senate vacancy. *House Bill 260 (passed)* proposes a constitutional amendment to require the Governor to fill Attorney General or Comptroller vacancies from a list of three names submitted by the State central committee of the political party of the previous officeholder. In the second year of a term, however, if a vacancy occurs 21 days before the deadline for filing a certificate of candidacy for the regularly scheduled election, the successor must be chosen by special election. In statute, the bill modifies the process to fill a vacancy in the U.S. Senate to follow a similar process. For a more detailed discussion of *House Bill 260*, see the subpart “Elections” under this part of this *90 Day Report*.

Based on recommendations of the Maryland Economic Development and Business Climate Commission, Chapter 141 of 2015 restructured the State’s principal economic development entities and, among several other major changes, reorganized the Department of Business and Economic Development into the Department of Economic Competitiveness and Commerce. Concurrently, Executive Order 01.01.2015.22 changed the department’s name to the Department of Commerce. *Senate Bill 85/House Bill 59 (both passed)* rename the Department of Economic Competitiveness and Commerce to be the Department of Commerce, repeal the office of the Secretary of Commerce in the Governor’s Office, and repeal the executive director position in the department. The Secretary of Commerce remains the head of and responsible for the Department of Commerce. For further discussion of *Senate Bill 85/House Bill 59*, see the subpart “Economic Development” within Part H – Business and Economic Issues of this *90 Day Report*.

## Elections

### Voter Registration

The General Assembly enacted legislation restoring voting rights to individuals convicted of a felony who are on parole or probation over the Governor’s veto during the 2016 session. House Bill 980 of 2015 (*Ch. 6*) allows an individual convicted of a felony to register to vote immediately after being released from incarceration. The Act repeals a requirement that an individual convicted of a felony wait to exercise the franchise until after completing any term of parole or probation for the conviction. It is estimated that the Act allows approximately 40,000 individuals on parole or probation for a felony conviction to register to vote.

The General Assembly passed legislation to expand opportunities for citizens to register to vote when they interact with State government. *House Bill 1007 (passed)* requires the Maryland Health Benefit Exchange, Department of Human Resources (DHR), and the Mobility Certification Office in the Maryland Transit Administration to implement electronic voter registration systems. An electronic voter registration system is a system that, as an integral part of a transaction at an agency, offers an individual the opportunity to register to vote or update a voter registration record by entering the individual’s voter registration information electronically and transmitting the

information directly to the State Board of Elections (SBE). The Motor Vehicle Administration (MVA) has operated an electronic voter registration system since 2012, and the efficiency and convenience of the system has resulted in a significant increase in the number of voter registrations at the agency. MVA currently offers customers the opportunity to register to vote when initially applying for or renewing a driver's license or identification card; the bill would expand electronic voter registration at the administration to any other transaction in which the administration obtains all the information required for voter registration. The local departments of social services in DHR are required to implement an electronic voter registration system by December 1, 2019; the other agencies must do so by July 1, 2017.

The bill also expands access to voter registration by requiring various agencies to provide links from their websites to SBE's online voter registration system. Public institutions of higher education must provide a link from the online portal used by students to register for course work to the online voter registration system. The Department of Labor, Licensing, and Regulation (DLLR); the Department of Natural Resources; and the Department of Veterans Affairs must also provide access to the online voter registration system for individuals who use their websites. DHR is required to provide a link to the online voter registration system from the online portal individuals may use to apply for public benefits, known as myDHR.

The bill also includes provisions to enhance traditional, paper-based voter registration. One-stop career centers in DLLR are designated as voter registration agencies where customers must be offered the opportunity to register to vote using a paper form. The 32 one-stop centers are located in every county and provide access to job training, career counseling, and job listings. The designation of the one-stop centers as voter registration agencies is contingent on a determination by the U.S. Department of Labor that voter registration activities at the centers are not precluded by federal law. The bill further requires that voter registration agencies in the State that continue to use paper forms must specifically ask customers if they want to register to vote before completing a transaction. Agencies affected by this requirement include the offices on aging and the marriage license offices of the clerks of court, among others.

The bill requires SBE and the Department of Information Technology to conduct a study to identify additional agencies where voter registration opportunities could be expanded through the use of electronic voter registration systems, links to the online voter registration system, and paper-based voter registration. Finally, agencies with voter registration responsibilities under the bill are required to submit annual reports to the General Assembly concerning their efforts so that the legislature may monitor progress and ensure compliance.

*Senate Bill 170/House Bill 344 (both passed)* require that the section of the statewide voter registration application that asks an applicant whether the applicant wishes to affiliate with a political party include a notification that the applicant must affiliate with a political party if the applicant wishes to participate in the party's primary election, caucus, or convention.

## Election Administration and Procedures

The General Assembly passed several bills affecting election administration and procedures. *House Bill 204 (Ch. 7)* requires Montgomery County to establish 10 early voting centers for the 2016 elections. Under the prior law, Montgomery County was required to establish 8 early voting centers with the option of establishing a ninth center. The Act terminates at the end of 2016. *House Bill 1008 (passed)* increases the number of early voting centers that the State's most populous counties are required to establish, beginning with the 2018 elections. A county with more than 200,000 registered voters but fewer than 300,000 registered voters is required to establish 4 early voting centers instead of the 3 under current law. A county with more than 300,000 registered voters but fewer than 450,000 registered voters is required to establish 7 early voting centers instead of the 5 under current law. A county with more than 450,000 registered voters is required to establish 11 early voting centers instead of the 8 under current law. The bill also specifies that each county with fewer than 200,000 registered voters has the option to establish 1 early voting center in addition to the early voting centers it is required to establish by law. Under current law, all counties have the option of establishing 1 early voting center in addition to the number that the law requires. The bill does not alter the requirement that a county with fewer than 125,000 registered voters establish 1 early voting center. Finally, the bill creates a new category of counties with more than 125,000 registered voters but fewer than 200,000 registered voters, which are required to establish 3 early voting centers, the same number as under current law.

*House Bill 873 (passed)* is intended to ensure that absent uniformed services voters and overseas voters have sufficient time to vote in local special elections. Under the bill, the date set for a special election to fill a vacancy in the office of a county council member or a county executive would have to allow at least 45 days from the date absentee ballots are made available to absent uniformed services voters and overseas voters, and the date of the special election. Federal law already requires that absentee ballots be made available to absent uniformed services voters and overseas voters 45 days before Election Day in all other elections. The bill also increases the minimum number of days before a special election to fill a vacancy in the office of a U.S. Representative may be held to 65 and requires SBE to adopt regulations governing the voting process for absent uniformed services voters and overseas voters.

*Senate Bill 169/House Bill 828 (both passed)* allow votes cast in a special election that is conducted by mail to be counted beginning at 2 p.m. on Election Day. Under current law, ballots may not be counted in a special election conducted by mail until 8 a.m. on the day after the special election. Under the legislation, SBE could set an earlier time to commence the canvass of vote-by-mail ballots by adopting regulations. The bills also require that the public be allowed to observe the canvass of votes in a special election conducted by mail and that the election results be kept secret until after 12 a.m. on the day after a special election.

*House Bill 852 (passed)* requires that a vacancy created by a tie vote in a municipal election be filled within 90 days after the date of the election.

*House Bill 1077 (passed)* requires that the Montgomery County election director be appointed with the vote of at least three regular members of the county board of elections,

including at least one member of the principal minority party. The Montgomery County board of elections has five regular members, three of whom are of the majority party and two of whom are of the principal minority party. The majority party is the party of the incumbent Governor. The principal minority party is the party whose candidate for Governor received the second highest number of votes at the last preceding general election.

### **Vacancies in Statewide Elective Offices**

*House Bill 260 (passed)* alters procedures for filling vacancies in the offices of a U.S. Senator, Attorney General, and Comptroller. Under current statute, when a vacancy occurs in the office of a U.S. Senator, the Governor is required to appoint any eligible individual to fill the vacancy. The appointee serves for the remainder of the term, unless the vacancy occurs 21 days before the deadline for filing a certificate of candidacy for the regular statewide election that is held in the second or fourth year of the term, in which case a special election is held at the same time as the next regular statewide election. *House Bill 260* requires the Governor to appoint an individual to fill a vacancy in the office of a U.S. Senator from a list of three individuals submitted by the State Central Committee of the political party with which the vacating Senator had been affiliated. The bill does not alter the existing statutory provisions concerning special elections for a U.S. Senator.

Under current provisions of the Maryland Constitution, when a vacancy occurs in the office of the Attorney General or Comptroller, the Governor is required to appoint any qualified individual to fill the vacancy. In the case of the Comptroller, the appointment is subject to confirmation by the State Senate. *House Bill 260* proposes to amend the Constitution to require the Governor to make an appointment to fill a vacancy in the office of the Attorney General or Comptroller from a list of three individuals submitted by the State Central Committee of the political party with which the vacating Attorney General or Comptroller had been affiliated. The bill further provides that the appointee serves for the remainder of the term, unless the vacancy occurs 21 days before the deadline for filing a certificate of candidacy for the regular statewide election that is held in the second year of the term, in which case a special election is held at the same time as the regular statewide election.

### **Campaign Finance**

*Senate Bill 459/House Bill 963 (both passed)* require the sponsor of a petition to place a question on the ballot to establish a campaign finance entity before collecting signatures for the petition. The campaign finance entity, known as a ballot issue committee, must be used to receive all contributions and make all expenditures for the petition. The petition sponsor's ballot issue committee is required to file a campaign finance report at the time the petition is filed. The petition may not be certified to the ballot until the campaign finance report is filed. A group opposing a petition to place a question on the ballot is also required to establish a ballot issue committee and file a campaign finance report within 10 business days after the petition is filed. These requirements apply to petitions for a statewide referendum on an enactment of the General Assembly, a county charter amendment, and a county referendum on a local law.

*Senate Bill 408/House Bill 241 (both passed)* relate to the statutory prohibition on campaign fundraising by State elected officials during the General Assembly session. The bills alter the authority of SBE to impose a civil penalty on the campaign finance entity of an official who violates the prohibition. Under current law, SBE, represented by the State Prosecutor, may institute an action in circuit court to impose a civil penalty. The civil penalty must equal the sum of \$1,000 plus the amount of the contribution. The bills repeal the requirement for the State Prosecutor to institute an action in circuit court and instead authorize SBE to issue a citation to impose a civil penalty. SBE has authority under current law to issue a citation to impose a civil penalty for various other violations of campaign finance law. The bills also authorize SBE to impose a civil penalty of less than the sum of \$1,000 plus the amount of the contribution for good cause. Finally, the bills clarify that an official subject to the fundraising ban may not solicit any contribution during the legislative session.

*House Bill 112 (passed)* requires a campaign finance entity that compensates a responsible officer of the entity to submit in writing to SBE a copy of the compensation agreement and the consent of the candidate. Compensation to a responsible officer of a campaign finance entity may be paid only by check. A treasurer of an authorized candidate campaign committee must provide the candidate and the chairman with a copy of the campaign account bank statement within 30 days after filing a campaign finance report. The bill also amends provisions of Title 14 of the Election Law Article, which require persons doing business with the State or local governments to file statements of campaign contributions on a semiannual basis. The bill defines a “subsidiary” as a business entity that is 30% or more owned or controlled by another business entity. Contributions made by a subsidiary are attributed to the business entity that owns the subsidiary, and must be reported by the entity that owns the subsidiary if the entity that owns the subsidiary does business with the State or local governments. The effect of the bill is to clarify that contributions made by a subsidiary must be reported by the entity that owns the subsidiary, regardless of whether the subsidiary itself does business with the State or local governments. However, the bill provides that a business entity that does not do business with the State or local governments and is owned or controlled by a bank holding company is not a subsidiary, and therefore is not required to report any campaign contributions.

## **Redistricting**

The Governor created the Maryland Redistricting Reform Commission in August 2015 by executive order. The commission issued its final report in November 2015. *Senate Bill 380/House Bill 458 (both failed)* are Administration bills that would have implemented the commission’s recommendations, and significantly altered the decennial process of adjusting the boundaries of the State’s legislative and congressional districts. The bills proposed to repeal certain provisions of the Maryland Constitution governing legislative redistricting and enact constitutional provisions requiring that a General Assembly and Congressional Legislative Redistricting and Apportionment Commission be appointed to perform redistricting. Statutory provisions in the bill would have required that the commission consist of three members registered with the State’s largest political party, three members registered with the State’s second largest political party, and three members not registered with either of the largest political parties. Legislative districts would be required to comply with existing provisions in the

Maryland Constitution, and congressional districts would have to respect county and municipal boundaries and be geographically compact, to the extent practicable. The bills would have specified procedures for General Assembly approval or rejection of legislative and congressional maps proposed by the commission, judicial review, selection of commission members, staffing of the commission, and mandating funding for the commission. The commission would have been required to conduct its business in a manner that was open to the public and ensured public participation in the redistricting process.

## Ethics

Counties, municipal corporations, and local school boards must adopt financial disclosure and conflict of interest provisions for elected local officials and members of school boards that are equivalent to or exceed the corresponding requirements for State officials. *Senate Bill 395 (passed)* provides that any modifications to these provisions must be made in accordance with regulations adopted by the State Ethics Commission and consistent with the intent of the Public Ethics Law.

The Commission on Judicial Disabilities or another body designated by the Court of Appeals administers and implements the conflict of interest and financial disclosure provisions of the Public Ethics Law as those provisions apply to State officials of the Judicial Branch. *Senate Bill 194/House Bill 496 (both passed)* specify that the Court of Appeals also may designate the Judicial Ethics Committee as a body to administer the provisions of the Public Ethics Law that apply to State officials of the Judicial Branch.

## Procurement

### Change Orders

Most State contracts for construction projects allow the State to unilaterally issue “change orders” that change aspects of the project that are within the scope of the contract. Under State regulations, change orders must be in writing and, if they affect the price of the contract, must provide specified certifications to the contractor regarding the availability of funds to pay for the changes being made. Due to the time constraints inherent in construction projects and the lengthy approval process for State change orders, many contractors begin work on change orders before they are finalized in writing. *Senate Bill 826/House Bill 403 (both passed)* prohibit State procurement units from requiring prime contractors – and prime contractors from requiring subcontractors – on State construction projects to begin work on change orders until a written order is issued that specifies how the State will pay for the work, subject to specified conditions. However, the bills do not prohibit a procurement officer from compelling the prime contractor to perform the work or furnish labor and materials determined by the officer to be required under the contract. The bills apply to most State agencies, including most of those otherwise exempt from State procurement law. In addition, the bills require the Department of General Services to convene a stakeholder workgroup to develop recommendations on issues related to the execution of State construction contracts.