

James F. Shalleck
President
Nahid Khozeimeh
Vice President
Mary Ann Keffe
Secretary
Alexander C. Vincent
Member
David Naimon
Member
Graciela Rivera-Oven
Substitute Member
Jacqueline Phillips
Substitute Member



Montgomery County
Board of Elections
Post Office Box 4333
Rockville, Maryland 20849-4333

Margaret A. Jurgensen
Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
*Senior Information
Technology Specialist*
C. Jessica White
*Voter Services Program
Manager*
N. Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

June 5, 2017

Statement by the Montgomery County Board of Elections in Response to Judicial Watch Letter:

Jim Shalleck, President of the Board

The Maryland Office of the Attorney General has responded to an inquiry by Judicial Watch that incorrectly suggested that Montgomery County has more registered voters than citizens of voting age. Montgomery County has at all times followed federal and state law in maintaining an accurate voter registration list, while carefully protecting the rights of those eligible to vote.

Judicial Watch's analysis is flawed in several respects:

1. It does not take into account the thousands of 16- and 17-year-olds pre-registered to vote under Maryland law and not included by definition in the census data for Montgomery County's population age 18 and above. Montgomery County has a robust Future Vote program to involve students in the community, resulting in thousands of students registering to vote, but who are not eligible to vote yet.
2. It does not take into account thousands of people serving in the military, governmental agencies, or non-governmental organizations who are living overseas (and therefore may not be counted as Montgomery County residents by the Census), but are legally registered to vote in Montgomery County and retain their voting status here under federal and state law.

18753 North Frederick Avenue, Suite 210 • Gaithersburg, Maryland 20879
240-777-8500 • MD Relay 1-800-735-2258 • FAX 240-777-8505
elections@montgomerycountymd.gov • www.777vote.org

3. Judicial Watch may have underestimated Montgomery County's current voting age population by comparing the 2016 voter registration numbers with the five-year Census estimate for the 2011-2015 American Community Survey, rather than using the one-year Census estimate for 2015 (the most recent available year). Census data shows that Montgomery County's population has increased every year since 2010, and the voting-age proportion of the population during that time period also has increased. Thus, a voting-age population estimate based on a five-year period ending in 2015 could significantly undercount the population.
4. It incorrectly asserts that Montgomery County's number of registered voters suggests that we are not conducting reasonable voter registration maintenance as mandated under the federal National Voter Registration Act of 1993 (NVRA). On the contrary, the Board of Elections' staff performs year-round voter list maintenance following the NVRA and Maryland guidelines, regulations and laws. Board staff works through returned mail from previous elections, collaborates with other States with voter data exchanged through the non-profit organization Electronic Registration Information Center (ERIC) and obtains information from governmental agencies, such as the Jury Commission, to update the Boards of Elections' voter files. The Board has legally cancelled thousands of voters from the rolls who are no longer eligible to vote in Montgomery County. Between June 2015 and April 2017, 75,980 individuals had their voter registration canceled or removed in Montgomery County because they were no longer eligible to vote in this county. That process began and was no different during the previous four years.
5. As federal courts have acknowledged, the NVRA strictly limits removals of voters from the voter rolls unless the voter confirms the change or a waiting period has elapsed, which can result in a higher number of registered voters until they qualify for removal. For example, between June 2015 and April 2017 Montgomery County moved 59,120 voters from an active to inactive status - - a necessary step under federal law in many instances before a voter's registration can be canceled only if he/she confirms the change or does not vote in two successive federal elections.

The Montgomery County Board of Elections takes very seriously its obligation to maintain an accurate and up-to-date voter registration list under the law. We will continue to aggressively perform list maintenance in conformance with federal and state law, while carefully protecting the rights of those eligible to vote.