

APPROVED

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

18753-210 North Frederick Avenue, Gaithersburg, Maryland

June 17, 2019

In Attendance:

Board Members:

James F. Shalleck, President
Nahid Khozeimeh, Vice President
David A. Naimon, Secretary
Diane Nash Dillon
Elisse W. Barnes
Jacqueline L. Phillips
Alan Banov

Board Attorney:

Kevin Karpinski

Staff:

Margaret Jurgensen, Director
Alysoun McLaughlin, Deputy Director
Kera Bumbray, Management and Budget Specialist II
Lisa Merino, Office Services Coordinator
Jessica Newby, Voter Services Manager
Eric Olsen, Program Specialist
Janet Ross, Information Technology Manager

Guests:

Karen Bury
Jeremy Hersh
Dolly Kildee
Barbara Sanders

Audio of the meeting may be found on YouTube at the link below:

<https://youtu.be/TLNDWK4dgAM>

Convene the Board meeting and Declare a Quorum Present [0:00:51]

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

Approval of Minutes [0:01:06]

April 15, 2019, Board Meeting Minutes [0:01:08]

Mr. Banov moved to accept the April 15, 2019, Board meeting minutes as amended. The motion was seconded by Ms. Phillips and passed unanimously.

April 15, 2019, Executive Session Minutes [0:01:40]

Ms. Phillips moved to accept the April 15, 2019, Executive Session Board meeting minutes as amended. The motion was seconded by Mr. Banov and passed unanimously.

Mr. Karpinski noted that both sets of Executive Session minutes were approved with the motion.

June 3, 2019, Executive Function [0:03:27]

Ms. Khozeimeh moved to accept the June 3, 2019, Executive Function minutes as amended. The motion was seconded by Mr. Banov and passed unanimously.

Additions/Changes to the Agenda [0:02:38]

Mr. Shalleck stated that agenda item VII (C) Follow Up on Minutes Committee would be discussed in July.

Ms. Jurgensen introduced the new Management and Budget Specialist II for the Board of Elections, Kera Bumbray.

Public Comments [0:03:38]

There were no public comments.

Board Member Orientation [0:05:31]

Ms. Jurgensen requested that the Board hold questions until the end of the presentation.

Ms. Jurgensen reviewed the Board of Elections (BOE) mission statement, 2020 election goals, and BOE operating budget. Mr. Karpinski reviewed legal requirements. Ms. McLaughlin reviewed BOE's organizational chart and all supporting departments within the County.

The following personnel reviewed the following topics:

Voter Registration – Jessica Newby

Candidate Filing – Eric Olsen, for Christine Rzeszut, Operations Manager

Polling Place Selection – Eric Olsen

Outreach – Alysoun McLaughlin

Recruiting – Alysoun McLaughlin

Training – Alysoun McLaughlin
Ballot Creation & Proofing – Margaret Jurgensen
Equipment Prep & Testing – Janet Ross
Polling Place Supply & Ballot Packing – Margaret Jurgensen
Absentee Voting – Jessica Newby
Early Voting – Eric Olsen
Election Day – Margaret Jurgensen
Canvass – Jessica Newby
Audit & Certification – Alysoun McLaughlin
List Maintenance – Jessica Newby

*** Ms. Khozeimeh left the meeting at 3:15 p.m. ***

Mr. Naimon inquired when the Election Day polling place selections are expected to occur. Ms. Jurgensen stated that a presentation will be presented in July. He noted that in the *Bethesda Magazine*, an article mentioned that Luxmanor Elementary School construction may be done by Spring break, adding that the location could be used again as a polling place for the 2020 even if it is not open to students yet. Ms. Jurgensen suggested waiting to see when the construction will finish, noting that if the school is not open to students there may be occupancy permitting issues. Additional polling place information will be presented at the July meeting.

Ms. Dillon inquired about the process for verifying citizenship for a first time voter. Ms. Jurgensen stated that the voter fills out a voter registration form and affirms by selecting the box indicating that they are a U.S. citizen. Mr. Karpinski further added that the registrant must attest under penalty of perjury that they are a U.S. citizen and it's a crime to attest falsely.

Board Attorney Report [1:20:59]

Mr. Karpinski updated the Board on the *Judicial Watch* case, predicting that the Judge would be rendering an opinion in the next few months.

Mr. Karpinski reported that according to the Supreme Court Website, four decisions were issued today. One of the decisions was Virginia's redistricting case. The Court found that the Petitioners lacked standing to challenge the lower court's decision. Mr. Karpinski suspects that the Supreme Court will issue a decision for Maryland's redistricting case in the next few weeks.

Mr. Karpinski added that two Freedom of Information Act (FOIA) requests have been received regarding voter registration records and he and Ms. Newby are working on the response. A more comprehensive request has been submitted by the Brennan Center, and staff is working on compiling information for submission.

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Mr. Karpinski updated the Board on the City of Takoma Park's desire to increase voter participation by moving its municipal election to coincide with the General Election and sharing polling places with the Board of Elections, generally in different rooms. He added that the memorandum of understanding (MOU) is close to being finalized.

Mr. Karpinski noted that language on the Primary canvass provisional ballot instruction sheet/envelope should be changed and requested permission to move forward with a letter to State Board of Elections to ask the State Board to revise the language to make it clear that the voter will be given only the ballot of their registration.

A draft of the letter will be circulated and reviewed by the Board.

Mr. Naimon moved that Mr. Karpinski and Ms. Newby work on submitting clearer language on the provisional ballot application envelope. The motion was seconded by Ms. Phillips and passed unanimously.

Mr. Shalleck requested that Mr. Karpinski provide a presentation on Maryland's Open Meetings Act. Mr. Karpinski agreed to provide a review. He added that a Board member is required to take the Open Meeting compliance training online. Mr. Naimon will be taking the training.

Election Director Status Report [1:31:48]

Personnel [1:31:53]

Ms. Jurgensen reported that there are currently temporary Information Technology personnel working pursuant to State Board of Elections mandates. She added that temporary outreach personnel are also working and attending outreach events throughout the County.

Budget [1:32:20]

Ms. McLaughlin provided a detail spreadsheet on the fiscal year 2019 budget, noting that the Board is currently in a surplus, barely. However, we project a deficit by the end of the fiscal year, largely due to charges incurred in the primary election that include two unexpected and unbudgeted recounts.

The State Board of Elections fourth quarter bill is the only bill still outstanding.

Mr. Naimon noted that it would be useful for the Board to know if surplus funds legally could be moved from one fiscal year to another. He noted that in the past the Board of Elections has had a surplus and would like to know if future surpluses could be moved to the next fiscal year to cover an expense that relates to an election in the first fiscal year.

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Voter Registration [1:42:02]

Ms. Newby reported that there are presently 718,028 voters registered in Montgomery County, of which 660,233 are active.

State Board of Elections [1:42:44]

Ms. Jurgensen reported that the Federal post card application and Federal write-in absentee were redesigned.

Paul Aumayr, the project manager for voting equipment, with the State Board of Elections, has resigned. Ms. Jurgensen added that an equipment requests for more DS 200's and ballot marking devices have been submitted for the upcoming election cycle. Ms. Jurgensen noted the State Board will make a decision at its July meeting regarding the number of ballot marking devices which may be deployed for each polling place. The Board discussed the historical use of the ballot marking device. Ms. Phillips recalled writing a letter to the State Board regarding the use of the device. Mr. Karpinski noted that the response to the letter was that the State would review the certification requirements.

Mr. Naimon asked that the State Board of Elections' letter be posted on the website and requested that a copy be provided to the Board members. The Board discussed the letter, and Mr. Naimon requested a copy of the survey filled out by staff and already submitted to the State Board regarding the ballot marking device. The Board members requested that Ms. McLaughlin provide the Board a timeline of the certification of the equipment.

Legislation [2:02:34]

Ms. McLaughlin stated that she circulated the 2019 session of the General Assembly 90 day report previously shared at the May Board meeting to the new Board members.

Old Business [2:03:50]

Early Voting Locations [2:03:51]

Ms. Jurgensen circulated a list of current Early Voting location reservations

- EV 01 - Mid County Community Recreation Center (Social Hall)
- EV 02 - Montgomery County Executive Office Building (Auditorium)
- EV 03 - Germantown Community Recreation Center (Social Hall)
- EV 04 - Marilyn J. Praisner Community Recreation Center (Social Hall/Gym)
- EV 05 - Silver Spring Civic Building (Great Hall)
- EV 06 - Activity Center at Bohrer Park -TBD
- EV 07 - Damascus Community Recreation Center (Social Hall)
- EV 08 - Jane Lawton Community Recreation Center (Social Hall)
- EV 09 - Wheaton Community Recreation Center (TBD)

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- EV 10 - Potomac Community Recreation Center (Gym)
- EV 11 - Sandy Spring Volunteer Fire Dept. Ballroom
- Alternate: Bauer Community Recreation Center (Social Hall)
- Alternate: North Potomac Community Recreation Center (Social Hall)
- Alternate: White Oak Community Recreation Center (Social Hall)

Ms. Jurgensen stated that staff will be meeting with the representative at The Activity Center at Bohrer Park to evaluate the electrical outlets in the gymnasium and the need to add additional outlets to manage electrical equipment if the gym is used as the polling room during early voting. Mr. Naimon requested that the date of the meeting be shared with the Board, noting that there is an elected official who has offered to help. Mr. Banov recommended that staff reach out to Council member Sidney Katz to assist in finding money to install electrical work. Mr. Naimon stated that obtaining the gym should be a high priority. Ms. Jurgensen noted that she would reach out as requested and include the Board attorney in the meeting.

Ms. Jurgensen stated that the State Board of Elections has indicated that local boards may need to be prepared to spend about \$1,000 to network polling places for same day voter registration. With 236 polling places, that would be an additional expense of \$236,000 for election day locations. No final decision has not been made at this time.

Mr. Naimon requested clarification on whether gyms or social halls are used for the early voting. He is requesting that larger rooms be used, as a large turnout is expected in 2020. Ms. Jurgensen indicated that an early voting presentation will be shared with the Board at the July Board meeting.

Ms. Jurgensen reminded the Board that early voting locations would need to be confirmed and submitted to the State Board of Elections at the October Board meeting. The October timeframe is also applicable if the Board approves a 12th location. Ms. Jurgensen noted that if the Board decides at the July board meeting to add a 12th EV location, staff would need to solicit the Office of Management and Budget for additional funds, in addition to seeking approval from the County Executive and County Council.

Mr. Naimon inquired if a public hearing would be needed. Mr. Shalleck suggested that the conversation be held off until the July meeting.

Wait Times [2:23:45]

A wait time review will be presented at the September board meeting.

Follow Up on Minutes Committee [2:25:32]

Minute Committee discussion will occur in July.

Ms. Phillips recommended that the Board support the staff's use of the ballot marking device.

New Business [2:26:05]

Committee Appointment [2:26:16]

Mr. Shalleck requested Board member appointments to the Budget Sub-Committee and the Media and Advertising Committee. Mr. Shalleck confirmed the recommendation of Mr. Banov's appointment with Mrs. Khozeimeh to the Budget Sub-committee. Mr. Shalleck confirmed the recommendation of Dr. Barnes and Ms. Phillips to the Outreach (Media and Advertising) committee.

Mr. Shalleck invited Mr. Banov to talk about his idea to list action items at the end of each meeting so everyone knew their future responsibilities. The Board approved this technique. The Secretary would keep track of the action items.

Action Items [2:27:20]

The Board discussed the review of action items for Board and staff. The following action items were assigned:

1. Staff will post the orientation presentation to the Board website along with the list maintenance presentation.
2. Mr. Karpinski and Ms. Newby to draft a letter to SBE to propose changing the language on the provisional instruction sheet.
3. Ms. Bumbray will provide information on whether transfer of funds can be made across fiscal year lines.
4. Ms. McLaughlin will provide the exact status of the ballot marking device certification.
5. Ms. Jurgensen and Mr. Karpinski will be meeting the City of Gaithersburg and reach out to Councilmember Katz about the Bohrer Park Early Voting location (including gym and electrical issues).
6. July meeting – discussion on larger spaces at early voting locations.
7. September meeting – discussion on plans on wait times.
8. September meeting – discussion on the use of the ballot marking device.
9. State Board Election survey filled out by staff to be provided to the Board.
10. July meeting – determine the need to hold a public hearing for early voting locations.
11. July meeting - report on network connections for same-day registration.

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Future Meetings [2:33:22]

The Board members agreed to move the July Board meeting to July 29, in case the August tentative meeting is not held.

Adjournment [2:35:30]

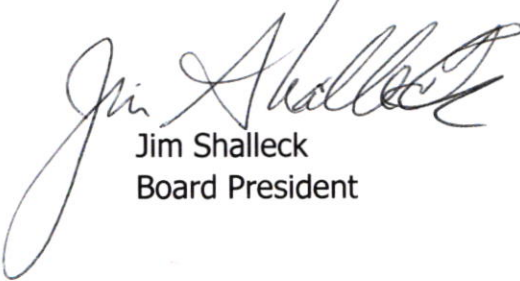
With nothing further to discuss, Ms. Phillips moved to adjourn the meeting. The motion was seconded by Ms. Dillon and passed unanimously.

Respectfully Submitted,



Lisa Merino
Offices Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck
Board President