

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

18753-210 North Frederick Avenue, Gaithersburg, Maryland

APPROVED

October 21, 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
Lisa Merino, Office Services Coordinator
Jessica Newby, Voter Services Manager
Janet Ross, Information Technology Manager
Christine Rzeszut, Operations Manager
Gilberto Zelaya, Outreach Coordinator

Guests:

Marcus Alzona
Sharon Bauer
Tierra Bradford
Amber Bullock
Karen Bury
Diana Conway
Sylvia Darron
Lisa Dobbs
Paul Ellis
Jim Epstein
Rachael Evans
Nancy Farrar
David Feehan

Patricia Fenati
Sheldon Fishman
Linda Foley
Scott Goldberg
Ashley Grimes
Martha Hall
Leslje Hansley
Ann Hinaphopre
Richard Jurgena
Dolly Kildee
Daniel Koroma
David Kunes
Kate Masters

Jazmin Moral
Robert Rand
Graciela Rivera-Oven
Barbara Sanders

Kathleen Stubbs
Dale Tibbitts
Josephine Wang

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Audio of the meeting may be found on YouTube at the link below:
<https://youtu.be/ho5FWipu0ag>

Convene the Board meeting and Declare a Quorum Present [0:00:15]

Mr. Shalleck called the Board meeting to order and declared a quorum present at 2:35 p.m.

Approval of Minutes [0:00:22]

September 16, 2019, Board Meeting Minutes

Mr. Shalleck stated that the approval of the September Board meeting minutes will be laid over to the October Board Meeting.

Additions/Changes to the Agenda [0:01:12]

Mr. Shalleck noted that due to the public's interest, Board meeting items will be discussed earlier in the meeting.

Public Comments [0:01:20]

The following individuals requested to address the Board in advance:

Rachael Evans advocated for a 12th early voting site in White Oak.

Barbara Sanders, League of Women Voters Liaison, spoke in favor of a 12th early voting site with no site preference.

Ashley Grimes voiced her support for a 12th early voting site in White Oak.

Richard Jurgena spoke about the lack of opportunity for those voters living in Election District 6, with no early voting site near them.

Scott Goldberg spoke in favor of a 12th early voting site in White Oak.

Paul B. Ellis spoke in support of a 12th early voting site in White Oak.

Graciela Rivera-Oven, former Member of the Montgomery County Board of Elections, spoke in support of the Future Vote program and in favor of a 12th early voting site in White Oak. Ms. Rivera-Oven also explained the origin of the Future Vote program under former Board President Nancy Dacek.

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Marcus Alzona spoke in favor of a possible 12th early voting site where there are fewer sites, for example, in the western part of the County.

Daniel Koroma, a White Oak resident, spoke in favor of an early voting site in White Oak based, in part, on the lack of public transportation in the area on the weekends.

Sharon Bauer spoke in favor of an early voting site in the northern up-County part of Montgomery County.

Diana Conway, a Potomac resident and President of the Women's Democratic Club of Montgomery County, spoke in favor of a 12th early voting site in White Oak and noted there would be funding made available by the County Council and County Executive.

Tierra Bradford spoke in favor of an early voting site in White Oak. She also stated she did not support limiting citizenship to the Future Vote program.

Patricia Fenati spoke in favor of additional early voting sites, especially Up-County in the Clarksburg or Damascus area. She noted that that early voting site with long wait times served larger populations and expressed the need for more sites.

Josephine Wang spoke against funding a 12th early voting site, but if needed, the location should be in North Potomac. She noted that population does not determine citizenship.

Sylvia Darrow spoke in favor of an early voting site in North Potomac.

Jazmin Moral, Vice President of the Latino Democratic Club, spoke in favor of an early voting site in White Oak and of the Future Vote program.

(Written comments submitted are available on the Board Meeting page under [Public Comments](#).)

Mr. Shalleck thanked everyone for attending the meeting and those who provided public comments.

12th Early Voting site [0:54:08]

Mr. Shalleck confirmed with the Board attorney that at the last meeting the Board (Montgomery County) voted 3 to 2 not to have a 12th early voting site. He added that under the State Board rules and regulations, the State Board of Elections (SBE) met and voted 4 to 1 to direct Montgomery County to identify and provide a 12th early voting site. Mr. Karpinski agreed. Mr. Shalleck added that the SBE Board has 5 members: 3

Republicans and 2 Democrats. In order for something to be passed, 4 votes are needed. Mr. Karpinski added that SBE needs a supermajority for any action, which is required by State law. Mr. Karpinski stated that the State Board votes differently from all the other local boards.

Mr. Shalleck added that according to the Assistant Attorney General, the State Board, in collaboration with the local board, and County government work together to present a site for approval. Mr. Karpinski agreed.

Mr. Shalleck asked what is the Assistant Attorney General's opinion if the County Board and County Government cannot agree? Mr. Karpinski responded that the Assistant Attorney General's opinion is that when the governing body and County board do not agree, the State Board and the County governing body have to reach an agreement in order to locate a 12th site.

Mr. Shalleck noted that the majority of the Board members did not want a 12th site, but based on the SBE mandate, the majority's recommendation would be a location in North Potomac for the following reasons: it serves a part of the County that does not have an early voting site and would alleviate parking and congestion at the Potomac early voting site (second most popular location). He added that the White Oak location is surrounded by locations in Silver Spring, Wheaton, Mid-County, and Praisner. He noted that 4 of the 11 early voting sites are located down-County. He added that the governing body and the entire elected representation in the state is in support of an early voting site in White Oak and because there is disagreement about the location, both sites will be proposed and submitted to SBE for approval. Mr. Naimon seconded Mr. Shalleck's motion and agreed with Mr. Shalleck's proposal to submit two sites to SBE.

Mr. Naimon thanked Mr. Shalleck for his efforts not to have a partisan party-line vote. He agreed that sending both proposed sites to the SBE as an option for them to consider is a fair solution. Mr. Naimon read a letter from the County Executive and 8 members of the County Council supporting White Oak as an early voting location. Click on link for [Letter from County Executive and County Council members](#).

Mr. Naimon circulated wait time data for Election Day (created by Board of Elections staff), noting the significant wait times on the Route 29 corridor. He compared the polling sites around the North Potomac early voting site, where on Election Day wait times were not an issue. He added that there is an opportunity and an obligation to address problems with wait time by adding another early voting site. The obligation under the national standard is that no voter should be waiting more than thirty minutes to vote.

Ms. Khozeimeh added that locations are not chosen based on party affiliation but rather to serve the area. She also stated that the long lines that occurred at Praisner Recreation Center on Election Day were due to voter confusion that they could vote at Praisner on Election Day. Marilyn Praisner Recreation Center serves as a polling place on Election Day and an Early Voting site during Early Voting, resulting in several voters showing up thinking it was an early voting site thus producing many provisional voters.

Ms. Khozeimeh recommends the Nancy Dacek Recreation Center as the 12th site as it would serve the Route 28 area in Darnestown, Gaithersburg, and Great Seneca, in addition to alleviating traffic, parking, and long lines at Potomac Community Center.

Mr. Shalleck recognized Councilman Hucker for working to obtain an additional \$125,000 for election equipment and personnel that will be deployed to Burtonsville and those areas that had long lines.

Mr. Banov expressed appreciation for Mr. Shalleck's compromise proposal and agreed with Mr. Naimon's points. He also asked the Board to refer to Maryland Election Code Section 10-301.1(e) to determine what the Board's obligations are when choosing a polling place. He went on to refer to Section 10-101(a)(2), which says each polling place shall be located as conveniently as possible to the majority of registered voters, adding that it does not say closest to residents or citizens. He went on to say that COMAR Section 33.17.02.02 states that a County, such as Montgomery, should have an Early Voting Center within 5 miles of 80% of its registered voters. He stated that the Board is obligated to look at where the people are located and not the geography.

Ms. Dillon emphasized that a majority vote by the Board rejected the need for a 12th Early Voting Center. She stated that the Board cannot afford another site. In her opinion, the way to address long lines is to add election equipment and personnel to existing sites.

Ms. Dillon asked for clarification on the letter from the Assistant Attorney General. Mr. Karpinski stated that the law requires 11 Early Voting Centers. However, the language with regard to the 12th site states that it is collaboration between the State Board and the local Board and that the County governing body and the State Board must agree on the 12th site.

Ms. Dillon requested that the motion submitted to the State reflect the majority's vote recommending the Nancy Dacek North Potomac Community Recreation Center for a possible 12th Early Voting Center.

The Board members further discussed the wording of the motion finalized below.

Mr. Shalleck moved to send the State Board of Elections both Nancy H. Dacek North Potomac Community Recreation Center and White Oak Community Recreation Center as possible Early Voting sites and have the State Board of Elections make the final decision on the location. The motion was seconded by Mr. Naimon.

Ms. Dillon moved to amend the motion to add that 3 voting members plus 1 substitute member support the Nancy H. Dacek North Potomac Community Recreation Center as an Early Voting site and 2 voting members plus 1 substitute member support the White Oak Community Recreation Center. The motion was seconded by Ms. Khozeimeh. The Board voted on the amended motion. Both the amendment and the original motion passed unanimously.

The Board unanimously approved the motion, as amended, to send the State Board of Elections both Nancy H. Dacek North Potomac Community Recreation Center and White Oak Community Recreation Center as possible Early Voting sites and have the State Board of Elections make the final decision on the location.

Additions/Changes to the Agenda [1:38:21]

Ms. Jurgensen requested an Executive Session to discuss the Fiscal Year 2021 budget.

Early Voting [1:38:53]

Ms. Jurgensen briefly shared that the Department of Recreation will be paying for the materials to cover and protect the gymnasium floor at the Wheaton Community Recreation Center when it is used as an Early Voting site. She added that the gymnasium had been reserved for Early Voting and that additional electrical outlets will be installed for the General Election. She noted that there will be additional personnel overtime cost to install and remove the protective coverings before and after early voting.

Future Vote [1:40:50]

Ms. Dillon requested to move the Future Vote discussion to the November Board meeting. Ms. Jurgensen stated that the item could not be moved to the next meeting because software enhancements are ready to be launched tomorrow, as the software supports three programs - - Future Vote, the Election Judge Recruitment module, and Polling Places.

Ms. Dillon expressed some concerns with the wording in the FAQ's and drop-down option with Future Vote registration. Dr. Gilberto Zelaya responded that the website dropdown does provide for registration by private and parochial school students.

Mr. Naimon moved that no changes to the Future Vote program or its website shall be made without prior approval by a majority vote of the Board of Elections. The motion was seconded by Mr. Banov.

Mr. Naimon stated that he supports the Future Vote program, which was established 15 years ago by a Republican-majority Board and has been a bipartisan and nonpartisan fixture in Montgomery County. He added that the program saves the Board considerable money and has great support in the community, by the Board, in County government, and with student participants and their parents. He added that one Board member has no authority to change the Future Vote program.

Mr. Karpinski suggested that staff review the Frequently Asked Questions on the website to determine if the language accurately reflects the program and the student activities on Election Day. He stated that any changes in the FAQ's should be brought to the Board next month. Proposed changes in the FAQ's will be provided to the Board tomorrow.

The Board members voted on Mr. Naimon's motion. The motion passed 4-1, with Mr. Shalleck, Ms. Khozeimeh, Mr. Naimon, and Dr. Barnes voting aye, and Ms. Dillon voting no.

Election Director Status Report [2:13:43]

Ms. Jurgensen reported that she and Ms. Rzeszut recently made a presentation to the Council on Aging. She shared that the Digital Defense Democracy from the Belfer Center visited the office in advance of their meeting with the State Board of Elections and spoke about digital security.

Personnel [2:14:12]

Ms. Jurgensen reported that interviews are being conducting to fill the Program Specialist position in Operations. She added that temporary tech staff is working on the equipment and conducting testing on the new pollbook software upgrades.

Budget [2:14:56]

Ms. Bumbray provided a detailed spreadsheet on the fiscal year 2020 operating budget, noting that most of the expenditures continue to be in personnel. She reported that in the past month, she has met with the budget sub-committee to discuss the budget expenditures.

Ms. Jurgensen stated that Ms. Bumbray has created a proposed supplemental appropriation request that would potentially include \$116,000 for a potential 12th early voting site. Additionally, the request includes about \$350,000 for the Same-Day Voter Registration network and barcode scanners, as well as the licensing fee of \$60,000 to be paid in the next fiscal year. Ms. Jurgensen reported that the State passed a regulation that will require two additional voting judges in the polling place on Election Day for Same Day Registration. This will mean another 510 judges and the cost of their stipend and training fee. The Maryland State Board of Elections has increased the costs to the County for the use of MDVoters, the pollbook licensing software, and the voting system software licensing. Ms. Jurgensen characterized the budget as a "barebones budget."

Ms. Jurgensen requested approval to proceed with the proposed supplemental appropriation.

Ms. Phillips moved that staff proceed with submitting the supplemental appropriation to the Office of Management and Budget after October 31, 2019. The motion was seconded by Ms. Dillon and passed unanimously.

Voter Registration [2:29:17]

Ms. Newby had provided monthly voter registration statistics in advance of the meeting. She provided updated statistics at the meeting. Ms. Newby added that staff participated in the National Voter Registration Day with other local jurisdictions with the Council of Governments at the Nationals' Baseball Field on September 24.

State Board of Elections [2:31:46]

Ms. Jurgensen reported that SBE will not be upgrading the voting system. She previously shared in an email to that effect. No reason has been provided.

Attorney Report [2:32:54]

Mr. Karpinski reported that the City of Rockville will be conducting an all absentee by mail election and the ballots will be tabulated at the Board of Elections. Ms. Phillips requested that the City of Rockville voter registration turnout be provided.

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Old Business [2:34:09]

2020 Polling Places [2:34:10]

Ms. Jurgensen reported that information was shared in advance. Mrs. Rzeszut went over the proposed changes to polling places. The full presentation is found under Board Meeting materials.

The Board members reviewed the proposed changes. Mr. Naimon raised a question about the recommendation of Lucy Barnsley Elementary for 13-46, and the English Manor (formerly Children's Learning Center) building at 4511 Bestor Drive. Lucy Barnsley is out of precinct and the English Manor Building is inside the precinct. Ms. Rzeszut said English Manor is ADA compliant, the room size is good, but the parking is not. Ms. Jurgensen pointed out that the employees will be working that day. He also reiterated Mr. Banov's request that staff provide maps of all the precincts involved in polling place changes. Maps were then provided to the Board. The Board also received a letter from former Board Member Mary Ann Keefe, who lives in precinct 4-17, asking for the polling place to go back to B'nai Israel. Mr. Naimon also expressed his opinion that Precinct 4-17 should remain at B'nai Israel since the Kennedy Shriver Aquatic Center was the worst polling place he had ever seen and the Board had unanimously voted in 2018 to move the precinct to B'nai Israel for the 2018 General Election. Mr. Banov asked why Precinct 4-17 was not going to be voting at B'nai Israel, as it did last year. Ms. Rzeszut indicated that she had not contacted B'nai Israel. After the Board's conversation, Ms. Jurgensen stated that the precinct should go back to B'nai Israel. Ms. Jurgensen discussed having three precincts (13-5, 13-10, and 13-50) vote at the Silver Spring Civic Center during the construction period, and commented that voters were unhappy at the Library and there are not a lot of choices in Silver Spring. She said we would use the main hall and a side room for provisional voting for Election Day at the Civic Center. Mr. Naimon asked Ms. Rzeszut if she had compared the expected turnout with early voting at Silver Spring, and she said the turnout would be about the same as last day of early voting, but spread out more through the day on Election Day. Ms. Rzeszut discussed the recommendation that voters in precinct 13-23 vote at Montgomery Blair High School while Pine Crest Elementary School is under construction. Mr. Naimon raised concern about asking voters in 13-23 to cross University Blvd. in two places in Four Corners, and asked the staff to consider St. Bernadette's Catholic Church as an alternative. Board members requested an additional review of polling places to be presented and discussed at the November Board meeting. Mr. Naimon asked that Ms. Rzeszut's presentation be put on the website, and Ms. Jurgensen said that it would be.

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Wait Times [3:27:17]

Ms. Jurgensen stated that the goal is to have no citizen wait more than thirty minutes to vote on Election Day. She added that she and Ms. McLaughlin were among the first to begin tracking data to meet the requirements. Ms. Jurgensen provided a summary and presentation on wait times throughout the County and solutions to prevent lines. Among other things, she encouraged greater use of ballot marking devices. The full presentation can be found under Board meeting materials.

Minutes Committee [3:47:16]

Ms. Phillips and Mr. Naimon asked that this discussion be postponed.

Disclosure of Campaign Contributions [3:48:16]

This item will be held over until the State Board of Elections approves the Board's proposed submitted Bylaws.

New Business [3:47:26]

Ms. Ross reported that the County will be initiating a 2-step security authentication which is expected to rollout on November 4, 2019.

Future Meetings

The next Board meeting will be held on November 18, 2019.

Ms. Khozeimeh moved to convene into a closed Executive Session. The motion was seconded by Mr. Banov and passed unanimously.

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 6:25 pm., pursuant to Section 10-508(a)(13), General Provisions Article, to discuss the FY20 budget.

The Board members and staff met in closed session on this date. The following members of the Board and staff were in attendance: James Shalleck, Nahid Khozeimeh, David Naimon, Diane N. Dillon, Elisse W. Barnes, Jacqueline Phillips, Alan Banov. Kevin Karpinski, Margaret Jurgensen, Alysoun McLaughlin, Kera Bumbray, and Lisa Merino.

The Board discussed the future Board of Elections' future budget.

Upon returning to a public meeting, Ms. Phillips moved to direct staff to move forward with the budget proposal. The motion was seconded by Ms. Khozeimeh and passed unanimously.

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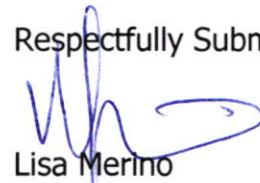
Action items:

1. Staff will send the State Board of Elections both Nancy H. Dacek North Potomac Community Recreation Center and White Oak Community Recreation Center as possible Early Voting sites and have the State Board of Elections make the final decision on the location
2. Staff will submit a supplemental appropriation to the Office of Management and Budget after October 31, 2019
3. Proposed changes in the Future Vote FAQ's will be presented to the Board on October 22
4. Ms. Rzeszut's presentation on the polling place changes will be put on the Board's website

Adjournment [3:46:16]

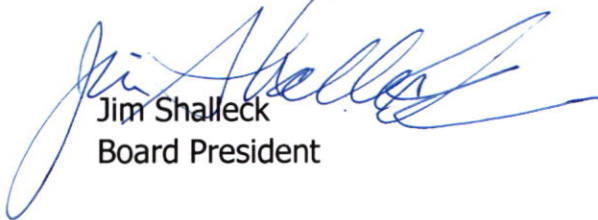
With nothing further to discuss, Ms. Khozeimeh moved to adjourn the meeting at 6:57p.m. The motion was seconded by Ms. Dillon and passed unanimously.

Respectfully Submitted,



Lisa Merino
Offices Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck
Board President