

APPROVED

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

18753-210 North Frederick Avenue, Gaithersburg, Maryland

November 18, 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:

Nancy Farrar
Dolly Kildee
Lois Neuman
Carol Petzold
Barbara Sanders

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

<https://youtu.be/BB2wRMCj2HA>

Convene the Board meeting and Declare a Quorum Present [0:00:04]

Mr. Shalleck called the Board meeting to order and declared a quorum present at 2:34 p.m.

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Contributions Disclosure

Mr. Shalleck noted that this is a new process implemented for the local boards of elections by the State Board.

Mr. Shalleck moved the Candidate contributions disclosure item to earlier in the meeting, so that the candidate contributions is transparent. All Board members indicated that no contributions to any candidates or issues on the County ballot have been made since October 31, 2019.

Approval of Minutes [0:02:39]

October 21, 2019, Board Meeting Minutes [0:02:46]

Mr. Shalleck proposed to review the October minutes next month so that the Board has sufficient time to review them.

September 16, 2019, Board Meeting Minutes [0:03:00]

Mr. Banov moved to accept the September 16, 2019, Board meeting minutes as amended. The motion was seconded by Mr. Naimon.

Ms. Khozeimeh moved to amend the motion to accept the minutes provided by Ms. Merino, prior to any proposed amendments. The motion was seconded by Ms. Phillips.

Ms. Khozeimeh stated that there is too much detail in the minutes and it is not needed since the public has access to the audio of the minutes.

Mr. Shalleck noted that there has been much discussion regarding the minutes for years and the amount of information that should or should not be written. He added that there may be an option to live stream the meetings. Mr. Karpinski noted that it is an option and staff will seek an estimate. Mr. Naimon noted that live streaming is not an alternative to minutes. Mr. Karpinski and Mr. Shalleck noted that live streaming could be an alternative to minutes. Mr. Shalleck added that the minutes should be written by a neutral person like Ms. Merino. Ms. Dillon added that when attending the State Board of Elections (SBE) meetings, the discussion on minutes is that they should be an outline and not details. Ms. Dillon agreed with Mr. Shalleck that the minutes should be prepared by a neutral arbiter, noting that the minutes prepared by Ms. Merino are adequate.

Mr. Naimon stated that this is the first that his side is hearing of eliminating all edits to minutes, adding that it is not a good way for the process to work. He added that there is a Minutes Committee, though it has met only briefly. He continued to note that, procedurally, she let the Board members spend time suggesting changes to make two sets of accurate minutes and that, without addressing any of the individual recommended edits, she is proposing is to eliminate all of them, from misspelled names to misstating who made what statement or motions and whether a vote was unanimous when it was not unanimous. He added that the idea of not making any corrections and additions is unprecedented. He said that under Robert's Rules of Order, members of a

body should approve or disapprove minutes and that the members are in the best position to assess the accuracy of the minutes. Mr. Naimon noted that it is difficult to find things on the recording, although it is easier to use now with the timing marks. He added that the minutes should be as useful as possible and accurate. He added that if the minutes are not going to be accurate and the suggested edits are going to be voted down without consideration, he will personally look for other ways to express his views as to what happened at a Board meeting. He added that the Board was recently lectured by the SBE Board President to be more bipartisan; this is not that, especially bringing this up at the meeting and not beforehand.

Ms. Phillips requested that Mr. Naimon clarify his threat. Mr. Naimon stated that numerous people have suggested that he would be a much more effective Board member and leader in Montgomery County if he were to be on social media and express his view on matters concerning the Board. He added that he has resisted that because he sees many issues with it. However, if the draft minutes are provided and Board members have no opportunity to make edits, he will consider going to social media to provide his version of the meeting and he is sure that it will get more reads than the official minutes. Mr. Banov added he and Mr. Naimon believe in transparency, being complete in minutes, noting that the Bylaws provide that "full" minutes of open meetings and summaries of closed meetings will be provided, to be approved by email and ratified at the next meeting. He asked Ms. Khozeimeh what in the September 16 minutes she did not want to change.

Ms. Khozeimeh stated that she prefers that suggested edits be provided separately and not jointly from Mr. Naimon and Mr. Banov. She notes that for several years when the majority of the Board was Democratic, minutes were not as edited as they are now and there was not audio of the minutes. Now, when the Republicans are a majority, there are extensive edits each month. The amount of detail suggested in the minutes, like the number of sockets in the wall, is not necessary. Ms. Khozeimeh stated that what Ms. Merino prepares should be enough, since there is also audio of the meeting. Mr. Naimon stated that in the past he had offered some edits to the minutes and because of the lack of audio there was nothing to compare to. It is his opinion that this is nothing to do with who is in the majority; it has to do with being complete and accurate. It should be about accurate minutes; the recording is not a substitute for the minutes. Ms. Khozeimeh stated that it is ok when Mr. Banov makes grammatical changes, but we spend so much time on minutes and the focus should be on voting and assisting the public.

Mr. Shalleck added that based on the conversation, minutes should be approved individually and that votes should be on specific changes which Mr. Naimon and Mr. Banov make.

Mr. Naimon indicated that he had spoken to Deputy State Administrator Nikki Charlson, and that she had indicated that she did not believe that action minutes are sufficient and that it was asking a lot of the public to go through the recordings. Ms. Phillips suggested that the Minutes Committee meet and develop a presentation for the January meeting.

Mr. Shalleck moved to have the September 16, 2019 and the October 21, 2019 minutes carried over to the next meeting. The motion was seconded by Mr. Naimon. Mr. Shalleck, Mr. Naimon, Dr. Barnes and Ms. Dillon voted for the motion; Ms. Khozeimeh voted against the motion. The Motion passed.

Additions/Changes to the Agenda [0:31:22]

Mr. Karpinski requested an Executive Session to discuss a personnel issue.

Public Comments [0:31:29]

Former Del. Carol Petzold requested to address the Board. Ms. Petzold, a resident of precinct 13-46, expressed her strong desire to have a polling place within the precinct, in walking distance of many voters. Ms. Petzold urged use of English Manor Educational Childcare. She pointed out that the precinct used to vote at English Manor for many years; that it is accessible; and that there is adequate parking. While Lucy Barnsley has more parking places, it is less accessible for voters with disabilities. Inside English Manor the facilities are quite adequate for a polling place. Ms. Petzold also spoke regarding her communications with staff concerning parking and staffing.

Mrs. Rzeszut noted that future parking has not been decided by Montgomery County Public Schools (MCPS) yet. Ms. Petzold stated that there should not be a parking problem because many school activities will not be held on Election Day, thereby freeing up many spaces. She also noted that English Manor is the only public building within the precinct.

Election Director Status Report [0:50:10]

Ms. Jurgenson reported that staff met with MCPS staff to discuss polling places. They have agreed to use the Pine Crest Elementary School as a polling place (precinct 13-23). Kennedy Shriver Aquatic Center (precinct 4-17) will not be available for the 2020 election due to construction.

Personnel [0:50:26]

Ms. Jurgensen reported that an offer has been extended to fill the Program Specialist position in Operations and is in process. Information Technology temporary staff is working part-time on preparing election equipment as well as testing for signals at polling places.

Budget [0:52:16]

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 the supplemental budget request was submitted on November 6, 2019.

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Voter Registration [0:54:01]

Ms. Newby had provided monthly voter registration statistics in advance of the meeting, and updated statistics were provided at the meeting. Active voters numbered 665,556. She added that there has been notification from SBE of a petition being circulated for a new political party.

State Board of Elections [0:55:22]

Ms. Jurgensen reported that the Early Voting package information was sent to SBE on October 24, 2019.

The new vendor for Absentee voting, Sea Change, replacing ES&S, was announced on Thursday, November 14. She added that the company was used in the recent all mail election for the City of Rockville. Staff will inquire if Sea Change is a privately-owned company. It had been a subcontractor of ES&S.

She added that SBE continues to direct local boards to perform specific testing for implementation of network. Testing was performed in Prince George's and Howard County.

A redesigned Provisional ballot envelope has been created and SBE has placed an order for all jurisdictions. Mr. Banov requested a copy of the redesigned envelope. Once provided, Ms. Jurgensen will share it amongst the Board members.

Ms. Jurgensen noted that the correspondence regarding the pollbook network from Linda Lamone was distributed to the Board on November 13.

Attorney Report [0:57:51]

Mr. Karpinski reported that the SBE approved Montgomery County's new Bylaws. He also said that one or two petitions for ballot questions are being circulated.

Old Business [0:59:27]

2020 Polling Places [0:59:34]

Ms. Jurgensen reported that information was shared in advance regarding polling places. Ms. Jurgensen is requesting that polling places be approved today to complete the required SBE testing. Mrs. Rzeszut went over the proposed changes to precincts to return to their home polling places for the following: 05-15 Cloverly Elementary, 07-19 North Bethesda Middle School, 07-20 Ashburton Elementary, 08-01 Olney Elementary, 09-09 Whetstone Elementary, 12-04/02-09 Lois P. Rockwell Elementary, 13-38 Kensington-Parkwood Elementary, and 13-46 Lucy V. Barnsley. The full presentation is found under Board Meeting materials.

Ms. Phillips moved to accept the following polling place changes to precincts 05-15, 07-19, 07-20, 08-01, 09-09, 12-04/02-09 and 13-38 to return to their home precincts as proposed by staff. The motion was seconded by Mr. Banov and passed unanimously.

Ms. Khozeimeh expressed concern with the limited parking at English Manor. Mr. Naimon noted that there is parking available to share with MCPS.

Mr. Naimon moved to approve English Manor Elementary as the polling place for precinct 13-46 for the 2020 Primary and General Elections. The motion was seconded by Mr. Banov and passed unanimously.

Ms. Rzeszut reviewed additional polling place changes due to construction, precincts changes, and relocation of rooms for the following precincts: 4-10, 04-18, 04-17, 04-24/04-38, 06-08, 06-14, 13-03, 13-05, 13-10 and 13-50. Ms. Rzeszut added that there is no need to change precinct 13-23, Pine Crest Elementary, since the construction there does not impact on classes or voting, so the Board will continue to use Pine Crest Elementary.

Ms. Khozeimeh moved to accept the following polling place changes to precincts 4-10, 04-18, 04-17, 04-24/04-38, 06-08, 06-14, 13-03, 13-05, 13-10 and 13-50. The motion was seconded by Ms. Dillon.

Mr. Naimon inquired why precinct 04-17 has different polling places for the Primary (B'nai Israel Congregation) and General Elections (Luxmanor Elementary School). Ms. Jurgensen responded that the change is due to construction at Luxmanor. She added that she agrees that generally the precincts are not moved, but in this case, it is necessary. Ms. Jurgensen suggested that in order to eliminate any confusion with the change in location, staff will provide flyers during the Primary, as well as signage at B'nai Israel and a postcard mailing, notifying voters that a new location will be used in the General Election. She also said staff could reach out to the high rises in the precinct to advise residents of the polling place changes. Mr. Naimon responded that since staff would be making an effort to advise voters of the polling place changes, he would accept Luxmanor for the General.

Mr. Shalleck took a vote on the motion. The motion passed unanimously.

Alternate Early Voting Sites [1:35:34]

Ms. Jurgensen stated that staff has proposed the following alternate early voting sites in the case they are needed.

Ms. Khozeimeh moved to accept the following alternate early voting sites - - Bauer Drive Community Recreation, Nancy H. Dacek North Potomac Community Recreation, East County Community Recreation Center, Upper County Community Recreation, and White Oak Community Recreation Center. The motion was seconded by Ms. Phillips and passed unanimously.

Ms. Jurgensen shared that additional electrical outlets will be installed in the Gym at the Wheaton Recreation Community Center at no cost to the Board of Elections. Overflow parking will be permitted at the Wheaton Fire and Rescue station if needed.

Minutes Committee [3:37:18]

There was nothing further to discuss.

Future Vote [1:37:25]

The Board members discussed the frequently asked questions (FAQs) about the Future Vote program submitted by Mr. Zelaya. Ms. Dillon said that the FAQs should state that election workers should be citizens and residents of Montgomery County. Mr. Banov and Mr. Shalleck responded that they should be residents of Maryland to be registered to vote. It was noted that we have election judges from other counties. With regard to Future Voters from other counties, Ms. Dillon opined that she didn't want the County to be a magnet for non-U.S. citizens from all over the state outside the County.

Edits in the website description of Future Vote were circulated amongst the Board in advance and discussed at the meeting. Issues raised by Ms. Dillon concerned the role of Future Vote participants when asked questions by voters and helping voters with translations. The Board agreed to the discussed edits in the FAQs. (The resulting edits are at

<https://www.montgomerycountymd.gov/Elections/FrequentlyAskedQuestions/future-vote-faqs.htm>.)

Mr. Naimon moved to approve the frequently asked questions for the Future Vote program page on the Board of Elections website as discussed and edited and recommended by staff and Board. The motion was seconded by Mr. Banov and passed unanimously.

New Business [2:02:10]

Legislation [02:02:27]

Ms. Jurgensen was asked to provide the proposed emergency legislation on Early Voting, MC 19-20. The item will be discussed by the County delegation in December. Ms. Jurgensen will confirm the date and notify the Board.

Action Items

1. The Minutes Committee will meet to discuss the Board's approach to taking minutes
2. Staff will inquire if Sea Change is a privately-owned company.
3. Ms. Jurgensen will share the redesigned Provisional ballot envelope with the Board members.

Future Meetings

The next Board meeting will be held on January 27, 2020.

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Ms. Khozeimeh moved to convene into an Executive Session. The motion was seconded by Mr. Naimon and passed unanimously.

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:43 pm., pursuant to Section 3-305(b)(1)(i) and 3-305(b)(13), General Provisions Article, to discuss the FY20 budget and personnel.

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 and Kevin Karpinski.

The Board discussed a personnel matter.

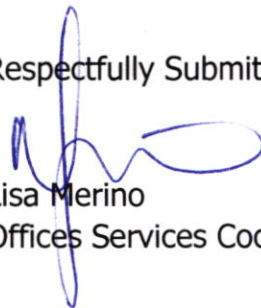
Upon returning to a public meeting, Ms. Phillips moved to direct staff to move forward with the budget proposal. The motion was seconded by Ms. Khozeimeh and passed unanimously.

Staff was excused from the meeting and minutes were taken by the Board Attorney.

Adjournment []

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