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

September 21, 2020

In Attendance Via Phone or MS Teams:

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
Christine Rzeszut, Operation Manager
Boris Brajkovic

Guests:

Maryam Shazad
Senator Cheryl Kagan

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

<https://youtu.be/-ESaPtTB3RY>

Convene the Board meeting and Declare a Quorum Present [.46]

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

Board President Remarks

Mr. Shalleck welcomed Senator Kagan and all attendees and thanked staff for their work in Covid Recovery mode. He noted that most of the meeting would address ballot and canvassing procedures and transparency concerns.

Changes/Additions to the Agenda [1:40]

On October 1 the Clerk of the Court will swear in the Board of Canvassers remotely by Teams.

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Disclosure of Campaign Contributions [2:10]

There were no reports of applicable campaign contributions.

Public Comments [3:22]

Senator Kagan requested to address the Board with two requests for the Board's consideration. She requested that there be transparency with the movement of ballots [from drop boxes and Plum Gar to the Board of Elections] and to make sure that it is being done with bi-partisan teams and security. In addition, she requested that the public have the ability to observe the canvassing. The second issue she noted was the number of web delivery ballots being requested and the security to ensure there is no voter fraud. Sen. Kagan asked what happens when a voter requests a web delivery ballot and photocopies that ballot for another voter, noting that there would be two ballots with one tracking code.

Ms. McLaughlin responded that when a web delivery ballot is requested, the voter is directed to follow instructions one of which is how to address the envelope. A tracking number is written on the envelope that is unique to the request. If an envelope is received with the same tracking number or no tracking number, the envelope is flagged and researched to track the request and presented to the Board of Canvassers as needed. Ms. Jurgensen stated that each batch of ballots to be scanned are reviewed by canvassers to match the name on the envelope with signature on the oath, any issues are brought to the Board of Canvassers for review. Senator Kagan recommended that the Board prepare a validation process in writing to prevent any potential issues, Mr. Shalleck agreed and requested that Mr. Karpinski prepare the writeup.

Election Director Status Report [22:16]

Ms. Jurgensen requested that the Board reserve October 1, 2020 for a County Council briefing the date has yet to be confirmed, once it is confirmed she will share the date with the Board.

Ms. Jurgensen stated that someone [Ms. Mische] is helping Ms. Merino write minutes and requested that the Board members identify themselves upon speaking.

Personnel

Ms. Jurgensen introduced Boris Brajkovic, newly hired Voter Services Manager who has a background in election monitoring internationally and who has participated in training some of this election's judges. She added due to the pandemic the Department of Recreation had staff on admin leave due to closure of Recreations, some of those employees are working with her to assist during the election process, in addition to staff from CUPH, and HHS.

Ms. Jurgensen requested a motion so that staff may begin Logic and Accuracy Testing. Ms. Khozeimeh moved to approve that staff begin Logic and Accuracy Testing in accordance with the State Board of Elections guidance. The motion was seconded by Ms. Phillips and passed unanimously.

Budget [26:57]

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There was no discussion.

Voter Registration [27:18]

Ms. Jurgensen stated that monthly statistics were distributed with the advance packet.

She mentioned that September 22 is National Voter Registration Day, noting that although no public activities will occur due to the pandemic, staff expects an uptick in voter registrations.

Postal issues affecting the election were discussed. BOE staff explained that ballot requests and ballots are in the mailstream through Baltimore and Capitol Heights. Though there are backlogs of requests to be processed and ballots to be sent out, these materials appear to be reaching voters timely.

State Board of Elections [28:09]

Ms. Jurgensen reported that The State Board of Elections has begun mailing the Overseas and Military ballots.

She noted that the first batch of ballots is in the process of being mailed and is expected to arrive at the Baltimore or Capitol Heights distribution centers in 10 days. She added that the State Board of Elections will "pull" and process requests daily. She added that The State Board of Election will automatically be sending applications to voter who are newly registered or who will update address' or name changes.

Board Attorney Report [31:10]

Mr. Karpinski confirmed that the Board members will be sworn virtually on October 1, 2020 at 10:00a.m. as the Board of Canvassers. The process is acceptable as the Board was sworn in face to face for the Primary Election Board of Canvassers.

He added that he and staff have been working on MOU's throughout Montgomery and expects that they will be finalized by the end of the week.

Dr. Barnes asked whether a message from Mary Anne Keeffe was received and responded to. Ms. Jurgensen acknowledged the receipt of the email and stated that the issues Ms. Keeffe brought up would be addressed in her report. Dr. Barnes asked for a copy of Ms. Jurgensen's response be sent to all Board members.

2020 Presidential General Election [34:57]

Canvass Plan [34:58]

There was a discussion by members about the location of the canvass and the offsite location of Plum Gar Rec Center in Germantown 1 ½ miles north of BOE. The Canvass will be livestreamed and attendance by public will be limited to 10 persons at a time to maintain COVID-19 safe social distances. Ms. Jurgensen indicated that the public would not be able to be present at the tabulating due to public safety and the inability to accommodate social

distancing, but 4 cameras that will be livestreaming the four scanners used in the process. The full [recommended canvass plan is found here](#).

Members raised questions about the need for and rationale for deciding to canvass at a facility off of the Board of Elections facility. Ms. Jurgensen responded that staff and space requirements competing for regular operations in the Board of Elections (BOE) building as potential hazards for security and safety.

Board members inquired on how the limit of 10 people at one time to observe canvassing was determined and asked whether members of the press would be in addition to that limit.

Ms. Jurgensen stated that the COVID Recovery Team had been consulted about proper pandemic procedures, and that in response to these standards, Staff had considered for each process and location the demands for space that was safe to use equipment, maintaining social distance; space limitations and parking access. She said that including the press as part of the ten-person limit was the expectation when the decision was made; staff is willing to take that under advisement if the Board so directs.

Mr. Naimon expressed that the limit of 10 observers would not be sufficient, considering heightened media interest. There was further discussion on media reservations, and party liaison reservations, staffing and time frames, social distancing and public safety within canvass. Ms. McLaughlin noted the diagram on the recommended plan the spacing availability to have public attend the canvass safely.

Members raised other questions about the details of canvassing procedures, location, and public viewing of the canvass.

Ms. Jurgensen and Ms. McLaughlin said all decisions were made under the necessity of contacting County COVID Recovery Group and experts of HHS about any changes to the plan. They requested approval of the existing plan so they can proceed with preparations to submit it to the State Board of Elections meeting on October 1.

Mr. Naimon urges another meeting next week to allow time for changes to the plan and asked why the entire election canvass cannot be livestreamed. Ms. Jurgensen stated that livestreaming the canvass is not feasible at this time as there is very limited IT staff to provide the needs. Ms. Jurgensen added the plan be approved as soon as possible, so that staff may begin putting arrangements in place. Ms. Jurgensen stated that she understood that the Board was not ready to approve the plan as it pertained to the number of spaces available for guests. However, she requested that the location, dates and logistics of the plan be approved so that the staff could move forward. Mr. Naimon asked staff to research the feasibility of livestreaming the election canvass by reaching out to other local boards for assistance.

Some Board members discussed their concerns with approving the full plan now, while other urged that the Board move forward with approving some parts of the plan.

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Ms. Phillips moved to approve staff's recommendation of the offsite location (Plum Gar) from October 6 to November 7, 2020 to conduct the 2020 Presidential General canvass, that will begin at 10:00a.m. and that the canvass will be open and observed by the public. The livestreaming of the ballot scanning which will occur at BOE. The Board of Canvassers meet on October 13, 20, and 27 to review any ballots that have been referred to the Board. with the exception of the detail of the number of viewers to be discussed at a later meeting. The motion was seconded by Mrs. Khozeimeh and approved unanimously.

Mr. Naimon requested to amend the motion, that the Board will make a decision at a later date about the public's ability to attend the canvass and attend the public attending the scanning and tabulation of ballots after the staff's meeting with health officials.

Ms. Jurgensen said she wants to remind the Board that staff is dealing with complicated safety issues and urged the approval of the staff's-proposed plan. She stated that moving the canvass off campus allows for safety of all personnel, volunteers, and public; in place of the traditional viewing arrangement for canvass inside BOE space, the 4 cameras, each focused on one high speed scanner provides a reasonable access for the sake of transparency, and that keeping all activity at BOE as in the past, is not safe for staff or the public under current conditions.

Mr. Naimon's amendment was seconded by Ms. Dillon. Mr. Shalleck and Mrs. Khozeimeh voted against the amendment, Mr. Naimon, Ms. Dillon and Dr. Barnes voted for the amendment. The amendment passed.

Vote on Ms. Phillips' motion: Mr. Shalleck, Mrs. Khozeimeh, Mr. Naimon, Ms. Dillon, and Dr. Barnes all voted for Ms. Phillips' motion as amended. The motion passed unanimously.

Election Plan Update [1:49]

Ms. Jurgensen reminded the Board that the Election Judge status was provided in advance. She added that staff is working to tie down the final arrangements as the election approaches and noted that due to the pandemic there has been some difficulty in recruiting judges, but that staff is working to meet the need.

Ms. Jurgensen announced that the public testing of equipment will occur on October 19, and that 2 Board members will be needed to virtually to conduct the testing.

Ms. McLaughlin emphasized the need for additional personnel due to 40 voting locations and 255 ballot styles. Print shop personnel for signage and time limit constrain delaying decisions.

Ms. Jurgensen requested that the Board adopt the verification procedures. Mrs. Khozeimeh moved that staff adopt the State Board of Elections verification plan for the 2020 Presidential General Election as presented. The motion was seconded by Ms. Dillon and passed unanimously.

Sample Ballot [1:57]

Ms. Jurgensen reported that the Official Sample ballot has been sent for printing. Ms. McLaughlin who led the project, stated that the final version (of Congressional District 8) of the Official Sample ballot was distribute to the Board. She added that voters should begin seeing their sample ballots later this week, noting that they are being sent to both voters who requested mail- in ballots, and to those who did not.

Mr. Banov inquired how will voters at Senior Living Centers know that a special drop box has been provided for them. Ms. Jurgensen stated that those facilities are closed to the public, adding that the community director will be distributing information to the residents notifying them of the availability and location of the "drop boxes."

Mr. Naimon says information on those sites should be on the BOE website with the explanation that outside voters should not access them. He said that transparency about these sites is vital. Ms. Jurgensen said this is not feasible, because it will create a problem for the facilities which will attempt to keep out voters who assume that they are allowed to enter the grounds, nevertheless - and some will unavoidably "get in," creating potential difficulties with Covid recovery.

Ms. Khozeimeh asked how far apart are drop boxes being placed, and why some voters are farther from them than others, specifically the western part of Montgomery County. Ms. Jurgensen responded that in collaboration with the Board, drop boxes were placed at all the High Schools and Recreation Centers throughout Montgomery County, she also stated that voters can mail their voted ballots in the envelope provided.

New Business [2:10]

Dr. Barnes asked if the Board members would be provided a spreadsheet of allocation of judges and equipment, etc. Ms. Jurgensen replied that detailed information is usually only made available to judges and not to the public, and that information regarding election judge assignment is what is expected to happen at the October Board meeting. She added that she will contact the State Board of Elections to see if the information can be publicized.

Mr. Naimon followed up by stating that the County Council will more than likely want the information as well. In addition, he requested clarification on the spaces used at Bethesda Chevy Chase High School. Ms. Jurgensen responded that due to space, parking and the County COVID restrictions staff was trying to accommodate the most individuals with the equipment and staff needed.

Ms. Jurgensen announced that BOE has received awards for performance and resourcefulness.

Mr. Naimon requested that Ms. Jurgensen provide the Board members the active link for voters to review the wait times at voter centers. In addition, Mr. Naimon noted the Primary election results are no longer posted on the website.

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Action Items [2:38]

1. Ms. Jurgensen to confirm with the State Board of Elections and then provide equipment and staffing allocation of all vote centers.
2. Mr. Karpinski will prepare a letter regarding Senator Kagan's suggestion for a written protocol concerning signature requirements.
3. Ms. Jurgensen to provide Ms. Keeffe's response to the Board.
4. Ms. Jurgensen to provide a list of locations where the expanded use of the facility was done.

Approval of Minutes [2:40]

Ms. Khozeimeh moved to accept the May 18, 2020 minutes as amended. The motion was seconded by Ms. Phillips. The motion passed unanimously.

Future Meetings [2:40]

Next Board meeting is scheduled for October 19, 2020. A meeting will be scheduled to discuss the public's access to the canvassing and scanning of ballots.

Adjournment [2:41]

With nothing further to discuss, Ms. Khozeimeh moved to adjourn the meeting at 5:15p.m. The motion was seconded by Ms. Phillips and passed unanimously.

Respectfully Submitted,



Lisa Merino
Administrative Specialist II

APPROVED BY THE BOARD:



Jim Shalleck
Board President