

APPROVED

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS

18753-210 North Frederick Avenue, Gaithersburg, Maryland

January 25, 2021

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
Boris Brajkovic, Voter Services Manager
Kera Bumbray, Management and Budget Specialist
Lisa Merino, Administrative Specialist
Janet Ross, Information Technology Manager

Guests:

Barbara Sanders, League of Women Voters
Cheryl Kagan, State Senator – District 17

Audio found at:

<https://www.youtube.com/watch?v=ysHTsufYbnY>

Convene the Board meeting and Declare a Quorum Present

Mr. Shalleck called the Board meeting to order and declared a quorum present at 2:40 p.m.

Remarks

Mr. Shalleck reported that certain members were having technical difficulties and requested staff to call and mitigate those issues. Mr. Shalleck announced the Chairman of the State Board of Election Mike Cogan is resigning from the State Board of Election at the end of February.

Announcements [00:10]

Ms. Jurgensen announced that staff adopted the Linkages to Learning holiday giving program and gifted 31 children. Pictures were displayed on the Board of Elections Facebook Page.

The County Council notified the Board of Elections' staff that the Council will acknowledge the outstanding work of the Board staff for the conduct of the Election at the February 23, 2021 Council Meeting. Board members are asked to notify the Director if they wish to participate, as this will be a virtual event.

The Manual Audit required by the Maryland State Election Law will be held in training room 3 at the Board office on February 2, 2021 at 10:00 a.m. and the snow date will be February 9th. The audit will be for Election day, Early Voting, Vote by Mail and Provisional ballots for hand tabulation. The media release was sent today. The public may observe in accordance with the Montgomery County COVID guidelines and will be able to sign up in two-hour intervals using the same programming that was available during the General Election Canvass. The audit will be video streamed.

Janet Ross and Jerry Quarshie are participating in the new pollbook RFP process. SBE has advised the Local Election Directors that the estimated cost is \$31 million. This meeting is occurring at the same time as the Board meeting, and the IT staff is attending the RFP for Pollbooks.

Campaign Contributions[2:26]

Mr. Shalleck asked the Board to disclose at this time any campaign contributions, and no member had made contributions.

Public Comments [2:47]

Mr. Shalleck asked if there were any public comments, and there were none.

Additions/Changes to the Agenda [3:08]

Mr. Shalleck allowed for a change to the agenda to permit the Voter Services Presentation of 2020 Election wrap up.

2020 Presidential Election**Voter Services Presentation [3:23]**

The presentation, by Boris Brajkovic, Voter Services Manager, is posted on Board of Election's webpage and can be found [here](#).

The synopsis is posted on Board of Elections' webpage and can be found [here](#).

Following the presentation, the Board had questions. Mr. Naimon asked about the timeframe for the changes in voter registration; Mr. Brajkovic responded that it was from reopening of voter registration after the Primary 2020 Election (May 27) to the close of voter registration for the General Election 2020 (October 13). Questions were asked as to the number of ballots were received by drop box and the numbers of web delivery ballots that were sent and how many returned. Questions were asked if data was available regarding mail versus web delivery returns. Mr. Brajkovic reviewed the provisional ballot process for voters who requested a vote by mail ballot and then appeared to vote in person. Some 310 ballots that were voted provisionally at the polls were rejected because the voter had already voted by mail. Mr. Naimon asked if any voter had been referred to the State Board of Elections and stated the Board Attorney could respond later. Mr. Naimon also asked for data showing the changes in party affiliations, by party, between the primary and the general. Ms. Jurgensen said the staff would provide it. Mr. Naimon also discussed the Drop Boxes and requested that further detailed data be provided to the Board as soon as possible.

Mr. Banov asked how the Board obtained voter registrations from the Social Security Administration. Mr. Brajkovic explained that this is one of many agencies that offer applications to register or update a citizen's voter registration.

Mr. Shalleck praised Mr. Brajkovic and his staff and asked about the Vote by Mail ballots curing process. Mr. Brajkovic explained that if a signature is missing from the envelopes, the staff will attempt to contact the voter to explain the error and allow the voter the opportunity to correct the error.

Ms. Jurgensen reminded the Board of the mandatory Manual Audit; no Board members are required to attend. The process will be video-streamed, and public can sign up for shifts to observe at the Board office. Ms. Jurgensen notified MC Police of the manual audit of the Presidential race at the Board Offices in Training Room 3 and Special Operations were asked for extra patrols on the designated date of February 2, 2021.

Election Director Status Report

Personnel [40:54]

Ms. Jurgensen thanked all the supporting County departments, especially the Recreation Department, for assigning their County staff to the Board of Elections during the election cycle. Ms. Jurgensen reported temporary IT staff will remain to perform the post election maintenance, manual audit and mandatory inventory of all State owned election equipment of the Maryland State Board of Elections.

Budget [42:12]

Ms. Bumbray provided a detailed spreadsheet on the fiscal year 2020 operating budget. She reported that the deficit in our budget was minimized by funds from a grant from the Center of Tech and Civic Life, as well as federal COVID funds used to offset expenses related to the pandemic. Discussion related to the grant awarded to the Board of \$800,000.00 and federal funds to date of \$370,000.00. Staff expects more federal funds to offset our expected deficit. Board members discussed if the federal funds were previously allocated funds or promised new federal funds. Mr. Banov asked if any more grant funds were available; staff was uncertain at this time. Ms. Bumbray clarified it was current federal funds only distributed to the State and Local Governments. Ms. Bumbray noted that the department continues to project a 1.6 million deficit based on historical data. Ms. Dillon requested information on the granting foundation and if any strings were attached to the grant funding. Staff advised Ms. Dillon that more information would be provided and that grant funds were needed to offset the hazard pay the Board approved for the Election Judges because the County had not provided funding for such payments. Ms. Jurgensen explained that the local boards of elections were informed of the funding source. Ms. Bumbray revealed that 21 out of 23 Counties in Maryland applied for foundation grants and were awarded monies based upon their submission to pay for overtime, Election Judge hazard payments and certain election costs not covered by other funding sources. Ms. Jurgensen emphasized there were no strings attached to the grant funds. Information regarding the Center for Tech and Civic Life would be sent to Board members in the next ten days. The Center asked the Director for her dream budget for the Board of Elections, and she provided it. Mr. Naimon asked the Director for a copy of her dream budget. She said she would provide it. Further questions were asked related to unspent line items. Ms. Bumbray explained that not all billings have been received.

Board President Jim Shalleck recognized State Senator Cheryl Kagan, Vice Chair of State Senate Education, Health & Environmental Affairs Committee of Maryland General Assembly. She requested to address the Board related to funding issues for local governments and the boards of elections.

State Senator Kagan announced her sponsorship of three elections Bills. One is in partnership with the Maryland Association of County Officials. It is intended, among many aspects, to put up guard rails on funding mandates by the State. Sen. Kagan described the funding impact for unanticipated costs and mandated expenses to local governments during the pandemic. The intent is to develop a conversation and minimize surprise expenses. There are two additional measures. One on recount committees and qualifications for public financing. The other measure is a "kitchen sink" measure that addresses 16 to 17 small election related items intended to build confidence, privacy and

accessibility. These measures have not been introduced at this time, do not have Bill numbers and are still in Bill drafter's office.

Mr. Naimon discussed the unfunded mandates from the State Board of Elections' billings and working with MACO. The other issue of was the timing of the election in the Gubernatorial Primary Election date so it is closer to the end of the school year. He identified that ten percent of voters were moved because of the conflict with school construction.

Legislation [1:14:12]

Ms. McLaughlin explained how to find the election proposals by the Maryland General Assembly, the Maryland Association of Election Officials and Maryland Association of County Officials.

Mr. Shalleck expressed the view that a number of bills are highly contentious, and it is better for the Board not to take any position on any legislation unless there is a unanimous vote.

Mr. Naimon concurred with Mr. Shalleck, and suggested appointing a legislation committee, to be aided by Ms. McLaughlin. The committee could review the limited number of bills that may have a need for the Board to take an official position. The bi-partisan committee could meet and sort through the many proposals. Discussion concluded that the Board Attorney should be consulted as part of the sub-committee and Ms. Dillon and Mr. Banov would serve as the committee members with Ms. McLaughlin assisting.

Mr. Naimon discussed the problem with school construction affecting movement of polling place locations and indicated this could be an issue of potential agreement. Mr. Naimon made a motion to send letters to the Montgomery County General Assembly members and MAEO to request the General Assembly to move the Primary Election of 2022 up by one week. The motion was seconded by Ms. Khozeimeh and carried unanimously. Mr. Karpinski will draft and circulate the letter to send to the Montgomery County General Assembly members.

State Board of Elections [1:40:20]

Ms. Jurgensen reported that the Clear Ballot audit is available to the public.

Board Attorney Report [1:41:09]

Mr. Karpinski reported that he is working with a FOIA request that was made to the State Board of Elections for video footage of drop boxes in Montgomery County.

Related to clarification of an earlier question in the meeting by Mr. Naimon, Mr. Karpinski explained when an individual voter votes a provisional and absentee ballot, both have historically been rejected. In the last election cycle,

however, the rules changed so the Board of Canvassers could count one of the ballots. Answering Mr. Naimon's earlier question if there were any referrals to the State Board of Elections, Mr. Karpinski responded there has been only one. The individual may have had real estate in two states and there is a question if voting occurred by one individual in two states.

Old Business [1:42:40]

Ms. Jurgensen said that Mr. Banov's observation overview of the Presidential Election be treated as an action item for the next meeting.

Mr. Shalleck recognized Mr. Naimon under old business. Mr. Naimon requests that Board materials be posted on Friday morning. Mr. Shalleck requested the webpage should have the Board Meeting information front and center for the public to find easily. Mr. Naimon requested to have all persons on the video when possible. Ms. Jurgensen stated she would speak to the IT Manager on the subject.

Action Items:

- Monthly Statistics for July thru October 2020 of party affiliation changes.
- List of drop box locations and collection numbers associated with them.
- Clarification of how Social Security Administration refers registrations to the Board.
- Follow up information regarding the Center for Tech and Civic Life to Board members and Ms. Jurgensen's dream budget will be provided.
- Letter to the Montgomery County General Assembly Delegation related to moving the Primary Election Date up one week earlier.
- Mr. Banov's observations during the Presidential Election and his recommendations.
- The Legislative Committee would begin meeting.

Board Meeting Minutes [1:49:10]

Ms. Khozeimeh moved to accept the minutes of the meetings of August 17, 2020, August 20, 2020, September 8, 2020, and October 21, 2020, as amended by Mr. Banov. The motion was seconded by Mr. Naimon and passed unanimously.

The Board agreed to send back minutes for October 2, September 21 and November 3, 2020, for staff review and to have the reviewed minutes to the Board members by February 2, 2021. Ms. Khozeimeh moved and Mr. Naimon seconded. Motion passed unanimously. In answer to Mr. Naimon's question, Mr.

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Karpinski clarified that, under the Board bylaws, the Board may appropriately review and approve minutes by emails before the next meeting.

The Board members requested to post the audio of the meeting of September 21 on the website. The Board also decided to lay over consideration of the minutes of the November 30 canvass meeting.

Mr. Shalleck announced the next meeting is February 22, 2021.

Adjournment [2:02:02]

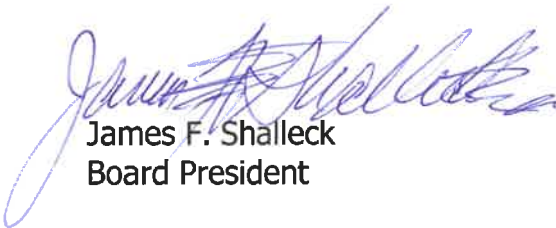
Ms. Khozeimeh moved to adjourn the meeting. The motion was seconded by Ms. Phillips and passed unanimously.

Respectfully Submitted,



Lisa Merino
Administrative Specialist II

APPROVED BY THE BOARD:



James F. Shalleck
Board President

