## Alan Banov's Observations on the 2020 Presidential Election in Montgomery County

## Overview

Our local Board staff did a terrific job in running the Presidential Election, particularly in the circumstances.  The circumstances included the largest number of mail ballots in County history, an entirely different array of polling places, and about 60 ballot drop boxes.  I saw very few errors in the process.

By contrast, the State Board of Elections and its vendors made some well-documented mistakes in the Presidential Election.  The mistakes included sending tens of thousands of voters in Prince George's County instructions with their ballots in only Spanish and sending some applications to the wrong address.  https://www.baltimoresun.com/politics/bs-md-pol-ballots-not-mailed-printing-20200819-2rnmswj7qjdffbo6ytntn46e2m-story.html.  Quite a few voters reported that they had not received their applications or ballots; sometimes this was due to voter mistake, but sometimes it was due to errors by the SBE or its vendor.  Also, Del. Marc Korman alerted us to delays in receiving requested ballots, which turned out to be because of a printer error on the ballot packet.  (According to Nikki Charlson, "There were about 50,000 packets statewide out of almost 1 million packets that needed to be reproduced.")  The State Board and/or the legislature should investigate these problems.

Also, I think it was a terrible mistake to require voters to make affirmative requests for vote-by-mail ballots, rather than sending all active voters the ballots themselves or giving voters the opportunity to opt out of an all mail-ballot system.  Although there were some serious mistakes in the primary –by the SBE or the vendor by delaying in sending 330,000 ballots to voters, https://www.baltimoresun.com/politics/elections/bs-md-pol-ballots-vendor-20200529-ybrayxk5rfcwzpoepy7pmxeocq-story.html, I think that overall sending ballots to all active voters for the primary went well.

Further, I think it is at least arguable that we did not need to staff so many in-person voting stations on Election Day during the pandemic, as the Governor had requested, since so many County voters voted by mail – 348,293 out of 673,198 registered voters according to the SBE website on January 25, 2021, and only 40,647 voted in person on election day. If the pandemic is over by the early stages of the 2022 primary preparation, this will be something to revisit.

We received complaints from voters about being confused by the BoE website, regarding such matters as how to cast their votes, the address where mail-in ballots should be sent (for voters using web-based ballots), the election results, and how the canvass process works.

It took an inordinate amount of time for the SBE website to indicate that ballots were "accepted" after they were received. In my case, although I deposited my ballot in a drop box on October 4, it was not marked as "received" for several weeks thereafter, and it was not until November 8 that the SBE informed me that my ballot had been counted. (Earlier I had frequently checked the website to see if it showed my ballot was "accepted." I don't recall that it ever did.) Other mistakes on the SBE website included having an inoperable Voter Lookup tool and not listing Rep. David Trone as a candidate for the House from Congressional District 6, as late as October 21!

At least once, regarding the printer error, we did not receive a prompt notification about SBE guidance.

However, as mentioned above, our local Board staff did an excellent job in preparing for and running the General Election.

# My Observations of Voting Centers

Here are some of my specific observations (taken from notes I made on the spot):

<u>Potomac Community Center, Oct. 26, Day 1</u>

Wait times for Potomac on website and app were way off. Huge lines there all day.
148 provisionals by 3:45; 210 by 6:00. Throughout the County voters were attempting to vote in person, even though they had requested ballots to vote by mail and in some cases had already voted those ballots or brought them to the voting center.
PCC had 6 BMDs, 1 for provisionals. 1 of those was down. I reported it to Alysoun by text. I also texted her that they needed more provisional bags. Later I was informed that staff was emptying provisional bags at the office and sending empty bags back to the EV sites.
Since they have only 1 BMD for provisionals, they have backups in provisional line.
They collect privacy sleeves from voters in a box on way out. Seems like a good idea.
The space, albeit bigger than the room formerly used before 2018, may be too small for a deluge EV in the age of covid. For example, the BMDs were not 6 ft apart. Can another room be used for provisionals, as was done in Silver Spring and Burtonsville?

<u>Wheaton, Oct. 27, Day 2</u>
About 270 provisionals were cast on Monday, Day 1.
A judge reporting early at 6 am on day 1found the garage closed. Did it later open?
Day 2, 2 scanners were out.
By the time I was there 3 dozen voters started to vote provisional, but decided not to do it and instead voted by mail-in ballots which were left at home.
According to the Chief Judge, some voters did not realize that voting by mail-in ballot was <u>in lieu of</u> live voting; they thought they could do both! The sample ballot pamphlet, etc. may need to make that clearer.

<u>Lawton, Oct. 27, Day 2</u>
Ops mgr could not get into bldg until an hour before Sunday mtg. of the Lawton EV staff.
Lots of provisionals. Running out of provisional bags, ballot materials
A poll worker at the front door, in order to measure the number of people who were inside the building, compared with the maximum allowed (104), used marbles and moved them from one basket to another as voters entered and left the building.

For same day registration, some voters don't have Md. ID or paper utility bills, which they get online. They needed to show the information on their cell phones.

EOB, Oct. 30, Day 5
Acoustics in lobby were weird; voices carried. Can it be improved with, say, a carpet runner?

Silver Spring, Oct. 30, Day 5
plenty of judges
Great to have separate room for provisionals
Putting Intake in hall is good
Intake judges raise number cards so voters know where to go.
1 intake judge, apparently hard of hearing, asked voters to write their name on a pad to make it easier to look them up.  Probably useful in encountering voters with hard-to-spell names.
5 voters from outside MoCo!
2 BMDs down. I reported this to Alysoun about 3:15 and to Margaret at 3:51.  At 4:02 Margaret responded that IT was going to Silver Spring to deal with them.
Ballot distributors fill sleeves with ballots when time permits, to save time later.


Germantown, Oct. 31, Day 6
No problems

Gaithersburg, Oct. 31, Day 6
A campaigner in the campaign area had no mask and was closely confronting voters on walkway.  Center manager had reported it to Alysoun before I arrived.

Gym is great except for voters with mobility issues; they have a great distance to cover.  On the other hand, it is difficult to change the format of the room.

About 15 voters attempted to put VACs into slots in BMD!  How about signs on BMD tables telling them not to do that?
BMDs don't have privacy shields, as I informed Margaret, Alysoun, the Board, etc.  On November 1 Margaret responded, "All location[s] have the screen dividers to use." (However, on November 2 Nahid made the same report –that Bohrer Park didn't have the security shields, and Margaret responded that they delivered an additional 20 cardboard privacy screens to Bohrer Park.)

Mid-County Center, Oct. 31, Day 6
Judges had a nice way of telling voters: "There are 2 ways to mark your ballot- by pen or by electronic device."
They have cardboard covers for BMDs.
A judge wondered if they could ever get an on-demand ballot printer at each voting center, so we would not have to print, store, and move so many ballots.  I noted that it could not print fast

enough to meet demands of voters.

Why not let intake judge highlight provisional VACs with orange highlighters?

Praisner, Nov. 1, Day 7

A judge suggested: Consider switching basketball court and social activities room. Far more voters are staying in the latter and voting on BMDs there than going downstairs to vote by paper. The counter-argument was that it was hard for voters with disabilities to go down the stairs to vote on BMDs.

One judge suggested orange paper for provisional ballots.

Election Day

8:50 a.m.      I learned that the epoll books were down at Silver Spring. I later learned that this was a state-wide problem.

One judge suggested adding a day between EV and Election Day so EV centers could transition to regular polling places.  On the other hand, workers go in after polls close on the last day of EV and are able to switch out the equipment.

Many more voters were using BMDs, at least at Lawton.

At Einstein HS the cable from the poll books to the router was not long enough to cover all poll books, so they decided not to use 3 poll books.

 A judge pointed out that it is helpful for Election Day judges, particularly chief judges, to work at EV centers first.

At Einstein they put chairs in front of the intake judges for voters to sit on while they talked with the judges.  This seemed to be not only a more civilized way for voters to interact with the judges; it also protected judges from voters who could be standing over the Plexiglas shields.

## My Recommendations for the Local Board

1. The Board staff needs to develop a better system for Board members to report exigent issues as they observe them at Early Voting Centers and on Election Day.

2. The website needs to be updated more quickly before and during elections, to provide voters with easy access to current accurate information about how and where to vote. While we understand it may take time to do this, it will have the added benefit of causing fewer voters to call the Board, lessening the workload from phone calls.  It also assists elected officials who would like to refer constituents to our official website.

3. For provisional ballots, intake judges could use an orange highlighter on the VAC to facilitate voting provisionally.

4. In the age of covid the idea of collecting privacy sleeves in one place after voters vote is worth considering.  (See above.)

5. We should continue to deploy the drop boxes for receiving mail-in ballots, assuming the SBE allows us to use them.   As of November 6, the Board had received 226,007 ballots via drop box.  (Not surprisingly, the drop boxes at the EV centers generally had the largest numbers, but the grand prize goes to the Rockville City Hall, which had 16,581 ballots. That may be partly due to the fact that the Rockville box had a spout, making it easier for voters to drive through and drop off their ballots without leaving their cars)  Having all those drop boxes, along with massive use of mail-in ballots, could possibly translate into our needing fewer election judges or fewer polling places.

6. We need to make sure, through PSA's and publicity, that voters know their options and their pros and cons (in-person or mailing in lieu of in-person, plus scannable ballot vs web-based ballot).  Sometimes our publicity told people about only one option, when voters have very different views about the different choices and should have information on all the choices to make their own decisions.

7. Consider adding signs on BMD tables telling voters not to insert VAC slips into slots.

8. As was done at some locations, greeters should ask voters if they are bringing completed mail ballots with them and, if so, advise them to drop them in the drop boxes outside. (While election judges encourage voters to vote their mail ballots through the drop boxes, greeters can thus help reduce the number of voters inside.)

9. If possible, suggest that intake judges put chairs on the other sides of the Plexiglas shields.

10. If this is not already done, consider training intake judges to inform voters, "There are 2 ways to mark your ballot -- by pen or by electronic device."

11. We need clarification on how much jurisdiction judges and we have in advising campaigners beyond the electioneering boundary that they are either violating the County mask order or being discourteous to voters.

### Some Legislative Recommendations

Some legislative and regulatory fixes are necessary; others should be considered.

1. The legislature **must** immediately move the date when the county boards may start

   processing mailed ballots from two days after the election to 30 days before the

election.  Although the governor did this before the primary, it took an act of the SBE, a bit late in the process, to mandate this before the general.

2. The General Assembly should consider whether Web-based ballots should be more limited –to voters with disabilities, military, and other overseas voters and perhaps voters who live more than 3,000 miles from the county seat of their county.  We all know how time-consuming it is to duplicate these ballots onto scannable ballots.  Alternatively, the SBE should find a way to send scannable ballots through the internet.  According to the *Washington Post*, just two states — Maryland and Alaska — allow all voters to choose Web delivery.

3. The SBE should consider allowing first-time voters to take their cell phones into the polling area, on airplane mode, for the express purpose of using it to pull up their residency info from bank and utility websites.  Voters don't always realize they should print it out before arriving at the polling place, and sometimes they have no printer. In this connection, one judge suggested having chargers for voters to charge their phones so as to show their bank statements, etc. as i.d.'s.


I would be interested in finding out if other Board members and the Election Director have "lessons learned" to share with the rest of us.

Respectfully submitted,

Alan Banov

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