

APPROVED

MEETING MINUTES

Monday, June 21, 2021

MONTGOMERY COUNTY BOARD OF ELECTIONS

18753 N. Frederick Avenue, Suite 212, Gaithersburg, MD 20879

In Attendance:

Board Members:

James Shalleck, President (on site)

Nahid Khozeimeh, Vice President

David A. Naimon, Secretary

Diane Nash Dillon

Elisse Barnes

Jacqueline L. Phillips

Alan Banov

Board Attorney:

Kevin Karpinski (on site)

Staff (all onsite):

Margaret Jurgensen, Director

Alysoun McLaughlin, Deputy Director

Kera Bumbray, Management and Budget Specialist

Boris Brajkovic, Voter Service Manager

Lisa Merino, Administrative Specialist

Janet Ross, Information Technology Manager

Christine Rzeszut, Operations Manager

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

<https://youtu.be/uTsHQhvw4g>

Convene Board Meeting

Mr. Shalleck declared a quorum present and convened the meeting.

Board President's Remarks [1:19]

Mr. Shalleck announced that COVID-19 restrictions have been lifted in Maryland and in Montgomery County, and because of that, the July 19 Board meeting will be held in person. Board members are encouraged to attend the meeting virtually if they desire.

Additions and Changes to the Agenda [1:36]

There were no additions or changes to the agenda.

Disclosure of Contributions and Donations [1:42]

There were no contributions or donations to disclose.

APPROVED

Public Comments [1:57]

There were no public comments.

Election Director Status Report [2:32]

Ms. Jurgensen updated the Board members on completed action items from the previous Board Meeting. She reported that the Board of Elections' website was updated with Vote by Mail information and the 2022 Election calendar. A draft letter to the Maryland Association of County Officials was circulated for review. The COMAR updates were sent by Mr. Karpinski. She added that the 2021 Biennial SBE meeting agenda is still pending and will be provided once updates are provided.

Ms. Jurgensen stated that the monthly statistics were posted and emailed to the Board members on June 2, 2021.

The Board of Elections' budget was approved on May 27, 2021, by the County Council.

The U.S. Postal Service has announced a proposed increase to postage that will impact the budget if adopted.

Personnel [3:50]

Ms. Jurgensen reported that temporary IT staff were released in May upon the completion of the post-election maintenance. She added that staff continues to work with Human Resources to fill vacant positions.

Budget [4:35]

The budget spreadsheet was emailed to the Board by Ms. Bumbray in advance of the meeting. There was no discussion.

Voter Registration [4:56]

There was no discussion.

State Board of Elections [5:10]

Ms Jurgensen reported that the State Board of Elections (SBE) announced that the proposed upgrades to the voting system will not occur. The following message was released by SBE *"After months of thorough testing, it appears that we will not be certifying EVS6110 for use in the State of Maryland. It was the goal and intent of SBE to upgrade the voting system and its associated software and hardware in 2021; however, inefficiencies discovered in portions of the software suite would negatively impact the election calendar, processes and workflows used in Maryland."*

In answer to a previously emailed question by Mr. Banov, Ms. Ross stated that the EVS6110 is a software system. Mr. Banov followed up by asking what was included in the upgrade. Ms. Ross stated that the upgrade would include listing all the candidates for a given office on one page on the BMD. She said that the SBE is not providing any additional information.

APPROVED

Mr. Naimon expressed concern that no upgrades will be done. He asked that Ms. Jurgensen inquire if it is SBE's final decision not to proceed with the upgrade. Ms. Jurgensen agreed to follow up.

She added that SBE has reported that it will refresh the network hardware and that testing will be conducted as part of a Mock election, to occur in the fall of 2021.

She added that Montgomery County staff served on the focus group to develop the new vote by mail applications.

ES&S and SBE will be investigating the Ballot Marking Devices for alleged flipping. Staff is working with SBE and the Geographic Information Systems (GIS) mapping in preparation for redistricting. SBE is working on redistricting issues and its impact to the election calendar. She added that the Ballot Drop Box requirements are in very early developments and that the Pollbook acquisition will be presented to the Board of Public Works at its meeting in September.

The Board then discussed the draft letter circulated regarding the proposal for the state and counties to share the cost of election equipment. After discussion by Ms. McLaughlin and the Board, the Board agreed to share the letter with the Board of Public Works, MACO, legislators (particularly those working on elections), General Assembly committees with jurisdiction over elections, the County Delegation, County Executive and the County Council.

Board Attorney [24:26]

There was nothing to report.

New Business

Early Voting [24:48]

Ms. Jurgensen provided a proposed calendar for selection and approval of Early Voting centers, as well as some polling place site changes. The calendar includes scheduled discussions. The outline can be found in her Election Director's report, [here](#).

Ms. Jurgensen reported that staff is working to gather information to present to the Board and noted that Montgomery County will need more funding for two or three additional early voting centers, in addition to the potential increase of ballot drop boxes, upgrades to pollbooks, and the changes to the network. She added that the Early Voting law has changed; however, no guidance from SBE has been provided to date. She listed the criteria that the new law requires local boards to take into account in choosing early voting sites, including accessibility of the early voting center to historically disenfranchised communities, being close to dense concentration of voters, accessibility to public transportation, equitable distribution around the county, and maximize voter participation. She solicited recommendations for sites, keeping in mind that locations must meet all legal requirements, be near transit, have lots of available parking, meet ADA requirements, have security cameras, ability to have campaign signs, be near major roads, and be able to shelter voters from severe weather.

APPROVED

Ms. Jurgensen reported that the Executive Office Building (EOB) will present challenges if used as an Early Voting Center. The space has always been small with the use of election equipment. In 2022, more space may be needed to accommodate the expected distribution of 750+ ballot styles alone. She added that staff is committed to using the EOB at the Board's request, but it will potentially cause long wait times. The sole use of ballot marking devices would be a possible solution; however, the board would need to decide whether to allow staff to seek SBE's permission for this possible solution or for "ballot on demand."

The Board staff suggests holding a public hearing on September 18 to obtain opinions on possible Early Voting center locations. The location is pending, but staff recommends not having it at the EOB due to the replacement of its air conditioning system. Staff suggests the Board office, the Council Office Building, or another site.

Ms. Jurgensen reviewed the proposed calendar for reviewing and deciding on early voting sites and polling place selection.

Mr. Naimon recalled the Board's desire to have the date of the primary election changed. Mr. Naimon inquired if the school system would consider moving back construction if legislation did change the date of the election. The Board discussed its previous discussion supporting legislation to change the date of the election so that construction could begin after the primary. Mr. Naimon asked Ms. Jurgensen to inquire if the election date were to be changed, would the School Board hold off on commencing construction.

The Board discussed the use and allocation of ballot drop boxes for the 2022 election. Mr. Naimon asked if the BOE owned any of the drop boxes used in the 2020 election. Ms. Jurgensen replied that we own only the three small drop boxes, such as the one used at Leisure World. He also asked if our Board can influence the type of drop boxes which would be used in future elections. Ms. Jurgensen replied in the negative; the state controls the large drop boxes. In answer to Mr. Naimon's question whether the Board could obtain boxes with spouts, so voters can insert ballots from cars, she responded that there would be no drive-up boxes.

Ms. Jurgensen requested that the allocation discussion be deferred. Ms. McLaughlin added that it is unclear whether the number of ballot drop boxes will be subject to negotiation, what SBE's requirements for placement of ballot drop boxes (public or private locations) will be, their accessibility requirements, and when regulation and guidance will even be issued. She added that there is a list of unknown things that make it difficult to proceed with a discussion on ballot drop boxes.

Ms. Dillon added, in agreement with Mr. Naimon, that she is categorically opposed to drop bags. Mr. Banov inquired if the BOE paid for any part of the ballot drop boxes. He stated that we don't want taxation without representation on this issue. Ms. Jurgensen replied that Ms. Bumbray would research that question. (Later in the meeting Ms. Bumbray clarified that the local BOE shared the cost of transporting the drop boxes with the SBE.) Mr. Banov also asked that staff inquire if other states are not using ballot drop boxes if they could be loaned

APPROVED

or sold to Montgomery County (MOCO) for the 2022 election. Ms. Jurgensen will check on this.

Dr. Barnes recalled previous discussion where the Board requested that staff use gymnasiums, instead of social halls, as polling places (as noted on the draft list of polling locations.) Ms. Jurgensen responded that staff has met with the Department of Recreation Director to discuss the use of the facilities, as they balance their need to hold summer camps and BOE's need to use the rec centers as a polling places. She added that the Director will attend the July Board meeting to discuss further. Mr. Naimon requested that staff provide the following information: turnout data for 2018 and 2020, whether the social hall or gymnasium was used, and the 2018 wait times. Ms. Jurgensen agreed and noted that due to the pandemic, the 2020 numbers will not be a fair reflection of facility use or turnout data. Mr. Naimon agreed to receive the 2018 Primary and General Election data.

Action Items [1:06:38]

- Staff will find out from the SBE if the decision not to do the upgrades is a final decision.
- Mr. Naimon will review a letter circulated to the Board of Public Works about the SBE's sharing the cost of election equipment and provide edits on the letter. When it is completed, Deputy Director Alysoun McLaughlin will share the letter with the Board of Public Works, MACO, legislators (those working on elections), the County Delegation, County Executive, and the County Council after review by the Board.
- Mr. Banov asked that staff identify if BOE paid SBE for ballot drop boxes. In addition, to see if other states that use them, if they can be loaned or sold to MOCO.
- Mr. Naimon requested that Director Margaret Jurgensen ascertain the School Board's position on delaying construction if 2022 Legislation to move up the Primary Election Day did not pass.
- Mr. Naimon requested data on the 2018 Primary and General Elections to include the rooms used at Early Voting centers, turnouts, and wait times.
- Ms. Dillon asked the staff to provide information on how CTCL funds were used.

Approval of Minutes [1:14:41]

Ms. Khozeimeh moved to accept the March 15, 2021 minutes as amended by Mr. Banov. The motion was seconded by Ms. Dillon and passed unanimously.

Ms. Khozeimeh moved to accept the May 17, 2021 minutes as amended by Mr. Banov and a typo corrected by Mr. Naimon. The motion was seconded by Ms. Dillon and passed unanimously.

APPROVED

Adjournment [1:19:05]

With nothing further to discuss, Mr. Khozeimeh moved to adjourn the meeting at 3:53p.m. The motion was seconded by Ms. Dillon and passed unanimously.

Respectfully Submitted,



Lisa Merino-Dean
Administrative Specialist II

APPROVED BY THE BOARD:



Jim Shalleck
Board President