

Meeting Minutes
Monday, January 24, 2022
MONTGOMERY COUNTY BOARD OF ELECTIONS
Virtual Board Meeting via Zoom

APPROVED

In Attendance Virtually:

Board Members:

Nahid Khozeimeh, President
Diane Nash Dillon, Vice President
David A. Naimon, Secretary
Amoretta Hoerber
Alexander Vincent
Alan Banov

Board Attorney:

Kevin Karpinski

Staff:

Alysoun McLaughlin, Acting Director
Janet Ross, Acting Deputy Director
Boris Brajkovic, Voter Services Manager
Lisa Merino-Dean, Administrative Specialist
Christine Rzeszut, Operations Manager
Audio video of the meeting may be found on YouTube at the link below:
<https://youtu.be/0QgdHWFvxj4>

Convene Board Meeting and Declare Quorum Present [0:12]

Mrs. Khozeimeh declared a quorum present.

Board President Remarks [0:25]

Mrs. Khozeimeh wished all a Happy New Year.

Additions/Changes to the Agenda [0:39]

Under new business, the following topic items will be added to the agenda - - candidate filing, redistricting and committees. Mr. Karpinski noted that an Executive session will be needed to discuss ballot drop box security and a personnel matter.

Disclosure of Campaign Contributions [1:034]

No contributions had been made.

Public Comments [1:44]

No one requested to address the Board.

Election Director Status Report [2:00]

The Election Director Report was distributed to the Board and posted on the website. The full report can be found [here](#).

Ms. McLaughlin summarized the report, noting that the advance packet and draft minutes were provided to Board on January 14, in advance of the meeting. A notice of action was posted to the

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website for the designation of the alternate early voting sites and the designation of the drop box locations.

Ms. McLaughlin briefly reported on the untimely ballot received in November 2021 which was discussed at the previous Board meeting. She added that the staff contacted the voter, election officials in Massachusetts and the Postal Service. The voter, a college student, had mistakenly deposited the ballot in a local third-party drop box for students. The Postal Service found there to be no systematic issue. Mr. Naimon suggested that in the future we advise voters who are out-of-state not to deposit their Montgomery County ballots in drop boxes in other states.

Ms. McLaughlin reported that the State Board of Elections (SBE) met on December 16 and approved final regulations defining the term "ballot drop box" and approved 13 of the 14 Board's requested early voting sites. SBE stated that the 14th site must be approved by the County. The County Council approved the site at its January 18th meeting, and it will be submitted to the County Executive for his approval. The County approval will be sent to SBE for final approval at its January 27, 2022 Board meeting. Mr. Vincent inquired if the resolution of the County were to be approved if that would include funding for the site. Ms. McLaughlin responded that the 14th site was added to the supplemental request. She added that the department has been working with the Office of Management and Budget on the supplemental request. She noted that OMB will not be submitting the same number the Board approved, as some of the expenditures in the supplemental were not required to be included. Those costs will be handled through a year-end transfer. Mr. Banov asked if the Budget Committee would be meeting before the supplemental is sent to the County Council; it last met on October 29, 2021. Mrs. Khozeimeh said the Budget Committee would meet again as soon as possible before the County Executive's meeting.

The County Executive's FY23 budget discussion is tentatively scheduled with the Board for January 31, 2022. A meeting invite should be sent soon. Ms. McLaughlin agreed to follow up on what the expectations are for covering the supplemental in the FY23 meeting with the County Executive.

Ms. McLaughlin introduced new employees, Angel Pineda, Office Services Coordinator, and Aishah Mills-Pherigo, Election Judge Coordinator. In addition, Information Technology Specialist Jerry Quarshie has been temporarily promoted to Information Technology Manager, as Janet Ross is serving as the Acting Deputy Director, and Lisa Merino-Dean has been temporarily promoted, as she is assuming many of the duties of the Management and Budget Specialist. Patrick Walsh is on a 6-month detail from the Department of Recreation. He was a part of the team who assisted the Board during the 2020 election.

Mr. Banov asked if the Management and Budget Specialist position had been advertised. Ms. McLaughlin replied that it had been advertised, but then the announcement was withdrawn because the County OMB wanted the Board instead to use the services of the Shared Services Unit in OMB.

Mr. Naimon asked if this change would adversely affect our ability to obtain timely purchase orders for the election. Ms. McLaughlin responded that Ms. Merino-Dean is assuming some of those responsibilities. Mr. Naimon noted that the Board's orders should receive the priority they deserve.

Ms. McLaughlin mentioned that the department now has 18 temporary employees.

She also reported that the requested modifications to the facility have been approved and that the work has begun. She said the Board is concerned about delays in obtaining shelving for new equipment. The work will not be completed by January 31, as originally hoped.

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Ms. McLaughlin reported that the SBE has made final arrangements for counties to receive new ballot sorting equipment. This is welcome because the County will now have 765 different ballot styles, not counting any changes due to redistricting. Dealing with them without automation would be most difficult.

Staff is working to update the website to inform voters about the 2022 election. On January 28, Ms. Ross will meet with the Department of Technology to modify the website layout and redesign the main page.

Dr. Zelaya is back engaging in Outreach for voter registration and empowering high school students to assist the Board in various capacities. In response to a question from Mr. Vincent, Dr. Zelaya explained the empowerment program.

Budget

The Operating Budget Spreadsheet can be found [here](#).

Board Attorney Report [40:39]

Kevin Karpinski reported that he is working on MOUs with Montgomery County, the City of Gaithersburg, and the Sandy Spring Volunteer Fire Department for right of entry agreements for Early Voting. A draft MOU is being prepared with Rockville to use the city's drop box for both the Primary and General Elections. A meeting was held with Montgomery County Public Schools to discuss ballot drop box surveillance. Several agreements are being put in place regarding the security and locations of the drop boxes.

A request for advance determination for a petition for the Reparations Task Force to determine damages for those who have been the subject to racism was sent to the Board. Under Maryland law, this is not an appropriate issue for a petition because Maryland does not recognize petition initiatives. Voters cannot force such a question to be placed on the ballot.

Mr. Vincent raised the question if the harvesting of mail-in ballots by third parties is lawful in Maryland. Mr. Karpinski responded that he does not think that it is unlawful, but a bill is being proposed on the subject.

New Business

Redistricting & Precinct [46:10]

On December 7th, the Montgomery County Council adopted a Council redistricting map. The final map includes a split of Precinct 13-40. On January 21, MC 26-22, a Montgomery County Delegation bill to amend the Board of Education district map to conform to the change in the Council map for the Ken-Gar neighborhood in Precinct 13-40, was accepted as a late-filed bill. If enacted into law, this bill would allow the Board of Elections to move the affected voters into a neighboring precinct, rather than creating a new precinct boundary. Staff will continue to provide recommendations for this change and will bring them to the Board as early as the February meeting.

Mrs. Khozeimeh expressed her concerns about the candidate filing deadline [22nd of February] and wanted to know how quickly a decision could be made so there is no impact in the filing process. The

Board also raised concerns about how many individuals live outside the redistricting boundary. At this time, it is unknown how many residents occupy the area, as Delegate Carr has not introduced his bill. Mr. Vincent asked if staff had a map of the redistricted County showing which precincts are in which councilmanic districts. Ms. Ross said she will share an internal list of precincts affected by redistricting to the Board. In answer to a question by Ms. Hoeber, Ms. Ross indicated that there were some six other precincts in play. It was agreed that a draft will be posted to the website. Delegate Carr addressed the Board and stated that the bill would conform the school board boundaries in relation to the school cluster boundaries. Ms. Dillon requested that a list of the precincts separated by district be provided to the Board.

Ms. Hoeber asked what was being done to resolve the conundrum between when we finalize the precincts and the filing deadline. Ms. Ross responded that the Board is nonetheless accepting candidacy filings, and Ms. McLaughlin added that candidates for County Council would be deemed candidates in the ultimate district in which they presently reside. Information about this will be on the website.

Legislation [1:09:45]

Ms. McLaughlin's Legislation report can be found [here](#). She highlighted **Senate Bill 163**, which, among other things, would move the date to start opening mailed-in ballots to 8 days before Early Voting. She noted that on January 25 MAEO will be testifying before the Senate Education, Health, and Environmental Affairs Committee in support of Senate Bill 163, but advocating a clarification amendment on when local boards could begin tabulating mail-in ballots.

Mr. Vincent asked Ms. McLaughlin her understanding of the terms "tabulating" and "canvassing." She responded that our high speed scanners must tabulate mail-in ballots and print results before they may be repurposed for another election and that such results are kept secret under lock and key until Election Day ends. These actions are part of the act of canvassing.

Mr. Banov noted that the only law or rule relating to tabulating that he could find was in COMAR Section 33.11.04.10, which states, "The tabulation of the ballots shall follow their removal from the return envelopes, without unreasonable delay." In his opinion, this meant scanning and counting, but not necessarily publishing. Mr. Vincent, Mr. Banov, Mr. Karpinski, and Mr. Naimon agreed that legislation should make it clear what "tabulation" means. Mr. Naimon pointed out that Early Voting counting begins on Election Day and is not released until Election Day is over. He favored scanning, but not publishing mail-in ballots, and noted that the number of mail-in ballots is likely to be large.

Mr. Banov moved that the Board support Senate Bill 163 with the amendment that we can scan ballots before Election Day as far back as 20 days before Election Day, or 8 days before Early Voting, and that no one would be able to publish the results until after the polls are closed on Election Day. Mr. Naimon seconded the motion. Ms. Dillon did not support the motion and instead proposed that ballots should be canvassed on the first day of Early Voting, 8 days later. The Board members discussed the wording of the motion.

Ms. Hoeber offered an amendment to the motion that the legislation appropriately define the terms "tabulating" and "canvass." Mr. Banov seconded her amendment. In answer to a question by Ms. Dillon, Mr. Karpinski pointed out that the current law prohibits local boards from starting their canvass of absentee ballots until two days after the election. He also elaborated on why he thought this bill was a step in the right direction to help board staff count mail-in ballots. Ms. McLaughlin, answering a

question by Mrs. Khozeimeh, said there were about 350,000 absentee ballots cast in the 2020 presidential election. She also pointed out that if we could not start the canvass until November 10, 2022, that would be only three weeks before the County's elected officials would be sworn into their offices on December 1, a very tight timetable. Mr. Vincent asked when the 2020 canvass began. Mr. Karpinski explained that the Board started it a few weeks before the election. Ms. Ross added that the Board started opening absentee ballots on October 6 and started scanning them on October 20, 2020; that only one employee had access to the results before Election Day; and the results were not disclosed until Election Day. Staff had to download the results each night onto memory sticks. Mr. Naimon added that the Board had previously lobbied the General Assembly to move back the date when it could begin canvassing absentee ballots.

The Board unanimously consented to withdraw the prior motions on **SB163**.

Mr. Vincent moved that the Board support **SB163** only on the condition that it be amended such that: (a) absentee ballots may be opened, processed, duplicated, and scanned beginning 20 days before election day; and (b) no election results shall be published or released prior to the close of the polls. The motion was seconded by Mr. Naimon. The following voted for the motion: Mrs. Khozeimeh, Ms. Hoerber, Dr. Barnes and Mr. Naimon. Ms. Dillon abstained. The motion passed.

Ms. McLaughlin inquired whether the Board would support **SB158** to specify the terms for the 50/50 ratio of cost split when the State Board of Elections mandates an expenditure on the local boards. When the state does not mandate an expenditure and the County opts into it, then it would be 100%. Mr. Naimon believed that the Board should be in support of this bill, although he expressed his concerns about the verbiage of the bill for the purpose that it emphasized the idea that the locals are required to pay the 50% without providing that the State is required to pay the other 50%. Mr. Naimon wanted that to be clarified in the bill. Mr. Banov moved that the Board support the provisions in Senate Bill 158 to amend the election law, Section 2-110, to provide that there will be a 50/50 split between the counties and states on state-mandated goods and services. The motion was seconded by Dr. Barnes and passed unanimously.

In response to Ms. McLaughlin's observation that Sen. Kagan had introduced a bill, **SB112**, to make it illegal for people to have their own drop boxes other than those designed by the State and local Election Boards, Mr. Naimon also said he thought it should be illegal. He moved that the Board support this bill. Dr. Barnes seconded the motion, and it passed unanimously.

Mr. Naimon announced that he had signed up as an individual to testify on all three of the bills which the Board supports. Mr. Banov announced that he had signed up to testify in favor **SB153** with amendments and the 50/50 split in **SB158**. They both indicated they would explain the Board's views on the bills.

Committees [2:34:30]

Dr. Barnes requested confirmation that the Board's committees will still be meeting. Mr. Banov and Mrs. Khozeimeh are the members of the budget committee. Mr. Banov and Ms. Dillon are the members of the legislation committee. Mr. Vincent and Dr. Barnes will be the members for the outreach committee.

Old Business [2:38:45]

No items were discussed.

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Action Items [2:39:00]

1. Staff will continue to keep the Board updated on the status of redistricting, as well as the precincts that are in the districts.
2. Staff will also continue to schedule committee meetings for the Board.
3. Ms. Ross and Ms. McLaughlin will work to create some kind of message for the public as it relates to redistricting.
4. Board members will be testifying Wednesday on new election bills.

Approval of Minutes [2:40:36]

Mr. Vincent moved to accept the November 15, 2021 minutes, as amended. The motion was seconded by Ms. Dillon and passed unanimously. Ms. Dillon moved that the Board accept the minutes of the December 2 special meeting, as amended. Ms. Hoeber seconded the motion, and it passed unanimously.

Adjournment of Meeting

Ms. Hoeber moved to adjourn the regular Board meeting and move into Executive session. The motion was seconded by Mr. Banov and passed unanimously.

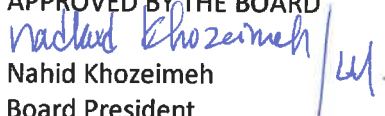
Executive Session

The Montgomery County Board of Elections convened in Executive Session pursuant to the State Government Article, Sections 10-508(a)(2)(7A) and (10), to discuss a personnel matter and ballot drop security. The following were in attendance: Nahid Khozeimeh, Diane Nash Dillon, David Naimon, Amoretta Hoeber, Alexander Vincent, Alan Banov, Board Attorney Kevin Karpinski and Lisa Merino-Dean.

Respectfully Submitted by


Lisa Merino-Dean
Administrative Specialist

APPROVED BY THE BOARD


Nahid Khozeimeh
Board President