

Montgomery County Board of Elections

Acting Election Director's Report – February 2022

Notice and Distribution of Materials

The agenda for the meeting was posted and provided to Board members, along with draft minutes and the budget spreadsheet, on February 18, 2022.

Action Items from Previous Meeting

Redistricting Information. Before and after Council redistricting maps, along with lists of the precincts in each district, were distributed to the Board on February 3, 2022, and a redistricting page was added to the website where this information was uploaded on February 6, 2022.

Committee Meetings. The outreach committee met on Friday, February 25. The recommended media budget for FY22 is attached to this Director's report.

Legislative Testimony. Board Secretary David Naimon and Substitute Member Alan Banov testified in favor of legislation to allow the continued opening of absentee ballots before Election Day at a hearing of the Maryland Senate Education, Health, and Environmental Affairs Committee on January 26, 2022, as discussed during the January Board meeting.

State Board of Elections

Early voting sites. The State Board of Elections met on January 27, 2022, and approved the remaining early voting site recommended by the Montgomery County Board of Elections at the Bauer Drive Community Recreation Center. The State Board had previously deferred consideration of the 14th site pending formal approval by the Montgomery County Council.

Regulations. At its January 27 meeting, the State Board of Elections gave final approval to regulations providing for the acceptance of a Common Access Card signature for military voters to sign the Federal Post Card Application to register to vote, update an existing registration, or request a mail-in ballot. In addition, the State Board of Elections updated a regulation to reflect current practice regarding the use of digitized signatures from the Motor Vehicle Administration.

Electronic pollbooks. At its meeting on February 16, 2022, the State Board of Public Works approved SBE's proposed contract with Demtech for the implementation of new electronic pollbooks beginning with the 2024 presidential election. Staff is proceeding with use of the legacy pollbooks for the 2022 gubernatorial election. In addition, temporary staff are currently working offsite at a state warehouse to prepare new pollbook printers received by the SBE.

Voting equipment. User acceptance testing has been completed on an additional 197 ballot marking devices and 36 digital ballot scanners received from the State Board of Elections.

Budget

Staff circulated a report to the Board on February 18, 2022, reflecting that year to date expenditures for FY22 are \$2,782,796.18. As is typical for an even-numbered fiscal year, the majority of the department's budget will be expended at the end of the year for the primary election. Staff continues working with

the Office of Management and Budget to finalize a supplemental budget request for FY22 and awaits the County Executive's decisions on the department's FY23 budget request.

Voter Registration

The Monthly Statistical Report for December was distributed to Board members on February 1, 2022. As of that date, there were 678,340 active registered voters in Montgomery County and 66,108 inactive voters, for a total voter count of 744,448.

Personnel

New hires. The Board staff welcomes a new Election Operations Specialist, Kevin Borsody, and congratulates Michelle Gonda on her promotion to Vote by Mail Specialist. A vacant supply clerk position has been advertised and closes on March 10, 2022.

Temporary positions. The department currently has 32 temporary employees on the payroll, with an increase this month in those processing absentee ballot applications and preparing for Election Judge recruiting and training. Interviews are ongoing for positions throughout the department.

Facility Enhancement

Construction work has begun on modifications to the facility to accommodate the continued volume of vote by mail ballots while simultaneously providing for the return to full-scale in-person voting on Election Day. Certain cosmetic work, such as painting, may be deferred until after the election to ensure that all work is completed and work areas are secured prior to the printing and mailing of ballots and the start of programming and testing of voting equipment for the election.

Ballot Sorting Equipment

On January 24, the county agreed to opt into a statewide procurement of ballot sorting and imaging equipment. The department has taken delivery of some parts of the system and anticipates installation in time for the 2022 gubernatorial primary election.

Vote by Mail Ballot Applications

The State Board of Elections began mailing Vote By mail applications to registered voters affiliated with the Democratic and Republican parties on February 1, 2022. Applications will be mailed to Unaffiliated voters following the close of candidate filing on March 22. As of February 22, Montgomery County had received 35,716 applications (20,195 paper applications and 15,521 online applications) and had processed 8,529 applications. Permanent Vote By Mail applications currently constitute 62% of the processed applications.

Nursing Home Program

Staff have contacted 64 nursing home facilities with 50 or more residents as required by law to offer bipartisan teams of Election Judges to assist with Voter Registration and the Vote by Mail process. Of those facilities that were contacted, 54 have chosen to participate in the program. Four facilities have not responded. Only one large facility has declined to participate in the program. Participating Nursing Homes and Assisted Living Facilities have 2,484 registered voters listed at their addresses. Currently, eight homes are open to onsite visits while arrangements with others are uncertain at this time. Information was also sent out information on upcoming elections to 185 small nursing homes and assisted living facilities that do not have 50 or more residents.

Redistricting

Attached to this report are:

- 1) a map of the boundaries of the enacted County Council, Board of Education, Legislative, and Congressional districts, as well as the Election Districts in the county charter that constrain precinct boundaries for the Board of Election.
- 2) a document entitled "Redistricting Worksheet – Master List" listing existing precincts in Montgomery County, as divided where a newly drawn Congressional, Legislative or Council line divides district boundaries. There are no splits for the Board of Education, which relied on existing precinct boundaries in its redistricting process, and the Election District lines are fixed in the charter.
- 3) a document providing information on precincts where a change in boundaries **is not** required nor recommended by staff at this time due to redistricting.
- 4) a document providing information on precincts where a change in boundaries **is** required or recommended by staff due to redistricting.

To facilitate best viewing of the maps and prioritize staff work, staff recommends multiple work sessions for Board members to review boundaries directly in GIS software. Staff proposes the following dates:

- Monday, March 7 at 2:30 p.m.
- Monday, March 14 at 2:30 p.m.

Paper has been ordered and arrangements have been finalized with the county print shop for the printing and distribution of new Voter Authority Cards to all registered voters in the county upon completion of redistricting. Voters will receive three pages of information, including their new Voter Notification Card and two pages of information on their voting options for the 2022 gubernatorial primary election.

Discussion of Contingencies Due to Redistricting Litigation

As the Board is aware, the candidate filing deadline has been postponed due to litigation. There are ongoing discussions among election officials across the state about the time necessary to complete redistricting and the challenges associated with additional changes to the election calendar. There is anxiety among election officials statewide about what the timetable for litigation may mean for meeting the March 29 deadline to change a polling place or precinct boundary, the April 25 deadline to certify the arrangement and content of the ballot, and the May 14 deadline to begin transmitting ballots to military and overseas voters.

In response to these concerns, on February 24, 2022, the President of the Maryland Association of Election Officials sent a letter to the State Administrator of Elections advocating for postponing the date of the election and the adoption of vote centers for the primary election. This position represents a majority, but not unanimous, view of local election directors and the Board of the association. At this time, the consensus view of the professional staff of the Montgomery County Board of Elections is that emergency measures such as rescheduling the election and implementing vote centers would add greater complexity to planning for the election in Montgomery County.

Legislation

A printout of the current status of election-related legislation is attached to this report. The Maryland Association of Election Officials has taken a position on the following:

- **SB 163** – Election Law – Ballots – Processing and Reporting Procedures
(support with amendments)
- **HB 327** – Elections – Election Judges – Minimum Compensation
(support)
- **HB 328/SB 907** – Elections – Polling Place Location Restrictions – Repeal
(support)
- **HB 702** – Election Judges – Training and Signs – Accommodations for Voters in Need of Assistance
(support with amendments)
- **HB 862** – Election Law – Ballot Canvassing – Multiple Ballots Cast by an Individual
(support)
- **SB 112** – Election Law – False Ballot Drop Boxes
(support)

Website

The website has been updated with information on the approval of all 14 early voting sites, including pictures and addresses for each site; links to updated information from the State Board of Elections on voter registration; updated information for Election Judges; and a new page for redistricting information. Staff is currently working with the Department of Technology and Enterprise Business Solutions on a redesign of the page for media advisories.

In addition, a new box has been created at the top of the page at 777vote.org for information and announcements.

Outreach

The outreach committee met on Friday, February 25, and a recommended paid media budget for the primary election is attached to this report.