

Meeting Minutes
Monday, February 26, 2024
MONTGOMERY COUNTY BOARD OF ELECTIONS
Virtual Board Meeting via Zoom

Virtual Attendance

Board Members:

David A. Naimon, President
Daniel A. Koroma, Vice President
Amoretta M. (Amie) Hoeber, Secretary
Keyna I. Anyiam, Board Member
Diane Nash Dillon, Board Member
Margie C. Delao, Substitute Member
Alexander C. Vincent, Substitute Member

Virtual Attendance

Board Attorney:

Kevin Karpinski

In Person Staff Attendance:

Boris Brajkovic, Director
Janet Ross, Acting Deputy Director / IT Manager
Lisa Merino-Dean, Administrative Specialist
Chris Rzeszut, Operations Manager
Thomas (Chuck) Williams, Budget Specialist
Mindy Williams, Operations Manager
Gilberto Zelaya, Outreach Coordinator and Public Information Officer (virtually)

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

[February 26, 2024, Board Meeting](#)

Convene Board Meeting (00:05)

Mr. Naimon called the meeting to order with a quorum present at 3:02 p.m.

Board President Remarks (00:36)

Mr. Naimon welcomed back Jennifer Dailey and Julia Douglas as new permanent staff members at the Board of Elections.

The April 15, 2024, the Board meeting will be in-person and the Board will be sworn in as the Board of Canvassers.

Additions/Changes to the Agenda (04:25)

Mr. Karpinski announced that a closed session will be held at the end of the regular Board Meeting to discuss the privacy and representation of an individual concerning a matter not related to public business.

Mr. Naimon stated that he would present two motions regarding legislation; one relates to Governor Moore's proposed bill to make it a crime to threaten election officials and the other relates to the legislation that would govern how recounts are conducted.

Disclosure of Campaign Contributions/Attendance (06:08)

The Board members did not report any contributions or attendance at fundraisers.

Public Comments (06:22)

Mr. Fletcher requested to address the Board in advance. His full comments can be found [here](#).

Mr. Fletcher stated that a report would be given to the Maryland State Board of Elections documenting the results of a statewide effort to verify the accuracy of the Maryland State voter registration database prepared by a team of dedicated Maryland citizens.

Mr. Naimon stated that every State should join the Electronic Registration Information Center (ERIC), as he has seen firsthand how it has been useful for keeping the voter rolls up to date as possible. For example, when he had 2 children living in 2 different jurisdictions, one lived in an ERIC State and had their voter registration updated quickly, the other was not in an ERIC State and did not have their voter registration updated quickly.

Mr. Naimon inquired how this group of citizens who participated in the project was chosen and who did the selection. Mr. Fletcher responded that participation was on a volunteer basis and Mr. Naimon asked to whom they volunteered. Mr. Fletcher stated that the people who stepped up are interested in the subject and are experienced in data analysis.

Mr. Fletcher stated he would provide further detail in writing regarding the selection process.

Election Director's Report (16:07)

Mr. Brajkovic presented his report, which can be found [here](#).

Mr. Naimon commended Mr. Brajkovic on sending emails to voters, advising them of the opportunity to change their permanent vote-by-mail status and their method of voting by mail by web-delivered print-at-home ballots or U.S.-mail delivered ballots.

Ms. Nash Dillon asked how election judges can apply. Mr. Brajkovic responded that information can be found at www.777vote.org where a banner appears as '*EJ Connection*' for returning judges and '*Getting Started*' for new election workers. Mr. Brajkovic encouraged the public to call the Board of Elections office directly if further assistance is needed.

Mr. Brajkovic added that there is no deadline to sign up to be an election judge. However, the earlier one signs up, the election judge has a better chance to be assigned to a precinct near their residence. Election workers are required to be registered voters in Maryland.

Mr. Vincent inquired if a supplemental budget request is expected since some line items exceed the budgeted amount. Mr. Brajkovic responded that the department works with the Office of Management and Budget and conducts a quarterly analysis, noting that at this time there is no need for the department to consider a supplemental.

Board Attorney Report (00:48:26)

Mr. Karpinski reported that he has been working with Mr. Brajkovic and Ms. Williams to finalize MOUs for Montgomery County Public Schools, City of Rockville and Montgomery College. He expects that the MOUs will be signed in the next couple of weeks.

Mr. Karpinski added that Mr. Brajkovic will be following up on Sandy Spring Fire and Rescue MOU.

Old Business

Presentation and Board Consideration of “No Electioneering” zones for Early Voting Centers (00:56:42)

Ms. Williams presented updates to the presentation that was shared with the Board at the last meeting to reflect discussions from the January Board Meeting. The full presentation can be found [here](#).

Ms. Williams briefly described the proposed traffic flow for the Sandy Spring Volunteer Department while it is used as an Early Voting Center. The plan aims to resolve traffic flow issues that were identified during the 2022 election cycle. The traffic flow would ensure that traffic for early voting does not impede fire and rescue operations.

Mr. Naimon added that electric signage on MD 108 has been an identified need to help voters find the Sandy Spring Early Voting Center more easily. Mr. Koroma noted that MD 108 is a State road and placing a sign would require Maryland State approval to place signage. Mr. Naimon added that he would endeavor to speak to some state delegates and senators to resolve this issue.

Ms. Hoeber moved to approve staff-recommended no-electioneering boundaries for Early Voting locations. The motion was seconded by Ms. Dillon and passed unanimously.

Presentation and Board Consideration “No Electioneering” zones for Polling Places (1:14:48)

Ms. Williams presented changes to electioneering zones for some Election Day polling places. She added that the presentation of no-electioneering zones for election day polling places had been posted to the Board of Elections’ website in January and was open for public comments. The full presentation can be found [here](#).

Mr. Brajkovic added that the public was invited to provide comments on the proposed electioneering zones and that no comments have been received to date.

Ms. Dillon moved to approve staff recommended no-electioneering boundaries for polling places. The motion was seconded by Ms. Hoeber and passed unanimously.

Mr. Naimon asked that the no-electioneering zone maps continue to be placed on the website.

Website (01:21:35)

Mr. Brajkovic presented a statistical report on Board of Elections’ website usage in January. The statistical report can be found [here](#).

Legislation Update (01:26:21)

Mr. Brajkovic presented election-related bills introduced for the 2024 Legislative session as of February 22, 2024. The bills presented and reviewed can be found [here](#).

Mr. Naimon presented motions on proposed legislation for discussion. He added that his goal was to make bipartisan proposals that affected the Board members and staff directly.

Mr. Naimon moved that the Board support Governor Moore's legislation to make it a crime to threaten election officials with an amendment. The motion was seconded by Ms. Anyiam.

Mr. Naimon reminded the Board that it voted unanimously in November to recommend that legislators pass legislation to make it a crime to threaten election officials. Mr. Naimon noted that threatening election officials is against the law in many States. The specific bills he addressed were Senate Bill 480 and House Bill 585, which create a new misdemeanor charge in the Election Law Article for threats against election officials or their families, prosecutable by either the State's Attorney's Offices or the Office of the State Prosecutor. The law includes members and employees of the State Board of Elections and local board of elections and election judges. However, the proposed legislation does not include others who should be included, such as the bipartisan teams who collect mail-in ballots at drop boxes, who help us canvass mail-in ballots, who go to nursing homes to help residents to vote and students who volunteer through the Future Vote Program or other programs in other counties to include young people.

He added that it should not say that it is criminal to physically threaten some election officials like the members and staff of this Board or the election judges, without including the people who handle other election processes, and without including the volunteers and students.

Mr. Naimon moved to add election workers to the list of election officials that would include those categories just mentioned.

Mr. Vincent inquired if ballot drop box attendants and canvassers were employees. Mr. Brajkovic responded that they are volunteer election judges/workers who receive a stipend for their service.

Mr. Vincent expressed concern and recommended that if the term election worker is used, that the Board define the word 'Election Worker'.

In addition, he raised the issue of definition of *harm* - serious injury - and is the intent to make the threat of physical harm to be the same as an assault or is it meant to encompass threats other than assault for serious injury. His concern is that the legislation broadens the definition for threats that would not qualify as an assault under the regular assault statute.

Mr. Vincent addressed another issue, stating that the definition of harm includes serious emotional distress according to the text of the statute. He expressed concern that the term is very subjective and not defined. If the intent is to import the common law tort of intentional infliction of emotional distress into the criminal code, he would oppose it. He noted that it would be unwise because it could be abused. He noted his previous experience working on such torts and it has been very difficult to prove.

Mr. Karpinski addressed Mr. Vincent's first point. He stated that the theory of physical harm would be analyzed as an assault.

Mr. Karpinski added that in terms of severe emotional distress, he is not sure if it would be akin to the tort of intentional infliction of emotional or distress. He agreed with Mr. Vincent in that the Supreme Court has referred to it as a rare tort and to be sparingly utilized and recognized in the civil context.

Mr. Vincent added that if the intent is to make it broader than the common law, then his concerns are only heightened.

Mr. Naimon added that it is not hard to imagine a physical threat that does not cause serious bodily injury but that would cause serious emotional distress.

Ms. Dillon agreed with Mr. Vincent's comments and prefaced that she is in full support of the notion to have safe and orderly election processes. Ms. Dillon is completely supportive of measures that will make them as safe as possible. She added that the bill falls short as it is vague and overbroad. She believes it is too general and cautioned restraint to changes to the Criminal Code. Ms. Dillon also expressed concern that broadening the definition could infringe on First Amendment Rights. Ms. Dillon added that, based on the broad definition proposed, she cannot support the bill.

The Board voted on the motion. Mr. Naimon, Mr. Koroma, Ms. Hoeber and Ms. Anyiam voted for the motion and Ms. Dillon voted against the motion. The motion passed 4-1.

Mr. Naimon moved that the Board support House Bill 371 and Senate Bill 115 as introduced. He added that the Bill would codify how local boards handle recounts and that the Board oppose the Senate-passed amendment. The motion was seconded by Ms. Hoeber.

Mr. Naimon reflected on the previous recounts and emphasized that the proposed legislation codifies what is already a practice in Montgomery County – keeping original and duplicated ballots together which enables the Board to review duplication and revisit voter's intent decision made by the Board.

He stated his opposition to the Senate-passed amendment, noting that the original Senate's Bill requires review of both the original and duplicated ballot and did not speak to voter intent. He does not believe it was the legislators' intent but the amendment is unnecessary and causes a problem by calling on local boards to consider voter intent in deciding whether to recount original ballots or their duplicates for an automated recount but requiring that we use only original ballots for a manual recount without any language concerning voter intent. He added that there is a rule of statutory construction stating that if the Legislature uses language in one place and doesn't use it in another, the assumption is that it was done on purpose.

Mr. Vincent inquired why is the law requiring the selection of only one of the following methods, as current law allows the option to select an automated recount or a manual recount.

Mr. Karpinski responded that the law is a little unclear as it does allow for a random recount which has not been implemented before. He added that the bill would require that the entire State follow the practice that Montgomery County has followed for recounts in 2018 and 2022. By law, the Board would be required to determine voter intent if it is not clearly apparent from either the person doing the canvass work or if the ballot would not scan properly.

The Board voted on the motion and the motion passed unanimously.

Outreach Update (02:23:25)

Dr. Zelaya reported that outreach has been going very well, with several events occurring throughout Montgomery County, including continued collaboration with Montgomery County Public Schools, public libraries and MCVotes, which is the voting arm of Montgomery College

Dr. Zelaya expressed gratitude to the Recruitment and Voter Registration teams for assisting in expediting voter registration, especially when they come from interested election judges.

Dr. Zelaya reported that this coming Saturday, the Board of Elections' Saturday Service will begin at local public libraries. Voter Outreach will have tables at 3 libraries on any given Saturday to meet the voters.

Mr. Koroma thanked Dr. Zelaya for establishing an application for voters to find election-related information specifically for Montgomery County.

New Business (2:29:49)

Precinct 07-05 (Replacing Rollingwood School Center)

Ms. Williams reported that 07-05, formerly Rolling Wood School Center, will need to be relocated and proposed the move to Meadowbrook Park due to unforeseen construction, adding that the site meets polling place requirements.

Precinct 13-67 (Replacing Don Bosco Cristo Rey High School)

Ms. Williams reported that 13-67, formerly Don Bosco Cristo Rey High School, will need to be relocated due to the inability to renew the lease. Ms. Williams proposed two locations, Takoma Park Middle School and Takoma Park Recreation Center and recommended Takoma Park Middle School, currently used by precinct 13-21. It would be a consolidated polling place.

A Presentation was made available to the Board.

Ms. Dillon moved to support the staff's recommendations for 07-05 and 13-67. The motion was seconded by Ms. Hoeber and passed unanimously.

Action Items (02:41:59)

Staff will work on possible signage on 108 for Sandy Spring Volunteer Fire Department.

Staff will place maps of the electioneering zones on the website.

Mr. Naimon asked that the 'Getting started' link be placed at the top of Election Judge webpage, if possible.

Approval of Minutes (02:43:48)

Ms. Hoeber moved to accept the January Board meeting minutes as amended. The motion was seconded by Mr. Koroma and passed unanimously.

Future Meetings (02:44:50)

Mr. Naimon reported that the April 15, 2024, meeting will be in person and virtually.

Canvassing will begin on April 22, 2024.

Mr. Naimon added that the Board is considering holding a June meeting for candidates to share important dates and information.

Mr. Naimon adjourned the regular meeting. The Board moved into a closed session to consider a request under COMAR 33.04.02.02 relating to the privacy of an individual to not be discussed in a public forum.

Approved by the Board

A handwritten signature in cursive script that reads "David A. Naimon".

David A. Naimon
Board President

