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January 28, 2019

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS  
18753-210 North Frederick Avenue, Gaithersburg, Maryland

In Attendance:

Board Members:

Jim Shalleck, President  
Nahid Khozeimeh, Vice President  
Mary Ann Keeffe, Secretary  
Alexander Vincent  
David Naimon  
Jacqueline Phillips  
Alan Banov

Staff:

Margaret Jurgensen, Election Director  
Alysoun McLaughlin, Deputy Director  
Aarti Chumble, Principal Administrative Aide  
Lisa Merino, Office Services Coordinator  
Christine Rzeszut, Operations Manager  
Janet Ross, IT Manager  
Jessica White, Voter Services Manager  
Eric Olsen, Program Specialist

Guests:

Elisse Barnes  
Karen Bury  
Jordan Cooper  
Nancy Farrar  
Mimi Hassanein  
Jeremy Hersh  
Dolly Kildee  
Michael Subin

Audio of the meetings may be found at the link below:

<https://youtu.be/O5fNkabFrg8> (Board of Canvassers and Board Meeting)

**Convene the Board meeting and Declare a Quorum Present**

Mr. Shalleck called the Board meeting to order and declared a quorum present at 2:30 p.m.

*Ms. Khozeimeh moved to adjourn the Board meeting at 2:30p.m. The motion was seconded by Mr. Banov and passed unanimously.*

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*Mr. Vincent moved to convene as the Board of Canvassers. The motion was seconded by Mr. Banov and passed unanimously.*

### **Approval of Board of Canvassers Minutes**

*Ms. Khozeimeh moved to approve the Canvass minutes from the 2018 Gubernatorial General Election Absentee I, Provisional and Absentee II minutes. The motion was seconded by Mr. Banov and passed unanimously.*

### **Untimely Ballots**

*Ms. Khozeimeh moved to reject 32 untimely ballots. Mr. Banov seconded the motion, and the motion passed unanimously.*

### **Adjournment**

*Ms. Khozeimeh moved to adjourn the Board of Canvassers meeting. The motion was seconded by Ms. Phillips and passed unanimously.*

### **Board Meeting**

*Mr. Vincent moved to reconvene the Board meeting at 2:34 p.m. The motion was seconded by Mr. Banov and passed unanimously.*

### **Approval of Minutes**

#### **November 6, 2018**

*Ms. Khozeimeh moved to accept the November 6, 2018, Board meeting minutes as distributed to the Board (including Mr. Naimon's proposed changes). The motion was seconded by Ms. Keeffe. Mr. Naimon moved to amend the motion to add Mr. Banov's suggested edits to the amended minutes, (which were submitted to the Board on Friday afternoon) and to change the time of adjournment. The motion was seconded by Ms. Khozeimeh and passed unanimously. Ms. Khozeimeh moved to accept the November 6, 2018, minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously.*

#### **November 26, 2018**

*Ms. Khozeimeh moved to accept the minutes as amended. The motion was seconded by Ms. Phillips and passed unanimously.*

#### **December 14, 2018**

*Ms. Phillips moved to accept the minutes as amended. The motion was seconded by Ms. Khozeimeh and passed unanimously.*

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**January 2, 2019**

*Ms. Khozeimeh moved to accept the minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously.*

**January 4, 2019**

*Ms. Khozeimeh moved to accept the minutes as amended. The motion was seconded by Mr. Banov and passed unanimously.*

**January 2 and January 4, 2019 Executive Session Minutes**

*Ms. Khozeimeh moved to accept both minutes as amended. The motion was seconded by Ms. Phillips and passed unanimously.*

**Additions/Changes to the Agenda**

Ms. Khozeimeh requested an Executive Session meeting to discuss a personnel matter.

**Election Director Status Report (See Attached)**

**Personnel**

Ms. Jurgensen stated that all temporary employees have been released except for Information Technology personnel, as they are working to complete the post-election maintenance. Ms. Jurgensen stated that the paperwork for the Budget Analyst position has been forwarded to the Office of Human Resources (OHR). Ms. McLaughlin stated that her goal was to have the position posted by January 30, 2019.

**Budget**

Ms. McLaughlin presented the budget spreadsheet noting that the department is nearing the six million mark of the department's eight million budget for fiscal year (FY) 2019.

**Voter Registration**

Ms. White reported that, not counting voters who died or moved, 33,369 inactive voters have been removed from the voter roles as a result of not voting in two federal elections. Mr. Naimon asked how many inactive voters have been removed in the past 4 years. Ms. White stated that she did not have the number on hand, but that she would provide the information via email. Mr. Naimon asked if Ms. White could provide information of new registrants by party on a monthly basis. Ms. White responded that she would send the monthly statistical reports that included the breakdown he is requesting to all the Board members.

**State Board of Elections**

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Ms. Jurgensen stated that the SBE is in the process of implementing enhanced security for MD Voters with a two-step authentication in the next few weeks. She added that the County is also considering a two-step authentication. Ms. Jurgensen reported Candidate filing begins on February 5, 2019. Ms. Jurgensen reported that the State Board of Elections has advised that the new pollbooks are expected to be delivered by October 2019 and that a software change is expected in March 2019, on the Ballot Marking Device (BMD). Ms. Jurgensen reported that there is a new political party by the name of Bread and Roses. Ms. Jurgensen stated that the State Board of Elections is starting a new requirement for all counties of manual tabulation and Montgomery County's manual audit will occur on February 4, 2019, at 10:00 a.m. She noted that notices have been posted to the website and notices were sent to political parties.

**Board Attorney Report**

Mr. Karpinski was not in attendance and no report was given.

**Old Business**

Ms. Jurgensen reported that the City of Takoma Park is legally allowed to hold its municipal election at the same time and location as the County in the 2020 Presidential Election on November 3, 2020. She stated the City of Takoma Park and staff are still in preliminary conversations as to how the process will work. Ms. Jurgensen noted that the municipal election will be held in a separate room from the County's polling place as well as on different ballots. She noted that Takoma Park allows non-citizens and 16- and 17-year-olds to vote, and will be conducting rank choice voting. There are five precincts and about 10,000 voters in Takoma Park. Mr. Naimon and Ms. Phillips asked that staff explore the possibility of signage or leaflets at select early voting locations, such as the Silver Spring Civic Center, to inform municipal resident voters of both elections. She added that once agreements are finalized, Mr. Karpinski will be involved in preparing a MOU with the City of Takoma Park and Montgomery County Board of Elections.

**Campaign Materials Stored at Polling Place**

Mr. Naimon had a previous inquiry regarding what candidate and campaign workers' behavior at Early Voting centers that caused Mr. Subin to indicate that campaign materials would no longer be stored overnight at early voting locations. Mr. Subin was asked to provide additional information about that decision. Mr. Subin explained that some campaign workers were demanding that County employees provide storage for them to store their materials. He also stated that some of the campaign workers became argumentative, not realizing that recreation centers are not responsible for storing their material and furniture. He stated that the County is not prepared to be liable for the storing of candidate materials or furniture for campaigns or deciding who can or cannot store items.

Ms. Keeffe and Ms. Phillips asked what had been done in the past. Ms. Jurgensen noted that in 2010, then County Executive Isaiah Leggett, directed that the five recreation centers that were then involved in early voting store one box of candidate materials during Early Voting, although this was not part of the MOU. Ms. Jurgensen indicated that afterwards

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the campaigns considered an entitlement. Mr. Subin added that the County has expressed concern with security issues with protecting campaign material and furniture left behind, as this also produces a liability of someone falling because the candidate's items are not properly stored by them, noting that in the past, chairs and tables are left outside until Early Voting ends. Ms. Jurgensen noted that the Board may want to consider reaching out to the new County Executive, Marc Elrich, to store items for future elections. Mr. Subin said he would recommend to the County Executive that he not approve overnight storage of any campaign materials. Ms. McLaughlin suggested that if there is an agreement to store materials, there should be clear directions as to who is tasked for storing them.

Mr. Naimon suggested if there is a way to store the materials with clear instructions, that it be something that the Board should support. He added that it may be dangerous for elected officials, especially those who may be on the ballot, to decide what the rules are for electioneers and suggested that it should be a decision for the Board. He expressed his opinion that the liability issues are much less risky than Mr. Subin suggested. Mr. Naimon suggested that a balance be struck and that Mr. Karpinski be a part of that discussion since the MOUs should address the issue. Ms. Keeffe agreed that this should be addressed in the MOUs. Mr. Banov said that the Board could require campaigners who want to store things overnight to sign an agreement making it clear in advance where they could store campaign materials overnight, telling them they are responsible for their own materials and should not get in anyone else's way, be sure to take it all away when the election is over and sign waivers waiving liability for any problems caused by the campaigners' materials or furniture.

Mr. Vincent stated in his opinion that the reason it is not the sole decision for the Board to decide if materials can be stored is because it is County owned property, and the County has the right to decide how the facility is governed. He added that he disagrees that preventing campaigners from storing their election materials overnight will somehow impair their right to electioneer, which is different from preventing their actions of setting up and distributing their literature.

## **2018 General Gubernatorial Election Report**

### **Information Technology Report (see attached)**

*Ms. Khozeimeh moved to go into recess at 3:27 p.m. in order for staff to do the set up for the presentations. The motion was seconded by Ms. Keeffe and passed unanimously.*

*\*\*\* The meeting reconvened at 3:32 p.m. \*\*\**

Ms. Ross' summary report was provided in advance. She gave an overview of the IT PowerPoint presentation on tasks for conducting the election and provided information on the following topics:

1. Information Technology Personnel
2. Integrity Reports
3. Equipment deployed on Election day and Early Voting
4. Scanner performance
5. Integrity reports accuracy reports

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6. Election night reporting
7. Canvass

Ms. Jurgensen noted that the PowerPoints will be posted onto the website after the meeting.

**Precinct Wait Time Analysis (see attached)**

Mr. Olsen's summary report gave an overview on Election turnout and wait times for the 2018 General Election. He pointed out that there was a significant increase in voter turnout in the General Election and in some precincts a majority of voters voted early before Election Day. He also explained that there were heavy concentrations of early voting turnouts near the early voting centers. All available equipment was deployed on Election Day; staff anticipated how much equipment was needed at each polling place. The goal to complete voting is 30 minutes. About three quarters of the polling places had no waits or short waits. In some areas with early voting sites, namely Potomac and Damascus, there were short waits on Election Day, but in some early voting areas, such as Silver Spring and Rockville, the waits were longer. There were short to no waits for most voters, but very long waits (1-2 hours) at 12 polling places, and staff will examine how to reduce those wait times. Mr. Olsen also discussed contributing factors for the wait times (such as the three pages of the ballot, which put additional pressure on voting booths, scanners, and election workers, as well as errors by voters, the number of elderly voters, and larger voter turnouts) and presented potential solutions (such as adding scanners, making sure the voting rooms produced efficient voting, and putting signs with numbers on tables to guide voters).

Mr. Naimon pointed out that some polling places had multiple factors contributing to wait time, such as the Praisner Center, which had more than 150 provisional ballots, more than 4,000 registered voters, and also is an early voting site. It also had equipment malfunctions, and only had two scanners. He indicated that it was his understanding that the chief judge requested an additional scanner on Election Day, but Ms. Jurgensen said there was no request for a third scanner. Mr. Naimon asked how many of the 12 polling places with the longest waits come up with multiple factors, and Mr. Olsen responded that almost all had at least two factors, and Praisner Center had about 4-5 factors. Mr. Naimon suggested that getting more equipment at Praisner might require moving to a larger room such as the gymnasium. Ms. Jurgensen indicated that she was told that an additional scanner was not needed at Praisner but that line management was needed. Ms. White said that the roamer made that recommendation, and Ms. Ross said she was preparing an additional scanner for Praisner Center and was told that it wasn't needed. Ms. Jurgensen said that she discussed with the State putting a third scanner at Praisner, but she decided that two scanners would be sufficient based on previous voting statistics at Praisner.

Mr. Naimon inquired if the scanner allocation formula will be provided to the Board. Ms. Jurgensen stated that that Montgomery County follows the MIT line optimization formula, presented in Mr. Olsen's power point. Mr. Naimon requested that the Board be provided a tutorial of the scanner allocation and it be posted to the website for transparency. It is his opinion that the public should see how the scanner allocation is made, so that the public sees how it is decided.

Mr. Banov asked Mr. Olsen about his comment that some precincts near early voting sites had low early voting turnouts and pointed out that some precincts along Veirs Mill Road, near St. Catherine's, had low turnouts. Mr. Olsen opined that it was because St. Catherine's was a new early voting site and because some of the low voting precincts had higher percentages of non-English speaking voters. Mr. Banov asked if there could be a survey of voters to find out why they didn't take advantage of early voting. Ms. Jurgensen said there is no money for such a survey. Mr. Banov also asked if the Board staff has talked about reducing the size of precincts. Ms. Jurgensen responded that precinct size cannot change until after the 2020 census. She added that the trend is to create voting centers for larger numbers of voters than precinct polling places have.

Mr. Naimon asked Ms. Jurgensen if long wait times in 2018 could be used as a factor for allocating resources for the 2020 election, and she said that she could. He suggested that she do so.

Mr. Shalleck agreed with Mr. Naimon, adding that there is a perception in Montgomery County that the east side of the County gets shortchanged. To better alleviate that concern and perception, when it comes to elections, he agrees that the Board should share the reasons which Mr. Olsen explained for long lines. With human behavior being difficult to predict, we can work to educate people about Election Day around Early Voting centers. Mr. Naimon suggested that if voters could understand that if there were additional voting booths and scanners, it could produce shorter lines, we may have more support for more resources. Ms. Jurgensen noted that additional scanners alone will not necessarily solve the problem, adding that it is more important to have 500 more well trained election judges to be at polling places than scanners. She reminded the Board that with a typical two-page ballot, it will not take as long to distribute, complete and scan the ballot. Ms. Phillips suggested that the judges be given more pay and recruited more strongly, such as on the Board website. Mr. Naimon suggested that the Board support legislation to move the June primary closer to the end of the school year, so as to avoid problems caused by school construction during the summer and to facilitate recruitment of judges who otherwise may be more likely to be on vacation.

Ms. Jurgensen stated that the Board's suggestions would be considered as the staff prepares for 2020. In addition, there will be automatic voter registration, probably same day registration on election day, and new pollbooks.

Mr. Naimon stated that he is aware that ES&S provided an explanation for paper jams, claiming that humidity caused the paper jams in the scanners (on Election Day). But he would like to know if we could find guidance or a solution to address and prevent humidity issues, since rain and snow are potential issues that we can't avoid. Ms. Phillips suggested the paper company address the issue. Ms. White reminded the Board and pointed out that some of the polling places that had issues with jamming did not have the stubs removed (by Montgomery County), like Praisner. Ms. Jurgensen provided a demonstration of ballots with the stubs, noting that when the ballots are separated (at the ballot distribution table) it could cause a lot of dust and debris in the machine and cause jamming.

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## **New Business**

Ms. Jurgensen took the opportunity to compliment the staff for gifting 40 children from the Linkage to Learning program for the holidays.

### **Legislation (see attached)**

Ms. McLaughlin presented and briefly reviewed Legislative House and Senate Bills regarding elections. Staff requested feedback on HB79, Election Law – Early Voting Centers-Establishment and Hours. Mr. Shalleck requested a public comment session, specifically for Legislation at the next Board Meeting.

*Mr. Banov moved that the Board support House Bill79 and provide the cost for two additional Early Voting centers. The motion was seconded by Mr. Naimon. Ms. Keeffe and Mr. Naimon voted for the motion; Mr. Shalleck and Mr. Vincent voted against the motion; Ms. Khozeimeh abstained. The motion failed.*

The Board members reviewed further Bills. The Board took no formal stance on the Bills presented.

### **Board Secretary**

Ms. Keefe addressed the Board and stated that she has decided to not seek another term as a Board member. She expressed that the Board should be more reflective of Montgomery County and its diversity, and by making the seat available would give the opportunity for it to be filled as such. She thanked the Board and expressed her enjoyment of being a part of the Board as the Board President and Secretary. The Board and staff thanked Ms. Keefe for her many years of service.

### **Posting of Board Information**

Mr. Naimon inquired why the board meeting information was not posted to the website on Friday morning, Ms. Jurgensen indicated that it was her understating that information be posted on Monday morning. Mr. Naimon said he would provide a link to the recording to confirm that the Board's decision was for the material to be posted to the website on Friday morning. Staff will review the process and post information as requested.

### **Future Meetings**

The next Board meeting is February 25, 2019.

*Ms. Khozeimeh moved to go into Executive Session at 5:25 p.m. The motion was seconded by Ms. Keeffe and passed unanimously.*

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### Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 5:25 p.m., pursuant to Section 10-508(a) (13), General Provisions Article, to discuss a personnel matter.

The Montgomery County Board of Elections met in closed session on this date. The following members, staff, and guest were in attendance: Jim Shalleck, Nahid Khozeimeh, Mary Ann Keeffe, Alexander Vincent, David Naimon, Jaqueline Phillips, Alan Banov, Margaret Jurgensen, Alysoun McLaughlin, Lisa Merino and Michael Subin.

The Board members discussed a personnel matter.

*Ms. Keeffe moved to adjourn the Executive Session at 5:55 p.m. The motion was seconded by Ms. Phillips and passed unanimously.*

### Adjournment

*With nothing further to discuss, Mr. Vincent moved to adjourn the meeting at 5:55 p.m. The motion was seconded by Mr. Banov and passed unanimously.*

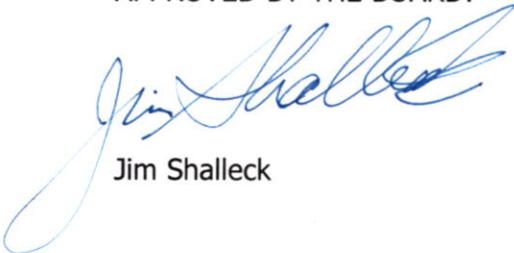
Respectfully Submitted,



Lisa Merino

Office Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck

## Election Director Report

January 24, 2019

Agenda Posted January 18, 2019

Public Notice of Manual Tabulation Posted January 18, 2019.

- I. Convene Board of Canvassers and declare Quorum Present
  - A. Approve 2018 Minutes of Gubernatorial Canvass  
Absentee 1, Absentee 2 and Provisional Minutes
  - B. Adjourn
- II. Convene Board meeting Quorum Present
- III. Approval of Minutes
  - A. November 6, 2018, Board Meeting
  - B. November 26, 2018 Board Meeting
  - C. December 14, 2018, Emergency Teleconference Meeting
  - D. January 2, 2018, Emergency Teleconference Meeting
  - E. January 4, 2018, Emergency Teleconference Meeting
  - F. January 2, 2019, Executive Session meeting
  - G. January 4, Executive Session Meeting
- IV. Additions/Changes to the Agenda
- V. Election Director - Status Report
  - A. Personnel
    - i) Budget Analyst position at HR prepare for posting –  
Alysoun McLaughlin
    - ii) IT - staff is completing Post election maintenance
  - B. Budget – Alysoun McLaughlin
  - C. Voter Registration – Jessica White
  - D. State Board of Elections
    - i) Security Enhancements

1. SBE implementation of enhanced security for MD Voters with a two-step authentication.
  2. SBE and Montgomery County combined efforts enhanced and added another firewall for the Department.
- i) Candidate Filing for 2020 begins February 5, 2019.
  - ii) Advised the new Pollbooks will be available in October 2019
  - iii) Advised that the Ballot Marking Device software change should be certified by October 2019.
  - iv) New Political Party – Bread and Roses has been approved.
  - v) Manual Tabulation will occur on February 4<sup>th</sup> at 10:00a.m. (see attached notice)  
Notice mailed to Republican and Democratic Chairs on January 22, 2019.

VI. Board Attorney Report

VII. Old Business

- A. Meeting with Takoma Park regarding the November 3, 2020.

VIII. 2018 Gubernatorial General Election

- A. Information Technology Report – Janet Ross (see Attachment) PowerPoint Presentation
- B. Precinct Wait Times Analysis – Eric Olson and Margaret Jurgensen (see Attachment) PowerPoint Presentation

IX. New Business

- A. Legislation – Alysoun McLaughlin

X. Future Meetings