

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

March 18, 2019

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**In Attendance:**

Board Members:

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

Board Attorney:

Kevin Karpinski

Via Phone

Margaret Jurgensen, Director

Staff:

Alysoun McLaughlin, Deputy Director  
Lisa Merino, Office Services Coordinator  
Jessica Newby, Voter Services Manager  
Christine Rzeszut, Operations Manager  
Janet Ross, IT Manager  
Leslie Woods, Election Judge Coordinator  
Gilberto Zelaya, Outreach Coordinator

Guests:

Elisse Barnes  
Karen Bury  
Diane Nash Dillon  
Lynn Garland  
Jeremey Hersh  
Dolly Kildee  
Barbara Sanders

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

<https://youtu.be/Mx96X9Km0n8>

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

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Mr. Shalleck called the Board meeting to order and declared a quorum present at 2:30 p.m. and noted that Ms. Jurgensen is attending the meeting via phone.

## **Approval of Minutes**

### **January 28, 2019, Board Meeting Minutes**

*Mr. Banov moved to accept the January 28, 2019, Board meeting minutes as amended. The motion was seconded by Ms. Phillips and passed unanimously.*

Ms. Khozeimeh noted that the minutes are too long and that a summary report should suffice. Ms. Keeffe mentioned that she and Ms. Phillips have a proposal to present on how the minutes should be presented and it will be discussed further under New Business.

### **January 28, 2019, Executive Session Minutes**

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

## **Additions/Changes to the Agenda**

Mr. Shalleck stated that an Executive Session meeting would be held immediately after the meeting to discuss a confidential voter request and obtain legal advice.

## **Public Comments**

Ms. Lynn Garland addressed the Board regarding her concern with the security of online absentee ballot requests and that Maryland's current practice is out of step with most states. She noted that the General Assembly is considering proposed legislation to limit online ballot delivery. Ms. Garland asked the Board to submit a letter indicating how under the current procedure for obtaining an online absentee ballot, Montgomery County is burdened by having to copy over many ballots that were submitted by web delivery onto ballots that can be scanned. . The Board members discussed the issue at length. Ms. Phillips stated that, for the record, she agrees with Ms. Garland's concerns. Ms. Khozeimeh asked if the Board would like for her to invite the Professor from George Washington University who is an expert in computer security.

## **Election Director Status Report [22:18]**

Ms. McLaughlin presented the Executive Director's Report and noted that the last Board meeting in February was cancelled due to a power outage at the Board of Elections. Ms. McLaughlin noted financial disclosure forms for Board members are due at the end of April. Dr. Zelaya was recognized for winning an award from the Election Assistance Commission for the

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Future Vote program. In addition, he and Ms. Jurgensen spoke with the East County Citizens Advisory Board about the lines at the Praisner Center precinct.

**Personnel [25:13]**

Filling the Budget position is proceeding and interviews will start shortly.

**Budget [25:50]**

The County budget was recently unveiled by the County Executive, and Ms. McLaughlin noted that cuts would be necessary in the coming fiscal year and that new pollbooks will not be implemented for the 2020 elections. Mr. Naimon suggested that the Board, in response to the interesting presentation at the January meeting that listed 12 precincts that had one hour wait times, and Ms. Jurgensen's eloquent comments about the need for both personnel and equipment to address the wait times at those 12 precincts, make suggestions to the County Council regarding budget needs to reduce lines, especially in the East County, by having additional equipment, election workers, staffing, etc. and that he guessed that the Council would be amenable to such a request. Mr. Karpinski recommended that the Board write the County Executive and County Council about new things that need to be implemented in the 2020 elections, such as same-day voter registration, which will increase the Board's expenses for personnel and training. Mr. Naimon observed that keeping the old pollbooks will make same-day registration even more difficult. Mr. Vincent noted that legislative changes, including same-day registration, would also be an additional budgetary burden that would require resources. Mr. Karpinski pointed out that the need to have pollbooks at each precinct on Election Day with connectivity with the SBE through phones with antennas will be very expensive to implement. The Board discussed the impacts of same-day registration, pollbook networking in 2020, and when new pollbooks would be implemented. Ms. Jurgensen noted that some of these concerns about same-day registration and automatic registration have been raised with the County Administration, but that the Primary and General Election needs are very different, and that she already had notified the state that we expect to make a request for additional equipment to accommodate the interest in the primary election, but for FY 2020 we will have enough voting equipment to accommodate outstanding turnout in the primary election. Mr. Shalleck asked staff to draft a letter and get it to the Board, and Ms. McLaughlin agreed. The budget will go before the County Council's Government Operations Committee on April 11 at 2:00 pm.

**Voter Registration [41:48]**

Ms. Newby reported that the Board was provided the February voter registration report via email. In February there were 716,636 voters on the rolls, including 666,619 active voters. This month there are 717,322 voters, including 664,601 active voters. Ms. Newby stated that staff is currently processing the ERIC (Electronic Registration Information Center), and she explained the process.

**State Board of Elections [46:20]**

Ms. McLaughlin reported that a new two-factor security system to protect the voter registration database has been implemented by the State. The Board was reminded they need to complete

their County computer security course. Additionally, the State will likely not pursue the procurement of new pollbooks for the 2020 election cycle, partly due to the concerns from the county election directors that the State's timeline would not allow the implementation of new equipment in a timely manner. Ms. Phillips raised concerns that the State's plans are not clear.

*Ms. Phillips moved to request the State to provide more information on the plans regarding new pollbook procurement. Ms. Keeffe seconded. The motion passed unanimously.*

Mr. Karpinski will be drafting such a letter to the SBE, to be circulated to the Board.

Mr. Banov asked if there were attempts to obtain more pollbooks. Mr. Karpinski responded that efforts were being made to explore whether other jurisdictions would be retiring their pollbooks and offering the old ones for purchase.

Ms. McLaughlin stated that the audit of the 2018 General Election had been completed and the results of the audit found the tabulation matched exactly.

Ms. Jurgensen reported she will be going before the State Board of Elections on March 28 to discuss how she handled the State's voter data mishap. She instructed election workers to enter names into the pollbooks in advance of the election so that election workers did not have to flag the missing data from the State each time a voter appeared.

*Mr. Naimon moved that the Board go on record in support of the way Ms. Jurgensen handled the situation. Ms. Phillips seconded. The motion passed unanimously.*

#### **Legislation [1:04:19]**

Ms. McLaughlin presented a handout summarizing current legislation affecting elections. She stated that the Carroll County Board was promoting a bill to allow non-Maryland residents to work for local board of elections. The Board discussed the bill and decided not to take any action on the issue. The Board also discussed the proposed legislation that would limit online ballot delivery (an issue raised by Ms. Garland during Public Comments) and decided not to take any action on it. Mr. Naimon pointed out that tens of thousands of Montgomery County voters take advantage of online requests for absentee ballots, and every voting method is a balance of security and convenience. Mr. Shalleck said that he hated to pull back on ways people can vote.

#### **Board Attorney Report [1:18:04]**

Mr. Karpinski noted that he had sent the Board members the State's cross motion for summary judgment in the *Judicial Watch* case and a summary of the State's cross motion. He reported that the state's position is that Judicial Watch's request is not for material covered by the National Voter Registration Act. Judicial Watch has requested another extension to respond to the cross motion, and a decision is likely six months away.

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## **Old Business [1:20:40]**

Ms. Keeffe and Ms. Phillips, suggesting that the minutes could be shortened overall, presented a proposal that time stamps from the recorded audio (posted online) be added to the meeting agenda after the meeting and then posted online. The Board discussed the length of the minutes, time stamping, and delaying the discussion until a future meeting to have more time to review similar practices of other jurisdictions and boards.

*Mr. Naimon made a motion that the Board postpone this discussion until the next Board meeting. Mr. Banov seconded. Mr. Shalleck, Ms. Keeffe, Mr. Vincent and Mr. Naimon voted for the motion; Mrs. Khozeimeh abstained. The motion passed.*

## **2018 General Gubernatorial Election Report [1:37:25]**

Ms. McLaughlin introduced the staff reports and asked that questions be held until each report is completed.

### **Election Judge and Recruitment [1:39:55]**

Ms. Woods presented the report on election judges and recruitment during the 2018 General Election. Overall, the Board trained more than 3,500 workers for Election Day. Feedback on comment cards from voters indicated that 96% of voters felt election workers were helpful and knowledgeable. A summary of the report and her PowerPoint presentation can be found on the website. A new survey asked voters how they arrived at the polling places.

The Board asked questions about how the half-day worker program works. The Board asked some questions about how to train and recruit Republican workers and workers at polling places in outer parts of the county, which are often in shorter supply. Ms. Woods reported off site training has been done in some remote locations, but has not been as successful as headquarters training.

### **Outreach, Future Vote Program and Media [2:04:50]**

Mr. Zelaya presented the report on outreach and the Future Vote program. In 2018, the Board participated in more than 650 outreach events and more than 2,200 students worked as ambassadors in the Future Vote program. The program won a 2018 Clearie Award for recruitment, training, and retaining election workers from the Election Assistance Commission. A summary of the report and PowerPoint presentation can be found on the website.

Mr. Banov asked how many student ambassadors become election judges. Mr. Zelaya responded that the information is currently not trackable, but that staff is working on implementing a tracking system. Mr. Naimon asked for the comparison of bilingual students to the bilingual election judges who served. Mr. Zelaya stated that he would pull a report and share it with the Board.

## **Operations [2:16:40]**

Ms. Rzeszut presented the report on election operations. In 2018, the Board had a record number of 190 candidates on Montgomery County ballots, and public funding for candidates was available for the first time (25 candidates qualified). Operations managed 236 Election Day polling places and 11 Early Voting centers, worked with the League of Women Voters for the polling place support program, and managed the Help Desk to assist election workers. A summary of the report and her PowerPoint presentation can be found on the website.

## **Voter Registration and Absentee [2:33]**

Ms. Newby presented the report on voter registration and absentee voting in 2018. Over 100,000 voters were assisted with new registrations and address/name changes, while registrations for more than 30,000 inactive voters were cancelled. During 2018, more than 48,000 ballots were sent to voters by mail (or online), with more than 37,000 returned. A summary of the report and her PowerPoint presentation can be found on the website.

Mr. Naimon asked for statistics on what portion of mail application and online delivery of absentee ballots are returned. Ms. Newby said she would find out the information and provide it to the Board. Ms. Newby discussed some of the issues with mailing ballots and the Board's procedures for handling returned ballots.

## **New Business [2:46:50]**

Ms. McLaughlin discussed the potential jurisdictional changes and that the maps provided at the Board meeting are only drafts of possible realignment depending on court decisions and state-level decisions.

Mr. Naimon raised the issue again of FY 2020 resources for those 12 locations that need additional staff and equipment to shorten lines for future elections. Mr. Shalleck asked Ms. Jurgensen and Ms. McLaughlin to work out numbers for the letter previously discussed. Ms. Keeffe suggested that line items of expenditures be proposed, and Mr. Shalleck agreed with Mr. Naimon that the Board would have the opportunity to approve the letter.

Mr. Naimon asked about the meeting materials from the January Board meeting as the materials are no longer on the website. Ms. McLaughlin stated that the Board will work to keep the materials on the website.

Mr. Naimon commented that this may be the last Board meeting where all of the current Board members would be in attendance, and suggested that the Board members have an event before the end of the term to thank Ms. Keeffe and Mr. Vincent for their service.

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## Future Meetings [2:53]

Mr. Shalleck noted that the swearing in will tentatively occur on June 3 and raised the issue whether the Board should meet on June 3, instead of the regular date of May 20. Mr. Karpinski pointed out that MAEO's meeting will be later during the week of May 20.

*Mrs. Khozeimeh moved to close the public meeting go into recess and then move into executive session. The motion was seconded by Ms. Keeffe and passed unanimously.*

## Report on Executive Session [2:56]

The Montgomery County Board of Elections convened in Executive Session at 5:39 p.m., pursuant to Section 10-508(a) (13), General Provisions Article, to discuss a confidential voter and to seek legal advice.

The Montgomery County Board of Elections met in closed session on this date. The following members and staff were in attendance: Jim Shalleck, Nahid Khozeimeh, Mary Ann Keeffe, Alexander Vincent, David Naimon, Jacqueline Phillips, Alan Banov, Margaret Jurgensen (via phone), Alysoun McLaughlin, Lisa Merino and Kevin Karpinski.

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

Respectfully Submitted,



Eric Olsen  
Program Specialist

APPROVED BY THE BOARD:



Jim Shalleck  
Board President