

APPROVED

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

April 15, 2019

In Attendance:

Board Members:

Jim Shalleck, President

Mary Ann Keeffe, Secretary

Alan Banov

David Naimon

Jacqueline Phillips

Alexander Vincent

Board Attorney:

Kevin Karpinski

Staff:

Margaret Jurgensen, Director

Alysoun McLaughlin, Deputy Director

Lisa Merino, Office Services Coordinator

Jessica Newby, Voter Services Manager

Christine Rzeszut, Operations Manager

Janet Ross, Information Technology Manager

Leslie Woods, Election Judge Coordinator

Gilberto Zelaya, Outreach Coordinator

Guests:

Karen Bury

Nancy Farrar

Dolly Kildee

Barbara Sanders

Michael Subin

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

<https://youtu.be/T-EO6uhLTtY>

Convene the Board meeting and Declare a Quorum Present

[0:00:00]

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

Approval of Minutes [0:00:17]

March 18, 2019, Board Meeting Minutes [0:00:37]

Mr. Banov moved to accept the March 18, 2019, Board meeting minutes as amended. The motion was seconded by Ms. Keffe and passed unanimously.

March 18, 2019, Executive Session Minutes [0:00:51]

Ms. Keffe moved to accept the March 18, 2019, Board meeting minutes. The motion was seconded by Mr. Vincent and passed unanimously.

Additions/Changes to the Agenda [0:01:07]

Mr. Shalleck stated that an executive session will be held at the end of the meeting regarding personnel.

Mr. Karpinski requested that the Board act in its capacity as the Board of Canvassers to consider eight untimely absentee ballots at the end of the meeting.

Public Comments [0:01:44]

Barbara Sanders from the League of Women Voters of Montgomery County spoke in favor of a proposal for the preparing and handling of the Board minutes, to promote transparency of the Board minutes and public access to the minutes. She also thanked the Board for its engagement in League of Women Voters' activities.

Election Director Status Report [0:05:20]

Ms. Jurgensen reminded the Board members that their financial disclosure statements are due April 30, 2019. Additionally, Ms. Jurgensen noted that she participated in a presentation of the Disaster Preparedness and Recovery work group formed by the Election Assistance Commission and that high school outreach efforts are underway to recruit for the 2020 election cycle.

Personnel [0:06:21]

Ms. McLaughlin mentioned that, after the County received many applicants, the interview process for the Budget Analyst position will start next week. Ms. Jurgensen reported on current and ongoing projects at the Board. She also reported on progress related to the

testing of the batteries on state pollbooks. Batteries initially held charges for about three hours after loss of power, and have been holding at that rate in smaller counties, but Montgomery has much more use. The Board also discussed the batteries; they are unusual and must be specially ordered.

Budget [0:10:55]

Ms. Jurgensen noted that the Government Operations (GO) Committee of the County Council would be holding an additional work session on the Board of Elections' outreach budget for FY 2020 on May 2, 2019.

Ms. McLaughlin provided detail on the Fiscal Year 2019 budget, noting that the Board is still in the black, but will eventually run into the red. Mr. Naimon observed that amounts spent on the computer maintenance budget and computer equipment were lower than approved and asked the reason for that difference. Ms. Jurgensen answered this was related to a journal transfer from the Board to the Department of Technology Services and said she would follow up with providing a further answer on that subject. Ms. McLaughlin noted that some new purchases of equipment, such as laptops, were cut to pay for line items that were over budget.

The Board discussed a recent work session of the County Council's Government Operations Committee on the Board of Elections' budget for FY 2020 and a scheduled work session on the Board's budget for outreach. Ms. Jurgensen requested the Board members provide any recommendations related to the request for additional outreach funds by April 22, 2019.

Ms. Phillips stated that she felt there should be defined line items within the operating budget for outreach. Ms. Jurgensen said there was one for outreach personnel.

Mr. Naimon stated that he heard the GO Committee ask for two different forms of outreach: (1) the outreach necessary to educate voters about the difference between early voting and regular voting sites and (2) to do more of what we already do to educate the immigrant communities. He also felt the staff should propose how additional funding would be spent were it to become available. Mr. Banov asked that staff include a breakdown of how existing funds are spent on advertising. Ms. Jurgensen agreed to do so. Ms. Phillips asked that an outreach budget for the department be outlined and that it be kept fairly broad to give leeway to the staff for how funds are spent. Ms. McLaughlin stated that she and Mr. Zelaya would circulate a proposal to Board members by Friday, April 19, and acknowledged that Board members would require additional time beyond Monday, April 22, to provide that feedback.

Mr. Banov stated that he felt the previous Council's GO work session went well. He also said he was pleased that Councilman Hucker wanted the Council to give us \$125,000 more for equipment and staff to address wait times. He said that during the GO Committee work session Ms. Jurgensen seemed to reject Councilman Hucker's proposal for \$125,000 in additional funds and asked her why she did so. Ms. Jurgensen stated that she felt the additional equipment which has been ordered will be sufficient for the presidential primary election in FY 20 based on current turnout projections. She stated that she is not opposed to additional funds for equipment, but is trying to stay within the budget parameters the County Executive has set related to the county's budget deficit. Ms. Jurgensen emphasized that she must follow directives from "three masters" --the Board, the County Executive, and the State Election Administrator,

whose objectives do not always align. She also stated that she has explained to the Office of Management and Budget that Board members at times go directly to the County Council to seek funding in addition to what is included in the County Executive's budget.

Voter Registration [0:34:54]

Ms. Newby reported there are presently 717,322 voters registered in Montgomery County. Several cleanup projects of voter data at the direction of the State Board of Elections are currently underway. Ms. Jurgensen reported Ms. Newby will be working with the State Board to recommend improvements to the MDVOTERS statewide voter registration database.

State Board of Elections [0:36:15]

Ms. Jurgensen reported that candidate filing began on February 5 and is currently open. The State Board requested her appearance on April 24th regarding her decision not to have the election judges verify every voter name because of the SBE update. Ms. Jurgensen noted the State Board is examining the options for implementing same-day registration.

Legislation [0:38:46]

Ms. McLaughlin presented a handout describing election legislation approved during the 2019 session of the General Assembly. SB449 and HB266, providing for same-day registration on Election Day, passed. She likes to use the term "Election Day Registration" to distinguish registration on Election Day from registration during Early Voting. If voters are "pre-qualified, they will find it easy to register and vote on Election Day. In other legislation, HB237 gives local election boards the option to add an additional EV site. SB1004 provides for 9 more days after ballots are finalized to get everything ready for the election. Under HB172, the deadline to receive in-person voter registrations at the Board office on the deadline day will be 5 p.m., not 9 p.m., but registration may be online until midnight. The General Assembly also passed legislation which requires video streaming of SBE meetings.

The Board discussed pollbook connectivity and the prevention of multiple votes with the adoption of the same-day registration process.

Board Attorney Report [0:51:07]

Mr. Karpinski provided an update on the *Judicial Watch* case; the motion for summary judgment is still being briefed. The gerrymandering case (*Benisek v. Lamone*) was recently argued before the Supreme Court and a decision is expected between now and June. Mr. Karpinski indicated that he had circulated a requested letter to the members of the Board regarding the upgrade and replacement of equipment and that, without objection, he would be providing it to Ms. Merino to present to Mr. Shalleck for signature. Ms. Keeffe suggested the letter drafted by Mr. Karpinski should be sent to the State Board by April 24th.

Old Business [0:53:40]

Highlight and Review of the 2018 Election Cycle [0:53:44]

Ms. Jurgensen reported on the achievements of the Board of Elections during the 2018 election cycle. Highlights include:

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- **Election Worker** – Achieved a 95% satisfaction rating from election workers on their training with a “no show” rate of only 2%, far below the national average. All polling places were fully staffed, young election workers are up, and language access has expanded.
- **Future Vote** – Over 1,500 high school students worked the election with more than 2,200 students serving as ambassadors, totaling 11,000 community service hours.
- **Operations** – Early Voting Centers were found to be very convenient by voters and the League of Women Voters gave good reviews of the efficiency of polling place operations.
- **Candidate Filings** – Candidate interest was high with more than 190 individuals, and the public funding program was implemented for the first time.
- **Ballots** – A three-page ballot equated to more than 2.7 million pieces of paper being handled and a printing error with the ballot perforation was remedied. The Board proved that it does not need ballot stubs and that voting is faster when the ballots are removed from stubs before and during the election.
- **Supplies** – Verification of polling place supplies was completed by staff and remote sites provided additional supplies as needed.
- **Phone Responses** – Thousands of voter assistance and worker calls were handled by staff.
- **Facilities** – Construction caused an unprecedented number of moves in many sites, and the Board used multiple mailings and notifications to make sure voters knew how to get to their polling place.
- **Accessibility** – Changes were made to improve accessibility at many Election Day polling places, such as with rest stops in the lines.
- **Absentee Voting** – The Board remains the only county board which is open 21 days prior to the election, for absentee drop off with extended hours and is the only board in the state with a 24-hour drop box.
- **Wait Times** – 76% of polling places had a maximum wait time of 30 minutes or less. Issues have been identified for some locations where the wait exceeded one hour (12 locations of 236). Staffing and equipment adjustments will be made to answer these issues in future elections.
- **Communication** – Future messaging improvements will be made to help voters be ready with the information they need.
- **Equipment Deployment** – Ballot marking devices (BMDs) were under-utilized on Election Day, but were deployed beyond state directives to provide additional services to voters, especially at early voting. The language used by intake judges to explain the BMDs to voters must be shortened and clarified. Mr. Banov noted that the current language is off-putting to voters. Equipment will be expanded in future elections, and storage of this additional equipment will be a challenge. For example, to make room for more equipment, old marked ballots might need to be stored off premises. The Board will make improvements in the process to fix and replace election equipment for future elections and improve training on using the bypass bin on the ballot scanner.

Ms. Jurgensen gave praise to the entire staff for their hard work during the 2018 election cycle. She additionally pointed to the professional qualifications and achievements of several staff members, including Ms. McLaughlin, Ms. Ross, Ms. Woods, Ms. Newby, Ms. Rzeszut, Mr. Olsen and Mr. Zelaya.

Mr. Shalleck excused himself to attend to a court matter and appointed Mr. Vincent as Acting President.

Takoma Park MOU Update [1:16:00]

Ms. Jurgensen noted the municipal election in Takoma Park will happen on the same date as the General Election for county, state and federal offices in 2020. Takoma Park will have to use its own pollbooks because the Board's pollbooks will be in use and because the city allows non-citizens and individuals who are over 16 to vote. Mr. Karpinski noted the MOU will move forward after some initial planning stages that will take place. The Board asked several questions of how these two elections will dovetail and what problems may arise. Takoma Park will share space in the same building for voting, but the processes will not overlap. The city will pay the additional cost for the polling places. A total of five polling places are impacted in this process. Fewer than 100 individuals are eligible to vote in the Takoma Park election and are not eligible for the county election.

Mr. Naimon moved to authorize the Board Counsel to initiate discussions with the city attorney of Takoma Park to draft a Memorandum of Understanding. The motion was seconded by Mr. Banov and passed unanimously.

Presentation of Minutes Process [1:26:09]

Ms. Ross provided a presentation of the minutes process under the new proposal and demonstrated how shortcuts for the audio recordings of the Board meetings would work. A revised agenda with timing marks and hyperlinks to the topics discussed in the recording will be up by Thursday after each Board meeting.

Ms. Phillips praised the League of Women Voters for bringing this issue to the Board's attention.

Proposal of Minutes [1:32:00]

Ms. Keeffe moved that the Board direct the staff to modify the process of preparing Minutes as follows, as facilitated by the technical means presented by Ms. Ross for members of the public to go directly from the timing marks on the agenda to the audio for each part of the meeting:

"Automating Board of Election Minutes

1. As soon as the audio tape is ready to be posted on the website – 1-3 days following Board meeting:

A. Repost the Meeting Agenda annotated with the time on the audio tape where each agenda item can be found and hyperlinks in the time marks.

B. At the same time and in the same area post the audio tape.

This will allow all interested parties to easily access and listen to any part of the Board meeting they wish in an easier way than searching the entire tape and it provides the

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information at an earlier time than waiting a month for the Board to formally approve Minutes.

2. After the Minutes have been approved, they can be added to the website with the annotation showing the number on the audio tape where each item was discussed. This will then provide the most complete information as to what was discussed, what was voted upon, who provided discussion, etc.

3. The tape will not change between these two (2) processes but the completed Minutes could contain some additional areas of discussion which can be annotated, which the Agenda might not have shown.

4. It is understood that going through the tape and adding the "time" numbers to the Agenda and the formal Minutes will take very little staff time.

5. With this type of annotation to the Agenda being provided quickly following a meeting and then the finalized Minutes also being annotated to provide easy access to the audio tape, the written Minutes can and should be shortened to provide outlined summation of agenda items, probably in a bulleted format."

Ms. Phillips seconded the motion.

Mr. Naimon moved to amend item 5 in the motion to read as follows:

"5. The Board President will appoint a two-person committee, including one majority member and one minority member of the Board, to look at how the minutes are handled by other public bodies who make available recordings of their proceedings, and report back to the full Board at the July meeting."

Mr. Banov seconded the amendment.

Ms. Phillips stated that copies of minutes for other bodies had been previously circulated. Mr. Naimon stated that he did not believe the Board should commit to shortening the minutes based on a process that has not been tested yet, and he expressed concern about there being a systematic way for Board members and members of the public to easily access information on follow-up items. He recommended that the Board take time to decide what should be in the minutes and what should not be in them and that the new Board members should participate in considering this issue.

Mr. Banov agreed that items 1-4 could be implemented immediately and concurred with Mr. Naimon's motion to try out the new process before considering a policy to shorten the minutes.

Ms. Keefe noted that one goal of the proposal was to shorten the level of detail needed in the minutes. Ms. Keefe proposed adding a list of action items to the minutes. Mr. Naimon stated that he wanted to hear from people not at the table, including Mr. Shalleck and the new Board members and the public on how the new system was working before considering a policy to shorten the Board minutes. He also said he might be satisfied to have shorter minutes as long as action items are clear and closely follow what was actually said. He noted that some of his additions to the minutes today were to add action items that were not included in the first draft of the minutes.

Ms. Phillips argued against the creation of a committee and suggested that the process could be changed along the way to make sure it is working. Mr. Naimon suggested that Ms. Phillips be appointed to the committee.

Mr. Vincent noted that item #5 does not specify the length or form of the minutes. Mr. Naimon stated that it is not a stringent limitation, but it includes guidelines that he is not ready to support and that he felt the members who will serve on the next Board should be included in the discussion. Ms. Keefe reiterated that she would like to see a list of action items in the minutes.

Mr. Shalleck returned to the room and resumed serving as Board President. Mr. Vincent explained the status of motions on the floor.

Mr. Naimon moved that the proposal be amended to exclude item #5 until a committee can examine how minutes and lists of action items are handled by other public bodies. Mr. Vincent seconded the amendment to the proposal. The motion to amend the proposal passed unanimously.

Ms. Keefe moved that the amended proposal presented regarding changes to the minutes process be adopted with the addition of timing marks being placed on the agenda on the website. The amended motion was seconded by Ms. Phillips and passed unanimously.

Upon request by Mr. Shalleck, Ms. Phillips agreed to serve on a committee with Mr. Naimon to study how minutes and lists of action items are handled by other public bodies.

New Business [1:52:50]

Maryland Association of Elected Officials (MAEO) Conference [1:53:06]

Ms. Keefe stated that she felt the new Board members should be invited to attend the MAEO conference in May. Ms. Phillips agreed, and others spoke in favor of this. Ms. Jurgensen had asked the county about that option, but since new Board members are not sworn in until June, Montgomery County rules do not allow for their fees and travel to be paid for with county

funds. The county also will not pay for board members to attend the conference when they have less than a year of service left in their term. Those individuals can pay for their own fees and expenses to attend the conference if they choose.

Mr. Karpinski noted the Board is required to comply with the county's procurement policies. Several Board members expressed dissatisfaction with these policies. Mr. Karpinski noted that given the timing of the turnover of board members around the state, the timing of the MAEO conference was unfortunate and he doesn't understand it.

Board members attending the MAEO conference confirmed their travel agendas.

Acknowledgment of Outgoing Board Members [2:03:40]

The service of Board members Mary Ann Keefe and Alexander Vincent was celebrated, as this was their last meeting serving as members of the Board of Elections. Board members, staff, and county officials offered praise for the commitment, skill, and dedication that Ms. Keefe and Mr. Vincent have brought to their position during their tenure. The staff prepared some keepsakes and going away presents for the outgoing Board members.

Untimely Absentee Ballots [2:29:00]

The Board met in its capacity as the Board of Canvassers to review absentee ballots received for the 2018 General Election.

Ms. Phillips moved that the Board reject the absentee ballots as not timely. The motion was seconded by Ms. Keefe and passed unanimously.

Future Meetings [2:29:55]

Mr. Naimon suggested that the Board invite the public, elected officials, and party committees to attend the swearing in of new Board members on June 3rd. Mr. Shalleck stated that he thought it was a good idea. The swearing in, orientation, and election of officers were discussed.

Mr. Naimon requested recommendations from the staff for the June 17th meeting regarding early voting and addressing wait times.

Mr. Shalleck stated that without objection the scheduled meeting for May 20, 2019 will be cancelled given that several Board members are attending the Maryland Association of Election Officials Annual Conference that week and that there is an executive function on June 3, 2019 for swearing in new Board members and holding an open house.

Adjournment [2:39:30]

With nothing further to discuss, Mr. Vincent moved to adjourn the public meeting to go into executive session to discuss a personnel matter. The motion was seconded by Ms. Phillips and passed unanimously.

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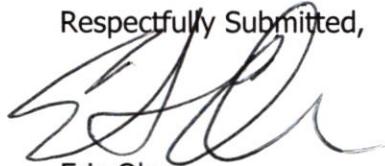
Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session, pursuant to Section 3-305(b)(1), General Provisions Article, to discuss a personal matter.

The Montgomery County Board of Elections met in closed session on this date beginning at 5:10. The following members and staff were in attendance: Jim Shalleck, Mary Ann Keeffe, Alexander Vincent, David Naimon, Jacqueline Phillips, Alan Banov, Margaret Jurgensen, Lisa Merino and Kevin Karpinski.

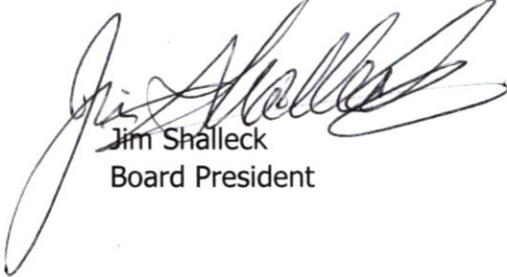
Alexander Vincent moved to adjourn the executive session at 5:57 p.m. The motion was seconded by Ms. Phillips and passed unanimously.

Respectfully Submitted,



Eric Olsen
Program Specialist

APPROVED BY THE BOARD:



Jim Shalleck
Board President