

APPROVED

November 26, 2018

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 Keefe, Secretary
Alexander Vincent
David Naimon
Alan Banov

Board Attorney:

Kevin Karpinski

Staff:

Margaret Jurgensen, Election Director
Alysoun McLaughlin, Deputy Director
Lisa Merino, Office Services Coordinator
Christine Rzeszut, Operations Manager
Janet Ross, IT Manager
Jessica White, Voter Services Manager
Gilberto Zelaya, Outreach Coordinator/Public Information Officer

Guests:

Michael Subin, Liaison to the County Executive

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

<https://youtu.be/RWaTZ4IZ5sU> (Board of Canvassers and Board Meeting)

Convene the Board of Canvassers and Declare a Quorum Present

Mr. Shalleck called the Board of Canvassers' Meeting to order and declared a quorum present at 2:30 p.m.

Certify the 2018 General Gubernatorial Election

Mr. Shalleck called on Ms. Jurgensen to present a summary of reports and audits completed and submitted to the State Board of Elections.

Ms. Jurgensen summarized audits and reports submitted to the State as well as State approvals related to the 2018 election. The Voter Registration System Operations submitted monthly audits as required. The logic and accuracy testing of voting equipment was completed on November 5th. Voting equipment allocations were approved by the State Board on September 20th. All Early Voting Centers and polling places on Election Day opened on time. The 100% Verification of election night tabulation and early voting occurred between November 7th and 9th. The Clear Ballot Audit containing the Election Day and early voting results was submitted on November 12th ; it was again submitted on November 19th for the absentee and provisional canvasses. The Clear Ballot Audit will be explained by Alysoun McLaughlin. Training of election judges began on August 29th and was completed on November 3. The State issued training materials and additional materials were developed for use in Montgomery County. The Polling Place Evaluations were conducted for all Early Voting Centers and polling places. They will be submitted by January 7 and a report will be prepared for the February Board meeting. All Early Voting centers and polling places met accessibility requirements. Ballot accountability forms will be forwarded to the State Board on December 6th. Audits of the provisional and absentee canvasses were completed and submitted. Precinct audits were also completed and submitted.

Ms. McLaughlin provided an overview of the Clear Ballot Threshold Report audit. Ballots are examined by the Clear Ballot software, and results of this examination are compared to the results from ESS voting. If the difference between the results of these tabulations is greater than .5%, then further examination is required. So far we have audits of Early Voting and Election Day results. Ms. McLaughlin stated that there appear to be no issues with the Clear Ballot audit report. Any discrepancies, such as in the votes for state judges, are usually due to write-in votes.

Ms. Jurgensen continued with a preliminary summary of Election Day wait times. Two hundred of the 222 Election Day polling places reported complete or at least partial data on wait times. First glance analysis shows that 7 am is the peak time, with 37 voters in line and a wait time of 18 minutes. Anecdotal reports varied considerably, so the staff will examine this data fully and report to the Board in the next 60 days on its analysis.

Results of the Election Day were posted as required. The State embargoed the posting of early voting and Election Day results until 9:20 p.m. on Election Day, at which time Montgomery County began posting. At 10:34 p.m., Montgomery County had 93.31% of precincts (including early voting) posted. At 11:42 p.m., 100% of the results were posted.

Ms. Jurgensen requested two motions:

1. A motion to reject untimely absentee ballots.

Ms. Khozeimeh made a motion to reject two untimely absentee ballots. The motion was seconded by Mr. Banov and passed unanimously.

2. A motion to direct the Chair and Secretary to sign the certification documents and transmit to the State Board of Elections, Clerk of the Circuit Court and Clerk of the Council.

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Ms. Khozeimeh made the motion. The motion was seconded by Mr. Banov and passed unanimously.

Mr. Shalleck presented a cover letter to be signed by all members of the Board.
Mr. Vincent moved to recess the meeting at 2:43 p.m. in order to collect the necessary signatures. It was seconded by Ms. Khozeimeh and passed unanimously.

**** The meeting reconvened at 2:46 p.m. ****

Mr. Shalleck expressed gratitude to Ms. Jurgensen and the staff for their dedication and hard work.

Adjournment

Ms. Khozeimeh made a motion to adjourn the Board of Canvassers. It was seconded by Ms. Keeffe and passed unanimously.

Convene the Board of Elections Board Meeting and Declare a Quorum Present

Mr. Shalleck called the Board Meeting to order and declared a quorum present at 2:48 p.m.

Approval of the October 15, 2018, Board Meeting Minutes

Ms. Khozeimeh made a motion to accept the minutes as amended. The Motion was seconded by Ms. Keeffe, Mr. Shalleck, Ms. Khozeimeh, Ms. Keeffe and Mr. Naimon voted for the approval of minutes; Mr. Vincent opposed the minutes. The approval of the minutes passed.

Approval of the November 6, 2018, Board Meeting Minutes

The minutes were not available; this item will be carried over to the next meeting.

Approval of the October 15, 2018, Executive Session Minutes

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

Additions/Changes to the Agenda

There were no additions or changes to the agenda.

Public Comments

There were no public comments.

Board Attorney Report

Mr. Karpinski reported that he anticipated that both sides in the Judicial Watch case would be filing motions for summary judgment on the record, so as to avoid a trial. He added that Public Interest had requested information two weeks before the election about voters who had been canceled. Mr. Karpinski contacted its lawyer to explain that staff was occupied with the election; they were amenable to receiving their information in December or January.

Old Business

There was no old business to discuss.

2018 General Gubernatorial Election

Board Member Observations

Mr. Naimon stated the election overall went quite smoothly. In general, he observed that many polling places needed additional judges and more scanners. There seem to be ongoing issues with the Postal Service; anything to alleviate the problem is worthwhile.

Mr. Naimon gave kudos to the Silver Spring early voting center. Although there were huge numbers of people, they were quickly processed. This report came from many sources.

Mr. Naimon discussed the need to shift voters from the last day of early voting, possibly by making public statistics about wait times, to remind voters to avoid problems in casting a late ballot. Ms. Keeffe wanted to know if people were using the wait times as posted on the Board's website. Ms. Jurgensen said that voters are encouraged to avoid the first and last days of early voting. Although wait times are posted hourly on the website, a Board member had indicated that long wait times suppress the vote. Ms. Jurgensen observed that the message to avoid times of heavy use was pushed by the Board's website and social media accounts and by the State Board.

Mr. Naimon noted that some early voting centers, such as at Bohrer, were too small and that centers in gyms were more suitable. He proposed that using a gym should be the standard where a gym is available. Although gyms are not available in Silver Spring, Sandy Spring, or the Executive Office Building, those spaces do seem adequate. In addition, it is possible that the current Mid-County space is also adequate.

He stated that not enough scanners were deployed for the first day of early voting, but by the end of early voting, each center did seem to have an adequate number of scanners. He proposed using the final number of deployed scanners as the starting number of scanners for the 2020 election cycle. Ms. Jurgensen stated that she and Janet Ross, IT Manager, had already discussed the issue and made that same decision. She also explained the starting number of scanners this cycle was the ending number of scanners in the 2016 cycle, but that the impact of the 3-page ballot was unknown at the time allocations were made. She stated that allocations had to be made about a year in advance of the election in order to adequately plan for the numbers of scanners needed, the number of judges needed, the number of pollbooks needed, and the space needed for early voting centers. In addition, Ms. McLaughlin observed that sending out the additional scanners for early voting centers subtracts from reserved scanners for Election Day if needed. Ms. Jurgensen stated that use of the Ballot

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Marking Devices for early voting would alleviate the lines at the scanners. Finally, she stated that for the 2020 election cycle, more scanners will be needed. This implies that more carts will be needed; therefore, more space is necessary to store the equipment. She and Ms. McLaughlin will begin the process of determining these needs in March of 2019. Mr. Subin requested that because many of these decisions will impact the budget, the Board should meet with the County Executive as soon as possible.

Ms. Jurgensen distributed a numeric and graphical comparison of the 2016 General Election and the 2018 General Election. Mr. Naimon observed that the two election days differed by only 7,000 voters; in his opinion, there will be a need to staff future elections at Presidential General Election levels.

Mr. Naimon brought up the issue of storing political paraphernalia at early voting sites. He suggested putting verbiage about this in the MOUs. He wanted MOUs to ensure no other major event would occur during early voting. In addition, he requested that the Board reserve early voting space as soon as possible.

In response, Mr. Karpinski stated that the spaces are already reserved and there is language in the MOUs to not schedule major events. Mr. Subin said that the County CAO and the County Executive decided that henceforth political paraphernalia may not be stored in public facilities because of the burden it places on county facilities and because of liability issues. Storage must be the responsibility of the candidates and the political parties. Ms. Keeffe asked if there were problems, and Mr. Subin indicated that there were. Mr. Naimon indicated that it would be helpful to get more of the details surrounding any problems that led to this decision. Ms. Jurgensen indicated that she'd be happy to go into the details next year.

Mr. Naimon noted that at some facilities the lights did not come on at dark. Ms. Rzeszut stated that part of the problem was that daylight savings time ends just before the election. Problems during this election were addressed when staff was notified of the issue. Mr. Subin requested that any problems with county facilities be directed to him and he would take care of the issue.

Mr. Naimon brought up the parking issues at Potomac Community Center and signage issues at Sandy Spring. Again, Mr. Subin requested that he be made aware of issues like these by phone calls.

Mr. Naimon expressed concern in general about polling places having adequate space, judges, and equipment. Mr. Naimon asked for information about precinct 5-23 in recent years in the primary and general election, and what resources were used in that precinct at those times, and to compare the number of provisional ballots caused by being at the wrong polling place compared to past years and other precincts that are at or near early voting centers. For scanners, he specifically asked if there is an allocation formula and if that formula could be made public. Ms. Jurgensen replied in the affirmative to each point, and said that she could get it to the Board. Mr. Naimon asked for a list of any precincts that were allocated over two scanners, and on what that decision was based.

Mr. Naimon noted confusion among the judges with respect to the use of the emergency ballot compartments. He suggested more complete training about when to use them and how to cast the ballots placed in them.

Mr. Banov stated that he believed early voting and the election went smoothly. He reviewed issues and their resolutions at various early voting sites:

- Potomac benefitted from its extra scanner.
- Bohrer Park's room is too small.
- The electronic sign for St. Catherine's was good.
- The additional BMDs at several centers were a benefit to voters.

He noted a few glitches on Election Day, which were all addressed. One problem was the small size of the room made available at 13-64, St. Matthew Presbyterian Church. He reported it to Kevin Karpinski. Mr. Karpinski said that the church was supposed to open a divider which separated the polling place from another room.

Judges made some suggestions to Mr. Banov to improve practices. These include:

- Having chiefs take pictures of the layout of their polling places.
- Judge write an "A" on the VAC of a voter who has requested assistance.
- Placing orange tape on provisional VACs.
- Placing numbers on tables in the polling place in order to direct voters to their next destination.
- Marking no electioneering zones with blue tape.
- Encouraging staff to park far from the polling place entrances.
- Using more stanchions to organize voters in polling places.
- Use chairs along the entrance to the polling places for disabled and senior citizens.
- Keeping a spoiled ballot area apart from ballots to be distributed.

Mr. Banov suggested that a voter's correct polling place be in large bold font on the sample ballot. He agreed that the polling place at Bohrer Park is too small and that the Potomac Early Voting site is a victim of its own success. He added that the County and Board need to make sure there is adequate signage directing voters to the early voting at Sandy Spring and St. Catherine's. In addition, voters should be reminded in the voting booths to use a black ballpoint pen, not a felt-tipped pen.

Mr. Banov suggested proposing legislation to allow voters to drop off absentee ballots at polling places and to allow for curbside voting for disabled voters. He also advocated for additional early voting centers.

Ms. Keeffe reinforced the use of stanchions for line management and BMDs. She stated that there is a problem at Potomac with both parking and electioneering interfering with access to the polling place. With respect to Election Day, there is sometimes confusion about polling place building entrances. She noted that polling places need a dedicated person(s) to manage lines. Overall, she believed the election went very well. Finally, she observed that the scanners, though new, seemed to break down frequently. Ms. Jurgensen stated that the 3-

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page ballot, humidity, and voters getting their ballots wet all contributed to the scanners' issues.

Mr. Shalleck called attention to the fact that Montgomery County is larger than many States. Given that fact and the issues faced, he gave Ms. Jurgensen and her staff an A for a clean and efficient election. He'd like to see three scanners at every polling place. The scanners are issue number 1. More are needed. The second issue Mr. Shalleck identified was parking. Mr. Shalleck noted that Election Day trouble-shooting is excellent. The main thing Mr. Shalleck heard from voters was that they wanted receipts for their vote or to see their choices on the screen.

Lastly, Mr. Shalleck noted that the duplication of web-delivery ballots is extremely time consuming. Ms. Jurgensen responded that Montgomery County is advocating for approval to open and process mail-in ballots earlier than the canvass. There was general consensus that the web-delivery option cannot be withdrawn.

Ms. Khozeimeh observed that political parties are not following the rules for storing their paraphernalia. She also noted that judges are too verbose and must be told to limit their instructions to voters and get to the point.

Mr. Vincent stated that the planning and staffing for the election are excellent. Staff, he said, reacted to and solved problems quickly. Polling places responded well to the high turnout.

Board Attorney Observations

Mr. Karpinski expressed surprise at the low level of voter understanding of the early voting process. Given that, staff responds very well. Mr. Karpinski stated that the canvass, including the ability to track each ballot, went very well. He congratulated Ms. Jurgensen and her staff on their efforts. Ms. Keeffe affirmed that the canvass was spot-on, although a very difficult process to manage. Ms. Jurgensen accepted the accolades on behalf of her invaluable staff.

New Business

Ms. Jurgensen gave an overview of Election Day voting issues at Precinct 5-23. BOE staff is beginning to look at data about where voters in the east county area vote. The indication is that if voters had gone to their assigned precincts, 5-23 would have 23 provisional voters, instead of the 216 it actually had. She noted that staff was continuing to look at the data, and other polling places that were also early voting centers, or near an early voting center, had similar issues. Mr. Shalleck suggested putting issues about voter confusion between early voting centers and their assigned polling places, and the resulting issues, on the January agenda. Ms. Keeffe asked how many of the early voting centers were also Election Day polling places, and Ms. Jurgensen said at least half a dozen.

Future Meetings

The next meeting will be January 28, 2019.

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Adjournment

With nothing further to discuss, Ms. Khozeimeh moved to adjourn the meeting at 4:31 p.m. The motion was seconded by Ms. Keeffe and passed unanimously.

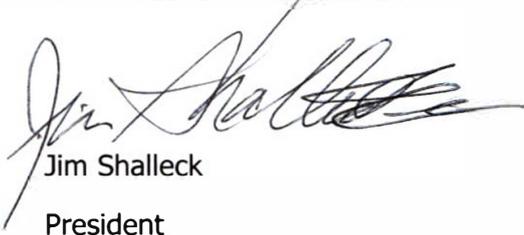
Respectfully Submitted,



Lisa Merino

Office Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck
President