

APPROVED

April 11, 2018

EMERGENCY CONFERENCE CALL MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS,
18753 North Frederick Avenue, Suite 210, Gaithersburg, Maryland

Onsite Board Members:

Jim Shalleck, President
David Naimon

Board Members Via Phone:

Nahid Khozeimeh, Vice President
Mary Ann Keeffe, Secretary
Alan Banov

Onsite Board Attorney:

Kevin Karpinski

Onsite Staff:

Margaret Jurgensen, Director
Alysoun McLaughlin, Deputy Director
Lisa Merino, Office Services Coordinator
Margie Roher, Management and Budget Specialist III
Christine Rzeszut, Operations Manager

Guests:

Dolly Kildee
Michael Subin

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

https://youtu.be/pv7N96_1zqk

Convene the Board Meeting and Declare a Quorum Present

Mr. Shalleck called the Emergency Conference Call Board Meeting to order and declared a quorum present at 5:06 p.m. Public notice of the meeting was posted on April 6, 2018.

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Potential Relocation of Precinct 04-18

The purpose of the emergency meeting is concerning the potential polling place relocation of 04-18 in light of new information received regarding the availability of B'nai Israel Congregation as a polling place. Mr. Shalleck thanked Mr. Naimon and Mr. Banov for their efforts in researching other potential polling places for precinct 04-18.

Mr. Naimon stated that when he and the Board became aware of the fact that B'nai Israel was available for precinct 04-18, he thought that B'nai Israel (in precinct 04-28) would be a more suitable polling place for precinct 04-30. If the Board considered selecting Tilden Middle School or Trinity Lutheran Church, then B'nai Israel would be available for precinct 04-30, as it is closer than the proposed Richard Montgomery High School location. He suggested that the location would be a very popular move, as it is a convenient location for the voters.

Mr. Shalleck requested that Mr. Karpinski provide legal counsel because a possible polling place change for precinct 04-30 was not an item on the agenda. Mr. Naimon noted that the availability of B'nai Israel was known very recently in the context of a discussion regarding the potential relocation for polling place 04-18. Mr. Karpinski stated that due to last year's change in law on the Administrative Policy Affecting Voting Rights, the Board could not act on a polling place change for precinct 04-30. Section 1-101 of the Election Law Article provides that administrative policy affecting voting rights means any action relating to voter registration, provisional voting, absentee voting, or the location of a polling place, or Early Voting center. Under Section 103-5 (a), the State Board or local board may not consider a change in an administrative policy affecting voting rights at a meeting unless the Board has posted public notice on its website at least 48 hours in advance of the meeting stating that the Board will consider an administrative policy affecting voting rights at the meeting, Mr. Karpinski noted that the Article goes on to state what type of notification must be posted. He added that under the Election Law, the potential polling place change for precinct 04-30 cannot be discussed without providing the required notification. The Board members briefly discussed the process of posting information.

Mr. Naimon inquired if precinct 04-30 can be discussed and added to the agenda for the Monday, April 16 Board meeting, adding that it would be beneficial if the State Board was notified that our Board may wish to move precinct 04-30.

Mr. Shalleck agreed that there is validity to the fact that B'nai Israel is more convenient. Mr. Shalleck suggested the Board take a vote on precinct 04-18 to see if B'nai Israel would potentially be available for another precinct. Ms. Keeffe noted that even if the Board were to notify the public and discuss precinct 04-30, it would be too late since the polling places need to be provided to the State Board tomorrow. Ms. Jurgensen noted that the State Board meeting is tomorrow at 2:00 and polling places are expected to be finalized. Mr. Naimon responded that that Board would need to reach out to the State Board to notify them that we are considering a change.

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Ms. Khozeimeh stated that she is familiar with precinct 04-18 and moved that the Board use Tilden Middle School, as it has sufficient parking, ADA access and a good sized polling room. The motion was seconded by Mr. Naimon. Mr. Naimon requested clarification on the size of the polling room. Mrs. Rzeszut stated that staff has reserved the large gym with air conditioning. Mr. Naimon stated for the record that his wife works at Tilden Middle School and that he had suggested the use of the school in an email discussion with the Board members, and he spoke in favor of Tilden Middle School. Mr. Shalleck stated that he supports the motion. Ms. Keeffe stated that she supports the motion, adding that she is not typically in favor of holding two precincts at one polling place; however, she is comfortable with the proposal. In this case, the originally suggested use of Richard Montgomery High School would have held both polling places in one room. Tilden Middle School will use two separate rooms in the school. Mr. Naimon suggested to amend the motion to tie precinct 04-30 into the motion and introduce a potential discussion at Monday's Board Meeting. Mr. Karpinski suggested that Mr. Naimon introduce a separate motion. He added that after the conference call he and Ms. Jurgensen would prepare correspondence to the State Board of Elections notifying them of Montgomery County's intent on precinct 04-30 if the Board directs.

Mr. Shalleck took a vote on Ms. Khozeimeh's motion; all voting members in attendance and via phone voted for the motion. The motion passed unanimously.

The Board agreed to direct staff to write a letter to the State Board of Elections seeking tentative permission, subject to notice, that precinct 04-30 would be discussed at Monday's Board meeting and the Board may vote to move precinct 04-30 to B'nai Israel. Ms. Keeffe asked that the letter also mention the late notice of B'nai Israel's availability.

Adjournment

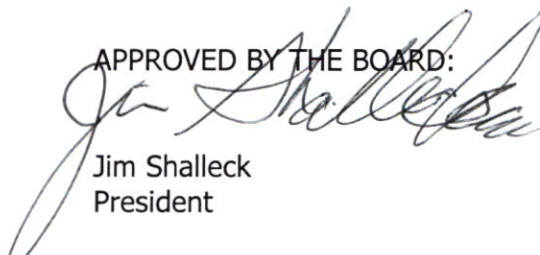
Ms. Khozeimeh made a motion to adjourn the meeting at 5:38 p.m. The motion was seconded by Ms. Keeffe and passed unanimously.

Respectfully Submitted,



Lisa Y. Merino
Office Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck
President