APPROVED

June 19, 2017

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
David Naimon
Jacqueline Phillips
Graciela Rivera-Oven

Board Attorney:

Kevin Karpinski

Staff:

Margaret Jurgensen, Election Director
Alysoun McLaughlin, Deputy Director
Joice Hourihan, Offices Services Coordinator
Lisa Merino, Office Services Coordinator
Marjorie Roher, Management and Budget Specialist III
Janet Ross, Information Technology Manager
Christine Rzeszut, Operations Manager
Leslie Woods, Election Judge Coordinator
Jessica White, Voter Services Manager

Guests:

Dolly Kildee
Dave Kunes
Nancy Farrar
Barbara Sanders
Mike Subin

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

https://youtu.be/Qh2QvSqieUU

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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.

Mr. Shalleck stated that an Executive Session will need to be held to discuss a personnel matter.

Mrs. Khozeimeh made a motion to convene into Executive Session at 2:31 p.m. to discuss a personnel matter. The motion was seconded by Ms. Keefe and passed unanimously.

*** All guests and staff other than those listed below were excused from the room. ***

Executive Session

The Montgomery County Board of Elections convened in Executive Session at 2:31 p.m., pursuant to State Government Article 10-508(a)(1) to discuss a personnel matter.

The Montgomery County Board of Elections met in closed session on this date. The following members of the Board and staff were in attendance: Jim Shalleck, Nahid Khozeimeh, Mary Ann Keeffe, David Naimon, Jackie Phillips, Graciela Rivera-Oven, Board Attorney Kevin Karpinski, Ms. Jurgensen, Ms. McLaughlin, Ms. Merino, Ms. Roher, Ms. White, and Ms. Woods.

A "Not Eligible for Hire" (NEH) judge requested to contest her removal from the Election Judge program.

With nothing further to discuss, Mrs. Khozeimeh made a motion to recess the Executive Session at 2:55 p.m. and reconvene into the regular Board Meeting Session. The motion was seconded by Ms. Keefe and passed unanimously.

Reconvene the Board Meeting

Mr. Shalleck reconvened the Board meeting at 2:57 p.m.

*** All guest and staff were allowed to return into the room. ***

Approval of the May 15, 2017, Board Meeting Minutes

Mrs. Khozeimeh moved to accept the May 15, 2017, Board meeting minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously.

Mr. Karpinski stated that he provided the Board members the Executive Session minutes for May 15, 2017 in advance.

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Approval of the May 15, 2017, Executive Session

Mrs. Khozeimeh made a motion to accept the May 15, 2017, Executive Session minutes. The motion was seconded by Ms. Keeffe and passed unanimously.

Additions/Changes to the Agenda

Mr. Shalleck stated that an Executive Session will be held following the meeting to discuss the future fiscal budget for 2019.

Public Comments (Incorporated as Attachment A)

Democratic Liaison for the Board of Elections, Ms. Kildee, requested to address the Board in advance. Ms. Kildee provided her comments on last month's motion to appoint a new Board Secretary.

Election Director Status Report (Incorporated as Attachment B)

Public notice of the Board meeting was posted on June 8, 2017.

Personnel

Jessica White, Voter Services Manager, introduced Joice Hourihan, the new Bilingual Voter Services Coordinator.

Budget (Incorporated as Attachment C)

Ms. Roher stated that the budget spreadsheet detailing FY17 expenditures was provided in advance. She reported that there is 13% remaining in the FY17 budget. She added that remaining funds reflected on the State Board line items will be encumbered to pay the last State bill which is expected to be received in late July. A Board member inquired about historical overtime expenditures. Ms. Roher stated that she did not have the figures readily available but would provide the figures to the Board members. Board members discussed the timing of invoices sent from the State Board of Elections to Montgomery County.

Ms. Roher provided the budget spreadsheet detailing FY18 expenditures. She stated that the spreadsheet reflects the final budget allocation for FY18, which is to begin July 1, 2017.

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Voter Registration

Ms. White reported there were 648,760 active registrants as of June 17 and 69,398 inactive registrants. She added that staff continues to work through voter registration requests and process returned sample ballots.

In response to a question about the process, Ms. White briefly described the process for how registrants are identified as inactive, noting that failure to vote is not a reason for a voter to become inactive. Voters are inactivated if the Board receives an official notification that the voter is no longer at their residential address. Inactive voters are then cancelled if they do not vote or otherwise update their voter registration in 2 consecutive Federal Elections.

State Board of Elections

Ms. Jurgensen provided information in her Director's report regarding articles about alleged hacks of voter registration systems in thirty-nine states. (see attachment D). She added that the Maryland State Board of Elections released a statement in response to media inquiries stating:

"*We identified suspicious activity on our online voter registration system. Because of our strong security protocols, the system was not breached. However, as an extra precaution, we had cyber security experts investigate the system and no intrusion was detected.*"

Ms. Jurgensen stated that the Montgomery County Board of Elections' staff was mandated to take the County's Information Security Awareness Training as a precaution.

Ms. Jurgensen stated that she did not know if Maryland was one of the 39 states mentioned in the Bloomberg article.

Mr. Naimon suggested that the Board of Elections continue to encourage voters to check the accuracy of their voter registrations by placing prominent information on the website and in other informational material. Ms. Jurgensen stated that IT staff will review the website and place information. She added that when the polling place change notification is sent, voters will also be asked to check their registration.

Ms. Keeffe inquired about the letter from the State Board of Elections to ES & S regarding their lack of software changes to the Express Vote units. Mr. Karpinski responded that no draft letter has been provided. Ms. Keeffe expressed concern with the State's lack of priority to the issue. Ms. Phillips requested that she be placed on the record as agreeing with Ms. Keeffe's concerns. Mr. Shalleck agreed to contact the Chair of the State Board to further inquire on the letter to ES&S.

Board Attorney Report

Mr. Karpinski stated that Judicial Watch had not yet responded to the State Board of Elections.

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Mr. Karpinski updated the Board members on the FOIA request made by the Public Interest Legal Foundation. He added that he has worked with staff and documents have been provided to the State Board of Elections. He also stated that the State Board of Elections will be responding to the FIOA request on behalf of those local boards who received the inquiry.

Old Business

Ms. Jurgensen reported that the Mid-County Regional Services Center will be demolished by October 2017 and will not be available for use as an Early Voting Center.

New Business

New business was discussed later in the meeting.

Audit

Montgomery County audit response was discussed after the Polling Place Changes item.

Polling Place Changes

Holiday Park Senior Center

Ms. Jurgensen noted that emails expressing concern with the use of Holiday Park Senior Center as an Early Voting Center were provided with the Director's report.

Mrs. Rzeszut reviewed a power point presentation outlining the Holiday Park Senior Center with the Board. Mrs. Rzeszut noted that for comparison, the polling place area is smaller than the Executive Office Building. The Board members had a few questions regarding the entrance, line management, and electioneering boundaries. Mr. Subin stated that there are ongoing internal conversations regarding the use of the Holiday Park Senior Center. Mr. Subin stated that it has been suggested to use the administrative offices of the Department of Recreation on Randolph Road as an Early Voting site. Ms. Jurgensen stated that staff will visit the site and assess the facility per State requirements.

Mr. Naimon requested that the Holiday Park Senior Center be added to the list of potential Early Voting sites. Ms. Jurgensen agreed and indicated that information about the Holiday Park Senior Center would be made available at www.777vote.org.

Ms. Rivera-Oven stated that it is her belief that Holiday Park Senior Center would be less impacted in the summer rather than in autumn and that the impact to Holiday Park Senior Center will only be expected to serve until the completion of the construction in the Wheaton Community Recreation Center.

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New Business

Proposed Polling Place Changes

Ms. Jurgensen stated that due to recent changes in the law, the Board of Elections will be required to post additional public notice of polling place changes. Ms. Jurgensen will inquire further what needs to be done under the new notification requirements.
Ms. Jurgensen stated that new sites need to be approved by November 2017.

Mrs. Rzeszut presented proposed polling place changes for 2018 due to facility access, better parking, concerns with the management of multiple ballot styles, returning after renovations and construction (See attachment E).

Staff provided a presentation identifying potential locations for polling places that may need to be changed. The following potential new sites were discussed:

- Precinct 02-06, Hallie Wells Middle School (in precinct)
- Precinct 02-08, Clarksburg High School (better facility, access, and parking)
- Precinct 04-27/04-38, Twinbrook Recreation Center (ballot style)
- Precinct 04-34, Redland Middle School (use of public facility)
- Precinct 05-05, Burnt Mills Elementary School (ballot style)
- Precinct 08-10, William H. Farquhar Middle School (construction at the swim center)
- Precinct 09-03, Brown Station Elementary School (return after renovation)
- Precinct 10-06, Wayside Elementary School (return after renovation)
- Precinct 13-38, Silver Creek Middle School (construction at Kensington-Parkwood Elementary School)
- Precinct 13-43/13-70, Wheaton Woods Elementary School (return after renovation)
- Precinct 13-97, Don Bosco Cristo Rey High School (split 13-68 to original configuration)

Mr. Naimon requested that staff consider an alternative private site for precinct 13-38, such as the Cedar Lane Unitarian Church, that is in the precinct and does not require crossing Connecticut Avenue. Ms. Keeffe suggested that notification about polling place changes be presented in a positive way, as to say "returning to polling place".

Consolidated Polling Places (Incorporated as Attachment F)

Staff provided a presentation on consolidated polling places, which exist because too few voters reside in a precinct with a unique ballot style, requiring one polling place to serve multiple precincts with ballot style conflicts. Staff indicated that in those consolidated precincts with a limited number of voters, the Chief Judge will be responsible for distributing ballots to the voter. For the precincts with a larger number of voters, colored tablecloths will be used to identify the separate tables for ballot style distribution. The check in judge will identify the precinct and ballot style and direct the voter to the designated distribution table.

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Consolidated precincts:

- Precincts 04-07/04-37/04-40/04-43
- Precincts 04-08/04-33
- Precincts 04-20/04-42
- Precincts 04-25/04-11
- Precincts 08-06/13-60
- Precincts 08-08/08-15
- Precincts 09-37/09-39
- Precincts 10-01/04-23
- Precincts 12-02/02-07

Staff also provided a list of polling places in Montgomery County Public Schools that may be recommended for temporary move for the 2018 election due to construction. (See Attachment G)

- Precinct 07-20
- Precinct 07-01/07-08
- Precinct 05-18
- Precinct 13-38
- Precinct 13-46
- Precinct 07-19
- Precinct 013-21
- Precinct 07-15
- Precinct 05-15
- Precinct 06-01
- Precinct 12-04/02-09
- Precinct 06-08
- Precinct 09-09
- Precinct 04-17
- Precinct 04-01
- Precinct 10-02

Mrs. Rivera-Oven expressed concern with precinct 12-04/02-09 accessibility and limited parking, noting that there is no street parking allowed. She suggests that staff consider the use of Damascus Recreation Center.

Audit (Incorporated as Attachment H)

Ms. Jurgensen stated the Mr. Shalleck and Ms. Keeffe had an opportunity to review and approve the response to the State Board of Elections' audit. The audit and response were provided to the Board members. Ms. Jurgensen briefly reviewed the action items identified in the audit. One of the issues requiring action was a clerical error/typo on the Provisional Canvass minutes. Ms. Jurgensen presented the corrected minutes.

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The Board, acting as the Board of Canvassers, approved the amended minutes for the Provisional Canvass. Ms. Phillips moved to approve the 2016 General Election Provisional Canvass Minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously.

Ballot Opening Proposal

The Board members agreed that in the interest of time, this item would be discussed in July.

Response to Allegations by Judicial Watch

Mr. Naimon moved that the Board members endorse Mr. Shalleck's June 5, 2017, statement on our website in response to the allegations by Judicial Watch, and support and thank our staff for their efforts to follow Federal and State Law and regulations regarding voter list maintenance. The motion was seconded by Ms. Rivera-Oven and passed unanimously.

Ms. Keeffe, Mr. Naimon, and Ms. Rivera-Oven requested that Mr. Shalleck's statement be sent as a media release. Ms. Roher agreed to do so.

Future Meeting

The next Board meeting is July 17, 2017.

Adjournment

Mrs. Khozeimeh moved to adjourn the Board meeting at 5:33 p.m. and move into Executive Session. The motion was seconded by Ms. Keeffe and passed unanimously.

Executive Session

The Montgomery County Board of Elections convened in Executive Session at 5:34 p.m., pursuant to State Government Article 10-508(a)(13) to discuss a future budget.

APPROVED

The Montgomery County Board of Elections met in closed session on this date. The following members of the Board and staff were in attendance: Jim Shalleck, Nahid Khozeimeh, Mary Ann Keeffe, David Naimon, Jackie Phillips, Graciela Rivera-Oven, and Board Attorney Kevin Karpinski, Ms. Jurgensen, Ms. McLaughlin, Ms. Roher, and Ms. Merino.

The Board members and staff discussed the FY19 future fiscal impact.

Respectfully Submitted,

Lisa Merino
Office Services Coordinator

APPROVED BY THE BOARD:

Jim Shalleck
President

When the 2 regular Democratic appointees attempted to follow through on a commitment they made to each other to split the term of Secretary, a position that currently goes to the Democratic Party, the Republican members of the board did not approve of the democratic members' choice, Mr. Naimon. If for whatever reason the Republicans were opposed to Mr. Naimon, they needed only to vote against him without any commentary. Instead one of the Republican members of the Board took it upon himself to express in detail why he was opposed.

Mr. Vincent said that there's no real charitable or easy way to say it, but the way Mr. Naimon has conducted himself the last 2 years laid a train of destruction touching almost everyone on the board and everyone on staff. The resentment and anger it provoked smolders to this day. He continued that Mr. Naimon used this position to wage political war against Republican members in a vicious and cruel way. He said he won't go into details but he's not going to support Mr. Naimon. He has differences with Ms. Keeffe but he's not supporting Mr. Naimon. The **Republicans** then elected **their** choice for the **Democrat's** position.

In this era of alternative facts, I think it's important to set the record straight.

I have been the Democratic Party's liaison to the Board of Elections for over 5 years. That's over 3 years under the Democratic majority and 2 years under the Republican majority. There has not been one iota of difference in Mr. Naimon's conduct under either majority. Mr. Naimon takes his responsibilities as a board member seriously, looking after the interest of the voters, no matter what party. Also, if Mr. Vincent wants to take it upon himself to speak for the other board members, they can speak for themselves if they disagree. But I find it presumptious that he claims to speak for staff also, who obviously are not in a position to disagree with a majority board member on a non-board issue. Mr. Naimon has never, ever, been anything but respectful to board members, staff and the public.

I am surprised and disappointed that the Republican support was unanimous in this petty, mean-spirited, childish decision.

Election Director's Report
June 15, 2017

Agenda posted on June 8, 2017

Board of Election will need to meet for an Executive Session regarding personnel and County Executive's budget for the upcoming fiscal year requests.

The Board will need to convene as the Board of Canvassers.

Public Comments

Election Director Status Report

A. Personnel – Introduction of new Voter Services Staff member – Alysoun McLaughlin.

B. Budget – Marjorie Roher – Management & Budget Specialist Review Fiscal Year 17 and Fiscal Year 18

C. Voter Registration Update – Jessica White

D. State Board of Elections

There have been several stories about Russians or third party attacking the voter registration systems in 39 states in the news so I have attached all statements I have been able to gather for the Board's reading and review. I have provided the links to the Bloomberg story and the response by Homeland Security.

The latest story about voter registration system and attempts to hack.
Subject: Russian Breach of 39 States Threatens Future U.S. Elections - Bloomberg

https://www.bloomberg.com/politics/articles/2017-06-13/russian-breach-of-39-states-threatens-future-u-s-elections?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosam&stream=top-stories

Homeland Security's Response to the Bloomberg story:
Attached is a document that Department of Homeland Security issued in response to yesterday's article in Bloomberg News. If you have not seen the Bloomberg News article, it's posted at https://www.bloomberg.com/politics/articles/2017-06-13/russian-breach-of-39-states-threatens-future-u-s-elections

Maryland State Board of Elections Response:
The State Board of Election released a statement related to the latest story about the voter registration system and attempts to hack. In response to media inquiries, SBE drafted the following statement for distribution:

"We identified suspicious activity on our online voter registration system. Because of our strong security protocols, the system was not breached. However, as an extra precaution, we had cyber security experts investigate the system and no intrusion was detected."

Sent by Nikki Charlson – Deputy Administrator for State Board of Elections
On June 14, 2017.

The State Board staff sent an e-mail reminder to all MD Voters users emphasizing the Maryland Dept. of Technology security protocols and the need to be security conscious.

Additional statements from elections vendor Elections Systems & Software (ES&S) are attached to this report.

State Board staff focus is on inventory and list maintenance issues.

Board Attorney Report – Kevin Karpinski

1. Judicial Watch letter
   a) Website
2. Public information request

Old Business

1. Mid-County Regional Center (2424 Reedie Dr. location) is scheduled to be demolished by October 2017 for new Wheaton Plz.
2. Proposed Early Voting Center – Chris Rzeszut
   Holiday Park Senior Center
   (see attached e-mails related to this site)

New Business

1. Polling Place Changes – Chris Rzeszut (attached)
   a.) Combined Polling places
2. State Board Audit – Margaret Jurgensen
3. Absentee Ballot Opening – Jessica White

FY17 OPERATING BUDGET SPREADSHEET
Through May 31, 2017 (As of June 5, 2017)

LINE ITEM	FY17 APPROVED	FY17 YEAR TO DATE*
PERSONNEL COSTS	**4,098,274**	**3,814,947**
5A001 - Salaries & Wages	**3,335,363**	**3,148,765**
50010 - Full Time Salaries	2,200,010	1,799,930
50012/50020 - Part Time Salaries/Seasonal Temps	684,709	794,236
60168 - Temporary Office Clerical (moved from OP for clarity)	201,329	138,717
SUBTOTAL FOR TEMPORARY PERSONNEL	**886,038**	**932,953**
50324 - Overtime (includes emergency, multi-lingual & holiday)	249,315	415,882
5A002 - FICA	**226,428**	**244,179**
5A003 - Group Insurance	**357,768**	**269,191**
5A004 - Group Retirement	**178,715**	**152,812**
OPERATING EXPENSES	**4,490,999**	**3,633,938**
6A001 - Services and Contracts	**1,585,544**	**1,370,325**
60060 - Legal/Attorney Services	75,000	95,502
60066 - SBE Program Management	614,079	365,934
60304 - Maintenance - Electrical	0	625
60314 - Maint - Computer Systems**	21,140	4,956
60326 - Repair/Maint Agmts - Office Equip	11,000	3,436
60412 - Moving Services	25,000	51,678
60414 - Building Construction	0	0
60530 - Other Professional Services - EJ Stipend	804,825	848,194
60532 - Other Non-Professional Services (includes EJ mod.)	34,500	0
6A002 - Maintenance	**276,281**	**129,781**
61010 - Computer Equip Repairs/Maint (EPB)	276,281	129,781
6A003 - Rentals/Leases	**1,715,518**	**1,309,325**
61902 - Furniture Rentals (Polling Place)	7,000	8,369
61924 - Other Equipment Rentals (MDVoters)	563,083	555,615
61926 - Bldg or Space Rental/Leases (Pol. Place)	34,485	32,235
61932 - Other Rentals/Leases (Voting System)	1,110,950	713,106
6A004 - Office Supplies & Equipment (<$5,000)	**164,804**	**159,596**
62010 - General Office Supplies+	70,000	70,817
62016 - Computer Supplies	5,000	1,389
62018 - Computer Equip (<$5,000)**	24,140	29,906
62022 - Paper and Supplies for Copiers	0	358
62028 - Other Supplies & Equipment	65,664	57,126
6A011 - Books, Videos, and Subscriptions	**3,500**	**3,435**
62700 - Books/Reference Materials	2,500	926
62712 - Other Books, Videos, and Subscriptions	1,000	2,509
6A012 - Other Supplies/Materials/Equipment	**153,023**	**78,647**
62826 - Keys and Locks	0	2,705
62848 - Tools	0	88
62896 - Parking Meters	0	0
62946 - Charges from SBE	153,023	75,855
6A013 - Printing/Central Duplicating Services	**144,406**	**182,650**
63016 - Imaging	10,000	4,178
63018 - Document Shredding	0	211
63020 - Office Mach. Cop. Leasing	11,760	16,873
63022 - Other Central Dup Svc - Printing (all printing costs)	122,646	161,387
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		

Marjorie M. Roher, 6/6/2017

FY17 OPERATING BUDGET SPREADSHEET
Through May 31, 2017 (As of June 5, 2017)

LINE ITEM	FY17 APPROVED	FY17 YEAR TO DATE*
6A014 - Outside Printing	**100,550**	**78,813**
63100 - Outside Printing/Copying	550	939
63104 - Sample Ballot Printing	100,000	77,875
6A015 - Mail	**138,361**	**154,528**
63200 - Central Dup - Postage - Bulk (services, NO postage)	36,530	91,967
63202 - Central Dup - Postage - Individual (PO Box rental)	21,081	1,849
63206 - Inter-Office Mail/Pony Charge	750	2,594
63208 - Other - Mail (Sample Ballot Postage)	80,000	58,118
6A016 - Outside Postage and Mail	**90,500**	**57,169**
63300 - Outside Mail Services (VNCs and all other postage)	90,000	55,865
63304 - Other Outside Mail Services	500	1,303
6A017 - Motor Pool	**10,965**	**21,466**
63500 - Assigned Motor Pool Vehicles	8,965	19,396
63504 - Daily Rental Motor Pool	2,000	1,897
63508 - MP EZPASS Charges	0	173
6A018 - Communications Services	**33,670**	**28,135**
63604 - Cellular Phone Line Charges	2,800	4,390
63618 - Blackberry Charges (smart phones)	9,000	8,344
63626 - Communication Modems (SBE)	4,870	0
63634 - Other Communication Services (PP Phone Lines)	17,000	15,400
6A020 - Charges from Others	**5,000**	**2,526**
63810 - Charges for Facility Maintenance	5,000	2,526
6A021 - Travel	**23,996**	**17,090**
64010 - Metropolitan Area Travel	17,996	14,023
64012 - Non-Metropolitan Area Travel	6,000	3,067
6A022 - Education, Tuition, and Training	**10,125**	**6,721**
64100 - Local Conference Related	2,000	4,128
64102 - Non-Local Conference Related	0	429
64120 - Other Education, Tuition, & Training	8,125	2,164
6A023 - Dues/Memberships	**2,000**	**2,280**
64200 - Professional Memberships (Individual)	2,000	2,280
6A024 - Advertising	**27,756**	**27,400**
64300 - Advertising - Jobs	0	0
64304 - Advertising - Marketing/Sales	27,756	27,400
6A099 - Miscellaneous Operating Expenses	**5,000**	**4,052**
69999 - Other Misc Operating Expenses	5,000	4,052
DEPARTMENTAL TOTAL	**8,589,274**	**7,448,884**

* Included prior year encumbrances
\+ Includes office supplies, polling place supplies, and office furniture
** $3,860 moved from each line item to 46304 per Board Directive

Mandated Legal Requirements
Charges from SBE
Election Specific Costs
Personnel Charges
Temporary Personnel Charges
Overtime Costs
Benefits

Marjorie M. Roher, 6/6/2017

FY18 OPERATING BUDGET SPREADSHEET
As of May 19, 2017

LINE ITEM	FY18 APPROVED	FY18 YEAR TO DATE*	CHANGES FROM FY17
PERSONNEL COSTS	**4,192,498**	**0**	
5A001 - Salaries & Wages	**3,406,943**	**0**	
50010 - Full Time Salaries	2,187,883		
50012/50020 - Part Time Salaries/Seasonal Temps	767,923		+54,625 trainers for offsite training
60168 - Temporary Office Clerical (moved from OP for clarity)	200,601		
SUBTOTAL FOR TEMPORARY PERSONNEL	**968,524**	**0**	
50324 - Overtime (includes emergency, multi-lingual & holiday)	250,536		
5A002 - FICA	**239,603**		
5A003 - Group Insurance	**357,768**		
5A004 - Group Retirement	**188,184**		
OPERATING EXPENSES	**4,021,202**	**0**	
6A001 - Services and Contracts	**1,398,279**	**0**	
60060 - Legal/Attorney Services	75,000		
60066 - SBE Program Management	313,459		
60304 - Maintenance - Electrical	0		
60314 - Maint - Computer Systems**	25,000		
60326 - Repair/Maint Agmts - Office Equip	11,000		
60412 - Moving Services	25,500		
60414 - Building Construction	0		
60530 - Other Professional Services - EJ Stipend	913,820		+86,475 increase stipend
60532 - Other Non-Professional Services (includes EJ mod.)	34,500		
6A002 - Maintenance	**150,000**	**0**	
61010 - Computer Equip Repairs/Maint (EPB)	150,000		
6A003 - Rentals/Leases	**1,641,186**	**0**	
61902 - Furniture Rentals (Polling Place)	7,000		
61924 - Other Equipment Rentals (MDVoters)	400,400		
61926 - Bldg or Space Rental/Leases (Pol. Place)	40,305		
61932 - Other Rentals/Leases (Voting System)	1,193,481		+100,000 additional scanners
6A004 - Office Supplies & Equipment (<$5,000)	**136,769**	**0**	
62010 - General Office Supplies+	72,315		
62016 - Computer Supplies	5,000		
62018 - Computer Equip (<$5,000)**	28,000		
62022 - Paper and Supplies for Copiers	0		
62028 - Other Supplies & Equipment	31,454		+9,450 equipment offsite training
6A011 - Books, Videos, and Subscriptions	**3,500**	**0**	
62700 - Books/Reference Materials	2,500		
62712 - Other Books, Videos, and Subscriptions	1,000		
6A012 - Other Supplies/Materials/Equipment	**77,933**	**0**	
62826 - Keys and Locks	265		
62848 - Tools	0		
62896 - Parking Meters	0		
62946 - Charges from SBE	77,668		
6A013 - Printing/Central Duplicating Services	**143,054**	**0**	
63016 - Imaging	10,000		
63018 - Document Shredding	0		
63020 - Office Mach. Cop. Leasing	11,760		
63022 - Other Central Dup Svc - Printing (all printing costs)	121,294		-1,352 county wide reduction
Mandated Legal Requirements			
Charges from SBE			
Election Specific Costs			
Personnel Charges			
Temporary Personnel Charges			
Overtime Costs			
Benefits			

Marjorie M. Roher, 6/19/2017

FY18 OPERATING BUDGET SPREADSHEET
As of May 19, 2017

LINE ITEM	FY18 APPROVED	FY18 YEAR TO DATE*	CHANGES FROM FY17
6A014 - Outside Printing	**100,550**	0	
63100 - Outside Printing/Copying	550		
63104 - Sample Ballot Printing	100,000		
6A015 - Mail	**138,361**	0	
63200 - Central Dup - Postage - Bulk (services, NO postage)	36,530		
63202 - Central Dup - Postage - Individual (PO Box rental)	21,081		
63206 - Inter-Office Mail/Pony Charge	750		
63208 - Other - Mail (Sample Ballot Postage)	80,000		
6A016 - Outside Postage and Mail	**90,500**	0	
63300 - Outside Mail Services (VNCs and all other postage)	90,000		
63304 - Other Outside Mail Services	500		
6A017 - Motor Pool	**41,243**	0	
63500 - Assigned Motor Pool Vehicles	31,318		+22,353 county wide increase
63504 - Daily Rental Motor Pool	9,925		+7,925 truck for offsite training
63508 - MP EZPASS Charges	0		
6A018 - Communications Services	**33,670**	0	
63604 - Cellular Phone Line Charges	2,800		
63618 - Blackberry Charges (smart phones)	9,000		
63626 - Communication Modems (SBE)	4,870		
63634 - Other Communication Services (PP Phone Lines)	17,000		
6A020 - Charges from Others	**5,000**	0	
63810 - Charges for Facility Maintenance	5,000		
6A021 - Travel	**23,996**	0	
64010 - Metropolitan Area Travel	17,996		
64012 - Non-Metropolitan Area Travel	6,000		
6A022 - Education, Tuition, and Training	**10,125**	0	
64100 - Local Conference Related	2,000		
64102 - Non-Local Conference Related	0		
64120 - Other Education, Tuition, & Training	8,125		
6A023 - Dues/Memberships	**2,000**	0	
64200 - Professional Memberships (Individual)	2,000		
6A024 - Advertising	**20,036**	0	
64300 - Advertising - Jobs	0		
64304 - Advertising - Marketing/Sales	20,036		
6A099 - Miscellaneous Operating Expenses	**5,000**	0	
69999 - Other Misc Operating Expenses	5,000		
DEPARTMENTAL TOTAL	**8,213,700**	**0**	

* Included prior year encumbrances
\+ Includes office supplies, pollilng place supplies, and office furniture
** $3,860 moved from each line item to 46304 per Board Directive

Mandated Legal Requirements
Charges from SBE
Election Specific Costs
Personnel Charges
Temporary Personnel Charges
Overtime Costs
Benefits

Marjorie M. Roher, 6/19/2017

As a follow-up to the June 13, 2017 Bloomberg article "Russian Cyber Hacks on U.S. Electoral System Far Wider than Previously Known," DHS would like to offer several points of clarification:

1. **In the months immediately prior to the elections, there was no indication of cyber activity that would change the outcome of the U.S. election.** DHS regularly receives threat information and works to disseminate such information in an appropriate and timely manner. In a September 2016 Intelligence Assessment, DHS in coordination with government and private sector partners determined that there was no indication that adversaries were planning cyber activity that would change the outcome of the coming US election. We further assessed that multiple checks and redundancies in US election infrastructure would make it likely that any such activity would be detected.

2. **Cyber activities detected prior to the election were not related to vote tallying.** However, DHS was aware of both state and non-state actors attempting to intrude in US election infrastructure. In the months leading up to the election, we identified several states with unusual or suspicious activity, not necessarily an attack and not necessarily attributable to Russia or anybody else. Many of these were determined not to be suspicious after further analysis.

   While we are not going to get into specifics of activity at the state level, the vast majority of what we saw was scanning - not attempts to intrude - and unsuccessful attempts to steal data held in voter registration databases. These systems were not involved in vote tallying.

   Although we continue to judge all newly-available information, DHS has not fundamentally altered our prior assessments.

3. **The designation of election infrastructure as critical infrastructure does not change the primary role state and local governments have in administering and running elections, it does not create new regulations, and it does not give DHS new powers to intervene.** The article incorrectly states that the critical infrastructure designation "gives the federal government broader powers to intervene." Rather, the critical infrastructure designation enables DHS to prioritize our cybersecurity assistance to election officials *who request it*. Further, it makes clear both domestically and internationally that election infrastructure enjoys all the benefits and protections of critical infrastructure that the U.S. government has to offer. Finally, a designation makes it easier for the federal government to have full and frank discussions with key stakeholders regarding sensitive vulnerability information.

   The article also insinuates that the designation was a partisan issue between Secretary Johnson and Republican officials. This is not accurate. Secretary Jeh Johnson consulted with the Secretaries of State and then designated the Election Infrastructure subsector under the authority of his office.

Any questions on this issue may be directed to NPPD Public Affairs at nppdopa@hq.dhs.gov.

Polling Places Changes 2018 Preliminary Working Draft

D/P	Polling Place - 2018	Voters as of 5/31/17	In Precinct	Type Facility	Perm/ Temp	Reason for Change	2016 Polling Place	CD	LD	CCD	Miles Between Facilities
02-06	Hallie Wells MS	4,344	Yes	MCPS	Perm	In Precinct	Clarksburg HS	6	39	2	1.8
02-08	Clarksburg HS	3,464	Yes	MCPS	Perm	Better: Facility, Access, Parking	Clarksburg ES	6	15	2	1.5
04-27/04-38	Twinbrook Recreation Center	636	04-07	City of Rock.	Perm	Ballot Style	Meadow Hall ES	8	18	3	1
04-34	Redland MS	1,852	08-04	MCPS	Perm	Use of Public Facility	Shady Grove Presbyterian Church	6	19	3	1.6
05-05	Burnt Mills ES	2,697	Yes	MCPS	Perm	Ballot Style	Springbrook HS	8	20	5	2.3
08-10	Wm. H. Farquhar MS	2,046	08-06	MCPS	Temp	Construction	Olney Swim Club	3	14	4	2.9
09-03	Brown Station ES	2,303	Yes	MCPS	Perm	Return After Renovations	Thurgood Marshall ES	6	17	3	2.9
10-06	Wayside ES	2,485	Yes	MCPS	Perm	Return After Renovations	Herbert Hoover MS	6	15	1	3.3
13-38	Silver Creek MS	4,371	13-03	MCPS	Temp	Construction	Kensington-Parkwood ES	8	18	1	1.4
13-43/13-70	Wheaton Woods ES	2,383	Yes/13-43	MCPS	Perm	Return After Renovations	Aspen Hill Library	8	19	4/3	0.9
13-67	Don Bosco Cristo Rey HS	1,700	Yes	Religious	Perm	Split Precincts to Original Configuration	Takoma Park Recreation Ctr.	8	20	5	0.5
Total		19,837									

Permanent Change - Return to original site

Temporary Change

Proposed Precinct Merger

Permanent Prec, Realignment/Split

New Site

New Precinct/Proposed Split

2018 Consolided Precincts with Ballot Style Conflicts

Consolidated Precincts	Polling Place Location	Voter Count 5/31/17	CD	LD	CCD
04-07/04-37/**04-40/04-43**	Twinbrook ES	2429-235-128-26	8	17/17/17/17	3/3/4/3
04-08/**04-33**	Garrett Park ES	4188-172	8	18/17	1/1
04-20/**04-42**	Robert Frost MS	4001-8	6	15/17	3/3
04-25/04-11	Ritchie Park ES	1741-693	8	17/16	3/3
08-06/**13-60**	Sherwood HS	4079-44	3	14/19	4/4
08-08/08-15	Magruder HS	3249-302	8	19/14	4/4
09-37/**09-39**	Flower Hill ES	2091-26	6	39/17	4/4
10-01/04-23	Potomac United Methodist Church	1644-265	6	15/15	1/3
12-02/**02-07**	John T. Baker MS	2614-96	8	14/15	2/2

2018 MCPS Construction

D/P	Facililty Name	Voter Counter as of 05/31/17	Construction Issue	Resolution Proposed Temporary Facility	In Precinct
07-20	Ashburton ES	2,396	Addition/Firm Unavailable	Davis Library	07-20
07-01/07-08	Bethesda-Chevy Chase HS	4,882	Addition/Limited Parking	Our Lady of Lourdes Church Parking	Pending
05-18	Burtonsville ES	1,781	Addition/Pending MCPS	Paint Branch HS	05-19
13-38	Kensington-Parkwood ES	4,375	Addition/Firm Unavailable	Silver Creek MS (BCC MS)	13-03
13-46	Lucy V. Barnsley ES	2,226	Addition/Firm Unavailable	Bauer Comm Rec Center	13-52
07-19	No. Bethesda MS	4,193	Addition/Pending MCPS	Wyngate ES	07-19
13-21	Takoma Park MS	3,765	Addition/Pending MCPS	Pending	Pending
07-15	Thomas W. Pyle	3,640	Addition/Firm Unavailable	Burning Tree ES	07-15
12-02/02-07	John T. Baker MS	~~2,713~~	HVAC/Resolved Available	N/A	N/A
05-15	Cloverly ES	3,548	HVAC/Firm Unavailable/No AC	Ross Boddy Comm Rec Center	08-06
12-05	Damascus HS	~~3,139~~	HVAC/Resolved Available	N/A	N/A
06-01	Jones Lane ES	2,247	HVAC/Pending MCPS	Our Lady of Visitation Church	06-09
01-01/08-14	Laytonsville ES	~~2,218~~	HVAC/Resolved Available	N/A	N/A
08-01	Olney ES	~~3,661~~	HVAC/Resolved Available	N/A	N/A
06-05	Quince Orchard HS	~~3,780~~	HVAC/Resolved Available	N/A	N/A
12-04/02-09	Lois P. Rockwell ES	3,071	HVAC/Firm Unavailable/No AC	Cedar Grove ES	12-04
13-50	Sligo Creek ES	2,181	HVAC/Pending MCPS/PKg./Purple Line	Highland View ES/Second Room	13-13
06-08	Stone Mill ES	2,033	HVAC/Firm Unavailable	Dacek Comm Rec Center	06-06
09-12	Watkins HS	~~2,929~~	HVAC/Resolved Available	N/A	N/A
09-09	Whetsone ES	4,133	HVAC/Firm Unavailable	Private	Pending
04-17	Luxmanor ES	2,829	Renovation Pending Review	Kennedy-Shriver Aquatic Center	Pending
04-01	Maryvale ES	3,906	Renovation Pending Review	Rockville HS	04-01
10-02	Potomac ES	2,863	Renovation Pending Review	Private	Pending
	Total Voters Impacted	54,069			

Attachment H

MARYLAND

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Kelley Howells
Gloria Lawlah

Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

DATE: May 2, 2017

TO: Margaret A. Jurgensen, Election Director

FROM: Linda H. Lamone

RE: Maryland State Board of Elections' (SBE) Audit of Montgomery County Board of Elections 2016 Presidential Election Procedures and Operations

The State Board of Elections (SBE) has conducted an audit of Local Boards of Elections (LBE) compliance with election laws and regulations prior to and following the 2016 Presidential Elections. SBE staff has compiled the findings in the attached 2016 Presidential Election Audit Report. Where appropriate, SBE staff has indicated action items for LBE staff to address the findings.

If you have an action item or other finding, please make note of it and make sure that you implement corrective actions when conducting that procedure during the upcoming 2018 Gubernatorial Primary Election. **SBE is requesting a response to this audit report by Friday, May 26, 2017.** The response must include your LBE's description of how issues were addressed or a plan to address issues in the future. Also, please include in the response specific information about issues where there is disagreement with findings included in the audit reports. All audit responses must be signed by you and the chair of your LBE.

The following is a summary of SBE's audit process:

SBE's audits were conducted through reviews of data and information available through State databases or through required submissions by local boards. In addition, SBE staff members may have visited LBEs' offices to inspect records, observe office operations, observe voting equipment testing, and attend and evaluate election judges' training. SBE's efforts were supplemented by regional managers who provide ongoing field support for the voting system and electronic pollbooks.

There are three areas of inquiry with specific audit topics:

1. Voting System
   A. Logic and Accuracy Testing
   B. Voting Unit and Electronic Pollbook Allocation
   C. On-time opening of the Polls
   D. Voting System Verification

E. Issuance of "offline" Provisional Ballots

2. Polling Place Operations
   A. Election Judge Training
   B. Polling Place Evaluation Program
   C. Accessibility
   D. Ballot Accounting

3. Canvassing and Post Election Reconciliation and Audits
   A. Post-Election Audit – Precinct Audit
   B. Post-Election Audit – Absentee and Provisional
   C. Canvassing Minutes
   D. Provisional Data Review
   E. Absentee Data Review

If you have any questions, please contact Erin Perrone at 410-269-2845.

Enclosures

This document describes the steps taken by staff at the State Board of Elections (SBE) to conduct comprehensive audits on each of the Local Board of Elections' (LBEs) compliance with election laws, procedures, and regulations prior to and following elections.

SBE's audits were conducted through review of data and information available through State databases or through required submissions by LBEs. In addition, SBE staff visited some LBEs and inspected records, observed office operations, observed voting equipment testing, and attended and evaluated election judges' training. In addition, SBE regional managers conducted any necessary onsite inspections and reviews.

For each LBE, SBE staff compiles the findings for every audit topic. The summary of findings, action items, and other information is provided to the election directors and the LBE board members.

Based on the audit and findings, SBE staff may determine if it is necessary to conduct a more intensive audit including follow-up site visits. Following the conclusion of the audit cycle, SBE staff will assess the feasibility and effectiveness of the audit plan, make necessary adjustments, and determine the next audit period.

1. Voting Systems

A. Logic and Accuracy (L&A) Testing

Review Procedures:
SBE staff and regional managers observe and document that Logic and Accuracy testing is correctly followed in accordance with the Code of Maryland Regulations (COMAR) 33.10.01.14 - 15 and SBE procedures on a random sample of ballot scanners, ballot marking devices and electronic pollbooks. Details are captured on the Verification Form which is forwarded to SBE.

Findings:
For the primary election, a sample of 8 ballot scanners, 8 ballot marking devices and 6 electronic pollbooks that were prepared for the election were reviewed. Logic and Accuracy tasks were correctly carried out in accordance with SBE procedures.

For the general election, a sample of 6 ballot scanners, 8 ballot marking devices and 8 electronic pollbooks that were prepared for the election were reviewed. Logic and Accuracy tasks were correctly carried out in accordance with SBE procedures.

Action Items:
None

B. Voting Unit Allocation

Review Procedures:
SBE staff compare the number of ballot scanner USB memory drives allocated with the number required by COMAR 33.10.01.11 and compare the number of USB memory drives allocated with the number of USB memory drives that contained votes.

Findings:
According to the voting system ElectionWare application, sufficient number of ballot scanners were deployed for early voting and election day for both the primary and general elections.

Action Items:
None

C. On-time Opening

Review Procedures:
Election Law Article, §10-301 requires precincts to open at 7 a.m. To determine whether each precinct opened on-time, SBE staff reviewed electronic pollbook log files to determine the time that the election judges performed the "open the polls" function and checked in the first voter. An acceptable finding is 95% or more of the precincts opening on-time.

Findings:
According to the electronic pollbook audit log files for the primary election, all polling places opened on time.

According to the electronic pollbook audit log files for the general election, one polling place (013-065) opened at 7:05 am, with the first ballot issued at 7:09 am.

Action Items:

1. Emphasize the importance of polling places opening on time during election judge training.

D. Voting System Verification

Review Procedures:
COMAR 33.08.05.03 requires each LBE to conduct a voting system verification. After each election in which the voting system is used, the LBEs must verify the system's vote-counting capabilities. This verification includes aggregating results from voting units and comparing the aggregated results against results printed from GEMS. LBEs must verify a defined number of the precincts, and the verification must be completed before the LBE certifies the results of an election.

SBE staff reviewed paperwork submitted by the LBE to ensure that the LBE has performed the required voting system verification prior to certifying the election, that the verification results match the election results for the selected precincts, and timely submitted the audit and verification workbook.

Findings:
For the primary, SBE noted some incorrect entries in Montgomery County's precinct and Absentee 1 verifications. SBE will notify Montgomery County of the incorrect entries.

For the general, there were no findings or needed corrective actions.

Action Items:
Montgomery County should re-verify where incorrect entries were noted.

E. Issuance of "Offline" Provisional Ballots

Review Procedures:
SBE staff reviewed electronic pollbook and MDVOTERS data to determine whether the number of voters who were issued a provisional ballot despite going to vote at their correct precinct. An error rate of less than .5% is acceptable.

Findings:
For the primary election, an error rate of 0.43% was shown, which is acceptable.
For the general election, an error rate of 0.11% was shown, which is acceptable.

Action Items:
None

2. Polling Place Operations

A. Election Judge Training

Review Procedures:
SBE staff attends election judges training prior to the primary and general elections to determine if the LBEs are in compliance with SBE election judges training curricula requirements contained in Election Law Article, §10-206, and COMAR 33.02.03.

Findings:
SBE staff observed a training class prior to the general election. In the class, the trainees received very good hands-on training with the voting equipment and the trainers were enthusiastic, knowledgeable, and provided clear instruction on the voting process.

However, there was concern because the trainees did not receive the State approved *Election Judges' Manual* for training election judges. The *Election Judges' Manual* is submitted to the Maryland Office of the Attorney General for review and approval before it is sent to the local election boards. As stated in the *2014 Gubernatorial Primary Election Audit Report*, "supplemental guides and reference materials are permitted contingent upon SBE approval" and do not take the place of the *Election Judges' Manual*. The supplemental guides and workbooks were not submitted for review by the State and should not have been used in place of the *Election Judges' Manual*.

Action Items:
Any supplemental guides, reference materials, or workbooks must be submitted to SBE for approval, which is a repeat finding.

Although Montgomery County did not physically distribute an *Election Judges' Manual* to each attendee, SBE recognizes the need to evaluate the election judge training program and is considering alternatives to accessing the *Election Judges' Manual*.

B. Polling Place Evaluation Program

Review Procedures:
SBE staff reviewed the Polling Place Evaluation Forms completed during the 2016 primary and general elections. The goal is to protect the integrity of the voting process and the rights of all eligible voters while promoting access to the voting process COMAR 33.07.03.04.

Findings:
For both the primary and general elections, LBE staff submitted the required number of completed Polling Place Evaluation Forms. The forms and comments provided by the evaluators indicates the polling places were properly managed and arranged to accommodate voters. Also, the forms indicated election judges were knowledgeable about voting policies and procedures and were helpful to voters.

Action Items:
None

SBE staff will provide a detailed polling place summary evaluation review in the future.

C. Accessibility by Individuals with Disabilities

Review Procedures:
SBE staff reviews the SBE polling place database to ensure that accessibility surveys had been completed for all existing polling places as required by Election Law Article, §10-101, and COMAR 33.15.03.

In addition, SBE staff checks the polling place list generated by the SBE database to ensure that all polling places are accessible for people with disabilities.

Findings:
According to the polling place list generated by the SBE database, all early voting centers and polling places are fully accessible.

Action Items:
None

D. Ballot Accounting

Review Procedures:
In accordance with Election Law Article, §9-216 and COMAR 33.10.01.18, election judges shall prepare a complete accounting of the paper ballots issued to the polling place, in accordance with written procedures and on forms that the local board, with the approval of the State Board, adopts. The accounting shall include the number of ballots furnished to the polling place, issued to voters, voted, spoiled, and not used.

Findings:
For the primary election, LBE staff submitted the regular and provisional ballot certificates for election day, but did not submit any certificates from early voting. The documents submitted for election day demonstrated election judges prepared a complete accounting of the regular and provisional ballots issued to polling places.

For the general election, LBE staff did not submit page 2 of the provisional ballot certificate from the first day of early voting, which is important because it shows information such as spoiled, voted, and unvoted ballots. The opening information of the regular ballot certificate from Bells Mill Elementary School (10-012) was not signed. All other provided documents demonstrated election judges prepared a complete accounting of the regular and provisional ballots issued to polling places.

Action Items:
1. Submit all required documentation for the comprehensive audit.
2. Emphasize the importance of completing all the required ballot accounting forms during election judge training.

1. Canvassing and Post-Election Reconciliation

A. Post-Election Audit – Precinct Audit

Review Procedures:
A post-election audit is required by COMAR 33.08.05.06. The audit, which must begin the day after the election, requires LBE staff to review signed voter authority cards (VACs), precinct register data, voted ballots, and official returns. Prior to certification, the audit must be completed for the same precincts for which the system verification is conducted. The purpose of the post-election audit is to confirm the accuracy of the election judges' statements. Specifically, the focus of the audit is to confirm that the number of votes cast equals the number of voters that were checked-in to vote.

For each precinct, SBE provided a report showing the number of voters who checked in to vote (from the electronic pollbook), the number of ballots cast (from ElectionWare), and the difference between the two numbers. If a discrepancy is discovered, the LBE provides an explanation for why the discrepancy occurred (for example, the voter left with the VAC, etc.). If the difference is 5 or more, the election director shall conduct a manual audit.

An election director must conduct a manual audit for each precinct selected under COMAR 33.08.05.04 and for any precinct where the difference between check-ins and ballots cast is greater than 5. To conduct the manual audit, the LBE must hand count the signed VACs and compare the number of signed VACs with the number of ballots cast (from ERM).

Findings:
For the primary election, Montgomery County did not audit precincts 002-006 and 004-024, despite 5 fewer ballots being cast than check-ins.

For the general election, there were no findings or needed corrective actions.

Action Items:
Montgomery County should audit precincts 002-006 and 004-024.

B. Post-Election Audit – Absentee and Provisional

Review Procedures:
Each LBE is required to perform a post-election audit for the absentee and provisional ballots in accordance with COMAR 33.08.05.07 and to timely submit the absentee and provisional workbook. SBE reviewed the absentee and provisional workbook to verify that the LBE reviewed the appropriate number of ballots and the LBE's actions on the tested absentee and provisional ballots were correct.

Findings:
In the primary, the absentee audit was conducted by Alysoun McLaughlin, Deputy Director, and Bobbie Payne. The provisional audit was conducted by Margaret Jurgensen, Director, and Laletta Dorsey. The audit workbook was completed correctly and submitted timely.

In the general, the absentee audit was conducted by Margaret Jurgensen, Director. The provisional audit was conducted by Margaret Jurgensen, Director, and Jessica White. The audit workbook was completed correctly and submitted timely.

Action Items:
None

C. Canvassing Minutes

Review Procedures:
Each LBE is required to submit minutes from each of the canvasses – absentee 1 canvass, provisional canvass, absentee 2 canvass, and any post-certification canvass.

For each set of canvassing minutes, SBE staff reviewed the minutes to determine whether the minutes reflect the required canvassing activities and include relevant data. Additionally, SBE staff compared the data reported in the minutes against data from the statewide voter registration system (MDVOTERS) and the voting system (ERM) to identify any discrepancies between the three data sources. Where the variance between data in the canvassing minutes and either MDVOTERS or ERM is greater than 1%, the variance is noted.

Under the *LBE Canvass Instructions*[1], each LBE is required to use the E-40 report (generated from MDVOTERS) and the MSR report (provided by SBE) to determine whether voters with multiple voting credit voted more than one ballot and what the appropriate canvassing recommendation should be. This process includes reviewing relevant election documents and providing SBE with the relevant documents for those voters the LBE believes voted more than once.

After each election, SBE staff asks for a reconciled E-40 report and the documents establishing that the identified voters voted more than once. A "reconciled E-40 report" lists the voters believed to have voted more than once and either excludes those voters that the LBE determined did not vote more than one ballot or includes them with explanations as to why the LBE believes that the voters did not vote more than once.

Findings:
Local board staff submitted the required minutes. The minutes included the required information and relevant data.

a. SBE staff compared statistics reported in the canvassing minutes against MDVOTERS data. There were no variances exceeding 1% in the absentee voting data, but there was one variance exceeding 1% in the provisional voting data from the 2016 General Election.

   In MDVOTERS, there are 1,076 provisional ballot applications rejected because the provisional voter was not registered to vote. According to the minutes, there were 1,087 applications rejected for this reason. The variance of eleven is greater than 1% (1.02%).

---

[1] This document is an attachment to Chapter 2 of *Provisional Voting: Training Guide for Processing and Canvassing Provisional Ballots.*

b. SBE staff compared statistics reported in the canvassing minutes against ERM data. There were no variances exceeding 1% in the absentee or provisional voting data.

For the primary election, the LBE did not submit a reconciled E-40 report.

For the general election, SBE staff identified numerous occasions in which an incorrect canvassing outcome occurred. There are multiple instances where a voter cast an absentee and a provisional ballot, and the absentee ballot or the provisional ballot was counted. If a voter votes both an absentee ballot and a provisional ballot, COMAR 33.11.05.04C requires a LBE to reject both ballots.

Also, there were many instances where a voter cast an absentee and a provisional ballot, and both of the ballots were counted according the voter's record in MDVOTERS.

Action Items:

1. For all future elections, LBE staff must reconcile the E-40 report during canvassing and provide SBE with a reconciled E-40.
2. Follow the correct procedures when reconciling the E-40 report including comparing the signature on the voter authority card with the signature on the provisional ballot application, determining whether the voter who signed the voter authority card is the same individual who voted the provisional ballot, and updating the ballot status in MDVOTERS.
3. The local board of canvassers must reject an absentee ballot and provisional ballot cast by the same voter.
4. Before the election is closed in MDVOTERS and finalizing minutes from canvasses where provisional ballots are considered, compare the rejection reasons from the canvasses against the data in MDVOTERS and minutes.

D. Provisional Data Review

Review Procedures:
SBE staff compared provisional ballot data from MDVOTERS against relevant data from ERM. After accounting for any provisional ballots that were canvassed in the absentee canvass, the (reconciled) difference between ERM and MDVOTERS should be zero. As a percentage, any reconciled variance between the data that is greater than 1% is noted. SBE also reviews (for anomalies) the rejection reasons for provisional ballots.

	Provisional Ballots	
	Reconciled Variance between ERM and MDVOTERS	Variance as % of Reconciled ERM
Primary	26	0.52%
General	0	0.00%

Findings:
There were no variances exceeding 1% in the provisional voting data.

Action Items:
None

E. Absentee Data Review

Review Procedures:
SBE staff compared absentee ballot data from MDVOTERS against relevant data from ERM. After accounting for any absentee ballots that were canvassed in the provisional canvass, the (reconciled) difference between ERM and MDVOTERS should be zero. As a percentage, any reconciled variance between the data that is greater than 1% is noted. SBE also reviews (for anomalies) the rejection reasons for absentee ballots.

	Absentee Ballots	
	Reconciled Variance between ERM and MDVOTERS	Variance as % of Reconciled ERM
Primary	27	0.14%
General	58	0.11%

Findings:
There were no variances exceeding 1% in the absentee voting data.

Action Items:
None

James F. Shalleck
President
Nahid Khozeimeh
Vice President
Mary Ann Keeffe
Secretary
Alexander C. Vincent
Member
David Naimon
Member
Graciela Rivera-Oven
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Jacqueline Phillips
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N. Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

June 19, 2017

Linda Lamone, State Administrator of Elections
151 West Street, Suite 200
Annapolis, MD 21401

RE: Maryland State Board of Elections' (SBE) Audit of Montgomery County Board of Elections 2016 Presidential Election Procedures and Operations

Dear Ms. Lamone:

This letter responds to your 2016 Presidential Primary and General Election Audit Report, dated May 2, 2016. This response, which has now been reviewed by the Board President and Board Secretary and submitted at the last regularly scheduled monthly meeting of the Board of Elections, is substantively identical to the staff draft that was provided to you on your requested deadline of May 26, 2017.

The staff of the Montgomery County Board of Elections appreciates that there were no audit findings on 9 of the 14 areas of inquiry. In one area with no audit finding, there was an action item required and in an 10th area, there was an erroneous audit finding. Audit findings are noted below, along with information on the corrective actions that staff plans to implement when conducting the election during the upcoming Gubernatorial Election of 2018.

#1-9: Areas of Inquiry with No Audit Finding

The 2016 Presidential Primary and General Election Audit Report notes that:

1. Logic and accuracy tasks were correctly carried out in accordance with SBE procedures for both the primary and general election;
2. A sufficient number of ballot scanners were deployed for Early Voting and Election Day for both the primary and general elections;
3. On-time opening of the polls was within what the SBE determines to be an acceptable range, with just one precinct performing the "open the polls" function at 7:05 am for the general election;
4. The number of voters who were issued a provisional ballot despite going to vote at their correct precinct were within what the SBE determines to be

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an acceptable range, with fewer than .5% of such voters issued a provisional ballot;

5. All required Polling Place Evaluation forms were submitted and indicated that polling places were properly managed and arranged and that Election Judges were knowledgeable and helpful;
6. All accessibility surveys were properly completed and all voting locations were determined to be fully accessible;
7. The absentee and provisional audit was correctly and timely submitted and staff actions were determined to be correct;
8. Variances between ERM and MDVOTERS for the provisional ballot canvass in the primary election were within what SBE determines to be an acceptable range, and there were zero variances in the general election,
9. Variances between ERM and MDVOTERS for the absentee canvass for both the primary election and the general election were well within what SBE determines to be an acceptable range.

#3: Action Item with No Audit Finding

The 2016 Presidential Primary and General Election Audit Report notes that:

3. ***On-time Opening.*** *According to the electronic pollbook audit log files for the primary election, all polling places opened on time. According to the electronic pollbook audit log files for the general election, one polling place (013-065) opened at 7:05 am, with the first ballot issued at 7:09 am.*

Comments:

a. While there is an action item given, this is not an audit finding as precinct 13-65 is the only one of 232 precincts that did not perform the "open the polls" function prior to 7:00 am. The on-time percentage for Montgomery County is 99.57% while an an acceptable finding is determined by the SBE to be 95% or more of the precincts opening on time.
b. The Montgomery County Board of Elections expects a 100% on-time opening of the polls and emphasizes in the training of the Chief Judges and Voting Operations Judges that all the equipment shall be turned by 6:50 am. Chief Judges are advised at the Chief Judge briefing held the Friday and Saturday preceding Election Day to have all equipment readied and functioning at 6:50 am and to contact the office to confirm that they are ready to open the polls.
c. We have confirmed that the polling place printed their Consolidated Voter Counts Report from the pollbook at 7:04 am. The Chief Judges also noted on their step-by-step checklist for opening the polls that they opened "a few minutes late". The Chief Judges did not properly inform the Board of Elections of the issue on Election Day. When contacted to explain the reason for the late opening, it was stated that

the County Community Center personnel assigned to open the building at 6:00 am did not appear until 6:15 pm.

Action Items:
Emphasize the importance of polling places opening on time during election judge training.

a. Board staff will further emphasize the importance of following procedures for opening the polls on time and emphasize the need to contact the Board immediately when a facility or equipment issue threatens on-time opening of the polls. It is imperative that Election Judges perform the "open the polls" function prior to 7:00 am.

#10: Area of Inquiry With An Erroneous Audit Finding

The 2016 Presidential Primary and General Election Audit Report notes that:

10. ***Precinct Audit.*** *For the primary election, Montgomery County did not audit precincts 002-006 and 004-024, despite 5 fewer ballots being cast than check-ins.*

Action Items:
Montgomery County should audit precincts 002-006 and 004-024.

a. Montgomery County staff has verified with SBE Staff that this audit finding is in error. These precincts did not require an audit.

#11-14: Areas with an Audit Finding

The 2016 Presidential Primary and General Election Audit Report notes that:

11. ***Voting System Verification.*** *For the primary, SBE noted some incorrect entries in Montgomery County's precinct and Absentee 1 verifications. SBE will notify Montgomery County of the incorrect entries. For the general, there were no findings or needed corrective actions.*

Comments:

a. The spreadsheet file placed in the State Board of Election Outbox was determined to be corrupted or flawed. The entries were corrected and submitted to the State Board of Elections in June of 2016. The file was again uploaded to the Outbox for SBE to retrieve.
b. The Absentee errors were corrected after the SBE staff identified the problem in the data. Data was corrected and resubmitted.

Action Items:
Montgomery County should re-verify where incorrect entries were noted.

a. Montgomery County will ensure that all necessary data is verified and reverified for future elections.

12. ***Election Judge Training.*** *SBE staff observed a training class prior to the general election. In the class, the trainees received very good hands-on training with the voting equipment and the trainers were enthusiastic, knowledgeable, and provided clear instruction on the voting process.*

However, there was concern because the trainees did not receive the State approved Election Judges' Manual for training election judges. [...] The supplemental guides and workbooks were not submitted for review by the State and should not have been used in place of the Election Judges' Manual.

Comments:

b. The Election Judge Manual was presented in paper form to all Election Judges for the primary election. For the general election, paper copies were provided to all new Election Judges and to Chief Judges, and copies were distributed on Election Day to each precinct. In addition, The Election Judges are provided the Election Judge Manual in an electronic form on the Montgomery County Election Judge Module. Furthermore, reading the manual is integrated into the training. Judges are required to read the first four chapters of the manual to sign up for the class by taking a quiz and successfully passing the quiz. Upon completion of the class assignment, they are instructed to read the balance of the Election Judge Manual in preparation for the class. The Election Judge Manual is the foundation of the training and to reduce waste, the Board staff provides the manual as a soft copy.
c. Montgomery County staff use a variety of training tools including task-specific job guides and class exercises. These supplemental materials are directly taken from material in the State Board Election Judge Manual.

Action Items:

Any supplemental guides, reference materials, or workbooks must be submitted to SBE for approval, which is a repeat finding. Although Montgomery County did not physically distribute an Election Judges' Manual to each attendee, SBE recognizes the need to evaluate the election judge training program and is considering alternatives to accessing the Election Judges' Manual.

a. Montgomery County staff dispute that this is a repeat finding. Neither the 2012 audit report nor the 2014 audit report make any mention of a requirement for the SBE to approve every training aid that is used by trainers in Montgomery County.

b. In the future, the Montgomery County Board of Elections will submit all workbooks and supplemental guides to SBE for review.

13. ***Ballot Accounting.*** *For the primary election, LBE staff submitted the regular and provisional ballot certificates for election day, but did not submit any certificates from early voting. [...] For the general election, LBE staff did not submit page 2 of the provisional ballot certificate from the first day of early voting, which is important because it shows information such as spoiled, voted, and unvoted ballots. The opening information of the regular ballot certificate from Bells Mill Elementary School was not signed.*

Action Items:
1. Submit all required documentation for the comprehensive audit.
2. Emphasize the importance of completing all the required ballot accounting forms during election judge training.

a. The missing documents are attached.
b. Board staff will further emphasize the importance of completing all ballot accounting forms during Election Judge training and will ensure that forms are submitted for early voting as well as Election Day.

14. ***Canvassing Minutes.***
1. In MDVOTERS [for the 2016 General Election], there are 1,076 provisional ballot applications rejected because the provisional voter was not registered to vote. According to the minutes, there were 1,087 applications rejected for this reason. The variance of eleven is greater than 1% (1.02%).
2. For the primary election, the LBE did not submit a reconciled E-40 report.
3. For the general election, SBE identified numerous occasions in which an incorrect canvassing outcome occurred. There are multiple instances where a voter cast an absentee and a provisional ballot, and the absentee ballot or the provisional ballot was counted. If a voter votes both an absentee ballot and a provisional ballot, COMAR 33.11.05.04C requires a LBE to reject both ballots.
4. Also, there were many instances where a voter cast an absentee and a provisional ballot, and both of the ballots were counted according the voter's record in MDVOTERS.

Action Items:
1. For all future elections, LBE staff must reconcile the E-40 report during canvassing and provide SBE with a reconciled E-40.
2. Follow the correct procedures when reconciling the E-40 report including comparing the signature on the voter authority card with the

signature on the provisional ballot application, determining whether the voter who signed the voter authority card is the same individual who voted the provisional ballot, and updating the ballot status in MDVOTERS.
3. The local board of canvassers must reject an absentee ballot and provisional ballot cast by the same voter.
4. Before the election is closed in MDVOTERS and finalizing minutes from canvasses where provisional ballots are considered, compare the rejection reasons from the canvasses against the data in MDVOTERS and minutes.

a. A typographical error was made when creating the chart of the number of rejected provisional ballot applications in the canvass minutes. The canvass minutes correctly indicated the number of provisional ballots rejected for this reason on page five (5), but incorrectly indicated the same information on the chart on page six (6). The chart has been corrected to reflect the proper number of rejected ballots (1,076) in minutes that were presented to the Board of Canvassers on June 19, 2017, and the amended copy is attached.

b. Montgomery County staff is unclear on what the SBE is referring to as "a reconciled E-40 report" and is unaware of a format for such a report or any outstanding documentation for any specific voter. Montgomery County Board of Election staff conducted all research of E-40 voters during the Primary Canvass, removed credit that was incorrect or issued in error, recommended acceptance or rejection of ballots in accordance with SBE canvassing guidelines and provided the required documentation for each voter specified in SBE guidance. For future elections, Montgomery County will provide SBE personnel with a copy of the spreadsheet that we use to track information on these voters during the canvass.

c. Several factors contribute to situations where an absentee ballot or provisional ballot may be counted. MDVOTERS is unable to capture all the unique situations when it is appropriate to count the absentee or provisional.

   Absentee voters who also completed a provisional ballot application do not show up on the E-40 until the provisional ballot is entered into MDVOTERS. Due to the volume of provisional ballots, the process of entering the provisional ballots was not completed until November 17th. The only source for identifying these ballots prior to the canvass is the MSR report. The MSR report for the 2016 General was not distributed until the morning of November 10th, which was also the day of the first absentee canvass. This left very little time to research and pull these absentee ballots already staged for canvass, as the report contained over 11,000 lines of information. LBE staff attended a SBE

E-40 lessons learned session to help devise new processes to help address this issue. SBE guidance on using the MSR report would be helpful and it would be extremely beneficial if the MSR report could be sent earlier, even if it has not been finalized. For future elections, Montgomery County will convene the first absentee canvass at 10:00 am, then recess canvass to allow more time to research and pull suspected E-40 ballots. This will delay election results from the absentee canvass.

Additionally, provisional ballots are canvassed prior to the last day to receive a timely absentee ballot. Nothing can be done to prevent a provisional ballot from being canvassed if the absentee ballot has not yet been received.

d. Many apparent instances of a voter casting two ballots are due to circumstances where voters returned a Federal Write-in Absentee Ballot (FWAB). The FWAB disposition was determined by SBE and these ballots were not received by Montgomery County in time for additional research to be conducted.

I trust that this responds to your inquiry. If you have any questions, please contact Margaret Jurgensen, Election Director, at 240-777-8523.

Sincerely,

Jim Shalleck
Board President

Margaret Jurgensen
Election Director