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June 18, 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 Keeffe, Secretary
Alexander Vincent
David Naimon
Jacqueline Phillips
Alan Banov

Board Attorney:

Kevin Karpinski

Staff:

Margaret Jurgensen, Election Director
Alysoun McLaughlin, Deputy Director
Lisa Merino, Office Services Coordinator
Marjorie Roher, Management and Budget Specialist III
Janet Ross, Information Technology Manager
Jessica White, Voter Services Manager

Guests:

Nancy Farrar
Brian Hunt
Dolly Kildee
Barbara Sanders

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

<https://youtu.be/zB3s4PmS85Q>

Convene the Board Meeting and Declare a Quorum Present

Mr. Shalleck called the Board meeting to order and declared a quorum present at 2:34 p.m.

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Mr. Shalleck noted that the *Judicial Watch* case has been dismissed and thanked Board Attorney Kevin Karpinski for his excellent representation. He noted that it is his view that the dismissal of the case validates that the Board of Elections did nothing wrong, and that the business conducted at the Board of Elections is done in a bi-partisan way with the highest integrity, professionalism and dedication to the voters of this County. Mr. Shalleck and the Board members thanked Ms. Jurgensen and staff on the job well done as Early Voting is being conducted.

Approval of the May 21, 2018, Board Meeting Minutes

Mrs. Khozeimeh moved to approve the May 21, 2018, as amended. The motion was seconded by Ms. Keeffe and passed unanimously.

The Board members agreed to table two (2) sets of Executive Session minutes from May 21, 2018.

Additions/Changes to the Agenda

Mr. Shalleck stated there would be an Executive Session at the end of the regular meeting to discuss a confidential voter request and a security issue.

Public Comments

No public comments were given.

Election Director Status Report (Incorporated as Attachment A)

Agenda was posted on June 10.

Personnel

Ms. Jurgensen requested that the Board approve the Election Director to appoint the Election Judges that have been trained and are ready to serve for the 2018 Primary Gubernatorial Election.

Ms. Khozeimeh moved to have the Election Director appoint the Election Judges for the 2018 Primary Gubernatorial Election. The motion was seconded by Ms. Keeffe and passed unanimously.

*** Mr. Banov arrived at the meeting at 2:38 pm. ***

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Budget (Incorporated as Attachment B)

Ms. Roher stated that the budget spreadsheet detailing the final FY18 expenditures was sent in advance. She noted an error to the date of the spreadsheet creation as it should read *Through May 30, as of June 4*. Ms. Roher noted that the spreadsheet looks as if there has been more expenditures over the last month. She explained that she and staff have encumbered funds for anticipated invoices in the next few months. Ms. Roher reviewed some of the line items where funds were encumbered. Mr. Vincent inquired about line item 62028, Other Supplies & Equipment. Ms. Roher responded that most of the funds for that line item were used to purchase the large blue carts used to hold the seventy-seven ballot styles at the Early Voting Centers. She noted that the one-time purchase was not anticipated to be included in the budget. Ms. Jurgensen reminded the Board that the ballot marking device was going to be used at the Early Voting Centers. Ms. Roher noted that no funds have been encumbered for the State Board of Elections line items, which is much of the budget. She anticipates the fourth quarter invoice in the next few days and, once paid, will reduce the budget significantly.

Ms. Roher introduced Bryan Hunt, Management and Budget Analyst for the Board of Elections. She noted that Bryan has been a tremendous resource to the Board of Elections and will be retiring at the end of next week. Staff and Board thanked Mr. Hunt for his service.

Voter Registration

Ms. Jurgensen reported that voter registration closed on June 5; however, same day voter registration is allowable during Early Voting. She added that the voter registration staff will be at the Silver Spring Civic Center (Early Voting) to assist with any potential overflow from a rally occurring in downtown Silver Spring.

Ms. Jurgensen reviewed the 2018 Gubernatorial Primary Election summary with the Board. She responded to Mr. Naimon's question regarding the number of election judges needed, noting 2,907 are desired and that currently 2,545 are assigned with others on the way as training is still occurring.

State Board of Elections

Ms. Jurgensen reviewed the Absentee deadline dates:

- Deadline to receive mailed applications for absentee ballots to the Board of Elections is 11:59 p.m., June 19.
- Absentee request for electronic delivery of online submission by United States Postal Service or hand delivery to the Board of Elections is 8:00 p.m., June 22.
- Absentee request for electronic delivery of online ballot submitted to the Board of Elections by e-mail is 11:59 p.m. on June 22.
- Absentee voting in person deadline is 8:00 p.m., June 26.

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Ms. Jurgensen added that notification requirements regarding candidates for the Democratic Governor's race are to remain in place for Election Day.

Board Attorney Report

Mr. Karpinski stated that, as Mr. Shalleck mentioned, the Judge granted the County Board of Elections' Motion to Dismiss the Judicial Watch case, but has denied the State's Motion to Dismiss. Mr. Karpinski expected that Judge Holland will issue a scheduling order soon. He added that the Board of Election (BOE) is no longer part of the case but he/BOE is still able to monitor as the case progresses.

Mr. Karpinski stated that the Supreme Court has issued an opinion the Hustead case regarding the National Voter Registration Act (NVRA) case, noting that the Court found that Ohio's process meets the requirements of the NVRA. In Ohio, if you do not vote in a 2-year period, they send a letter requesting confirmation of address. If there is no response to the correspondence and no vote cast in two federal elections, Ohio removes the voter from the rolls. He noted that Maryland does not follow that process, as Maryland requires affirmative proof that the voter has moved. He added that Maryland could potentially make adjustments to the cancellation process.

Mr. Karpinski reported that the Supreme Court has issued a *per curiam* (unauthored) opinion in the Maryland congressional redistricting case concluding that the District Court did not abuse its discretion when it denied the Plaintiffs' request for temporary restraining order to halt the ballot in order to redraw the election lines.

Mr. Shalleck asked if the County Board would be seeking attorney's fees from the plaintiffs in the *Judicial Watch* case. Mr. Vincent pointed out that attorney's fees are available to the prevailing party under the National Voter Registration Act. Mr. Vincent asked Mr. Karpinski to provide an estimate of attorney fees to defend the *Judicial Watch* case. Mr. Karpinski responded that Ms. Roher has been provided the *Judicial Watch* invoice information separately and volunteered to provide it to the Board.

Old Business

Precinct 04-30

The Board was provided a draft notice of a handout to voters in precinct 04-30, noting the potential return to their regular polling place at St. Elizabeth Catholic School for the 2018 Gubernatorial General Election pending State approval. Ms. Jurgensen indicated that we plan to hand out the handbill to all voters in 4-30. The Board reviewed that statement and made edits. Ms. Jurgensen noted that the statement will also be provided in Spanish.

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2018 Gubernatorial Primary Election Preparation

Outreach Update

The Board was provided a full list of all outreach events coordinated by Dr. Zelaya.

Early Voting Update

Ms. Jurgensen reported that all Early Voting locations opened on time with no equipment issues. Minimal wait times have been reported, with the longest wait time of 10 minutes.

Equipment Update

Ms. Jurgensen reported that all election equipment is functioning, and no issues have been reported.

Reminders

Ms. Jurgensen reviewed upcoming dates with the Board members. On June 21, the Board is asked to report to BOE for Election Day bag verification and then proceed to their assigned early voting centers to ensure poll books and voted ballot bins are picked up by staff. Ms. Jurgensen noted that the Board is not required to stay for truck loading; nor do they need to sign off on paperwork.

Mr. Shalleck commented that he has received positive feedback by voters at Early Voting centers, adding that the staff has been terrific at responding to any issues or concerns. He noted that the main issue reoccurring is with the extent and volume of campaigning and electioneering at certain sites. Mr. Shalleck stated that historically, when a Board member visits a site and sees an issue or a problem, they have the authority to make changes. Ms. Keefe noted that there should be an exception in that that changes should not be made every day. Her concern with the electioneering boundaries is the safety of the voters, candidates and electioneers. The Board discussed the safety concerns with the Silver Spring Civic Center's staircase.

Mr. Naimon noted that a serious issue occurred at a polling place where a naturalized citizen was asked to provide identification. Staff did take quick action, an apology was given, and the election judge was let go. Mr. Shalleck agreed that quick action was taken and noted that it was an isolated incident. He added for the record, if an election judge violates the procedures or offends a voter, the judge will be let go. Mr. Banov requested that all the election judges be notified that requesting ID is not a policy unless the voter is voting for the first time in Maryland. Ms. Jurgensen stated that notice was sent that all election judges must follow the policy and rules provided in the election judge manual, and that no identification be requested unless it is indicated in the pollbook. Mr. Naimon requested that a copy of the notice be provided to the Board; Ms. Jurgensen agreed.

Mr. Naimon addressed the electioneering boundary at the Silver Spring Civic Center, noting that he made the changes to the boundary, allowing electioneering on one section of the stairs (the stairs furthest from the building). There was disagreement with what historically has been the electioneering boundary. Ms. Keeffe stated that she was called to Silver Spring on Thursday and Sunday afternoon to specifically address the electioneering boundary. Mr. Naimon questioned if Board members are empowered to make changes or not, noting that each Board member was appointed by the Governor with each having equal rights, and it should not be the case that one Board member has the right to make changes, while others do not. Mr. Vincent stated that Mr. Naimon's authority is not being questioned. Mr. Shalleck stated that all Board members have the same authority to make changes. The question is what is a safe boundary for the staircase at the Silver Spring Civic Center. Ms. Khozeimeh noted that she and Ms. Keeffe went to polling places in a bi-partisan manner to make decisions together. Mr. Shalleck asked what the electioneering boundary has been in the past. Ms. Jurgensen responded that that there has never been electioneering allowed on the staircase. Mr. Banov disagreed, pointing out that two years ago the stairs were within the electioneering boundary. The Board discussed the issue further. Ms. Jurgensen proposed that staff go to Silver Spring in the morning and reestablish the boundary as directed by the Board members.

Ms. Khozeimeh made a motion to have no electioneering allowed on the staircase at the Silver Spring Civic Center (Early Voting Center). The motion was seconded by Ms. Keeffe. There was brief discussion. The Board members took a vote, Mr. Shalleck, Ms. Khozeimeh, Ms. Keeffe and Mr. Vincent voted for the motion; Mr. Naimon voted against the motion. The motion passed.

Ms. Jurgensen offered the Board members a CD with the electioneering boundaries to all the polling places.

Mr. Naimon requested clarification, asking if Board members and Center Managers are empowered to ask electioneers to move if they are blocking sidewalks or staircases to allow voters a safe path. Mr. Karpinski agreed they had such authority.

New Business

Committee Structure

Ms. Khozeimeh and Ms. Keeffe agreed to co-chair the budget committee.

Mr. Vincent and Mr. Naimon agreed to co-chair the outreach committee.

Canvass Calendar

Ms. Jurgensen reviewed the calendar with the Board and briefly described what the process would be on the first day.

The Board agreed to have all canvasses begin at 10:00 a.m.

Future Meetings

The next Board meeting will be on June 26, 2018 at 11:30.

Ms. Khozeimeh moved to adjourn the Board meeting and move into Executive Session at 4:20 p.m. Ms. Keeffe seconded the motion and it carried unanimously.

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:25 p.m., pursuant to State Government Article, Sections 10-508 (a) (2)(7) and (10), to discuss a confidential voter request and a security issue.

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, Alexander Vincent, David Naimon, Jacqueline Phillips, Alan Banov, Kevin Karpinski, Margaret Jurgensen, Alysoun McLaughlin, Lisa Merino and Marjorie Roher.

Confidential Voter

Mr. Karpinski provided an update on a request from a voter to be listed as confidential in MDVoters.

Security Issue

The Board discussed a matter related to public security.

Adjournment

With nothing further to discuss, Ms. Khozeimeh moved to close the Executive Session at 5:00 p.m. The motion was seconded by Ms. Keeffe and carried unanimously.

Respectfully Submitted,



Lisa Merino
Office Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck
President

June 15, 2018
Election Director's Report

Agenda Posted – June 10, 2018

1. Convene meeting
2. Minutes
3. Additions
4. Public comments
5. Election Director Status
 - A. Personnel
 - a. Appointment of Election Judges
 - B. Budget – Margie Roher
 - C. Voter registration – closed on June 5 2018
 - a. Same Day Voter Registration at Early Voting
 - D. State Board of Elections
 - a. Absentee- deadline for mailed absentee ballot is 11:59pm on June 19th.
 - b. Absentee request electronic delivery of online submission by USPS or hand deliver is June 22, by 8:00pm.
 - c. Absentee request for Electronic delivery of online ballot submitted by e-mail the deadline is June 22, 2018 by 11:59pm.
 - d. Absentee voting in Person deadline is June 26, 2018 at 8:00pm at the Board office.
 - e. Notification requirements regarding the candidates for the Democratic Governor race are to remain in place for Election Day.
6. Board Attorney Report – Kevin Karpinski

7. Old Business

A. Precinct 04-30

8. 2018 Gubernatorial Primary Preparation

A. Outreach – Gilberto Zelaya

B. Early Voting Update

- a) All Early Voting locations have opened on time and are functioning properly.
- b) Board members – cover your location on Thursday, June 21st, arrive before 8:00pm. All voters in line at 8:00pm are permitted to vote.

C. Equipment Update

- a) Public Demonstration occurred
- b) Voting Units prepared and delivery has commenced.
- c) Pollbooks will be prepared upon completion of Early Voting.
- d) Election Judges – training wraps on June 20, 2018
 - i) Walk-in training continues for one-on-one training
 - ii) Monday night suggested meeting 6:30pm/Board supply bags will be available at Thursday supply verification.

9. New Business

A. Committee Structure

B. Canvass Calendar – any new information

C. Routes – hand off on Thursday night, June 21, 2018.

10. Future meetings

FY18 OPERATING BUDGET SPREADSHEET
(Through April 30, 2018, as of May 7, 2018)

LINE ITEM	FY18 APPROVED	FY18 YEAR TO DATE*
6A014 - Outside Printing	100,550	99,190
63100 - Outside Printing/Copying	550	14,190
63104 - Sample Ballot Printing	100,000	85,000
6A015 - Mail	134,360	180,141
63200 - Central Dup - Postage - Bulk (services, NO postage)	36,530	95,813
63202 - Central Dup - Postage - Individual (PO Box rental)+++	17,080	1,739
63206 - Inter-Office Mail/Pony Charge	750	2,589
63208 - Other - Mail (Sample Ballot Postage)	80,000	80,000
6A016 - Outside Postage and Mail	90,500	33
63300 - Outside Mail Services (VNCs and all other postage)	90,000	0
63304 - Other Outside Mail Services	500	33
6A017 - Motor Pool	41,243	19,534
63500 - Assigned Motor Pool Vehicles	31,318	17,764
63504 - Daily Rental Motor Pool	9,925	1,750
63508 - MP EZPASS Charges	0	20
6A018 - Communications Services	33,670	15,370
63604 - Cellular Phone Line Charges	2,800	809
63618 - Blackberry Charges (smart phones)	9,000	7,521
63624 - Communication Circuits	0	89
63626 - Communication Modems (SBE)	4,870	0
63634 - Other Communication Services (PP Phone Lines)	17,000	6,950
6A020 - Charges from Others	1,500	0
63810 - Charges for Facility Maintenance+++	1,500	0
6A021 - Travel	23,276	11,975
64010 - Metropolitan Area Travel	17,996	6,152
64012 - Non-Metropolitan Area Travel+++	5,280	5,822
6A022 - Education, Tuition, and Training	10,125	10,737
64100 - Local Conference Related	2,000	2,680
64102 - Non-Local Conference Related	0	0
64120 - Other Education, Tuition, & Training	8,125	8,057
6A023 - Dues/Memberships	2,000	2,185
64200 - Professional Memberships (Individual)	2,000	2,185
6A024 - Advertising	28,257	17,646
64300 - Advertising - Jobs	0	0
64304 - Advertising - Marketing/Sales+++	28,257	17,646
6A099 - Miscellaneous Operating Expenses	5,000	1,014
69999 - Other Misc Operating Expenses	5,000	1,014
DEPARTMENTAL TOTAL	8,897,584	5,533,050
* 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		
+++ Per 2/26 Board Meeting, funds moved to Advertising (see minutes)		
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		

FY18 OPERATING BUDGET SPREADSHEET

(Through April 30, 2018, as of May 7, 2018)

May 30

June 4

LINE ITEM	FY18 APPROVED	FY18 YEAR TO DATE*
PERSONNEL COSTS	4,206,270	3,150,625
5A001 - Salaries & Wages	3,420,715	2,519,607
50010 - Full Time Salaries	2,200,927	1,916,989
50012 - Part Time Salaries (Part-Time Permanent Employees)	130,936	72,757
50020 - Seasonal Temps (Part-Time Temporary Employees)	636,987	339,514
60168 - Temporary Office Clerical (moved from OP for clarity)	201,329	93,939
SUBTOTAL FOR TEMPORARY PERSONNEL	838,316	433,453
50324 - Overtime (includes emergency, multi-lingual & holiday)	250,536	96,408
5A002 - FICA	239,603	176,740
5A003 - Group Insurance	357,768	290,126
5A004 - Group Retirement	188,184	164,153
OPERATING EXPENSES	4,691,315	2,382,424
6A001 - Services and Contracts	1,625,953	430,508
60060 - Legal/Attorney Services	75,000	75,000
60066 - SBE Program Management	541,133	272,606
60304 - Maintenance - Electrical	0	1,301
60314 - Maint - Computer Systems**	25,000	2,990
60326 - Repair/Maint Agmts - Office Equip	11,000	6,726
60412 - Moving Services	25,500	40,430
60414 - Building Construction	0	0
60530 - Other Professional Services - EJ Stipend	913,820	-68,544
60532 - Other Non-Professional Services (includes EJ mod.)	34,500	100,000
6A002 - Maintenance	249,497	160,182
61010 - Computer Equip Repairs/Maint (EPB)	249,497	160,182
6A003 - Rentals/Leases	1,902,495	1,041,567
61902 - Furniture Rentals (Polling Place)	7,000	8,917
61924 - Other Equipment Rentals (MDVoters)	398,073	293,986
61926 - Bldg or Space Rental/Leases (Pol. Place)	40,305	31,647
61932 - Other Rentals/Leases (Voting System)	1,457,117	707,017
6A004 - Office Supplies & Equipment (<\$5,000)	141,684	138,025
62010 - General Office Supplies+	72,315	60,631
62016 - Computer Supplies	5,000	7,522
62018 - Computer Equip (<\$5,000)**	28,000	13,671
62022 - Paper and Supplies for Copiers	0	118
62028 - Other Supplies & Equipment	36,369	56,083
6A011 - Books, Videos, and Subscriptions	3,500	4,430
62700 - Books/Reference Materials	2,500	897
62712 - Other Books, Videos, and Subscriptions	1,000	3,534
6A012 - Other Supplies/Materials/Equipment	154,651	88,641
62826 - Keys and Locks	265	6,533
62848 - Tools	0	96
62896 - Parking Meters	0	0
62946 - Charges from SBE	154,386	82,012
6A013 - Printing/Central Duplicating Services	143,054	161,246
63016 - Imaging	10,000	4,088
63018 - Document Shredding	0	89
63020 - Office Mach. Cop. Leasing	11,760	16,873
63022 - Other Central Dup Svc - Printing (all printing costs)	121,294	140,195
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		