

APPROVED

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June 26, 2018

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

In Attendance:

Board Members:

Jim Shalleck, President
Nahid Khozeimeh, Vice President
Mary Ann 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

Guests:
Michael Subin

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

<https://youtu.be/CDd0cNPRqpU> Board Meeting.

Convene the Board Meeting and Declare a Quorum Present

Mr. Shalleck called the meeting to order and declared a quorum present at 11:40 a.m.

Additions/Changes to the Agenda

Mr. Shalleck stated that the meeting would include discussion of the procedure to be used for tabulation of the Democratic Central Committee contests and noted that an Executive Session proposed by Mr. Karpinski would be tabled until the next meeting.

Mr. Shalleck stated that the Election was going well in adverse situations and that Ms. Jurgensen's responses to questions from Board Members and the public have been terrific. Ms. Phillips concurred with Mr. Shalleck adding that she is overwhelmed by how enormous a job it is and how much attention to intricate details is required. She stated that the entire staff is doing an incredible job, knew what they were responsible for, and were happy to do so.

Tabulation of Democratic Central Committee Contests

Mr. Naimon stated that there was a question, on the part of State Board of Elections' (SBE) staff, as to who would be responsible for certifying the Democratic Central Committee (DCC) contests due to the separation by male and female as well as the limit of people from one Legislative District. The SBE suggested that it would be the responsibility of the Chair of the DCC to appoint a committee to certify the election; the Chair did not think that was appropriate. Mr. Naimon stated that he had spoken with Mr. Shalleck, Ms. Keeffe, and Mr. Banov and believed they all concurred that the certification should be handled as in the past.

Mr. Shalleck explained that the concern is, for the Democratic Central Committee contests, the person with the most votes may not be the actual winner due to the need to balance the number of male and female Committee members. Mr. Naimon clarified that the person with the most votes does win; however, when you get to the third and fourth place finishers there are other issues. The gender balance requirement is not a part of the State law, but is a National rule, and has been since the 1970s. Mr. Naimon noted that in almost all cases, the Court System has ruled that Party rules take precedent over State laws in Party contests. He suggested that, if there becomes an issue, it will because there is a limit on the number of people that can serve from the same Legislative District and that is why someone with fewer votes could win over someone with more votes if the limit for that Legislative District had already been reached.

Ms. Keeffe questioned whether the SBE had brought this question to the Montgomery County Board of Elections. Ms. Jurgensen stated that she recalls something being said by the SBE about this situation, she believes as part of the certification process. However, because she was focused on election preparation, and knew that certification was down the road, she did not focus on the discussion and didn't recall the specific information provided. Mr. Karpinski stated that he would look in to the matter and forward the information to the Board Members. He recalls receiving an email from the SBE. Mr. Shalleck stated that his understanding is that the SBE believes the MCDCC should certify and the MCDCC believes the Montgomery County Board of Elections should certify.

The Board concurred that there should be no need for anyone other than the Board Members to certify the Democratic Central Committee contests.

Mr. Subin requested that the comments made at the beginning of the meeting by Mr. Shalleck and Ms. Phillips be provided to Chief Administrative Officer Tim Firestine.

At 11:52 a.m. the Board recessed for lunch.

The Board reconvened at 12:35 p.m.

Update on Election Day Activities

- Mr. Shalleck stated that Ms. Khozeimeh had been at Leisure World (Precincts 13-54, 13-69, 13-71) and all precincts were fine.
- Ms. Jurgensen stated that Precinct 09-27, Rachel Carson ES, opened five minutes late and Precinct 04-06, Lone Oak School Center, had misplaced their ballots but found them in time for opening. In addition, there was a scanner issue at Tilden MS, Precinct 04-10, which she dispatched Board members to rectify.
- Ms. Keeffe noted that there was an electioneering boundary issue at Cedar Lane Unitarian Church (Precinct 13-38). She adjusted the lines so that voters could get through the electioneers to the door.
- Mr. Karpinski stated that there was a concern that the electioneering boundaries were too far back at Asbury Methodist Village (Precinct 09-28) which allowed voters to bypass the electioneers by utilizing other hallways. The boundaries were moved up so that more voters would encounter the electioneers.
- Mr. Naimon noted that Sligo MS (Precinct 13-53) also had boundary issues and is confusing to voters. The main door to the school is in front and has electioneering boundaries marked, but the door closest to the voting room (the cafeteria) is on the side of the building and that is where most voters enter. Mr. Naimon believes there should be signage at the side door. Ms. Jurgensen stated that she is aware of the situation, the front entrance is the accessible entrance and that is why the signage is placed there. Mr. Naimon clarified that the side door is also accessible. Ms. Jurgensen stated that she has asked the Chief Judge and staff to revisit the site and mark the map with a suggested adjustment prior to the General Election. Due to security concerns, the Montgomery County Public School System is changing entrance doors frequently and that is causing some of the issues with accessibility.
- Ms. Keeffe stated that different ADA signage is needed for all locations so that voters can see the signs clearly. They need to be larger and provide more direction from parking lots to entrance doors. She specifically mentioned Lynbrook School Center (Precinct 07-09).

- Ms. Khozeimeh noted that there may be a need for more help for the handicapped at Leisure World Clubhouse I (Precinct 13-54). There appeared to be several individuals who were given the wrong ballot and the election judges aiding with spoiling and reissuing ballots needed assistance. Ms. Jurgensen explained the process for ballot identification and stated that it appeared that election judges weren't paying attention to the ballot style.
- Mr. Naimon stated that he and Mr. Shalleck overheard a voter at Tilden MS (Precincts 04-10 and 04-18) complain that he had spoiled his ballot and didn't have time to wait for a new one. Mr. Naimon asked whether the process could be made easier. Ms. Jurgensen demonstrated the process for spoiling a ballot and explained that it was not difficult.
- Ms. Khozeimeh stated that she had not observed many provisional ballots being issued. Ms. Jurgensen stated that a lot of people, after going to MVA, had then gone to the website and made the change so it was captured. In addition, the ERIC mailings also helped capture many of the unforwarded changes so the impact is not as great as originally thought. She is waiting for the SBE to process the final list and forward it to staff but noted that, of the first 8,000, Montgomery County had less than 1,000.
- Mr. Banov stated that he heard many complaints about how small the ovals on the ballot were and suggested that they be made bold so they are easier to fill in. Ms. Jurgensen noted the suggestion and indicated that it would be passed on to SBE staff.
- Ms. Keeffe stated that more election judges were needed at the Kennedy Shriver Aquatic Center (Precinct 04-17). This precinct was moved from Luxmanor due to school construction and is inappropriate for voting. The room is about half the size of the Board Room, there is no facility for a break room or refrigeration. Mr. Naimon stated that he was equally appalled and said they had the longest lines of any he had seen. He suggested sending out a couple more judges if possible and noted that other options needed to be looked at for the fall. Ms. Jurgensen stated that there were very few standby judges available, but she would discuss this with Ms. Woods.
- Ms. Jurgensen was informed of a situation at Davis Library (Precinct 07-20) where electioneers were chasing people in to the polling place. She requested that a Board Member immediately go there; Mr. Banov agreed to do so.

Before the Board Members left, Ms. Roher provided information to them for parking that evening and distributed parking access signs to show to the Police and Security officers on-site to gain access.

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Adjournment

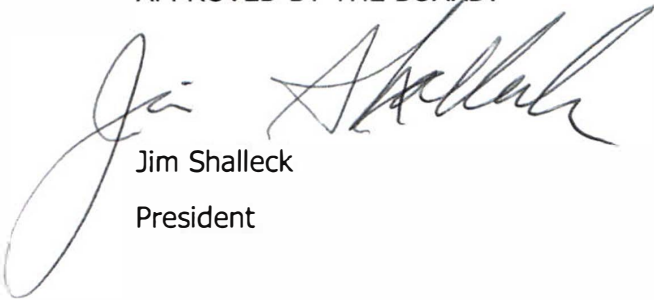
With no further business, a motion was made by Ms. Keeffe to adjourn the meeting. Ms. Phillips seconded the motion and the motion carried unanimously. The meeting adjourned at 1:05 p.m.

Respectfully Submitted By,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:


Jim Shalleck
President