

APPROVED

November 20, 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
Alexander Vincent
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
Christine Rzeszut, Operations Manager

Guests:

Isami Ayala
Al Crutcher
David Dise
Nancy Farrar
Dolly Kildee
Barbara Sanders
Michael Subin
Denise Wade

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

<https://youtu.be/F97pXT6PZ4k>

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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 introduced Alan Banov, the newly appointed substitute Board member.

Mr. Banov thanked the Board and staff for their warm welcome.

Approval of the October 16, 2017, Board Meeting Minutes

Mrs. Khozeimeh moved to accept the October 16, 2017, Board meeting minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously.

Approval of the September 23, 2017, Public Hearing Minutes

Mrs. Khozeimeh moved to accept the September 23, 2017, Public Hearing minutes. The motion was seconded by Ms. Keeffe and passed unanimously.

Approval of the October 16, 2017, Executive Session Minutes

Mrs. Khozeimeh moved to accept the October 16, 2017, Executive Session minutes. The motion was seconded by Ms. Keeffe and passed unanimously.

Additions/Changes to the Agenda

No additions or changes were made to the agenda.

Public Comments

No public comments were given.

Selection of 2018 Polling Places

Update on Utilization of School Facilities

Mr. Shalleck proposed and Board members agreed to discuss this topic later in the meeting to await the arrival of David Dise, Director of the Department of General Services (DGS).

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Discussion on Precincts 04-17, 09-40, and 13-38

Mrs. Rzeszut presented photos of potential locations to be used as the 2018 polling place for precinct 13-38 due to construction that will occur at Kensington Parkwood Elementary School. Staff proposed the use of Silver Creek Middle School because it is a public facility, it is located in an adjacent precinct, is ADA compliant, and has excellent parking, room size, and permits electioneering. The Board members also discussed the use of Cedar Lane Unitarian Universalist Church and Christ Church Parish.

Mr. Naimon moved to use Cedar Lane Unitarian Universalist Church as the 2018 polling place for precinct 13-38. The motion was seconded by Ms. Keeffe.

Mr. Naimon noted that the polling place is within the precinct, suitable and convenient for voters. Unlike the proposed location, there is no need to cross major streets, and sidewalks are available. Mr. Shalleck asked why staff proposed Silver Creek Middle School. Ms. Jurgensen responded that in addition to the location being a public facility and having sufficient parking, great room size, being ADA compliant and permitting electioneering, there is no fee to use the school. Ms. Jurgensen added that the cost to lease Cedar Lane is \$1,000 for each of the Primary and General elections.

Ms. Keeffe agreed that the polling place is accessible to voters and within the precinct. Mr. Shalleck called for a vote on Mr. Naimon's motion: *The motion passed unanimously.*

Board Selection

Mrs. Khozeimeh moved to change the following polling places to new locations due to school construction: precinct 04-01, from Maryvale Elementary School to Rockville Elementary School; precinct 04-17, from Luxmanor Elementary School to Kennedy Shriver Aquatic Center; precinct 07-19, from North Bethesda Middle School to Wyngate Elementary School; precinct 07-20, from Ashburn Elementary School to Davis Library; precinct 10-02, from Potomac Elementary School to Potomac Presbyterian Church; precinct 13-46, from Lucy V. Barnsley Elementary School to Bauer Drive Community Recreation Center. The motion was seconded by Ms. Keeffe and passed unanimously.

Update on Utilization of School Facilities Cont.

Ms. Jurgensen stated that she invited Mr. Dise to discuss the use of chillers for polling places that will be held in Montgomery County Public Schools and will be under construction during the 2018 Primary election. Ms. Jurgensen stated that the precincts 05-15, 06-08, 08-01, 09-09, and 12-04/02-09, had been identified as possible locations to use chillers while the HVAC units are removed and construction occurs. She added that a recent test completed by DGS determined that the use of the chillers would potentially produce an unsafe environment (memo provided to Board in advance).

Mr. Dise stated that he is sensitive to the Board members' desire to move the least number of voters and he noted that the planned renovations and construction occurring at Montgomery County Public Schools was planned by the school system and that DGS has no authority over the buildings. Mr. Dise stated that during the construction, all the mechanical systems will be shut

down in the buildings. DGS performed testing on the portable chillers; they accounted for the size of a typical polling place room and it was determined that the size of the chiller would be insufficient. Mr. Dise stated that if a smaller room was used, like a smaller classroom, the portable chiller would be able to cool the area; however, the estimated cost to cool one room would be \$8,000. Mr. Dise stated that the cost estimate includes the use of generators to run the chillers 24 hours a day (to keep cool through the day), a fan to cool the generators that run 24 hours a day, the need for ventilation be circulated through a window, and the rental for additional chillers (as needed for rooms).

Ms. Jurgensen noted that the process is very expensive and suggested that the Board consider using a temporary site during the 2018 Primary Election and having voters return for the General Election once construction has completed. If a temporary site is used, the staff could make additional outreach efforts such as offering voters a self-addressed post card to fill out that would be mailed back to them indicating that their regular assigned polling place (the ones closed for construction) is back in use for the General Election. This would be in addition to the current plans for a brochure with a photo of the newly assigned polling place, photos and signs that will be placed at the "temporary" polling place. The voters will also be informed of the location change with the use of the sample ballot.

Ms. Jurgensen noted that the Legislature chose to have the election on the 4th Tuesday of June and that this has created several problems.

Mr. Naimon inquired if it is legal under law or regulation to have different polling places for the Primary and General Election. Mr. Karpinski responded that it is, since all polling places are approved by the State Board of Elections and done with advance notification to voters. Mr. Naimon inquired if the Board has ever approved different polling places for the Primary and General Election before, and Ms. Jurgensen responded that it had not.

Mr. Dise asked that if the Board decides to use the chillers, he have an opportunity to provide a better estimate. Ms. Keeffe expressed her disappointment with the cost of the chillers, stating that it was assumed that it was practically a done deal to use the chillers, as indicated in the school system meeting. The Board members discussed. Ms. Keeffe suggested that the Board send correspondence to the Legislature noting the problems caused by a June Primary Election.

Ms. Keeffe made a motion to move the following polling places affected by HVAC construction for the 2018 Gubernatorial Primary and General Elections using multiple notification methods to the voters affected: precinct 05-15, from Cloverly Elementary School to Andrew Ukrainian Orthodox Center; precinct 06-08, from Stone Mill Elementary School to Nancy Dacek North Potomac Community Recreation Center; precinct 08-01, from Olney Elementary School to St. Peter's Parish (all purpose room); precinct 09-09, from Whetstone Elementary School to Covenant United Methodist Church Social Hall; precincts 12-04/02-09, from Lois P. Rockwell Elementary School to Cedar Grove Elementary School. The motion was seconded by Mrs. Khozeimeh. Mr. Shalleck, Mrs. Khozeimeh, and Ms. Keeffe voted for the motion; Mr. Vincent and Mr. Naimon voted against the motion. The motion passed.

Mr. Vincent said for the record that he thinks it would cause less confusion to move the polling places only for the primary, and Mr. Naimon said that he preferred to ask for funding to cool the original polling places. The Board members thanked Mr. Dise.

Board Selection Continued

Mrs. Khozeimeh made a motion to move the following polling places to return back into precinct, vote in a larger room, split a combined precinct, or due to construction or a site declining to continue as a polling place: precinct 02-06, from Clarksburg High School to Hallie Wells Middle School (in precinct); precinct 02-08, from Clarksburg Elementary School to Clarksburg High School (in precinct, larger room); precinct 04-27/04-38, from Meadowhall Elementary School to Twinbrook Recreation Center (split combined precinct); precinct 05-05, Springbrook High School to Burnt Mills Elementary School (split combined precinct); precinct 08-10, Olney Swim Center to William H. Farquhar Middle School (construction); precinct 09-40, from the Retreat at the Crown to Izaak Walton League of America (decline to continue serving); and precinct 13-67/13-68, Takoma Park Recreation Center to Don Bosco Cristo Rey High School (split precinct). The motion was seconded by Mr. Vincent.

Mr. Naimon requested further information on the suggested move of precinct 09-40. Ms. Jurgensen stated that the Retreat at the Crown declined to lease space for use as a polling place in 2018. Ms. Rzeszut presented information for the proposed replacement site.

Mr. Shalleck called for a vote on Mrs. Khozeimeh's motion: *The motion passed unanimously.*

Ms. Khozeimeh made a motion to propose that the following precincts return to their home polling places after the completion of renovations: precinct 09-03, from Thurgood Marshall Elementary School to Brown Station Elementary School; precinct 10-06, from Herbert Hoover Middle School to Wayside Elementary School; precinct 13-41/13-70, from Aspen Hill Library to Wheaton Woods Elementary School. The motion was seconded by Ms. Keefe and passed unanimously.

Mr. Shalleck expressed concern with the number of voters whose polling places will be relocated due to the construction and renovations occurring at the Montgomery County Public Schools. Ms. Jurgensen stated that staff will be proactive to ensure that all voters affected are given advance notification of the change; she added that notifications will begin in January, followed by additional information in April and the sample ballot (sent out in May). Ms. Jurgensen stated that the list of changes will also be posted to the website.

Ms. McLaughlin stated that staff will provide the Board with historical figures based on voters that have been moved in in previous elections.

Election Director Status Report (Incorporated as Attachment A)

Personnel

Ms. Jurgensen reported that a new hire is expected after Thanksgiving and will be introduced at the January Board meeting.

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Budget (Incorporated as Attachment B)

Ms. Roher stated that the budget spreadsheet detailing the final FY18 expenditures through October 31 was provided in advance.

Ms. Roher stated that the Board of Elections has spent 1.7 million dollars, representing 19.73% of the budget fiscal year and is on track.

Voter Registration

Ms. White reported that monthly statistics have been posted on the website. She added that Montgomery County has 647,494 active and pending registrants and 75,181 inactive registrants.

State Board of Elections

Ms. Jurgensen stated that she provided the State's proposed COMAR regulation changes regarding provisional voting and absentee ballots in advance of the meeting and that Mr. Karpinski will brief the Board under his report.

Ms. Jurgensen reported she and several other Election Directors are working to move away from the numeric stubs and are requesting a change in the COMAR regulation (see attachment C) to improve the voting process for the voter and election judges. She noted that several election directors requested the change in writing in an October 26 letter and that the item is expected to be discussed at the State Board of Elections meeting in December. Ms. Jurgensen asked the Board members to consider joining in the request. The Board discussed. Mr. Shalleck asked that Ms. Jurgensen draft a letter on behalf of the Board in support of the COMAR change.

Ms. Jurgensen reported that the State Board of Elections has proposed privacy screens to provide additional privacy to the voter while at the DS200. Ms. Jurgensen stated that the County print shop will be creating the screens with the County emblem and the design will keep space for the memory stick hub area visible to prevent concealment of the tamper seal behind the screen.

Ms. Jurgensen reported that ES&S has initiated additional training on equipment for all the local boards' staff in December.

Board Attorney Report

COMAR Change

Mr. Karpinski updated the Board on the legislation introduced regarding Title 33 State Board of Elections; Subtitle 16 Provisional Voting; Chapter 6 Canvass of Ballots and Subtitle 11 Absentee Ballots; Chapter 5 Canvass of Ballots (see attachment D). The Board discussed the COMAR change, which adopted our Board's proposal that a provisional ballot be accepted when someone votes both an absentee ballot and a provisional ballot, rather than rejecting both ballots.

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Judicial Watch

Mr. Karpinski updated the Board on the Judicial Watch lawsuit noting that the briefing has been completed and the case is pending in front of the Court. Local rules do not require hearings and he anticipates that the judge will issue an opinion in the next 6 months.

Old Business

Update on Early Voting Lease Agreements

Mrs. Rzeszut reported that Mr. Karpinski's firm has prepared a Memorandum of Understanding (MOU) for a right of entry for 8 County owned facilities and 3 private locations. She added that a fully executed document has been received for the use of the Sandy Spring Volunteer Fire Department (Oak Room) and the City of Gaithersburg for the Activity Center at Bohrer Park. At this time, all other facilities are awaiting review or signature.

Mr. Banov asked whether the Board has arranged for parking around the Lawton Center. Mr. Karpinski suggested that staff contact the Town of Chevy Chase to determine if another formal request needs to be made to reserve street parking during the 2018 Early Voting as in years past.

The Board discussed the idea of election judges being shuttled, as well as other suggestions to free up parking spaces at the Potomac Community Recreation Center.

New Business

Legal Descriptions for Precincts 13-67 and 13-68

Mrs. Rzeszut presented legal descriptions to reinstate the original boundaries for precincts 13-67 and 13-68, which had previously been merged.

Future Meetings

The Board members collectively decided that there would be no December Board meeting.

The next Board meeting will be on January 22, 2017.

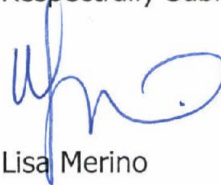
Mr. Shalleck and Mrs. Khozeimeh requested clarification on the practice for Board members who attend meetings outside of the Board of Elections. Mr. Karpinski stated that the practice has always been that if a Board member attends a meeting to speak on a topic consistent with the Board's consensus, that person would then be speaking on behalf of the Board of Elections. If a Board member attends a meeting on his or her own, the Board member should indicate that he or she is providing his or her own opinion.

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Adjournment

With no further business to discuss, Ms. Khozeimeh made a motion to adjourn the Board meeting at 4:44 p.m. The motion was seconded by Ms. Keefe and passed unanimously.

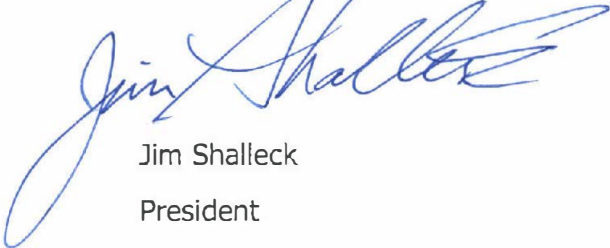
Respectfully Submitted,



Lisa Merino

Office Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck

President

November 16, 2017

Election Director's Report

Agenda posted November 9, 2017

Notification posted November 13, 2017

Speakers: David Dise (invited)
Mike Subin (invited)

Approval of Minutes
a. Public Hearing
b. October meeting

Selection of Polling Places for 2018 Elections

Background: The Board members received from the staff a list of polling places that would need review for the 2018 election cycle at the May 15, 2017 Board meeting. The Board has directed members of the Board and staff to review specific polling sites with the Montgomery County Public Schools. The July Board meeting, the Board directed the Operations Manager to strike from the list specific polling sites. The Board and staff have met with Montgomery County Public Schools (MCPS) staff in September 2017. The list of schools was discussed and five specific locations were identified as sites that may have the potential to add portable air coolers. The sites identified required technical analysis related to the coolers for the five sites. The technical analysis was completed on November 16, 2017 and provided to the Board members on November 17, 2017. Voters receive the voter notification notice mailed after the first of the year, separate mailing in April to focus voters

A. Polling Places with MCPS HVAC Closure are:

- | | |
|-------|--|
| 05-15 | From Cloverly ES to St. Andrew Ukrainian Orthodox Center |
| 06-08 | From Stone Mill ES to Nancy Dacek North Potomac Comm. Rec. Ctr. |
| 08-01 | From Olney ES to St Peter's Parish- Schools All Purpose Rm. |

09-09 From Whetstone ES to **Covenant United Methodist Church Social Hall**

12-04/02-09 From Lois P. Rockwell ES to **Cedar Grove Elementary School**

Two Options:

1. Assign for both elections in 2018, the Primary & General election.
2. Option two Assign only for the Primary the alternate site and return the voter to the preferred site for the November 2018 elections. Given the historic low voter turnout of a primary election (2006 – 23% (no early voting) 2010- 17% and 2014-13.5%. All voters voting at the temporary site would receive the mailer, then besides the sample ballot ask each voter, voting at the precinct in June to self-address a postcard that we would mail to those voters that showed up at the polling place then in September mail the postcard to the voter to remind them they are voting at their usual polling place.
3. All locations would have signs directing voters to the correct polling place, in all changes.
4. Sample ballot mailed approximately one week prior to the deadline to register to vote.

Proposed 2018 Polling Place Changes due to School Construction Closure

04-01 Maryvale ES to **Rockville Elementary School**

04-17 Luxmanor ES to **Kennedy Shiver Aquatic Center**

07-19 North Bethesda MS to **Wyngate Elementary School**

07-20 Ashburton ES to **Davis Library**

10-02 Potomac ES to **Potomac Presbyterian Church**

13-38 Kensington-Parkwood ES to *Silver Creek Middle School- Cafeteria or Cedar Lane Unitarian Church – Sanctuary*

13-46 Lucy V. Barnsley ES to **Bauer Dr. Comm. Recreation Ctr.**

Proposed 2018 Polling Place Miscellaneous Changes

02-06 Clarksburg HS to **Hallie Wells Middle School**

02-08 Clarksburg ES to **Clarksburg High School**

04-27/04-38 Meadowhall ES to **Twinbrook Recreation Center**

05-05 Springbrook HS to **Brunt Mills Elementary School**

08-10 Olney Swim Center to **William H. Farquhar Middle School**

09-40 The Retreat at the Crown to **Izaak Walton League of America**

13-67/13-68 Takoma Park Recreation Ctr. To **Don Bosco Cristo Rey High School**

Proposed 2018 Polling Place – Returning after Renovation

09-03 Thurgood Marshall ES to **Brown Station Elementary School**

10-06 Herbert Hoover MS to **Wayside Elementary School**

13-41/13-70 Aspen Hill Library to **Wheaton Woods Elementary School**

Adoption of polling place changes for 2018 election cycle is needed by the Board. Staff will proceed with required changes into the MD Voters system and all other election systems. Mailing to impacted voters will be sent in January 2018 and again in late April 2018.

B. Election Director Status Report

A. Personnel – nothing new to report

B. Budget – Margie Roher

C. Voter Registration – Jessica White

D. State Board of Elections

1) **COMAR** – Proposed action:

33.16.06B (Provisional Voting) and 33.11.05.04C (Absentee Ballots). (Attached)
33.12 (Recounts), 33.13 (Campaign Financing), 33.14 (Administration of

Public Financing Act), and 33.20 (Disclosure by Persons Doing Public Business).

2.) Numeric Ballot Stubs – Shift away from numeric stub to improve voting process for the voter and election judges. (See attachments) to be discussed December 6, 2017 at State Board Meeting.

3) Privacy screen for DS 200 (staff will have a mock up on site)

4) ES&S training will commence for LBE staff in December.

C. Board Attorney Report – Kevin Karpinski

D. Old Business

A. Early Voting Leases update – Chris Rzeszut

E. New Business

A. Signature on new legal descriptions for 13-67 and 13-68.

FY18 OPERATING BUDGET SPREADSHEET
 (Through October 31, 2017, as of November 7, 2017)

LINE ITEM	FY18 APPROVED	FY18 YEAR TO DATE*
PERSONNEL COSTS	4,193,226	890,851
5A001 - Salaries & Wages	3,407,671	694,195
50010 - Full Time Salaries	2,187,883	622,609
50012 - Part Time Salaries (Part-Time Permanent Employees)	130,936	27,656
50020 - Seasonal Temps (Part-Time Temporary Employees)	636,987	41,327
60168 - Temporary Office Clerical (moved from OP for clarity)	201,329	728
SUBTOTAL FOR TEMPORARY PERSONNEL	838,316	42,055
50324 - Overtime (includes emergency, multi-lingual & holiday)	250,536	1,875
5A002 - FICA	239,603	50,319
5A003 - Group Insurance	357,768	91,608
5A004 - Group Retirement	188,184	54,729
OPERATING EXPENSES	4,691,315	862,466
6A001 - Services and Contracts	1,625,953	256,738
60060 - Legal/Attorney Services	75,000	25,428
60066 - SBE Program Management	541,133	227,674
60304 - Maintenance - Electrical	0	0
60314 - Maint - Computer Systems**	25,000	0
60326 - Repair/Maint Agmts - Office Equip	11,000	3,636
60412 - Moving Services	25,500	0
60414 - Building Construction	0	0
60530 - Other Professional Services - E.J. Stipend	913,820	0
60532 - Other Non-Professional Services (includes E.J. mod.)	34,500	0
6A002 - Maintenance	249,497	99,497
61010 - Computer Equip Repairs/Maint (EPB)	249,497	99,497
6A003 - Rentals/Leases	1,902,495	258,982
61902 - Furniture Rentals (Polling Place)	7,000	0
61924 - Other Equipment Rentals (MDVoters)	398,073	-4,654
61926 - Bldg or Space Rental/Leases (Pol. Place)	40,305	0
61932 - Other Rentals/Leases (Voting System)	1,457,117	263,636
6A004 - Office Supplies & Equipment (<\$5,000)	141,684	105,303
62010 - General Office Supplies+	72,315	4,273
62016 - Computer Supplies	5,000	534
62018 - Computer Equip (<\$5,000)**	28,000	12,109
62022 - Paper and Supplies for Copiers	0	82
62028 - Other Supplies & Equipment	36,369	88,305
6A011 - Books, Videos, and Subscriptions	3,500	1,352
62700 - Books/Reference Materials	2,500	343
62712 - Other Books, Videos, and Subscriptions	1,000	1,009
6A012 - Other Supplies/Materials/Equipment	154,651	79,715
62826 - Keys and Locks	265	0
62848 - Tools	0	96
62896 - Parking Meters	0	0
62946 - Charges from SBE	154,386	79,620
6A013 - Printing/Central Duplicating Services	143,054	23,425
63016 - Imaging	10,000	4,088
63018 - Document Shredding	0	0
63020 - Office Mach. Cop. Leasing	11,760	6,136
63022 - Other Central Dup Svc - Printing (all printing costs)	121,294	13,201
Mandated Legal Requirements		
Charges from SBE		
Election Specific Costs		
Personnel Charges		
Temporary Personnel Charges		
Overtime Costs		
Benefits		

FY18 OPERATING BUDGET SPREADSHEET
(Through October 31, 2017, as of November 7, 2017)

LINE ITEM	FY18 APPROVED	FY18 YEAR TO DATE*
6A014 - Outside Printing	100,550	0
63100 - Outside Printing/Copying	550	0
63104 - Sample Ballot Printing	100,000	0
6A015 - Mail	138,361	16,105
63200 - Central Dup - Postage - Bulk (services, NO postage)	36,530	11,777
63202 - Central Dup - Postage - Individual (PO Box rental)	21,081	1,739
63206 - Inter-Office Mail/Pony Charge	750	2,589
63208 - Other - Mail (Sample Ballot Postage)	80,000	0
6A016 - Outside Postage and Mail	90,500	25
63300 - Outside Mail Services (VNCs and all other postage)	90,000	0
63304 - Other Outside Mail Services	500	25
6A017 - Motor Pool	41,243	5,091
63500 - Assigned Motor Pool Vehicles	31,318	4,373
63504 - Daily Rental Motor Pool	9,925	697
63508 - MP EZPASS Charges	0	20
6A018 - Communications Services	33,670	9,903
63604 - Cellular Phone Line Charges	2,800	0
63618 - Blackberry Charges (smart phones)	9,000	2,953
63624 - Communication Circuits	0	0
63626 - Communication Modems (SBE)	4,870	0
63634 - Other Communication Services (PP Phone Lines)	17,000	6,950
6A020 - Charges from Others	5,000	0
63810 - Charges for Facility Maintenance	5,000	0
6A021 - Travel	23,996	3,944
64010 - Metropolitan Area Travel	17,996	1,255
64012 - Non-Metropolitan Area Travel	6,000	2,688
6A022 - Education, Tuition, and Training	10,125	1,537
64100 - Local Conference Related	2,000	0
64102 - Non-Local Conference Related	0	0
64120 - Other Education, Tuition, & Training	8,125	1,537
6A023 - Dues/Memberships	2,000	0
64200 - Professional Memberships (Individual)	2,000	0
6A024 - Advertising	20,036	0
64300 - Advertising - Jobs	0	0
64304 - Advertising - Marketing/Sales	20,036	0
6A099 - Miscellaneous Operating Expenses	5,000	849
69999 - Other Misc Operating Expenses	5,000	849
DEPARTMENTAL TOTAL	8,884,541	1,753,317
* 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		

October 26, 2017

David J. McManus, Chairman
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

RE: COMAR 33.10.01.17(F)

Dear Chairman McManus:

We are writing as Directors of local Boards of Elections to request a change in COMAR 33.10.01.17(F)(1) and 33.10.01.17(F)(2)(b) related to the need for a ballot stub.

The undersigned Directors of local Boards of Elections agree that it is necessary to account for all ballots used at the Early Voting Centers and Polling Places across the State of Maryland. However, using perforated stubs is inefficient, creates a choke point for voters waiting in lines to vote and can negatively impact the DS 200 scanner causing paper jams created by paper bits and dust. The optics of a non-functioning voting unit undermines voter confidence in the process and ultimately the election results.

We urge the State Board to consider permitting the local boards of elections to replace the perforated numbered stubs on each ballot with a numbered sequence affixed to each ballot packet. Similar to managing the security features when tamper tape is removed, when a packet of ballots is opened the ballot numbering sequence would be removed and affixed to a ballot accounting sheet. Spoiled ballots (and there would be a reduction in the ones damaged by election judges) would remain tallied as the current practice. Ballots would still be inspected and accounted for at the same level as they currently are with the stubs. The most significant difference would be improved processing in the precinct by election judges and reduction of functionality issues with the DS 200 scanner.

We were advised at the Biennial Meeting on Monday that this request needed to be made quickly as the door is closing on the ability to change the regulations. We thank you for your consideration of this request.

Sincerely,

Margaret Jurgensen, Election Director
Montgomery County

Alisha Alexander, Election Director
Prince George's County

Armstead Jones, Election Director
Baltimore City

Joseph A. Torre III, Election Director
Anne Arundel County

Kevin Keene, Election Director
Harford County

cc: Members, State Board of Elections
Linda Lamone, State Administrator of Elections

Title 33 STATE BOARD OF ELECTIONS
Subtitle 16 PROVISIONAL VOTING
Chapter 06 Canvass of Ballots — Rejecting Ballots

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

.04 Ballot Rejection – Multiple Ballots from the Same Individual.

A. (text unchanged)

B. If an absentee ballot and provisional ballot are received from the same individual *prior to the beginning of the provisional canvass*, the local board shall [reject both ballots] *accept the provisional ballot and reject the absentee ballot.*

C. (text unchanged)

Title 33 STATE BOARD OF ELECTIONS
Subtitle 11 ABSENTEE BALLOTS
Chapter 05 Canvass of Ballots — Rejecting Ballots

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-303, 11-301, and 11-302, Annotated Code of Maryland

.04 Ballot Rejection — Multiple Ballots from the Same Individual.

The local board shall reject multiple absentee ballots as follows:

A. (text unchanged)

B. If more than one ballot is received from the same individual in different envelopes:

(1) – (4) (text unchanged)

(a) – (b) (text unchanged)

C. If an absentee ballot and provisional ballot are received from the same individual *prior to the beginning of the provisional canvass*, the local board shall [reject both ballots] *accept the provisional ballot and reject the absentee ballot.*

