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May 21, 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
Deborah Hamer, Administrative Specialist I
Lisa Merino, Office Services Coordinator
Barbara Payne, Program Specialist II
Marjorie Roher, Management and Budget Specialist III
Jessica White, Voter Services Manager
Leslie Woods, Administrative Specialist II
Gilberto Zelaya, Outreach Coordinator

Guests:

Lynn Garland
Dolly Kildee
Barbara Sanders
Michael Subin

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

<https://youtu.be/PSEmB2009to>

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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.

Approval of the April 11, 2018, Conference Call Minutes

Mrs. Khozeimeh moved to approve the April 11, 2018, Conference Call minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously.

Approval of the April 16, 2018, Board meeting Minutes

Mrs. Khozeimeh moved to approve the April 16, 2018 Board Meeting Minutes as amended. The motion was seconded by Ms. Keeffe and passed unanimously.

Approval of the March 19, 2018, Executive Session Meeting Minutes

Mrs. Khozeimeh moved to approve the April 16, 2018 Board Meeting minutes. The motion was seconded by Ms. Keeffe and passed unanimously.

Approval of the April 16, 2018, Executive Session Meeting Minutes

Mrs. Khozeimeh moved to approve the April 16, 2018 Executive Session minutes as amended. The motion was seconded by Mr. Vincent and passes unanimously.

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 personnel matter. Mr. Shalleck added that the guest speaker, Matt Masterson, is running late and once he arrives, he will provide his presentation.

Public Comments

No public comments were given.

Election Director Status Report (Incorporated as Attachment A)

Ms. Jurgensen noted that the agenda was posted on May 11.

Personnel

Ms. Jurgensen presented Montgomery County's Length of Service awards recognizing the dedicated years of service to the Board of Elections to the following employees: Alysoun McLaughlin for 5 Years, Christine Rzeszut for 10 years, Leslie Woods for 10 years, Deborah Hamer

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for 10 years and Barbara Payne for 20 years. The Board congratulated the staff with a round of applause.

Ms. Merino stated that 90% of the temporary employees have been onboarded with just a last few to be onboarded over the next few weeks.

Budget (Incorporated as Attachment B)

Ms. Roher stated that the budget spreadsheet detailing the final FY18 expenditures was sent in advance. She noted that, as of the end of April, the Board has spent 45.50% of the budget. She noted that line item 63100 on the spreadsheet indicates an overbudget in printing, since the State Board of Elections, for the first time, is requiring that Montgomery County pay 100% for the printing of training ballots used for training election judges. Ms. Roher stated that the Office of Management and Budget is projecting a deficit of approximately \$156,454 with the majority of that coming from operations. She added that with the unfortunate death of a candidate for Governor, we are unsure of the additional expenses that may be expected. Mr. Vincent requested that Ms. Roher provide additional information regarding the excess amounts spent in line items 63206 and 63200. Ms. Roher responded that it is a charge-back from the county services that pick-up mail to the building. She added that, unfortunately, she has no control of the charge back; however, she would be more than happy to follow up and provide more information at the next Board meeting.

Ms. Roher stated that she and Ms. Merino have been working to encumber funds for items or services that will potentially be charged after the close of FY18.

Ms. Roher stated that on May 17 the County Council agreed to give an additional \$20,000.00 for advertising, for a total of a \$70,000.00 in the FY19 budget.

Voter Registration

Ms. White provided the Board with the 2018 Gubernatorial Primary Election Summary, noting there are 647,262 active voters, compared with 645,454 last month, and 81,445 inactive voters. She added that there have been 3,785 absentee ballot requests to date. The Board requested to receive the 2018 Election Summary Dashboard electronically every Friday.

Ms. Jurgensen reported that the State Board of Elections sent an email at 2:18 p.m. today notifying the Board that absentee requests will be halted for those who have requested their ballot via web/online delivery in order to finalize the notice of Mr. Kevin Kamenetz's death and its impact on the ballot.

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U.S. Department of Homeland Security, Mathew Masterson, Senior Cybersecurity Advisor

Ms. McLaughlin introduced Matt Masterson, Senior Cybersecurity Advisor to the U.S. Department of Homeland Security. She noted that some may recognize Mr. Masterson, who spoke at the biennial conference last year, in his previous position as Chairman of the U.S. Election Assistance Commission. He left the EAC in March for the U.S. Department of Homeland Security (DHS).

Mr. Masterson reported on the election infrastructure security process. He noted that the Board of Elections will be participating with the DHS's physical assessment of the facility on Thursday. Mr. Masterson provided information on what services DHS provides that can identify and limit vulnerabilities, cyber risk, IT security program assessment, detect network threats and enhance network protection. See attachment C for PowerPoint presentation.

Ms. Jurgensen noted that the Board of Elections is working with Montgomery County's Department of Technology Services, Keith Young, as they have engaged a company to harden the County's technology systems. Keith Young is the security liaison for the County Board of Elections, as well as for the State Board of Elections.

Mr. Masterton noted that the DHS services are free and voluntary, adding that just because someone is using or not using the DHS services, it does not mean that they are insecure or not. He added that if you use DHS services it does not guarantee security and if you're not, it does not mean that one is not taking or using security measures.

The Board thanked Mr. Masterson.

State Board of Elections

Ms. Jurgensen referred to Mr. Karpinski regarding how the State Board of Elections will be handling Mr. Kamenetz's death and the ballot vacancy. Mr. Karpinski stated that the State is working on providing reasonable notice to inform voters on how to vote for Valerie Ervin, since the ballot will not be changed. He stated that the State would be provided information soon.

Mr. Vincent asked if it was too late to reprint the ballots, and Ms. Jurgensen indicated that it was. Mr. Naimon asked on what basis is it too late. Ms. Jurgensen said there was not enough ballot paper in the state to reprint the ballots and that it would be necessary to proof every ballot style in every county in the state. It also would require redoing the voting equipment.

Ms. Keeffe inquired when the sample ballots would be mailed and suggested that the sample ballot be held so that when the State provides information or verbiage that it could be added to the sample ballot. Ms. Jurgensen responded that some sample ballots have already been delivered as they are being delivered in batches. Ms. Keeffe asked that if at the least the Democratic sample ballots could be held. Mr. Karpinski stated that staff suggested verbiage to be placed in the Democratic sample ballot when notice was received that the Democratic Governor candidate has passed. The verbiage was rejected by the State Board. It is the State Board's position that local boards give/provide a unified message (provided by the State). Mr. Naimon

stated that Mr. Banov pointed out via email that the COMAR provision gives the local board the responsibility for determining notice subject to consultation and approval by the State Administrator; however, it sounds like the local boards are being dictated to what can be provided. Mr. Banov suggested that Montgomery County take the lead and provide information/choices to voters, such as on its website. Mr. Karpinski believes that the State will provide notice soon and suggests that once it is received that staff prominently post notice/information on the website. Mr. Karpinski stated that Elections Law 2-201 states that each local board staff is subject to the direction and the authority of the State Board and is accountable to State Board for its actions on all matters regarding the implementation of the Election Law article. He noted that the COMAR provision cannot supersede the Election Law. Mr. Banov inquired what would be a financial impact if the ballots were to be reprinted. Mr. Karpinski stated that when he spoke with the State Board today, he was told that local boards were contacted (via form) to see if it would be feasible to reprint ballots. Ms. Jurgensen confirmed that every jurisdiction was required to fill out a form indicating the effects resulting from reprinting the ballots.

Mr. Naimon asked who directed that the sample ballots be released for mailing. Ms. Jurgensen responded that she did. Mr. Naimon asked when that happened, and Ms. Jurgensen said that they went out Friday night. Mr. Naimon questioned why the Board members were not consulted prior to the mailing of the sample ballot, as they may have wanted to provide a suggestion as to what could be added to the sample ballot. Ms. Jurgensen stated that the Board of Elections was provided a directive to not add any verbiage on the sample ballots and the sample ballots needed to be mailed to voters because of time constraints. Ms. Keeffe stated that there are still 5 weeks before the election, suggesting that there would be time to add information if the State approves.

Ms. Keeffe moved to have staff call the Post Office immediately and request that the sample ballots be held back from mailing until the notice of the language that will be used from the State Board of Elections is received. The motion was seconded by Mr. Naimon.

Mr. Shalleck asked if any notification has been provided from the State as to when the notice would be provided. Mr. Karpinski indicated that the notice would be provided in the next few days. Mr. Vincent noted that as it stands now, voters would receive different ballots, adding that some have already been mailed. Ms. Keeffe stated that she would like to call and find out where the ballots are in the stream of things, noting that the issue only involves the Democratic sample ballots. Mr. Shalleck asked when the ballots went to the post office, and Ms. Jurgensen said they went out that day (Monday).

Ms. Keeffe, Mr. Vincent and Mr. Naimon voted for the motion, Ms. Khozeimeh voted against the motion and Mr. Shalleck abstained. The motion passed.

*** Ms. Keeffe and Ms. McLaughlin left the room at 4:10 p.m. Ms. Keeffe and Ms. McLaughlin left the room to call the Post Office. ***

Board Attorney Report

Mr. Karpinski stated that in the Judicial Watch case, the Judge was reviewing the statutory language that Judicial Watch is challenging to ascertain whether it was changed during the last legislative session. Counsel have advised the Court that no changes were made. He expects that the Judge will provide her opinion in the next 60 days.

Ms. Phillips repeated her ongoing request for the Board to take a leadership role in coordinating a committee of those involved in elections, to update and modernize the COMAR regulations.

Old Business

No Old Business items were discussed.

2018 Gubernatorial Primary Election Preparation

Outreach Update

Mr. Zelaya provided an outreach calendar indicating all the locations and events that staff attended.

Mr. Zelaya stated that the outreach program was recognized for its efforts as a national organization in Montgomery County. Mr. Shalleck noted the positive acknowledgements that he has seen and heard on Mr. Zelaya's outreach events. Mr. Naimon agreed.

Early Voting Assignment

The Board discussed Early Voting assignments. Ms. Jurgensen indicated that Board members needed to be at the opening of early voting from about 9:00 a.m. until about 10:30 a.m., or earlier if things are running smoothly. She also indicated that for the closing of early voting, Board members are no longer required to stay until the trucks drive away, but need to make sure the pollbooks and blue bins with voted ballots are removed. Board members no longer need to sign the seals for the trucks because there are now more early voting sites and fewer trucks, and the state no longer requires this.

The Board members reviewed a memo that would be sent to candidates providing parking suggestions and information. The Board will be provided the memo electronically to suggest edits.

Mr. Banov reiterated his recommendation that traffic to the Claridge Room at St. Catherine's be routed through Claridge Street, rather than off Veirs Mill Road. Ms. Jurgensen said that she agreed that was the best way because of the traffic light there, and that Mr. Banov could submit an amendment to the letter.

Ms. Keffe and Ms. McLaughlin returned to the meeting and provided an update on the call to the mailing vendor. The sample ballots were not yet at the Post Office – they were with a vendor who prepared them for mailing and were on route to the Post Office. . They added that they were able to turn the truck around and stop the delivery of the sample ballots and the vendor agreed to separate the sample ballots and to hold the Democratic sample ballots.

Ms. Phillips moved to approve sending a letter regarding parking suggestions and information to candidates. The motion was seconded by Ms. Keffe and passed unanimously.

Ballot Preparation

Ms. Jurgensen reported that voting equipment preparations for early voting have been completed and equipment for election day is 50% complete and ballots are in the process of being packed.

Precinct 04-30

Ms. Jurgensen reported that permission has been granted by Saint Elizabeth to return for the General Election.

Mr. Naimon moved to approve Saint Elizabeth as the polling place for precinct 04-30 for the 2018 Gubernatorial General Election and request the State Board to approve the location. The motion was seconded by Ms. Keffe and passed unanimously.

Mr. Vincent asked Mr. Naimon if he felt it was appropriate to take this action now, rather than waiting. Mr. Naimon responded that he preferred to act now to allow primary election voters in this precinct to be informed about the polling place location for the general election.

Reminders

Ms. Jurgensen reviewed upcoming dates with the Board members. Ms. Khozeimeh, Ms. Phillips and Mr. Banov volunteered to attend the June 7 public testing.

The Board members were provided a canvass calendar requesting the Board members availability. Ms. Jurgensen requested that their availability be provide to Lisa Merino.

New Business

No new business items where discussed.

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Future Meetings

The next Board meeting will be on June 18, 2018.

Ms. Khozeimeh moved to adjourn the Board meeting at 4:44 p.m. and move into Executive Session. The motion was seconded by Ms. Keefe and carried unanimously.

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:45 p.m., pursuant to State Government Article, Sections 10-508 (a) (1) and (2), to discuss a confidential voter request and 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 Keefe, Alexander Vincent, David Naimon, Jacqueline Phillips, Alan Banov, Kevin Karpinski, Margaret Jurgensen, Alysoun McLaughlin, Lisa Merino and Marjorie Roher.

Confidential Voter

Ms. Karpinski reported an update on the request from a voter to be listed as Confidential in the database.

Personnel Issue

Staff was excused from the meeting.

The Board discussed staffing and personnel issues in preparation for the upcoming election cycle.

A motion was made by Ms. Phillips to adjourn the Executive Session and reconvene in Regular Session. The motion was seconded by Ms. Keefe and carried unanimously. The Board reconvened in Regular Session at 6:04 p.m.

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Adjournment


With no further business, a motion was made by Ms. Khozeimeh to adjourn the meeting. Ms. Keeffe seconded the motion and the motion carried unanimously. The meeting adjourned at 6:05 p.m.

Respectfully Submitted,



Lisa Merino
Office Services Coordinator

APPROVED BY THE BOARD:



Jim Shalleck
President

Election Director Report
May 2018

Agenda posted May 11, 2018 on web and on site.

- I. Convene Board and declare quorum present.
- II. Approval of the minutes - (sent earlier)
- III. Additions/Changes – Executive Session required

Speaker: Matt Masterson –
Senior Cyber Advisor for Dept Homeland Security

- IV. Public Comments: No person has requested to speak to the Board.
 - a) Letter from City of Rockville requesting moving Precinct 04-30 to back to previous location St. Elizabeth's Catholic Church for General Election on November 6, 2018.

V. Election Director Status Reports

- A. Personnel Margaret Jurgensen (service awards)
Alysoun McLaughlin – 5 years
Chris Rzeszut – 10 years
Leslie Woods – 10 years
Deborah Hamer – 10 years
Barbara Payne – 20 years
Go to Lisa Merino
- B. Budget- Marjorie Roher, Management & Budget Specialist
- C. Voter Registration Jessica White
- D. State Board of Elections
 1. Vacancy in Candidacy- update
Spoke with Linda Lamone and Deputy AG Andres Trento regarding the notice. The directive will provide for a precise form that will be posted on SBE web, our website, the voting booths at EVC & ED. Absentee will be notified. To date, one returned ABS ballot.
 2. Sample Ballot – Non-Partisan, Republican and Democratic (partial) are out for delivery.

VI Board Attorney Report – Kevin Karpinski. Legal Counsel

VII Old Business

VIII 2018 Gubernatorial Primary Election Preparation

- A. Outreach Update – Gilberto Zelaya
- B. Early Voting Assignments for June 14, 2018
 - 1) Silver Spring Civic Center – Jim Shalleck
 - i) Margie Roher and Gilberto Zelaya media support
- A. Executive Office Bldg. – Nahid Khozeimeh
- B. St. Catherine’s Labourne – Mary Ann Keeffe
- C. Mid-County Community Ctr. – A. Vincent
- D. Germantown Community Ctr. - TBD
- E. Praisner Community Ctr.- TBD
- F. Activity Center at Bohrer Park - TBD
- G. Damascus Community Center -TBD
- H. Lawton Community Center- TBD
- I. Potomac Community Ctr.-TBD
- J. Sandy Spring Vol. Fire Dept. / Ballroom – TBD

Board members should plan to arrive around 9:00a.m. to the site on June 14, 2018 and plan to stay till 10:30a.m. or when you feel comfortable the location is operational. Board members need to be available by phone call in case of an emergency during the Early Voting period.

Closing on June 21, 2018:

Report to the Board at 4:00pm for Election Supply bag verification. Proceed from there to the assigned Early Voting Center. Board members are not required to stay until the trucks arrive to pick-up the equipment. The Board members should plan to wait until the last voter has voted and the pollbooks are removed with the voted ballot bins by the elections staff.

Issue: Numerous candidates and parking

DRAFT -- Early Voting Letter to candidates - Margaret

- C. Ballot/Equipment Preparations – update –
 - a) Voting Equipment for Early Voting Completed
 - b) Voting Equipment for Election day is 50% completed
 - c) All Non-Partisan & Republican Ballots are backed for Early Voting & Election Day
 - d) Democratic Ballots are approximately 10% packed
- D. Election Judge module – Early voting & precinct assignment started.
- E. Precinct 04-30 - Chris Rzeszut
 - a) Permission has been granted by St. Elizabeth’s to return to that location for the November 6, 2018 election.

F. Public Test – June 7, 2018 at 10:00 a.m. (who plans to attend)

G. Canvass Calendar

The staff developed this guide for the Canvass calendar so that Board members may plan for their days of service during the Canvass. Please review this with your calendar and plan to leave with Lisa Merino so staff will be able to provide a planning calendar for the June meeting.

IX. New Business

X. Future meetings

XI. Adjournment

XII. Executive Session

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

LINE ITEM	FY18 APPROVED	FY18 YEAR TO DATE*
PERSONNEL COSTS	4,206,270	2,445,106
5A001 - Salaries & Wages	3,420,715	1,914,634
50010 - Full Time Salaries	2,200,927	1,658,530
50012 - Part Time Salaries (Part-Time Permanent Employees)	130,936	65,514
50020 - Seasonal Temps (Part-Time Temporary Employees)	636,987	157,650
60168 - Temporary Office Clerical (moved from OP for clarity)	201,329	1,037
SUBTOTAL FOR TEMPORARY PERSONNEL	838,316	158,687
50324 - Overtime (includes emergency, multi-lingual & holiday)	250,536	31,903
5A002 - FICA	239,603	138,487
5A003 - Group Insurance	357,768	249,795
5A004 - Group Retirement	188,184	142,191
OPERATING EXPENSES	4,691,315	1,605,345
6A001 - Services and Contracts	1,625,953	411,324
60060 - Legal/Attorney Services	75,000	75,000
60066 - SBE Program Management	541,133	227,674
60304 - Maintenance - Electrical	0	1,301
60314 - Maint - Computer Systems**	25,000	2,892
60326 - Repair/Maint Agmts - Office Equip	11,000	4,457
60412 - Moving Services	25,500	0
60414 - Building Construction	0	0
60530 - Other Professional Services - EJ Stipend	913,820	0
60532 - Other Non-Professional Services (includes EJ mod.)	34,500	100,000
6A002 - Maintenance	249,497	99,497
61010 - Computer Equip Repairs/Maint (EPB)	249,497	99,497
6A003 - Rentals/Leases	1,902,495	495,206
61902 - Furniture Rentals (Polling Place)	7,000	0
61924 - Other Equipment Rentals (MDVoters)	398,073	88,058
61926 - Bldg or Space Rental/Leases (Pol. Place)	40,305	28,647
61932 - Other Rentals/Leases (Voting System)	1,457,117	378,501
6A004 - Office Supplies & Equipment (<\$5,000)	141,684	115,234
62010 - General Office Supplies+	72,315	41,345
62016 - Computer Supplies	5,000	5,579
62018 - Computer Equip (<\$5,000)**	28,000	12,109
62022 - Paper and Supplies for Copiers	0	118
62028 - Other Supplies & Equipment	36,369	56,083
6A011 - Books, Videos, and Subscriptions	3,500	3,705
62700 - Books/Reference Materials	2,500	897
62712 - Other Books, Videos, and Subscriptions	1,000	2,809
6A012 - Other Supplies/Materials/Equipment	154,651	80,667
62826 - Keys and Locks	265	402
62848 - Tools	0	96
62896 - Parking Meters	0	0
62946 - Charges from SBE	154,386	80,169
6A013 - Printing/Central Duplicating Services	143,054	137,435
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	116,385
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)

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	94,345
63200 - Central Dup - Postage - Bulk (services, NO postage)	36,530	90,017
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	0
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	16,889
63500 - Assigned Motor Pool Vehicles	31,318	15,938
63504 - Daily Rental Motor Pool	9,925	930
63508 - MP EZPASS Charges	0	20
6A018 - Communications Services	33,670	13,673
63604 - Cellular Phone Line Charges	2,800	0
63618 - Blackberry Charges (smart phones)	9,000	6,723
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	1,500	0
63810 - Charges for Facility Maintenance+++	1,500	0
6A021 - Travel	23,276	9,991
64010 - Metropolitan Area Travel	17,996	4,169
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	14,220
64300 - Advertising - Jobs	0	0
64304 - Advertising - Marketing/Sales+++	28,257	14,220
6A099 - Miscellaneous Operating Expenses	5,000	1,014
69999 - Other Misc Operating Expenses	5,000	1,014
DEPARTMENTAL TOTAL	8,897,584	4,050,452
* 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		