

**APPROVED**

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

**February 24, 2020**

**In Attendance:**

Board Members:

James F. Shalleck, President  
Nahid Khozeimeh, Vice President  
David A. Naimon, Secretary  
Diane Nash Dillon  
Elisse W. Barnes  
Jacqueline L. Phillips  
Alan Banov

Board Attorney:

Kevin Karpinski

Staff:

Margaret Jurgensen, Director  
Alysoun McLaughlin, Deputy Director  
Kera Bumbray, Management and Budget Specialist  
Lisa Merino, Administrative Specialist  
Janet Ross, Information Technology Manager  
Gilberto Zelaya, Outreach Coordinator

Guests:

Lynn Garland  
Bernadette Garrett  
Barbara Sanders

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

<https://youtu.be/G2QG12KJ8Bg>

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**Convene the Board meeting and Declare a Quorum Present [0:00:01]**

Mr. Shalleck called the Board meeting to order and declared a quorum present at 2:30 p.m.

**Remarks [0:02:21]**

Mr. Shalleck thanked Mr. Naimon, Mr. Karpinski and Ms. McLaughlin for their efforts on facilitating the legislative process.

Mr. Shalleck noted that he and Mr. Naimon will be in Annapolis to provide testimony on the House Bill to add White Oak as the 12<sup>th</sup> Early Voting site.

**Approval of Minutes**

This item is discussed later in the meeting.

**Additions/Changes to the Agenda [0:01:44]**

Mr. Shalleck noted that the approval of minutes will be moved to the end of the meeting. In addition, an Executive Session meeting will be held to discuss network security.

**Contributions Disclosure [00:08:21]**

There were no campaign contributions to disclose.

**Public Comments [00:08:44]**

Lynn Garland addressed the Board. She questioned the need for the routers for the 2020 election as it pertains to security, risk, expense and transparency.

The Board briefly discussed a memo [distributed to the Board] received from the State Board of Elections (SBE) weeks earlier, (SBE memo), regarding the use of the network for the 2020 election.

**Election Director Status Report [00:013:54]**

**Conference Overview [00:13:55] [00:48:02]**

Ms. Jurgensen reported that Ms. McLaughlin was a panelist at the Election Assistance Commission, which Ms. Rzeszut and Ms. Habel attended.

Ms. McLaughlin will also be a panelist at the National Association of County Officials (NACO) at Capitol Hill.

Ms. Merino requested that the Board members be prepared to be sworn in as the Board of Canvassers on March 16, 2020 at 2:00 p.m.

Ms. Jurgensen added that Mrs. Ross and Mrs. Rzeszut provided a brief memo on the DP3 conference they attended.

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**Personnel [00:14:57]**

Ms. Jurgensen reported staff continues to hire temporary personnel for the 2020 election cycle.

Ms. Jurgensen reported that the Program Manager position in Voter Services has been posted.

**Budget [00:16:00]**

Ms. Bumbray provided a detailed spreadsheet on the fiscal year 2020 operating budget. She added that the State Board of Elections bill was received. There has been paid spending of approximately \$900,000 thus far.

Ms. Bumbray noted that the department continues to project a \$1.6 million deficit based on historical data and the cost associated with implementing Same Day Voter Registration.

**Supplemental [00:17:17]**

Ms. Bumbray noted that the supplemental request was submitted on November 6, 2019, to the Office of Management and Budget. On November 15, an additional request was made, and no response was provided. A response was requested in December and in February, but no response has been provided to date.

Ms. Jurgensen noted that the department would potentially request a year-end transfer to cover the deficit.

Ms. Jurgensen reported that Mr. Shalleck, Ms. Khozeimeh and Mr. Naimon met with the County Executive to discuss the upcoming fiscal year 2021 budget. The meeting noted the increase of State billing and increased election judge stipends. The County Executive will disclose his budget in mid-March.

**Voter Registration [00:19:26]**

Ms. Jurgensen noted that the monthly statistics were previously distributed.

**State Board of Elections [00:19:30]**

Ms. Jurgensen reported that staff had been conducting ballot preparation.

Ms. Jurgensen noted that Ms. Ross will address the use of the Cradlepoint routers. Further discussion will be held in Executive Session.

Ms. Ross reported that the State Board of Elections has recently mandated that Montgomery County use the Cradlepoint routers on Election Day, adding that they will only be used as hubs and no data will be transmitted to the State Board of Elections. The hubs will be connected to the pollbooks to transmit information between the pollbooks in the precinct.

The Board further discussed the potential connectivity of the Cradlepoint routers.

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Ms. Dillon inquired about the status of the risk assessment to be conducted by the State on the router/Cradlepoint. Ms. Ross noted that the State is using a third-party vendor named Bugcrowd to conduct the assessment. The Board requested that Ms. Jurgensen provide further information about the contracted company.

Mr. Naimon requested follow up communication on a statement made by Nikki Charlson, Deputy Administrator, State Board of Elections, that the State would contact local boards who are not using the network to ensure that prompt delivery of voting data is sent to the State. Ms. Jurgensen agreed to provide the information prior to the next meeting.

**Action Items [00:52:31]**

Mr. Banov requested Action Items be added to the agenda as a separate item and be placed at the end of the agenda.

**Attorney Report [00:57:46]**

Mr. Karpinski reported that the Board was provided the opinion in the *National Federation of Blind* case, adding that the request to have the ballot marking device exclusively used in the polling places was denied. Mr. Karpinski and Ms. Jurgensen added that additional training will be provided to ensure that sufficient voters are using the ballot marking device.

He added that he has communicated with Mr. Robin Ficker to inquire when Mr. Ficker will be dropping off his petition signatures for verification. Mr. Ficker advised that he will drop off signatures within 30 days.

Mr. Karpinski noted that a polling place is requesting to amend an executed contract requesting additional funds for security. He is working with Mrs. Rzeszut to comply with the request. Additional information will be provided at the March meeting.

He added that contact has been made to request to appoint one of the circuit court judges in case of an emergency during the Primary election and early voting.

Mr. Karpinski noted that there has been no further update on the Judicial Watch case.

**Old Business [01:06:48]**

**Minutes Committee [01:06:49]**

The discussion was postponed for discussion next month

**2020 Presidential Primary Election [01:07:26]**  
**Election Update [01:07:31]**

The 2020 Presidential Primary Election Summary was distributed to the Board. The summary includes voter count, election judge summary, absentee summary, Spanish speaking judges and scanner and pollbook logic and accuracy summary. The summary is located on Board meeting materials page.

**Verification Plan [01:11:57]**

Ms. Jurgensen requested permission to proceed with the voting supplies verification plan to be prepared by the staff for submission to the State. Board President Mr. Shalleck agreed, as it has been the same process conducted historically.

**Outreach [01:13:38]**

Mr. Zelaya provided an outreach calendar of all events attended from December 2019 to present.

He added that MOCO Votes app is up and live to download via Apple or Android. The application is to modernize the Board of Elections and to easily provide specific polling place location information, the Early Voting Center nearest to you (using GPS), and useful links and resources. The SMS texting as noted at the January meeting is currently active as well.

Mr. Zelaya stated that the Board has produced short vignettes to “brand” several positions and programs available at the Board of Elections, with much positive feedback.

**Sample Ballot [01:15:46]**

Ms. McLaughlin shared the mock-up of the sample ballot for the 2020 election cycle. She noted that it is designed to be more readable. The Board was asked to provide their input by March 7, 2020.

**New Business [1:27:33]**

**Website Information [01:27:34]**

Mr. Naimon stated that he provided a list of Frequently Asked Questions (FAQ) to Ms. Jurgensen as noted last month. The Board discussed the list and requested that the questions and answers be placed on the Board of Elections’ website under FAQs by the next Board meeting. Ms. Ross confirmed that the calendar on the Board website has been updated to show important election dates.

**Legislation [01:33:06]**

Ms. Jurgensen noted that Ms. McLaughlin circulated an update on legislative bills. Ms. McLaughlin stated that Senate Bill 362 (Timing of Canvass) was discussed at the January meeting. Mr. Shalleck and Mr. Naimon testified in favor of the Bill, with amendments, but the Bill does not reflect the proposed amendment/language proposed

by the Board. Mr. Naimon requested that Ms. McLaughlin provide the Bill's verbiage, as he will follow up.

Mr. Naimon noted that the Board should continue to review Bills and their amendments.

Dr. Barnes requested that a chart be prepared comparing the allocation of voting equipment and election judges from the previous election to the current allocation, specific to those precincts that had wait times of more than 30 minutes to be provided at the March Board meeting.

### **Report on Executive Session [01:39:22]**

*Ms. Khozeimeh moved to recess the regular Board meeting and move into a closed Executive Session. The motion was seconded by Ms. Dillon and passed unanimously.*

The Montgomery County Board of Elections convened in Executive Session at 4:15 pm., pursuant to Section 3-305(b)(10), General Provisions Article, to discuss a security issue.

The Board members and staff met in closed session on this date. The following members of the Board and staff were in attendance: James Shalleck, Nahid Khozeimeh, David Naimon, Diane N. Dillon, Dr. Elisse W. Barnes, Jacqueline Phillips, Alan Banov and Kevin Karpinski. The following staff were present, Ms. Jurgensen, Ms. McLaughlin, Mrs. Ross and Ms. Merino.

The Board discussed a security issue.

With nothing further to discuss Ms. Khozeimeh moved to adjourn the Executive Session and return to the public meeting. The motion was seconded by Ms. Dillon and passed unanimously.

### **Board Meeting Minutes [01:39:46]**

Ms. Khozeimeh moved to accept the September 16, 2019, October 21, 2019 and November 18, 2019, minutes as amended. The motion was seconded by Ms. Dillon and passed unanimously.

The Board members discussed the meeting minutes process. Ms. Phillips began speaking of a proposed motion to present to the Board that was circulated amongst the Board prior to the meeting. Ms. Phillips' motion was amended later. [The Minutes Committee's motion can be found here.](#)

*Ms. Khozeimeh moved to accept the January 27, 2020 minutes as prepared by staff (Lisa Merino). The motion was seconded by Ms. Dillion. Mr. Shalleck, Ms. Khozeimeh and Ms. Dillon voted for the motion, Mr. Naimon and Dr. Barnes voted against the motion. The motion passed.*

*Mr. Naimon moved to amend the January minutes to correct Lisa Merino's title to her new title of Administrative Specialist. The motion was seconded by Ms. Khozeimeh and passed unanimously.*

*Mr. Naimon moved to add a sentence to the first paragraph on page 2. The motion was seconded by Mr. Banov. Mr. Shalleck, Ms. Dillion, Mr. Naimon and Dr. Barnes voted for the motion; Ms. Khozeimeh voted against the motion. The motion passed.*

*Mr. Naimon moved to correct the word Cradlepoint and add an additional sentence on billing, in the first paragraph on page 3. The motion was seconded by Mr. Banov and passed unanimously.*

*Mr. Naimon moved to add "which did so" under State Board of Elections second paragraph on page 3. The motion was seconded by Ms. Dillion and passed unanimously.*

*Mr. Banov moved to move out a comma between 5 and 6 under Voter Registration, page 3 to read, 665,462. The motion was seconded by Mr. Naimon and passed unanimously.*

*Ms. Khozeimeh moved to add a sentence on the fourth paragraph under State Board of Elections. The motion was seconded by Dr. Barnes and passed unanimously.*

*Ms. Khozeimeh moved to add "will be held" in the fifth paragraph under State Board of Elections. The motion was seconded by Mr. Naimon and passed unanimously.*

*Mr. Naimon moved to add "itself" to the first paragraph, page 4, for grammar. The motion was seconded by Ms. Dillion and passed unanimously.*

*Mr. Naimon moved to add a sentence under Attorney Report first paragraph, page 4. The motion was seconded by Ms. Dillion and passed unanimously.*



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*Mr. Naimon moved to accept the changes in the first sentence, first paragraph, page 5. The motion was seconded by Mr. Banov and passed unanimously.*

*Mr. Naimon moved to correct a motion on page 5, the motion was seconded by Mr. Banov and passed unanimously.*

*Mr. Naimon moved that every reference that "Ms. Barnes" is identified, that is be replaced with Dr. Barnes. The motion was seconded by Mr. Banov and passed unanimously.*

*Mr. Naimon moved to add "for smartphone", first paragraph, page 5, under MOCO App. The motion was seconded by Mr. Banov and passed unanimously.*

*Mr. Naimon moved to add the word "introduced", first paragraph, page 5, under Legislative Update. The motion was seconded by Mr. Banov and passed unanimously.*

*Mr. Naimon moved to correct grammar in the last sentence, bottom of the page 5. The motion was seconded by Mr. Banov and passed unanimously.*

*Mr. Naimon moved to correct verbiage in the motion, first paragraph, page 6. The motion was seconded by Mr. Banov and passed unanimously.*

*Mr. Naimon moved to add "begin the absentee" (in the same motion mentioned above). The motion was seconded by Ms. Dillon and passed unanimously.*

*Mr. Naimon moved to change the audio link to Website Information. The motion was seconded by Ms. Dillon and passed unanimously.*

*Mr. Naimon moved to add verbiage in the first paragraph, page 6, under Website Information. The motion was seconded by Mr. Banov. Mr. Naimon, Ms. Barnes voted for the motion; Mr. Shalleck, Ms. Khozeimeh and Ms. Dillon voted against the motion. The motion failed.*

*Mr. Naimon moved to added verbiage in the third paragraph, page 6, under Website Information. The motion was seconded by Ms. Dillon and passed unanimously.*

*Mr. Naimon moved to correct the next future meeting date under Future Meetings. The motion was seconded by Ms. Dillon and passed unanimously.*



*Mr. Naimon moved to add Action Items as proposed by Mr. Banov, last paragraph, page 7. The motion was seconded by Ms. Dillon and passed unanimously.*

*Ms. Khozeimeh moved to accept the January 24, 2020 minutes as amended. The motion was seconded by Ms. Dillon and passed unanimously.*

*Ms. Phillips moved that for the month of March, a transcript of the meeting be done. The motion was seconded by Ms. Dillon. Mr. Shalleck, Mr. Naimon, Ms. Dillon and Dr. Barnes voted for the motion; Ms. Khozeimeh abstained; the motion passed.*

**Action Items:**

1. Ms. Jurgensen will obtain additional information regarding a statement made by State Board of Elections, Deputy Administrator, Nikki Charlson about local boards being contacted if the network is not being used to transmit data, prior to the March meeting.
2. Ms. Jurgensen will obtain additional information on the State's contracted security risk assessor, Bugcrowd.
3. Staff to add Action Items at the end of the Agenda every month
4. Mr. Karpinski and Ms. McLaughlin will contact Maryland Association of Counties' (MACO) contacts to inquire who shares the cost of electronic pollbooks.
5. Mr. Karpinski will follow up next month on the request to amend an executed MOU, requesting additional money for security.
6. Sample ballot recommendations need to be submitted by March 7, 2020.
7. Ms. Jurgensen will provide a chart, in the advance packet (if possible), reflecting equipment and staff allocation to precincts with more than a 30-minute wait time in 2018, to be compared by previous elections.
8. The posting of "Board process" to be placed under Frequently Asked Questions on the website.

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**Adjournment [02:5:43]**

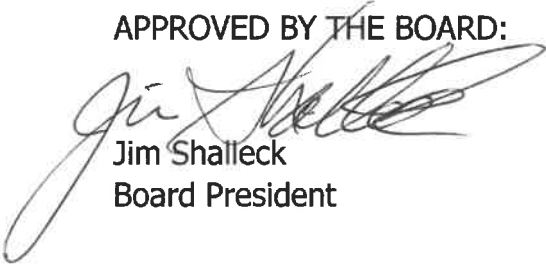
*Ms. Philips moved to adjourn the meeting at 6:19 p.m. The motion was seconded by Ms. Dillon and passed unanimously.*

Respectfully Submitted by,



Lisa Merino  
Administrative Specialist II

APPROVED BY THE BOARD:



Jim Shalleck  
Board President