

2020

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TELE-CONFERENCE, JUNE 29, 2020
MONTGOMERY COUNTY BOARD OF ELECTIONS' MEETING
18753 N. Frederick Avenue, Suite 212, Gaithersburg, MD 20879

In Attendance:

Board Members:

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

Board Attorney:

Kevin Karpinski (via phone)

Staff:

Margaret Jurgensen, Director (on-site)
Alysoun McLaughlin, Deputy Director (on site)
Kera Bumbray, Management and Budget Specialist (on site)
Lisa Merino, Administrative Specialist (on site)
Janet Ross, Information Technology Manager (on site)

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

<https://youtu.be/aensICb-TII>

BOARD OF CANVASSERS

Convene as Board of Canvassers and Declare Quorum Present [00:00:00]

Mr. Shalleck called the meeting to order and declared a quorum present.

Mr. Shalleck stated that the Board of Canvassers' meeting will be moved to next week as staff awaits Clear Ballot's audit so that the Montgomery County Board of Elections may proceed with the certification of the 2020 Presidential Primary election.

BOARD MEETING

Convene Board Meeting and Declare Quorum Present [00:03:32]

Mr. Shalleck called the Board meeting to order and declared a quorum present.

Board President Remarks [00:03:35]

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Mr. Shalleck gave thanks to those that have been working around the clock in order to certify the election.

Additions/Changes to the Agenda [00:03:43]

Mr. Shalleck informed the Board that the approval of May 18, 2020, and June 2, 2020, minutes will be moved to the next meeting.

He added that an Executive Session will be held to discuss the upcoming budget.

Mr. Naimon suggested the staff report be discussed before the Board's remarks on the election. The Board agreed.

Disclosure of Campaign Contributions [00:04:59]

The Board confirmed that no Board member has made a campaign contribution since the last meeting.

Public Comments [00:05:27]

There were no public comments at this time.

Election Director Status Report [00:06:50]

Personnel [00:07:00]

Ms. Jurgensen reported that most of the temporary staff have been released for several weeks, as the staff prepares for certification and begins the post-election maintenance.

Ms. Jurgensen stated that the County has implemented a hiring freeze for all departments; however, interviews have been scheduled to fill the Program Manager position in Voter Services. She added that staff will be working with the Office of Management and Budget for an exemption to fill positions.

Budget [00:07:47]

Ms. Bumbray reported that the spreadsheet she shared reflected expenditures as of June 5; that most of the funds in the personnel budget have been spent; and that she expects a deficit, partly due to Covid-19 differential pay negotiated by the union.

In addition, staff is forecasting that the State bill will be high due to the vote by mail election.

Ms. Bumbray reported that she is still closing out on the FY20 fiscal year and the final budget report is not ready. She added that the next fiscal year begins on July 1, 2020, and there will be a clearer sense of the deficit next month.

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Voter Registration [00:17:38]

Ms. Jurgensen stated that voter registration filing has opened. She added that there is a significant backlog, which staff is beginning to process, and that ballot petitions are expected in the next thirty days.

State Board of Elections [00:19:32]

Ms. Jurgensen reported that the State Board is having an emergency meeting on July 2, 2020, to report to the Governor on the conduct of the Primary Election. She added that she has provided copies of letters from the Minority and Majority leadership of Maryland General Assembly, as well as from MAEO, regarding how the General Election should be conducted. Ms. Jurgensen has not seen the report that the State Board is preparing, but once received, she will share it with the Board members.

2020 Presidential Primary Election [00:21:20]

Ms. Jurgensen provided feedback on how the 2020 Presidential Primary Election went and has sent Board Members a copy of her analysis. The analysis is based on the plan that the staff has presented to the Board throughout this period. They met on March 14th and began the process of developing options, after the County ordered telework. They were able to get permission from the State Board to utilize MDVoters from home. They then had to begin the process of implementing the Governor's emergency proclamation, as well as the County's Executive's guidance in regard to the business practices in accordance with the unions' agreements. Staff then had to begin the process of buying personal protective equipment (PPE) items and adapt to rising COVID-19 issues. Ms. Jurgensen thanked and gave credit to her staff for all the efforts put in for a successful election, especially during the COVID-19 pandemic. She credited Kera and Ryan for quickly obtaining PPE.

Ms. Jurgensen also reported that the County was off only one vote in terms of MDVoters and the ballot scan.

Board Member Review [00:42:20]

Mr. Shalleck acknowledged staff's hard work and dedication throughout the election and more importantly the dedication of the leadership by the Director, Ms. Jurgensen. He thanked Mr. Karpinski for his leadership and legal advice. He added that Montgomery County processed a quarter of a million ballots during the successful, unprecedented Primary Election. He added that he is aware that Governor Hogan's office is working diligently to provide a decision for the General Election.

Ms. Khozeimeh thanked Ms. Jurgensen and the staff on the successful election.

Mr. Naimon also thanked Ms. Jurgensen and her staff, particularly for their public health efforts. He especially was grateful that there had been no indication of a spike of COVID-19 cases during or after the election. He noted some issues that

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should be addressed before the General Election. Mr. Naimon stated that the mailing of the ballots (by the state's contractor) should have been done earlier, and there should have been better management of the traffic jams at the drop off boxes that coincided with those going to the polls. He suggested that staff be available to receive ballots so that voters need not get out of their vehicles. Mr. Naimon also accentuated the importance of reminding people through outreach/education to sign the oath and not the ballot, as well as reminding voters not to wait to the last minute to cast their vote.

Ms. Dillon thanked staff and especially the volunteers who worked on Election Day who helped the public exercise their right to vote. She added that she is gratified by the tremendous success in running a safe environment during the Primary Election and that she looks forward to the same standard for the General Election.

Dr. Barnes thanked the staff in succeeding in such a challenging job and thanked them for their dedication and commitment to the process.

Dr. Barnes inquired about the staff's thoughts on the MAEO letter regarding their recommendations. Ms. Jurgensen responded that the majority of Directors of local boards expressed concern with the difficulty of recruiting election judges for polling places during the COVID-19 pandemic. There is a critical shortage of election judges, and if an election were held now and we wanted to avoid long lines, at least under a half an hour, we would be in a dire situation. To conduct a regular in-person election at all regular polling places (236-255), we would need 4,400 election judges. Voting by mail with Early Voting is the best way to go.

Ms. Philips thanked the staff for all their hard work.

Mr. Banov stated that the staff demonstrated a herculean effort while under the pandemic. He appreciates Ms. Jurgensen's detailed explanation for conducting the Primary and would like to see the staff present lessons learned in the primary -- what can be done better, what was good, what worked. He echoed the MAEO letter's recommendation to increase the number of drop boxes and asked about boxes with spouts. He noted that the sample ballot could provide very helpful information, especially on how to sign the oath and educating on how not to overvote. Mr. Shalleck agreed that in time the staff should present lessons learned.

Board Attorney Report [01:22:13]

Mr. Karpinski reported that the State Board of Elections was involved in litigation in Federal court regarding two party petitions (the Green Party and Libertarian Party). The parties are seeking that the number of signatures required (which is 10,000) be reduced. It is Mr. Karpinski's understanding that the State Board and two party petitioners have reached an agreement to require only 5,000 signatures in order to be considered a party for the next election cycle and the general.

Mr. Karpinski noted that two petition sponsors are circulating the same petition to divide Montgomery County into nine Council districts. Mr. Karpinski's understanding is that they have reached out to retain counsel to contact the State to

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see if they will get any relief on the 10,000-signature requirement. Additionally, the State Board has passed an emergency regulation which has extended the date to August 3 for when petitions must be submitted. Therefore, staff can expect to see some petitions coming their way.

New Business [01:23:48]

Polling Place Update for 2020 Presidential General Election

Ms. Jurgensen reported she has requested that staff begin reaching out to polling locations to inquire if locations will be available for the General Election. Ms Rzeszut reported that she has had responses from some private facilities and is awaiting responses from the others. She shared that some facilities expressed concerns on what safety measures the Board of Elections would take if someone were to contract COVID-19 when casting their vote, and a church asked what the Board would do to sanitize the location after leaving the facility. She added that many locations have denied access to their location due to the pandemic, while others are thinking about whether to make themselves available.

Mr. Naimon made a motion for the Board to endorse the recommendations of the Maryland Association of Election Officials for the conduct for the 2020 General Election. The motion was seconded by Mr. Banov.

Mr. Naimon supported his motion, noting that a decision should be made as to how the General Election will be conducted as there are several obstacles to a successful election. Ms. Khozeimeh stated that it's too early to determine how the General Election should be conducted. Mr. Shalleck agreed and added that the Board is not in a position to determine the operation of the election. Ms. Dillon stated that she does not support an all vote by mail election and does not agree to make any decisions now.

Mr. Banov noted that there must be a reason why MAEO moved swiftly to provide its opinion to SBE on how the General Election should be conducted and he supports the motion.

Dr. Barnes noted that this an extraordinary election and she believes that circumstances will not get better. She supports establishing a plan now, as it will help staff move forward with a plan.

The Board voted on the motion. Mr. Naimon and Dr. Barnes voted in favor of the motion. Mr. Shalleck, Ms. Khozeimeh, Ms. Dillon voted against the motion. The motion failed.

Action Items

1. Staff will prepare a "lessons learned" memo regarding the primary.
2. Ms. Jurgensen will share the SBE report on conducting the general election

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Future Meetings [01:51:15]

Mr. Karpinski suggested leaving the August meeting as a scheduled meeting.

Adjournment [01:51:56]

With nothing more to discuss, *Ms. Khozeimeh made a motion to adjourn the meeting and go into the Executive session. The motion was seconded by Ms. Dillon and passed unanimously.*


Executive Session

Montgomery County Board of Elections convened in Executive Session at 4:35 p.m., pursuant to Section 10-508(a)(13), General Provisions Article, to discuss the future budget.

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 (on site), Nahid Khozeimeh, David Naimon, Diane N. Dillon, Elisse W. Barnes, Jacqueline Phillips, Alan Banov (via conference call) and Kevin Karpinski (on site). The following staff were present, Ms. Jurgensen, Ms. McLaughlin, Ms. Bumbray and Ms. Merino.

The meeting adjourned at 4:17 p.m.

Submitted by:



Lisa Merino
Administrative Specialist II

APPROVED BY THE BOARD



James F. Shalleck
Board President