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**VIDEO CONFERENCE**

**MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS'**

Monday, July 20, 2020

**In Attendance Via Phone or MS Teams:**

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

**Board Attorney:**

Kevin Karpinski

**Staff:**

Margaret Jurgensen, Director (on-site)  
Alysoun McLaughlin, Deputy Director (via phone)  
Kera Bumbray, Management and Budget Specialist (via phone)  
Lisa Merino, Administrative Specialist (on site)  
Janet Ross, Information Technology Manager (on site)  
Christine Rzeszut, Operation Manager (via phone)  
Gilberto Zelaya, Outreach Coordinator (on site)

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

<https://youtu.be/veBTVoGft5s>

**Board of Canvassers Meeting**

**Convene the Board of Canvassers Meeting and Declare a Quorum Present**

Mr. Shalleck declared a quorum present. Ms. Jurgensen stated that 50 ballots for the June 2nd Primary were received untimely.

Ms. Khozeimeh made a motion to reject the 50 untimely ballots. The motion was seconded by Ms. Phillips and passed unanimously.

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With nothing further to discuss, Ms. Khozeimeh moved to recess the Board of Canvassers meeting. The motion was seconded by Ms. Phillips and passed unanimously.

### **Board of Elections Meeting**

#### **Convene the Board Meeting and Declare a Quorum Present [1:40]**

Mr. Shalleck declared a quorum present.

#### **Board President Remarks**

Ms. Jurgensen advised the Board that the County Executive's Office has informed the Board of Elections (BOE) that the Executive Office Building (EOB) will be available to be used as an Early Voting site from October 19 through the 30<sup>th</sup>. The permit will not be cancelled. Ms. Jurgensen recommends that the item about moving the EOB Early Voting site to the Bauer Community Recreation Center be removed from the agenda.

#### **Additions/Changes to the Agenda**

Mr. Naimon will add a new business item, a letter from the District 17 General Assembly delegation.

#### **Disclosure of Campaign Contributions [6:12]**

No disclosures were reported.

#### **Public Comments [6:30]**

There were no public comments.

#### **Election Director Status Report [7:05]**

##### **Personnel**

Ms. Jurgensen stated that Ms. McLaughlin is in contact with Human Resources to fill the vacant Voter Services Manager and Recruiter Supervisor positions, noting that a position exemption is required. Mr. John Chapman retired from Operations on June 30. Recruitment and Training staff will be returning to prepare for the election. Voter Services is reviewing staff and equipment needs, as processing vote by mail applications will increase.

#### **Budget [8:24]**

The FY21 Budget was provided in advance. Ms. Bumbray stated that the final FY20 budget has not been finalized, as it does not reflect recent expenditures and invoices.



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Ms. Bumbray noted that the fourth quarter bill was received from the SBE. She added that to date the expenditures are \$2,343,842, but that it does not include about \$820,000 that is encumbered. Mr. Banov asked if we had heard from the County Executive in response to our recommendation to peel-off 5% of our budget. Ms. Bumbray responded that we had not yet received cuts; the County published a list of Departments that received cuts, but the Board is not one of those as of yet.

**Voter Registration [12:06]**

Ms. Jurgensen reported that staff is working on processing the backlog of voter registrations from the close of registration. Staff is also processing all of the Forwarding Order Expired mail in accordance with the SBE business processes. NVRA requires a confirmation mailing to inactivate voters. This process means before the Board sends the confirmation notice that the Board verify that individual did not vote in the last election. If they did not, the Board sends what is called a confirmation mailing; the voter has x amount of days to respond to it. If they do not respond they are flipped to an inactive status. Sometimes these individuals would have a change of address and they would reach out and notify us for that process. For all of those ballots that were returned undeliverable, the confirmation mailing is triggered. All that data has to be in by the 22<sup>nd</sup> under NVRA. So, the Board is getting phone calls from various people who have received the mailing and are trying to get their registrations updated.

**State Board of Elections [13:48]**

The State Board of Elections (SBE) notified the Board that the RFP is out for printing and sending the Absentee Applications out to all registered voters for the State of Maryland.

Also, the RFP is out for printing the Election Day, Early Voting, and Vote By-Mail Ballots for the precinct-based reporting and that will be determined by the State Board and Board of Public Works. There is also an RFP for the Outreach and Media contract for the General Election. The Board provided the PPE, or personal protection equipment, supply order and despite the Governor's assurance in the letter of July 8<sup>th</sup> that PPE would be provided by the state for staff and volunteers, the local boards were advised that such equipment could be billed back to local boards of elections. Montgomery County expects that it will cost approximately \$110,000.00 for PPE for the November General Election, assuming our orders for Plexiglas and masks can be fulfilled.

Ms. Jurgensen stated that the State is using our SMS texting feature (that directs inquiries directly to SBE) to help autofill voter Registration or the Absentee/Vote By-Mail Application as it improves the efficiency and quality of accurate information from the voter. She added that SBE will be establishing a data processing center for all Absentee

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Applications. On Friday the 24<sup>th</sup>, software changes will be implemented. The BOE will get more information on Thursday and share with the Board.

Mr. Naimon asked what our Board is charging the SBE to use our SMS texting function. Ms. Jurgensen said she would ask Ms. Bumbray to draft a bill to the SBE for a setoff against what the SBE is charging us.

Ms. Jurgensen reported that the SBE is asking Directors to commit as to whether to participate in the SBE Call Center. The Montgomery County Office of Management and Budget will decide once the County has decided whether to lift the hiring ban so that the Board may hire temporary staff to process Absentee Applications, Voter Registrations and to answer regular phone calls. She added that staff is preparing additional work stations with phones for available additional staff.

She added that software for the electronic pollbooks is expected to be upgraded in September.

Montgomery County will have precinct-based election results. It will now take at least 5 weeks to proof in English and Spanish. Staff's expectation is to have everything completed by September 16<sup>th</sup>, one day prior to when the Military and Overseas ballots, the UOCAVA ballots, are sent.

Ms. Jurgensen added that drop-boxes will be utilized and if the LBE's want to add drop boxes, those costs would be 100% of the local government's cost with the same security requirement. Due to the cost of \$2,000.00, no additional drop-boxes have been purchased due to the limitations to our budget.

Board Members Naimon, Shalleck, and Banov inquired if a request could be made to the Executive and the Council to support additional drop-boxes. Ms. Jurgensen noted that Montgomery County currently has 5, plus the one at Rockville and the one at BOE

Board members discussed the need to have drop-boxes at each of our Early Voting sites and at the Board of Elections. Mr. Karpinski added that each location would need to have it under 24-hour surveillance.

Ms. Khozeimeh moved to direct staff to prepare correspondence requesting funding for an additional six ballot drop boxes throughout Montgomery County, one for each Early Voting center. The motion was seconded by Mr. Naimon and passed unanimously.

Ms. Jurgensen reported that all the post-election maintenance and inventory must be completed by August 31.



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**Board Attorney Report [33:40]**

Mr. Karpinski reported that the Robin Ficker petition was submitted earlier this year, and that the County Attorney, Marc Hanson, has been advised that the wording needs to be drafted and approved for the ballot.

He added that another petition will be filed by the end of the month that would establish 9 councilmanic districts with no at-large seats on the County Council. That should be filed by the end of this month. The Montgomery County Charter states that there needs to be 10,000 valid signatures to meet the requirements of Section 6-207 of the Election Law Article - - that the person has their full name, as it appears on the Voter Registration data base or their surname of registration. The Board will have 20 days to validate those petition signatures, at which time the Election Director will issue a determination as to how many valid signatures were collected.

**2020 Presidential General Election [34:48]****Polling Place Update**

Ms. Jurgensen reported that Election Judge availability is low. She added that after the Governor's letter was disclosed on July 8, staff meet thereafter to discuss and plan for the Presidential General Election. With the decision to have a "traditional" election, the pool of approximately 4,782 Election Judges was sent a survey of availability, and 2,451 responded. Approximately 1,269 of those affirmed they would serve. That includes our students, not Future Vote students, but those who are 17 or 18 years old and who had signed up in the past to be Election Judges.

The staff determined that 96 of our precincts would have less than 0-to-5 Election Judges available. They are mostly in the northern part of the County. However, all precincts would be impacted.

Ms. Jurgensen added that Election Judges must have hands-on training with the equipment and because of the CDC guidelines, having training on the first floor of this building would expose the staff. Instead, staff has been asked to find off-site locations to provide training for Election Judges.

She added that BOE has purchased software that provides an interactive module to take the place of the lecture aspect of the training, which is historically provided. The software is available on a 1-year basis. In addition, staff is developing the training. BOE will provide continuous classes until days before Early Voting begins.

**Election Day [44:24]**

Staff is proposing to consolidate precincts for Election Day. For example, Poolesville has 3 or 4 precincts. The recommendation is that all move to Poolesville High School. Voters would still get their precinct ballots, but everybody would vote at Poolesville High School. This would help reduce the need for Election Judges to be at several precincts and still have a large space to hold voters.

The consolidation would reduce 199 polling places to 70 to 75 vote centers. Staff would be required to go through all of the schematics, including equipment placement and social distancing COVID-19 CDC guidelines. Staying in public facilities (High Schools, Middle Schools and Recreation Centers) would reduce our cost with regard to sanitizing in advance of our arrival and thereafter. The Election Judge complement would be adjusted for the number of judges for social distancing. Ms. Jurgensen stated that the work to consolidate precincts is a huge project.

Ms. Jurgensen added Dr. Zelaya is working with different organizations to help recruit additional Election Judges and to encourage voters to request an Absentee Ballot Application. To assist, staff is working to give the Absentee Ballot Application more of a presence on the front page of the BOE website. She also reported that as of last week only 55-75 people committed to working in an Early Voting Center.

She went on to ask if the Board would commit to having 70-75 polling places, to be held in high schools, community recreation centers, and other large facilities.

Ms. Khozeimeh wanted to be sure the 75 polling locations would be all over the County, not just in a particular area. Mr. Shalleck asked if it is too early to limit the number to 75 or 80 and if instead it was better to ask approval for a generic plan. Ms. Rzeszut agreed with Mr. Shalleck. She reported that the working list has compiled about 83 locations that are viable as Vote Centers. These 83 locations are throughout the County. She added that she is trying to get the County to release certain other locations that she is not permitted to disclose at this time. Staff is working with those 83 locations and seeing how BOE can geographically place certain precincts within a location. Ms. Jurgensen confirmed that the plan would still retain precinct voting, and precincts would not be eliminated. Consolidating precincts into vote centers would enable the BOE to deploy more Ballot Marking Devices for voters, thus enhancing election judges' ability to provide voters with their specific precinct ballots.

The Board members discussed the ever-changing school schedules and janitorial support for sanitizing services before and after the utilization of County facilities. All Board members support the plan to consolidate precincts. It was determined that the Board did not need to write the Governor a letter to that effect.



Continuing her report on election procedures, Ms. Jurgensen explained that the staff recommended that voting by mail be the strongest message to send to voters and that voters be encouraged to vote by mail as early as possible.

Ms. Jurgensen stated that Election Judges are inquiring about PPE and "hazard pay" for the General Election. She noted that any hazard pay would need to be approved by the Office of Management & Budget (OMB). In the primary Election Judges were paid an additional \$100 hazard pay, but there were fewer judges. Mr. Naimon moved that the Montgomery County Board of Elections pay the same "Hazard Pay" for those election judges who serve during the Presidential General Election as was done for the Primary Election, to create an incentive for citizens to serve as judges. The motion was seconded by Ms. Khozeimeh and passed unanimously. Ms. Jurgensen stated that OMB will be notified. A letter will be drafted and circulated to the Board and signed by Board President James Shalleck.

A Board meeting will be held in August. The Board then will have further discussion on consolidating precincts.

Mr. Naimon said he liked the idea of having a prominent presence on the BoE website for voting by mail and asked if we would be linking to the SBE website. He also inquired whether the BoE website could have a fillable PDF file to be downloaded and completed for requesting a ballot by mail. Ms. Jurgensen replied that we would be linking to the SBE website, which ensures that voters provide their most current addresses for requesting ballots by mail. However, we won't be providing a fillable PDF file to request mail-in ballots.

Mr. Naimon suggested that any write-in forms would be beneficial to local Board of Elections and the SBE. He also expressed concern with the tentative decision regarding assignment of Election Judges for Election Day and Early Voting. Ms. McLaughlin indicated that she and staff will review options and present further ideas in August.

### **Early Voting Sites Update [1:33:10]**

Ms. Khozeimeh took the opportunity to express that the Board did not move the Executive Office Building (EOB) purposely. The Board was notified that it would not be available for November and the staff proposed Bauer Recreation Center as an alternative. Today the Board was notified about the good news that the EOB will be available.

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**New Business [1:37:01]**

Mr. Naimon suggested that the Board reach out to both the State Board and the Governor to ensure that he use his emergency powers to allow us to start counting ballots on October 1<sup>st</sup>. Otherwise, staff will be hard-pressed to get Absentee Ballots counted. He added that Montgomery County will potentially have the largest number of Absentee Ballots to count.

Ms. Dillon stated that October 1<sup>st</sup> would be too soon to start counting. Mr. Naimon reminded the Board that results are not released as the counting occurs.

Ms. Jurgensen stated that if Montgomery County were to begin canvassing, her recommendation would be October 15<sup>th</sup>; she said that October 1<sup>st</sup> would also be fine. The state's election directors are all in favor of opening ballots earlier.

Ms. Jurgensen and Mr. Karpinski agreed that a letter to the State Board and the Governor to request permission to begin the canvass was necessary, as the Governor may need to issue a new Proclamation. Mr. Karpinski added that there are some gaps between what the statutory requirements are right now and what is going to be necessary for there to be a 'traditional' election in November.

Mr. Naimon moved to have staff write a letter to SBE and the Governor indicating that Montgomery County should have the ability to start canvassing in early to mid-October and then we can let the State officials figure out where that fits in. The motion was seconded by Ms. Phillips. Mr. Shalleck, Ms. Khozeimeh, Mr. Naimon, and Dr. Barnes voted for the ballot; Ms. Dillon voted against the motion. The motion passed.

**Action Items [1:55:50]**

The following action items were identified:

- Mr. Karpinski will do an initial draft of two letters. One will be to the County Executive, recommending hazard pay be paid to Election Judges. A second letter will be written to the State Board and the Governor requesting that the Board begin its Canvass between early or mid-October.
- Ms. Jurgensen will request additional drop boxes from SBE.
- Board staff will make sure that there is a prominent presence on the BoE website for voting by mail.

**Approval of Minutes [1:57:50]**

Mrs. Khozeimeh moved to accept the February 24, 2020 minutes, as prepared by Ms. Merino. The motion was seconded by Mr. Shalleck. Mr. Naimon spoke to the motion



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and expressed his disappointment that the edits proposed by himself and Mr. Banov are not being accepted.

Mrs. Khozeimeh stated that Ms. Merino's minutes are comprehensive, and an audio of the meeting is available on the website. Mr. Karpinski asked that the Board review the minutes. Mrs. Khozeimeh moved to amend her motion to accept the February 24 minutes as amended. Mr. Shalleck seconded the motion. The motion passed unanimously.

Ms. Khozeimeh moved to accept the June 2, 2020 minutes, as amended by Mr. Banov. The motion was seconded by Ms. Dillon and passed unanimously.

### **Canvass Minutes**

Canvass minutes are pending.

### **Future Meetings**

The next meeting will be August 17, 2020 at 2:30, unless otherwise changed.

### **Adjournment**

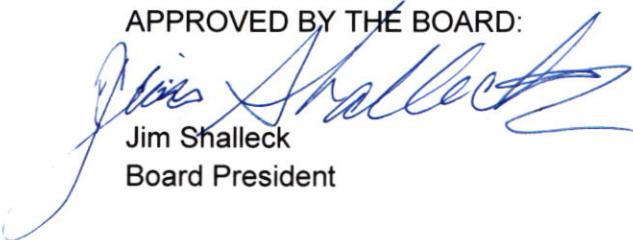
With nothing further to discuss, Mrs. Khozeimeh moved to adjourn the meeting. The motion was seconded by Ms Dillon and passed unanimously.

Respectfully Submitted,



Lisa Merino  
Administrative Specialist II

APPROVED BY THE BOARD:



Jim Shalleck  
Board President