

**TELE-CONFERENCE MINUTES**

**Monday, October 19, 2020**

**MONTGOMERY COUNTY BOARD OF ELECTIONS**

18753 N. Frederick Avenue, Suite 212, Gaithersburg, MD 20879

**APPROVED**

**In Attendance:**

**Board Members:**

James Shalleck, President (on site)

Nahid Khozeimeh, Vice President

David A. Naimon, Secretary

Diane Nash Dillon

Elise Barnes

Jacqueline L. Phillips

Alan Banov (on site)

**Board Attorney** Kevin Karpinski

**Staff (all onsite):**

Margaret Jurgensen, Director

Alysoun McLaughlin, Deputy Director

Kera Bumbray, Management and Budget Specialist

Boris Brajkovic, Voter Service Manager

Lisa Merino, Administrative Specialist

Janet Ross, Information Technology Manager

Christine Rzeszut, Operations Manager

**Guests:**

Democratic Chair Linda Foley

Senator Cheryl Kagan

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

<https://youtu.be/Th43vClqLJc>

**Convene Board Meeting [0:17]**

Mr. Shalleck declared a quorum present and convened the meeting.

**Board President's Remarks**

Mr. Shalleck thanked Mr. Banov for assisting him with the 2020 Presidential Supply Verification Plan and Ryan White and his staff for doing a terrific job organizing the equipment and materials in the warehouse.

Mr. Shalleck noted that he mailed a Thank you note to previous Board President Sam Statland, thanking him for his kind and supportive words regarding the work of the Board of Elections (BOE) that he recently shared on local media outlets.

**Additions and Changes to the Agenda [2:00]**

There were no additions or changes to the Agenda.

**Disclosure of Contributions and Donations [2:10]**

Mr. Banov disclosed a contribution of \$500 to Joe Biden's Presidential Campaign while attending a Zoom fundraiser held October 1<sup>st</sup>, 2020.

**Public Comment [2:50]**

The Chair of the Montgomery County Democratic Central Committee, Linda Foley, attending virtually, thanked the staff for their work on the 2020 election. She said that she wanted to say that her organization received hundreds of calls from voters who were anxious about whether their votes would be counted, and she supports statements made by Congressman Jamie Raskin to hire more staff to assist with the processing of ballots and timely notifying the public of the confirmation of the receipt of their ballots. She shared the Central Committee's and voters' concerns regarding the transparency of ballot counting, public access to the scanning of the ballots, and information provided to election judges on how to handle potential conflicts at the polls during the election.

Senator Cheryl Kagan requested to address the Board, and she agreed with Ms Foley's remarks.

Mr. Shalleck remarked that he has visited the canvass several times and wants to thank the staff and canvassers for their commitment with an unprecedented volume of ballots and dedication to the process.

**Election Director Status Report [7:15]**

**Personnel [8:50]**

Ms. McLaughlin reported that the BOE is fully staffed for the election and that all workstations are fully occupied with appropriate social distancing. In addition to recruits from the Department of Health and Human Services, and Department of Recreation. County offices are advising on issues of ballot access and COVID safety.

**Budget [9:59]**

Ms. Bumbray addressed budget spreadsheet details that had been presented to the Board. She stated that because of the unusual circumstances of this election, the BOE is over-budget. The greatest overage is in personnel, specifically overtime is 33% over budget. She added that there have been about \$40,000 in expenditures (estimated) for the installation of security cameras,

APPROVED

which did not appear in the original budget. In addition, there have been large charges for postage for ballot applications and for returned ballots. Due to election requirements, particularly because of the demand of mail-in ballots, there has been more staff than in ordinary years, with approximately 150 temporary employees.

**Voter Registration [14:15]**

Ms. Jurgensen announced that voter registration closed October 13. She added that the Board received a voter registration breakdown in advance of the meeting. She confirmed that the number of total registered voters is 756,756, including 680,713 active voters and 74,043 inactive voters.

**State Board of Elections [15:40]**

Ms. Jurgensen stated the Presidential Primary Canvass minutes were provided in advance by the Board Attorney (Kevin Karpinski) and requested that they be approved.

Ms. Khozeimeh moved to accept the 2020 Presidential Primary Canvass minutes. The motion was seconded by Mr. Banov and passed unanimously.

Ms. Jurgensen reported that the State Board of Elections is sending notices to eligible non-registered voters (potential voters who had opted out of the automatic registration through the MVA), informing them that they are eligible for same-day registration.

In addition, Ms. Jurgensen stated that due to the huge influx of ballot applications, the Board staff is currently behind processing applications.

In response to Mr. Banov's inquiry, Ms. Jurgensen clarified an issue regarding the quality assurance error that the Taylor Corporation, a SBE vendor, and the State Board of Elections identified late in the process. It was reported that the problem with the production was identified and corrected and the ballots were held back due to the error. She added that the correction has been made and mailing of the corrected ballots began on October 6 and 7<sup>th</sup>. She added that in many instances, ballots being mailed to the same household were held back, but have since been mailed. Ms. McLaughlin followed up by adding that the error affected between 8,000 and 9,000 Montgomery County voters and approximately 50,000 statewide. In response to a question from Mr. Naimon about notifying voters of the error, Ms. Jurgensen stated that according to the State Board, the issue has been remedied (ballots resent). Ms. McLaughlin added that there was a discussion with the State Board regarding notice to voters about the error.

**Board Attorney [23:27]**

Mr. Karpinski noted that the Election Law states that no-electioneering boundaries in Montgomery County are set 25-100 feet from the polling place. He added that Governor Hogan has declared that no electioneering boundaries be less than 100 feet from the voting centers. He added that a letter is being drafted to be sent this week to the campaigns, parties and candidates of the electioneering requirements for this election cycle. A copy will be provided to the Board at their

APPROVED

request.

Mr. Karpinski reported that MOUs for Early Voting and the drop boxes have been completed and executed by the parties. He responded to Ms. Foley's concerns regarding safety and security at the polling places, stating that it is being addressed with local law enforcement. Mr. Karpinski stated that he and staff met with Montgomery County Police and that he went over the election provisions for police interaction so that if needed, they could respond properly. He added that dialogue continues. Police will be patrolling voting centers, and when election staff are unable to address any threatening or aggressive behavior, the police will be called as a last resort.

Mr. Karpinski noted that if a Board member receives a call from a confidential voter (i.e., a voter whose address is confidential due to their employment, such as judges or law enforcement officers, or other reasons) regarding their ballot, the State has advised that confidential voter ballots are being pulled all at once. Extra ballots were also being sent to confidential voters by the Election Director.

In response to Mr. Banov's inquiry regarding who should handle security issues at polling places, Ms. Jurgensen responded that their first point of contact is the Chief Judge and that involving the police would be a last resort. Ms. Jurgensen added that Public Safety is activating the emergency response system on the last day of early voting and on Election Day, with police patrolling areas surrounding the Early Voting locations and managing traffic.

Ms. Foley expressed her concern about people showing up aggressively at the polls and expressed a need for more security for this election than ordinarily required.

Ms. Jurgensen said that being loudly obnoxious outside the no electioneering zone is protected speech, but that guns are prohibited by law on school grounds, and 911 will be contacted immediately. She added that the police are coordinating through the Special Operations Team that is continually in contact with Board of Elections' staff.

Ms. Jurgensen and Mr. Karpinski confirmed that there are no weapons allowed on the premises of any Montgomery County recreation facility or school. Mr. Shalleck emphasized that there will be **zero tolerance** for any disruptions or wrongdoing.

#### **2020 Presidential Election Preparations [45:18]**

Election judges are needed, and training continues until November 1st.

Ms. Jurgensen added that the State Board of Elections' website link in Pressroom is providing an update on how many Vote by Mail applications have been processed.

About a dozen people were in line to register to vote on the last day of voter registration (October 13).

APPROVED

Election equipment is being prepared.

The Department of Health and the Board of Elections' staff met and the Department of Health approved and signed off on physical distance designs and procedures for all voting centers and for BOE related facilities, using the CDC guidelines for Elections. Greeters will monitor how many people are in the voting room at a time if there are limits on the room's capacity.

365,125 Vote by Mail (VBM) requests have been processed so far; about 11% are for web-based ballots; 5,300 are in back log and expect to be processed by tomorrow. An estimate of 370,425 potential voters are expected to vote by mail. About 1,040 ballots had to be corrected or reissued because of errors in delivery or in completing a ballot.

Ms. Jurgensen noted that 2020 Presidential Canvass is expected to continue into November, with the hope that on December 2<sup>nd</sup>, Montgomery County will certify the Election (date subject to change). The Board of Canvassers meetings are expected to meet on dates in October and dates have been shared with the Board and posted on the Board of Elections' website. The public will also be available to observe the canvass and attend the Board of Canvassers meeting. Ms. Jurgensen noted that Canvass cannot meet every day as staff is needed onsite to process VBM requests. The Board confirmed the proposed dates and times of future Board of Canvassers' meetings. In answer to a question by Mr. Banov, Ms. Ross responded that scanning will be conducted each day of the canvassing and that the public can observe the scanning in the hallway through the glass in the scanning room. Ms. Jurgensen added that pursuant to state law, results must be posted on the SBE website each night of scanning days after the election.

Mr. Naimon asked why canvassing and scanning would not be held each day, encouraging more canvass days. Ms. Jurgensen explained why the current schedule was made and added a canvass date, November 3.

Ballots processed by October 28 will be ready to be included in the vote totals on Election Night. The November 3<sup>rd</sup> Board meeting will be held at 11:00 a.m.

**Election Judge Appointment [1:07:40]**

Ms. Jurgensen presented a list of election judges who have been trained and assigned to serve on Election Day. Mr. Banov moved to accept the list of election judges presented to serve for the 2020 Presidential General Election. The motion was seconded by Ms. Philips and passed unanimously.

Discussion: Mr. Naimon had questions about why the list of judges is not made public prior to and during the election. Mr. Karpinski and Ms. Jurgensen responded that there are privacy concerns about poll workers and canvassers.

## **Ballot Drop Boxes [1:10]**

Ms. Jurgensen explained deployment of equipment and supplies next week. She also reported that some 50,000 ballots had been retrieved from drop boxes, about 2432 web delivery ballots were received, and 96,700 ballots had been received by U.S. mail.

In addition, she responded to questions from the Board regarding locations, equipment and supplies, and voter demand. She noted that any ballots mistakenly deposited in the County's drop box are returned to the proper jurisdiction by reciprocal agreement via traceable mail. In addition, she noted that ballots that are handled when removed from drop boxes are picked-up by bipartisan teams. Mr. Naimon pointed out that the drop bags are less secure than drop boxes. Ms. Jurgensen stated that drop boxes are sold out around the country. The ballot drop boxes selected for Riderwood and Asbury sites were discussed. After discussion, the Board agreed that ballots in Riderwood and Asbury are to be collected by Board of Elections' staff twice daily, rather than the planned daily collection.

Mr. Naimon asked why a small drop box was being employed at Scotland while a large drop box was at the Margaret Schweinhaut Senior Center when there were no senior activities at that center. Ms. Jurgensen responded that staff selected the Schweinhaut Center for a large drop box because the dense population in that area of Silver Spring needed a box. Ms. Ross added that the population of Scotland was small enough that a small box would be sufficient.

The yellow ballot secured drop bag like the type used at Riderwood and Asbury was brought to the meeting and shown via video to the Board members. It holds about four hundred ballots. Ms. Dillon asked about the security of the bags. Ms. Jurgensen said that the bags are fastened by chains to stationary objects and reminded the Board that just like the ballot drop boxes, the secured drop bag is and will be under 24-hour camera surveillance. Videos of the drop bags at Riderwood and Asbury will be given to the Board after the election and stored for 22 months.

## **New Business [1:38:12]**

There was no new business.

## **Action Items [1:38:20]**

1. Staff will prepare informational correspondence to candidates and campaigns regarding the 100-foot no-electioneering boundary, to include ballot drop boxes.
2. Board Members requested that a count of ballots by drop box be provided.
3. Dr. Barnes asked when the explanation of "What happens to my ballot" will be placed on the website. Ms. Jurgensen responded that she will ensure that it's posted as soon as possible.



APPROVED

**Approval of Minutes [1:41:09]**

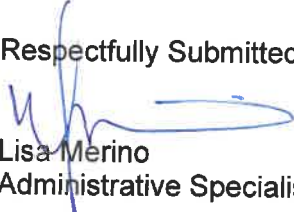
Ms. Merino asked that the following minutes be carried over - - July 20, 2020, August 17, 2020, August 20, 2020, September 8, 2020, September 21, 2020 and October 2, 2020 Minutes. Board members agreed to carry over the minutes.

Mr. Shalleck reminded the Board that the Board of Canvassers will meet tomorrow to review 4 ballots that have been referred for review by the canvass team. Mr. Karpinski explained that the SBE had issued a new rule that local boards could count ballots that have been signed if they determined that the voter's signature was designed to sign the oath.

**Adjournment [1:45:35]**

With nothing further to discuss, Mr. Banov moved to adjourn the meeting. The motion was seconded by Ms. Dillion and passed unanimously.

Respectfully Submitted,

  
Lisa Merino  
Administrative Specialist II

APPROVED BY THE BOARD:

  
Jim Shalleck  
Board President

