

APPROVED

Meeting Minutes
Monday, July 11, 2022
MONTGOMERY COUNTY BOARD OF ELECTIONS
Virtual Board Meeting via Zoom

In Attendance Virtually:

Board Members:

Nahid Khozeimeh, President (In person)
Diane Nash Dillon, Vice President
David A. Naimon, Secretary
Amoretta Hoeber
Dr. Elisse W. Barnes
Alexander Vincent
Alan Banov

Board Attorney:

Kevin Karpinski (In person)

Staff:

Alysoun McLaughlin, Acting Director
Janet Ross, Acting Deputy Director
Boris Brajkovic, Voter Services Manager
Christine Rzeszut, Operations Manager

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

<https://youtu.be/OtMrRhnZQ24>

[00:06] Convene Board Meeting and Declare Quorum Present

Mrs. Khozeimeh convened the meeting at 2:35pm.

[01:04] Additions/Changes to the Agenda

On behalf of the Board, Mr. Naimon shared thoughts and prayers for members of the churches that were vandalized over the weekend – North Bethesda Methodist Church, Wildwood Baptist Church, and St. Jane Frances de Chantal Parish.

[04:19] Disclosure of Campaign Contributions

Alexander Vincent reported a contribution in the amount of \$100.00 to Jim Shalleck, candidate for Attorney General. Amoretta Hoeber reported a contribution in the amount of \$1,000 to Kelly Schulz, candidate for Governor.

[10:00] Board Attorney Report

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Mr. Karpinski expressed appreciation to Board members for going out and spending time at polling places during Early Voting. He shared that a petition candidate will probably file for the Councilmanic 4 race.

[11:15] Public Comments

The following individuals signed up in advance to address the Board (* submitted testimony is attached to these minutes):

- Olubunmi Adu (did not appear)
- Peter Witzler
- Jheanelle Wilkins
- Laurie-Anne Sayles
- Bruce Turnbull *
- Elwood Gray (did not appear)
- Jeffrey Groce
- Michael Tardif
- Susan W. Turnbull *
- Matthew J. Green, Jr. (did not appear)
- Deborah Vollmer

A letter signed by 12 organizations was also submitted and is also attached to these minutes.

[12:37] Peter Witzler expressed concern that the screen on the Ballot Marking Device is limited to 7 candidates. He requested the Board do something so voters know that they have to look at more than one screen for races with more than 7 candidates.

[16:06] Delegate Jheanelle Wilkins (District 20), chair of the Election Law Subcommittee of the Maryland House of Delegates Ways and Means Committee, asked several questions –

- What are the plans for the high number of outstanding mail-in ballots?
- What did the Board do to educate candidates and the public about the ballot marking device multiple pages for races with more than 7 candidates?
- Was the electronic ballot shared with candidates along with the paper ballot?
- Will voters that requested mail-in ballots receive them in time to vote?

[19:25] Laurie-Anne Sayles, County Council At-Large candidate, expressed her concerns of being the only candidate on the second page of the ballot and with no header.

[23:54] Bruce Turnbull, Jews United for Justice Campaign Fund, also spoke to the electronic ballot issue. (See attached written testimony and organizational sign-on letter.)

[28:55] Jeffrey Groce and Michael Tardif agreed with the concerns raised by previous speakers regarding the electronic ballot.

[31:35] Susan Turnbull expressed disappointment in this year's primary voting process. (See attached written testimony.)

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[36:57] Deborah Vollmer also expressed the same concerns about the electronic ballot voiced by previous speakers.

[39:04] Election Director Status Report

Ms. McLaughlin reviewed figures from the Maryland State Board of Elections' website on the number of Montgomery County voters, Early Voting turnout, and mail-in ballot requested and returned.

Discussion of Public Comments

Ms. McLaughlin addressed the concerns raised in the public comments, including instructions from the Maryland State Board of Elections that are to be given to voters that use the ballot marking device. She noted the concern about the electronic ballot is not limited to a single contest as there are 10 contests with more than 7 candidates. The Board of Elections has reiterated to election judges the instructions they should provide to voters using the ballot marking device. She expressed appreciation for the public comments and confirmed they will be sent on to the Maryland State Board of Elections.

[47:35] Mr. Karpinski shared the history of the electronic ballot concerns going back to the 2015 City of Rockville race. As part of the settlement of a lawsuit against the Maryland State Board of Elections by the National Federation of the Blind, every polling location must have at least one ballot marking device and the device must be used by a requisite number of voters so that no one voter can be identified. After 2016, the Montgomery County Board of Elections urged the Maryland State Board of Elections to correct the number of candidates that can appear on the screen and the functionality of the machine. The Maryland State Board of Elections chose not to correct the number of candidates that can appear on the screen.

[58:47] Ms. Hoeber suggested, and others agreed, that the Board of Elections post a large sign in front of each ballot marking device that points out this problem.

[59:50] Mr. Naimon asked if the Board of Elections can also post on social media to emphasize this point. He also asked for confirmation that there is no technical fix for the problem this election.

[1:00:10] Mrs. Khozeimeh affirmed use of social media. Ms. McLaughlin, Mr. Karpinski, and Mr. Zelaya will work together on social media messaging. Chief Judges will be asked to remind their staff to tell voters about this electronic ballot issue.

[1:06:07] Ms. Dillon asked that voters not be encouraged to use the ballot marking device rather than a paper ballot.

[1:08:28] Mr. Vincent suggested the Board review the 2016 letter it sent to the State Board of Elections with concerns about the electronic ballot and consider sending another letter. Mr. Karpinski and Mr. Naimon reflected that Board members worked hard on this issue and actively expressed their concerns in 2016 to the State Board. They were told the issue would be resolved by 2018, but it was not.

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[1:12:23] Mr. Naimon moved that the Board of Elections give all candidates the opportunity to review the electronic ballot styles when they are given the opportunity to view the paper versions for the 2022 General Gubernatorial Election and future elections. The motion was seconded by Mr. Banov and passed unanimously.

[1:12:50] Mr. Khozeimeh asked Mr. Karpinski to prepare a letter to the State Board about the limit of the ballot marking device.

New Business

[1:15:40] Early voting

Mr. Banov and Mr. Naimon listed concerns and suggestions from their visits to Early Voting sites. They also complimented Montgomery County Board of Elections' staff for their work, especially those that handled moving the location in the Silver Spring Civic Building.

[1:37:25] Ms. McLaughlin raised the issue of storing campaign materials overnight at Early Voting locations. Ms. Hoeber and Mr. Banov will work with the staff to develop guidelines and practices for what the Montgomery County Board of Elections will do to accommodate overnight storage of campaign materials at Early Voting locations.

[1:41:25] Ms. McLaughlin will check on the availability of data on the use of the ballot marking device and paper ballots during early voting, per Delegate Wilkins' question during public comments.

[1:43:35] Ms. Dillon repeated her view that voters should never be dissuaded from using a paper ballot.

[1:44:08] Mr. Banov asked if there has been communication from the Maryland State Board of Elections about starting the canvass earlier. Ms. McLaughlin confirmed there has not been any. Mr. Banov shared a question from a campaigner about whether it is possible to provide Early Voting totals by precinct. Ms. McLaughlin will share it if it is available.

[1:45:25] Vote by mail

Boris Brajkovic, Voter Services Manager, gave a presentation about vote by mail. As of today, around 85,000 mail-in ballots, out of nearly 110,000 ballots sent, have not been returned to the Board of Elections. He anticipates a large influx just before Election Day.

Voters that have not received their mail-in ballot can contact the Board of Elections for a status update. Every case is researched individually.

Mr. Brajkovic explained that vote-by-mail is now available to every Maryland voter. There are multiple ways to submit a vote by mail application. On February 1, the Maryland State Board of Elections mailed a request form to all Montgomery County registered voters registered as Democrats and Republicans. Unaffiliated voters received applications in early June. To date, 63% of applications are for permanent vote by mail.

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Regarding ballot delivery of vote-by-mail ballots, 85% of voters requested paper ballots; 15% requested web delivery.

Mr. Brajkovic described how vote by mail applications are processed at the Montgomery County Board of Elections, to the Maryland State Board of Elections and their vendor, and then to the US Postal Service. He explained that a rush of applications is coming in just before the July 12 deadline. The priority is on processing vote by mail applications and getting those ballots in the mail. Voters that have returned their ballots will receive confirmation of receipt as soon as possible.

The Maryland State Board of Elections sent a letter to the 791 voters that were mistakenly sent 2 mail-in ballots by the contracted vendor. The letter includes instructions on what the voters should do with the ballots.

Voters that have questions about their voter registration, mail in ballot request or status of their mail in ballot can contact the Montgomery County Board of Elections by phone or email. Every inquiry is handled individually.

[2:22:25] Canvass update

Ms. McLaughlin confirmed use of the Montgomery College Germantown Campus facility for the canvass, beginning at 10:00am on July 21, 2022. She reviewed the canvass process. The canvass will be open to the public and will also be livestreamed. The canvass process will likely go into the first week of August. There will also be a pre-certification, post-election audit to reconcile and confirm vote counts. She expects certification of the election to be on or around August 12, 2022. Canvass results will be posted daily.

Individuals interested in serving at the canvass must be in the election worker system. They can contact the Board of Elections with their interest and will be notified if they are needed. Mr. Naimon asked about the criteria for canvassers. Mr. Karpinski will research and report back.

[2:29:30] Ms. McLaughlin shared the significant interest by individuals to serve as election judges in recent days and the limited schedule of training classes because of staff roles during early voting. She also reviewed the process for becoming an election judge. She reported that the online election judge system experienced a temporary outage over the weekend due to a technical issue. It has been resolved and the system is accessible as normal.

[2:50:15] Thirteen precincts were randomly selected for audit and placed in a sealed envelope. Mr. Karpinski will maintain the envelope and turn it over to staff after the election.

[2:52:05] Old Business

Ms. Dillon reminded Mr. Karpinski to research and report on any relationship there might be between the voting system used by Montgomery County and Dominion Voting Systems.

X. Action Items

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- Mr. Karpinski will draft a letter to the Maryland State Board of Elections regarding the ballot marking device.
- Ms. McLaughlin will work with Mr. Karpinski and Mr. Zelaya on signs and social media messaging regarding use of ballot marking devices.
- Daily communications with Early Voting center managers will include instructions to remind judges every day on what to tell voters using the ballot marking device.
- Ms. McLaughlin will research and report the number of voters using the ballot marking device.
- Ms. Hoeber and Mr. Banov will draft a policy on campaign materials stored at polling locations.

XI. Approval of Minutes

There were no minutes requiring approval.

XII. Future Meetings

All meetings begin at 2:30 p.m. unless otherwise indicated

Dates are subject to change

- A. July 19, 2022 11:00am Election Day
- B. August 15, 2022 (Tentative)
- C. August 15, 2022 Certify Election (Tentative)
- D. September 19, 2022
- E. October 17, 2022
- F. November 8, 2022, 11:00a.m. Election Day
- G. November 21, 2022
- H. December 19, 2022 (Tentative)

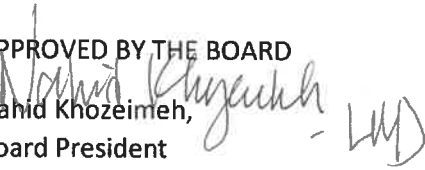
[2:57:45] Ms. Hoeber moved to adjourn the meeting. The motion was seconded by Ms. Dillon and passed unanimously.

The meeting adjourned at 5:35pm.

Respectfully submitted,


Lisa Merino-Dean
Administrative Specialist II

APPROVED BY THE BOARD


Nahid Khozeimeh,
Board President