

Meeting Minutes
Monday, September 19, 2022
MONTGOMERY COUNTY BOARD OF ELECTIONS
Virtual Board Meeting via Zoom

APPROVED

In Attendance Virtually:

Board Members:

Nahid Khozeimeh, President
Diane Nash Dillon, Vice President
David A. Naimon, Secretary
Amoretta Hoeber
Elisse W. Barnes, Ph.D.
Alan Banov
Alexander Vincent

Board Attorney:

Kevin Karpinski

Staff:

Alysoun McLaughlin, Acting Director
Janet Ross, Acting Deputy Director
Boris Brajkovic, Voter Services Manager
Christine Rzeszut, Operations Manager
Lisa Merino-Dean, Administrative Specialist

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

<https://youtu.be/s9U7Vd6h1G0>

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

[00:25] Mrs. Khozeimeh convened the meeting at 2:40 p.m. and declared a quorum present.

Mrs. Khozeimeh stated that 68 ballots for the July 19 Primary were untimely received.

Ms. Dillon made a motion to reject the 68 untimely ballots. The motion was seconded by Ms. Hoeber.

Mr. Naimon noted that if any of these ballots were mailed in the United States before Election Day and did not arrive in time. If so, this should be discussed with the US Postal Service. Mr. Brajkovic will look at the ballots and send an email response to the Board.

[3:58] The motion passed unanimously.

APPROVED

[4:31] Mr. Naimon made a motion to approve the amended canvass minutes. The motion was seconded by Ms. Dillon and the motion passed unanimously.

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

Board of Elections Meeting

[07:40] **Convene Board of Elections Meeting and Declare Quorum Present**

President Remarks

On behalf of the Board, Mrs. Khozeimeh expressed appreciation to the staff for their commitment, dedication, and hard work during the July Primary, Canvass and Recount.

[8:50] **Additions/Changes to the Agenda**

Additional agenda items -

- Executive Sessions immediately following this meeting
 - o Confidential voter request
 - o Personnel matter
 - o Security matter

Add to New Business -

- Canvass stipend

[09:28] **Campaign Contributions**

Amoretta Hoeber –

\$250.00 Reardon Sullivan, Republican candidate for County Executive

\$500.00 Neil Parrott, Republican candidate for Congress, District 6

[10:30] **Public Comments**

Michael Fletcher had requested to address the Board, but did not appear to speak. Ms. Merino-Dean reported that Mr. Fletcher's comments are on the elimination of electronic voting machines. She will circulate his written comments. (The Board returned to this agenda item later in the meeting [56:00.]

[12:45] **Election Director Status Report**

The full Acting Election Director's Report for September 2022 may be found [here](#).

Action items from last meeting –

- An affidavit by the Acting Director regarding early opening of vote by mail ballots was submitted. A ruling on the State Board's petition to seek early opening of the ballots is expected on September 23, 2022.

APPROVED

- On August 15, 2022, the State Board of Elections approved the polling place changes that the Montgomery County Board of Elections selected at its Board meeting on August 12.

State Board of Elections

On September 8, the State Board certified the content and arrangement of the ballot for the General Election. There are 258 ballot styles in Montgomery County, each consisting of three cards, with five Constitutional Amendments appearing on the ballot statewide and one Montgomery County Charter Amendment.

Precinct-level election results from the Primary Election are available on the State website at https://elections.maryland.gov/elections/2022/election_data/index.html.

The sample ballot will be mailed to voters during the first week of October. It will be 36 pages long.

Early Voting and Election Day supply verification is tentatively scheduled for October 12. Public testing of the voting equipment (logic and accuracy testing) is tentatively set for October 21.

Ms. McLaughlin requested Board action on verification of packaging of Early Voting and Election Day supplies and on the number of ballot marking devices scheduled for Early Voting sites and Election Day polling locations.

She has been asked to speak at a virtual briefing before the House Ways and Means Committee on September 29, 2022.

She gave updates on staffing, as well as election judge training.

The Board of Elections' website includes a link to the certified content and arrangement of the ballot. There is a display of the ballot on a ballot marking device in the lobby of the Board's office in Gaithersburg. Anyone can come and review the interface on the ballot marking device that voters will use in the General Election.

The FY2023 budget report is available.

[26:20] Mr. Vincent asked about the number of returned mail-in ballots that are anticipated and the number of canvassers being planned. Ms. McLaughlin estimates 150,000 mail-in ballots will be returned, around double the number from the Primary. Plans for a canvassing site and staffing are being made accordingly. Ms. Dillon suggested a 100% increase in the number of canvassers.

[31:45] Mr. Naimon asked how Montgomery County Board of Elections' pay for canvassers compares to the pay of other Maryland jurisdictions. Ms. McLaughlin responded that the length of the day should be considered. The Montgomery County canvass day is 8 hours. It is longer in some other jurisdictions, and they therefore pay more.

APPROVED

With regard to the length of the canvass, Mr. Karpinski affirmed that canvassers are essentially volunteers that receive a stipend and are not required to commit to working the entire canvass. Board staff coordinates with canvassers regarding their availability.

Ms. McLaughlin reiterated the need for more office staff to process ballots before the canvass.

[40:50] Dr. Barnes asked Ms. McLaughlin to share with the Board in advance if she prepares a written statement before the Maryland House Ways and Means Committee briefing.

[44:00] Mr. Naimon asked when mail-in ballots will be sent to voters. Ms. McLaughlin reviewed the schedule –

- Federal law requires ballots be mailed to military and overseas voters by September 24. They are expected to be sent from Maryland on September 23.
- Domestic ballots will begin to be mailed on September 28.
- Drop box installation is scheduled for September 28 and 29.
- Montgomery County sample ballots are tentatively set to be mailed on October 3. The target is for voters to receive it before the registration deadline.

[52:35] Ms. Dillon moved to accept the plan to prepare equipment for 2022 Gubernatorial General Election as prepared and presented by the staff. The motion was seconded by Ms. Hoeber and the motion passed unanimously.

[53:30] Ms. Dillon moved to accept the Verification Plan for the 2022 Gubernatorial General Election as presented by the Acting Director. The motion was seconded by Ms. Hoeber and the motion passed unanimously.

[55:10] Mr. Naimon moved to approve the allocation of ballot marking devices, as outlined in the September 19, 2022 letter from Acting Director Alysoun McLaughlin to Maryland State Elections Administrator Linda Lamone. The motion was seconded by Ms. Dillon and the motion passed unanimously.

[56:00] **Public Comments**

Michael Fletcher shared concerns about the use of electronic voting equipment, find his comments here Mr. Karpinski replied that Montgomery County uses paper ballots and scanners to tabulate votes. Post-election verification includes audits of select polling places to make sure the equipment functioned as it is supposed to and scanners correctly tabulated votes. The Maryland State Board of Elections selects the voting system used by the jurisdictions in the State, including Montgomery County. Ms. McLaughlin described the internal Logic and Accuracy Testing of equipment and the post-election, independent Clear Ballot audit, and additional pre- and post-election audits that are done, including physical handling of some ballots. This year, the Board also conducted a full hand recount for 2 candidates in the County Executive race. Information about these testing and audit processes will be added to the Board's website.

Mr. Naimon added that Montgomery County voting equipment is not connected to the Internet and reiterated the effectiveness of the audits and recount in reconfirming election results.

Ms. Dillon encouraged Mr. Fletcher to share his concerns with the Maryland State Board of Elections.

[1:14:40] Board Attorney Report

Mr. Karpinski reported that the State Board of Elections filed an emergency petition to start the canvass early. Judge Bonifant will hold the trial on September 20 and render his opinion at 3 p.m. on Friday, September 23, 2022. Depending on the decision, it may go to the Court of Appeals the following week.

The Board processed the petition of a candidate for Councilmanic District 4 and determined there were not enough signatures for the petitioner to qualify to be on the ballot. The Board's decision was challenged in the Montgomery County Circuit Court. The judge granted the Montgomery County Board of Elections' Motion for Summary Judgment. No appeal was taken from that decision to the Court of Special Appeals, so this matter has been resolved.

[1:23:45] Ms. Dillon expressed concern about ballots being processed before Election Day.

[1:25:51] New Business

Ms. Hoeber reported that she and Mr. Banov are in the process of preparing a report on storage of campaign materials at voting sites. Their report might be available for the October Board meeting.

Mrs. Khozeimeh indicated the two locations where this issue most needs to be addressed are the Executive Office Building and Activity Center at Bohrer Park, neither of which has a place to store the materials.

Ms. McLaughlin framed the issue as a policy and administrative matter for all locations.

The committee will continue its research and conversations to develop a recommendation.

[1:35:55] Sample Ballot

The draft sample ballot was discussed. Staff noted suggested changes and will implement them as possible.

[2:21:30] Canvass pay

Mr. Naimon moved that staff research the canvass stipend amount being offered in other Maryland jurisdictions and make adjustments so that Montgomery County offers 2022 Gubernatorial General Election canvassers the same or more than what other jurisdictions offer. Staff will report back to the Board on this item, including any budget adjustment required.

The motion was seconded by Mr. Banov and passed unanimously.

[2:32:40] Old Business

Early Canvassing for the General Election – While awaiting the court’s decision, staff is looking into possible locations for the early canvass. The Board will be provided with a proposed early voting canvass schedule on Monday, September 26 if the court decides to allow canvassing before Election Day.

[2:35:50] Action Items

- Review postmarks on absentee ballots rejected by the Board of Canvassers on September 19 and apprise Board members of the number that were mailed timely.
- If the judge rules to allow an early canvass, Board members will receive a canvass proposal on Monday, September 26.
- Mr. Zelaya will discuss suggested changes to the Sample Ballot with the graphic designer.
- Staff will research the amounts of stipends paid to canvassers in other Maryland jurisdictions.
- Ms. McLaughlin to share with the Board in advance any written statement she may submit to the Maryland House Ways and Means Committee before the briefing
- On the matter of a voter that claims his vote by mail ballot was intercepted and returned by someone else, Mr. Karpinski recommended the complaint be referred to the Maryland State Board of Elections and the State Prosecutor’s Office.

Mr. Naimon asked about the polling location for precinct 13-24. Ms. Rzeszut reported that the lease on the location for that precinct is void because the property itself is under a new lease. She feels confident that a new agreement can be worked out for that location.

[2:40:30] Approval of the minutes

Ms. Dillon moved to accept the following minutes as amended.

- 2022 Primary Canvass
- August 12, 2022
- July 19, 2022
- July 11, 2022
- June 27, 2022

The motion was seconded by Mr. Banov and passed unanimously.

Future Meetings

All meetings begin at 2:30pm unless otherwise indicated

Dates are subject to change

- A. October 17, 2022
- B. November 8, 2022, 11:00a.m. Election Day
- C. November 21, 2022
- D. December 19, 2022 (Tentative)

[2:43:10] Ms. Dillon moved to adjourn the public meeting. It was seconded by Dr. Barnes and passed unanimously. The Board moved into executive session.

APPROVED

The public meeting adjourned at 5:25pm.

Respectfully submitted,



Lisa Merino-Dean
Administrative Specialist II

APPROVED BY THE BOARD



Nahid Khozeimeh,
Board President