

Meeting Minutes

Monday, June 17, 2024

MONTGOMERY COUNTY BOARD OF ELECTIONS

Virtual Board Meeting

Virtual Attendance Board Members:

David A. Naimon, President
Daniel A. Koroma, Vice President
Amoretta Hoeber (Amie), Secretary
Keyna Anyiam, Board Member
Diane Nash Dillon, Board Member
Margie C. Delao, Substitute Member
Alexander C. Vincent, Substitute Member

Virtual Attendance:

Kevin Karpinski, Board Attorney

In Person Staff Attendance:

Boris Brajkovic, Director
Janet Ross, Acting Deputy Director / IT Manager
Lisa Merino-Dean, Administrative Specialist
Sandra Prudenti, Voter Services Manager
Thomas Chuck Williams, Budget Specialist

Virtual staff attendance:

Laletta Dorsey, Voter Registration Specialist
Michelle Gonda, Vote By Mail Specialist

A video of the meeting may be found on YouTube at the following link [June 17, 2024 Board Meeting](#).

Convene as the Board of Canvassers (00.08)

Mr. Naimon called the Board of Canvassers meeting to order at 3:04 pm with a quorum present.

Mr. Brajkovic presented the Board with 144 untimely ballots - - 68 domestic and 76 from overseas. Ballots were received after the legal deadline to return mail-in ballots for the 2024 Presidential Primary election.

Mr. Naimon inquired if the dates on the oath were before or after Election Day. Mr. Brajkovic reviewed the ballots briefly and noted that the majority of oaths are dated before Election Day. Mr. Naimon noted that this is one of the issues the Board wants to discuss with the postal service, noting that without postmarks the Board has little information to determine when ballots were sent. The Board does not know whether the ballot sat in a post office, or whether it sat in the voter's house.

Ms. Dillon moved to reject the untimely ballots. The motion was seconded by Ms. Delao and passed unanimously.

Mr. Naimon adjourned the Board of Canvassers' meeting.

Convene Board Meeting and Declare a Quorum Present (12:30)

Mr. Naimon convened the Board Meeting at 3:16 pm with a quorum present.

Board President's Remarks

Mr. Naimon stated that the Board of Education is announcing its choice for a new Montgomery County Public School Superintendent. He added that he would like to send get-well wishes to his good friend and mentor, Dr. Ed Andrews, who was the Montgomery County superintendent of schools a little more than 40 years ago.

Mr. Naimon wished the Board's Vice President Mr. Koroma an early happy birthday.

Mr. Naimon congratulated former Board President, Jim Shalleck, on his appointment to the Maryland State Board of Elections. Mr. Naimon stated that he recalled serving together for six years on the Montgomery County Board of Elections, working together on some things, and having differences on some things, expecting both to continue. He added that the Board Attorney reminded him recently that our Board has a long history of working with the State Board, but also challenging the State Board when necessary.

Mr. Naimon added that MoCo 360 news outlet brought to the public attention an online video that included some surprising and disappointing comments that Mr. Shalleck made in 2021 to the Maryland Voter Integrity Group about the 2020 General Election. He added that he and Board Secretary Hoerber issued a joint bipartisan statement in response to questions from Ginny Bixby from MoCo 360 about Mr. Shalleck's comments.

Mr. Naimon commented on the 2020 election and commended the work of the Board, staff, and the thousands of Montgomery County election officials who put their health at risk to give County voters a choice of how to vote in an important election during the pandemic. Mr. Naimon stated that the Montgomery County Board of Elections established its own postal service, with bipartisan teams to pick up mail-in ballots from drop boxes across the County, held early voting in the week leading up to Election Day, and had Election Day vote centers in every County High School. He also added that we had many new election judges who volunteered for the first time so that more vulnerable older people who had worked with us before didn't have to put their health at risk.

In the 2020 Presidential General Election, more than 348,000 voters voted by mail-in ballot. More than 128,000 voted early and more than 40,000 voted on Election Day. He added that not only were there no indications of election fraud but there were also no indications of a spike in COVID cases. Mr. Naimon added that our County's support for both democracy and public health could not have been accomplished without our staff's hard work.

Mr. Naimon noted that Mr. Shalleck also raised questions in his more recent comments to MoCo 360 about how signatures on mail-in ballots are addressed by us. This will be addressed in the Board Attorney's report, as well as how the staff reviews signatures on referendum petitions.

Mr. Vincent stated that he would like to make clear that he does not support the responses that the Board President and Board Secretary gave to MoCo 360, as they were ill-advised and reflected poor judgment. He added that one can agree or disagree with Mr. Shalleck's statement made in the 2021 interview, but as he was then a candidate for elective office, he had a right to express his personal

opinions about mail-in ballot or early voting. He sees nothing in his comments that is inconsistent with his motion to certify the 2020 election results.

Mr. Vincent added that Ms. Bixby bringing attention to an interview that is now three years old reflects a disguised attempt to discredit the former Board President, in the hopes of derailing his nomination to the State Board of Elections as, perhaps, some of his remarks apparently offended some political constituency. Mr. Vincent noted that Board members know that the State Board approves and regulates much of what the local boards do, and the Board does everything it can do to foster good relationships with State Board members, including now, with Jim Shalleck. He expressed his opinion that the Board's response was not helpful at all, especially its implication that the Board does not think Mr. Shalleck was a suitable choice for the State Board.

Mr. Vincent added that he regrets having to express his disagreement, but he believes it was a very bad move on the Board members' part and wants no association with the statement.

Ms. Dillon stated that she wanted to associate herself with Mr. Vincent's comments, expressing full agreement with his comments and disappointment with the comments provided to the media.

Mr. Naimon stated that he definitely agrees that a candidate for office has a right to express whatever views he would like to express. He also believes that when the person who was the President of the Board at the time expresses that he does not know whether there was fraud in that election is inconsistent with the actions of moving to certify election results. He added that if there were concerns about the presence of fraud, they should have been brought up at that time and as the current President of the Board, it is his responsibility to defend the staff's work especially if the person who was President at the time is not doing so.

Mr. Naimon stated that he strongly disagrees with Mr. Vincent's statement that the failure to answer the question of whether our Board thought Mr. Shalleck should be appointed to the State Board was itself a comment on his suitability for the State Board. He believes that it's not the Board's role to make that determination, as Mrs. Hoeber agreed.

Mr. Vincent clarified that he does not believe that Mr. Shalleck was criticizing the Board staff's work and agreed that the staff did a great job with the system they had in place. Mr. Vincent believes that Mr. Shalleck's statement was speaking more about what he saw as the inherent risks in certain methods of voting.

Mr. Naimon stated that no one had a better idea as to whether there was fraud in that election than the Board President, Jim Shalleck, as he directed the whole election.

Ms. Delao stated that for Mr. Shalleck to even imply an instance of voter fraud is very serious. She added that she supported Mr. Naimon and Mrs. Hoeber's response.

Ms. Dillon clarified that Mr. Shalleck didn't say there was fraud. He said he had no idea if there was fraud.

Ms. Hoeber stated that she agrees that there could perhaps be fraud, but to say, I don't know whether there's any fraud or not is not an appropriate statement for the Chair of the Election Board to say. She added that she stands by her co-signed statement.

Additions/Changes to Agenda (39:48)

There were no changes to the agenda.

Campaign Contributions and Attendance (40:02)

Mr. Koroma disclosed his attendance at an event for Senator Zucker on June 12, 2024.

Public Comments (42:08)

Mr. Naimon stated the Board's policy that public comments should be scheduled and preapproved by the Board President. However, the Board President has the discretion to allow public participation, even if the request is not scheduled and preapproved. He added that the Board of Elections' website states that each speaker will be given 3 minutes, and this applies to elected officials, government, and organization representatives as well as individuals.

Mr. Michael Fletcher requested to address the Board in advance. His full comments can be found [here](#).

Mr. Fletcher addressed 3 items:

- Results of a review of ballots and scanner tapes from precinct 04-38 where his review found discrepancies between the numbers of total votes and undervotes documented on scanner tapes.
- His concern about the possibility that non-citizens may vote in the upcoming election, as those non-citizens will be applying for social benefits and drivers' licenses.
- His concerns about HB 333, newly passed legislation concerning misinformation and disinformation that he believes has the potential to weaponize the State Prosecutor against citizens who raise questions about the election system.

Mr. Brajkovic acknowledged the receipt of Mr. Fletcher's comments regarding precinct 04-38. Mr. Brajkovic provided a brief response and will respond to his correspondence once he has sufficient time to review his comments.

Director's Report (1:00:58)

Mr. Brajkovic presented his report, which can be found [here](#).

Mr. Brajkovic stated that voter registration statistics would not be available this month as voter registration closed three weeks before Election Day and opens eleven days after Election Day. Voter Registration Monthly Statistics will be available next month.

He reported that the Maryland State Board of Elections certified the 2024 Presidential Primary Election on June 13, 2024.

Overview of the 2024 Presidential Primary Election (01:09:21)

Mr. Brajkovic provided a brief overview of the 2024 Presidential Primary election. His brief overview addressed turnout, mode of voting, mail-in ballot return rate/pace, election workers, and provisional ballots. The full report can be found [here](#).

Board Attorney Report (01:35:22)

Mr. Karpinski reported that he reached out to the Attorney General's Office to request an expedited ruling from the United States Court of Appeals for the 4th Circuit regarding the Gibson case. This case involves

the 2020 election results that required the Attorney General's office to put a litigation hold on local boards' destroying the materials associated with the 2020 election until the case is resolved. He added that the Assistant Attorney General agreed with him and would seek approval to expedite.

Mr. Karpinski added that the Montgomery County Board of Elections has received a petition regarding term limits for the County Executive and reminded the Board that according to the Bylaws, Board members are not permitted to sign a petition. Mr. Karpinski added that the staff cannot start validating petition signatures until the Petition Fund Report is filed. Once the report is filed, the staff will have twenty days to complete validation of the submitted petition signatures.

Mr. Karpinski briefly described the preparation for the validation of petition signatures and explained the name standard that needs to be met to validate a petition signature. Mr. Karpinski elaborated that the law requires a petition signature and printed name (first name, last name, and middle initial) in combination to have all components match against the voter registration record in the state-wide voter registration database for the signature to count. Mr. Karpinski presented the evolution of the name standard requirement in the petition process since 2003 and the changes that were introduced by the court rulings in that period.

Mr. Karpinski quoted a court hearing where a judge ruled that an X is a signature. Furthermore, Mr. Karpinski added that Maryland law describes a signature as a tangible symbol that evidences the signing of a record. He also added that X is used as a signature on different election-related documents, but the number of instances is rather small and this type of signature is collected mainly through our Nursing Home program.

Mr. Brajkovic added that staff does not track the number of instances when voters sign mail-in ballot applications or other election-related documents with an X, adding that he consulted the team and the conclusion is that staff does not process in an election more than a dozen documents with an X as a signature. He also added that usually if the document is signed with an X, it is also accompanied by the signed copy of the Voter Assistance Form, indicating that the voter sought assistance to complete the document.

With regard to the petition signature validation, Mr. Naimon emphasized that if someone is signing a petition, it is always better to provide more information than less, recognizing that often voters do not necessarily recall whether they included the middle name or initial in their voter registration.

Old Business (02:06:28)

No old business was discussed.

Website (02:07:10)

Mr. Brajkovic presented the statistical report on the Board of Elections' website usage for the months of April and May. The statistical report for April can be found [here](#). The statistical report for May can be found [here](#).

Outreach Report (02:16:15)

Dr. Zelaya reported that summer outreach efforts are in full swing with invitations all throughout Montgomery County. He briefly reviewed some upcoming events. The outreach calendar can be found [here](#).

New Business (02:21:35)

No new business was discussed.

Future Action Items (02:21:47)

No future action items were discussed.

Approval of Minutes (02:22:29)

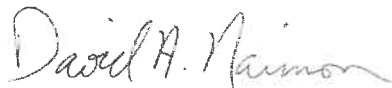
Ms. Dillon moved to accept the April 15, 2024, May 14, 2024, and May 25, 2024 meeting minutes as amended. The motion was seconded by Ms. Anyiam and passed unanimously.

Future Meetings (02:23:46)

The next Board Meeting will be held on July 15, 2024. There will be no August Board Meeting.

Mr. Naimon moved to adjourn the public Board Meeting at 5:25 pm and move into a closed session to discuss a confidential request, a personnel matter, and a security discussion requested by Ms. Dillon.

Approved by the Board



David A. Naimon
Board President