

M E M O R A N D U M

March 5, 2009

TO: Management and Fiscal Policy Committee
FROM: Amanda M. Mihill, Legislative Analyst *AMihill*
SUBJECT: Discussion with Board of Elections on preparation for special election

The following are expected to attend today's worksession:

- Nancy H. Dacek, Secretary, Board of Elections (BOE)
- Margaret Jurgensen, Elections Director, BOE
- Sara Harris, Deputy Elections Director, BOE
- Bryan Hunt or Angela Dizelos, Office of Management and Budget (OMB)

Today the MFP Committee will discuss BOE's preparations for the 2009 Special Election, which will be held to fill the District 4 vacancy left by the passing of Councilmember Praisner. The Special Primary Election is scheduled for April 21 and the Special General Election is scheduled for May 19. The deadline to register to vote is March 30. See ©3 for a list of important deadlines relating to the 2009 Special Election.

Estimated cost to conduct the special election. BOE staff provided the following cost estimate to conduct the 2009 Special Election:

Item	Amount
Election Judge Additional Staff/Costs	\$1,088,860
Overtime	\$41,099
Temporary Clerical	\$68,489
Supplies	\$12,128
Printing Costs	\$100,589
Postage	\$97,440
Equipment Delivery	\$32,607
Total	\$1,441,212

OMB staff indicate that these figures align with the costs from last year's District 4 special election and represent the best estimate currently available.

Precincts to be used for the special election. During the Council’s consideration of setting dates for the special election, Councilmembers discussed whether precincts should be consolidated to reduce the costs to conduct the election. Council Resolution 16-847, which set the dates for the special election, urged BOE to use the same polling places as the 2008 special election if they are available (see ©2). Board staff report that the Board will open all precincts, but that 4 polling places will change because the locations used in the 2008 election are unavailable (©4). The Chart below summarizes these changes:

Precinct	2008 Polling Place	2009 Polling Place
05-20	New Hope Korean Church	Marilyn J. Praisner Community Recreation Center
13-37	St. John’s Evangelical Lutheran Church	Parkland Middle School
13-49	Wheaton Moose Lodge	Argyle Middle School
13-64	St. Matthew Presbyterian Church	Strathmore Elementary School

Early voting for the special election. According to a March 5 *Washington Post* article, Senators Richard Madaleno, Jr. and Jamie Raskin are preparing to introduce legislation to allow early voting in the special election (©5). An e-mail from Ms. Harris to Senator Roy Dyson expressing concerns with allowing early voting for the special election is on ©7. Council staff has asked BOE staff to be prepared to discuss this issue at the worksession.

<u>This packet contains:</u>	<u>Circle</u>
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Precinct List	4
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E-mail from Sara Harris	7

Resolution No.: 16-847
Introduced: February 10, 2009
Adopted: February 12, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Special Election to fill District 4 Council Vacancy

Background

1. On January 30, 2009, Councilmember Donald E. Praisner died.
2. Under County Code §16-17, a special election must be held to fill this vacancy. Under §16-17(d)(1), the Council must adopt a resolution within 30 days after the vacancy occurs that sets the date of the special primary and special general election and takes any other action authorized by law.
3. After the Council adopts the resolution setting the election dates, the public notice required by §16-17(g) must specify the procedures under which a person may be nominated and elected to fill the vacancy and should include other important deadlines and requirements set under County and State law.

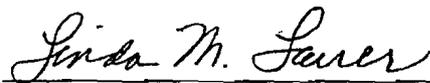
Action

The County Council for Montgomery County, Maryland approves the following resolution:

1. The County Board of Elections must hold a special primary election to fill the vacancy in the office of Councilmember representing Council District 4 on April 21, 2009.
2. The County Board of Elections must hold a special general election to fill the vacancy in the office of Councilmember representing Council District 4 on May 19, 2009.
3. A candidate for nomination by petition in this special election must:
 - (a) if the candidate seeks an advance determination of the sufficiency of a petition, request an advance determination from the County Election Director not later than March 23, 2009;

- (b) file a declaration of intent with the County Board of Elections not later than March 30, 2009; and
 - (c) file a certificate of candidacy with the County Board of Elections not later than April 21, 2009.
4. The content and arrangement of the ballot for the special general election must be certified not later than May 5, 2009.
 5. The Council urges the County Board of Elections to use the same polling places as were used in the 2008 special Council election, to the extent they are available.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

MONTGOMERY COUNTY COUNCIL ANNOUNCES

Special Election to fill vacancy in Council District 4

As provided in Council Resolution 16-847, adopted on February 12, 2009, a special election to fill the County Council vacancy caused by the death of Councilmember Donald Praisner will be held on April 21, 2009 (primary election) and May 19, 2009 (general election). The special election will be held among registered voters in Council District 4. The following timetable describes the major deadlines and events for this special election:

Deadline to file certificate of candidacy (party candidates)	March 5, 2009
Deadline to withdraw candidacy (party)	March 9, 2009
Deadline for petition candidates to request advance determination	March 23, 2009
First Campaign Finance Report due	March 24, 2009
Deadline to file declaration of intent (petition candidates)	March 30, 2009
Voter registration closes	March 30, 2009
Second Campaign Finance Report due	April 10, 2009
Last day for regular absentee ballot application	April 14, 2009
Deadline to file certificate of candidacy (petition candidates)	April 21, 2009
Deadline to file petition signatures (petition candidates)	April 21, 2009
Deadline to submit absentee ballots	April 21, 2009
SPECIAL PRIMARY ELECTION	April 21, 2009
Certificates of Nomination issued	May 1, 2009
Third Campaign Finance Report due	May 8, 2009
Last day for regular absentee ballot application	May 12, 2009
Deadline to file certificate of candidacy (write-in)	May 13, 2009
Deadline to submit absentee ballots	May 19, 2009
SPECIAL GENERAL ELECTION	May 19, 2009
Voter registration reopens	June 2, 2009
Fourth Campaign Finance Report due	June 9, 2009

For more information about this special election, candidates and votes should call the County Board of Elections at 240-777-VOTE (8683) or consult the Board's website at www.montgomerycountymd.gov.

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The Montgomery County Board of Elections approves the following locations for the 45 Precincts for the Special Primary scheduled by the Montgomery Council to be held Tuesday, April 21, 2009 and the Special General Election to be held Tuesday, May 19, 2009 to fill the vacancy in Council District 4.

Election Dist/Pct	Polling Place – April 21,2009 and May19, 2009	Type of Facility	Address	City
05-01	Good Hope Community Center	County	14715 Good Hope Road	Silver Spring
05-02	Greencastle ES	MCPS	13611 Robey Road	Silver Spring
05-04	Riderwood Village	Private	3120 Gracefield Road	Silver Spring
05-05	Springbrook HS	MCPS	201 Valley Brook Drive	Silver Spring
05-06	White Oak MS	MCPS	12201 New Hampshire Avenue	Silver Spring
05-08	William Tyler Page ES	MCPS	13400 Tamarack Road	Silver Spring
05-09	Westover ES	MCPS	401 Hawkesbury Lane	Silver Spring
05-11	Cannon Road ES	MCPS	901 Cannon Road	Silver Spring
05-12	Paint Branch HS	MCPS	14121 Old Columbia Pike	Burtonsville
05-15	Cloverly ES	MCPS	800 Briggs Chaney Road	Silver Spring
05-16	Stonegate ES	MCPS	14811 Notley Road	Silver Spring
05-17	Fairland School Center/Galway ES POC	MCPS	13313 Old Columbia Pike	Silver Spring
05-18	Burtonsville ES	MCPS	15516 Old Columbia Pike	Burtonsville
05-19	Benjamin Banneker MS	MCPS	14800 Perrywood Drive	Burtonsville
05-20✕	Marilyn J. Praisner Community Recreation Center	County	14906 Old Columbia Pike	Burtonsville
05-21	Eastern Montgomery Regional Services Center	County	3300 Briggs Chaney Road	Silver Spring
05-23	Marilyn J. Praisner Community Recreation Center	County	14906 Old Columbia Pike	Burtonsville
08-03	Flower Valley ES	MCPS	4615 Sunflower Drive	Rockville
08-04	Sequoyah ES	MCPS	17301 Bowie Mill Road	Derwood
08-06	Sherwood HS	MCPS	300 Olney-Sandy Spring Road	Sandy Spring
08-07	Sherwood ES	MCPS	1401 Olney-Sandy Spring Road	Sandy Spring
08-08	Colonel Zadok Magruder HS	MCPS	5939 Muncaster Mill Road	Rockville
08-12	Rosa Parks MS	MCPS	19200 Olney Mill Road	Olney
13-01	Georgian Forest ES	MCPS	3100 Regina Drive	Silver Spring
13-02	John F. Kennedy HS	MCPS	1901 Randolph Road	Silver Spring
13-11	Forest Knolls ES	MCPS	10830 Eastwood Avenue	Silver Spring
13-20	Colonel E. Brooke Lee MS	MCPS	11800 Monticello Avenue	Silver Spring
13-28	Wheaton HS	MCPS	12601 Dalewood Drive	Wheaton
13-33	Kemp Mill ES	MCPS	411 Sisson Street	Silver Spring
13-35	Weller Road ES	MCPS	3301 Weller Road	Silver Spring
13-36	Sargent Shriver ES	MCPS	12518 Greenly Drive	Silver Spring
13-37✕	Parkland MS	MCPS	4610 West Frankfort Drive	Rockville
13-43	Wheaton Woods ES	MCPS	4510 Faroe Place	Rockville
13-45	Parkland MS	MCPS	4610 West Frankfort Drive	Rockville
13-46	Children's Learning Center	County	4511 Bestor Drive	Rockville
13-48	Bel Pre ES	MCPS	13801 Rippling Brook Drive	Silver Spring
13-49✕	Argyle MS	MCPS	2400 Bel Pre Road	Silver Spring
13-51	Rock Creek Valley ES	MCPS	5121 Russett Road	Rockville
13-52	Earle B. Wood MS	MCPS	14615 Bauer Drive	Rockville
13-54	Leisure World Clubhouse I	Private	3700 Rossmoor Boulevard	Silver Spring
13-55	Strathmore ES	MCPS	3200 Beaverwood Lane	Silver Spring
13-56	Argyle MS	MCPS	2400 Bel Pre Road	Silver Spring
13-60	Precinct Not used			
13-61	James Hubert Blake HS	MCPS	300 Norwood Road	Silver Spring
13-64✕	Strathmore ES	MCPS	3200 Beaverwood Lane	Silver Spring
13-69	Leisure World Clubhouse II	Private	3300 Leisure World Blvd.	Silver Spring

The Washington Post

Special Election May Mean Early Voting Arrives Early

By Ann E. Marimow and Miranda S. Spivack
Washington Post Staff Writers
Thursday, March 5, 2009; GZ03

Maryland's foray into early voting could get its first test this spring during the Montgomery County Council's special election in District 4.

In the fall, voters overwhelmingly approved a constitutional amendment that allows the General Assembly to establish early voting, starting with the 2010 elections. Now Montgomery state Sens. *Richard S. Madaleno Jr. (D)* and *Jamie B. Raskin (D)* are preparing to introduce legislation as soon as this week that would bring a form of early voting to the county in time for the election that will choose a successor to council member *Don Praisner (D-Eastern County)*, who died Jan. 30.

The primary is set for April 21, with the general election May 19.

Details of the bill were being worked out early this week. In general, Raskin said, he and Madaleno want to allow voters to pick up absentee ballots and cast them in person at the county Board of Elections office starting the Wednesday before the election and running through the weekend.

"We're looking to maximize opportunities for residents to vote," Raskin said.

Initially, the senators had explored a more traditional path to early voting. But they were told by election officials that there was not enough time to prepare.

Deputy county election director *Sara Harris* said in an e-mail that she had told Raskin and Madaleno during a meeting in Annapolis that their initial idea was "imprudent, unwise, hasty, adjectives not associated with well-implemented successfully conducted elections," according to a letter Harris wrote to Sen. *Roy P. Dyson (D-St. Mary's)*, who chairs the Senate's subcommittee on elections.

Word of the legislative proposal has also prompted debate among council members. Council president *Phil Andrews (D-Gaithersburg-Rockville)* said he is philosophically opposed to early voting, particularly during the short time frame for a special election. Early voting, he said, is "premature voting, the equivalent of having some members of a jury vote before the trial is over. You want people voting as close in time as possible to have the same information available when they vote." Any early voting, he said, should be restricted to the last few days before an election.

Council member *Roger Berliner (D-Potomac-Bethesda)*, the only current member of the council to have run in a special election, said he, too, has concerns about shortening an already truncated campaign. (Berliner lost in the 2000 Democratic primary contest to fill the council seat left vacant by *Betty Ann Krahnke*.) But he said he would support extended weekend hours for turning in absentee ballots. "I'd like to encourage as much turnout as possible," Berliner said.

Council member *George L. Leventhal (D-At Large)*, a proponent of the plan, said voters have already spoken.

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Seventy-two percent statewide and 80 percent in Montgomery approved the amendment, known as Question 1.

"That is a settled question, and this is the first election in the state since the passage of Question 1," he said. "Of course we should provide early voting."

Tonight Is Filing Deadline To Run in Special Election

With today's filing deadline looming for candidates in the special District 4 council election, the final field was still in flux. On the Democratic side, former local Red Cross official *Chris Paladino* has decided not to run to make time to help care for his ill mother-in-law, according to a letter posted on his campaign Web site.

Joining the Democratic mix is *Thomas Hardman*, an information technology developer who ran as a Republican in last year's special election, and *Robert Goldman* of Burtonsville. The Green Party has endorsed *George Gluck* of Rockville. Gluck will not have to run in a primary but will be on the ballot in the general election.

Would-be candidates have until 9 tonight to file with the Montgomery County Board of Elections. The board's office at 751 Twinbrook Pkwy. in Rockville will be open until that time.

District 4 includes all or parts of Aspen Hill, Burtonsville, Calverton, Cloverly, Colesville, Derwood, Fairland, Olney, Sandy Spring, Silver Spring, Spencerville, Wheaton and White Oak.

'Power Tea' to Recognize Two Montgomery Women

Montgomery Women, a nonpartisan group of political activists and local officials, will honor two women for their community involvement at the organization's fifth annual "Power Tea" Sunday at the Mansion at Strathmore.

Yvette Butler, founder and executive director of GapBuster Learning Center, a tutoring and education program for disadvantaged students, will receive the Phyllis Campbell Newsome Rising Star award. *Carol Trawick*, a Bethesda businesswoman, philanthropist and onetime candidate for county executive, will receive the Shining Star award. That award was named in honor of Del. *Jane Lawton* (D) and County Council member *Marilyn Praisner* (D). Lawton died in late 2007 and Praisner in early 2008; both were founding members of Montgomery Women.

U.S. Rep. *Donna F. Edwards* (D-Md.) is the tea's honorary chairwoman, and Trawick will be the keynote speaker.

Tickets are \$25 for nonmembers and can be obtained by contacting Merle Steiner at 301-652-0895 or merlejsteiner@aol.com. Tickets are available at the door. The tea will be held from 3 to 5 p.m. Sunday at the Mansion at Strathmore, 10701 Rockville Pike in North Bethesda, near the Grosvenor Metro station.

Web Site Will Track County Contracts, Grants

Last week, the Montgomery County Council unanimously approved legislation to create a searchable public Web site to display information about certain county contracts or grants worth \$25,000 or more.

The county follows actions by the state and federal governments, which have created similar sites to make it easier for taxpayers to track public spending. In Montgomery's case, the site will not include information about spending by independent and semi-independent agencies such as the public school system or the Maryland-National Capital Park and Planning Commission.

"It's all about transparency and making sure our citizens have a great deal of comfort about where their dollars

(b)

Mihill, Amanda

From: Harris, Sara
Sent: Thursday, March 05, 2009 12:41 PM
To: Mihill, Amanda
Subject: Early Voting

TO: Amanda
 FROM: Sara
 DATE: March 5, 2009

Per your request.

TO: Senator Roy Dyson
 FROM: Sara Harris, Deputy Election Director
 Montgomery County Board of Elections
 DATE: February 27, 2009
 RE: Early Voting

It has come to my attention that Sen. Madaleno, Sen. Raskin are preparing emergency legislation to permit early voting prior to the Special Council District 4 Primary and General Elections in Montgomery County, officially scheduled by the Montgomery County Council for April 21 and May 19, 2009.

County Executive Isiah Leggett has indicated his opposition to this legislation.

The Montgomery County Board President, Jerrold Garson and I were in Annapolis yesterday providing Sen. Madaleno, Sen. Raskin and their staff with details of why this emergency legislation is imprudent, unwise, hasty, adjectives not associated with well-implemented, successfully conducted elections.

While we and our Boards of Elections' colleagues across the state are preparing for early voting procedures for the 2010 Gubernatorial Elections, no regulation, procedure or policy has been adopted at this time. It is highly unwise and impractical to prepare for and expect successfully implemented early voting in such a short time. To be required to initiate, prepare and proceed to launch early voting within weeks when, for example, obtaining a facility, personnel, electronic poll books (testing, preparation and delivery), for the 46 precincts of the District presents a set of variables for not only embarrassment for all involved, but, also, adds a potential loss to voter confidence.

We are prepared to provide registered voters in Council District 4 with the following information regarding hours of voting. In addition to the mailed sample ballot to each registered voter, the Montgomery County Board of Elections expects to mail absentee voting information to each voter, including web site download of an absentee application form and the option to vote absentee at the Board of Elections' office with additional in-office voting hours available on the Saturday immediately before both the primary and the general elections.

Please do not permit proceeding with a service for which there is no regulation, no procedure, no tested software/electronic poll book preparation concluded, no personnel recruited and trained, and no secure, appropriate facility agreement in place. Please, instead, give careful consideration for time and expert resources to develop and implement proper procedures for 2010 early voting, permitting time for voters to be informed, personnel to be recruited and trained, equipment to be tested and prepared subject to a new preparation and delivery schedule and election officials to carry out the necessary, multiple preparations. Proceeding hastily into unknown territory is an unnecessary, unwise risk; what is necessary, is a well-prepared for, successfully launched early voting in 2010 complementing the success and voter confidence evident to many throughout the successful conduct of the 2008 presidential elections in Maryland.

Thank you for your attention to this important matter.

Sara Harris

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3/5/2009