

APPROVED

July 25, 2011

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS
18753-210 North Frederick Avenue, Gaithersburg, Maryland

In Attendance:

Board Members:

Mary Ann Keeffe, President
Donice Jeter, Vice President
Nancy Dacek, Secretary
Nahid Khozeimeh
Graciela Rivera-Oven
David Naimon
Lucia Nazarian

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Director
Sara Harris, Deputy Election Director
Betty Ann Lucey, Voter Registration Manager
Marjorie Roher, Management and Budget Specialist III
Christine Rzeszut, Operations Manager
Shafiq Satterfield, IT Technician I
Renee Adams, Election Aide II

Guests:

Dave Drake
J. Greenstone
Maryland Lehmain
Del. Eric Luedtke
Amanda Mihill
Barbara Sanders
Cathy Trauenictl
Adol Owen-Williams

Ms. Keeffe called the meeting to order and declared a quorum present at 2:30 p.m.

Public Comments

Del. Eric Luedtke requested to address the Board concerning the change in State law regarding electioneering boundaries that was passed unanimously by the Montgomery County

Delegation and both houses of the General Assembly this past spring. He stated that House Bill 534, Carroll County and Montgomery County – Polling Places – Electioneering Boundaries, which he introduced, called for electioneering boundaries to be changed from 100' to 25' and that during the legislative session it was changed to between 25' and 100' to give the local Boards more flexibility. Del. Luedtke submitted a letter detailing his concerns which was distributed to the Board for review in advance of the meeting and provided to them again during the meeting. He stated that freedom of speech concerns arise at Riderwood and other senior facilities where the voters are able to access the polling place without passing electioneers who are prohibited from entering the facility. He also expressed concern that public safety was jeopardized in locations where the boundaries were in parking lots or streets. He is interested in having these issues addressed now so that disruptions to the polling place can be minimized on Election Day.

Mrs. Dacek responded that Riderwood was not the typical Montgomery County polling place and questioned whether a facility such as Riderwood would allow electioneers inside the facility due to security concerns. She stated that facilities of this type warrant further discussion to ensure that all aspects of freedom of speech vs. security and safety concerns are considered when making final determination on electioneering boundaries. Mrs. Dacek also noted that Montgomery County had, historically, modified electioneering boundaries if they occur in a driveway or street to ensure that electioneering was able to be conducted safely on a sidewalk or grassy area.

Ms. Keeffe questioned whether the polling places located within senior living facilities serve a mixed population or only the residents of the facility. Ms. Jurgensen responded that they serve a mixed population and non-resident voters are currently accessible to those electioneering. Ms. Keeffe indicated that the Board had reached out to the Central Committees for their feedback. Del. Luedtke suggested that the Board may want to reach out to campaign personnel as well.

Mr. Naimon stated that it made good sense to look at the constitutional issues raised by Del. Luedtke. Ms. Keeffe agreed and commented that the process of refining electioneering boundaries was just beginning and all concerns would be taken in to account prior to final determinations.

Additions/Changes to the Agenda

Ms. Keeffe stated that there were no changes to the agenda.

Approval of the June 20, 2011, Minutes

The Board reviewed the minutes. Mrs. Dacek requested a minor change to the Early Voting discussion. A motion was made by Mrs. Khozeimeh to approve the June 20, 2011, minutes as amended. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Website Review

Mrs. Rivera-Oven reported that she met with Ms. Jurgensen and Mr. Satterfield to discuss the layout of the website. She discussed that there is a limitation on what can be placed on the website because the format is controlled by the County. Mr. Satterfield stated that the County is redesigning the template to allow departments more flexibility but noted there will not be any money for the changes prior to the 2012 elections. He noted that there is and will be links to the SBE website and Facebook, as well as to the County LBE website dashboard during Early

Voting. Mr. Naimon asked what issues would keep the Board from placing the website on a separate domain and Mr. Satterfield responded that there is a need to maintain ADA accessibility and cost benefits which are provided on the County domain.

Election Director Status Reports

Budget

Ms. Jurgensen reported that staff has not received the year end report but, based on estimates, anticipates ending in the black. She stated that the new fiscal year required keeping temporary employees longer than anticipated because of the second portion of the petition verification procedures. Ms. Jurgensen noted that she has terminated all temporary employees except three.

Voter Registration

Ms. Jurgensen stated that Board members will receive an e-mail notice that the voter registration monthly statistics have been posted on our website. She reported that the packet includes information from the high school registration that occurred this spring. Ms. Jurgensen noted this program has been in place for several decades and has been recognized nationally by several groups. She stated that students are trained as voter registrars and perform peer to peer voter registration activities surrounding the election of the Student Member of the School Board. Ms. Jurgensen noted that students may register at age 16 and their name is held in a pending file in the Maryland voter registration database until they reach voting age.

Mrs. Lucey informed the Board that Montgomery County's High School Registration Program began in 1971 and she then provided information on classes and voter registration drives. She reported that there are usually 80 students trained and since 1971 the BOE has registered 135,771 students. Mrs. Rivera-Oven asked why there were only 2 private schools that participated and Mrs. Lucey responded that other private schools are extended an invitation but choose not to participate.

State Board of Elections

Ms. Jurgensen reported that the State Board will meet on July 28, 2011, at 2 p.m. She stated that the State Board and staff are in the process of updating the nursing home procedures and has requested any comments be submitted by August 15 to Ms. Nikki Trella. Mr. Naimon inquired about the nursing home procedure and Ms. Jurgensen explained the program to the Board.

Ms. Jurgensen stated that the State Board has prepared new Challengers and Watchers information and a copy is in their folder for review. Mrs. Nazarian asked if election judges serving in the elections or candidates are able to also serve as Challengers and Watchers. Ms. Jurgensen responded that she will get clarification and Mr. Karpinski stated that he will look into the issue.

Ms. Jurgensen reported that the GEMS servers are anticipated to be replaced in August and she will continue to provide the Board with updates. She stated that the equipment maintenance will be completed by the end of August and then staff will perform an additional quality control check. Ms. Jurgensen noted that the State Board has implemented standard naming conventions related to street name file in preparation of redistricting.

Facility Issues

Ms. Roher reported that the County has placed this facility on a preventive maintenance contract for the HVAC equipment that will include system inspection and review every 90 days. She noted the variety of issues with the HVAC system since installation – most of which have been due to County personnel being unfamiliar with the newer, environmentally sensitive equipment - and is pleased that the County has taken this measure.

Petitions

Ms. Jurgensen reported that the petition is complete and has been returned to the SBE. She noted that a letter was sent to Neil Parrott on July 22, 2011. Ms. Jurgensen reported that there were 108,923 accepted signatures and 23,148 rejected signatures. Ms. Jurgensen noted that the number of accepted signatures met and exceeded the requirement of the Maryland Constitution for placing this Act on the November 2012 ballot in Maryland. Mr. Naimon asked who prepared the phrasing of questions on the ballot and Mr. Karpinski responded that the language for a State ballot question is prepared by the Attorney General and local ballot questions are prepared by the County Council in English and Spanish.

Board Attorney Report

Pending Issues

Mr. Karpinski stated that there were issues regarding the Department of Justice's Project Civic Access and the County is close to reaching an agreement. He noted that there will be further discussion in Executive Session.

New Business

2012 Presidential Primary Election Preparation

25'-100' Electioneering Boundary

Mrs. Rzeszut discussed 19 precincts and their current boundaries in response to new legislation and comments made by voters during the past election. The following precinct changes were recommended by staff:

- Burtonsville ES – Move boundary closer
- Praisner Recreation Center – Staff recommended a 40' boundary
- Greenwood ES – Staff recommends pulling in the boundary
- Sherwood HS – Staff believes the 2010 boundary was inaccurate and recommended revisiting the site
- Cashell ES – Staff recommends moving boundary to 60'
- Carson ES – Boundary currently within 100'

Mrs. Jeter requested a list of all issues discussed and staff agreed to provide it.

Reports from Democratic and Republican Central Committees

Ms. Keeffe reported that she had met with the Democratic Central Committee and informed them that the Board would be reviewing electioneering boundaries as a result of the passage of the new electioneering Bill – House Bill 534 – Carroll County and Montgomery County – Polling Places – Electioneering Boundaries. Following a lengthy discussion at that meeting she stated that a letter would be sent officially requesting comments on this topic. Mrs. Khozeimeh reported that she spoke to the Republican Central Committee who stated they had no issues regarding electioneering boundaries. Ms. Keeffe requested that a letter be sent to both political parties, every elected official representing Montgomery County, and everyone who filed for office in the 2010 Primary Election. The letter is to request information on any concerns with electioneering boundaries, including specific information as to why they were requesting a change, and indicate that responses should be received no later than September 6, 2011. Staff agreed to send a letter.

Redistricting

Mrs. Harris updated the Board on future upcoming meetings regarding redistricting. She reported that the General Assembly is scheduled to meet October 17 and the County Council Redistricting Commission's report is scheduled on the County Council Agenda on October 11. She noted that the Governor's Redistricting Advisory Committee will be holding public hearings within the State in the interim.

New Business

Mrs. Nazarian inquired about the Polling Place Support program cost related to the League of Women Voter's contract with the Board of Elections. Ms. Jurgensen responded that she would get back to her. Ms. Jurgensen then explained the program to the Board.

Wicomico Resolutions

Wicomico County Board of Elections contacted Montgomery County, as well as all other Maryland jurisdictions, requesting consideration of four resolutions:

1. "Request the State Board, the MAEO Board, or both, initiate a drive to exempt Election Judge pay from Maryland state taxes and unemployment compensation limits.
2. "Request the State Board, the MAEO Board, or both, initiate a drive to exempt Election Judge pay from federal taxes.
3. "Request that the State Board allow the local boards to "opt out" of the statewide voting equipment delivery contract.
4. "Request a General Assembly bill prohibiting a candidate from being a challenger/watcher in an election where they are on the ballot."

The Board discussed the proposed resolutions and agreed that they would support Resolutions 3 and 4. Mr. Karpinski stated that he would draft a letter to Wicomico County Board of Elections to inform them of the Board's decision. A motion was made by Mrs. Dacek for legal counsel to draft a letter to Wicomico County Board of Elections to inform them that the Board will support Resolutions 3 and 4. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

2012 Polling Places

Ms. Jurgensen reported that the budget reductions reduced the number of temporary employees that can train the election judges, as well as overtime and election judge stipend funding. She explained that the Board of Elections wants to provide the community with a list of polling places that staff is considering to propose moving or merging and ask for their comments as we anticipate redistricting information from the Legislature. Mrs. Rivera-Oven asked how many voters would be at each polling place and Ms. Jurgensen responded that there would be less than 3500 voters and that is determined by the size of the polling place.

Ms. Jurgensen discussed the 2012 Polling Place Changes working draft with the Board and there were no problems noted. She then explained the 2012 Proposed Merged Precincts and stated that each polling place has less than 3500 voters and is being merged to reduce election judges and facility rental costs due to budget reduction. Out of 25 proposed precincts the following changes were made by the Board:

- (06 -01) Jones Lane ES and (06-09) Our Lady of Visitation – Staff will review parking at both locations.
- (06-12) Shady Grove Conference Center and (06-02) Sts. Peter/Paul Orthodox Church – Ms. Jurgensen will no longer recommend merging these two precincts.
- (09-09) Whetstone ES and (09-17) North Creek Community Center – Staff will review parking at (09-09) Whetstone ES.
- (09-21) Forest Oak MS and (09-37) Flower Hill ES – Staff will review parking and Ride-On bus service at (09-21) Forest Oak MS.
- (13-06) Piney Branch ES and (13-67) Grace United Methodist Church - Ms. Jurgensen will no longer recommend merging these two precincts.
- (13-28) Wheaton HS and (13-36) Cedar Lane Unitarian University Church - Ms. Jurgensen will no longer recommend merging these two precincts.
- (13-56) Argyle MS and (13-48) Bel Pre ES - Staff will review parking and Ride-On bus service at (13-56) Argyle MS

The Board requested that Ms. Jurgensen prepare a letter to convey the proposed merges to both political parties and all candidates in the 2010 Primary Election.

Future Meetings

Ms. Roher reviewed future meeting dates with the Board:

- A. September 26, 2011
- B. October 24, 2011
- C. November 19, 2011 – 10:00 a.m. – *tentative*
- D. November 20, 2011 – 1:00 p.m. – *tentative*
- E. November 21, 2011
- F. December 3, 2011 – 10:00 a.m. – *tentative*
- G. December 4, 2011 – 1:00 p.m. - *tentative*
- H. December 19, 2011 – *tentative*

A motion was made by Mrs. Khozeimeh to convene in Executive Session. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Report on the Executive Session

The Montgomery County Board of Elections convened in Executive Session at 5:35 p.m., pursuant to State Government Article, Sections 10-508(a), 10-508(a)(13), and 10-508(a)(14) to discuss FY13 Future Fiscal Impact, and Department of Justice Project Civic Access.

The Montgomery County Board of Elections met in closed session on this date. The following members of the Board and staff were in attendance: Mary Ann Keeffe, Donice Jeter, Nancy Dacek, Nahid Khozeimeh, Graciela Rivera-Oven, David Naimon, Lucia Nazarian, Kevin Karpinski, Margaret Jurgensen, Sara Harris, Marjorie Roher, and Renee Adams.

Legal Counsel Selection Committee

The Board tabled discussion until the next Board meeting.

FY13 Future Fiscal Impact

Ms. Roher and Ms. Jurgensen discussed the FY13 fiscal impact with the Board.

Department of Justice Project Civic Access

Mr. Karpinski updated the Board on the proposed settlement agreement.

There were no other items discussed in Executive Session.

Adjournment

With no further business, a motion was made by Mrs. Khozeimeh to adjourn both the Executive Session and regular Board meeting. The motion was seconded by Mrs. Jeter and carried unanimously. The meeting was adjourned at 6:15 p.m.

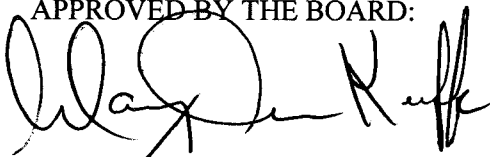
Respectfully submitted,

Marjorie M. Roher

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Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keeffe
Board President

APPROVED