

September 10, 2012

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

APPROVED

In Attendance:

Board Members:

Mary Ann Keeffe, President
Donice Jeter, Vice President
Nancy Dacek, Secretary
Graciela Rivera-Oven
Nahid Khozeimih
David Naimon
Jacqueline Phillips

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Election Director
Alysoun McLaughlin, Deputy Election Director
Betty Ann Lucey, Voter Registration Coordinator
Marjorie Roher, Management and Budget Specialist
N. Christine Rzeszut Operations Manager
Lisa Merino, Election Aide II

Guests:

Marcia Bond
Holly Joseph
Dolly Kildee
Catherine Trauernicht
Adol Owen-Williams

Convene the Meeting and Declare a Quorum Present

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

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Public Comments

Ms. Keeffe asked if there were any public comments; Ms. Roher responded that Holly Joseph requested to address the Board. Ms. Joseph expressed her appreciation on how inviting it is to address the Montgomery County Board of Elections' Board members on such short notice. She stated concerns had been brought to her attention about voter notification cards being received by individuals who already have a voting history. Ms. Jurgensen responded the voter notification cards are generated due to MVA renewals or changes to information by registered voters, as she had mentioned in a previous meeting (it has happened to her). Ms. Joseph stated she understood, as that individual had been to MVA in the past several weeks. She added the voter notification card also indicated to bring it to the polls to vote. Ms. Jurgensen responded that issue is a State Board of Election (SBE) issue and must be taken up with them.

Ms. Joseph stated she sent information to the SBE pointing out security concerns with the on-line voter registration, noting the required information is name, date of birth, and drivers' license number which is public record information easily found. Anyone with the information can register to vote, change party affiliation, or change an address. She added she had not received a response from the SBE and wanted to share the information with the Montgomery County Board of Elections. Ms. Keeffe thanked Ms. Joseph for her time and information.

Additions/Changes to the Agenda

There were no additions or changes made.

Approval of June 18, 2012, Minutes

Minutes from the July 16, 2012, Board meeting were distributed for review. A motion was made by Mrs. Khozimeh to approve the minutes. The motion was seconded by Mrs. Jeter and carried unanimously.

Introduction of Deputy Election Director

Ms. Jurgensen introduced the new Deputy Election Director, Alysoun McLaughlin. Ms. McLaughlin expressed her appreciation to be part of the Montgomery County Board of Elections and briefly gave a background of her work experience. Ms. Keeffe and the Board welcomed Ms. McLaughlin.

Electioneering Boundaries

Mrs. Dacek stated she wanted clarification on the decision the Board made on the Germantown Early Voting site at the July 16 Board Meeting. Ms. Keeffe stated the Board discussed, and it was documented, that all boundary lines the staff recommended be cut in half.

(78 ft. to 39 ft., 85 ft. to 42.5 ft). Mrs. Dacek stated she does not agree with the changes accepted by the Board. Mrs. Dacek made a motion to have all electioneering boundary lines moved to 60ft. at the Germantown Recreation Early Voting site. Mrs. Dacek and Ms. Khozeimeh voted in favor of the motion, Ms. Keeffe, Mrs. Jeter and Mrs. Rivera-Oven voted against the motion, the motion failed. Mrs. Rivera-Oven made a motion to have all electioneering boundary lines moved to 50ft. at the Germantown Recreation Early Voting site. Mrs. Dacek seconded the motion; Mrs. Jeter, Mrs. Dacek, Mrs. Khozeimeh and Mrs. Rivera-Oven voted in favor of the motion, Ms. Keeffe voted against the motion, the motion passed.

Mrs. Rzeszut presented the Board with recommendations to the concerns submitted by Ms. Kildee on behalf of the Democratic Central Committee. A power point presentation was made available outlining staff recommended proposals.

Precinct 04-13, Farmland Elementary School – Staff recommended the boundary lines be moved to 63ft., 85ft., and 67ft. Mr. Naimon recommended the electioneering boundary at 63ft. be moved to 40ft. The Board agreed.

Precinct 04-17, Luxmanor Elementary School – Staff recommended additional Handicap parking be placed in front of the school with appropriate signage. The Board agreed with the staff recommendations.

Precinct 07-18, Washington Waldorf School – Staff recommended the electioneering boundary lines be moved to 25ft., 85ft., and 57ft. The Board discussed the aerial depiction of the polling place and possible boundary lines. Ms. Jurgensen recommended the 85ft. boundary line be omitted and moved closer on to the pavement. Ms. Kildee stated the issue during the Primary Election was that the Chief Judge had moved the recommended boundary line too far back and that for every election there is a different boundary line. Mrs. Dacek recommended a staff member visit the Washington Waldorf School and Ms. Khozeimeh volunteered to visit the site early in the morning on Election Day. Mrs. Rivera-Oven requested additional handicap parking be placed at the precinct. Ms. Khozeimeh will visit the site in the next couple of weeks and report further information to the Board.

Precinct 07-19, North Bethesda Middle School - Staff recommended the electioneering boundary lines be moved to 63ft., 73ft., and 60ft. Mr. Naimon recommended the boundary lines at 63ft. and 60ft. be moved in to 40ft. The Board agreed.

Precinct 07-25, Grosvenor School Center – Staff recommend the electioneering boundary lines be moved to 53ft. and 47ft. Mrs. Rivera-Oven recommended the boundary lines be moved in to 40ft. The Board agreed.

Precinct 07-26, Friendship Heights Village Center – Staff recommended the electioneering boundary lines be moved to 22ft., 90ft., and 43ft. Ms. Keeffe requested the 90ft. boundary line be omitted and the 22ft. be moved out to 25ft. Mrs. Rzeszut recommended the lines be placed on the grassy flat area across the 43ft. boundary line, the Board agreed.

Precinct 08-02, Greenwood Elementary School – Staff recommended the boundary lines be placed at 80ft. and 76ft. The Board accepted the staff recommendations. Mrs. Rivera-Oven will go to Precinct 08-02 to assure the chief judge places the boundary lines in the appropriate place.

Ms. Kildee stated she had a concern with Precinct 09-02, Gaithersburg High School, and asked if chief judges are allowed to make their own judgments as to where to place electioneering boundary lines. Ms. Keeffe responded no, when the Board sets the lines they are to be followed and only the Board members can change boundary lines on an as needed basis. Ms. Jurgensen requested that Ms. Rzeszut follow up on the changes made by the chief judge.

Board Committee Reports

Budget Subcommittee

Mrs. Jeter reported the Committee had a good working meeting. They discussed making a color coded budget expense sheet to identify areas the Board has input on. She added another meeting will be held when the MARC comes in. Ms. Keeffe asked if the MARC would be available to be reviewed and approved by the Board members at the October Board meeting, Ms. Roher responded yes.

Election Director Reports

Ms. Jurgensen reported she attended the Maryland Association of County Officials Conference in Ocean City where the topic was mail voting for Special Elections, Early Voting, and the Runbeck Pilot project/vendor mailing. She added she also attended the Election Center National Conference in Boston viewing the latest voting system, Election Software and Systems products using the touch screen, paper and modem capabilities, as well as the latest information from the US Postal Service regarding delivery of ballots.

Budget

Ms. Jurgensen reported the FY12 budget had closed out in September, with the Board of Elections ending the year with a deficit. She added the deficit was caused by the State Board of Elections' billing, anticipated overtime for petition verifications and subsequent lawsuits related to the petitions. She added that the Office of Management and Budget (OMB) will do a County Executive interagency transfer of funds. Ms. Keeffe asked when the transfer of funds had been done. Ms. Roher stated that funds have yet to be transferred, adding once OMB combines all the deficits of the departments into a document it then will be sent to the County Council. Ms. Keeffe stated she is not clear why the BOE ended with a deficit. Ms Jurgensen responded that SBE had anticipated charges for project management and DRE leases were not the actual amount billed to Montgomery County which was exceeded by \$274,182. Ms. Roher briefly explained how the State calendar budget cycle works. Ms. Keeffe requested that BOE staff arrange an informational meeting to discuss the State billing. Mrs. Dacek agreed. The Board discussed the budget process further.

Ms. Jurgensen reported the FY13 budget is currently on target. Additional equipment will be leased to ensure there is a reserve.

Personnel Additions

Ms. Jurgensen reported 44 temporary staff had been hired to date, with 19 additional personnel to be hired over the next three weeks. Voter Registration and Absentee have a total of 17 personnel. Election Judge Recruitment and Training have a total of 20 personnel. Operations has a total of 11 personnel and IT has 11, with one SBE contractor and one county contractor.

Voter Registration

Ms. Jurgensen reported there are currently 593,911 active registered voters, and 38,548 inactive voters. She stated that the State Board has updated the MDVoters system twice in the last six weeks to resolve the duplication issue of the Online Voter Registration (OLVR) process.

Ms. Jurgensen noted the second part of the Civil Marriage petition was submitted to the Local Boards of Elections for processing.

Ms. Jurgensen stated mailings to all registered voters impacted by the Congressional Redistricting with their new polling place locations will be sent this week.

September 25 is National Voter Registration Day and a media blitz is planned with Maryland, the District of Columbia, and Virginia.

Review of the Election Integrity Submission

Ms. Jurgensen reported staff reviewed the second submission of 1,115 names from Election Integrity Maryland. She provided a brief description of staff's review and actions related to the latest submission. The names of the reported deceased were sent to the State Board of Elections (SBE). She added the balance of the names will be reviewed after the November 2012 election, in accordance with SBE procedures, when the sample ballot mailings of non-deliverable or notification of change of address is returned to the Board by the US Postal Service, which is an official source for list maintenance.

State Board of Elections

Ms. Jurgensen reported that the local counties participated in a mock election using the ballot wizard on July 27, 2012. She provided an example of the sample ballot wizard for the Board. She stated the ballot wizard is available only to Military and Overseas registered voters.

Ms. Jurgensen reported that SBE provided updated information for Election Judges related to FICA and that information has been provided to the Finance Department.

SBE notified local Board of Elections (LBE) that they have launched Facebook and Twitter accounts.

Ms. Jurgensen stated that supply orders have been submitted and distribution requirements finalized between SBE and LBE's for the sample ballot.

On-line voter registration will be available in Spanish in September according to the SBE staff. Montgomery County offers both languages in PDF and Word documents to comply with Section 203 of the Voting Rights Act and is in compliance with the Civic Access agreement the County signed with the Department of Justice.

Ms. Jurgensen reported that at the Election Directors meeting in Annapolis the ballot production and the absentee ballot schedules were reviewed. She noted that as of Tuesday, October 30, Runbeck will no longer be used to send out ballots for Montgomery County; they will be mailed from BOE. A copy of the five ballot styles was made available to the Board with changes pending for Question 6.

September 11, 2012, is the deadline for SBE to certify the ballots for the 2012 General Election and September 12 is the ballot order deadline for Absentee and Provisional Ballots.

Board Attorney Report

Petitions

Mr. Karpinski updated the Board on the Robin Ficker submission for a Charter Amendment Petition, adding the petition will not be forwarded to the Board of Elections for processing. He reported a hearing was held last week. The County and Mr. Ficker both moved for summary judgment noting that Judge Rupp agreed with the County that the petition was not a proper question to be put on the ballot. The judge found the petition conflicted with State law. Mr. Karpinski stated that Mr. Ficker has advised he will not file a petition for a *writ of certiorari*, and therefore the question will not appear on the ballot.

Redistricting Litigation

Mr. Karpinski reported there has been a suit filed in regards to the proposed language of the question to appear on the Ballot. Judge Silkworth affirmed the language that had been proposed by the Secretary of the State. Mr. Karpinski added the Court of Appeals has denied Cert and declined to hear the case.

Mr. Karpinski stated that there has been a lawsuit filed regarding the Civil Marriage question due to the proposed language of the question as it will appear on ballot. He stated Mr. Darsie will notify Mr. Karpinski with further information about the lawsuit and Mr. Karpinski will then update the Board.

Montgomery County vs. Montgomery County Board of Elections

Mr. Karpinski informed the Board the Montgomery County Collective Bargaining question will appear on the Ballot. The Court of Appeals has reversed the Circuit Court decision and it is unlikely an opinion in the case will be available before six months to a year.

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Old Business

Ms. Jurgensen stated that all five ballots had been posted to the website as well as the link to SBE for on-line voter registration.

2012 Presidential Primary Election

Absentee Voting

Ms. Jurgensen reported there are currently 7,300 Absentee ballots requested.

Nursing Home Program

Ms. Jurgensen reported that all 55 eligible nursing home/assisted living facilities have been contacted, adding that 44 have agreed to be visited. She stated that of the 44 scheduled, all had been sent a list of voter's names whose absentee ballot applications were already on file with a request to add any new residents who wish to vote. Ms. Jurgensen added that staff always reviews previous requests to confirm departures from facility.

Contingency Plan

Ms Jurgensen requested that the Board allow staff to perform the verification process for the electrical cords that will be sent out with the equipment so that all the items stay together. The Board agreed with Ms. Jurgensen's request.

Ms. Jurgensen briefed the Board on the State mandated paper ballot contingency plan. She stated Montgomery County Board of Elections will distribute paper ballots for contingency use (in the event of an emergency) to the polls for the 2012 Presidential General Election. Ms. Jurgensen reported the contingency plan requires that the BOE print 22% of the expected voter turnout for distribution to the polling places. She stated the bag will remained sealed with the contingency ballots and can only be opened when all the provisional ballots have been used. The Chief Judge will then contact Ms. Jurgensen who will call Mr. Karpinski and he will then call two Board members for authorization.

Election Judge Recruitment & Training

Ms. Jurgensen reported 3,351 Election Judges are required for the 2012 Presidential General Election. There are 2,095 currently enrolled in training classes with 514 assigned to precincts as of September 7, 2012. Ms. McLaughlin stated 43 bilingual judges have completed training and 203 have scheduled a training class. Mrs. Rivera-Oven asked if the 203 bilingual speakers included the County employees that were lost in the Primary Election. Ms. McLaughlin stated yes, although all the follow up accounting had not been completed.

Equipment Preparation

Ms. Jurgensen stated BOE is in the early stages of preparing equipment and supplies for the voting centers. She provided the Board with deployment numbers for equipment. Ms. Jurgensen stated 3,002 DRE's are required for Election Day, 907 EPB's and EPB printers are required for Election Day, as well as maintaining a reserve of all equipment.

Ms. Jurgensen stated Future Vote students will be volunteering on October 22 and October 26 at Montgomery County Metro stations to distribute Early Voting bilingual fliers.

Media Plan

Ms. Roher reviewed the media plan with the Board. The Board reviewed and approved the plan with a request to change the COG Advertising pending approval from the other jurisdictions. Ms. Jurgensen requested permission to move forward as is if the jurisdictions do not approve the change and the Board agreed.

Mrs. Rivera-Oven noted there are grammatical errors on the ballots with the Spanish translations. Ms. Jurgensen stated she would contact the State and update Mrs. Rivera-Oven with further information.

Future Meetings

- A. October 15, 2012 – 2:30 p.m. – Board Meeting and Early Voting Supply Cage Check
- B. October 19, 2012 – Early Voting Public Testing – 10:00 a.m. – 1:00 p.m.
- C. October 27, 2012 – Early Voting – 9:00 a.m. – 11:00 a.m.
- D. October 27– November 1, 2012 – Early Voting (available during voting hours by cell)
- E. October 29, 2012 – Election Day Public Testing – 9:00 a.m.
- F. November 1, 2012 – Review Canvass Procedure – 4:30 p.m. – 5:30 p.m.
Supply Bag Check – 5:30 p.m. – 7:00 p.m.
- G. November 5, 2012 - Polling Place Check – 6:00 p.m. – 9:00 p.m.
- H. November 6, 2012 – Election Day – (phones on at 6:00 a.m. coverage until midnight)
- I. November 8, 2012 – Absentee I Canvass Begins – 10:00 a.m. – 7:00 p.m.
- J. November 14, 2012 – Provisional Canvass Begins – 10:00 a.m. – 7:00 p.m.
- K. November 16, 2012 – Absentee II Canvass Begins – 10:00 a.m. – 7:00 p.m.
- L. November 19, 2012 – *Tentative*
- M. December 17, 2012 – *Tentative*

Executive Session Minutes

Executive Session Minutes from the May 12, 2012 and June 18, 2012, Executive Sessions were distributed in advance for review. A motion was made by Mrs. Khozeimeh to approve the minutes. The motion was seconded by Mrs. Jeter and carried unanimously.

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Adjournment

With no further business, Mrs. Khozeimeh moved to adjourn the Regular Session. The motion was seconded by Mrs. Rivera-Oven and carried unanimously. The meeting adjourned at 6:00 p.m.

Respectfully Submitted,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:

Mary Ann Keefe

Mary Ann Keefe
President