

January 23, 2012

APPROVED

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
Graciela Rivera-Oven
Nahid Khozeimih
David Naimon
Jacqueline Phillips

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Director
Sara Harris
Betty Ann Lucey, Registration Manager
Marjorie Roher, Management and Budget Specialist III
Christine Rzeszut, Operations Manager
Gilberto Zelaya, Outreach Coordinator
Lisa Merino, Election Aide II

Guests:

Amy Bogart
Barbara Ditzler
Holly Joseph
Cathy Kelleher
Dolly Kildee
Adol Owen-Williams

Convene Meeting and Declare Quorum Present

Ms. Keeffe called the meeting to order and declared a quorum present at 2:30 p.m. Ms. Keeffe briefly introduced Ms. Dolly Kildee, liaison for the Montgomery County Democratic Central Committee. Mrs. Dacek introduced Mr. Adol Owen-Williams, liaison for the Montgomery County Republican Central Committee. Ms. Keeffe welcomed them both and offered to provide any assistance required during their term.

Public Comments

Ms. Keeffe asked if anyone had requested to address the Board. Ms. Roher stated that yes; Ms. Cathy Kelleher had requested in advance to address the Board with some questions. Cathy Kelleher, President of Election Integrity Maryland, addressed the Board. Ms. Kelleher briefly stated that Election Integrity Maryland trains poll watchers to work at polling places as

volunteers and to write down any irregularities. Ms. Kelleher asked if the Board was planning to place a translator in the polling places for the poll watchers, adding that she is aware that there are translators available for voters who are not always readily available to the poll watchers. She stated that because some voters and translators often hold conversations, the integrity of the discussion is often questioned since there is no translator for the poll watchers. Ms. Kelleher expressed that there has been a problem in the past with the language barrier. Ms. Jurgensen responded that according to Section 203 of the Help America Vote Act, one bilingual election judge is required to be available at each polling place with a name badge indicating what language they speak. Ms. Jurgensen added that if there is an issue or question, according to the poll watchers manual, they are to only address the chief judge (this would include identifying the translator at the polling place). Ms. Jurgensen noted that the organization may recruit bilingual poll watchers if necessary. Ms. Kelleher had another question regarding the voting units and the memory cards at the end of each Early Voting Day. She expressed concern with the security of the units and memory cards at the early voting locations. Ms. Jurgensen stated that the Board of Elections has an extensive security plan that includes video surveillance and personnel with the units being locked every night. Ms. Kelleher stated that, according to the poll watchers handbook, poll watchers may observe the storage of units and wanted to know if that also applies to Early Voting. Ms. Jurgensen said yes. Ms. Kelleher left the table and the Board thanked her for her comments.

Additions/Changes to the Agenda

Ms. Jurgensen requested that an Executive Session be added to the Agenda. Ms. Keeffe agreed that a brief Executive Session would be added at the end of the regular session to review the Executive Session Minutes from a previous meeting.

Approval of December 12, 2011, Minutes

The Board reviewed the minutes from the December 12, 2011, Board meeting. Ms. Roher stated that she received a request this morning from Mr. Naimon to make a change to the minutes. On page 5, under Redistricting, 1st paragraph, line 16, Mr. Naimon requested that "...in which she indicated that the staff had identified another suitable alternative..." be added. Mrs. Dacek expressed concern with the minutes being more of a recording, instead of just action minutes like the County Council does and wondered if the Board would ever consider presenting the Board minutes in this manner. Ms. Keeffe stated that because the Board only meets once a month, and the meetings tend to be very detailed, she prefers to have more information rather than not enough and she is satisfied as to how the Board minutes are presented and written. A motion was made by Mrs. Dacek to approve the minutes as amended. The motion was seconded by Mrs. Khozeimeh and carried unanimously. Mr. Naimon commented that the minutes are very good and congratulated Ms. Roher on the way they have been written. He added that he has received complements from citizens who have been interested in what the Board is doing. Mr. Naimon also noted that the County Council's meetings are all televised, which may indicate why only action minutes are taken.

Board Committee Reports

Ms. Keeffe wished everyone a Happy New Year; she added that there is a big year ahead of us with a lot of hard work anticipated.

Election Director Reports

Budget

Ms. Jurgensen reported that a portion of temporary personnel has started and that others would be starting soon. Ms. Jurgensen reported that on January 23, 2012, training will be held at the Bethesda Regional Service Center for Election Judges, and that nine temporary employees will be assisting. She added that seven Absentee employees were hired to assist with Nursing Home, Military, and Overseas ballots as well as three employees for IT to support the start of the installation of the new Electronic Poll Book software upgrade to 900 units. Ms. Jurgensen reported that all staff has been informed that no leave will be granted from now until the audit is completed for the State Board; however, any scheduled medical leave is permitted through February 2012.

Ms. Roher stated that Montgomery County has still not closed out the FY11 budget. She reviewed a spreadsheet that was given to the Board in the meeting packet, noting that the spreadsheet is dated thru December 31, 2011 (pending) because none of the months in FY12 had been closed. Ms. Roher reported that she has expressed her concern to Ms. Jurgensen with the inaccuracy of information she is able to get from the new Hyperion reports. She stated that she had made several inquiries to Finance, Office of Management and Budget, and Hyperion staff, and is awaiting clarification. Ms. Roher noted that there are two ways for her to retrieve information on salaries and expenditures, one is the Hyperion reports which replaced the mainframe system she has always depended on in the past, and the other is MCTime, which is the County's timekeeping system. Ms. Roher stated that when comparing the reports from both programs there are significant inaccuracies in the numbers. She stated that she only has a two check system for salaries and expenditures and cannot compare any other expenses. She added that as soon as further information is given to her she will relay it to the Board. Ms. Keeffe asked why there is such a significant difference in the numbers and which program Ms. Roher "trusts" more. Ms. Roher responded that she is not sure why there is such difference in the numbers noting that Hyperion is still a rather new system. The County is currently working on the reporting abilities.

Voter Registration

Ms. Jurgensen reported that monthly statistics were posted on the website on January 5, 2012; noting that staff had problems the first week of January with MDVoters. The vendor was notified and during the Martin Luther King Holiday the system was patched. She added that the GIS interface continues to have functionality problems especially with the creating of redistricting statistics. Ms. Jurgensen stated that the voter registration database has been cleaned up completely thanks to Susan Campbell. The precinct maps have been completed and are in the process of being printed to replace the old ones. Ms. Jurgensen stated that the Street Directory is still in the process of proofing more than 450,000 streets and that voter notification cards are in the process of being mailed in accordance with Maryland COMAR. She added that the voter notification cards will only be mailed to those who have been assigned a new polling place, and that sample ballots will be mailed to all registered voters in March.

Ms. Jurgensen reported that absentee is currently working on cleaning up the address changes to the FOP petitions and expects to be done by February 10, 2012. Mr. Naimon requested clarification of "clean up" and Ms. Jurgensen responded that she was referring to voter information changes discovered during the petition review process. She added that Future Vote parents and students will be conducting voter registration drives over the next several weekends, a detailed schedule of times and locations were made available to the Board.

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State Board of Elections

Ms. Jurgensen reported that the U.S. Postal Service announced that 252 mail processing centers are expected to close by May 15, which will directly impact the General Election. She added that the local Board of Elections is expected to add an additional one or two days for 1st class mail deliveries, affecting voter notification documents, absentee ballots, sample ballots, and other election related material. Mrs. Dacek questioned if the Gaithersburg Post Office on Shady Grove Road would be closing. Ms. Jurgensen responded that she was not aware if that would be one of the processing centers closing and that she would ask Mrs. Harris to look into the matter.

Ms. Jurgensen reported on the Statewide Mock Election that was held January 9th thru the 12th. She reported that it went very well; however, the election tabulation reporting that SBE conducted did not, and SBE will be retesting Tuesday or Wednesday of this week. She added that SBE staff is working out the details and expects to communicate with the local boards on the retesting of the election tabulation results.

Ms. Jurgensen updated the Board on the vote by mail contract. She added that a conference call was held with the three pilot counties, SBE, and Runbeck (the vendor) which detailed all the voting mail reports, data releases, the proofing of documents before going to the vendor, revisions of forms, envelope changes, and two types of bar codes.

Board Attorney Report

Petition Cases

Mr. Karpinski updated the Board on the County Complaint for Judicial Review regarding the Board certification of petitions. He reported that the County Attorney's office is still in the process of reviewing the petition, and a copy was provided to them 45 days ago. They have stated they are 1/3 of the way through the review, and will have the report to the County Council by the end of the month. Mr. Karpinski stated that a decision will be made by mid February whether they will pursue a suit against the BOE. He added that the County is doing their review and the case has been specially assigned to Judge Eric Johnson for all handling – cases that are complex are assigned tracks and this case is a track 5 schedule, which means that Judge Johnson may not be the same Judge throughout the case according to his rotation. Mr. Karpinski reported that a scheduling order has been issued on the case which sets forth dates for pleadings, exchanging of documents, completing discovery, depositions, and filing motions. He stated that the schedule issued is standard for track 5 cases; he added that this schedule would not work for BOE because the dates are too far apart and response time for outcomes would conflict with the preparation of ballot dates. Mr. Karpinski stated that the FOP has moved to intervene and expects the motion to be granted. He stated that by the next Board meeting he will have further information on scheduling and results as well as any further reviews from the Court of Appeals.

Mr. Karpinski updated the Board on the Libertarian, Green Party Case that is currently at the Court of Appeals, with an issue addressing whether the States verification and validation procedures are permissible under Section 6203 of the Election Law Article. Mr. Karpinski stated that we are required, and have used, the State Validation Procedures for the FOP petition; he added that the Court's decision would be very important in this case. He noted that the second issue is to determine if a different standard is set for a political party candidate petition then should be applied for a local law referendum. Mr. Karpinski reported that the SBE and the Libertarian Green Party have both filed briefs, and that the State has until the end of the month to file their brief; the case is tentatively scheduled for oral argument the first week of March.

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Mr. Karpinski reported on the Dream Act Case, stating that the plaintiff and the SBE have filed cross motions for summary judgment and the case is assigned to Judge Ronald Silkworth in Anne Arundel County. He added that the Judge will hear the case January 27, 2012.

Redistricting Litigation

Mr. Karpinski updated the Board on the redistricting case. He stated that he had forwarded the opinions in the redistricting case, adding that the three judge panel had all concluded that the redistricting plan did not violate the 14th Amendment Due Process Law, showing there was no evidence of intent to discriminate with how the plan was prepared. The plaintiff failed to show their evidentiary burden as well as other things. No appeal has been filed and the deadline for appeal is fast approaching.

*** Sara Harris entered room at 3:08 ***

2012 Presidential Primary Election Preparation

Media Outreach

Ms. Roher reviewed a revised public service placement option that the Board had requested at the last Board meeting. The Board concurred with the option that Ms. Roher brought forth which will use Comcast at an estimated cost of \$6,500.00 and Telemundo at an estimated cost of \$1,500.00. Ms. Roher stated that she is currently awaiting further specifics from Telemundo.

Ms. Roher reported that the State mandated press releases are going out according to deadline. She reported that training has been completed for Alert Montgomery adding that all future press releases will also be sent via Alert Montgomery. She added that Alert Montgomery is currently available for citizens to sign up to receive election information, and encouraged the Board and guests attending to get the word out for voters to sign up for election information. Ms. Keeffe commented that this would be a great opportunity for both central committee liaisons to spread the word.

Ms. Keeffe asked Ms. Roher about Comcast spotlight information. Ms. Roher responded that she has had a difficult time reaching appropriate personnel, and she is still pursuing further information for the Board. Mr. Karpinski stated that he has a contact he would refer to Ms. Roher for another interview program.

Mrs. Jeter asked if BOE will be preparing any media notification about ballot initiatives. Ms. Jurgensen stated that BOE is not allowed to interpret anything appearing on the ballot, and if a constituent called BOE for information, they would be referred to the League of Women Voters, the State of Maryland, the County Council, and/or the FOP.

Mock Election

Ms. Jurgensen reported that Montgomery County has tested all five Early Voting locations for signal strength and synchronization performance resulting in minor synching issues. This involved fifteen staff members spending one day to simulate three days of Early Voting. She stated that the simulation included twelve precincts opening and closing with forty-six units, and the software appeared to function in accordance to SBE standards. Ms. Jurgensen stated that she is pleased with the program upgrade adding that the PC memory card in each unit is working faster than in previous years. The State Board of Elections has implemented election results reporting software that, during testing, reported inaccurate results. SBE believes the inconsistencies have been corrected and will conduct retesting in the next ten days. Ms. Keeffe

asked how the State receives the results and Ms. Jurgensen responded that the software is attached to the GEMS system and information is transmitted to the State every 7 to 15 minutes. She added that BOE will continue to post election results on the BOE website, as well as a link for State wide results; however, the State's results may not be accurate based on this test. Ms. Keeffe expressed concern with the inaccuracy of results posted inquiring if there was anything the Board could do. Ms. Jurgensen stated that the State is still in the process of retesting and things could improve with the issues. Ms. Keeffe asked when the State Board would be meeting, so that she could speak on behalf of BOE in reference to inaccurate posting of results. Ms. Jurgensen agreed to keep her informed on the situation.

Ms. Jurgensen briefed that Board on past Presidential Primary percentage totals. She stated that in February 2008, the voter turnout was 43%, February 2004, 27.4%, and March 1996, 27.4%. Voter population projections anticipate an increase of 6% over 2008 and 3% over 2010. Ms. Jurgensen added that absentee voters have decreased since 2008 and noted that there are currently less than 300 applications for an absentee ballot in-house. She added that Early Voting could potentially increase by 20-25% compared to the 2010 General Election. Ms. Jurgensen stated that there will be 238 Polling Places, 5 Early Voting Centers, and she expects to employ 2,444 Election Judges. Ballot proofing will begin on January 24, 2012, and ballot production will begin on February 6, 2012.

Ms. Jurgensen reported that the equipment allocation has been done in accordance with COMAR and SBE guidelines in the Election Manual. She added that adjustments have been made to provide additional units in precincts with voters aged 65 or older, and populations with special needs. She reported that public safety has been notified of the polling places for 2012 and CD's provided for all polling places in the required format. A security plan has been filed with the State Board as required. She also added that a stand by generator is scheduled to be installed in coordination with property owners and Montgomery County General Services. Training materials for school managers will be sent to all principals.

Ms. Jurgensen reported that a request has been made by the County Council Government Operations & Fiscal Policy Committee to be briefed on Election Day preparations on March 12, 2012.

Election Judges

Ms. Jurgensen briefly reviewed the Election Judge program with the Board (status report attached). She stated that training has started at the Bethesda Regional Services Center today and will continue for the next two weeks. She added that after Bethesda, training will then be held in Wheaton, and then at the BOE. Ms. Keeffe asked for the status of election Judges, Ms. Jurgensen stated as of January 19, 2012, there are 2,300 people who have expressed interest in working as election judges, although we need 2,444 to meet our quota with a balance of Democrats and Republicans – with a need for Republican Judges.

Ms. Phillips inquired as to how BOE purges rolls for individuals who have not voted in five years or that have deceased. Ms. Jurgensen responded that a list is received monthly from the State of Maryland Health Department, of individuals who have died in the State of Maryland; this list is then cross checked with the MD Voters and appropriate voters removed within thirty days from the database. She added that the Federal law requires that a voter must not have voted in two Federal (General) elections before they become an inactive voter and are then deleted from the database. Ms. Jurgensen stated that sample ballots are mailed for each General Election, and if the Sample Ballot comes back and no other activity, like signing a petition or voting in a Primary Election occurs, the inactive voter is then deleted in accordance with Maryland Regulations and Federal Law.

Mr. Naimon asked if the BOE would be mailing information about the changes to the absentee rules, and if the information could be posted on the BOE website. Ms. Jurgensen

responded that BOE cannot mail out additional information, but that it will be on the sample ballot. She added that she would look into the possibility of posting it on the website and adding a link or "button" changing the name to be more specific – vote by mail/no excuse absentee. Ms. Phillips asked if candidates could send absentee ballots to voters. Ms. Jurgensen stated that no, they cannot, although they can send State approved absentee ballot applications.

Old Business

Redistricting

Ms. Jurgensen reported that Precinct 06-11 needed to be split, to create another precinct because School District 1 carved a portion of District 1 and the balance was in District 2. Staff created Precinct 06-15 for District 2 with both precincts voting at Northwest High School. She added that Precinct 02-06 was split in two, and Precinct 02-11 was created. Precinct 02-06 has 1,800 voters and will be assigned to Clarksburg Elementary School; Precinct 02-11 has 3,511 voters and will be assigned to Clarksburg High School. (See attached documents.)

Mrs. Dacek made a motion to create Precincts 06-11 and 06-15 to be assigned to Northwest High School; Precinct 02-06 assigned to Clarksburg Elementary School; and Precinct 02-11 assigned to Clarksburg High School. The motion was seconded by Mrs. Khozeimeh and carried unanimously. Ms. Rivera-Oven asked if the changes have been posted to the website, Ms. Jurgensen responded yes. Ms. Keeffe noted that Senator Madaleno requested that all final decisions made in District 18 be sent to him over the holidays, and that staff very graciously sent the information to him. Ms. Jurgensen noted that maps and a list of precinct numbers assigned to their district will also be sent to all Delegates.

New Business

No new business was addressed.

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

*** Ms. Bogart, Ms. Ditzler, Mrs. Harris, Ms. Joseph, Ms. Kelleher, Ms. Kildee, Mrs. Lucey, Mr. Owen-Williams, Mrs. Rzeszut, and Mr. Zelaya left the room at 3:59 p.m. ***

Report on the Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:00 p.m., pursuant to State Government Article, Section 10-508(a)(13) to review minutes from a previous Executive Session.

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, Jacqueline Phillips, Kevin Karpinski, Margaret Jurgensen, Marjorie Roher, and Lisa Merino.

Executive Session Minutes

Ms. Roher distributed minutes from the October 26, 2011, Executive Session for review. Mr. Naimon and Ms. Keeffe requested minor changes to the minutes.

APPROVED

A motion was made by Mrs. Khozeimeh to adjourn the Executive Session and reconvene in regular session. The motion was seconded by Mrs. Dacek and carried unanimously, with the Board reconvening in regular session at 4:05 p.m.

Executive Session Minutes

A motion was made by Mrs. Khozeimeh to approve the Executive Session Minutes from the October 26, 2011, meeting as amended. The motion was seconded by Mrs. Dacek and carried unanimously.

Future Meetings

- A. February 27, 2012
- B. March 15, 2012 – Early Voting Public Testing – 10:00 a.m.
- C. March 19, 2012
- D. March 21, 2012 – Election Day Public Testing – 10:00 a.m.
- E. March 24 – Early Voting – 9:00 a.m.
- F. March 24 – 29 - Early Voting
- G. March 29, 2012 – Review Canvass Procedure / Supply Bag Check – 5:00 p.m.
- H. April 2, 2012 – Polling Place Check – 6:30 p.m.
- I. April 3, 2012 – Election Day – 6:00 a.m. (Coverage until midnight)
- J. April 5, 2012 – Absentee I Canvass Begins – 10:00 a.m.
- K. April 6, 2012 – Absentee I Canvass Continued – 9:00 a.m.
- L. April 11, 2012 – Provisional Canvass Begins – 10:00 a.m.
- M. April 12, 2012 – Provisional Canvass Continued – 9:00 a.m.
- N. April 13, 2012 – Absentee II Canvass Begins – 10:00 a.m.
- O. April 16, 2012 – Tentative
- P. May 21, 2012
- Q. June 18, 2012
- R. July 16, 2012
- S. August 20, 2012 – Tentative
- T. September 17, 2012
- U. October 15, 2012
- V. October 19, 2012 – Early Voting Public Testing – 10:00 a.m.
- W. October 27 – Early Voting – 9:00 a.m.
- X. October 27 – November 1 – Early Voting
- Y. October 29, 2012 – Election Day Public Testing – 10:00 a.m.
- Z. November 1, 2012 – Review Canvass Procedures / Supply Bag Check – 5:00 p.m.

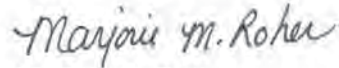
Mr. Naimon requested clarification on the length of these dates and Ms. Jurgensen responded that she would review the schedule in detail next month.

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Adjournment

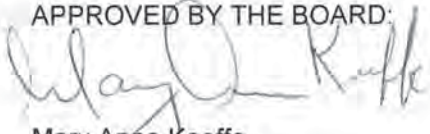
With no further business, a motion was made by Mrs. Khozeimeh to adjourn the meeting. The motion was seconded by Mrs. Jeter and carried unanimously. The meeting was adjourned at 4:06 p.m.

Respectfully submitted,



Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Anne Keeffe
Board President