

APPROVED

April 15, 2013

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 Khozeimeh
Jacqueline Phillips
David Naimon

Staff:

Margaret Jurgensen, Election Director
Alysoun McLaughlin, Deputy Election Director
Jessica Jones, Election Judge Recruiter
Betty Ann Lucey, Voter Registration Manager
Jerry Quarshie, Acting Information Technology Specialist III
Marjorie Roher, Management and Budget Specialist
N. Christine Rzeszut, Operations Manager
Leslie Woods, Election Judge Coordinator
Lisa Merino, Election Aide II

Guests:

Frank Bessol
Barbara Broswell
R. Stewart Lillard
Alyson Marcus
Barbara Sanders
Adol Owen-Williams

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Convene the Board Meeting and Declare a Quorum Present

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

Public Comments

Ms. Keeffe asked if there were any public comments; Ms. Roher responded that Stewart Lillard, Chief Judge for Clubhouse I at Leisure World requested to speak in advance. Mr. Lillard expressed concerns to the Board regarding issues experienced at Leisure World with long lines and extensive wait times for seniors. Mr. Lillard suggested that Bedford Court Senior Living Community be transferred from Precinct 13-54 to Precinct 13-69 which is level and easy to access. He also suggested that additional electronic poll books and election judges be added to achieve better flow of lines. Mr. Lillard inquired whether the precinct could be consolidated so that voters would be able to vote electronically rather than provisionally at either precinct. Mr. Lillard thanked the Board of Elections and staff for their continued support of Leisure World. Ms. Keeffe thanked Mr. Lillard for his comments; she added that the staff and Board have discussed several options and are working with the SBE regarding options for Leisure World.

Additions/Changes to the Agenda

Ms. Jurgensen stated that personnel from the Office of Management and Budget (OMB) had been invited to address any questions regarding impact of the Governor's Early Voting Legislation on the FY14 budget. She added an update will be discussed under VII. New Business A. Legislation. Ms. Jurgensen stated that there will be no Board Attorney report.

Ms. Keeffe stated that she had spoken to Mr. Karpinski before the meeting, as she does before every Board meeting, and they both agreed that it was not necessary for him to attend the meeting since he had nothing new to report.

Approval of March 18, 2013, Minutes

Minutes from the March 18, 2013, meeting were distributed in advance. A motion was made by Mrs. Dacek to approve the minutes. The motion was seconded by Mrs. Khozimeh and carried unanimously.

Election Director Reports

Budget

Ms. Jurgensen noted that the County Council General Operations Committee would review the FY14 Budget on April 17, 2013, at 2:00 p.m. in the County Council Building. Further information will be discussed regarding the effect of recent legislation in the latter part of the meeting.

Ms. Jurgensen reported that Human Resources will be posting the Mapping Specialist position this week, and the Information Technology position will close April 20, 2013. She provided the Board with a copy of estimated costs for the additional four Early Voting Centers.

Ms. Roher reported on the FY13 spreadsheet provided in advance to the Board for the current fiscal year through March 31, 2013. Ms. Keeffe questioned line item 50012/50020 – Part Time Salaries / Seasonal Temps, noting the overage. Ms. Roher responded that both Part Time / Seasonal Temporary charges also include the Temporary Office Clerical. She noted that the Personnel and Operating line items will off-set each other and balance the total. Ms. Roher stated that there will be a slight surplus with Office Clerical / Part Time Salaries totals.

Ms. Keeffe noted the overtime overage. Ms. Jurgensen responded that the overtime costs are directly related to the election processes, redistricting, Runbeck, and petitions which were all expended during the first six months of the year. She noted that overtime also includes charges from County personnel in other agencies that support the election process. Ms. Keeffe expressed concern with the overtime that was budgeted and noted that the budget sub-committee will have to look further into the overtime incurred. Ms. Jurgensen stated she is open to any suggestions the Board may have. Ms. Keeffe stated a broader discussion will need to occur to better identify overages in the budget. Ms. Keeffe requested further information on the budget regarding charges from the State since she will be contacting Linda Lamone to discuss reimbursement for charges incurred as a result of the Runbeck error. Ms. Jurgensen agreed. Ms. Jurgensen stated that overtime has always been an issue, that BOE and OMB have always worked together; however, there is no way for BOE to correctly project how many petition drives, last minute voter registrations, and absentee ballot requests there will be. Ms. Roher noted that the FFI (Future Fiscal Impact) is prepared (which is used to determine the BOE MARC) a year prior. For example, this July Ms. Roher will prepare the FFI for the FY15 budget, which is a problem; because legislative changes could be made, SBE could make procedural changes that significantly affect LBEs with supplies and staff needs which are not known at the time of the FFI preparation. These unknowns can significantly impact the budgeting process. Ms. Jurgensen noted that in the last Presidential Election there were three special elections – and overtime was higher then it was this Presidential Election. Ms. Keeffe thanked the staff for their explanation.

Mr. Naimon noted the overage in the FICA budgeted, Ms. Roher responded that OMB projects FICA according to temporary and permanent staff (it is not regulated by BOE). Ms. Jeter requested that staff prepare a breakdown of overtime costs by Voter Registration, Petitions, Runbeck, and Absentee. Ms. Jurgensen responded that it will be a little difficult to give an itemized breakdown but staff will generate as much as they can by next month. Mrs. Jeter thanked Ms. Jurgensen.

Ms. Keeffe identified line item 60412 – Moving Services and questioned the significant difference in the approved vs. year to date columns. Ms. Roher noted that the line identifies the delivery of the EPB's and admitted the line item had been overlooked in the past. She and Mrs. Rzeszut are diligently working to identify all polling place costs for future budgets.

Ms. Keeffe identified line item 63104 – Sample Ballot Printing and questioned the difference in the approved vs. year to date. Ms. McLaughlin responded that the sample ballot

was eight pages longer than originally intended to accommodate the Constitutional and referendum questions due to Legislation passed at the time and this was more than contracted for in the previous fiscal year. Ms. Keeffe acknowledged that the information would not be known in advance.

Ms. Keeffe identified line item 63300 – Outside Mail Service (VNCs) and questioned the significant difference in the approved vs. year to date. Ms. Roher responded the line item is charged from the County. She stated that when expenditures started to rise she called the mail room and questioned the amount. They stated the charges are from the VNCs (Voter Notification Cards) and every time a VNC is mailed they charge the BOE. She stated that in preparation of the FY14 budget that line item has been identified to budget the charges accordingly. Ms. Jurgensen noted that due to redistricting mass mailings were done for those voters impacted, as well as all those that registered to vote at the last minute, and the numerous duplicate VNCs generated due to SBE roll out of OLVR (Online Voter Notification Card). Ms. Jurgensen noted that in addition, another mailing of VNCs was sent out at the direction of the Board. She stated all these items affected the increase in cost.

Ms. Keeffe questioned line item 63600 – Local Telephone Service Charges. Ms. Roher stated that BOE has no control over these charges. She noted that Telecommunications divides the phone bills and charges agencies. The charges are from the County and are for maintenance and licensing fees charged to the County. She stated the charges are based on how many phone lines an agency has, not usage, and is billed all year round. Ms. Jurgensen stated phone lines also include modem lines, digital Boards, and additional lines for the help desk (which are only used during the election) and Voter Registration.

Mrs. Rivera-Oven questioned line item 63634 – Other Communication Services (Polling Place Lines). Ms. Roher responded that charges are a combination of polling place lines and the maintenance contract for the IVR (Integrated Voice Response System).

Mrs. Rivera-Oven questioned line item 63810 – Charges from Facility Maintenance and the amount of funds budgeted and not used yet. Ms. Jurgensen stated that the facility maintenance personnel work on furnace related issues, and maintenance issues for the building. Ms. Roher stated that charges from the County come late in the cycle and additional charges are expected. Ms. Roher noted the blue highlighted lines on the spreadsheet are charges from the County that are typically seen late in the fiscal year.

Ms. Roher reported that a third invoice was received from the SBE late on Friday. She stated that Runbeck charges have been billed and once she can review it she will notify the Board. Ms. Roher stated a fourth bill is expected in late July.

Voter Registration

Ms. Jurgensen reported that the High School Registration Program has started and students are trained and will be deputized as voter registrars. Mrs. Lucey stated that 25 schools were invited and 18 responded in addition to two private schools that will be participating in the program. She noted additional training classes are occurring through April 26, 2013. Mrs. Rivera-Oven requested a list be provided to her of all schools invited to participate in the High School program. Ms. Jurgensen agreed to send the list by email.

Ms. Jurgensen reported that MDVoters had another patch added which had the system down temporarily; however, all systems are currently running. In addition, back scanning was done while SBE Voter Registration systems were down.

State Board of Elections

Ms. Jurgensen reported that the letter to SBE Deputy Administrator Ross Goldstein regarding Leisure World 13-54, is currently pending and she expects a response in May. She noted that after the Governor's Bill passed in both houses, she asked Mr. Goldstein if there were any plans by the State Board to change any Early Voting regulations. She stated that by October 24 early voting locations must be submitted to the State for review and SBE must approve them by December 24, 2013.

Board Attorney Report

No report was given.

Old Business

Follow Up Issues

Ms. Keeffe referred to the March Board meeting minutes. She inquired if the calendar had been posted on the website and Ms. Roher responded that it had.

Ms. Keeffe inquired if Mr. Subin had arranged a meeting with the Provost and Facility Manager at Montgomery College and Ms. Jurgensen responded that he is working on it. Ms. Keeffe stated she would like to move forward with the meeting as soon as possible.

Ms. Keeffe noted that Mr. Karpinski had already drafted a letter to SBE regarding Leisure World.

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Polling Place Follow-Up

Ms. Jurgensen noted the Polling Place Concern spreadsheet was provided in advance to the Board members. Ms. Keeffe thanked Ms. Rzeszut for the detailed spreadsheet adding that she found it very helpful. Ms. Rzeszut provided a power point presentation. Mr. Naimon asked that staff add Lucy Barnsley Elementary School to the list for ADA compliance. Mrs. Dacek inquired why Poolesville High School, Eastern Middle School, and Whetstone Elementary School were on the list. Ms. Jurgensen responded that the three precincts had voters voting 45 minutes or less after the close of polls. Ms. Keeffe suggested that additional EPBs be placed at polling places to alleviate voters voting late. Mrs. Jeter asked that staff add Takoma Park, Precinct 13-21, to the list for slow moving lines due to insufficient staff for line management, and no student volunteers. She noted that an abundant number of voters had to vote provisional ballots. Ms. Jurgensen stated staff will look into Precinct 13-21. Ms. Phillips asked that Clara Barton be added to the list for an unpleasant Chief Judge. Ms. Rivera-Oven asked that the precincts that scored a "U" for unsatisfactory on the 2012 Precinct Performance Rating be placed on the Polling Place concerns spreadsheet, Ms. Jurgensen agreed. Ms. Keeffe thanked the staff and stated the final spreadsheet would be forwarded to the County Council.

Redistricting

Ms. Jurgensen reported that all legal descriptions have been completed. She noted that Board members will need to sign all 51 legal descriptions. She thanked the Board for coming in and reviewing all the descriptions. Ms. Jurgensen suggested that the Board members sign all descriptions at the end of the meeting. Ms. Keeffe agreed.

Ms. Keeffe thanked Mrs. Jeter, Mrs. Dacek, Mrs. Rivera-Oven, Mrs. Khozeimeh, and Ms. Phillips for assisting with the review of legal descriptions.

New Business

Legislation

Ms. McLaughlin reported that beginning in 2014, the Board will be required to begin early voting approximately two weeks before the election, Thursday to Thursday, from 10am to 8pm. For a Presidential General Election the hours will be 8am to 8pm. The number of voting sites will be increased to at least eight. The Board may provide a ninth site if approved by both the State Board of Elections (SBE) and the governing board of the County (HB 224/SB 279). In 2016 the Board will also be required to provide for same-day registration during Early Voting. Ms. Jurgensen suggested that the Board request nine Early Voting Centers. She added that in addition, the Board must allow all domestic voters to request a blank absentee ballot via fax or the internet (as military and overseas voters did in 2012). This will require the Board to make arrangements for duplicating a significantly greater number of these ballots onto proper ballot stock for scanning.

Ms. McLaughlin reported on HB 196/SB 171 and stated that if a special election is conducted by mail, the Board will be required to provide vote centers in each Council District where voting is conducted beginning six days prior to a Special Election, from 10-8 Monday through Saturday and 12-6 on Sunday. The Board will also be required to conduct Special Elections for U.S. Congressional seats by mail if ordered by proclamation of the Governor. The legislation generally expands special elections by mail statewide, as currently permitted in Montgomery County. Some requirements in the current law for Montgomery County are not expanded to other counties (i.e., requirements for postage paid return envelopes and for one vote center per Council District).

Ms. McLaughlin stated that HB 670 passed. The Board will need to alter the precinct boundary lines for 13-03 and 13-34 to shift residents of Kensington who were previously in Board of Education District 4 (13-03) to District 3 (13-34).

Ms. McLaughlin briefly updated the Board on the following Bills, HB 1499, SB 840, and SB 840. Ms. Keeffe requested that Ms. McLaughlin prepare a brief report on the Bills that affect Montgomery County and forward it to the Board. Ms. Keeffe thanked Ms. McLaughlin.

Ms. Jurgensen reported that Early Voting will be reviewed next month after SBE has decided how they will address any regulation changes or other guidelines.

Mrs. Rzeszut and Mrs. Chumble proceeded to distribute legal descriptions for Board signatures.

Future Meetings

- A. May 20, 2013 – 2:30 p.m.
- B. June 17 and 18, 2013 MAEO Conference – College Park, MD
- C. June 24, 2013 – 2:30 p.m.
- D. July 15, 2013 – 2:30 p.m.
- E. August 19, 2013 – *Tentative*
- F. September 16, 2013 – 2:30 p.m.
- G. October 21, 2013 – 2:30 p.m.
- H. November 18, 2013 – 2:30 p.m.
- I. December 16, 2013 - *Tentative*

*** Mr. Naimon left the room at 3:53 p.m. ***

*** Frank Bessol, Barbara Broswell, Stewart Lillard, Alyson Marcus, Barbara Sanders, and Adol Owen-Williams left the room at 4:00 p.m. ***

*** Mr. Naimon returned to the room at 4:04 p.m. ***

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Mrs. Khozeimeh made a motion to move to Executive Session. The motion was seconded by Mrs. Jeter and carried unanimously. The Board convened in Executive Session at 4:06 p.m.

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:06 p.m., pursuant to State Government Article, Section 10-508(a)(13), to review minutes from a previous Executive Session and to discuss a confidential issue.

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, Jackie Phillips, Margaret Jurgensen, Alysoun McLaughlin, Marjorie Roher, and Lisa Merino.

The Board reviewed the March 18, 2013, Executive Session minutes. Ms. Phillips requested that confidential information distributed to the Board be identified as such. Ms. Roher agreed to comply with the request.

*** Ms. Roher and Ms. Merino were excused from the room at 4:10 p.m. ***

The following information was provided by Ms. McLaughlin.

The Board discussed a confidential issue.

With no further business, Mrs. Rivera-Oven moved to adjourn the Executive Session. The motion was seconded by Mrs. Khozeimeh and carried unanimously. The Board meeting reconvened in regular session at 4:32 p.m.

Executive Session Minutes

Executive Session Minutes from the March 18, 2013, Executive Session were distributed for review. A motion was made by Mrs. Jeter to approve the minutes. The motion was seconded by Mrs. Rivera-Oven 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. Jeter and carried unanimously. The meeting adjourned at 4:35 p.m.

Respectfully Submitted,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keeffe
President