

APPROVED

February 22, 2010

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

In Attendance:

Board Members:

Jerrold Garson, President
John Sullivan, Vice President
Nancy Dacek, Secretary
Rosalyn Pelles
Nahid Khozeimeh
Lucia Nazarian

Staff:

Margaret Jurgensen, Director
Sara Harris, Deputy Election Director
Betty Ann Lucey, Voter Registration Manager
Edward O'Neill, IT Specialist
Christine Rzeszut, Operations Manager
Gilberto Zelaya, Outreach Coordinator
Kevin Karpinski, Legal Counsel
Marjorie Roher, Administrative Specialist
Renee Adams, Election Aide

Guests:

Bryan Hunt, Office of Management and Budget
Amanda Mihill, Montgomery County Council
Barbara Sanders, League of Woman Voters of Montgomery County

Mr. Garson called the meeting to order and declared a quorum present at 2:32 p.m.

Public Comments

Ms. Roher stated that no one requested to address the Board.

Additions/Changes to the Agenda

Ms. Jurgensen noted that there is a polling place change which needs to be addressed under New Business.

Approval of January 25, 2010, Minutes

Minutes from the January 25, 2010, meeting were distributed for review. A motion was made by Ms. Pelles to approve the January 25, 2010, minutes as submitted. The motion was

seconded by Mrs. Dacek and carried with four votes in favor and two abstentions from Mr. Sullivan and Mrs. Khozeimeh.

Election Director Status Reports

Budget

Ms. Jurgensen discussed a memorandum that was provided in the packet from Joseph Beach, the Director of the Office of Management and Budget which provides the County Council with information regarding the fiscal year 2010 second quarter analysis. She stated that the second quarter analysis shows that our department will exceed our FY 2010 budget by \$600,000 because of revised billing from the State Board of Elections. Ms. Jurgensen added that she will provide up to date information in the April meeting.

Voter Registration

Ms. Jurgensen informed the Board that the first round of the confirmation mailing is expected to be completed by the first part of March. She added that the BOE received over 50,000 documents; 10% of those documents were voter updates/changes and the balance of the mail was marked undeliverable. She added that there was a back log due to the snow storm but indicated that the work load was manageable. Mrs. Lucey added that April 7th is the high school voter registration training and on April 28th the Student Member of the Board of Education election will be held.

State Board of Elections

Mr. O'Neill stated that on January 7, 2010, the SBE notified Montgomery County of anomalies in MDVoters user access found as part of audit activity. He noted that upon completion of an internal investigation our team determined the following corrective actions would be immediately implemented:

- Several transactions that were impacted by the anomaly were validated and found to be correct.
- All MDVoters accounts were reviewed to ensure only active employees could gain access to the system.

The following preventative activities, with an implementation timeline, are planned:

- Implementation of several standard operating procedures to help ensure data integrity and security.
- Training staff on security policies and protocols will be conducted periodically. We anticipate leveraging both State and County provided training as well as BOE training to address this need and manage cost.
- Review process and ensure compliance with newly implemented procedures.

Mr. O'Neill informed the Board that on Friday February 19th he and Ms. Jurgensen met with a representative from the SBE. He added that the SBE complimented Montgomery County on our response to the audit finding. Mr. O'Neill stated that the BOE will formally submit change requests to the MDVoters vendor to ensure continued compliance with State Policies. Mr.

Sullivan asked Mr. O'Neill what precautions are being taken to ensure that this doesn't happen again. Mr. O'Neill responded that there were 14 transactions that occurred on January 18, 2008, only and that BOE is in the process of providing staff with security training in March that includes standard operation procedures for staff separation and compliance review.

Mr. O'Neill explained how the election judge and future vote modules are used and how the modules will cut costs. Mrs. Rzeszut explained the polling place module and noted that it gives the recruiters an opportunity to look at any polling place set up or access any information without involving other staff.

Mr. Sullivan asked if it is possible to test the capacity of the DRE system to accommodate all the ballot styles used in early voting and Ms. Jurgensen responded that a report on the load testing will be provided in April.

Ms. Jurgensen stated that she was informed by the SBE on February 16th that funding for the optical scan voting system was not included in the Governor's FY 2011 budget. She noted that on February 24th the Board of Public Works will meet at 10 a.m., and has the elections service portion of the contract on their agenda. Ms. Jurgensen stated that planning has begun for the post election maintenance on 2000 plus DREs - this maintenance was originally delayed since it was anticipated they would be removed from inventory after purchase of optical scan equipment.

Legislation

The Board held a lengthy discussion on the following bills: SB240, HB889, SB258, SB421, SB573, and SB417.

Mr. Zelaya entered the meeting at 2:59 p.m.

SB 240

Mr. Karpinski stated that SB240 requires staff to compare the signature on a petition with the voter's signature on their voter registration form. He noted that people don't always sign their name the same and expressed concern with the fact that staff were not trained in signature comparison. Ms. Jurgensen explained that scanning software is available for use in comparing signatures but noted that signatures will be lost if there is on-line voter registration with electronic signatures. Mrs. Dacek expressed her concern that signatures will be different because people sign their name differently and that the Bill is moving too quickly. The Board agreed that a statement should be prepared expressing the Board's concerns with this Bill. Mr. Karpinski stated that he will prepare a statement by Wednesday morning (February 24).

HB 889

Mr. Garson stated that he testified last Friday morning regarding this Bill, which discusses the shifting of early voting days for Montgomery County only. Ms. Jurgensen stated her belief that days of early voting should be consistent with other counties. Mrs. Harris noted that there will be another hearing on Thursday (February 25). Mrs. Dacek stated that she does not support this Bill because the days should be uniform across the state. Mr. Karpinski expressed his concerns and questioned whether the Bill could even be passed, directing the Board to Section 8-101 of the Election Law.

SB 258

The Board did not have any issue with this Bill noting that it would not apply to Montgomery County as we are under Charter rule.

SB 421

Mr. Garson reviewed and discussed SB421 with the Board. He stated that lines 15-18 should be deleted and the date changed from January 1, 2016, to December 1, 2011, in line 19.

SB 573

The Board had a lengthy discussion regarding this Bill and all agreed that 25ft was not sufficient enough for electioneering boundaries at polling places. Mr. Garson indicated that he would address these concerns with the legislature. Mrs. Dacek reminded Mr. Garson that anything a Board member says is attributed to being representative of the entire Board and urged caution when speaking at hearings and with non-Board members.

SB 417

Mr. Garson reviewed and discussed SB 417 with the Board.

Ms. Harris provided additional information regarding the position MAEO was taking on various bills.

Facility Issues

Ms. Roher stated that there was nothing new to report.

Board Attorney Report

Mr. Karpinski reported that he met with Parks and Recreation to discuss the memorandum of understanding for early voting centers and noted that they are reviewing the document and have until March 5th to request modifications.

Old Business

Early Voting

This item was covered earlier in the meeting. Ms. Jurgensen stated that a full update will be provided at the March meeting.

*** Ms. Sanders left the meeting at 4:01p.m. ***

New Business

2010 Polling Place Change

Mrs. Rzeszut reviewed an updated list of polling place changes for 2010 provided in packet. She stated that she recommends using Oakland Terrace Elementary School as a replacement for McKenney Hills Center, which is no longer available, in Precinct 13-17. A motion was made by Mrs. Dacek to utilize Oakland Terrace Elementary School for Precinct 13-17. The motion was seconded by Mr. Sullivan and carried unanimously.

*** Mr. Hunt, Mrs. Lucey, Ms. Mihill, Mr. O'Neill, Mrs. Rzeszut, and Mr. Zelaya left the meeting at 4:12 p.m.***

Report on the Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:12 p.m., pursuant to State Government Article, Sections 10-508(a), 10-508(a)(13), and 10-508(a)(14) to discuss staff training and review minutes from the 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: Jerrold Garson, John Sullivan, Nancy Dacek, Nahid Khozeimeh, Rosalyn Pelles, Lucia Nazarian, Kevin Karpinski, Margaret A. Jurgensen, Sara Harris, Marjorie Roher, and Renee Adams.

Staff Development

Mrs. Harris gave a brief report on the recent staff training session.

Executive Session Minutes

Ms. Roher distributed minutes from the January 25, 2010, Executive Session for review.

There were no other items discussed in Executive Session.

A motion was made by Mrs. Dacek to adjourn the Executive Session and reconvene in regular session. The motion was seconded by Mr. Sullivan and carried unanimously, with the Board reconvening in regular session at 4:17 p.m.

Executive Session Minutes

A motion was made by Mrs. Dacek to approve the Executive Session Minutes from the January 25, 2010, meeting as submitted. The motion was seconded by Mrs. Nazarian and carried with three votes in favor and three abstentions from Mr. Sullivan, Mrs. Khozeimeh, and Ms. Pelles.

Future Meetings

- A. March 22, 2010
- B. April 19, 2010
- C. May 10, 2010 – 2:30 p.m.
- D. May 17, 2010 – MAEO/ Biennial
- E. June 14, 2010 - *tentative*
- F. July 19, 2010
- G. August 16, 2010
- H. September 14, 2010 - Election Day
- I. September 16, 2010 - 10:00 a.m. - Absentee Canvass
- J. September 22, 2010 - 10:00 a.m. - Provisional Canvass
- K. September 24, 2010 – 10:00 a.m. - Absentee II Canvass
- L. September 24, 2010 - 2:30 p.m. - *tentative*
- M. October 18, 2010
- N. November 2, 2010- Election Day
- O. November 4, 2010 – 10:00 a.m. - Absentee Canvass
- P. November 10, 2010 – 10:00 a.m. - Provisional Canvass
- Q. November 12, 2010 – 10:00 a.m. – Absentee II Canvass
- R. November 12, 2010 - 2:30 p.m. - *tentative*
- S. December 13, 2010 - *tentative*

Adjournment

With no further business, a motion was made by Mr. Sullivan to adjourn the meeting. The motion was seconded by Mrs. Khozeimeh and carried unanimously. The meeting was adjourned at 4:18 p.m.

Respectfully submitted,

Marjorie M. Roher

Marjorie M. Roher
Administrative Specialist

APPROVED BY THE BOARD

Jerrold S. Garson

Jerrold S. Garson
Board President

APPROVED