

APPROVED

March 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
Nahid Khozeimeh
Rosalyn Pelles
Mary Kiraly
Lucia Nazarian

Staff:

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

Guests:

Barbara Ditzler, League of Woman Voters of Montgomery County
Bryan Hunt, Office of Management and Budget
Holly Joseph
Kate Rhudy, Montgomery County Democratic Central Committee

Mr. Garson called the meeting to order and declared a quorum present at 2:30 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 an addition of an Executive Session and an Executive Function.

Approval of February 22, 2010, Minutes

Minutes from the February 22, 2010, meeting were distributed for review. A motion was made by Mrs. Dacek to approve the February 22, 2010, minutes as submitted. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

Election Director Status Reports

Budget

Ms. Jurgensen discussed a handout from the County Executive's budget. She stated that the overall cuts to our department were minimal. Ms. Jurgensen explained that monies for Early Voting were allocated but there were no monies given for advertising. She noted that advertising is included in the State Board RFP for services.

Ms. Jurgensen reported that Ms. Roher has been assigned to work with Patrick Lacefield from the County Public Information Office in search of free media for outreach regarding Early Voting. She stated that additional information will be included in the sample ballot. Ms. Jurgensen announced that BOE is developing a mailing to new voters; and will pilot this with the high school registrants by sending a letter explaining the new voting opportunity and information on sites, dates, and times.

Ms. Jurgensen reported that 2008 election data on Early Voting in other states suggests early voters who reside in urban areas tend to be over 50 years of age and female.

Voter Registration

Ms. Jurgensen reported that monthly statistics are now posted on the website as part of the state legislature's requirements. She informed the Board that voter registration staff was sent to required election performance training.

SBE Procedures- Registered Voters-Inactive-Cancel Voters

Ms. Jurgensen reported that there is a process that the state wishes BOE to implement for cancelled voters. Mr. Karpinski discussed the process in moving a voter from inactive to cancelled status. The Board had a lengthy discussion on inactive/cancelled voters. Mrs. Dacek stated that she doesn't think that voters should be kept inactive for twenty years. Mrs. Pelles made a motion to have legal counsel request a State Attorney General's opinion on the newly implemented state procedure. The motion was seconded by Mrs. Dacek and carried unanimously.

State Board of Elections

Ms. Jurgensen stated that instructions were received for issuing Provisional Ballots during Early Voting. She reported that there was a discussion at the Election Director's meeting regarding the recent U.S. Department of Justice order pertaining to the sale of Premier's intellectual property; the implications of this order are not yet clear. Ms. Jurgensen stated that the service contract will not be affected, and a Notice to Proceed has been issued for that contract.

Ms. Jurgensen reported that there will be a software upgrade for the electronic pollbooks. She received a CF card with a pre-release version of the software. The software was installed in

10 units and staff will be participating in state wide testing. Ms. Jurgensen noted that if the final version is timely it will be used as a pilot in the student election.

She reported that the state legislature has mandated SBE to develop for staff of Election Boards, classes related to Maryland Elections Administration which will be held on April 15 and April 19 in Urbana. She added that the balance of the staff will attend voter registration training and the senior staff is to attend a six hour project management class. Ms. Jurgensen stated that Board members who are not planning to attend the Biennial meeting on May 17, 2010, need to send a letter to Linda Lamone explaining their absence. Ms. Roher noted that Board members should also notify her so that they are not included in registration. Mrs. Harris stated that the SBE is holding an ethics class for directors, deputies, and staff on Sunday afternoon prior to the start of the Biennial/MAEO conference.

Legislation

Ms. Harris reported that HB 889, adding early voting on Sunday in 2010, has been withdrawn. She noted that information regarding other election related bills is online. Mr. Garson stated that there is no voting legislation pending.

Facility Issues

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

Board Attorney Report

Mr. Karpinski updated the Board on the status of the Murray Hill Incorporated registration application. He provided them with a copy of an email Mary Wagner sent Ms. Jurgensen requesting the application not be processed.

Mr. Karpinski updated the Board on the status of the MOU with Montgomery County for the Early Voting centers. He stated that he has received a redline copy of the agreement and he will review it with Ms. Jurgensen and Mrs. Harris and should have it for the Board to review by next month.

Old Business

Early Voting Plan

Ms. Jurgensen reported that alternate site documentation has been signed by Mr. Garson and forwarded to SBE for review. Mr. Garson reported that Board members would be sworn in on August 16th, and he is looking for 5 volunteers (one Board member per Early Voting Center) for the first morning. Mrs. Dacek stated that she will go to the Germantown Early Voting Center.

Bylaws

Mr. Garson reported that SBE objected to the Montgomery County BOE bylaws because they did not include a requirement that one minority party member must be present to have a

quorum. He noted that the requirements are not in our current bylaws nor in the model available online. The Board had a discussion regarding the bylaws. Mrs. Dacek made a motion to request that legal counsel circulate an amendment to the bylaws requiring one member of the minority party be in attendance in order to declare a quorum. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

New Business

Election Day Plan

Ms. Jurgensen reviewed the project manager timeline that was sent to Board members in the advance packet. Mrs. Harris described the process on how Early Voting information will be included in the sample ballot. Ms. Jurgensen stated that the timeline will be sent to SBE and that staff will be following the timeline.

MC 311

Ms. Jurgensen stated that MC 311 is the new call center that the county is establishing and Montgomery County Board of Elections had been part of the soft launch. She noted that one of the problems is that the county did not expect such a large call volume. Ms. Jurgensen reported that the wait time is currently 10 minutes or more and during the elections the calls will remain in our system or the voter will use the IVR to complete their transaction. She stated that the county is in the process of hiring and training 12 additional individuals.

Call Center

Ms. Jurgensen stated that BOE and MC 311 have agreed that our call center will be activated in August. Ms. Roher reported that once the BOE call center is activated if someone calls one of the main numbers, they would hear the IVR message, if they choose to zero out from that, they will be transferred to MC 311. Ms. Roher further explained the kind of calls that will be transferred immediately to the BOE call center. She stated that ultimately during non-election time, MC 311 should be able to handle 90% of the calls that were previously handled by staff.

Ms. Roher reminded the Board members to complete their filing with the State Ethics Commission by April 30, 2010.

*** Ms. Ditzler, Mr. Hunt, Ms. Joseph, Mrs. Lucey, and Ms. Rhudy left the meeting at 3:51p.m.***

Report on the Executive Session

The Montgomery County Board of Elections convened in Executive Session at 3:51 p.m., pursuant to State Government Article, Sections 10-508(a), 10-508(a)(13), and 10-508(a)(14) to 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, Mary Kiraly, Rosalyn Pelles, Lucia Nazarian, Kevin Karpinski, Margaret A. Jurgensen, Sara Harris, Edward O'Neill, Gilberto Zelaya, Marjorie Roher, and Renee Adams.

Executive Session Minutes

Ms. Roher distributed minutes from the February 22, 2010, Executive Session for review.

There were no other items discussed in Executive Session.

A motion was made by Mr. Sullivan to adjourn the Executive Session and convene an Executive Function. The motion was seconded by Mrs. Dacek and carried unanimously.

The Board convened an Executive Function to discuss issues related to the upcoming election.

A motion was made by Mr. Sullivan to adjourn the Executive Session and reconvene in regular session. The motion was seconded by Mrs. Khozeimeh and carried unanimously, with the Board reconvening in regular session at 4:52 p.m.

Executive Session Minutes

A motion was made by Mr. Sullivan to approve the Executive Session Minutes from the February 22, 2010, meeting as submitted. The motion was seconded by Mrs. Dacek and carried unanimously.

Executive Function

Mr. Sullivan moved that legal counsel request that State Election Law 17.07.04.B (a) be modified to read as follows: "On each voting unit used during Early Voting, post a totals report; and" resulting in the ability of staff to begin the accumulation and tabulation of Early Voting results during Election Day, embargoing their release until 8:01 p.m. on Election Day. Motion seconded by Mrs. Dacek and carried unanimously.

Future Meetings

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

- O. November 10, 2010 – 10:00 a.m. - Provisional Canvass
- P. November 12, 2010 – 10:00 a.m. – Absentee II Canvass
- Q. November 12, 2010 - 2:30 p.m. - *tentative*
- R. December 13, 2010 - *tentative*

Adjournment

With no further business, a motion was made by Mrs. Khozeimeh to adjourn the meeting. The motion was seconded by Mrs. Dacek and carried unanimously. The meeting was adjourned at 4:54 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