

APPROVED

April 19, 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
Christine Rzeszut, Operations Manager
Gilberto Zelaya, Outreach Coordinator
Kevin Karpinski, Legal Counsel- By Phone
Marjorie Roher, Management and Budget Specialist III
Renee Adams, Election Aide

Guests:

Holly Joseph
Kate Rhudy, Montgomery County Democratic Central Committee

Mr. Garson called the meeting to order and declared a quorum present at 2:31 p.m.

Public Comments

Ms. Roher stated that Kate Rhudy is present to address the Board. Ms. Rhudy asked the Board if they could provide a status report on finalizing plans for contracting the Silver Spring Civic Building for use as an Early Voting Center. She offered her assistance in providing help if needed.

Additions/Changes to the Agenda

Ms. Jurgensen noted that there is an addition of an Executive Session.

Approval of March 22, 2010, Minutes

Minutes from the March 22, 2010, meeting were distributed for review. Ms. Kiraly requested a change. A motion was made by Mrs. Dacek to approve the March 22, 2010, minutes as amended. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

Election Director Status Reports

Budget

Ms. Jurgensen reported that there is a possible deficit of \$52,000 but the Board has not received its bill from the State Board of Elections which the projected billing was expected to reflect costs related to a new voting system. She stated that since there is no new voting system there will be an absence of new costs. Ms. Jurgensen stated that since we are a phase one county, BOE has already replaced all batteries in the TS units which is a cost many counties are absorbing at this time. Ms. Jurgensen stated that she does not expect to see a deficit. She asked Ms. Roher to project all categories to spend out to zero in all categories, utilizing all funds show a deficit. She noted that certain costs may not be spent out to the maximum, such as SBE billing and costs related to the MAEO conference, but will not be known until mid May. Ms. Jurgensen reported that the SBE stated at the Elections Director's meeting that the FY 10 bill would be sent this month.

Prior to the start of the meeting Mr. Garson requested clarification of one budget line. Ms. Roher reported that a quick review did not provide sufficient detail; she will provide a response at the next Board meeting.

Voter Registration

Ms. Jurgensen reported that Mrs. Harris and other staff attended the mandated training for Voter Registration Policies provided by SBE. She emphasized that the SBE staff member stated that an election official may remove a voter who does not respond to a confirmation mailing and fails to vote in two federal elections. Ms. Jurgensen stated that this needs to be completed by 90 days prior to the elections (June 16). She added that the individual referenced Election Law Chap 3 (EL 3-501-(3)), and did not mention the Green Party case. Mr. Karpinski reported that he will draft a clarification email seeking information on inactive voters to the Attorney General later this week.

Ms. Jurgensen reported that the staff has begun the process of sending the polling place changes to the voters impacted. She stated that MDVoters continues to have software issues and Ed O'Neill has needed to develop numerous work arounds to get this task completed. Ms. Jurgensen explained that over 600,000 voters appears to overwhelm the system. Polling place change notification has been staged over 5 weeks starting April 9 and continuing thru May 11. She stated that this project needed to be coordinated with MC 311 since, while the notification card states the reason for the change, voters question the motive of the change. Ms. Jurgensen reported that these changes have been provided to the MC 311 staff to assist in answering these questions. She stated that the Clarksburg precinct has just been completed so the impact of that mailing will be the first large test of the MC 311 response system. Ms. Jurgensen stated that she wanted to thank Mr. O'Neill publicly for working all hours of the day and night to get this mailing accomplished.

Mr. O'Neill reported that he provided a copy of a VNC (Voter Notification Card) in the packet. He stated that as BOE changes polling places voters are notified through a new VNC. He added that these cards are automatically generated by the MDVOTERS system. Mr. O'Neill discussed the following challenges/ opportunities:

- The generation of polling place VNCs has historically been a problem. He requested a maintenance window and noted that he received a call from the Helpdesk informing him that it wasn't possible for Montgomery County to run the VNCs unaided according to the SBE.
- When the VNCs are generated the message that appears on the VNC varies. In some cases it is displayed correctly "POLLING PLACE CHANGE", in other cases the messages "REGISTRATION UPDATED", "NEW REGISTRATION" and "BOUNDRY CHANGE" are displayed. This causes confusion for the voter. The issue is further complicated by the implementation of the 311 program where a centralized call center will be answering questions about the VNCs.

Mr. O'Neill explained that local technology solutions have been implemented at the BOE to ensure:

- VNCs can be generated on a timely basis without outside assistance.
- A high degree of coordination can occur between groups (VR, Operations, 311 & the print shop) to minimize the potential of errors because all processing is being addressed locally.
- With the Local BOE solution we resolve the VNC message problem. This results in less confusion for the voters, optimization of the use of the county call center, and the ability for BOE to offer an excellent customer experience to our voters.

Mrs. Dacek asked when MC311 will take effect and Ms. Roher responded that MC311 is now in effect and all calls have been directed to them since early February.

Ms. Jurgensen stated that the Municipal elections are taking place and the schedule was distributed last month. She informed the Board that High School Voter Registration and elections are occurring and she will update the Board next month. Ms. Jurgensen noted that the SMOB election is April 28, 2010.

State Board of Elections

Ms. Jurgensen reported that the legislature has adjourned so this allows SBE the ability to get focused on the elections. An update on several Bills was provided in the packet.

Regulations

Ms. Jurgensen reported on the adoption of regulations related to Early Voting and the use of Touch Screens with requirements for equipment allocation based on estimated turnout (135 with reserve units). She stated that this addresses election judge assignment and allows the LBE to develop a security plan. Regulations passed included allowing LBE to develop plan to tabulate EV memory cards prior to 8 p.m. The process will begin with opening the units, run the tapes and complete the paperwork prior to 8:00p.m for disclosure to public and media when the polls close. Ms. Jurgensen stated that also adopted are all prohibitions of cell phone and other electronic media in Early Voting locations. She noted that state formula calls for the deployment of 95 units

but staff will deploy 120 units for Montgomery County to maintain a reserve on each site for instant deployment, with 25 TS units at each site except the EOB, which will have 20. There will be 2 provisional voting stations and 2 ADA voting stations, with five EPBs and 1 stand-by EPB on site. She informed the Board that the BOE office is required to be open during the hours of early voting until 8:00 p.m. Ms. Jurgensen stated that the security plan will be presented at June Board meeting.

Ms. Jurgensen stated that the SBE adopted new absentee requirements utilizing e-mail to send ballots to voters. She noted that this was available in the 2008 election for overseas citizen and military voters only.

Ms. Jurgensen reported that Nikki Trella announced at the Election Director's meeting that a contractor had been selected to develop a website that SBE will utilize control to release of ballots to voters. Ms. Jurgensen noted that the contractor was selected without any formal input from LBEs that did e-mail ballots and at this time staff is unaware of the contractor's expertise in e-mailing ballots. She stated that staff learned much from this process in 2008 and shared concerns with Ms. Trella during the 2008 elections.

Ms. Jurgensen reported that supply requirements related to technical assistance, ballot order, polling place supplies, and proposed DRE allocation for Election Day were provided to SBE on March 29.

Early Voting Mock Election

Ms. Jurgensen stated that the SBE's Public Education campaign for Early Voting information is due in late April/early May.

Ms. Jurgensen reminded the Board of the MAEO/Biennial conference on May 17 and stated that if someone isn't going to attend, they should send a letter to Linda Lamone. Ms. Roher stated that copies of the registration forms were provided in the folders.

Electronic Poll Books

Mr. O'Neill discussed problems with the EPBs and noted that there wasn't anything serious noting that the new software release production date was pushed back.

Legislation

Ms. Jurgensen reported that the biggest legislative change is the party affiliation change deadline which is now the same day as the last day to register to vote.

Ms. Jurgensen noted that Mrs. Harris was attending mandated training and reviewed information that Mrs. Harris provided in the packet regarding election legislation.

Facility Issues

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

Board Attorney Report

Candidate Filing

Ms. Jurgensen stated that a candidate filing request had been received from Mr. Vovak. She stated that the letter from Linda Lamone is provided in the packet. Mr. Karpinski discussed the letter with the Board, stating that Mr. Vovak filed a petition last election for his name to appear on the Ballot as Daniel "The Wig Man" Vovak. This was rejected by SBE, he appealed and the courts concluded that he had not appealed SBE's decision in a timely manner and, therefore, they dismissed his case. Mr. Karpinski added that there was sufficient information to indicate that he was known as "The Wig Man". After filing, the Board will decide whether to accept the paperwork but, ultimately, the SBE will decide how the name will appear on the Ballot.

Early Voting Center MOU

Mr. Karpinski stated that there would be another meeting to finalize the early voting center MOU on Wednesday at 8:30 a.m.

Old Business

Bylaws

Mr. Garson provided a handout in the packet regarding Bylaws. Mr. Sullivan requested an amendment under 3.2-2 to read "...and at least one member of each political party represented on the Board. A motion was made by Mr. Sullivan to approve the bylaws as amended. The motion was seconded by Mrs. Dacek and carried unanimously.

New Business

Election Day Preparations

Ms. Jurgensen reported that the Election Judge Questionnaires will be mailed out this week. She stated that the pay for Judges is as follows:

Chief Judge \$50 for training and \$200 for Election Day
Voting Operations Judges \$30 for training and \$150 for Election Day
Closer Judges \$30 for training and \$75 for Election Night

Mr. Jurgensen reported that the election worker module was deployed this week. She noted that the future vote and polling place module has already been deployed.

MC 311

Ms. Jurgensen stated that the MC 311 soft launch is in place now. She reported that MC 311 is a county decision to use staff to answer the phone and move away from Interactive Voice Response systems. Ms. Jurgensen informed the Board that MC 311 is used in other metro areas such as DC, NYC, and Chicago. She added that all calls going to MC 311 have service provided or requests delivered to the agency. Ms. Roher described the three scenarios in place for BOE.

*** Ms. Joseph, Mrs. Lucey, and Ms. Rhudy left the meeting at
3:58p.m.***

Report on the Executive Session

The Montgomery County Board of Elections convened in Executive Session at 3:59 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 and Early Voting Implementation.

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 via phone, Margaret A. Jurgensen, Sara Harris, Edward O'Neill, Christine Rzeszut, Leslie Hatch, Ryan White, Gilberto Zelaya, Marjorie Roher, and Renee Adams.

Executive Session Minutes

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

Early Voting Plan

Mrs. Rzeszut and Mr. Zelaya discussed early voting implementation.

There were no other items discussed in Executive Session.

A motion was made by Mrs. Khozeimeh 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 5:39 p.m.

Executive Session Minutes

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

Future Meetings

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

- A. May 10, 2010 – 2:30 p.m.
- B. May 17, 2010 – MAEO/ Biennial
- C. June 14, 2010 - *tentative*
- D. July 19, 2010
- E. August 16, 2010
- F. September 14, 2010 - Election Day
- G. September 16, 2010 - 10:00 a.m. - Absentee Canvass

- H. September 22, 2010 - 10:00 a.m. - Provisional Canvass
- I. September 24, 2010 - 10:00 a.m. - Absentee II Canvass
- J. September 24, 2010 - 2:30 p.m. - *tentative*
- K. October 18, 2010
- L. November 2, 2010- Election Day
- M. November 4, 2010 - 10:00 a.m. - Absentee Canvass
- N. November 10, 2010 - 10:00 a.m. - Provisional Canvass
- O. November 12, 2010 - 10:00 a.m. - Absentee II Canvass
- P. November 12, 2010 - 2:30 p.m. - *tentative*
- Q. 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 Mr. Sullivan and carried unanimously. The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:

Jerrold S. Garson

Jerrold S. Garson
Board President

APPROVED