

January 24, 2011

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
Mary Kiraly
Lucia Nazarian

Staff:

Sara Harris, Deputy Election Director
Susan Campbell
Laletta Dorsey, Registration Coordinator
Jessica Jones, Election Judge Recruiter
Betty Ann Lucey, Registration Manager
Bobbie Payne, Absentee Coordinator
Jerry Quarshie, IT Technician III
Marjorie Roher, Management and Budget Specialist III
Christine Rzeszut, Operations Manager
Kevin Karpinski, Legal Counsel
Renee Adams, Election Aide

Guests:

Stan Boyd
Barbara Ditzler, League of Women Voters of Montgomery County
Donice Jeter
Holly Joseph
Mary Ann Keeffe
Amanda Mihill, County Council
Grace Rivera-Oven

Mr. Garson called the meeting to order and declared a quorum present at 2:30 p.m.

Public Comments

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

Additions/Changes to the Agenda

Mrs. Harris stated that there will be additional reports on the Joint Election Official Legislation Committee (JEOLC) and staff reporting on the 2010 elections under Election Director Status Reports. She has also requested an Executive Session to review Executive Session minutes and discuss the FY12 operating budget.

Mrs. Harris then informed the Board that Ms. Jurgensen was doing well and had returned home.

Approval of October 18, and November 12, 2010, Minutes

Minutes from the October 18, 2010, and November 12, 2010, meetings were distributed for review. A motion was made by Mrs. Khozeimeh to approve the October 18, 2010, minutes as submitted. The motion was seconded by Ms. Pelles and carried unanimously. A motion was made by Mrs. Khozeimeh to approve the November 12, 2010, minutes as submitted. The motion was seconded by Mr. Sullivan and carried unanimously.

Election Director Status Reports

Mrs. Harris stated that she received a letter from the Governor thanking the Montgomery County Board of Elections for their efforts toward, and successful implementation of, Early Voting. She announced that she also received a letter from Guide Youth Services thanking staff for the donations of coats they received.

Budget

Ms. Roher discussed the FY11 Operating Budget spreadsheet distributed in the Board meeting packets. She stated that the spreadsheet is current and the budget is on track. Ms. Roher reported that the second quarter analysis had to be completed earlier this month and staff projected out at the budgetary level. After further discussion, Mrs. Kiraly asked what the SBE program management costs are for and Mrs. Harris responded that follow up details regarding the program management cost will be provided.

Voter Registration

Mrs. Harris reported that voter registration is continuing with the NCOA confirmation mailing in order to update voter information. She stated that petitions are expected to arrive soon and that preparations for the municipal elections, student voter registration, and School Board member elections are underway. Mrs. Harris noted that

BOE is nationally recognized for its award-winning student/school participation program which, for forty years, has consisted of training students to register their peers and conduct their own elections. She stated that post-election file maintenance is progressing and data files/cards are being prepped for early February mailing. Mrs. Harris noted that on January 4, 2011, SBE removed 31,000 inactive voters. Absentee staff continue to process confirmation mailing documents for approximately 50,000 items returned by the post office as well as assisting in scanning voter registration documents.

State Board of Elections

Mrs. Harris reported that the State Board of Elections is conducting hearings on Tuesday, January 25, 2011, at 2 p.m. with the Senate; and on Wednesday, January 26, 2011, at 2 p.m. with the House. She announced that the SBE held a community meeting to demonstrate two voting systems - Dominion and Hart/Unisyn. Mrs. Harris noted that Dominion's system is awaiting certification from the EAC while Hart/Unisyn is already certified. Mr. Garson added that the State Legislative Services posted their Maryland Voting Systems study on December 2.

Legislation

Mrs. Harris reported that there were more than twenty election bills and noted that the list will be forwarded to the Board when it is received each Friday. She stated that there were two local Bills: MC 15-11 regarding special elections voting by mail and MC19-11 regarding polling place electioneering boundaries (changing from 100ft to 25ft). Mr. Garson mentioned two bills being proposed – one that would significantly increase the filing fees and another that would reduce Early Voting to three days.

Mrs. Dacek reported that she suggested to Mr. Garson and other delegates that SBE may want to change the process for people who are out the country for years and still have their old address on their voter file to reduce confusion and expense of mailing documents to old addresses. She asked if there is a way for them to use the Board of Election's address or a postal office address. Ms. Payne responded that federal law states that they must provide a valid address but suggested that their mailing address could be utilized in place of their address of record for the BOE mailings. The Board concurred with the suggestion.

Facility Issues

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

Joint Election Official Legislation Committee (JEOLC)

Mrs. Harris reported that she attended the Joint Election Officials Legislative Conference (JEOLC) earlier in the month. She provided the Board with updates on the Election Assistance Commission, Government Accounting Office, Department of Justice, Federal Voter Assistance Program, Election Center benchmarking, and performance

measures, 2010 Census, advances in voting systems, proposals for cost saving measures, changes in election class mail, and Federal legislation.

2010 Election Reporting

Mrs. Harris informed the Board that staff would be providing a review of the 2010 Gubernatorial Elections this month and next. Discussion of IT, election judge, polling place, and early voting issues will be held in February with absentee, voter registration, and communication held today.

Board Attorney Report

Mr. Karpinski updated the Board on the EMS Petition stating that he is still waiting on the Court of Appeals Decision and noting that the Court does not have a deadline for handing it down. The Board had a lengthy discussion on signature validations on petitions. Mrs. Kiraly stated that one of issues is whether including or omitting the middle initial when a voter signs their name on a petition, if different from their voter registration, disqualifies their signature on the petition. Mr. Karpinski stated that he believes the name must be printed as it appears on the voter registration record and the signature would be the voter's normal signature. Mrs. Lucey responded that she is waiting to speak to Mary Wagner regarding signature requirements.

Mr. Karpinski noted that there has been discussion on when a petition fund report is required. The State Law currently does not require this for local petitions. Mr. Karpinski will be speaking with the County Attorney and County Council to determine whether the change should be requested at the State or County level.

Old Business

Election Review

Voter Registration

Mrs. Harris reviewed and discussed the handout provided in the advance packets regarding Voter Registration's Lessons Learned.

Ms. Roher responded that she had developed a power point presentation that she shared with a small group of MC311 call takers. The presentation was videotaped for every manager and call taker to view before the elections. Mr. Sullivan requested that a meeting be held with MC-311 to review the election process and learn where modification could be made to assist all parties. She noted that she will follow up with the subject-matter expert and give a report at a future Board meeting.

In the Primary Election, 1718 provisional ballots were processed and in the General Election 6800 provisional ballots were processed. The process takes time to research each provisional document. In addition, a method was developed and

implemented to audit provisional ballots for each precinct. Mr. Sullivan requested a report for each reason that a voter voted provisional.

Inactive Voters

The Board held a lengthy discussion on inactive voters and the confirmation mailing process. Staff explained that voter file maintenance includes processing a voter's change of address. When a document sent to a voter is returned with information that they no longer live at the address, a second mailing is sent requesting confirmation of the voter's current residence. If, after two weeks, no return response is received by the BOE, the voter is inactivated.

Ms. Campbell stated that the confirmation mailing staff is currently processing pertains to active voters that were identified during the NCOA (no change of address) process. She reported that there were 50,000 addresses that the vendors did not deliver and of those, 731 had no forwarding address, the other 49,269 were returned to BOE with a forwarding address. Ms. Campbell stated that those registrants would be receiving confirmation mail information.

Mrs. Harris reported that the State removed approximately 30,000 inactive voters on January 4, 2011. (These voters had already received communications noted above) Mrs. Lucey reported that we are the only county in the state that does not remove inactive voters after four years. Mr. Sullivan commented that we have to follow the direction of the SBE although he disagrees with it. Ms. Campbell stated that of those 31,000 inactive voters that were removed by the State, 9800 have never voted in a Montgomery County or Maryland election, 1,300 have not voted since 1996, 800 have not voted since 1998, 6200 have not voted since 2000, 3700 have not voted since 2002, 9200 have not voted since 2004, and 500 have not voted since 2006.

Ms. Pelles suggested sending inactive voters removed from the State a notice that they have been removed. The Board discussed changing the language on the green voter notification cards for the 31,000 inactive voters that were removed. The Board reached consensus that the language should include wording informing the voter that they would be removed from the voter registration list. Mr. Sullivan suggested giving the inactive voter process more thought and Mrs. Dacek agreed. A motion was made by Mr. Sullivan to delay further discussion on inactive voter until the February Board meeting. The motion was seconded by Mrs. Dacek and carried unanimously.

Absentee

Ms. Payne reviewed and discussed an Absentee report provided in the advance packet. The MOVE Act was discussed regarding the shortened period between the Gubernatorial Primary and General Elections. Mr. Sullivan stated that it is more likely the Federal Government would change the deadline for receipt of a voter ballot than the State would provide the ballots earlier.

A major issue during the canvass was the time involved in duplicating e-mailed ballots. It was suggested that the SBE be asked if local jurisdictions could begin the process earlier. It was decided that COMAR would be checked, procedures drafted, and the topic be discussed during a future meeting.

Communication

Mrs. Harris reviewed communication reports provided in the advance packet. Mr. Sullivan requested a report detailing voter turn-out during Early Voting.

New Business

Presidential Primary

Mr. Garson expressed his concern that due to legislation deadlines, staff may not have adequate time to secure locations for the Presidential Primary in 2012. After further discussion, Mrs. Dacek moved that the Montgomery County Board of Elections authorize staff to make arrangements that are necessary for securing the locations for the Presidential Primary in 2012, when the date is set by the State Legislature. The motion was seconded by Mrs. Khozeimeh and carried unanimously. A motion was made at 5:04 p.m. by Mr. Sullivan to convene in Executive Session. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

Report on the Executive Session

The Montgomery County Board of Elections convened in Executive Session at 5:04 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 to discuss the FY12 Budget.

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, Rosalyn Pelles, Nahid Khozeimeh, Mary Kiraly, Lucia Nazarian, Sara Harris, Marjorie Roher, Kevin Karpinski, and Renee Adams.

Board Member Comments

Mrs. Pelles provided the Board with additional information.

Executive Session Minutes

Ms. Roher distributed minutes from the October 18, 2010, Executive Session for review.

FY12 Budget

Mrs. Harris reported on the FY12 budget.

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 5:14 p.m.

Executive Session Minutes

A motion was made by Mrs. Dacek to approve the Executive Session Minutes from the October 18, 2010, meeting as submitted. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

Future Meetings

- A. February 28, 2011
- B. March 28, 2011
- C. April 25, 2011
- D. May 23, 2011
- E. June 13, 2011
- F. June 14, 2011- SBE Biennial Conference in Ocean City.
- G. July 25, 2011
- H. August, 22, 2011 – *tentative*
- I. September 26, 2011
- J. October 24, 2011
- K. November 21, 2011
- L. December 19, 2011 - *tentative*

Adjournment

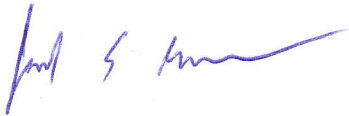
With no further business, a motion was made by Mrs. Khozeimeh to adjourn the meeting. The motion was seconded by Mr. Sullivan and carried unanimously. The meeting was adjourned at 5:17 p.m.

Respectfully submitted,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:



Jerrold S. Garson
Board President