

APPROVED

March 28, 2011

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

In Attendance:

Board Members:

Jerrold Garson, President  
Nahid Khozeimeh  
Mary Kiraly  
John Sullivan, Vice President - connected via phone at 2:32 p.m.

Staff:

Margaret Jurgensen, Election Director  
Sara Harris, Deputy Election Director  
Laletta Dorsey, Registration Coordinator  
Leslie Hatch, Election Judge Manager  
Jerry Quarshie, IT Technician II  
Marjorie Roher, Management and Budget Specialist III  
Christine Rzeszut, Operations Manager  
Gilberto Zelaya, Outreach Coordinator  
Kevin Karpinski, Legal Counsel  
Renee Adams, Election Aide

Guests:

Donice Jeter  
Holly Joseph  
Mary Ann Keeffe  
Barbara Sanders, League of Women Voters of Montgomery County

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**

Ms. Jurgensen requested the addition of an Executive Session to discuss personnel and previous minutes.

## **Approval of February 28, and March 10, 2011, Minutes**

Minutes from the February 28, and March 10, 2011, meetings were distributed for review. Mrs. Kiraly requested changes to the February 28, 2011, minutes. Revisions will be made and they will be resubmitted at the next Board meeting for approval.

The Board reviewed the minutes from the March 10, 2011, Board meeting. A motion was made by Mrs. Kiraly to approve the March 10, 2011, minutes as submitted. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

## **Election Director Status Reports**

### **Staff Performance Award**

Ms. Jurgensen reported that during the 2010 elections staff improved their performance, provided the best quality training and materials and the voters scored the precincts highly. She noted that in the past, the Board has recommended they receive 40 hours of annual leave for performance and requested the Board's approval. Mrs. Kiraly made a motion to award the staff 40 hours of annual leave. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

### **Budget**

Ms. Jurgensen reported that personnel costs are shifting. She stated that Mr. Leggett proposed that county employees will absorb increased costs related to health insurance from the current policy that the county pays. She noted that there were no furloughs planned for FY12.

Specific to the Board of Elections, the County Executive's recommended budget includes election judge staffing equal to a gubernatorial primary election (no greeters, etc.), relocation from non-government owned polling places, no funding for staff training, thirty percent reduction in temporary personnel, fifty percent reduction in overtime, as well as reductions in sample ballot and legal fees.

### **Voter Registration**

Ms. Jurgensen reported that Voter Registration is currently processing applications. She stated that Ms. Dorsey sent the March 1, 2011, statistical report to the Board previously and noted that it is also posted on our website. Ms. Jurgensen noted that staff is in the process of training students to serve as voter registrars in their schools as part of the Student Member of the School Board Elections. She reported that the petition for the

Green Party has been received, completed, and was returned to the State Board of Elections on Monday, March 28, 2011. Ms. Jurgensen noted that a copy of the Green Party petition report is in the packet.

### **State Board of Elections**

Ms. Jurgensen reminded the Board that they need to file their State Ethics form by April 30, 2011. She noted that the State Board informed the Directors that the recent events in Japan may have impacted the State's ability to replace the CMOS batteries in the EPBs. Ms. Jurgensen reported that BOE has completed testing of 1600 DREs and all passed.

Mr. Garson stated that he and Mrs. Kiraly attended an SBE meeting on March 24, 2011. He noted that there was discussion regarding the dead zones on the voting machines. Mr. Garson informed the Board that the SBE indicated that there was the possibility of reissuing instructions to the local Boards on conducting additional checks to touch multiple locations on the screen.

### **Legislation**

Ms. Jurgensen updated the Board on four pieces of legislation:

- **HB 561 / 765** – Requires exchange of voter registration information between State agencies and local Boards of Elections to ensure accuracy of the voter registration list. Passed Senate and awaiting House action.
- **SB 788 / HB 444**- Allows citizens who have not lived in the United States the right to vote. Passed the House and is scheduled for Senate hearing on April 1.
- **HB 257 / SB 225** - Permits voter to allow one or more persons less than age 18 to accompany them into the voting booth. Passed the House and waiting Senate Committee action.
- **HB 671 / SB 820** - Changes Maryland Election dates to comply with the Federal MOVE Act. (Presidential Primary will be held on first Tuesday of April and the Gubernatorial Primary will be held on the last Tuesday of June.) Measure passed the House and the Senate moved the bill onto the floor last week.

### **Census**

Mrs. Harris reported that the State Legislature will have a special session to discuss Congressional districts. She noted that she will keep the Board informed as she receives information. Ms. Jurgensen reported that the final census numbers have been received and State planning is working with them.

## **Facility Issues**

Ms. Roher reported that the bathroom floor drains have been fixed. She stated that the minor problem with the HVAC remains in the vents in Administration and continues to be worked on as personnel are available.

## **Board Attorney Report**

### **Signature Verification**

Mr. Karpinski discussed signature verification and described different scenarios with the Board. Mrs. Kiraly questioned the signature verification process and differences between the Doe decision and new standard. After a brief discussion on the need for detailed procedures from the State regarding signatures on petitions, Ms. Jurgensen suggested that staff review old petitions for signature variations. The Board agreed and directed staff to develop several scenarios for the State Board and Attorney General to use when developing the new procedures. Mr. Garson thanked staff for the work performed on the petitions.

## **Pending Issues**

### **Petition Fund Report**

Mr. Karpinski stated that the County Attorney recommended that the County Council be requested to develop legislation to cover the loophole in Campaign Finance Filings relating to local petitions for referendum. A motion was made by Mr. Garson requesting that Mr. Karpinski draft the letter. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

## **Old Business**

### **Election Review**

#### **Election Judge Recruitment and Training**

Ms. Hatch reviewed handouts provided in the packets regarding Election Judge recruitment and training. She stated that there will be election judge orientation sessions that will introduce voters to the Election Judge Program and screen those who apply. Ms. Hatch noted that it has become necessary to screen the adequacy and appropriateness of persons applying to ensure staff selects the best suited individuals. She discussed and reviewed the process of online training and informed the Board that it is intended to be used in conjunction with in-person hands-on training and not as a replacement or stand alone training program.

the ballots. Ms. Jurgensen stated that a factor in the State Board of Elections decision to mail the special 8<sup>th</sup> District Congressional ballot also resulted in much duplication. She noted that lessons were learned and new procedures are in the process of being developed to manage this issue and will be discussed at the planning session for 2012. Ms. Jurgensen stated that it should be noted that other local Boards of Elections placed all ballots requiring duplication aside for the second and third canvass. Additionally, duplicating ballots in other counties was performed without the Board of Canvassers reviewing each ballot thus allowing staff to work all day Sunday duplicating ballots with the Canvass Board members provided with only ballots needing clarification of voter intent and direction to staff.

### **IT report**

Ms. Jurgensen reported that the voting units deployed were tested in accordance with State regulations and performed within the industry standards. She stated that all voting units were adequately secured. She stated that mandatory reports related to the voting units had been completed and the Voting System Integrity Report compliance was 98%, the EPB Security Compliance Report was 95.5%, and the Provisional Certificate Compliance Report was 98.8%.

### **Polling Place Support**

Ms. Jurgensen reported that the League of Women Voters reviewed the placement of signs and notices required by the SBE. She stated that issues identified included bilingual judges not wearing a bilingual sticker identifying their second language. Ms. Jurgensen informed the Board that this was the result of the quality of the ID label - it appeared to roll off fabric easily - staff has upgraded the labels to eliminate this problem in the future. She reported that the common site issues were parking, building temperature, and requests for more signage.

### **Calls from the Public and the Attorney Complaints:**

Ms. Jurgensen reported that the 100 foot electioneering rule remains an issue across the county. She stated that the Board will need to review the polling locations as part of the Census and propose 100 ft rules.

Ms. Jurgensen reported that training issues will include the need to report party breakdown at specific intervals by Chief Judges as well as focusing on the voter signature for provisional ballots in addition to ensuring that a voter is never turned away without the opportunity to cast a provisional ballot. She explained that this is a difficult issue as calls are received from voters provided with the provisional ballot who refused to vote the ballot. Ms. Jurgensen reported that calls from citizens begin with, 'I was refused the opportunity to vote' – and noted when she or Mr. Karpinski called the polling place, in nearly every instance, they learned the voter was offered a Provisional Ballot, but refused to vote it, demanding to vote on the Touchscreen.

## **Election Judge Reports**

Ms. Hatch provided a presentation to the Board on analysis of the 3,658 comment cards received during Early Voting in the 2010 General Election. She noted that staff has not yet tabulated the comment cards received from Election Day.

\*\*\*Mr. Sullivan disconnected at 3:31 p.m.\*\*\*

## **MC311 Lessons Learned**

Ms. Roher reported that she and Mrs. Jurgensen met with MC311 to learn their concerns with continued coverage of the phone lines. She stated that minor changes were made to our IVR message as a result. Ms. Roher reported that the current procedure is that calls specific to voter registration or the confirmation mailing are routed to BOE staff and callers who select the 0 option from any other place on the IVR menu are directed to MC311 for assistance. She stated that staff will review the process in early January after it has been determined whether a BOE Call Center is viable for the Primary Election.

## **2010 Election Wrap Up**

Ms. Jurgensen provided a final summary of 2010 election issues.

## **Voter Registration**

Ms. Jurgensen stated that the average voter registration form is processed within two to four days after it arrives at the Board. She added that proofing is one of the quality control steps and this process, identified by the State Legislative Audit Committee as a best practice, remains our best effort to minimize common typographical mistakes.

## **Absentee**

Ms. Jurgensen reported that there were numerous challenges in 2010. She stated that the SBE does not understand the number of absentee requests Montgomery County must process so staff is required to develop work-arounds to better serve our citizens. Ms. Jurgensen stated that the first mailing in the General Election was to 9000 voters. She reported that county voters represent 16% of the total voters in the State yet 23.6% of the returned voted absentee ballots for the State are from residents of Montgomery County.

Ms. Jurgensen reported that the introduction of domestic e-mail ballots resulted in over 6000 ballot documents needing to be duplicated for tabulation. She noted that the decision by the Canvass Board to process as many absentee ballots in the first canvass as possible to provide the political parties and candidates some firm numbers backfired. Ms. Jurgensen stated that the county was posting our partial results on our website but the State Board would not update partial absentee results. She informed the Board that State Officials did not check our website. Ms. Jurgensen explained that this was disappointing. Despite repeated efforts by her and the Board members, no elected representative came to our location to observe the canvass process and the impact of the required duplication of

### **Early Voting**

Ms. Jurgensen reported that the MCBOE expended the least amount of monies of the jurisdictions required to have 5 Early Voting sites. Ms. Jurgensen reported that BOE conducted the Early Voting Centers in a highly efficient manner. She stated that voters were processed in 95% of the cases within 5 minutes of walking into the facility, while on the last day of Early Voting, in the last half hour, there were lines for voting at some locations. Ms. Jurgensen reported that parking was a problem because candidate or candidate representatives would park in places closest to the door thereby crowding out voters from parking spaces. She noted that some voters complained of the feeling of being swarmed by candidates when approaching the early voting site but an assertive response to advocates worked well if used by the voter.

### **Sample Ballot**

Ms. Jurgensen stated that the sample ballot in the primary presented new challenges for the staff because of a program change in the vendor software related to the U S Postal Service's National Change of Address (NCOA) which automatically changed the address to the updated address; the Maryland law requires the Board to mail to the address on file. The issues were resolved for the General Election. She noted that complaints from voters at the address where sample ballots were sent expressed concern about voter fraud because of the inactive voters who receive sample ballots as registered voters at the same address. Ms. Jurgensen stated that this issue has been resolved with the action of the State Board to remove inactive/cancelled voters who failed to vote in the previous two federal elections (2006/2008) from the voter rolls.

### **New Business**

#### **Election Judge Recruiting for 2012**

Ms. Hatch reviewed and discussed her handout on Election Judge Recruitment and the FY12 Outreach Schedule. She stated that staff typically tries to attend large well-attended community events because they afford the best opportunity to interact with the public. Ms. Hatch noted that outreach events allow BOE to get into the community and talk about the program and its opportunities.

### **Report on the Executive Session**

The Montgomery County Board of Elections convened in Executive Session at 4:10 p.m., pursuant to State Government Article, Sections 10-508(a), 10-508(a)(13), and 10-508(a)(14) to discuss personnel and 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, Nahid Khozimeh, Mary Kiraly, Margaret Jurgensen, Sara Harris, Leslie Hatch, Marjorie Roher, Kevin Karpinski, and Renee Adams.

## **Personnel**

Ms. Hatch discussed Election Judges who are recommended to the Board as not eligible for hire.

## **Peer to Peer**

Ms. Hatch discussed the Peer to Peer process.

## **Executive Session Minutes**

Ms. Roher distributed minutes from the February 28, 2011, Executive Session for review.

## **SBE MOU and Bills**

Mr. Karpinski and Ms. Roher updated the Board on the status of the inquiry.

There were no other items discussed in Executive Session.

A motion was made by Mrs. Kiraly 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 4:47 p.m.

## **Executive Session Minutes**

A motion was made by Mrs. Kiraly to approve the Executive Session Minutes from the February 28, 2011, meeting as submitted. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

## **Not Eligible for Hire**

A motion was made by Mrs. Khozeimeh to approve the Not Eligible for Hire list of persons who served as election judges provided by Ms. Hatch. The motion was seconded by Mrs. Kiraly and carried unanimously.



## Future Meetings

Staff will make a recommendation for the June meeting dates at the April 25 meeting.

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

## Adjournment

With no further business, a motion was made by Mrs. Kiraly to adjourn the meeting. The motion was seconded by Mrs. Khozeimeh and carried unanimously. The meeting was adjourned at 4:48 p.m.

**APPROVED**

Respectfully submitted,

*Marjorie M. Roher*

Marjorie M. Roher  
Management & Budget Specialist III

APPROVED BY THE BOARD:



Jerrold S. Garson  
Board President