

APPROVED

September 26, 2011

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

In Attendance:

Board Members:

Mary Ann Keeffe, President
Donice Jeter, Vice President
Nancy Dacek, Secretary
Graciela Rivera-Oven
Nahid Khozeimeh
David Naimon
Lucia Nazarian

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Director
Sara Harris, Deputy Election Director
Susan Campbell, IT Contractor
Betty Ann Lucey, Voter Registration Manager
Marjorie Roher, Management and Budget Specialist III
Christine Rzeszut, Operations Manager
Shafiq Satterfield, IT Technician I
Gilberto Zelaya, Outreach Coordinator
Lisa Merino, Election Aide II

Guests:

Holly Joseph
Doug Mainwaring
Adol Owen-Williams
Barbara Sanders

Ms. Keeffe 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.

Mrs. Dacek reminded the Board that it was Mrs. Nazarian's last meeting and expressed her gratitude for Mrs. Nazarian's dedication and efforts. Ms. Keeffe thanked Mrs. Nazarian and wished her well.

Additions/Changes to the Agenda

Ms. Keeffe stated that there were no changes to the agenda distributed.

Approval of the July 25, 2011, Minutes

Minutes from the July 25, 2011, meeting were distributed for review. Mrs. Nazarian requested that the first paragraph under New Business be amended to read: "...Polling Place Support Program cost related to the League of Women Voter's contract with the Board of Elections and ...". A motion was made by Mrs. Khozeimeh to approve the July 25, 2011, minutes, as amended. The motion was seconded by Mrs. Dacek and carried unanimously.

Ms. Roher introduced Lisa Merino to the Board. Ms. Merino has been hired to provide assistance to administrative staff.

Website Review

There was extensive discussion of the BOE website, with several suggestions on how to make the site more user-friendly and informative to voters.

Mrs. Rivera-Oven reported back to the Board that there was nothing that we could do now to change the website until the County completed its impending enhancements. After speaking to a County official, Mr. Naimon said that it was his understanding that there was someone at the County office who could assist us in reviewing our site for possible changes under the current template. Mrs. Dacek cautioned the Board to proceed slowly before making any changes and that any proposed changes should not be made until the County completed work on its website. She said that there would be plenty of time to make changes before the election. Ms. Keeffe and Mr. Naimon disagreed, however. Mrs. Khozeimeh asked what was wrong with the existing site. Ms. Keeffe pointed out that in comparison to the State Board of Elections (SBE) site and other Board of Elections (BOE) sites, ours seemed less eye catching and had less content and voter information. Ms. Jurgensen asked what the Board would want to add to the site. Ms. Keeffe used the example of the Bylaws which were on the State's website but not on ours. Ms. Jurgensen said that the Bylaws would be added once they were approved. Mr. Naimon said that he would get the name of the person at the County who could review our site. Mrs. Rivera-Oven, in collaboration with Mr. Satterfield, agreed to further review the possibility of website changes.

Election Director Reports

Budget

Ms. Jurgensen reported that staff has not yet received the FY 2011 year-end report, and stated that Ms. Roher would discuss the budget. Ms. Roher reviewed a spreadsheet with updated

operating expense account balances for FY 2011. After reviewing the handout, Ms. Keeffe asked where the projected surplus had come from and Ms. Roher explained that it was due to three issues: less money used for election judges in the Primary Election, SBE invoices were less than budgeted, and the county's fiscal situation prohibited additional spending. Regarding the current fiscal year (FY 2012) Ms. Roher stated that approximately 1% of the operating budget for this fiscal year has been used on attorney's fees, supplies, printing, and mail, and approximately 15% of the personnel budget has been used to date. Mr. Naimon asked why there was no information on FY 2012. Ms. Jurgensen explained that Montgomery County changed from its mainframe based financial system to an Oracle based system and the FY 2011 report has been delayed as a result. She noted that year-end figures are typically available by September.

Voter Registration

Ms. Jurgensen informed the Board that monthly statistics were posted and notifications e-mailed to the Board. A non-profit organization did a mass mailing which resulted in some LBE's noticing that voter's first names were missing from the voter registration record. Ms. Jurgensen stated that a staff person is attending the JAD session for the next three days to identify functionality issues with the State voter registration database. Ms. Keeffe commented that each county may have different problems and asked how many problems Montgomery County has noted. Ms. Jurgensen responded that the County had identified 30 non-functional elements including, but not limited to, petitions, absentee (universal problems) petitions module, election judge module, overseas voter, and e-mail vote. The County has also requested 45 enhancements plus numerous cosmetic changes. Mr. Karpinski questioned whether staff had requested that a line be added for additional petition signatures and Ms. Jurgensen stated that she would check. Ms. Jurgensen also noted that the new Voter Registration Card format has been released by the State for mailing.

State Board of Elections

Ms. Jurgensen reported that she met with the State Board of Elections in August regarding the ballot layout process and a potential RFP for an automated process.

Ms. Jurgensen informed the Board that staff provided the State Board with English-Spanish phrases to be utilized in election materials. This project began in 2010 in response to disagreements by members of the community regarding the correct wording used in ballot translations. Ms. Jurgensen stated that the list was shared with Section 203 Committee members, Prince Georges County Board of Elections staff, members of the public, as well as with Board member Mrs. Rivera-Oven who volunteered to review the translated information prior to completion.

Ms. Jurgensen stated that future dates have been established with SBE for further review of the proofing process and other requirements for audit standards. She noted that the deadline for ballot certification is January 23, 2012, and Military/Overseas ballots will be posted February 17, 2012.

Ms. Jurgensen reported that the SBE met with Montgomery County and two other counties regarding the possibility of a pilot program for an automated vote by mail process. Montgomery County was invited to participate in the program in the past but chose not to because of the election timeline. Ms. Jurgensen stated that this program is used in other larger jurisdictions. SBE is in the process of developing an RFP for public notice and discussion was held regarding the LBE's timelines and details based on the State's previous experience.

Montgomery County emphasized the need for daily mailing of absentee ballots and the need to begin mailing them 25 days prior to an election. In response to a Board question, Ms. Jurgensen explained the automated process to the Board. She reported that a decision would be made at the State level by the October meeting.

Ms. Jurgensen noted that the SBE released the Absentee Request Form for 2012. She informed the Board that SBE had received the updated software for the EPB's and once testing is complete LBE's will be expected to update the poll books. SBE is expected to deliver the new server to LBE's and she is recommending testing should be conducted via a mock election to minimize problems on Election Day.

Ms. Jurgensen noted that SBE released a new provisional manual. Ms. Jurgensen stated that the SBE had approved proposed Early Voting Centers. Staff is currently testing connectivity at all sites.

Petitions

Mr. Karpinski reported that there are two petition cases pending: the Dream Act and the Libertarian appeal. Mr. Karpinski also reported that there is a petition currently being circulated in Montgomery County which deals with the Fraternal Order of Police Collective Bargaining Agreement as well as two other petitions for Charter Amendments being circulated by Robin Ficker. One petition is on energy and the other is to abolish Collective Bargaining. Mr. Karpinski then explained the procedures for Charter Amendment and Local Law Referendum.

GIS Interface

Mrs. Harris briefly explained the GIS interface and then introduced Susan Campbell, an IT Contractor. Ms. Campbell explained that the Street File is the backbone of the voter registration data and must be interfaced with the GIS system. Ms. Campbell informed the Board that the GIS interface has incurred many difficulties updating street files from our local Board. She reported that the loss of a functioning GIS module or the ability to run GIS interfaces without SBE's involvement is a great concern. Ms. Campbell noted that in July staff provided SBE with a GIS schedule beginning on August 2, 2011, and concluding on August 11, 2011. She reported that GIS was unable to process the file because it was missing critical fields. Ms. Campbell contacted staff at SBE explaining the problem with exporting the file. After continuous unsuccessful attempts to import the file into MDVoters, the SBE decided to run the process in their environment and it imported successfully. The vendor, ES&S, could not explain why the process worked at the State and vendor level but not at the local Board.

Ms. Campbell stated that it may be necessary for Montgomery County to run weekly or bi-weekly GIS interfaces over several weeks to implement all of the boundary and precinct changes. She stated that it would be difficult for BOE to be successful with redistricting efforts if there is a reliance on SBE for assistance. Ms. Campbell added that in order to meet our redistricting deadlines we must have a fully restored, functioning version of the GIS interface module. Ms. Keeffe questioned what could be done. Ms. Jurgensen suggested that the Board write a letter to SBE requesting that Montgomery County have control over our GIS system and functionality as in the past. The Board requested that Ms. Jurgensen prepare a letter for SBE and that it be given to Ms. Keeffe for review.

Board Attorney Report

Electioneering Boundary Lines at Riderwood and Similar Facilities

Mr. Karpinski updated the Board on issues discussed at the July Board meeting in reference to Riderwood and the no electioneering boundaries. He briefed the Board on a previous case relating to the 100' no-electioneering zone where it was determined that electioneering was a constitutional right. Ms. Keeffe asked if there were any other facilities like Riderwood. The Board discussed Asbury, The Promenade, and Arcola Towers. Mrs. Dacek agreed that those sites should be inspected due to security concerns. Mr. Karpinski suggested that the staff and a few Board members visit these sites and meet with appropriate facility staff to evaluate the layout to allow some level of access to electioneers. Mr. Naimon asked about the possibility of being able to credential the individuals electioneering at the sites. Ms. Jurgensen agreed to set a meeting date with the four locations and Mrs. Rivera-Oven and Mrs. Dacek agreed to visit the sites with Ms. Jurgensen and Mrs. Rzeszut before the November Board meeting.

Mr. Karpinski also reported that there is no prohibition for a candidate to serve as a challenger or a watcher. He explained to the Board the rules for challengers and watchers.

Bylaws

Mr. Karpinski stated that the new Board will need to pass the Bylaws. He explained that once approved by the Board, the Bylaws would be sent to SBE to review any amendments. Mrs. Dacek stated that the Bylaws were put in place in 2010. Mr. Naimon proposed additions and revisions to the Bylaws under the Political Activity Section 4.2, item numbers 3, 4, 5, 6, 7, and 8 (Attachment A). The Board discussed the proposed Bylaws in detail accepting numbers 5, 6 and 7 as presented.

- Item 3 was accepted with the removal of "or his/her spouse."
- Item 4 was not accepted; Mrs. Dacek, Mrs. Khozeimeh, Mrs. Jeter, and Mrs. Rivera-Oven voiced opposition and Ms. Keeffe noted that this revision wasn't even required by the Hatch Act.
- Item 9 was deemed unnecessary.

During discussion, the Board requested that number 8a be revised to state "Members may **not** sign a petition." Mr. Karpinski was requested to forward the revised proposed amendments to the SBE for review (Attachment B).

Old Business

2012 Presidential Primary Election Preparation

New 25'-100' Electioneering Boundary

Mrs. Rzeszut presented a power point presentation reviewing electioneering boundaries for 30 precincts which were in question. Twenty-two of the staff's recommendations were accepted as presented.

Precinct electioneering boundaries to be changed:

- (04-16) Wootton HS – move right boundary in 25’
- (09-03) Brown Station ES – ensure adequate lighting with MCPS
- (09-15) Watkins Mill ES – ensure activation of push plates with MCPS
- (10-01) Potomac Methodist Parish House - move right boundary in 10’
- (13-04) Takoma Park ES – lock secondary exterior exit to eliminate confusion by voters

Precinct electioneering boundaries which require further review:

- (05-17) Fairland School Center
- (05-23) Marilyn J. Praisner Community Recreation Center
- (09-28) Asbury

Mrs. Khozeimeh and Mrs. Jeter volunteered to accompany Mrs. Rzeszut and staff on site visits before accepting electioneering boundary change recommendations. A motion was made by Mrs. Dacek to accept staff recommendations, as amended above, with the exception of precincts 05-17, 05-23, and 09-28 which the Board will review. Mrs. Khozeimeh seconded the motion and it carried unanimously. The Board commended the staff for their work.

Redistricting

Mrs. Harris updated the Board on future meetings regarding redistricting. She reported that the General Assembly is scheduled to meet October 17, 2011, and the County Council Redistricting Commission’s report is scheduled on the County Council Agenda for October 11, 2011. She noted that the Governor’s Redistricting Advisory Committee has held public hearings within the State.

New Business

Media Plan

Ms. Roher described her position and role as Public Information Officer as well as the role of the Board with regard to press releases, media interviews, early voting, and canvasses. She then distributed a schedule of future press releases. Ms. Keefe stated that the Bylaws indicate the President is the media spokesperson and requested that all press releases be provided to her for review in the future. There was a discussion as to the placement of BOE ads on television and the staff was asked why it only used Comcast for its BOE community outreach and had they ever considered using Verizon Fios? Ms. Roher recalled that Verizon had been looked into in the past and stated that she would investigate the cost of Verizon and provide their regional breakdown and report back to the Board.

Election Judge Outreach Events

Ms. Jurgensen reported that the following outreach events are scheduled:

October 1st Taste of Bethesda and Germantown Oktoberfest

October 8th National Federation of the Blind (voter registration, recruiting & TS unit demo) Long Branch Library, 2:00 p.m.

October 9th Kentlands Oktoberfest

October 12th Montgomery County Council Town Hall Meeting

November 5th Military Family Appreciation Month (White Flint Mall) 11:00-4:00pm

Mrs. Rivera-Oven recommended that the BOE consider attending the World of Montgomery Festival on October 16, 2011 for outreach to the Latino community. She volunteered to staff the BOE's Election Judge booth if her recommendation was accepted. Ms. Jurgensen agreed to look into participating in the festival.

Election Calendar

Ms. Jurgensen reviewed the election calendar with the Board. Mr. Naimon asked about the canvass schedule and commented that there are religious holidays during the canvass process. Ms. Jurgensen noted his concern and explained that the legislature was made aware of the issue and decided to proceed with the scheduled dates. Mr. Karpinski added that not all Board members need to be present for each day of the canvass. Ms. Jurgensen then briefly explained the canvass process to the Board.

Future Meetings

Ms. Roher reviewed future meeting dates with the Board:

- A. October 24, 2011
- B. November 19, 2011 – 10:00 a.m. – *tentative*
- C. November 20, 2011 – 1:00 p.m. – *tentative*
- D. November 21, 2011
- E. December 3, 2011 – 10:00 a.m. – *tentative*
- F. December 4, 2011 – 1:00 p.m. – *tentative*
- G. December 19, 2011 – *tentative*

Ms. Campbell, Mrs. Lucey, Mrs. Rzeszut, Mr. Zelaya, Ms. Joseph, Mr. Mainwaring, Mr. Owen-Williams, and Barbara Sanders left the meeting at 5:35pm

Report on the Executive Session

A motion was made by Mrs. Dacek to convene in Executive Session. The motion was seconded by Mr. Naimon and carried unanimously.

The Montgomery County Board of Elections convened in Executive Session at 5:40 p.m., pursuant to State Government Article, Sections 10-508(a)(1)(i), 10-508(a)(2), 10-508(a)(7), 10-508(a)(13), and 10-508(a).

The Montgomery County Board of Elections met in closed session on this date. The following members of the Board and staff were in attendance: Mary Ann Keeffe, Donice Jeter, Nancy Dacek, Graciela Rivera-Oven, Nahid Khozeimeh, David Naimon, Lucia Nazarian, Kevin Karpinski, Margaret Jurgensen, Sara Harris, Marjorie Roher, and Lisa Merino.

Executive Session Minutes

Ms. Roher distributed minutes from the July 25, 2011, Executive Session for review. Mr. Naimon asked what happens to the approved Executive Minutes and Ms. Roher explained that they are kept in a secure file with a copy provided to Legal Counsel.

Department of Justice Project Civic Access

Mr. Karpinski updated the Board on the Department of Justice's Project Civic Access.

Update Regarding Registered Voter's Inquiry of Voting History

Mr. Karpinski provided the Board with information regarding a recent request for a voter's history.

Confidential Voters

Mr. Karpinski reported that there are two pending requests to become a confidential voter. A list of all current confidential voters was distributed to the Board for review.

Equal Opportunity Commission's Decision Regarding Employment Termination Discrimination

Mr. Karpinski updated the Board on a discrimination case.

Mrs. Harris and Mr. Karpinski left the room at 5:58

Legal Counsel Selection

Mrs. Dacek updated the Board on interviews for Legal Counsel.

A motion was made by Mrs. Dacek 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 6:01 p.m.

Executive Session Minutes

A motion was made by Mrs. Khozeimeh to approve the Executive Session minutes from the July 25, 2011 meeting as submitted. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

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 6:03 p.m.

APPROVED

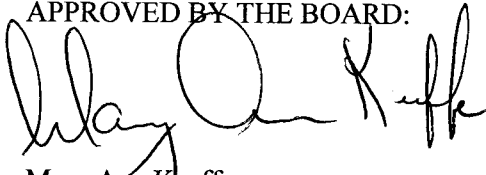
Respectfully submitted,

Marjorie M. Roher

Marjorie M. Roher

Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keffe
Board President

Section 4.2 – Political Activity

B. Additional requirements.

3. A member may attend campaign fundraisers held by candidates, political parties, or ballot issue committees in any election for which the member will be serving on the local board of canvassers provided the member ~~does not~~ pay for his/her own ticket for the event and the member does not publicly indicate that he or she is a member of the board.

Comment [N1]: This would prevent Board members from accepting tickets or free admission to a fundraiser from someone with an interest in the election.

4. A member may ~~not~~ make campaign contributions to candidates or committee issues on the ballot in an election for which the member will be serving on the local board of canvassers.

Comment [N2]: This may be the most controversial proposal, since it would ban future campaign contributions to those who are on the ballot in MC, but former Board President Sam Statland made a good point to me about how it looks if the Board has to rule on something relating to those candidates to whom we contributed.

5. A member may ~~not~~ in Montgomery County publicly display (including yard signs, bumper stickers, etc.) or comment to show support for or opposition to candidates or issues on the ballot in any election for which the member will be serving on the local board of canvassers unless the board is notified.

Comment [N3]: Publicly displaying a sign in DC or VA or commenting in a way that MC voters would see should not be allowed, whether or not the display is in MC and whether or not the Board is notified.

6. ~~A member~~ Members may not wear in Montgomery County campaign paraphernalia that shows support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local board of canvassers unless the member discloses this fact to the board.

Comment [N4]: Just a grammatical change to make all of the provisions refer to an individual member.

7. Party Activity

a. ~~A member~~ Members may attend party central committee meetings and may consult with party members.

Comment [N5]: Wearing campaign paraphernalia in a way that MC voters would see should not be allowed, whether or not the display is in MC and whether or not the Board is notified.

b. ~~A member~~ Members may not serve on an executive committee of the party or assume a role within the party that has decision making authority.

Comment [N6]: Just another grammatical change to make all of the provisions refer to an individual member.

8. Petitions

a. Members may sign a petition

b. A member may not circulate petitions.

9. Substitute Members

For the purposes of this section, a substitute member of the Board is considered to be a member of the Board, and one who will be serving on the local board of canvassers.

Comment [N7]: Just another grammatical change to make all of the provisions refer to an individual member.

B. Additional requirements.

3. A member may attend campaign fundraisers held by candidates, political parties, or ballot issue committees in any election for which the member will be serving on the local board of canvassers provided the member pays for his/her own ticket for the event and the member does not publicly indicate that he or she is a member of the board.

Comment: This would prevent Board members from accepting tickets or free admission to a fundraiser from someone with an interest in the election.

Deleted: in Montgomery County

4. A member may make campaign contributions to candidates or committee issues on the ballot in an election for which the member will be serving on the local board of canvassers.

Comment: Publicly displaying a sign in DC or VA or publicly commenting in a way that MC voters would see should not be allowed, whether or not the display is in MC and whether or not the Board is notified.

Deleted: unless the board is notified

5. A member may not publicly display (including yard signs, bumper stickers, etc.) or publicly comment to show support for or opposition to candidates or issues on the ballot in any election for which the member will be serving on the local board of canvassers.

Comment: Just a grammatical change to make all of the provisions refer to an individual member.

Deleted: M

6. A member may not wear campaign paraphernalia that shows support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the local board of canvassers.

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7. Party Activity

a. A member may attend party central committee meetings and may consult with party members.

Comment: Wearing campaign paraphernalia in a way that MC voters would see should not be allowed, whether or not the display is in MC and whether or not the Board is notified.

Deleted: unless the member discloses this fact to the board

b. A member may not serve on an executive committee of the party or assume a role within the party that has decision making authority.

Comment: Just another grammatical change to make all of the provisions refer to an individual member.

Deleted: M

8. Petitions

a. A member may not sign a petition

b. A member may not circulate petitions.

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Comment: Just another grammatical change to make all of the provisions refer to an individual member.

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Comment: Another grammatical change to make all of the provisions refer to an individual member.

Comment: To be consistent with the rules above, Members should not be able to sign a petition, which is a public show of support for one side in an election.

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