

October 26, 2011

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

APPROVED

In Attendance:

Board Members:

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

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Director  
Sara Harris, Deputy Election Director  
Marjorie Roher, Management and Budget Specialist III  
Christine Rzeszut, Operations Manager  
Leslie Woods, Administrative Specialist II  
Shafiq Satterfield, IT Technician I  
Gilberto Zelaya, Outreach Coordinator  
Lisa Merino, Election Aide II

Guests:

Adol Owen-Williams  
Barbara Sanders

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

**Report on Executive Session**

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

The Montgomery County Board of Elections convened in Executive Session at 2:31p.m., pursuant to State Government Article, Section 10-508(a)(1)(i), 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, Jacqueline Phillips, Margaret Jurgensen, Sara Harris, Marjorie Roher, and Lisa Merino.

\*\*\* Mr. Karpinski left the room at 2:31p.m. \*\*\*

### **Legal Counsel Selection**

Mrs. Dacek updated the Board on interviews and final recommendation for legal Counsel.

\*\*\* Mr. Karpinski entered the room at 2:42p.m. \*\*\*

### **Executive Session**

Ms. Roher distributed minutes from the September 26, 2011, Executive Session for review. Mr. Naimon requested that changes and amendments be made to Executive Session Minutes.

### **Fiscal Year 2013 Budget**

Ms. Jurgensen and Ms. Roher presented a power point presentation. Ms. Roher distributed and reviewed a budget spreadsheet to the Board. The Board reviewed the spreadsheet and had a lengthy discussion.

No other items were discussed in Executive Session.

A motion was made by Mrs. Jeter 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 3:40 p.m.

\*\*\* Mrs. Rzeszut, Mr. Zelaya, Mr. Satterfield, Mr. Owen-Williams and Ms. Sanders entered the room at 3:40 p.m. \*\*\*

### **Board Attorney Contract**

A motion was made by Mrs. Dacek to retain Kevin Karpinski as legal counsel extending his contract through June 2013. The motion was seconded by Mrs. Khozeimeh and carried unanimously. Ms. Keeffe congratulated Mr. Karpinski on his continued position as Board Attorney.

### **Executive Session Minutes**

A motion was made by Mrs. Khozeimeh to approve the Executive Session Minutes from the September 26, 2011, meeting as amended. The motion was seconded by Mrs. Rivera-Oven and carried unanimously

## **Public Comments**

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

## **Additions/Changes to the Agenda**

Ms. Jurgensen stated that there have been changes to the Agenda. Under item XI New Business - Future Vote Presentation, and 2010 Section 203 Report has been removed from the agenda. Ms. Jurgensen noted that reports for both items were sent out in the advance packet earlier this month.

## **Approval of the September 26, 2011, Minutes**

Ms. Roher stated that she received an e-mail late last night requesting changes to the minutes from Mr. Naimon and due to time constraints the changes were not applied prior to the meeting. Ms. Roher stated that a change on page 3 line 7 ...Mr. Naimon questioned, will be changed to Mr. Naimon asked as explained in Executive Session. Mrs. Dacek, Secretary of the Board, expressed her concern on the focus on non substantive words or phrases being changed. Mrs. Dacek commented that the minutes should be a summarized record of discussions and actions taken, not a transcript of the meeting. She stated that there have been 3 to 4 iterations of the minutes, and many people have different writing styles. Ms. Keeffe agreed that the minutes should not be a transcript however, did not agree with Mrs. Dacek's comment about writing styles. Ms. Keeffe expressed concern with inaccuracies with the minutes and would like for them to be more reflective of the meeting, so that when the minutes are posted to the website anyone would be able to capture the overall sense of the meeting. Ms. Keeffe recommended that in order for the minutes to be accurate they should be written sooner and be done right the first time, Mr. Naimon agreed. Mrs. Khozeimeh noted Mr. Naimon's concern. Mr. Naimon requested additional changes to the minutes, Ms. Roher noted Mr. Naimon's change on page 5 line 10, changing question to asked, also page 5 under Bylaws line 5 additionally adding number 5 to 6 and 7 as presented. Ms. Roher also noted a change on page 7, line 2, under Election Calendar adding religious in front of holiday. A motion was made by Mrs. Khozeimeh to approve the September 26, 2011, minutes as amended. The motion was seconded by Mrs. Jeter and carried unanimously.

\*\*\* Ms. Woods entered the room at 3:47 p.m. \*\*\*

## **Board Attorney Report**

### **Bylaws**

Mr. Karpinski noted that a copy of the Bylaws was sent to Ms. Phillips with Mr. Naimon's recent proposed amendments. Mr. Karpinski briefly explained the amendments sent to Ms. Phillips were already discussed and amended by Board members in the previous meeting. Mr. Karpinski reported that he sent the proposed amendments to Ross Goldstein at the State Board of Elections. After speaking with Mr.

Goldstein, and reviewing the proposed changes, Mr. Goldstein commented that once amendments were submitted to SBE he didn't see a problem with the State accepting the proposed amendments by the Board.

Mr. Naimon requested an amendment to Bylaws Section 4.2 - B. Additional Requirements number 4, adding that a Board member may not host a political event or solicit a political contribution from anyone or allow his/her name to be used to solicit such contribution. Ms. Phillips expressed concern and questioned Mr. Naimon's proposed change. After an in depth conversation the Board came to agreement that a member may not use his or her name as a host in or at a political event. Mr. Karpinski stated that he would send a copy of changes to Mr. Naimon to see if the language is correct before submitting amendments to SBE. A motion was made by Mrs. Khozeimeh to accept the Bylaws as amended the motion was seconded by Ms. Keeffe. Mrs. Jeter, Mrs. Dacek, Mrs. Khozeimeh, Mr. Naimon, and Ms. Philips all voted in favor of the amendment to the Bylaws and Mrs. Rivera-Oven abstained. The motion carried. A motion was made by Mrs. Jeter to accept the Bylaws as amended. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

### **Website Review**

Ms. Jurgensen reported on the updates made to the Board of Elections website. Ms. Jurgensen noted that staff has consulted with the Montgomery County Department of Technology Services (DTS) Manager tasked with the make-over of the county website. The plan for conversion remains to start in 2012. The Dept of Technology Services will commit to provide staff to assist in building the necessary templates for the Board of Elections. Utilizing the design that staff has created it would then launch on August 1, 2012, with a soft launch on July 1, 2012. The Board of Elections staff will need to prepare all data for the site in English and Spanish.

Ms. Jurgensen stated that the Board of Elections staff will be unavailable beginning January 13, 2012, as the ballot preparation and equipment preparations commence. The Board staff is required to prepare 7 ballot faces in two languages, optical scan and touch screen. Ms. Jurgensen stated that we will deploy 900 Electronic pollbooks and 2,600 voting units that will need to be prepared for Election Judges training, Early Voting and Election Day. The Board of Elections staff will convert in 2012 upon completion of the mandatory post election audit and post election equipment maintenance. Ms. Jurgensen stated that our expectations are that staff will connect with DTS for all quality control checks.

Ms. Jurgensen introduced Mr. Satterfield who presented a power point presentation. Mr. Satterfield reviewed with the Board the Montgomery County website as it currently exists beginning with the opening page. He reviewed the current template and described those elements that are inflexible, such as the left column of the site. He showed several sites such as the Health and Human Services site pointing to the elements that are static. Mr. Satterfield opened the Board of Elections website and reviewed the changes to the current website. The review included addition of the picture of the Statue of Liberty, the hyperlinks in a table format on the upper right corner of the page with links to voter registration documents, the Election Judge document, the Board information page, Facebook and Montgomery Election Alerts and the Spanish translation

button. Ms. Keffe requested to change the hyperlink for the Election Judge Questionnaire to be renamed as Election Judge Application and staff stated the change would be made. Ms. Jurgensen explained the County is encouraging the utilization of the social media venues such as Facebook and when the 2012 election is closer it will be used with greater frequency by voters. Mr. Naimon requested the hyperlinks to be reconfigured and Early Voting information to be added to the site now. Staff agreed to make the changes now and update after the municipal elections on November 8, 2011. The current layout is to place the most frequently requested information to the most visible portion of the elections web page. The staff explained that due to space limitation to the current template design to add links within the cells would push the balance of the web page down and into the right column. The shifting of various cells will push data around on the web page. Ms. Jurgensen stated the requested changes on the Board of Elections website would be made and completed by November 9, 2011.

Mr. Satterfield then stated the new template for the county that is expected to be implemented in 2012. The new template administrator lies with the County Department of Technology Services as the system administrator for maintaining the enterprise folder. The next tier allows the site administrators access to define templates, scripts, images and management of folders. The site administrator is permitted greater flexibility to request changes to the Web Portal Change Control Board. Mr. Satterfield displayed and described the flexibility of the new web portal design; he announced the new portal would allow for smart phone utilization and creation of applications for utilization by the community. The plan is to implement this change by August 1, 2012, with the completion of the quality control and linkages check.

Ms. Keffe thanked Mr. Satterfield for the wonderful job he has done improving the site within the limits of the County regulations.

## **Election Director Reports**

Ms. Jurgensen made three announcements:

The posting of the temporary positions of Election Aide I and II are now posted to the County Human Resources website which includes job descriptions for positions.

The Board of Elections staff adopted Linkage to Learning for the Community Service Project. Linkages to Learning is a school-based mental health and social services program. The staff donated nearly 2000 diapers and a dozen coats to this organization. This is the County's 25<sup>th</sup> Anniversary of the Community Service Day.

The Board of Elections was notified officially on October 25, 2011, that the County remains subject to the bilingual election requirements of Section 203 of the Voting Rights Act with respect to Hispanic heritage. Ms. Jurgensen reported to the Board that in 2008, our bilingual program for compliance with Section 203 of the Voting Rights Act was recognized as a "Best Practice" by the General Accounting Office (GAO).

## **Budget**

Ms. Jurgensen reported that the current budget remains relatively on track with the exception of overtime that has been required for petition signature verifications. Ms.

Keeffe questioned the need for overtime to complete petitions. Ms. Jurgensen stated the need for overtime is due to the 20 day deadline that the County Charter requires for completion of petitions. Mr. Karpinski then explained in detail the work and difficult process involved in the completion of petition verification. Mr. Karpinski suggested that he would talk to the petitioner's lawyer to determine if they would agree to extend the time for completion of the petition to prevent overtime. Mrs. Rivera-Oven expressed concern in the overtime making an impact on the current budget.

Ms. Jurgensen stated that Ms. Roher would discuss the budget. Ms. Roher stated that the County has still not closed out Fiscal Year 2011 and no actual figures are available to the Board. Ms. Roher stated she has an estimated account of the budget available for the Board which shows an anticipated surplus of just under \$800,000.

Ms. Roher reported on the first quarter of the Fiscal Year 2012 and provided the Board with a spreadsheet. Ms. Roher noted that this is an estimate and actual numbers will not be available until Fiscal Year 2011 closes. Ms. Roher reported that approximately 5% of the temporary employee budget, 10% of the overtime budget, 1% of the operating budget had been spent for a total expenditure of approximately 5% for the first quarter. Ms. Roher stated that she and Ms. Jurgensen met with the Office of Management and Budget the past week, and they are aware of the budget constraints at Board of Elections.

### **Voter Registration**

Ms. Jurgensen noted that monthly statistics were posted and notifications e-mailed to the Board. Ms. Jurgensen announced that voter registration to the residents of City of Rockville, City of Gaithersburg and the City of Takoma Park are closed due to their upcoming Municipal Election on November 8, 2011. Ms. Jurgensen stated that Voter Registration staff at BOE will be assisting the local municipalities and all overtime costs will be reimbursed to the County.

Ms. Jurgensen reported that BOE received a petition referendum of County Bill 18-11 (an act to modify the scope of bargaining with the certified representatives of police employees). Ms. Jurgensen noted that 12 individuals have been assigned to process petitions.

### **State Board of Elections**

Ms. Jurgensen reported that Maryland State Board of Elections held a mandatory meeting for the local Board of Elections on October 18, 2011. Ms. Jurgensen reported the meeting was to review the redistricting process, she stated that State Law 9 MD SS 2-303 (b) requires that a precinct boundary line and polling place shall be set 13 weeks prior to the primary elections day. Ms. Jurgensen stated that the Maryland Voter Registration system and campaign finance Electrack must have the data entered into the system before December 22, 2011 because the State voter registration system will be shut down for upgrade and maintenance beginning December 23, 2012, through January 2, 2012. Ms. Jurgensen informed the Board that the State Board of Elections will need to perform a data transfer from the old campaign finance system. The State Board met with local Boards informing that deadlines will not be altered unless ordered by the Judiciary. Ms. Jurgensen noted that she has not seen any official reports or filings on the legal challenges to the redistricting plan.

Ms. Jurgensen updated the Board on the Automated Vote by Mail project. She stated that a request for proposal was released and pre-proposal conference was held in accordance with the State of Maryland procurement rules. The deadline to submit the RFP is October 31, 2011. Ms. Jurgensen stated that she would inform the Board in November of the status of the proposal.

Ms. Jurgensen reported on the Electronic Poll books (EPB's). She stated that SBE is working on the identified functionality issues and enhancements for the EPB's. Ms. Jurgensen reported that SBE met with Verizon to address problems with their infrastructure pertaining to issues with counties with more than one early voting center. The transmission of data from Early Voting Centers to SBE server is leading to synchronization issues within the Early Voting Centers, the 5 County Centers, other LBE's and the State server.

Ms. Jurgensen reported that SBE is working with Towson University to create map driven results and will be posting results from Global Elections Management System data transferred to the website via a VPN every 15 minutes. Ms. Jurgensen reported that the SBE website will be updated providing current data continuously beginning election night and after each canvass. Ms. Jurgensen added that SBE staff reports that new reporting software will be tested in the Baltimore City Elections.

Ms. Jurgensen reported that the SBE announced that the call center will continue for the 2012 Election. She stated the call center will be open during voting hours during early voting and Election Day. Ms. Jurgensen noted that the call center phone number will be placed on the sample ballot and other documents mailed close to the election.

Ms. Jurgensen noted that the audio in English and Spanish for all jurisdictions will no longer be performed in Texas or Nebraska improving the turnaround time for ballot production.

## **GIS**

Ms. Jurgensen reported that Anne Arundel County will begin to use the GIS module for the County interface for redistricting. Ms. Jurgensen introduced Mrs. Harris, Deputy Director of Montgomery Board of Elections. Mrs. Harris reported that no substantial changes have been made since September's Board Meeting report. She stated that concern has continued with the flexibility to run the redistricting as needed. Mrs. Harris stated that the Board of Elections expects a file import to occur on October 27, 2011, and has notified the State Board of Elections regarding the same.

## **2012 Presidential Primary Election Preparation**

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

Ms. Leslie Woods, Administrative Specialist II, reported on the Election Judge Training Plan. Ms. Woods stated that training sessions are usually 2-4 hours depending on position; Chief Judges are given more detailed training because of their need to know and provide information to voters and election judges. Ms. Woods reported that election judges are given 2 types of training which has improved their performance and has positive feedback from voters. New election judge training is a traditional class room

format with lecture and hands on training consisting of election judge manuals, workbooks, job guides, video clips and quizzes. Returning election judges training consists of 15 minutes session on any new processes or items. Ms. Woods stated that that State Board of Elections requires local boards to test/quiz all potential 2012 election judges. Ms. Woods reported that once election judges have passed training it typically takes 1 week to 10 days until an election judge is assigned a polling place but, because of redistricting, election judges will not know their polling place until February 2012. Ms. Keeffe asked what percentage of election judge's return. Ms. Woods stated that this number is unknown and very unpredictable; however, since January 2011 BOE has recruited 1,300 election judges to date.

### **Media Plan**

Ms. Roher reviewed a handout of planned media releases with the Board. Ms. Roher reported with a \$10,000 budget, less \$2,000 required for advertisement placement in the Gazette, Comcast has come up with 2 options for the Board to review. Ms. Roher stated that option 1 will potentially reach 535,886 households and option 2 will potentially reach 533,580 households. Ms. Roher stated that because the Board of Elections has used Comcast for many years, Comcast offered BOE a 15% discount to help stay in budget. Ms. Roher stated that the demographics used were 18 to 35 year olds, male and female and high Spanish viewer ship channels. After reviewing the handout Ms. Keeffe questioned the choices and selection for both options. She stated that there are companies that could carefully choose the right channels to target voters. Mrs. Rivera-Oven questioned Telemundo being the highest rated Spanish channel. Ms. Roher responded that because Univision and Telemundo are considered a global transmission, they cannot be targeted to specific Counties. Mrs. Rivera-Oven noted that it would be a good idea to ask for more money next fiscal year for media outreach. Ms. Roher noted that she would contact Univision and Telemundo to verify how many spots could be purchased and for how much and report back to the Board.

### **Old Business**

#### **Redistricting**

Mrs. Harris and Mrs. Rzeszut presented a power point presentation and handouts to the Board. Mrs. Harris reviewed with the Board a colored outlined map of redistricting lines, and a legal description. Mrs. Harris noted that all voting members of the Board will be briefed and will need to direct staff in November 2011 on what changes will be drafted to modify precinct boundaries with a sign off by the Board by December 2011. Mrs. Harris reported that there are an estimated 80 boundary lines to be potentially modified in some way and that 30 to 40 precincts are expected to be affected. Mrs. Harris stated that maps, tax records, site visits and multiple resources are used in preparation of proposed changes. Mrs. Harris recommended that because each Board member will have to review and sign all legal descriptions, teams are to be organized as follows: Ms. Keeffe and Mrs. Dacek, Mrs. Jeter and Mrs. Khozeimeh, and Mrs. Rivera-Oven and Ms. Phillips, with Mr. Naimon being on call. Mrs. Harris informed the Board that between November 6 and 7, the Board will receive information and maps from the Board of Elections. By November 14 all maps are to have been reviewed with legal descriptions. On November 21, a concurrence of Board members for the boundaries and



legal descriptions will be established. The Board concurred that a public hearing will be held on November 19, 2011 at 10:00 a.m.

### **Election Calendar**

Ms. Keeffe requested that the Election Calendar be reviewed at a later date.

\*\*\* Mrs. Dacek, Mr. Owen-Williams left the room at 6:00p.m. \*\*\*

### **New Business**

#### **MC5-12- Vote by Mail for Special Elections**

Ms. Keeffe requested that this item be put on December's Agenda.

Ms. Jurgensen stated that other items had been placed in the packet for the Board to look over - Multicultural Outreach Committee, Future Vote and Section 203 Outreach.

### **Future Meetings**

Ms. Roher reviewed future meeting dates with the Board:

- A. November 14, 2011
- B. November 19, 2011 – 10:00 a.m. – *Executive Function / Public Hearing*
- C. November 21, 2011
- D. December 3, 2011 – 10:00 a.m. - *tentative*
- E. December 4, 2011 – 10:00 a.m. - *tentative*
- F. December 12, 2011

### **Adjournment**

With no further business, a motion was made by Mrs. Khozeimeh to adjourn the meeting. The motion was seconded by Mrs. Rivera-Oven and carried unanimously. The meeting was adjourned at 6:11 p.m.

**APPROVED**

Respectfully submitted,

*Marjorie M. Roher*

Marjorie M. Roher

Management & Budget Specialist III

APPROVED BY THE BOARD:

Mary Ann Keeffe  
Board President

