

APPROVED

December 12, 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 Khozeimih
David Naimon
Jacqueline Phillips

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Director
Sara Harris, Deputy Election Director
Betty Ann Lucey, Registration Manager
Marjorie Roher, Management and Budget Specialist III
Christine Rzeszut, Operations Manager
Leslie Woods, Election Judge Coordinator
Gilberto Zelaya, Outreach Coordinator
Lisa Merino, Election Aide II

Guests:

Phil Alperson
Barbara Sanders

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

Public Comments

Ms. Keeffe asked if anyone wanted to address the Board. Ms. Roher stated that no one had requested to do so in advance. Ms. Merino stated that Mr. Phil Alperson would like to address the Board.

Mr. Alperson, from Precinct 13-14, St. Luke's Lutheran Church, expressed concern with the proposed merging with Precinct 13-66. Mr. Alperson stated that as a county employee he understands the budget constraints. He stated that his main concern with the merger is the access to the polling place, noting that Sligo Creek splits the precincts and makes it virtually impossible to access easily. Mr. Alperson added that the only way to reach the polling place is to cross the Beltway. Mr. Alperson requested that the Board reconsider the merger and suggested using Grace Episcopal Church as a polling place again, since it is now ADA compliant. He stated that most voters would be able to access Grace Episcopal Church with ease. Ms. Keeffe thanked Mr. Alperson for his comments.

Additions/Changes to the Agenda

Ms. Jurgensen requested that 3 motions be added under Old Business during redistricting. Ms. Keeffe agreed.

Approval of November 21, 2011, Minutes

The Board reviewed the Minutes from the November 12, 2011 Board meeting. A motion was made by Mrs. Dacek to approve the minutes as submitted. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

Board Committee Reports

Ms. Keeffe stated that there were no new reports to present.

Election Director Reports

Budget

Ms Jurgensen reported that the budget has been impacted by the petitions and redistricting process. She stated that temporary staffing levels for the upcoming election will be adjusted accordingly after all changes have been processed from the last petition and redistricting. Ms. Jurgensen reported that Mrs. Harris, and Ms. Roher will meet with her before the next Board Meeting to adjust staffing levels.

Ms. Roher reported that she is currently working on the budget submission for the next fiscal year, and stated that there continues to be no final information for the FY11 budget or any updates on the FY12 budget.

Ms. Keeffe asked for more detail on staffing. Ms. Jurgensen responded that there will not be as many temporary employees hired for voter registration and absentee due to the amount of funds spent on petitions and redistricting.

Ms. Keeffe asked if there was an ability to appeal to the County for more funds. She expressed concern with potential voter confusion due to redistricting and the need for elections to have enough funding. Ms. Jurgensen stated that BOE in the past conducted business using supplemental budget submissions. However, with the reduction in revenues, the County Council has made it clear that the majority of available funds would be allocated to education, with general government receiving the least. Ms. Jurgensen stated that staff reported to the Budget Director the need for an increased budget for redistricting and election judges. Ms. Jurgensen stated that she and Ms. Roher have been documenting how much money is spent on petitions and redistricting. Ms. Roher stated that she continues to be in contact with the Office of Management and Budget, and recently asked if money could be transitioned from one line to another. They stated that they would wait for the 2nd or 3rd quarter analysis to make a decision on reallocating funds. Ms. Roher added that the cuts made this fiscal year have been very significant. Ms. Keeffe stated that she is very pleased that Ms. Jurgensen and Ms. Roher are documenting funds spent on petitions and redistricting.

Referencing the Department of Defense's recent grant to the State for the absentee mail project, Ms. Phillips asked if, since one-third of the absentee ballots are processed in Montgomery County, the State could allocate one-third of the grant money to the County. Several other Board members concurred with Ms. Phillips. Ms. Jurgensen responded that depends on

how the grant has been worded. The Board and staff continued to discuss possible grant allocations. The Board requested a copy of the federal grant be sent to them to make a determination on whether to move forward with a request to SBE. Ms. Jurgensen agreed to request a copy and forward the grant to the Board.

Voter Registration

Ms. Jurgensen reported that the petitions received resulted in 4,000 address changes that are now being processed. She stated that staff is also processing the voter registration changes that were set aside due to the petition deadline. Staff will process all changes received before November 30, 2011 by December 9, 2011. Ms. Jurgensen reported that MDVoters was upgraded over the weekend and the system was down until noon today. She stated that voter registration expects to be current with processing all requests by December 20, 2011, unless staff experiences additional functionality issues with MDVoters. Ms. Jurgensen reported that the staff expects all changes from the petitions to be completed by the end of January, 2012.

State Board of Elections

Ms. Jurgensen reported that an Automated Vote by Mail contract has been awarded by the State Board of Elections. She stated that the State's procurement process is complete and Runbeck Election Services was selected for the automated absentee ballot mailing process. They will print, prepare, and mail all absentee ballots – at a reduced postage rate. Ms. Jurgensen reported that the evaluation committee consisted of Ross Goldstein, Donna Duncan, and Sara Harris, with Nikki Trella and Bobbie Payne serving as advisors. Ms. Jurgensen stated that the committee's ranking and selection decision in favor of Runbeck was unanimous. She added that Runbeck was selected due to its demonstrated experience with this type of project, its favorable financial proposal, and the fact that it generally appeared ready to accommodate Maryland election practices. Ms. Jurgensen reported that Runbeck already does this project for Maricopa County, Arizona, which is the eighth largest county in the Country. She was pleased to report that staff received a glowing evaluation from the Maricopa election officials about Runbeck and the quality of its services. Ms. Jurgensen stated that Runbeck clearly understood all aspects of the project, and presented a strong understanding of postal requirements. She stated that Runbeck had proposed direct shipping to Maryland so that the mail can be dropped directly in the Maryland postal stream. She added that the first project management plan was submitted this morning for the three counties selected to pilot it for the Primary Election and a conference call is scheduled for Friday, December 16, 2011, at 10:00 a.m. to discuss the plan. Ms. Jurgensen stated that this is a great project which will ultimately save a lot of money. Ms. Keffe asked which three counties are participating and Ms. Jurgensen responded they were Anne Arundel, Kent, and Montgomery County.

Conference Call

Ms. Jurgensen reported that Directors have submitted numerous questions for consideration by the AG's office on the matter of redistricting. She stated that the directive from SBE is to move forward with the redistricting, submission of the polling place locations and precinct boundary lines. She reported that the SBE staff is expecting all precinct changes in the system by December 22, 2011, as the system will be down from December 23, 2011 through January 2, 2011.

Campaign Finance

Ms. Jurgensen reported that the State Board of Elections will have a training session on December 20, 2011, at the Montgomery County Board of Elections Office, to train campaign staff, candidates, treasurers, and other interested parties on the latest version of campaign finance software.

Board Attorney Report

Petition Cases

Mr. Karpinski stated that he has sent a copy of the Montgomery County's petition of judicial review to all the Board members. Mr. Karpinski stated that he has been in consultation with Marc Hansen, the County Attorney and Mr. Shurberg and they have requested a copy of the petition, which has been provided to them. Mr. Karpinski stated that, after consulting with Ms. Keeffe, he has told Mr. Hansen that he will accept service of process on behalf of the Board of Elections. Mr. Karpinski reported that it was agreed that no action on his part will be taken until the County evaluates the petition and determines whether it will pursue the action. Mr. Karpinski stated that he has received phone calls from the Fraternal of Police attorney and if the case proceeds forward, they will request to intervene to protect their interests. He stated that in January he will have a better idea if the case will move forward or not.

Mr. Karpinski updated the Board on the Dream Act case, stating that the case is proceeding in the Circuit Court in Anne Arundel and that the plaintiffs have dropped a challenge to the signature issue. Mr. Karpinski reported that the Libertarian and Green Party cases are currently in the Court of Appeals and the Court is in the process of issuing a briefing schedule.

Redistricting

Mr. Karpinski updated the Board on the redistricting case. He reported that Judge Titus ordered that a 3 judge panel be appointed to hear the case. He added that Judges Paul Niemeyer, Roger Titus and Alexander Williams have been assigned and briefing has already begun. Mr. Karpinski stated that a hearing date is set for December 20, 2011, from 10:00 a.m. to 1:00 p.m. to hear arguments and testimony. Mr. Karpinski reported that there have been special interest groups like the NAACP and ACLU that have intervened to submit amicus briefs in the case.

2012 Presidential Primary Election Preparation

Media Outreach

Ms. Roher reviewed revised public service placement options with the Board. She reported that she had made contact with Telemundo and Univision, noting that both service announcements would go to the entire metropolitan area rather than just Montgomery County. Ms. Roher stated that when advertising goes out through Comcast, it also goes out through Verizon television channels and internet services. She noted that half of the advertising done is in English and the other half in Spanish, with all channels having equal air time. Ms. Roher reported that according to Comcast, NICK has the highest Hispanic viewer demographic. She noted that if the Board were to decide to go with Telemundo and Univision, it would reduce the budget for Comcast as well as reducing the coverage area for advertising locally. Ms. Roher suggested that the Board not move forward with advertising on Telemundo and Univision at this time, due to budget constraints, with the anticipation of making changes when additional funding becomes available. Ms. Keeffe asked for the total budget allocated for media outreach. Ms. Roher responded that \$10,000.00 was allocated, with \$2,000.00 reserved for print advertising which is legally mandated, leaving \$8,000.00 for media. Ms. Keeffe inquired about being able to change the packages in any way, including time of day advertising is shown. Ms. Roher responded that she would contact the companies to find out what the cost would be if options were arranged differently. Mrs. Rivera-Oven thanked Ms. Roher for the time and effort she has put into the media outreach proposal. Mrs. Rivera-Oven expressed her belief that the Board needs to use Telemundo or Univision for advertising, indicating that there clearly is a need to reach out to Hispanic voters. She added that it is our responsibility to make sure that the information gets out to the community in the right way and to the right demographic.

Ms. Roher asked Mr. Zelaya to approach the table to discuss the outreach program that he coordinates with the Hispanic community. Mr. Zelaya stated that he has gained good contacts with many local media coverage outlets, including Galavision, Univision, Telemundo, and various news anchors and receives significant press coverage for free due to these relationships. Mrs. Jeter inquired about reducing the 40 Telemundo spots to decrease costs. The Board had a lengthy discussion regarding the use of Telemundo or Univision. Ms. Jurgensen asked that the Board allow staff to try to come up with another proposal using Telemundo as an option at a reduced price. Ms. Dacek requested that NICK be one of the channels removed. Ms. Keeffe stated that she would like the media outreach to be able to reach communities that are not aware of the voting process. Mrs. Jeter was opposed to the removal of NICK as an option. The Board requested that Comcast Option #1 (ESPN) be revised and Telemundo's proposal be reduced to a budget of \$1,200.00 to \$1,500.00.

Old Business

Redistricting

Ms. Jurgensen thanked the Board members, Board Attorney, staff and County GIS's office for completing the process so quickly. Ms. Jurgensen stated that the staff presented the changes to the Board on November 14th, posted the proposed changes on the BOE website November 15th, held a public hearing on November 19th, followed by a Board meeting on November 21, 2011, at which time the Board authorized the staff to commence writing the legal descriptions to meet the Legislative mandate for precinct boundaries modified in the 2011 Special Session. Ms. Jurgensen stated that during the week of December 5th, Mrs. Jeter and Mrs. Khozeimeh assisted staff in the preparation and proofing of documents and added that she also confirmed with Mr. Karpinski that the format for all the legal descriptions was in order. Ms. Jurgensen stated that the Board was sent a copy of the 14 exceptions heard at the November 19th Board meeting. The Board and staff discussed all 14 precinct locations and estimated voter numbers. Ms. Jeter clarified that, including St. Luke's Church, there would actually be 15 exceptions. The Board and staff discussed Precinct 07-12 (Bethesda Library) in reference to location and parking and Ms. Jurgensen asked Mr. Naimon about the status of his inquiry to using BethEl Temple as a polling place. Mr. Naimon responded that he had made contact but, following a conversation with Ms. Keeffe in which she indicated that the staff had identified another suitable alternative, had withdrawn the request.

Ms. Jurgensen and staff recommended that Precincts 04-27 and 04-09 be relocated to one site, but still be maintained as individual precincts to utilize Meadow Hall Elementary more effectively. She added that that election judges from Twinbrook Library Precinct 04-27 pleaded to relocate the precinct due to very low turnout. She noted that in the 2008 General Election only 261 voters appeared all day.

Ms. Jurgensen reported that the staff plans to update the Board of Elections website by Thursday, December 15th with the new polling places for the 2012 Election Cycle. She added that staff will begin the process of entering the data into MDVoters over the next several days. Ms. Jurgensen stated that State Board staff will work with BOE staff to begin updating the polling place and precinct data to reflect the new boundary lines on the GIS interface on December 20th. Ms. Jurgensen added that all final maps will be generated by December 30, 2011. Ms. Jurgensen noted the following dates:

MDVoters D&P/Polling Place Data is updated	Tue 12/13/11	Wed 12/14/11
MDVoters GIS Interface Process to run	Wed 12/14/11	Fri 12/23/11
Final Maps and Related Products are generated	Wed 12/14/11	Fri 12/30/11
Post 2012 Polling Place List to Website and IVR	Mon 12/19/11	Mon 12/19/11
Voter Notifications for Affected Registrants are generated	Wed 1/4/12	Fri 2/10/12
Cleanup is Conducted, As Needed	Tue 1/3/12	Sun 2/12/12

Ms. Jurgensen stated that the staff would like to begin sending updated voter notification cards for over 2,000 voters in January 2012, if the Court upholds the redistricting plan. If they do not, all work will be placed on hold. Mr. Karpinski stated that it's unclear what the outcome will be at this time. He stated that the Court could theoretically redraw the boundary lines in a way that they think is constitutional or could send the matter back to the General Assembly. Mr. Karpinski stated that the Board and staff should continue to proceed with the proposed redistricting boundary lines until told otherwise. Mr. Karpinski recommended that when the new polling places are listed on the BOE website that a disclaimer be added noting that there is pending litigation and changes may be made according to court ruling. Ms. Keeffe asked if the date for posting the polling places could be changed to December 21, 2012, pending court outcome, still posting a disclaimer. The staff concurred.

Ms. Jurgensen stated that all legal descriptions that will be signed today have all been proofed 4 or more times by different groups for accuracy.

A motion was made by Mrs. Dacek to move Precinct 04-27 and Precinct 04-09 to vote at Meadow Hall Elementary School but as two separate precincts. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

A motion was made by Mrs. Khozeimeh to accept the list of polling places submitted to the Board for the Polling Places for the 2012 Election. (See Attachment A) The motion was seconded by Mrs. Dacek and carried unanimously.

Ms. Jurgensen stated that staff will mail notices of polling place locations to impacted voter, and place prominent signs at the old location with the name and address of new polling places sites (COMAR 33.15.03.02).

A motion was made by Mrs. Dacek to adopt the new legal descriptions for those precincts changed in the redistricting process. (See Attachment B) The motion was seconded by Mrs. Jeter and carried unanimously.

*** Mr. Karpinski left the meeting at 4:10 p.m. ***

Mrs. Harris explained the signing process to the Board members, adding that folders will be handed in groups of 5 to be signed. Ms. Keeffe, Mrs. Dacek, Mrs. Jeter, Mrs. Khozeimeh, Mrs. Rivera-Oven, Mrs. Harris and Ms. Jurgensen signed 67 legal descriptions.

*** Board members signed documents***

Ms. Jurgensen announced that Sara Harris will be retiring. She stated that Ms. Harris will continue as a contract worker through the year while the position is filled. Ms. Harris stated that she will be retiring on December 31, 2011.

Ms. Jurgensen stated that Mr. Satterfield has had a tragic death in the family, and is currently out of town. Ms. Keeffe asked if anything was being done for him. Ms. Jurgensen responded that once Mr. Satterfield returned she would discuss with him any arrangements and then convey the information to the Board.

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 4:31 p.m.

Respectfully submitted,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:

Mary Anne Keefe
Mary Anne Keefe
Board President

APPROVED