

March 19, 2012

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 River-Oven  
Nahid Khozeimeh  
David Naimon  
Jacqueline Phillips

**Legal Counsel:**

Kevin Karpinski

**Staff:**

Margaret Jurgensen, Election Director  
Sara Harris  
Betty Ann Lucey, Registration Manager  
Marjorie Roher, Management and Budget Specialist  
Christine Rzeszut, Operations Manger  
Lisa Merino, Election Aide II

**Guests:**

Janet Isaac  
Dolly Kildee  
Barbara Sanders

**Convene Meeting and Declare Quorum Present**

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

**Public Comments**

Ms. Keeffe asked if anyone had requested to address the Board. Ms Roher stated there was a last minute request from Barbara Sanders of the Women League of Voters. Ms. Sanders expressed concern with the Congressional redistricting and asked if precinct boundary maps would be available. She suggested that a Congressional District Boundary map be posted at each polling place for voters

to visually see the changes made. Mrs. Sanders added that she understands the time and effort, as well as the financial burden this may cause. She noted that she is aware comment cards will be placed at each polling place for use if any complaints arise with redistricting issues.

Ms. Jurgensen stated that boundary maps are put into each polling place's red security bag, which is then placed on the Chief Judges table. Ms. Jeter asked if smaller maps of the Congressional District were available and if the maps could be added to the judge tool kit. Ms. Jurgensen stated that they could be available but that all 500 bags were already packed. Ms. Keeffe and Ms. Dacek acknowledged that it might be too late to add the maps. Ms. Jurgensen stated that all the judge tool kits had been printed and assembled and were in the process of being mailed. She agreed to talk to Ryan White, the polling place supply coordinator, about the possibility of adding the maps to the Chief Judge supplies. Ms. Keeffe thanked Ms. Sanders for her comments and noted that the Board will work with staff to make appropriate decisions.

Mr. Naimon asked what would be done with the comment cards regarding redistricting issues. Ms. Jurgensen stated that the comment cards have five questions pertaining to the performance of election judges as well as a space for any additional comments. They will be reviewed after the election and then kept on record.

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

Ms. Keeffe asked if there were any changes or additions to the Agenda. Ms. Jurgensen requested that an Executive Session be added to the Agenda and a discussion on polling places be added under Old Business; Ms. Keeffe agreed.

### **Approval of February 27, 2012, Minutes**

Minutes from the February 27, 2012, Board meeting were distributed for review. Ms. Roher noted the changes made to the minutes that morning. A motion was made by Mrs. Dacek to approve the minutes. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

### **Board Committee Reports**

Ms. Keeffe stated there were no reports; however, Mr. Naimon had a few questions regarding the website. Mr. Naimon asked at what point the website dashboard would be updated with the wait times for Early Voting sites. Ms. Jurgensen stated that it would be updated Saturday. He asked if the BOE website could have the Early Voting site locations and any pertaining information posted instead of redirecting voters to the SBE website where they have to search for the locations. Ms. Jurgensen responded that she would work with Mr. Satterfield to implement the change.

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## **Election Director Reports**

### **Budget**

Ms. Jurgensen stated that an email was sent to the Board notifying them that SBE omitted a candidate from the ballot in District 8. She added that all the Democratic Congressional District 8 sample ballots had to be reprinted, which SBE agreed to pay for. Ms. Jurgensen noted that all absentee and provisional ballots also need to be reprinted and repacked; all the touch screen unit memory cards had to be reprogrammed; logic and accuracy testing redone; and new paper work prepared for each precinct before the Public Testing on March 20, 2012. She stated that \$8,308 in overtime funds had been used to date. Ms. Jurgensen added that 160 residents from the nursing home program received ballots with the error. SBE required that a letter be sent to the participating Nursing Homes to determine whether they were interested in having staff return with the corrected ballot. The letter went out March 19, 2012.

Ms. Jurgensen stated that a conference call with SBE and other LBE Election Directors was held shortly after the error was identified. During the conference call SBE stated they would consider reimbursing the LBE's but the LBE's needed to document all expenses relating to the error. Ms. Keefe recommended that staff be as specific as possible to include overtime, mailing, transportation, and UOCAVA. Ms. Jurgensen added that a letter was sent to the Chief Administrative Officer and Budget Director to make them aware of increased overtime costs. She stated that SBE had sent military and overseas voters a second issue ballot which will be tabulated in the second Canvass. To date, 3,374 absentee ballots have been sent, of which 611 have been returned that will be counted in the second Canvass. Ms. Keefe asked if any other counties were affected. Ms. Jurgensen stated that Prince George's, Anne Arundel, Carroll, and Frederick Counties were also impacted.

Ms. Jurgensen noted that Voter Registration has been affected by overtime because of petitions, and Absentee will be going in to their busy time, with overtime hours increasing.

Ms. Roher reviewed spreadsheets for temporary and overtime expenditures and the FY12 Budget. She stated that the County Council Government Operations Committee will be meeting to review the FY13 budget on April 25 at 2:00 p.m. on the 7<sup>th</sup> floor Hearing Room of the Council Office Building.

### **Voter Registration**

Ms. Jurgensen stated that SBE pulled the State Voter file for Electronic Poll Books on Sunday and uploading will commence today. She added that a letter will be sent to those individuals who submitted a voter registration application which was received after the March 13<sup>th</sup> deadline. This letter will notify them that their request was not received by the deadline. She added that 871 voters are pending. Ms. Rivera-Oven requested Ms. Jurgensen clarify the pending registration application status. Ms. Jurgensen explained the requirements for registration verification and stated that the deadline to submit an absentee ballot request is Tuesday, March 27, 2012.

Ms. Jurgensen reported that fifty facilities participated with the BOE Assisted Living and Nursing Home program and that because of tight budget constraints, volunteers were used to facilitate the program. She recommends that a certificate be presented to each individual to thank them for their time.

Ms. Jurgensen reported that the first sample ballot mailing was sent and the second will be mailed this week. She stated that a new program referred to as OLVR (On Line Voter Registration), will launch July 1<sup>st</sup>.

### **State Board of Elections**

Ms. Jurgensen stated that SBE informed the BOE of the referendum on House Bill 438 – Civil Marriage Protection Act. SBE has provided a timeline for the referendum petition with one-third of the signatures due before May 31<sup>st</sup> and the remaining two-thirds before June 30<sup>th</sup>. She stated that new party and candidate petitions are due before August 1, 2012.

Ms. Jurgensen reported on State Legislation SB 1078, Online Absentee Ballot Delivery System, stating that it is the result of a grant the State received from the Department Of Defense. She stated the bill limits the use of the online absentee ballot delivery system to UOCAVA voters and voters with disabilities and clarifies that the ballot marking tool is exempt from certification. She added that the Election Assistance Commission provided a statement noting that a ballot marking device is exempt from the EAC certification requirements. Ms. Jurgensen noted that Legislation has been introduced by Roy Dyson, regarding which system is to be certified and clarification regarding whether the bar code is considered an identifying mark.

### **Petitions**

Ms. Jurgensen updated the Board on two new petition procedures. One is that the text of the bill must be printed on the back of each signature page and the other is that signatures without a date will not be validated.

### **Board Attorney Report**

#### **Petition Cases**

Mr. Karpinski stated that a hearing was held last week before Judge Johnson for the first of the three motions to dismiss on the basis that the County failed to exhaust its administrative remedies by not approaching the BOE and challenging the Board, rather than immediately seeking judicial review. He added that after a lengthy hearing, Judge Johnson denied the motion. The second motion to dismiss is for failure to transmit the administrative record within the time period permitted; and the third motion is to determine whether the County can be considered an aggrieved person to seek relief. A hearing will be held tomorrow at 9:30 a.m. Mr. Karpinski stated both parties were to answer any discovery documents by March 15<sup>th</sup>. Both the County and FOP requested an extension; BOE's response was timely. A hearing for discovery disputes will be held on April 10<sup>th</sup>. Mr. Karpinski noted that the County and FOP cannot decide who is subject to a deposition for each party.

Mr. Karpinski stated that a petition for cert had been filed in the Dream Act Case.

Mr. Karpinski reported that oral arguments for the Libertarian Case will be held on March 2<sup>nd</sup> and noted that the Board could watch them on their computer. No timetable has been issued for the Judges to issue their opinion.

## Redistricting

Mr. Karpinski stated that the *Fletcher vs. Lamone* case is still pending in the US Court of Appeals for the 4<sup>th</sup> Circuit which has issued an informal briefing (usually indicates a lack of interest). He reported that the companion case, *Olsen vs. O'Malley*, was dismissed with no appeal being noted as of today. He added that an order by the Court of Appeals regarding any Legislative District challenges must be done by May 1<sup>st</sup> and SBE has until May 31<sup>st</sup> to respond. Judge Wilner has been appointed as Special Master to preside over any challenges. Mr. Karpinski stated he would forward a copy of the order to the Board.

Ms. Keeffe asked if Montgomery County Board of Elections plans to depose anyone in the FOP Petition Case. Mr. Karpinski stated that the Montgomery County Board of Elections did not intend to depose anyone and in an effort to save costs he will not attend depositions but will attend all court hearings.

## 2012 Presidential Primary Election

### Media Outreach

Ms. Roher reported that since the February 27<sup>th</sup> meeting, media advisories have been distributed on extended voter registration hours, public testing of election equipment, media and candidate briefing, and sample ballots. She added that the final Primary Election media advisories will be distributed in the next couple of weeks on late, no excuse absentee ballots, Primary Election returns, and the Canvass schedule.

Ms. Roher provided a schedule on when Voter Registration PSA's ran last week on Telemundo, as well as Comcast's schedule for the current week. She added that spots on Comcast can air anywhere from 5 minutes before to 5 minutes after scheduled, or may be dropped out to due technical issues or live programming. Ms. Roher stated that Telemundo has been asked several times to provide her with a schedule of their upcoming PSA's but to date she has had no response. Ms. Keeffe asked if Mrs. Rivera-Oven could provide her contacts at Telemundo to Ms. Roher; Mrs. Rivera-Oven agreed. Mrs. Rivera-Oven stated that she saw the spots during prime time hours and was pleased; however, she contacted Telemundo because the voice over was not clear.

Ms. Roher stated that she has been working with Google representatives to activate the Ad words campaign and anticipates having it operational by the end of the week. The ads are targeted at women over the age of 40 and are triggered when someone fitting the demographic enters one of several words in the Google search engine. She noted this is the first attempt at using Google Ad Words and it is being done at no cost due to the combination of a promotional offer and short time period of activation. Ms. Roher stated that after the Primary Election, she will receive performance graphs showing the number of individuals reached, which will be used to determine whether we continue to use this in the future.

Ms. Roher reported that the Early Voting fliers have been forwarded to all local unions for distribution among their membership as mentioned in last months meeting. She noted that a media press guide was made available to the Board, and is currently on the BOE website for the press.

Ms. Keeffe thanked Ms. Roher for her efforts.

### **Election Judge**

Ms. Jurgensen stated that there are sixteen training classes running this week which are full to capacity. Recruitment has had 4,140 applications completed for individuals interested in serving and 1,159 have completed the first stage of the application process and been assigned to take the quiz. She added that sixteen polling places have no Spanish speaking election judges, but that Spanish interpreters will be available. Staff will be providing the Chief Judges access to the language phone line for assistance. Ms. Jurgensen provided the Board with a list of Election Judges that have committed to work on Election Day. She stated that approximately 1,847 judges have been assigned, with 506 still waiting for assignment, leaving a deficit less than 300. She noted that with full training classes this week, as well as staff working the phones to get more people, the number will change. Ms. Keeffe asked what the BOE is doing with outreach to students and those in local colleges. Ms. Jurgensen responded that Future Vote is established, but because so many students and families are on spring break, the response is low. She added that recruiters have reached out to Montgomery College and the University of Maryland in the past with low response. Mrs. Rzeszut stated that there have been numerous responses from college students interested in serving as an election judge, but not for the Primary due to spring break.

Ms. Keeffe asked if the posting of results can be broken down by party. Ms. Jurgensen stated that yes, they are posted twice a day by the Chief Judge, separated by party. Ms. Roher showed the Board the form used to report the breakdown by the Chief Judge.

Ms. Jurgensen stated that the Board members must have cell phones on from 6:00 a.m. to midnight on Election Day, in case of emergency. She reminded the Board members they will be receiving a supply bag for Election Day with their route, maps and contact phone numbers. Mrs. Dacek stated that it would be beneficial for new Board Members to attend an election judge training class before the General Election to get an overall understating of the Election Day process. Ms. Keeffe asked if the BOE will be providing a list of important phone numbers. Ms. Jurgensen stated that a list will be provided in the Board supply bag, and then briefly explained the process.

Mrs. Khozeimeh made a motion to authorize the Election Director to appoint the list of Election Judges to their polling places. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

### **Equipment Update**

Ms. Jurgensen reported that all touch screens to be deployed for Early Voting and Election Day have been tested and Logic and Accuracy completed. She added that units are now charging and staged for delivery as needed. Public Safety will perform their inspections on March 22, 2012. Ms. Jurgensen stated that the data pull occurred yesterday for the EPB's and became available to the LBE's this morning at 9:30 a.m. The LBE staff will begin the process of loading the Early Voting EPB's and then those for Election Day. She noted that iPads for use as an Early Voting contingency are being prepared and will be hand delivered if necessary.

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## **Old Business**

### **Electioneering Boundaries**

Ms. Jurgensen stated that Ms. Rzeszut was contacted by Mrs. Kipping from Leisure World, requesting that the Board consider changing the electioneering boundaries due to safety issues. The Board was provided a memo and diagram of the precinct. With regard to Precinct 13-69, Leisure World Clubhouse II, staff recommends that Leisure World block off five parking spaces in front of the entrance for the use of campaigners. Mrs. Dacek made a motion to adopt the staff's recommendations. The motion was seconded by Mrs. Khozeimeh and carried unanimously. With regard to Precinct 07-12, Bethesda Library, staff recommends that the electioneering boundary be moved due to overgrowth in area. A motion was made by Mrs. Khozeimeh to accept the staff's recommendations. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

### **Equipment Update (cont.)**

Ms. Jurgensen asked each Board member to randomly select three precincts for the 10% verification process required by State Law. She noted that the list will be revealed on Election Day, adding that staff will have to verify tapes and hand calculate results from each voting unit. Ms. Jurgensen briefly explained the process.

## **New Business**

No new business was discussed.

## **Future Meetings**

### **Board Calendar**

Ms. Jurgensen reviewed the Early Voting assignments for Saturday, March 24<sup>th</sup> with the Board. It was determined that Ms. Keeffe and Mrs. Rivera-Oven would be at Silver Spring Civic Building, Mr. Naimon and Ms. Phillips will be at Bauer Community Center, Mrs. Khozeimeh will be at the Executive Office Building, Mrs. Dacek will be at Germantown Community Center, and Mrs. Jeter will be at Praisner Community Center. Ms. Keeffe reminded the Board to wear their BOE badges when visiting Polling Places. Ms. Jurgensen presented the Board with Election Judge Manuals, and reviewed the information in the Chief Judge Tool Kit, noting that the BOE has received an award for the development of the tool kit.

- A. March 21, 2012 – Early Voting and Election Day Public Testing – 10:00 a.m. – 1:00 p.m.
- B. March 24, 2012 – Early Voting – 9:00 a.m. – 11:00 a.m. (Candidate/Media Briefing at 9:00 a.m.)
- C. March 24-29, 2012 – Early Voting (available by cell during voting hours)
- D. March 29, 2012 - Review Canvass Procedure 4:30 p.m. – 5:30 p.m.  
Supply Bag Check – 5:30 p.m. – 7:00 p.m.  
Early Voting – 7:00 p.m. – 10:00 p.m.
- E. April 2, 2012 – Polling Place Check – 6:00 p.m. – 9:00 p.m.
- F. April 3, 2012 – Election Day – (phones on at 6:00 a.m. coverage until midnight)
- G. April 5, 2012 – Absentee I Canvass Begins – 10:00 a.m. – 7:00 p.m.
- H. April 6, 2012 – Absentee I Canvass Continued – 10:00 a.m. – 7:00 p.m.
- I. April 11, 2012 – Provisional Canvass Begins – 10:00 a.m. – 7:00 p.m.
- J. April 12, 2012 – Provisional Canvass Continued – 10:00 a.m. – 7:00 p.m.
- K. April 13, 2012 – Absentee II Canvass Begins – 10:00 a.m. – 7:00 pm.
- L. April 16, 2012 – Board Meeting and Post Canvass 2:30 p.m.
- M. May 21, 2012 – 2:30 p.m.
- N. June 18, 2012 – 2:30 p.m.
- O. July 16, 2012 – 2:30 p.m.
- P. August 20, 2012 – *Tentative*
- Q. September 17, 2012 – 2:30 p.m.
- R. October 15, 2012 – 2:30 p.m. – Board Meeting and Early Voting Supply Cage Check
- S. October 19, 2012 – Early Voting Public Testing – 10:00 a.m. – 1:00 p.m.
- T. October 27, 2012 – Early Voting – 9:00 a.m. – 11:00 a.m.
- U. October 27– November 1, 2012 – Early Voting (available during voting hours by cell)
- V. October 29, 2012 – Election Day Public Testing – 9:00 a.m.
- W. November 1, 2012 – Review Canvass Procedure – 4:30 p.m. – 5:30 p.m.  
Supply Bag Check – 5:30 p.m. – 7:00 p.m.
- X. November 5, 2012 - Polling Place Check – 6:00 p.m. – 9:00 p.m.
- Y. November 6, 2012 – Election Day – (phones on at 6:00 a.m. coverage until midnight)
- Z. November 8, 2012 – Absentee I Canvass Begins – 10:00 a.m. – 7:00 p.m.
- AA. November 9, 2012 – Absentee I Canvass Continued – 10:00 a.m. – 7:00 p.m.

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

\*\*\* Mrs. Harris, Mrs. Lucey, Mrs. Rzeszut, Ms. Isaac, Ms. Kildee and Ms. Sanders left the room at 4:17 p.m. \*\*\*

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

The Montgomery County Board of Elections convened in Executive Session at 4:18 p.m., pursuant to State Government Article, Sections 10-508(a)(8) and 10-508(a)(13).



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, Nahid Khozeimeh, Graciela Rivera-Oven, David Naimon, Kevin Karpinski, Margaret Jurgensen, Marjorie Roher, and Lisa Merino.

Mr. Karpinski updated the Board regarding the FOP Petition lawsuit.

The Board reviewed Executive Session Minutes.

With no further business, a motion was made by Mrs. Khozeimeh to adjourn the Executive Session. The motion was seconded by Mrs. Jeter and carried unanimously. The Board reconvened in Regular Session at 4:56 p.m.

### **Executive Session Minutes**

Mrs. Jeter made a motion to accept the Executive Session Minutes as amended. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

### **Board of Canvassers**

Mrs. Khozeimeh made a motion to nominate Ms. Keeffe as Chair and Mrs. Dacek as Secretary of the Board of Canvassers. The motion was seconded by Mrs. Jeter and carried unanimously.

### **Adjournment**

With no further business Mrs. Rivera-Oven moved to adjourn the Regular Session. The motion was seconded by Mrs. Khozeimeh and carried unanimously. The meeting was adjourned at 4:59 p.m.

Respectfully Submitted,



Marjorie M. Roher  
Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keeffe  
Board President

