

July 16, 2012

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

APPROVED

In Attendance:

Board Members:

Mary Ann Keefe, President
Donice Jeter, Vice President
Nahid Khozeimeh
David Naimon
Jacqueline Phillips

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Election Director
Betty Ann Lucey, Voter Registration Coordinator
Brian McKeivitt, Offices Services Coordinator
Marjorie Roher, Management and Budget Specialist
Lisa Merino, Election Aide II

Guests:

Dolly Kildee
Cathy Kelleher
Barbara Sanders
Michael Subin
Catherine Trauernicht
Adol Owen-Williams

Convene the Meeting and Declare a Quorum Present

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

Public Comments

Ms. Keefe asked if there were any public comments; Ms. Roher responded Ms. Catherine Trauernicht from Election Integrity Maryland requested time to address the Board. Ms. Trauernicht stated Election Integrity Maryland had submitted challenges to the voter rolls of

Montgomery County Board of Elections on February 15, 2012, and she was present to obtain a status update. Ms. Jurgensen responded that staff had reviewed the list provided from Election Integrity Maryland, made necessary updates, and sent the results to the SBE. Ms. Trauernicht noted she had reviewed the February Board meeting minutes posted to the website, was aware of the report submitted to SBE, and wanted a copy of the report for Election Integrity Maryland. Ms. Keeffe and Ms. Jurgensen agreed to send a copy of the report to Ms. Trauernicht.

Ms. Phillips asked if when questions and concerns are submitted to the BOE, staff responds to them directly. Ms. Jurgensen stated typically there is no response directly to the individual. Ms. Trauernicht noted that a response from the BOE would help Election Integrity Maryland determine if the information they provide is accurate, or even helpful to the BOE. Mr. Naimon asked what sources Election Integrity Maryland uses. Ms. Trauernicht responded they use a database with public information and look at households that have six or more individuals registered to vote. Mrs. Khozeimeh stated she does not agree with the procedure that Election Integrity Maryland uses. Mr. Karpinski asked if Election Integrity Maryland uses www.tributes.com for research information. Ms. Trauernicht responded yes, to get obituary information which could then be used by the BOE to cancel a deceased voter.

Ms. Keeffe stated the BOE has a process to cancel a voter and public website information cannot be used. Ms. Jurgensen responded that regulations have been adopted by SBE regarding cancelling voters ninety days before an election without a death certificate and Montgomery County will continue to adhere to those regulations. Ms. Trauernicht submitted additional challenges for review. The Board thanked Ms. Trauernicht.

Additions/Changes to the Agenda

Ms. Keeffe noted Ms. Jurgensen will announce the new Deputy Director under item VII, Election Director Status Report. Ms. Jurgensen stated Mike Subin would address the Board regarding an election judge update and requested that the website be discussed under item XII, New Business. Ms. Keeffe agreed.

Approval of June 18, 2012, Minutes

Minutes from the June 18, 2012, Board meeting were distributed for review. A motion was made by Mrs. Khozeimeh to approve the minutes. The motion was seconded by Mrs. Jeter and carried unanimously.

Electioneering Boundaries

Ms. Jurgensen presented a power point presentation prepared by Mrs. Rzeszut with staff recommended electioneering boundary changes.

Early Voting Site 1 (see attachment 1A) - Bauer Recreation Community Center, staff recommended two entrances/exits. The main entrance (ADA compliant) is used for handicap access and the exterior entrance is used for the general public to avoid voters traveling through

the Center to access the polling room. Staff recommends the electioneering boundaries be moved out. The Board discussed options and decided to maintain the electioneering boundaries used in the Primary Election.

Early Voting Site 2 (see attachment 1B) – Germantown Recreation Center, staff recommended moving the boundary from 25 ft. to the designated location depicted. Ms. Jurgensen noted complaints from voters had been received regarding the boundary being too close. The Board discussed the boundary lines and Mr. Naimon requested that all lines depicted in the power point be cut in half. Ms. Keeffe agreed (78 ft. to 39 ft., 85 ft. to 42.5 ft. with the center island may be used in its entirety).

Early Voting Site 3 (see attachment 1C) – Executive Office Building (EOB), staff recommended moving the boundary from 25 ft. to the designated location depicted. The terrace entrance is limited for campaigning because of construction. Ms. Keeffe asked where handicap parking is located; Ms. Jurgensen showed the available handicap parking. Mr. Subin noted that due to heavy construction the "lower entrance" is difficult to access. Ms. Jurgensen stated the EOB is the lowest voter turnout location and staff recommends this site not be used in the future as an Early Voting Center. The Board recommended the 80 ft. boundary line be moved in to 40 ft. and the depicted 98 ft. moved in to the sidewalk in front of building. Mr. Subin noted his concern with the lack of handicap parking and suggested using the circle. Ms. Jurgensen stated that the BOE currently has permission from the City of Rockville to use the parking spaces along Monroe Street in front of the Early Voting Center as handicap parking for the seven consecutive days of Early Voting. Due to Homeland Security guidelines individuals cannot park in the circle; however they may be dropped off in the circle. Ms. Jurgensen stated staff will explore further options for accessible handicap parking.

Early Voting Site 4 (see attachment 1D) – Praisner Community Center, staff recommended moving the boundary from 25 ft. to the designated location depicted, which are the approved 2012 Primary Election Day boundaries. The Board accepted the staff's recommendation and approved the entire center island to be used for electioneering in addition to moving the 88 ft. in to 69 ft.

Early Voting Site 5 (see attachment 1E) – Silver Spring Civic Building, staff recommended moving boundary from 25 ft. to the designated location depicted and discussed ADA accessibility from both sides of the building. The Board decided to retain the previous boundary lines used in the Primary Election.

The Board would like staff to create a presentation addressing the issues submitted by Dolly Kildee concerning electioneering boundary lines. Ms. Jurgensen briefly reviewed Ms. Kildee's concerns with the Board. Ms. Keeffe asked that the report be ready for the September 10, 2012, Board Meeting.

Board Committee Reports

Budget Subcommittee

Mrs. Jeter reported the Committee had a very informative meeting with Mrs. Dacek, Mr. Naimon, Ms. Jurgensen and Ms. Roher. The Committee reviewed the planning and budget process and Mrs. Jeter noted another meeting would be scheduled soon. Mrs. Jeter stated that there is a very short turn around time when receiving the MARC and when the budget needs to be out, which could potentially present problems. She added there are no recommendations at this time. Ms. Keeffe thanked the Committee.

Election Director Reports

Ms. Jurgensen announced the appointment of the new Deputy Election Director, Alysoun McLaughlin. She was not able to attend the meeting due to mandatory attendance at County orientation. Ms. Jurgensen briefly reviewed Ms. McLaughlin's qualifications for the Board.

Ms. Jurgensen reported temporary recruitment staff has returned as has IT staff who will assist with the State Board inventory, bar coding, and preventative maintenance on the equipment starting today. Ms. Jurgensen reported trainers will soon begin training 4,200 election judges to staff polling places. Additional temporary staff will be hired for Voter Registration, Absentee, and IT in September.

Budget

Ms. Roher distributed a budget allocation spreadsheet to the Board, which showed FY05 through FY13.

Ms. Roher reviewed the FY12 spreadsheet which was made available to the Board stating that final figures are not yet available. She reported as of July 9 election judge stipends had not been deducted from the budget, which is why such a high surplus is shown. Ms. Roher stated she has made numerous calls regarding deduction of the stipend, and has no final information yet. Reports for FY13 have not been published but she anticipated having further information for the September Board Meeting.

In response to a question on the potential surplus, Ms. Roher stated there is a delay for all charge backs from the County which may not be charged in full until late August. Mrs. Khozeimeh questioned line 60066, SBE Program Management, budgeted at \$20,430 but charged at \$100,716. Ms. Jurgensen stated that is the amount the State charged us. Ms. Phillips asked how the budgeted amount can differ so much from the charged amount. Ms. Roher briefed the Board on the budget process and the issues that arise when the SBE doesn't provide information to us in a timely manner. The issue has been brought to the County Executive. Ms. Phillips suggested that the Board Budget Committee discuss further actions to request earlier information from the State. Mr. Subin suggested the Committee talk to Melanie Wenger, Intergovernmental Relations, to discuss further. Ms. Keeffe agreed that this would be

a good idea. Mr. Naimon noted a color coded budget spreadsheet would be very helpful to distinguish lines, Ms. Roher acknowledged his request. She stated the FY14 Operating Budget will be discussed during the Executive Session.

Voter Registration

Ms. Jurgensen reported staff had completed the second submission of the Civil Marriage Petition and assisted with the review of signatures related to the FOP trial. She stated staff followed regulations related to the confirmation mailing and returned voter notification cards by placing active voters in an inactive status. She added staff is restricted from cancelling any voter for three months prior to a General Election. Ms. Jurgensen reported that the Online Voter Registration (OLVR) is available on the State Board website. She added you must have a Maryland State Driver's License or photo identification card to process requests via the state secured website. She encouraged the Board to visit the website at www.elections.state.md.us. Ms. Jurgensen stated staff had been greatly impacted by the system, which is creating a high number of duplicates; over 55,000 applications have come through the new system since February. MVA is submitting names even if they indicated there is no need to update their voter registration. Mr. Naimon asked if there is a signature requirement and Ms. Jurgensen responded yes noting a new state law has passed to accept electronic signatures. She briefed the Board on the history and process of electronic signatures. Mr. Naimon expressed concern with the ability to super impose signatures without their authority and requested a copy of the statute. Ms. Jurgensen agreed to provide it.

Ms. Jurgensen made available to the Board a list of all High Schools that participated in the voter registration drive which started in mid-April and ran until school was out.

Ms. Jurgensen reported that the recent storm caused a power outage at the Board of Elections which impacted the Board's ability to process the remaining 50% of the Congressional Redistricting petition. She added the BOE also lost network connectivity to SBE. Ms. Jurgensen stated she spoke to SBE staff and Board members and decided it was in everyone's best interest to have SBE process the other 50% of the petition during the outage.

State Board of Elections

Ms. Jurgensen reported that a mock election for the absentee ballot wizard will occur July 23 through July 27. She showed an example of a paper ballot that would be printed by the voter. She briefly described the process to the Board which will require a separate canvass. Ms. Jurgensen reported the Attorney General's opinion was released for domestic e-mail absentee ballots and the new State form no longer reflects an e-mail choice.

Ms. Jurgensen informed the Board the Civil Marriage and Congressional Redistricting Petitions have met the minimum requirements of verified signatures to be placed on the ballot this November.

Ms. Jurgensen reported the request to combine polling places for Precincts 05-05 and 05-22 is still outstanding. She spoke with SBE today (July 16) and was told the request will be discussed at their July meeting.

Ms. Jurgensen noted testing of the new EPB's took place last week and results are not available at this time.

Board Attorney Report

Montgomery County vs. Montgomery County Board of Elections

Mr. Karpinski reported on the Montgomery County Government vs. Montgomery County Board of Elections lawsuit. He updated the Board on the summary judgment hearing. There were two principle arguments; one, the circulators provided improper information and two, Montgomery County Board of Elections improperly validated the petition. He stated that on behalf of the Board he filed a cross motion for summary judgment and the FOP filed a cross motion for summary judgment addressing the circulator issues. A hearing on June 18 rendered an opinion from the Judge concluding the circulators errors where fatal to the signatures and they will be excluded. Mr. Karpinski stated Judge Johnson granted our motion for summary judgment on June 25, finding that the BOE did not improperly process the petition. Mr. Karpinski is awaiting Judge Johnson's written opinion because the County has sought declaratory relief and under Maryland Law a written opinion must be prepared and should be issued any day. He added the Court of Appeals has shown interest in when it will receive the case. The FOP will file its *writ of certiorari* in the following week and Mr. Karpinski is not sure if Montgomery County will oppose the petition. He stated that the Court of Appeals must decide the case and issue an order by August 20, 2012.

Ms. Keefe questioned why when staff takes so much time and effort to verify and authenticate the signatures and registration no one appears to take the time to verify the circulator information so that the signatures are not excluded. Mr. Karpinski responded the FOP did hire a company to collect signatures and it was the County Attorney's Office who discovered the circulator issues.

Petition Case

Mr. Karpinski updated the Board on a possible Ambulance Fee Petition. A second request for an advance determination came in on Thursday from John Bentivoglio, who represented the Volunteer Firefighters in 2010. He stated that Mr. Bentivoglio has now put the full text of the Bill on the back of the petition page. Mr. Karpinski has prepared a draft response to Mr. Bentivoglio for Ms. Jurgensen. The FOP will need to use the updated form which is now on the SBE website. The first submission of signatures are due August 11 and the second submission must be in by August 26. The County must certify the ballot language by August 20. Mr. Karpinski stated that SBE's position is all petition issues must be decided by August 20 because of deadline constraints. Mr. Naimon asked what the certification of language requires and Mr. Karpinski responded the County Attorney certifies the language as it will appear on the ballot and it is then approved by the County Council. Ms. Keefe asked how many validated signatures are needed and Ms. Jurgensen responded 32,000 with an addition of 50,000 more, or at least 20% more, in case there are issues with any of the signatures.

Mr. Karpinski stated there may be two proposed Charter Amendments although the deadline of August 13, 2012, is fast approaching. Mr. Subin stated a third Charter Amendment, proposed by the County Executive, may also be submitted.

*** Ms. Phillips left the room at 4:07 p.m. ***

Redistricting Litigation

Mr. Karpinski stated the redistricting litigation has been rejected by the Supreme Court. However, the Congressional Redistricting Petition has enough signatures, which could be the subject of litigation moving forward at the State level. Mr. Karpinski noted the State Redistricting Litigation has been assigned to Judge Wilner, to serve as Special Master and August 6 is the deadline to complete discovery. He added motions are due before Judge Wilner by August 27, and Judge Wilner's report would be due to the Court of appeals by October 12, 2012. Ms. Keefe thanked Mr. Karpinski for his report.

2012 Presidential Primary Election

No items were discussed.

Old Business

Follow up Issues from the June Meeting

Ms. Jurgensen updated the Board on the use of the Van Go route for Precinct 13-47, Silver Spring Civic Center. She stated there will be no request for changing the route at this time, pointing out the route currently has a drop off at the Silver Spring Civic Center. Mr. Naimon asked what the hours of operation for the Van Go shuttle were and Ms. Jurgensen responded 7:00 a.m. to 7:00 p.m. with the bus running every 8 minutes, Monday through Friday. She suggested that voters could catch the shuttle at NOAA (where it is convenient for the voters) and then be dropped off at the Silver Spring Civic Center. Ms. Jurgensen noted the polls are open from 7:00 a.m. to 8:00 p.m. She suggested that a request be made to extend the hours of the shuttle bus to accommodate the voters on Election Day and the Board concurred. Ms. Jurgensen stated she would contact Carolyn Biggins of the County Department of Transportation to follow up on the extension of hours. Mr. Naimon asked that it be noted that NOAA should be used in the 2014 elections and stated the use of the shuttle is a great resolution to the issue voters had for the General Election.

2012 Presidential General Election Preparation

Update on County Employees as Election Judges

Mr. Subin updated the Board on County employee's serving as Election Judges. He stated County employees will be granted eight hours of administrative leave, and a stipend may be paid to them for any additional hours at the discretion and policy of the BOE. Ms. Jurgensen

noted the application used to serve as an election judge will need to be provided to their supervisor and will serve as the application for the Ethics Commission requesting permission for secondary employment. The Board thanked Mr. Subin for his assistance.

Board Calendar

Ms. Jurgensen reviewed two election calendars with the Board. She discussed the working draft calendar with time and member requirements with the Board. Ms. Keeffe requested Board members be assigned two precincts that encountered issues during the Primary Election to visit during the General Election polling place check. Ms. Jurgensen briefly reviewed the canvass process. Ms. Jurgensen noted the calendar will be shared with Mrs. Dacek and Mrs. Rivera-Oven.

Ms. Keeffe asked how many precincts have modems. Ms. Jurgensen responded precincts with less than 16 touch screen units have the ability to modem. She added that if a precinct has a line past 8:00 p.m. it is at the discretion of the Chief Judge to modem the results. Ms. Keeffe noted that Montgomery County is typically the last County to report results and acknowledged we are one of the biggest counties. She added that during the primary she was surprised that very few precincts modem results. Ms. Keeffe requested that every effort be made to have all precincts modem results. Ms. Jurgensen acknowledged Ms. Keeffe's request.

New Business

Ms. Jurgensen reviewed the new website with the Board. She stated the website is not currently available to the public. The website address would be made available to the Board during the Executive Session so that the Board may review it at their leisure and make any recommendations. The Board requested that local petitions be posted to the website. Ms. Keeffe acknowledged Ms. Sanders who requested that information on County petitions, similar to the information on the State website, be added. Ms. Keeffe stated she is very pleased with the website.

Future Meetings

Board Calendar

- A. September 10, 2012 – 2:30 p.m.
- B. October 15, 2012 – 2:30 p.m. – Board Meeting and Early Voting Supply Cage Check
- C. October 19, 2012 – Early Voting Public Testing – 10:00 a.m. – 1:00 p.m.
- D. October 27, 2012 – Early Voting – 9:00 a.m. – 11:00 a.m.
- E. October 27– November 1, 2012 – Early Voting (available during voting hours by cell)
- F. October 29, 2012 – Election Day Public Testing – 9:00 a.m.
- G. 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.
- H. November 5, 2012 - Polling Place Check – 6:00 p.m. – 9:00 p.m.
- I. November 6, 2012 – Election Day – (phones on at 6:00 a.m. coverage until midnight)
- J. November 8, 2012 – Absentee I Canvass Begins – 10:00 a.m. – 7:00 p.m.

APPROVED

- K. November 14, 2012 – Provisional Canvass Begins – 10:00 a.m. – 7:00 p.m.
- L. November 16, 2012 – Absentee II Canvass Begins – 10:00 a.m. – 7:00 p.m.
- M. November 19, 2012 – *Tentative*
- N. December 17, 2012 – *Tentative*

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

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 5:10 p.m., pursuant to State Government Article, Sections 10-508(a)(7), 10-508(a)(8), 10-508(a)(13) and 10-508(a) to discuss the FOP lawsuit, Ambulance Fee, FY14 Operating Budget, and Executive Minutes.

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, Nahid Khozeimeh, David Naimon, Kevin Karpinski, Margaret Jurgensen, Marjorie Roher, and Lisa Merino.

The Board discussed the FOP lawsuit.

The Board discussed the Ambulance Fee Petition.

The Board discussed the FY14 Operating Budget.

The Board reviewed the 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 6:20 p.m.

Adjournment

With no further business, Mrs. Jeter moved to adjourn the Regular Session. The motion was seconded by Mrs. Khozeimeh and carried unanimously. The meeting was adjourned at 6:20 p.m.

Respectfully Submitted,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:

Mary Ann Keefe

Mary Ann Keefe
President

APPROVED

EARLY VOTING SITE-BAUER COMMUNITY CENTER

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OFFICE

Bauer Drive Community Center

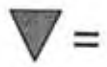
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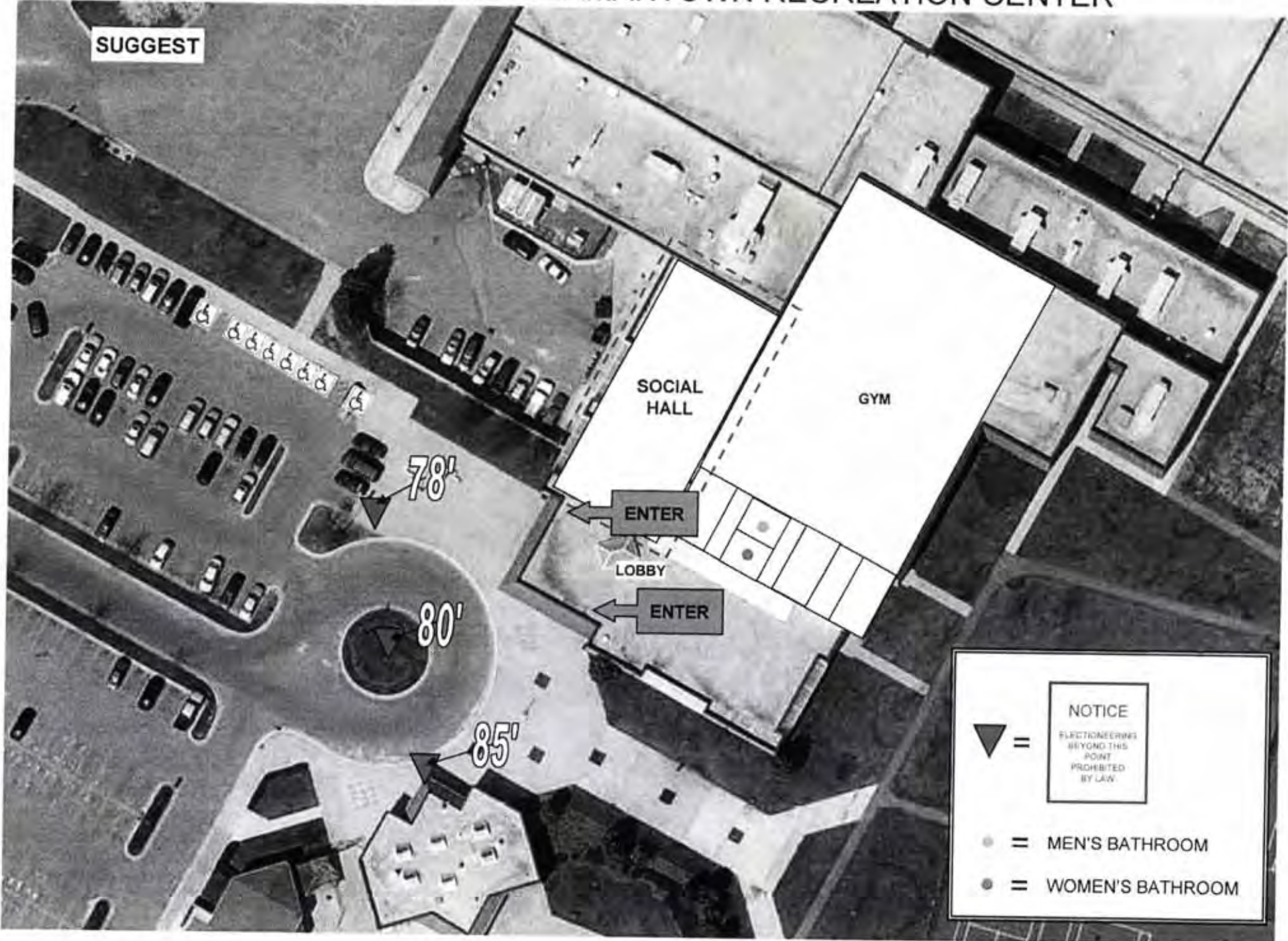
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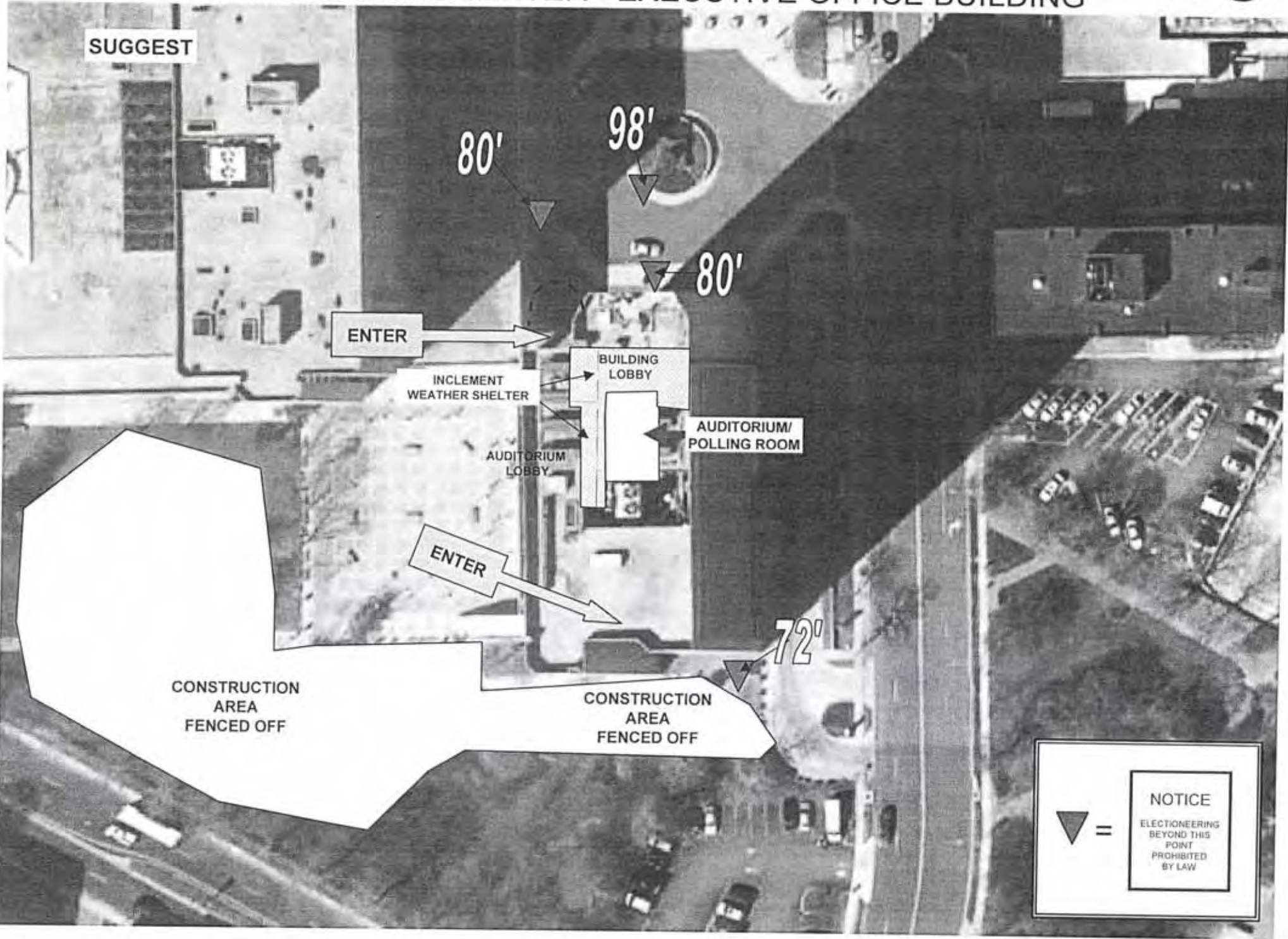
EARLY VOTING SITE-GERMANTOWN RECREATION CENTER

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EARLY VOTING CENTER - EXECUTIVE OFFICE BUILDING

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MARILYN J. PRAISNER COMMUNITY CENTER

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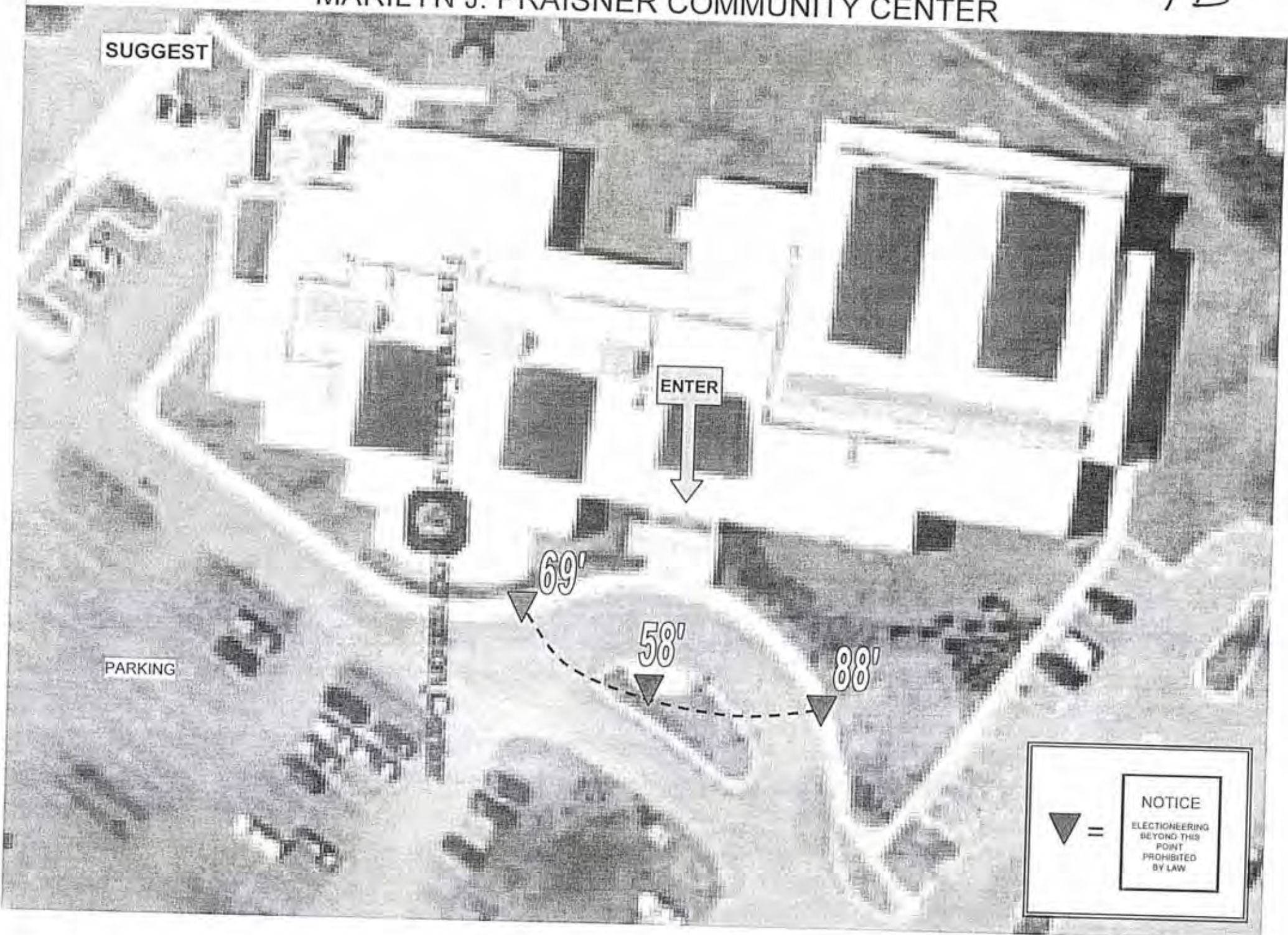
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EARLY VOTING CENTER - SILVER SPRING CIVIC BUILDING

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