

APPROVED

October 15, 2012

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, Election Director
Alysoun McLaughlin, Deputy Election Director
Marjorie Roher, Management and Budget Specialist
N. Christine Rzeszut Operations Manager
Lisa Merino, Election Aide II

Guests:

Dolly Kildee
Adol Owen-Williams
Barbara Sanders
Michael Subin

Convene the Meeting and Declare a Quorum Present

Ms. Keeffe called the meeting to order and declared a quorum present at 2:34 p.m.



Public Comments

Ms. Keeffe asked if there were any public comments; Ms. Roher responded that Adol Owen-Williams requested to address the Board. Mr. Owen-Williams stated concerns had been brought to the attention of the Republican Central Committee regarding the Nursing Home and Assisted Living Program representatives at the facilities. He noted the concerns focused on privacy issues and equal representation of both Parties at the facilities. Ms. Jurgensen stated that issues had been brought to her attention regarding privacy, and explained that every facility program director is notified in advance that a private area needs to be available to ensure voter privacy. Ms. Jurgensen assured Mr. Owen-Williams that a bipartisan team, which may consist of any combination of Democrat, Republican, and Unaffiliated, is assigned to assist a voter at a facility. Mrs. Dacek and Mrs. Rivera-Oven stated they would be visiting Asbury on October 16, 2012, during the Nursing Home and Assisted Living Facility Program visit to observe the process.

Mr. Owens-Adol stated that the Republican Central Committee has established a large outreach for Republican election judges with little success and asked why the Republican Central Committee members are precluded from serving as election judges. Mr. Karpinski responded that, according to Election Law 2-301, election judges are barred from political activities including holding or being a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State. Mr. Karpinski stated additional information would be provided to Mr. Owen-Williams.

Additions/Changes to the Agenda

Ms. Jurgensen requested an Executive Session be added to the agenda to discuss personnel, budget, and an Executive Function item. Ms. Keeffe agreed.

Approval of September 10, 2012, Minutes

Minutes from the September 10, 2012, Board meeting were distributed for review. A motion was made by Mrs. Dacek to approve the minutes. The motion was seconded by Mrs. Jeter and carried unanimously.

Board Committee Reports

Budget Subcommittee

Mrs. Jeter reported the Committee had reviewed the MARC and the FY14 budget, both of which will be discussed in Executive Session.

Election Director Reports

Ms. Jurgensen stated a drop box had been installed for Voter Registration and Absentee ballot applications. Ms. Phillips inquired about the security process for the drop box. Ms. Roher provided the requested information.

Budget

Ms. Roher reported on the FY13 budget. Handouts were made available to the Board for the current fiscal year, indicating the budget remains on target. Ms. Jurgensen stated additional Electronic Pollbooks (EPB) were ordered due to the increase in population. This cost will be reflected on budget line 61010 when billed by the State. Ms. Jeter asked if the cost of EPB's will be significant. Ms. Jurgensen responded yes, but it is a necessary purchase to relieve lines on Election Day.

Personnel Additions

Ms. Jurgensen reported 12 additional temporary staff had been hired for the Call Center, Absentee, and Operations. Mrs. Dacek asked for a range of employees hired to date. Ms. McLaughlin gave an estimation of 60 to 70.

Voter Registration

Ms. Jurgensen reported there are currently 608,332 active registered voters, with staff processing applications daily.

Ms. Jurgensen announced that County Executive Leggett will hold a media event to promote Early Voting and voter preparation with the use of the sample ballot in conjunction with the voter registration deadline on Tuesday, October 16, 2012. She reported that the sample ballots were sent out on Friday, October 12, 2012.

Ms. Jurgensen stated staff has completed multiple time tests and concluded it takes about 55 seconds for a voter to complete the ballot if already prepared with a sample ballot. Ms. Keeffe expressed concern with the "timing out" of touch screen units requiring the Chief Judge to reset the machine. Ms. Jurgensen stated if there is no activity for two (2) minutes on the touch screen, it will time out and cancel the ballot; however, a clock appears and also signals with a beep when there is 30 seconds left on the screen, and once touched the "timing out" stops. A proactive approach will be used with future vote students distributing varnished sample ballots for voters to review, in addition to signage at each voting unit indicating directions to prevent "timing out." The Board thanked Ms. Jurgensen for the information.

State Board of Elections

- Ms. Jurgensen reported that the State Board of Elections (SBE) submitted an updated version of the Polling Place Evaluation form required to be used in November, as well as the contingency ballot requirements. SBE held a "Go to Meeting" to review the newest requirements for the audit and verification requirements. The precincts will be selected during the Executive Function. Ms. Jurgensen stated that the SBE has requested that Early Voting information be placed on the web site, which had been done.
- Ms. Jurgensen reported that SBE provided updated information for Election Judges related to FICA and the information has been provided to the Finance Department as well.
- SBE notified local Board of Elections (LBE) that they have launched Facebook and Twitter accounts.
- Ms. Jurgensen stated that supply orders have been submitted and distribution requirements finalized between SBE and LBEs for the sample ballot.
- SBE announced a Directors' meeting at 10:00 a.m. Tuesday, October 16, 2012.
- Ms. Jurgensen reported on the ERIC mailing, stating postcards were to be mailed to eligible unregistered voters; however, the postcards were also mailed to registered voters which caused confusion amongst the voters. The BOE received many calls of inquiry and have assured callers of their active registration.
- Ms. Jurgensen stated that the SBE has advertised the Regional Manager position.
- She stated new totem poles will be delivered to improve readability of numerous posters, and additional booths will also be delivered from the SBE for Early Voting sites.
- Ms. Jurgensen reported that according to staff, On-line Voter Registration has encountered issues with duplicate requests for an absentee ballot. Any changes, even as insignificant as adding the "plus 4" to a zip code, will cancel the first request and generate another ballot through MVA changes. She added if a ballot has already been voted and another is issued, according to regulation, one will be cancelled. Mr. Karpinski stated the last ballot received would be accepted and the other cancelled.
- Ms. Jurgensen stated she is very pleased to announce that the contingency ballots will be available and delivered to polling places by our contractor.
- Ms. Keeffe announced that while attending the State Board of Elections Board Meeting, a new Board President, Bobby Mack and a new Board Member, Patrick Murray were elected.

Board Attorney Report

Mr. Karpinski reported that the Board has received two Freedom of Information Act requests. One request has come from the ACLU, requesting all correspondence, records, reports, meeting minutes, press releases, announcements, paper, or emails regarding Election Integrity Maryland concerning the voter registration irregularities and voter fraud in 2012 from

all counties in Maryland. He added they have also requested any training material that the Board has developed regarding the process and procedures for each local Board of Elections regarding the removal of voters. Mr. Karpinski stated since the local Board of Elections have not developed any policies or procedures, no information regarding the process will be forwarded to them. Mr. Karpinski will forward a copy of his response to the Board.

The second request is from the Brennan Center for Justice, asking for records from the 2008, 2010, and 2012 General Elections concerning how election judges are trained to handle and process challenged voters. Mr. Karpinski reminded the Board that according to Election Law we are only required to keep documents for 22 months, adding that limited information would be available due to the law requirement. He noted no information would be available for the 2012 challenges until the election is over. Mr. Karpinski stated under Maryland law we have 30 days to respond to the request and he will do so accordingly. Ms. Phillips asked if minimal information is available regarding challenges. Mr. Karpinski stated there would not be if the 22 month rule has lapsed. He stated challenges require Board review which also includes a process with filling out documents and presenting them to the Board of Canvassers during the canvass. He is not aware of a challenge occurring in the past years.

Mr. Karpinski reported Judge Greenberg has agreed to serve as the Emergency contact throughout Early Voting and on Election Day. Judge Greenberg will be on call before and after hours.

Mr. Karpinski stated that the attorney from the Fraternal Order of Police has complained that the BOE website has a link through the home page to the Montgomery County website which states the County's opinion on Question B. The County and FOP have reached an agreement, noting that the Montgomery County Board of Elections will, and has already, posted a disclaimer on the front page of the website.

Mr. Karpinski updated the Board regarding the State redistricting litigation. He added that Judge Wilner has issued his opinion affirming the redistricting proposal. He stated both parties have the right to file exceptions to Judge Wilner's report, noting that one party has already done so. Mr. Karpinski stated oral argument before the Court of Appeals will be held on November 7, 2012. Ms. Keeffe thanked Mr. Karpinski.

Old Business

No old business was discussed.

2012 Presidential Primary Election

Absentee Voting

Ms. Jurgensen stated 25,538 ballots have been issued to date with an average of 60 walk in voters daily (a detailed status report was made available to the Board). Mrs. Jeter asked how the numbers compared to the last General Election. Ms. McLaughlin responded that

in the 2008 Presidential Election the request for absentee ballots was 27,057, which is very close to where we stand as of today.

Ms. Jurgensen added that the SBE vendor Runbeck is sending ballots out every other day, with BOE mailing ballots out on Runbeck's off days. Ms. Jurgensen stated she is dissatisfied with the vendor delivery time of five to eight days and beginning October 25, 2012, (per a discussion with Ross Goldstein), Montgomery County will mail all ballots from this location to cut delivery time by three days. The last day to submit Absentee Ballot Applications is October 30, 2012. Ms. Keefe asked if voters could come to the BOE October 31 through November 6 to vote. Ms. Jurgensen responded yes.

Ms. Jurgensen stated Board members (2 Democrat and 1 Republican) were needed to open the Absentee Canvass I at 10:00 a.m. to perform the duplication process, and the State's second issue ballots would need to be pulled and reviewed. Mrs. Jeter, Mrs. Rivera-Oven, and Ms. Phillips volunteered to open the canvass, with the remaining Board Members to arrive at 1:00 p.m.

Ms. McLaughlin reviewed the sample ballot with the Board and discussed a conflict with the U.S. Postal Service and the vendor with the font type. She pointed out that all sample ballots were mailed with the polling place address font smaller than in previous years. However, steps have been taken to make changes for future elections. Ms. Keeffe recommended that the font be enlarged and perhaps bold lettering could be an option. Ms. Jurgensen stated that the sample ballot will have to be redesigned for future elections and will be submitted to the U.S. Postal Service's design team. Ms. McLaughlin stated that sample ballots have been mailed to voters according to the National Change of Address (NCOA) list, but these addresses may not be their actual voter registration address. She added that the polling place on the sample ballot is the correct polling place according to their registration and they will be able to vote in the correct place. She stated the list that was to be used was misinterpreted by the vendor. Ms. Phillips recommended staff consider changing the wording "Your Polling Place is" to "Your Polling Place of Record is." Mrs. Jeter suggested the polling place information be moved down on the page. Mrs. Rivera-Oven suggested that during the media event held on October 16 the staff announce that voters update their address with MVA and the Local Board of Elections. Ms. Keeffe asked if the NCOA list updates like the OLVR used at DMV; Ms. Jurgensen responded it does not.

**** Ms. McLaughlin left the meeting at 3:36 p.m. ***

Election Judge

Ms. Jurgensen reported that a total of 2,880 judges had been assigned and 845 were registered to attend classes with 473 positions to be filled. An additional 400 bilingual judges have either attended, or will attend, training as of October 14, 2012.

Ms. Keeffe gave thanks to Mr. Subin for his help in allowing County Employees to participate as election judges.

Election Motion

Ms. Jurgensen requested a motion to authorize the Director of the Board of Elections to continue the preparation of the voting units according to COMAR. Mrs. Dacek made the motion and Mrs. Rivera-Oven seconded the motion. The motion passed unanimously.

Early Voting

Ms. Jurgensen requested that Board members be assigned to the Early Voting Sites and the Board discussed placements. For October 27, 2012, Mr. Naimon will be assigned to Bauer Drive Community Recreation Center, Mrs. Dacek assigned to Germantown Recreation Center, Ms. Phillips assigned to Marilyn J. Praisner Community Recreation Center, Mrs. Khozeimeh assigned to the Montgomery County Executive Office Building, and Ms. Keeffe and Mrs. Rivera-Oven assigned to the Silver Spring Civic Building.

Canvass Procedures

Ms. Jurgensen stated that on November 1, 2012, a meeting will be held to review canvass procedures for Board members from 4:30 p.m. to 5:30 p.m. All Board members will be in attendance. Mr. Karpinski will review the canvass procedures with the Board once they are finalized.

Communications / Media

Ms. Roher stated multiple media advisories have been distributed since the last Board meeting, adding that all advisories are emailed to a large distribution list that includes candidates and elected officials. She stated that public service announcements have also been distributed. In the first week of October bus signs were delivered and installed in all Ride-On buses. She reported on Council on Governments (COG) activities – a handout was made available to the Board. The media guide was revised and placed on the website, a copy was provided to the Board. Ms. Roher stated she has contacted local media representatives regarding the voter registration deadline and will do the same for Early Voting. She distributed an Election Day media visit schedule to the Board (subject to change). Ms. Roher noted cell phone numbers are listed on the media visit schedule, adding if any changes needed to be made to please notify her.

New Business

No new business was discussed.

Future Meetings

Ms. Jurgensen discussed the attendance of the Board Members to the scheduled calendar events. (See attachment 1A).

- A. October 27, 2012 – Early Voting – 9:00 a.m. – 11:00 a.m.
- B. October 29, 2012 – Election Day Public Testing – 9:00 a.m. - 1:00 p.m.
- C. 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.
Early Voting Closes – 7:30 p.m.
- D. November 5, 2012 - Polling Place Check – 6:00 p.m. – 9:00 p.m.
- E. November 6, 2012 – Election Day – (phones on at 6:00 a.m. coverage until midnight)
- F. November 8, 2012 – Absentee I Canvass Begins – 10:00 a.m. – 7:00 p.m.
- G. November 9, 2012 – Absentee I Canvass Continued – 9:00 a.m. – 7:00 p.m.
- H. November 10, 2012 – Absentee I Canvass Continued – 10:00 a.m.
- I. November 14, 2012 – Provisional Canvass Begins – 10:00 a.m. – 7:00 p.m.
- J. November 15, 2012 – Provisional Canvass Continued – 9:00 a.m.
- K. November 16, 2012 – Absentee II Canvass Begins – 10:00 a.m. – 7:00 p.m.
- L. November 17, 2012 – Absentee II Continued – 10:00 a.m.
- M. November 19, 2012 – 2:30 p.m.
- N. December 17, 2012 – *Tentative*

Ms. Jurgensen stated the Van-Go shuttle hours have been approved to be extended to 8:30 p.m. to accommodate voters. Ms. Keeffe thanked the staff.

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

Ms. Keeffe asked for a short recess.

*** Mrs. Kildee, Mrs. Sanders and Mr. Owen-Williams left the room at 4:16 p.m. ***

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:20 p.m., pursuant to State Government Article, Section 10-508(a)(1)(i), Section 10-508(a)(7), and Section 10-508(a) to discuss Budget, Personnel, and other Operation issues.

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, Jacqueline Philips, Kevin Karpinski, Margaret Jurgensen, Marjorie Roher, and Lisa Merino.

The Board discussed the Budget.

The Board discussed a Personnel matter.

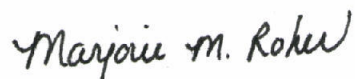
The Board discussed an Operations matter.

With no further business, Mrs. Khozeimeh moved to adjourn the Executive Session. The motion was seconded by Mrs. Rivera-Oven and carried unanimously. The meeting adjourned at 4:48 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 adjourned at 4:50 p.m.

Respectfully Submitted,



Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keefe
President

Scheduled Calendar Events

DATE	TIME	SUBJECT	BOARD MEMBERS SCHEDULE
October 19, 2012 Friday	10:00 a.m. – 1:00 p.m.	Early Voting Public Testing	Mrs. Jeter, Mrs. Graceila Rivera-Oven, Mrs. Dacek, Mrs. Khozeimeh, Ms. Phillips
October 27, 2012 Saturday	9:00 a.m. – 11:00 a.m.	Early Voting Begins	Bauer – Mr. Naimon EOB – Mrs. Khozeimeh Germantown – Mrs. Dacek Praisner – Ms. Phillips Silver Spring – Ms. Keeffe and Mrs. Rivera-Oven
October 29, 2012 Monday	9:00 a.m. – 1:00 p.m.	Election Day Public Testing	Mrs. Keeffe, Mrs. Jeter, Mrs. Rivera-Oven, Mrs. Khozeimeh, Ms. Phillips
November 1, 2012 Thursday	4:30 p.m. – 5:30 p.m.	Review Canvass Procedure	All Board Members
	5:30 p.m. – 7:00 p.m.	Supply Bag Check	All Board Members
	7:30 p.m.	Early Voting Closes	Bauer – Mr. Naimon and Ms. Phillips EOB – Mrs. Khozeimeh Germantown – Mrs. Dacek Praisner – Ms. Jeter Silver Spring – Ms. Keeffe and Mrs. Rivera-Oven
November 5, 2012 Monday	6:00p.m. – 9:00 p.m.	Polling Place Check	To be Assigned
November 6, 2012 Tuesday	6:00 a.m. - Midnight	Election Day – Phones on	Board Members to be Assigned Asbury - Mr. Karpinski
November 8, 2012 Thursday	10:00 a.m. – 7:00 p.m.	Absentee I Canvass Begins	Mrs. Jeter, Mrs. Rivera-Oven, Ms. Phillips
	1:00 p.m. – 7:00 p.m.		Ms. Keeffe, Mrs. Dacek, Mrs. Khozeimeh, Mr. Naimon, Mr. Karpinski
November 9, 2012 Friday	9:00 a.m. – 7:00 p.m.	Absentee I Canvass Continued	All Board Members
November 10, 2012 Saturday	10:00 a.m.	Absentee I Canvass Continued	All Board Members – Mrs. Rivera-Oven out by 2:00 p.m.
November 14, 2012 Wednesday	10:00 a.m. – 7:00 p.m.	Provisional Canvass Begins	All Board Members Ms. Phillips – Late

Scheduled Calendar Events

November 15, 2012 Thursday	9:00 a.m.	Provisional Canvass Continued	Mrs. Jeter, Mrs. Dacek, Mrs. Rivera-Oven, Ms. Phillips Mr. Naimon - TBD
November 16, 2012 Friday	10:00 a.m. – 7:00 p.m.	Absentee II Canvass Begins	All Board Members Mr. Naimon - TBD
November 17, 2012 Saturday	10:00 a.m.	Absentee II Continued	Ms. Keeffe, Mrs. Jeter, Mrs. Dacek, Ms. Phillips Mrs. Rivera-Oven out by 5:00 p.m. Mr. Naimon - TBD
November 18, 2012 Sunday	10:00 a.m.	Absentee II Continued	Ms. Keeffe, Mrs. Dacek, Mr. Naimon, Mrs. Khozeimeh
November 19, 2012 Monday	2:30 p.m.	Board Meeting	All Board Members
December 17, 2012 Monday	2:30 p.m.	Board Meeting	TBD

*Subject to change