

APPROVED

January 28, 2013

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 Khozeimeh
David Naimon

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Election Director
Alysoun McLaughlin, Deputy Election Director
Laletta Dorsey, Program Specialist, Voter Registration
Betty Ann Lucey, Voter Registration Manager
Marjorie Roher, Management and Budget Specialist
N. Christine Rzeszut, Operations Manager
Lisa Merino, Election Aide II

Guests:

Barbara Ditzler
Dolly Kildee
Adol Owen-Williams
Michael Subin

Convene as Board of Canvassers and Declare a Quorum Present

Ms. Keeffe called the Board of Canvassers meeting to order and declared a quorum present at 2:20 p.m.

APPROVED

Approval of Canvass Minutes

Minutes from the November 2012 Absentee 1, Absentee 2, and Provisional Canvasses were distributed for review. A motion was made by Mrs. Khozeimeh to approve the minutes. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Convene the Board Meeting and Declare a Quorum Present

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

Public Comments

Ms. Keeffe asked if there were any public comments and Ms. Roher responded that Dolly Kildee requested to address the Board. Mrs. Kildee stated the Democratic Central Committee had brought concerns to the December Board meeting regarding issues related to Election Day. She noted the concerns focused on special needs and elderly voters, boundary lines, and signage.

- Precinct 09-08 - Seneca Valley High School: Ms. Kildee suggested that large print signage be used to direct voters to handicap parking area.
- Precinct 04-08 - Garrett Park Elementary: Ms. Kildee suggested that handicap parking be moved to the other side of school and voters enter through a back door.
- Precinct 07-18 - Washington Waldorf School: the boundary lines were not moved to original boundary lines approved by the Board in September.

Ms. Kildee added that some Early Voters experienced severe traffic problems; she suggested that traffic control be considered at Germantown, Bauer, and the EOB. Ms. Keeffe thanked Ms. Kildee and agreed that signage is an issue at polling places. She will take Ms. Kildee's her concerns/issue up throughout the course of the year.

Additions/Changes to the Agenda

Ms. Keeffe asked that agenda item IX. A. Board Observations be moved to the Executive Session.

Approval of December 10, 2012, Minutes

Minutes from the December 10, 2012, Board meeting were distributed for review. A motion was made by Mrs. Rivera-Oven to approve the minutes. The motion was seconded by Ms. Keeffe and carried unanimously.

Election Director Reports

Budget

Ms. Roher reported on the FY13 budget. Handouts were distributed to the Board for the current fiscal year indicating the budget remains on target.

Voter Registration

Ms. Jurgensen reported Voter Registration has started the confirmation mailing process for all returned sample ballots with a completion deadline of March 31, 2013. Upon completion the State Board will proceed to direct LBE's to execute the purge of inactive voter records.

Ms. Jurgensen noted Online Voter Registration (OLVR) continues to have functionality issues.

State Board of Elections

Ms. Jurgensen stated that the Local Boards of Elections and the State Board of Elections (SBE) Deputy Administrator, Ross Goldstein, met with Runbeck Director Kevin Bannon and Project Director Wendy Ricker on January 23, 2013. Mrs. Jeter, Mrs. Dacek, Ms. McLaughlin and Ms. Jurgensen attended. Ms. Jurgensen reported that, prior to the meeting staff had identified problems incurred during the Election with Runbeck. Runbeck stated the problems were attributed to human error and manual repairs; they also noted that the Florida facility was a new facility that ultimately had training issues. During the meeting Runbeck stated they would:

- Increase automation to mitigate human errors.
- Weigh outgoing ballot envelopes for uniformity.
- Mail via first class, not standard.
- Increase training of employees at both plants.
- Increase testing after equipment functionality issues are repaired.
- Redevelop portal to "track mail."
- Increase visibility of "ID required" and "2nd issue" on return envelope.

Two other recommendations were made:

- The USPS needs to improve responsiveness to automation issues within their system; specifically ballot looping and torn ballots returned by mail.
- SBE needs to clarify instructions regarding "voting only one ballot."

Ms. Jurgensen suggested a State wide community electronic bulletin board to track customer complaints and identify problems more quickly; Runbeck stated they are willing to establish this.

Ms. Jurgensen stated a letter will be sent to SBE requesting reimbursement for expenses incurred as a result of Runbeck errors pending Ms. Keefe's approval.

Mrs. Dacek stated Runbeck was very willing to make changes and take suggestions. She added she likes the idea of a State wide community bulletin board. Mrs. Jeter stated Runbeck was very thorough with their response. She noted that Florida was a new facility unbeknown to the Board and that contributed to many of the issues. Mrs. Jeter suggested before Runbeck does another mailing for the BOE that they first do a local election like Broward County, which will be holding a School Board Election, to smooth out kinks. Ms. Jurgensen will verify if Runbeck will be processing mail for another Election. Ms. Keeffe asked if Runbeck did mailing for any other State and Ms. Jurgensen stated they may have handled Arizona's Election as well; she will confirm and relay information to Board.

Ms. Keeffe asked if the State will be using Runbeck again and Ms. Jurgensen stated there is a 2 x 2 contract and contractually they may have to use Runbeck for the next Election. Ms. McLaughlin stated there was consensus regarding slow delivery and now all mailings will go First-class mail. Mr. Karpinski was pleased that LBE's were able to meet with a State vendor (Runbeck) adding it is not a typical State procedure. Mrs. Dacek believes that Runbeck made a good faith effort to hear the issues and is willing to make great investments to better the process and suggests that the BOE continue. Ms. Jurgensen noted the State's decision to use Runbeck will be made in May. Mrs. Jeter suggested a letter identifying red flag issues be sent to the State Board members and Mrs. Dacek agreed. A letter will be drafted for submission.

Ms. Jurgensen reported the 2014 Election Calendar is expected in the next thirty days.

Ms. Jurgensen stated data has not been received regarding ERIC (information sharing network from other states) and Linda Lamone was meeting with PEW on this matter.

Ms. Jurgensen reported that OLVR and MDVoters issues are under review to enable the system to integrate candidate filings before the filing period begins.

Ms. Jurgensen reported that Legislative redistricting must be in place prior to the April 15 filing date for the Candidates. The Primary Gubernatorial Election is June 24, 2014.

Legislation

Ms. Jurgensen reported that Governor O'Malley has proposed a new Bill, SB 279/HB 224, establishing eight Early Voting Centers, permitting same day voter registration during early voting, and including an on-line absentee application with no signature required. She added that the County Executive's office of Intergovernmental Relations is requesting a position from the Board of Elections regarding the Bill. Ms. Keeffe asked Mr. Subin to approach the Board; he stated the County Delegation and the full committee will also be looking at what position to take after hearing from the Board of Elections. Ms. Keeffe requested staff prepare a break down of pros and cons to be evaluated by Friday, and schedule a special meeting or conference call to discuss further.

Board Attorney Report

Mr. Karpinski reported a Freedom of Information Act (FOIA) request had been received from the Brennan Center in New York for Voter Registration challenges, and a response was made. He stated that we are still waiting for the Court of Appeals to render their decision regarding the *FOP vs. MOCO* case. The FOP has filed a motion for sanctions against MOCO seeking the payment of attorney fees; the case is scheduled to be heard in March. Mr. Karpinski stated as the date approaches he will contact Judge Johnson and inform the Judge that he will not attend the hearing since there is no open motion.

Mr. Karpinski stated that an email was sent to the Board regarding the Court of Appeals order affirming redistricting. Challenges were heard in front of Judge Wilner, and arguments were heard in front of the Court of Appeals, they have affirmed Judge Wilner's decision.

Old Business

Follow Up Issues from the December Board Meeting

Ms. Keeffe referred to a previous meeting regarding the presentation from Delegate Carr, noting that no Bill had been written or in place then and his office was to send information regarding the legal language of the Bill. No information has been received to date. Ms. Jurgensen suggested since Ms. McLaughlin will be attending the SBE presentation before the State Senate she could find out more information on the legislation.

2012 Presidential Primary Election

Attorney Observations

Mr. Karpinski provided a list of observations and considerations to the Board. Among those the Board discussed Provisional Ballot Applications, Lease Agreements, and Precinct Register. Mr. Karpinski suggested that the Board write a letter to the State Board of Elections regarding two signatures on a Provisional Ballot Application. In his view there is no need for a voter to sign twice. The Board agreed that a letter be sent to SBE requesting the consideration of only one signature for a Provisional Ballot. The Board asked the rate of judge error also be mentioned to letter.

Lease Agreements - Ms. Jurgensen stated that Mr. Karpinski and Mrs. Rzeszut will be amending lease agreements.

Precinct Register - Ms. Jurgensen added that of the 11,547 Provisional ballots were accepted with 67 accepted with judge error and 1,864 were rejected (see attached). The Board members discussed issues related to voters not found in Electronic Poll Books (EPBs). Ms. Jurgensen stated voters who had not been in found in EPBs were either found by another Judge or had shown up at the wrong precinct due to redistricting changes. All voters voted by touch screen or a Provisional ballot - no voter was turned away.

Ms. Jurgensen stated individuals were not specifically identified to do further research. Mr. Karpinski read information from the Canvass minutes:

- There were 141 provisional ballots with a recommendation to reject because the voter failed to sign the provisional ballot application
- There was 1 provisional ballot with a recommendation to reject because the applicant was not eligible to receive a provisional ballot.
- There were 80 provisional ballots with a recommendation to reject because the applicant did not provide identification or personal identification information in time.

Mr. Naimon expressed concern about a State regulation that mandates that a petition signer's listing of his/her address other than where they are registered to vote be considered a request for a change of address. He pointed out that there were numerous examples of voters using their business addresses on a petition and unknowingly changing their voting addresses to other precincts, counties, or states. He also expressed concern that such petition signatures with incorrect addresses should be considered invalid rather than changes of address.

Mr. Naimon stated there were problems at Leisure World with long lines that he personally observed on Election Day. He also indicated that there were long lines that he observed in a number of other places, including at precinct 13-64 at St. Matthew Presbyterian Church on Election Day and at Bauer Drive Recreation Center for Early Voting

Mrs. Rivera-Oven noted the long lines at Friendship Heights; she stated the polling place is very small and suggested the touch screens be moved to create a better flow, and additional volunteers/Future Vote students be assigned. She added that limited Handicap parking was available, and that a drop off area be blocked off to increase accessibility. Ms. Keeffe stated there is always an unknown factor on Election Day, and she is happy that polling places with long lines showed a positive turnout. Ms. Jurgensen stated Friendships Height can be reevaluated and reconfigured.

Mrs. Jeter stated there is room for improvement and agreed there are insufficient volunteers, adding the same issue arose at Takoma Park Middle School with lines.

Ms. Keeffe requested that each Board member identify a list of issues observed at polling places at Early Voting or Election Day and forward it to Ms. Jurgensen to be discussed at the March Board Meeting for resolutions.

New Business

Redistricting

Mrs. Rzeszut presented a power point presentation of proposed Legislative Redistricting and precinct realignment changes. The Board reviewed and discussed potential changes (See attachment). The Board agreed to delay the Public Hearing to March 2, 2013, at 10:00 a.m. to allow additional review during the February meeting.

Future Meetings

- A. February 25, 2013 – 2:30 p.m.
- B. March 2, 2013 – 10:00 a.m. - Redistricting Public Hearing
- C. March 18, 2013 – 2:30 p.m.
- D. April 9, 2013 – Candidate Filing Opens
- E. April 15, 2013 – 2:30 p.m.
- F. May 20, 2013 – 2:30 p.m.
- G. June 17 and 18, 2013 MAEO Conference – College Park, MD
- H. June 24, 2013 – 2:30 p.m.
- I. July 15, 2013 – 2:30 p.m.
- J. August 19, 2013 – *Tentative*
- K. September 16, 2013 – 2:30 p.m.
- L. October 21, 2013 – 2:30 p.m.
- M. November 18, 2013 – 2:30 p.m.
- N. December 16, 2013 - *Tentative*

Mrs. Khozeimeh made a motion to move to Executive Session. The motion was seconded by Mrs. Rivera-Oven and carried unanimously. The Board convened in Executive Session at 5:13 p.m.

*** Ms. Ditzler, Ms. Kildee, Mrs. Sanders, Mr. Subin and Mr. Owen-Williams left the room at 5:13 p.m. ***

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 5:14 p.m., pursuant to State Government Article, Section 10-508(a)(1)(i), Section 10-508(a)(1)(ii), Section 10-508(a)(13) and 10-508(a) to discuss Personnel, Budget, and other Operational 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, Kevin Karpinski, Margaret Jurgensen, Alysoun McLaughlin, Marjorie Roher, and Lisa Merino.

The Board discussed a Personnel matter.

The Board discussed the FY14 Budget.

The Board discussed an Operational matter.

*** Mrs. Dacek left the room at 5:37 p.m. ***

With no further business, Mrs. Khozeimeh moved to adjourn the Executive Session. The motion was seconded by Mrs. Rivera-Oven and carried unanimously. The Board meeting reconvened in regular session at 5:48 p.m.

APPROVED

Executive Session Minutes

Executive Session Minutes from the October 15, 2012, Executive Session were distributed in advance for review. A motion was made by Mrs. Khozeimeh to approve the minutes. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

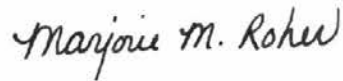
Mrs. Khozeimeh made a motion to place three election judges on the "Not Eligible for Hire" list. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Mrs. Rivera-Oven made a motion to retire an election judge with time well served. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

Adjournment

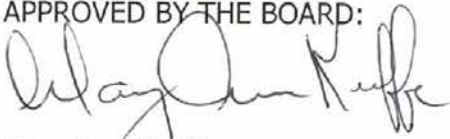
With no further business, Mrs. Khozeimeh moved to adjourn the Regular Session. The motion was seconded by Mrs. Rivera-Oven and carried unanimously. The meeting adjourned at 5:59 p.m.

Respectfully Submitted,



Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keefe
President