

APPROVED

February 25, 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  
Bobbie Payne, Program Specialist, Absentee Voting  
Marjorie Roher, Management and Budget Specialist  
N. Christine Rzeszut, Operations Manager  
Lisa Merino, Election Aide II

Guests:

Christina Ginsberg  
Dolly Kildee  
Ed King  
Joan King  
Ellen Shaw-Belblidia  
Michael Subin  
Stephan Sylvan

## **Convene the Board Meeting and Declare a Quorum Present**

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

## **Public Comments**

Ms. Keeffe asked if there were any public comments; Ms. Roher responded that Joan King, Democratic Precinct Chair for 13-47, requested to address the Board in advance. Ms. King expressed the need for Precinct 13-47 to be moved back to south Silver Spring and maintained there. She stated that the current downtown Silver Spring Civic polling place is too far for the residents of this unique precinct which contains no schools, and churches, and many residents that do not own cars. Mrs. King added that Precinct 13-47 has had four polling places in seven years – she wants the residents and precinct to have a permanent location. She asked the Board to consider the Montgomery College Performing Arts Center located at Georgia Avenue and East-West Highway to be used as a permanent polling place. The Board thanked Mrs. King.

Mr. Stephan Sylvan, President of South Silver Spring Association, requested to address the Board in advance. Mr. Sylvan expressed his desire for the residents of Precinct 13-47 to have a highly accessible polling place like previously held at NOAA or at the Montgomery College Performing Arts Center. Mr. Sylvan stated that NOAA is the resident's first choice; however, in his opinion the art center should meet the requirements for a polling place. He passed out copies of a power point presentation showing space, electrical outlets, parking, and electioneering space that would meet requirements given to him by Paul Valette [previous Operations Manager]. Ms. Keeffe asked Ms. Jurgensen about the use of the Montgomery County Performing Arts Center; Ms. Jurgensen stated the Center was not available for the Primary however staff will review the site and pursue the art center as well as other sites for future use. Mr. Naimon asked about the cost for NOAA. Ms. Jurgensen responded the rental for NOAA was \$6,600 for each election cycle. Mr. Sylvan stated prior to the construction of NOAA, NOAA promised the use of their facility for community purposes. Ms. Jurgensen stated staff will do further review. The Board thanked Mr. Sylvan.

\*\*\* Joan King, Ed King and Stephan Sylvan left at 2:45 p.m. \*\*\*

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

Ms. Jurgensen requested that the Board convene as the Board of Canvassers briefly to reject ballots; she also mentioned the need to discuss a personnel matter. Mr. Karpinski suggested the Board convene after the approval of minutes. Ms. Roher requested that the Conference Call minutes be reviewed. Ms. Keeffe agreed.



## **Approval of January 28, 2013, Minutes**

Minutes from the January 28, 2013, Board Meeting were distributed in advance. Ms. Roher stated Mr. Naimon requested a change to the minutes this morning; the changes were made available to the Board. A motion was made by Mrs. Dacek to approve the minutes. The motion was seconded by Mrs. Jeter and carried unanimously.

Minutes from the February 8, 2013, Conference Call were distributed for review. Mr. Naimon requested that the minutes be laid over until the following month so they could reflect more detail. Ms. Keeffe agreed that the minutes needed to be more detailed. Mr. Karpinski stated that he recommended staff not be as detailed as in previous meeting minutes due to the technology issues during the conference call to ensure that no opinion was misconstrued. Mrs. Rivera-Oven recommended that during future calls, the Board members identify themselves for clarity. Ms. Keeffe stated technology was an issue that needs to be reviewed. Ms. Keeffe asked staff to provide additional detail in the Conference Call Minutes.

## **Board of Canvassers**

Mr. Karpinski stated that Absentee Ballots had been received after the Canvass and the Board would need to reject them. He stated additional ballots may continue arriving at the BOE. Mr. Karpinski noted that ballots cannot be counted if they are not at the BOE prior to 10:00 a.m. on the second Friday following the election. Mrs. Dacek made a motion to reject the ballots that had been received after the Certification of the election, as well as rejecting any other ballots that may be received after today. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

## **Personnel**

Ms. Jurgensen reported that Shafiq Satterfield, IT Technician I, had resigned from the Board of Elections to take a position at the State Board of Elections as a Network Specialist. Staff is currently working with the Office of Human Resources to have the position filled. Ms. Keeffe expressed concern that the Board was not informed of this prior to his departure and asked that Ms. Jurgensen keep the Board informed with the process as the position is filled.

\*\*\* Dolly Kildee left at 3:15 p.m. \*\*\*

## **Redistricting**

Ms. Jurgensen and Mrs. Rzeszut presented a power point presentation with the recommendations for polling places changes due to the Legislative Redistricting and precinct realignment changes (See attachment 1A). The Board reviewed and discussed potential changes to the following Precincts:

- Precinct 02-06 was in Legislative District (LD) 15 in 2010 – due to the legislative realignment in 2012, it has been split and is now in LD 39 and LD 14. The staff recommends that a portion be moved into Precinct 02-09 – Lois P. Rockwell Elementary School. Ms. Jurgensen stated some voters will remain at Clarksburg Elementary School in LD 39 and others will go to Rockwell Elementary School which will have the same Congressional District 6, Legislative District 14 and Council District 2 as advised by the State. Some Board members expressed concern with distance, expense and voters reluctance to moving. Ms Jurgensen assured the Board the distance is .06 miles, the expense is not an issue because the polling place already exists, and the voters moved would total less than 500.
- Precinct 04-05 and 04-25 were in LD 17 in 2010 – due to the legislative realignment in 2012, Precinct 04-11, LD 16 was created to hold a portion of Precincts 04-05 and 04-25. Some Board members expressed concern with the precinct placed in a different LD with a different ballot face. Mr. Naimon asked why staff did not adjoin the precinct with a precinct that has the same ballot face. Mrs. Rzeszut responded the Council District would be different and it could not be moved to any adjacent precincts. Mr. Naimon suggested that the new precinct be kept in its own district. Staff stated due to the small area, there are no facilities available inside the District precinct. Ms. Keeffe asked what actions will be taken to avoid a voter receiving the wrong ballot. Ms. Jurgensen stated an election judge could be assigned at the door to direct voters to the correct area or they could consolidate the precincts. She added that if the legislation does not fix this issue the recommended Precinct 04-11 is currently the only option, staff recommends they vote at Ritchie Park Elementary.
- Precinct 04-01 was in LD 17 in 2010 – due to the legislative realignment a portion has been moved and staff had to create new Precinct 04-36, LD 19. This is a commercial area and currently holds no population; the precinct is a “Ghost” precinct.
- Precinct 04-08 was in LD 18 in 2010 – due to the legislative realignment a portion has been moved and staff had to create the new Precinct 04-33; LD 17. This is a commercial area and the precinct is a “Ghost”. However, there is residential construction slated in the area and there may be voters in 2016 or 2018 - currently Precinct 04-33 will be assigned to Twinbrook Elementary School and other facilities will be researched in the future.
- Precinct 04-15 was in LD 18 in 2010 – due to the legislative realignment a portion has been moved and staff had to create the new Precinct 04-40, LD 17 which is a “Ghost” precinct.
- Precinct 04-27 was in LD 18 in 2010 – due to the legislative realignment a portion has been moved and staff had to create the new Precinct 04-37 (Twinbrook Elementary School), which is LD 17, Council District 4, and School District 2. Staff is looking for another precinct that holds the same ballot style.



- Precinct 04-37 – staff will recommend another site at the Public Hearing March 2, 2013.
- Precinct 04-38 – staff will recommend another site at the Public Hearing March 2, 2013.
- Precinct 04-07 was in LD 17 in 2010 – due to the legislative realignment a non-contiguous portion was moved and a new precinct was created and voters will go to a precinct with the same ballot face.
- Precinct 04-27 was in LD 18 in 2010 – due to the legislative realignment a portion was moved and staff had to create Precinct 04-43, LD 17. Staff recommends they vote at Meadow Hall Elementary.
- Precinct 04-41 was created from Precinct 04-01 due to legislative realignment with an unchanged LD and is a “Ghost” precinct.
- Precinct 04-20 was in LD 15 in 2010 – due to the legislative realignment a portion was moved to create the new Precinct 4-42, LD 17. Staff recommends they vote at Robert Frost Middle School. This portion is non-contiguous and has nine registered voters; the precinct will be consolidated.
- Precinct 06-03 was in LD 39 in 2010 – due to legislative realignment a portion was moved and staff had to create the new Precinct 06-16, LD 17 which will be a “Ghost” precinct.
- Precinct 08-04 was in LD 19 in 2010 – due to the legislative realignment a portion was moved and staff had to create the new Precinct 08-14, LD 14. Staff recommends voters remain at Laytonsville Elementary School.
- Precinct 08-08 was in LD 19 in 2010 – due to the legislative realignment a portion was moved and staff had to create the new Precinct 08-15, LD 14. Staff recommends Col. Zadok Magruder High School as the polling place. Board members asked how many voters would be moved. Ms. Jurgensen responded 57.
- Precinct 09-20 was in LD 17 in 2010 – due to the legislative realignment a portion was moved and staff had to create the new Precinct 09-32, LD 39. Staff recommends using Washington Grove Town Hall as a polling place. Mrs. Dacek asked why they would not be voting at Washington Grove Elementary. Mrs. Rzeszut stated the elementary school will be hosting Precincts 09-10 and 09-01. Ms. Jurgensen reminded the Board that precincts are not required to be contiguous.
- Precinct 09-36 was in LD 39 in 2010, due to legislative realignment a portion had to be moved and staff created the new Precinct 09-38 in LD 39. Staff

recommends they vote at Washington Grove Town Hall. The site has not been confirmed with the Mayor or Council. Mrs. Dacek stated she might be able to help if necessary.

- Precinct 09-37 was in LD 39 in 2010, due to legislative realignment staff had to create the new Precinct 09-39, LD 17. Staff recommends they vote at Flower Hill Elementary School.

Ms. Keeffe stated her first preference is always to cause the least disruption to the voter by keeping them in the same precinct or as close as possible. She added that additional staff can be hired to assist voters to the appropriate place.

Ms. Jurgensen and Mrs. Rzeszut presented a power point presentation of proposed consolidations and Polling Place changes (See attachment 1B). Of the changes proposed the Board only agreed to the following mergers:

- Staff recommends Precinct 08-07 and Precinct 08-13 be merged to Sherwood Elementary School. Mrs. Rzeszut stated the voters in Precinct 08-13 used to vote at Sandy Spring Volunteer Fire Department. Ms. Jurgensen asked that the Board consider the merge due to the high lease rate of \$1000. She added the distance between both facilities is 0.6 miles. The Board members expressed concern with the distance, voter turnout, and ample parking at the elementary school. Ms. Keeffe stated that because the distance is short it would make sense for the polling places be merged; Mrs. Dacek agreed. Ms. Jurgensen stated the precinct will be brought up at the Public Hearing.

Ms. Jurgensen reminded the Board of the Mayor of Gaithersburg and Gaithersburg City Council's previous comments regarding the use of Asbury as a polling place for non residents of Asbury. The staff recommends that Precinct 9-40 be created for non-Asbury residents to vote at Gaithersburg Elementary School. The Board agreed with this recommendation.

Ms. Jurgensen stated that staff is looking into other facilities for Precinct 13-47. She noted that if the Montgomery College Performing Arts Center is used, space must be available on the first floor. Mrs. Jeter stated there must be accessible space and a secure area to store units. Ms. Jurgensen stated further research will be done for this precinct.

Ms. Jurgensen stated the SBE had informed staff that all redistricting must be finalized by April 8, 2013.

Mr. Naimon asked what will happen at Leisure World. Ms. Jurgensen stated the voters at Precinct 13-54 and 13-69 (Clubhouse I and II) will have to be evenly populated (staff will have to discuss the population numbers with the property manager).



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Mrs. Khozeimeh made a motion to accept the staff's recommendations to precincts due to Legislative Redistricting or Precinct alignments to the following Precincts: 02-01, 02-06, 02-09, 04-08, 04-11, 04-33, 04-36, 04-40, 04-41, 04-42, 04-43, 06-04, 06-05, 06-07, 06-13, 06-16, 08-01, 08-14, 08-15, 09-10, 09-25, 09-32, 09-33, 09-36, 09-38, 09-39, 10-02, 10-03, 13-14, 13-19, and 13-42 with staff providing alternatives to Precinct 04-37 and 04-38. The motion was seconded by Mrs. Rivera-Oven and passed unanimously.

Mrs. Khozeimeh made a motion to accept the changes to polling places 04-19, 07-28, 09-03, 9-28, 08-07, 10-05, 10-06, 13-35, 13-39, 13-41, 13-43, 13-44, 13-54, 13-58, 13-68, 13-69, and 13-70 with proposed changes submitted by BOE staff. The motion was seconded by Mrs. Jeter and passed unanimously.

Ms. Jurgensen requested the Board's permission to post and distribute the Legislative Redistricting/Precinct Realignment Matrix updated changes and the 2014 polling place changes working draft with updated changes. Mr. Karpinski recommended staff annotate "further research is being proposed" on the spreadsheets. The Board agreed.

## **Election Director Reports**

### **Budget**

Ms. Roher reported on the FY13 budget. Handouts were distributed to the Board for the current fiscal year through February 5, 2013. She noted a change to line 60168 personnel part time temporaries for clarity and accurate totals. Ms. Roher stated five temporary employees remain at the BOE. Ms. Keeffe asked why temporary employees are still working. Ms. Jurgensen stated some are working on confirmation mailing, some are making changes that need to be updated from Election Day, and due to our personnel deficit we always maintain 2 to 3 temporaries, but if funds start to run out they will be let go. Ms. Roher made available the recent FY13 SBE invoices and noted the bill does not reflect Runbeck charges.

Mrs. Khozeimeh requested that the bright blue on the budget spreadsheet be modified. Ms. Roher agreed. Mr. Naimon noted the blue items on the spreadsheet do not add up he asked what additional charges are anticipated by the end of the fiscal year. He stated it would be helpful for Ms. Roher to prepare an analysis of the budget for other anticipated costs and report to the Board. Ms. Roher agreed.

### **Voter Registration**

Ms. Jurgensen reported that BOE has received documentation from SBE informing that redistricting must be entered in MDVoters by April 1, 2013. Staff 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 cancel inactive voters. She noted that SBE will provide further information in April regarding the cancellation of voters.

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## **State Board of Elections**

Ms. Jurgensen reported that SBE Administrator Linda Lamone briefed the Maryland Senate and House on pending Legislation (a copy of her comments was made available to the Board in advance). She stated that the Ms. Lamone testified regarding the Governor's proposed legislation on the expansion of Early Voting. Ms. Jurgensen stated a recent article in Sunday's *Washington Post* addressed the security concerns related to OLVR and the Ballot Wizard.

Ms. Jurgensen reported that documents were made available to SBE regarding audits of provisional and absentee ballots and Polling Place Evaluations Forms. She added that staff has been notified that SBE will soon be providing upgrades for the voting units for the 2014 Election.

Ms. Jurgensen stated that ElecTrack and Candidate Filing Training will occur once the software had been developed and no roll out date is currently scheduled.

## **Legislation**

Ms. Jurgensen reported that a hearing on Governor O'Malley's proposed Bill SB 279/HB 224 was last week and Ms. Jurgensen, Ms. McLaughlin and Ms. Keeffe attended. She stated there are several similar Bills calling for between ten and fifteen Early Voting Centers. No hearings have been held yet on these Bills. Ms. Keeffe stated the hearing was a little hectic in that both the House and Senate hearings occurred simultaneously. She stated that Linda Lamone and Ross Goldstein also attended to answer any questions. A question came up regarding the technology for same day registration and the Senate Deputy Chair referenced the letter from the Montgomery County Board of Elections stating the technology and ability of same day registration is not available at this time. Ross Goldstein agreed with the possible solutions mentioned in the letter. She stated that the Governor's representative thanked her for the information.

Ms. Jurgensen stated HB 481/SB 497 had been proposed and calls for each legislative district to have an early voting center.

Ms. Jurgensen reported that she had been contacted by Delegate Carr's office requesting support from the Board of Elections on HB 670, which alters the boundaries of specific Board of Education districts. The Bill would return the Town of Kensington to one Board of Education district. She noted that committee vote was 12 for, 2 opposed and 2 abstentions. Ms. Keeffe stated she understands the issue with communities staying together. She recommends that the Board supports the Legislation.

Mrs. Dacek made a motion to support Delegate Carr's House Bill 670. The motion was seconded by Mr. Naimon and passed unanimously.

A letter will be written to Delegate Carr notifying him of the Board of Election's support.



## Board Attorney Report

Mr. Karpinski reported the Court of Appeals has not made a decision regarding the *FOP vs. MOCO* case. Ms. Keeffe inquired if there had been any rumors regarding petitions and Mr. Karpinski stated no; however, there may be petitions on Constitutional Amendments.

The Board discussed SBE regulations regarding the utilization of a voter's address of record (HB 493/SB 673). Mr. Karpinski stated there is a Comar provision that requires local Boards to update the voter's registration with the address given on a petition (whether business or out of state). Mr. Naimon has expressed concern about this issue in the past election. Mr. Karpinski and Ms. McLaughlin discussed previously an option where the voter could be kept at their original address and when information on a petition comes, the local board can send a mailer verifying that the updated information is accurate. Ms. Keeffe asked if the petition signature would be valid if the information were not to be updated in MDVoters (no match) since a valid address must be verified to accept the petition signature. Ms. McLaughlin stated the full Bill has other referenda proposed and was not available for the meeting. Mr. Naimon suggested that the Board support just the portion of the Bill regarding the address change restriction. Ms. Keeffe inquired about the process to support part of a Bill. Ms. Jurgensen stated a letter could be sent to the House of Delegates and Delegate Leudtke. Mr. Naimon made a motion to support a portion of HB 493/ SB 673 regarding petitions addresses not being use to update a voters address of record. The motion was seconded by Mrs. Khozeimeh. Ms. Keeffe, Mrs. Dacek, Mrs. Khozeimeh, and Mrs. Rivera-Oven voted for the motion with Mrs. Jeter voting in opposition. The motion passed.

Mr. Karpinski will draft a letter that will be sent to Ms. Jurgensen and the Board by Wednesday for the hearing on Thursday.

## Old Business

### Follow Up Issues from the December Board Meeting

Ms. Keeffe referred to a previous meeting and requested an update on the status of a letter from the Board opposing two signatures on a provisional ballot. Mr. Karpinski stated he will draft a letter for the Board by Wednesday.

Ms. Jurgensen stated the letter the Board requested be written to the SBE Board members regarding the Runbeck issues has not been completed as of yet. She stated the Runbeck contract has not been renewed and will not be renewed until May.

Last month Ms. Keeffe requested that Board members list issues observed at polling places during Early Voting and Election Day. The list must be forwarded to Margaret and will be discussed in March including any other issues discussed during the December and January Board meetings. Ms. Jurgensen requested the list be sent by March 8, 2013, in time to prepare a power point presentation. Ms. Keeffe requested that staff also make available issues brought to the Board by the Central Committees.

## 2012 Presidential General Election

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### Absentee

Ms. Jurgensen reported on Runbeck, State Board and internal issues, as well as the nursing home program and the Canvass. Mrs. Jeter noted the lessons learned submitted by Absentee should clearly state they are staff recommendations and not the recommendations of the Montgomery County Board of Elections. Ms. Keeffe questioned why the Board no longer used MC311; Ms. Roher explained the current procedure with calls received to BOE through MC311. Ms. Payne clarified that the email ballot process was changed mid-way through the election by the SBE and the absentee section was understaffed for the high demand of requests when they became responsible for the additional mailings.

### Voter Registration

Ms. Jurgensen reported on Voter Registration's lessons learned for the General Presidential Election. Topics included daily tasks, customer service, registration classes, High School drives, petitions, and provisional ballots. Mrs. Rivera-Oven asked about the name standard issue and Ms. Dorsey responded voters are placed in a pending status if there is no match. Mrs. Rivera-Oven asked why there was an increase in reactivations in November and Ms. Dorsey responded it was due to registration deadline. The Board thanked Ms. Dorsey.

### Information Technology

Mr. Vinh reported on the daily operations, post evaluation tasks, and error and accuracy ratings for DRE and EPB machine related issues. He emphasized the need for additional staffing due to the amount of equipment prepared. The Board thanked Mr. Vinh for his report.

\*\*\* Christina Ginsberg left the room at 5:15 p.m. \*\*\*

### New Business

Ms. Jurgensen stated the County Executive's review of our FY14 operating budget submission is tomorrow, February 26, 2013, at the County Executives Office at 2:00 p.m. Ms. Jurgensen stated an invitation has been extended to brief the County Council's Government Operations Committee on March 11, 2013, regarding the 2012 General Election. Mrs. Rivera-Oven requested that Ms. Roher send an email reminder, Ms. Roher agreed.



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## Future Meetings

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

Mrs. Jeter 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 5:34 p.m.

\*\*\* Ellen Shaw-Belblidia, and Michael Subin left the room at 5:34 p.m. \*\*\*

## Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 5:35 p.m., pursuant to State Government Article, 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.

\*\*\* Ms. McLaughlin, Ms. Roher and Ms. Merino were excused from the room at 6:06 p.m. \*\*\*

The Board discussed an Operational matter.

\*\*\* Mrs. Dacek left the meeting at 6:15 p.m. \*\*\*

With no further business, Mrs. Jeter moved to adjourn the Executive Session. The motion was seconded by Mrs. Khozeimeh and carried unanimously. The Board meeting reconvened in regular session at 6:50 p.m.

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### Executive Session Minutes

Executive Session Minutes from the January 28, 2013, Executive Session were distributed in advance for review. A motion was made by Mrs. Jeter to approve the minutes. The motion was seconded by Mrs. Khozeimeh and carried unanimously.

### 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 6:52 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