

APPROVED

March 18, 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
Jacqueline Phillips
David Naimon

Legal Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Election Director
Alysoun McLaughlin, Deputy Election Director
Betty Ann Lucey, Voter Registration Manager
Marjorie Roher, Management and Budget Specialist
N. Christine Rzeszut, Operations Manager
Leslie Woods, Election Judge Coordinator
Gilberto Zelaya, Outreach Coordinator
Lisa Merino, Election Aide II

Guests:

Holly Joseph
Dolly Kildee
Barbara Sanders
Michael Subin
Joyce Temple
Adol Owen-Williams

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 Holly Joseph requested to address the Board. Ms. Joseph expressed concerns to the Board regarding the Governor's Election Bill (SB279). She believes there are other ways to save costs, shorten voter lines at the polls, and protect the security and privacy of voted ballots. She showed the Board a sample \$65 marking station as an alternative to more expensive ones proposed by the State Board of Elections (SBE). Ms. Keeffe thanked Ms. Joseph and indicated that the Board had supported the Bill with several comments.

Additions/Changes to the Agenda

No additions or changes were made to agenda.

Approval of January 28, 2013, Minutes

Minutes from the February 8, 2013, Conference Call were distributed in advance. Ms. Roher distributed requested changes to the minutes. A motion was made by Mrs. Dacek to approve the minutes. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Ms. Keeffe thanked staff for the thoroughness of the conference call minutes.

Minutes from the February 25, 2013, Board Meeting were distributed in advance. Ms. Roher distributed changes to the minutes. A motion was made by Mrs. Khozeimeh to approve the minutes. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Minutes from the March 2, 2013, Public Hearing were distributed in advance. Ms. Roher distributed changes to the minutes. A motion was made by Mrs. Khozeimeh to approve the minutes. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Redistricting

Discussion of Public Hearing

Mrs. Jeter briefed the Board on comments given at the March 2, 2013, Public Hearing. One of the comments given at the Public Hearing regarded insufficient notice of the Public Hearing. Ms. Keeffe stated that perhaps the calendar should be added to the website. Staff agreed. Mrs. Rivera-Oven clarified that the comments expressed there was no information provided in advance of the meeting. Mrs. Jeter stated that the meeting was very useful, and

there were many issues to consider. Ms. Keeffe thanked Mrs. Jeter for chairing the meeting and her thorough report.

Board Approval of Precinct Realignment

Ms. Jurgensen stated that Mrs. Rzeszut would review the precincts the Board members asked staff to reconsider at the previous Board Meeting. Michael Subin, Assistant to the Assistant Chief Administrative Officer, stated that he had spoken to a Montgomery College representative regarding the use of the Performing Arts Center as a polling place for Precinct 13-47 and there is an objection regarding community use of classrooms but not "gallery areas" as the BOE is interested in. Ms. Jurgensen stated that the issue is that Montgomery College cannot make any commitments to lease until after April 24, 2014, due to class priority and precincts must be assigned by December 24, 2013. Mrs. Rivera-Oven stated she had spoken to the Provost of Montgomery College in Silver Spring and he had said that the date was not an issue; his concerns were regarding sufficient parking for the voters. Ms. Jurgensen stated that the Facility Manager would be the one to make the ultimate decision on the use of the facility. Ms. Keeffe suggested that Mr. Subin organize a meeting with the Provost of Montgomery College, the Facility Manager, Ms. Jurgensen, and Mr. Subin to discuss the situation further.

Mrs. Rzeszut presented a power point presentation with recommendations for the polling place changes Board members requested. The Board reviewed and discussed potential changes to the following precincts:

- Precinct 04-37 – Staff recommended the precinct vote at Twinbrook Elementary School since the boundary aligns with precinct 04-27. The voters will have the same ballot face although they are in different Legislative Districts, 102 registered voters will be affected, the precincts will be consolidated, and precautionary measures will be taken to avoid confusion for voters.
- Precinct 04-38 – Staff recommended the precinct vote at Meadow Hall Elementary School. The distance will be .08 of a mile. Board members expressed concern with the distance. Mrs. Rzeszut stated 31 registered voters will be affected. Mr. Naimon questioned the different Legislative District. Mrs. Rzeszut stated precautionary measures will be taken to avoid confusion for voters. The Board members discussed different options and came to a consensus agreeing to staff recommendations.

Mrs. Khozeimeh made a motion to accept staff recommendations that Precinct 04-37, vote at Twinbrook Elementary School and Precinct 04-38, vote at Meadow Hall Elementary School. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

- Mrs. Rzeszut stated that residents of Gaithersburg City raised concerns regarding Precinct 09-28. Staff recommends that Precinct 09-28 be comprised of Asbury Methodist Village and Lakeforest Mall (commercial area) and vote at Asbury; a new Precinct 09-40 be created so that non-Asbury residents may vote at Gaithersburg Elementary School. Ms. Jurgensen stated that Ms. Kildee had testified at the Public Hearing that 09-40 was a confusing number and has requested 09-40 be identified as 09-01. Ms. Jurgensen stated she conferred with

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County Global Information Systems (GIS) who prefer to retire 09-01; however, GIS agreed that if the Board chooses to keep 09-01 then it will not be retired.

Mrs. Khozeimeh made a motion to accept staff recommendations to create Precinct 09-01 from Precinct 09-28. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Mrs. Khozeimeh made a motion to accept staff recommendations that the new Precinct 09-01 vote at Gaithersburg Elementary School. The motion was seconded by Ms. Keeffe and carried unanimously.

Ms. McLaughlin stated that Precinct 09-40 was not mentioned earlier in the process because GIS was working on developing how to incorporate community response and worked very late the Friday evening before the Public Hearing to prepare maps to be presented at the Public Hearing.

- Precinct 13-54 – staff recommended that the population be balanced among precincts due to comments received at the public hearing. Clubhouse I will have 3125 registered voters, Clubhouse II 3950 registered voters. Mrs. Rzeszut stated that Bedford Court will be assigned to Clubhouse I. However, Ms. Jurgensen suggested that the Nursing Home program reach out to Bedford Court to perform an Absentee Voting event in their facility. Mrs. Jeter stated that an option expressed at the Public Hearing was for Leisure World to use Turnberry Court as a polling place. Mrs. Rivera-Oven stated another option discussed was the use of the Interfaith Community Church. She stated that according to testimony the facility is centralized and easily accessible to everyone in Leisure World. Mrs. Rzeszut stated that she had discussed logistics with the coordinator. Mrs. Rivera-Oven requested that staff research the use of the facility. Mrs. Rzeszut agreed. Mr. Naimon stated he understood there were several testimonies given regarding the desire for voters to have the option to vote at either polling place. Ms. Jurgensen responded that Precinct 13-69 could be abolished (if SBE agrees) and every registered voter be assigned to precinct 13-54, with several locations to vote on the property. Mr. Naimon was pleased that the voters could have a choice to select a voting place with shorter lines. Ms. Keeffe stated she is not opposed to the various voting locations but, in her opinion, there will always be lines at Leisure World. Mrs. Dacek agreed that there will always be lines. She noted that it took a long time to place two precincts in Leisure World; in the past all registered voters voted at Precinct 13-54. Mr. Naimon stated that convenience of the voters should be our guideline, and giving voters an alternative choice would be beneficial. Mrs. Jeter stated that would be a good opportunity to use the Interfaith Community Chapel. Ms. Jurgensen asked permission from the Board for staff to contact the Interfaith Community Chapel and SBE regarding the abolishment of a precinct and placing multiple voting locations and asked that discussion be laid over until next month's meeting. Mr. Naimon asked for Mr. Karpinski's opinion. Mr. Karpinski stated that he does not see an issue with the request; however, the State has many guidelines on how polling places should be configured. The Board disagreed with staff's recommendations. Ms. Keeffe requested that Mr. Karpinski

draft a letter to the SBE. Mrs. Dacek stated she does not support 8,000 voters at one polling place with several locations to vote. Ms. Keeffe stated it was worth checking out since Leisure World is a unique location.

Ms. Jurgensen stated that Mrs. Rzeszut will contact Board members regarding proofing the legal descriptions for redistricting and asked that the Board tentatively reserve April 11 and 12 for this purpose. She will notify the Board when the legal descriptions are ready.

Election Director Reports

Budget

Ms. Roher reported on the FY13 spreadsheets provided in advance. Handouts were distributed to the Board for the current fiscal year through February 28, 2013. Ms. Roher stated that at the request of Mr. Naimon, additional information was provided with total estimated expenditures for FY13. Ms. Keeffe asked how many temporary employees are currently on staff. Ms. Jurgensen stated there were four – three in Voter Registration and one in Administration. Mr. Naimon asked if the assumption is that the projection for State billing will be 100%. Ms. Roher responded she anticipates program management charges will be over budget, and the EPB's are over budget, but she does not anticipate any additional charges for the touch screen units. Ms. Roher noted that it is very hard to project since we cannot control what is billed to us. She stated that no billing from Runbeck had been received. Ms. Keeffe thanked Ms. Roher.

Voter Registration

Ms. Jurgensen reported that BOE staff will be entering redistricting into MDVoters beginning March 20, 2013, and systems will be down. Voter registration staff will continue to process back scan voter registrations. In addition, staff will be preparing for high school peer to peer registration held in conjunction with the student member of the school Board election. Ms. Keeffe inquired if the voter rolls will be cleaned for those voters who have not voted in two consecutive Presidential Elections. Ms. Jurgensen responded that BOE works in conjunction with SBE to update MDVoters. Ms. Phillips asked if voters are notified before being cancelled. Ms. Jurgensen responded a post card is sent asking for an update of information and if the card is returned the voter is not cancelled and information is then updated in MDVoters. The process to cancel a voter can take four to six weeks.

State Board of Elections

Ms. Jurgensen reported that the SBE is considering establishing a new regulation to require that LBEs place the amount of postage required on return absentee envelopes to address the amount of mail not delivered due to the lack of postage.

She stated that SBE had published their calendar for the election. She reported that LBE must have their suggested Early Voting centers to SBE by October 21, 2013. Submissions to SBE will be reviewed at the November State Board Meeting with final approval by SBE on December 24, 2013. Staff recommendations and discussions will occur in the July Board meeting.

Ms. Jurgensen reported that Linda Lamone, State Administrator, sent a letter (made available to the Board) regarding the 2013 Statewide Biennial Meeting, indicating that Board members are required to attend. Ms. Roher stated the MAEO conference is scheduled for June 16, 2013, through June 19, 2013, and only June 17 is deemed a Biennial meeting day. Ms. Keeffe asked if Board members will meet for dinner after the meeting. Ms. Jurgensen stated she will look at the Agenda and will note some local restaurants the Board could attend. She noted that no agenda is currently available; once it is available, it will be distributed to the Board members. Ms. Keeffe requested since no housing expense is needed, staff and Board members be reimbursed for their travel. Ms. Khozeimeh indicated the letter states mileage will be reimbursed. Ms. Roher will follow-up with an e-mail with mileage reimbursement forms and a request for shirt sizes.

Legislation

Ms. McLaughlin reported that the Governor's Bill passed the Senate March 7 (SB 279). The Bill has not yet been voted on by House Ways and Means (HB 224). She reported that when it passed in the Senate, it had the following amendments:

- Make same day registration effective in 2016, not 2014.
- To use the online registration system, must not just use driver's license number but also the last four numbers of the SSN or another BOE identifier that is not generally available to the public, but is readily available to the individual.
- Allow qualified UOCAVA voters with no driver's license number to use the system by providing their full SSN.
- Require that the online registration and ballot marking system be accessible.
- Require the State Board to study the cause of any lines longer than 30 minutes, what it would take to reduce those lines to 60 to 30 minutes, and do a study including setting maximum target wait times for Early Voting and Election Day.

Ms. McLaughlin briefed the Board on other bills regarding the same issues which are pending in the House and reported unfavorably, HB 17, HB 217/SB 373, and HB 758.

Delegate Carr's Bill is scheduled for hearing Wednesday in Senate Education, Health and Environmental Affairs and has passed in the House.

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Ms. McLaughlin reported that no action has occurred on Delegate Luetdtke/Senator Dyson's Bill regarding petition signatures. As directed by the Board, a letter was sent February 27, 2013, noting the Board's position. Ms. Keeffe thanked Ms. McLaughlin.

County Council Work Session

Ms. Jurgensen stated that she and Ms. Keeffe attended the County Council Worksession; Linda Lamone and Ross Goldstein also attended and addressed the Runbeck mailing issue and the Spanish Summary error on the Ballot with a brief discussion on line issues. Ms. Keeffe stated that Ms. McLaughlin prepared the initial draft of her comments and following her statement no questions were asked. Councilmember Valerie Ervin raised the Silver Spring issue, noting a letter was sent requesting the BOE look into the situation. Councilmember Reimer asked Ms. Lamone what position SBE took regarding the Governor's Bill; Ms. Lamone stated that SBE had taken no position. Councilmember Reimer was pleased that MCBOE had taken a position on Bill. Ms. Keeffe stated Mrs. Dacek, Mrs. Jeter, Mrs. Rivera-Oven, and Mr. Naimon also attended the Worksession.

Board Attorney Report

Mr. Karpinski reported that the Brennan Center for Justice has requested information regarding voter turnout numbers. He noted it is not a true Freedom of Information Act request since documents are not requested. Mr. Karpinski stated the request includes the number of absentee ballots requested, provisionals counted, how many voters voted, what time the last voter voted, etc. He stated that Ms. Jurgensen has provided information and he will prepare a letter in response to the request.

Mr. Karpinski stated the Court of Appeals has not issued a decision in *FOP vs. MOCO* case. He noted that he had received a call from Judge Johnson's assistant indicating the hearing on the FOP's motion has to be rescheduled. Judge Johnson has yet to schedule the hearing regarding attorney's fees, and Mr. Karpinski has been excused from the hearing. Mr. Karpinski stated that, according to MD Rule 1-341, if the court finds that an action was filed in bad faith or without substantial justification, the court can assess attorney fees against the party/attorney who filed the pleading.

Ms. Keeffe inquired what would be the likelihood we would receive petitions this election. Mr. Karpinski stated that most likely we will receive Charter Amendments. Ms. Keeffe thanked Mr. Karpinski.

Ms. Jurgensen mentioned that the County Council – General Government Operations Committee will meet April 17, 2013, at 2:00 p.m. to review the Operating Budget.

Old Business

No new business was discussed.

2012 Presidential General Election

Operations

Mrs. Rzeszut reported on the Polling Place Program. She stated that Operations is comprised of multiple functions, Campaign Filling, Future Vote, Section 203 Outreach, Election Judge Recruitment and Training, Polling Place Coordination, Polling Place Support Program, Mapping Services, and the Supply Warehouse. She noted challenges and positive experiences during the election cycle in Operations. Ms. Keeffe thanked Mrs. Rzeszut.

Election Judge

Ms. Woods reported on election judge precinct performance. She reported on the performance of the 238 polling places; 11 reported outstanding, 67 excellent, 94 good, 31 fair, 16 that need improvement, and 11 unsatisfactory. Ms. Keeffe asked what follow up process will take place to reduce the number of unsatisfactory precincts. Ms. Woods responded further training changes will occur to reduce the need improvement and unsatisfactory categories. She stated election judges will be trained in line management and it will now be included in training. She noted the State guidance to process elderly and handicap voters is to give a placement card to the voter behind that individual and once that person is at check in the election judge will take the handicapped individual to vote.

*** Adol Owen-Williams left the room at 4:30 p.m. ***

Mrs. Rivera-Oven noted that Precincts 09-07, 09-08, and 09-09 all received "needs improvement" and this is a problem for all of them to be in the same area. She stated that in all the precincts she visited she never saw the placement cards; she expressed concern that if there is a State policy, BOE is not following it. Ms. Woods stated it is very challenging to train adults; there is a three hour training for returning judges and four hour training for new judges. Literature is given to them but we cannot force them to read it; however, staff will give them more guidance on issues that occurred during this election. Ms. Phillips suggested staff could add signage to the polling place, "If you need help see Chief Judge". The Board agreed that additional signage is needed so that the elderly and handicap individuals can self identify themselves. Ms. Keeffe suggested this item be highlighted in future training. Ms. Keeffe thanked Ms. Woods. Ms. McLaughlin noted that in her experience no other jurisdiction goes through the meticulous statistics that the MCBOE does. Mrs. Jeter asked that Ms. Woods provide the Board with a history of the judges who are consistently in unsatisfactory categories.

Early Voting

Mr. Zelaya reported on Early Voting. He expressed his appreciation to everyone involved with Early Voting - the Board, Executive staff, BOE staff, judges, auxiliary departments, and divisions. He reported that approximately 78,000 voters were served with five Early Voting Centers adding that the dash Board was well received by the public and that today New Jersey reached out with interest in the dash board.

Mr. Zelaya reported on Future Vote and Section 203. He noted that there was a full bilingual complement on Election Day and 213 Future Vote students served with bilingual capabilities. He reported that Future Vote participation was 93.5% from public schools, 3.8% from private schools, 2.5% were homeschooled and .05% other. High school students made up 37.8% versus 62.2% from Middle School; Mr. Zelaya explained that most students have their required credits prior to High School. He reported that 2113 students served in the General Election while 659 served in the Primary with a total staffing savings to the BOE of \$201,360. Mrs. Rivera-Oven requested a break down with geographic locations of schools for target outreach. Ms. Keeffe inquired why future vote students were not used during early voting. Mr. Zelaya responded the main reason is security and safety for the children. The Board members suggested that they could use High School students to stay inside the polling place retrieving cards or assisting with line management. Ms. Keeffe stated the future vote youth she encountered were outstanding. Mr. Subin recommended that Mr. Zelaya talk to the clerk at the Circuit Court to find interpreters in additional languages. Ms. Keeffe thanked Mr. Zelaya for a job well done.

Polling Place Support Program

Ms. Jurgensen briefly reported on the Polling Place Support Program conducted by the League of Women Voters under contract with Montgomery County. She noted the program was originally started by Montgomery County and later adopted by the State. She stated that all polling places were visited and most reports documented that everything was running smoothly.

Follow up Items

Mrs. Rzeszut reported on a list of polling place concerns discussed over several board meetings. She briefly reviewed the power point and handout made available to the Board. Ms. Keeffe thanked staff for the information and, due to time constraints, asked the Board to send any additional concerns to Ms. Rzeszut for review in April's Board meeting. Following the April review, Ms. Keeffe requested that the spreadsheet be shared with the County Council.

Communications

Ms. Roher highlighted the Communication report, which was sent to the Board in advance of the meeting. She noted the call center was in operation from October 12 through November 21, was staffed by five temporary employees, and handled 4,750 calls. Google Ad words was only used to advertise the need for election judges due to limited funds. Callers to the Board of Elections are automatically connected to the IVR which provides detailed information on voter registration and absentee deadlines and applications, election judge program as well as other services. She reported that between October 27 and November 27 MC 311 handled 296 calls, and on November 5 and 6 it handled 268 calls. Ms. Roher reported that 28 appointments were scheduled for visitors and media representatives to visit polling places on Election Day with two additional visitors scheduled during Early Voting. She noted that staff will be making recommendations in the future to reduce the impact on Board members. Ms. Roher also commented on the media advisories and public service announcements that were prepared. Mrs. Rivera-Oven asked what was meant by "first attempt, second attempt, and not found" on the IVR statistics. Ms. Roher stated that she would

check with the vendor and provide a response as soon as possible. Ms. Keeffe thanked Ms. Roher.

New Business

Ms. Jurgensen stated that staff recommends that the Election Judge Recognition Reception be held on April 13, 2013, from 12:00 p.m. to 3:00 p.m., she confirmed that County Executive Ike Leggett is available at this time.

Mrs. Khozeimeh made a motion to accept staff recommendation for the Election Judge Recognition Reception to be held on April 13, 2013. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Mr. Naimon asked if the Future Vote students were included in this reception. Ms. Jurgensen and Mr. Zelaya stated that, due to the large number of students, this was not possible. Mrs. Rivera-Oven suggested that staff explore this in the future.

Future Meetings

- A. April 13, 2013 – Election Judge Recognition Reception
- B. April 15, 2013 – 2:30 p.m.
- C. May 20, 2013 – 2:30 p.m.
- D. June 17 and 18, 2013 MAEO Conference – College Park, MD
- E. June 24, 2013 – 2:30 p.m.
- F. July 15, 2013 – 2:30 p.m.
- G. August 19, 2013 – *Tentative*
- H. September 16, 2013 – 2:30 p.m.
- I. October 21, 2013 – 2:30 p.m.
- J. November 18, 2013 – 2:30 p.m.
- K. December 16, 2013 - *Tentative*

Mrs. Dacek 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 5:28 p.m.

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 5:30 p.m., pursuant to State Government Article, Section 10-508(a)(1)(ii), Section 10-508(a)(13) and 10-508(a) to review minutes from a previous Executive Session and to discuss a personnel issue.

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,

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Nancy Dacek, Nahid Khozeimeh, Graciela Rivera-Oven, David Naimon, Jackie Phillips, Kevin Karpinski, Margaret Jurgensen, Alysoun McLaughlin, Marjorie Roher, and Lisa Merino.

The Board reviewed the February 25, 2013, Executive Session minutes.

*** Ms. Roher and Ms. Merino were excused from the room at 5:35 p.m. ***

The Board discussed a personnel matter.

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 6:19 p.m.

Performance Award

Mrs. Rivera-Oven moved to approve 20 hours of annual leave to all eligible permanent staff for exceptional performance during the 2012 Presidential Election cycle. The motion was seconded by Mrs. Jeter and carried unanimously.

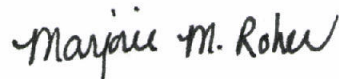
Executive Session Minutes

Executive Session Minutes from the February 25, 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. Khozeimeh moved to adjourn the Regular Session. The motion was seconded by Mrs. Jeter and carried unanimously. The meeting adjourned at 6:23 p.m.

Respectfully Submitted,



Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keeffe
President