

APPROVED

May 20, 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  
Nahid Khozeimih  
Jacqueline Phillips  
David Naimon

Board Counsel:

Kevin Karpinski

Staff:

Margaret Jurgensen, Election Director  
Alysoun McLaughlin, Deputy Election Director  
Laletta Dorsey, Program Specialist  
Marjorie Roher, Management and Budget Specialist  
N. Christine Rzeszut, Operations Manager  
Gilberto Zelaya, Outreach Coordinator  
Lisa Merino, Election Aide II

Guests:

Sylvia Darroen  
Patricia Fenat  
Bunny Galladora  
Ann Hampton  
Lee Havis  
L.C. Heieej  
Mary Ellen Henderson  
Holly Joseph  
Dolly Kildee  
David Kipping  
Rosalind Kipping

APPROVED

David Lauderman  
Peter Mac Gahan  
Ruth Melson  
Bill Murphy  
Rachael Peabody  
Sheldon Sacks  
Barbara Sanders  
Michael Subin  
Joyce Temple  
Ken Timmerman  
Holly Watkins  
Adol Owen-Williams

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

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

### **Public Comments**

Ms. Keefe asked if there were any public comments; Ms. Roher responded that Ken Timmerman, Former Republican Candidate for U.S. Congress, requested to speak in advance. Mr. Timmerman expressed concerns with irregularities at the polls on November 6 in Montgomery and Carroll Counties. He stated that he conducted an independent investigation concluding systemic problems with the Diebold Touch screen voting systems and their software. His investigation included pulling the voter identification cards on one machine and calling voters to see if they could duplicate the results on the machine tape; ultimately they could not duplicate results. He noted that investigations by a wide variety of organizations, including the Secretary of State for Texas, Princeton University, and Argonne National Lab have also found inherent vulnerabilities in the Diebold system. Mr. Timmerman added that without a paper trail audit, in his opinion, votes cannot be secured. He suggested that voting machines be deployed timely and voters be required to show positive ID at the polling place and anyone who cannot provide an ID be required to vote provisionally. Mr. Timmerman submitted the Argonne report to the Board.

Ms. Keefe thanked Mr. Timmerman for his comments; adding that his issues need to be brought to the attention of the State since local boards do not control machine selection or security procedures. Mr. Timmerman stated he has brought his issues to the State Board. Mr. Naimon asked if Mr. Timmerman had a copy of the Princeton report; he responded that he would send Mr. Naimon a copy.

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

Ms. Jurgensen requested that, since a Board member will be leaving early, after the approval of minutes the agenda will move to the Board Attorney report followed by Early Voting under New Business and then return to Election Director Reports. Ms. Keeffe agreed.

## **Approval of April 15, 2013, Minutes**

Minutes from the April 15, 2013, meeting were distributed in advance. A motion was made by Mrs. Khozeimeh to approve the minutes. The motion was seconded by Mrs. Dacek and carried unanimously.

## **Board Attorney Report**

### **Litigation**

Mr. Karpinski reported that no opinion has been issued from the Court of Appeals regarding the *Montgomery County vs. FOP* case.

Mr. Karpinski stated a copy of the Circuit Court Order regarding the FOP motion to request sanctions against Montgomery County was sent to the Board, noting the motion was denied and it has now been appealed to the Court of Special of Appeals. He stated a third piece of litigation has been reported in the *Gazette* regarding the FOP and Montgomery County. Montgomery County filed a motion to dismiss, arguing that County funds were appropriately used to lobby for or against Question B. The motion was denied. Montgomery County Board of Elections will have no involvement in the case.

### **Early Voting**

Mr. Karpinski briefly updated the Board on the COMAR regulations regarding Early Voting Centers.

- He stated eight months prior to the Primary election; the State Administrator determines the number of registered voters within a County to determine the number of Early Voting Sites needed. (Montgomery County is always going to have the maximum).
- At least seven months before the Primary, the local boards shall submit a form for each proposed early voting site indicating the telecommunication needs, size and layout for equipment, accessibility, and security requirements are met and that eighty percent of registered voters live within five miles of one of the voting sites. (Photographs, layout, etc. will also be sent in addition to the form.)
- Within thirty days of receiving the form, SBE is to vote on the local board's proposed early voting sites and either approve them or advise they will not be accepted.
- At least three months before the Primary, the local boards must submit alternate early voting sites for approval should one of the approved sites not be available during early voting.
- Each early voting center must have a legal agreement with the property owner – target date: January 24, 2014.

- At least eight weeks before early voting begins, the Election Director must submit an early voting security plan for approval.
- Within 30 days of receipt of the security plan, the State Administrator must provide feedback.

Mr. Karpinski stated an MOU must be signed and agreed upon, with dates and times for access and usage before and after early voting, amount to be paid for private facilities, telecommunication installation notification if applicable, and necessary security measures for equipment and facility, etc. Mr. Karpinski noted the COMAR citation is COMAR 33.17.02.01 through COMAR 33.17.07.04.

Ms. Jurgensen stated both proposed and alternative sites will need to be submitted at the same time. Ms. Phillips requested that Mr. Karpinski explore the cost for security cameras to be installed at all facilities focused on the voting machines. Ms. Jurgensen responded that all County facilities have security cameras on site. The five current facilities do have security cameras, and further information will be provided as the other sites are reviewed. Ms. Keeffe requested the COMAR citation; Mr. Karpinski stated he will forward all COMAR citations and the timeline to the Board. Ms. Keeffe thanked Mr. Karpinski.

Ms. Keeffe stated that additional guests wanted to address the Board and, once the early voting discussion was completed, they would have an opportunity to do so.

## **New Business**

### **Early Voting**

#### **Recommendations**

A proposed timeline was provided to the Board. Ms. Jurgensen stated additional information regarding 2014 proposed early voting sites and a spreadsheet of all sites reviewed by staff, excluding sites that have declined, were also made available. Mrs. Rzeszut reviewed a proposed list of potential 2014 Early Voting sites (See attachment A). Of the attached list the following issues were discussed:

Bethesda Regional Services Center: Voting will need to be held on the 3<sup>rd</sup> floor with access via stairs or one elevator.

Bohrer Park and Activity Center (City of Gaithersburg): Ms. Jurgensen stated that Mrs. Dacek and Mrs. Rzeszut meet with Mayor Katz, and the finance director regarding the cost (\$33,000). Mayor Katz will notify the BOE by June 17, 2013, if the price can be reduced. Mrs. Dacek noted that the amount calculated was based on hourly charges. She stated that Mayor Katz is very interested in accommodating the BOE. Mrs. Rzeszut added that connectivity will need to be tested.

Casey Community Center: Mrs. Rzeszut noted the rooms are very small but it is a great location with good parking.

**APPROVED**

Jane Lawton Community Recreation Center: Board questioned Metro access and overflow parking, Mrs. Dacek questioned if there was metered parking. Mr. Zelaya responded that staff will see if meters can be waived.

Mid County Community Recreation Center: Board members questioned location and convenience of site.

Potomac Community Recreation Center: Board expressed concern with size of facility and parking. Mr. Naimon asked if any activities will be in progress. Ms. Jurgensen responded a day care center is attached to the center.

Sandy Spring Fire and Rescue: Ms. Keeffe asked about access to the voting room. Mrs. Rzeszut responded there is an elevator.

Women's Club of Bethesda: The Board decided to take the site off as a potential site due to parking (lease agreement with Suburban Hospital) and small voting area.

Mrs. Jeter requested the voting population for each proposed site. She expressed her concern with the sites being more convenient to drivers than the walking community and stated the Board should accommodate those communities living in condos, apartments, and senior living communities. Staff will further research sites and provide additional information at the July Board meeting. Ms. Jurgensen asked the Board if staff may enter into discussions with the proposed private sites for a potential lease agreement, to give the private sites an opportunity to accept or decline before staff does further research. The Board agreed.

Ms. Phillips asked that staff look into the use of the Temple/Synagogue on the corner of East West Highway and Grubb Road and the Rollingwood Senior Center off Beach Drive. Mr. Naimon inquired about the opportunity to visit sites; Ms. Keeffe and Ms. Phillips also expressed interest. Ms. Keeffe recommended that Board members visit as a group. Ms. Keeffe thanked staff for the timely information regarding potential sites.

### **Early Voting Timeline**

Ms. Jurgensen reviewed the proposed timeline for the Early Voting Selection Process. (See attachment B)

Ms. Keeffe requested that the July Board meeting be rescheduled to July 29, 2013. Ms. Keeffe confirmed the June 24, 2013, meeting. Ms. Jurgensen stated the early voting sites will be reviewed and then posted to the website after the June Board meeting.

Mr. Timmerman asked if a response would be given to him by June; Ms. Keeffe responded that his submission will be reviewed and a response will be given to him at an undetermined time.

\*\*\*\* Mr. Naimon left at 3:35 \*\*\*

### **Additional Public Comments**

Ms. Keeffe briefly stated that the process to address the Board is on the website and encouraged individuals to sign up in advance. Ms. Keeffe acknowledged Lee Havis.

Mr. Havis stated he worked with Mr. Timmerman as one of the investigators and worked at a precinct in Bethesda, adding he spent several weeks interviewing voters. He indicated he found four voters who voted for republican candidates which did not show on the machine tapes. Ms. Keeffe again stated that the issue Mr. Havis has must be submitted to the State, Ms. Keeffe further added that in 2016 voting machines will be replaced with paper ballots. Mr. Havis expressed concern with voting units being delivered to facilities at least a week before the election being subject to tampering. Mrs. Dacek responded that machines are not unattended and are locked and sealed to prevent tampering. Ms. Jurgensen stated that the contract for delivery of the voting units is handled by the State and issues regarding security must be addressed to the State Board of Elections. Ms. Keeffe thanked Mr. Havis.

Bunny Galladora expressed her concern regarding a recent visit to MVA. Their records showed the wrong party affiliation and when she proceeded to tell the clerk the information was wrong, nothing was done. She submitted a copy of her record (screen shot) for the Board to review. Ms. Galladora brought another issue to the Board regarding a CD of all the registered voters in Montgomery County who would be able to vote on Damascus Question C. She received the CD from Chris, who was very helpful (as well as other staff encountered that day); however, of the 5,000 envelopes mailed, about 250 envelopes were returned. Ms. Jurgensen stated she would be happy to take the envelopes to research or they may be submitted to Betty Ann Lucey or Laletta Dorsey. Ms. Galladora responded that she would make copies and deliver them to the BOE. Ms. Keeffe thanked Ms. Galladora.

Rosalind Kipping, Chair for Precinct 13-69, stated that she had the opportunity to review the map posted today of potential changes by the BOE and questioned if the intention of the BOE is to move voters to Clubhouse I, which is already overwhelmed with too many voters. Ms. Keeffe responded that those are not the intentions and Leisure World is an item that will be discussed later in the agenda. The Board thanked Mrs. Kipping for her interest.

## **Election Director Reports**

### **Budget**

Ms. Roher reported on the FY13 spreadsheet provided in advance to the Board for the current fiscal year through April 30, 2013. She added a projected potential deficit appears which is based on full billing from the State. Ms. Jurgensen asked if Ms. Keeffe had an opportunity to speak to Linda Lamone regarding the Runbeck billing. Ms. Keeffe responded that she would call her later in the week.

Ms. Roher reported that FY14 will begin July 1. She noted that the County Council met last week to review the reconciliation list, on which BOE had three items pending that included funding for three additional mandated early voting centers, funding for the vacant Office Service Coordinator (OSC) position in candidate and campaign finance, and funding for an additional early voting center - no items were approved. Ms. Roher stated funding for the mandated centers will be handled through a year-end adjustment as, historically, no

supplemental has been given. Ms. Keeffe stated that the Chair of the Committee recommended the additional sites, and to get additional sites we have to have the approval from Council to move forward. Mrs. Dacek noted a significant deficit will show that year, adding that the Board and staff will need to talk to Council for support of early voting sites. Ms. Jurgensen stated that she had spoken with Jennifer Hughes, Budget Director, regarding funding for the early voting centers. Ms. Keeffe asked that Ms. Jurgensen include her and Mrs. Dacek in any future meetings.

## **Voter Registration**

Ms. Jurgensen reported that the High School Registration Program has started and students are trained and will be deputized as voter registrars. She stated that SBE notified her that at least two petitions are expected, and should be delivered to the BOE by May 31, 2013. If the petitions are submitted, Voter Registration will incur mandatory overtime due to the completion date of June 20, 2013.

## **State Board of Elections**

Ms. Jurgensen reported that no new regulations for early voting will occur this year. However, they are anticipated for 2016.

## **Legislation**

Ms. McLaughlin reported that all the legislation discussed at the last Board meeting has been signed by the Governor.

## **Old Business**

### **Follow Up Issues from April Board Meeting**

No issues were discussed.

### **2014 Polling Place Changes**

#### **Leisure World**

Ms. Jurgensen stated a letter from the SBE was sent to the Board by Mr. Karpinski regarding Leisure World's request to permit residents within Leisure World to vote at any one of three polling places. SBE denied the request. The letter did question how the BOE would be handling the lines. Ms. Jurgensen stated that staff has reviewed Leisure World and the proposed construction. Mrs. Rzeszut stated that staff has recommended creating an additional polling place at Leisure World, keeping Clubhouse I and II and creating a voting site at the Interfaith Center, Precinct 13-71. She reported that the community will be split into three parts, with about 2,400 voters at each site including the new development. Mrs. Rzeszut noted that Bedford Court Nursing Home is located outside of Leisure World and typically votes at Clubhouse I with about 224 registered voters. They will now be able to vote at the Interfaith Center. The nursing home will also be extended an invitation to participate in the Board of

Elections' Nursing Home Program. The Board agreed with the recommendation and authorized staff to work with GIS to draw boundaries for review.

## **Kensington**

Mrs. Rzeszut reported that Kensington will be restored to the precinct as it existed prior to redistricting.

## **Precinct 13-47**

Ms. Jurgensen reported on Precinct 13-47, Silver Spring (NOAA). Staff is recommending that some of the 4,400+ registered voters, of which 1,000 vote at an early voting site, be assigned to vote at Precinct 13-10 where there are currently 2,200 registered voters, of which 1,000 also voted at an early voting site. Ms. Jurgensen stated a meeting is scheduled for May 28 with the Provost of Montgomery College to discuss the use of the Performing Arts Center. According to Michael Subin the College is offering the use of their gym as a polling place; however, the location is not convenient and is outside of the precinct. Mrs. Jeter expressed concern that the additional building construction in the area will bring additional voters.

## **Future Meetings**

Ms. Roher provided the Board with MAEO conference information. The Board decided there would be no August meeting.

- A. June 17 and 18, 2013 MAEO Conference – College Park, MD
- B. June 24, 2013 – 2:30 p.m.
- C. July 29, 2013 – 2:30 p.m.
- D. September 16, 2013 – 2:30 p.m.
- E. October 21, 2013 – 2:30 p.m.
- F. November 18, 2013 – 2:30 p.m.
- G. December 16, 2013 - *Tentative*



APPROVED

**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 4:25 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

**2014 Reviewed Sites -- WORKING DRAFT  
Early Voting Centers**

*Information Subject to Change.*

Location Name	Room 1	Room 2	Address	Sq. Ft.	Fee	Comments
4H Conference Center			7100 Connecticut Avenue, Chevy Chase			Dates Unavailable
Animal Service and Adoption Center			Muncaster Mill & Airpark Road, Derwood			3 Small Conf. Rms.
Argyle Recreation Center	Event Room		1030 Forest Glen Road, Silver Spring, MD			120 max, area covered by existing Center
Bethesda-Chevy Chase Regional Svc. Center	A, B, C		4805 Edgemoor Ln., Bethesda			Multi-Level
Bethesda YMCA	Fitness Room		9401 Old Georgetown Rd., Bethesda			Room too small
Bohrer Activity/Community Center	A, B, C		506 S. Frederick Ave., Gaithersburg	3,000	\$33,000.00	Gaithersburg Admin. reviewing lease
Boiger Center	Stained Glass Hall	Franklin Hall	9600 Newbridge Drive, Potomac	3,000/7,054		Private, declined
Casey Barnes Community Center	Casey A		810 S. Frederick Ave., Gaithersburg	1,900	\$47 @ hr.	Room too small
Chevy Chase Women's Club	Event Room		7931 Connecticut Ave., Chevy Chase			Unable to secure room
Colesville Recreation Center	Event Room		610 Hobbs Drive, Silver Spring, MD			120 max, area covered by existing Center
Crossway Community Center	Multipurpose Room		3015 Upton Drive, Kensington, MD 20895			Private, declined
Damascus Community Rec. Center	Soc. Hall A/B	Gym	25520 Oak Drive, Damascus	3,478	free	Appropriate
East County Community Rec. Center	Soc. Hall	Gym	3310 Gateshead Manor Way, Silver Spring, MD		free	Unable to secure room
Gaithersburg Fairgrounds	Meeting Hall		16 Chestnut St. Gaithersburg			Cahall, Event Coord. Call not returned.
Gaithersburg Library	Meeting Rm.		Mont. Village Ave., Gaithersburg		free	Second Floor
Gaithersburg Senior Center	Social Hall		80A Bureau Drive, Gaithersburg			Room too small
Gaithersburg Youth Center at Robertson Park		Gym	31 S. Summit Avenue, Gaithersburg			Location remote
Gen. Conf. Ctr. Seventh Day Adventist Ch.	Conf. Rm.		12501 Old Columbia Pike, Silver Spring		Lease Fee	Private, security issues
Indian Springs Recreation Center	Event Room		9717 Lawndale Drive, Silver Spring, MD		free	120 max
Jane Lawton Community Recreation Center	Soc. Hall	Gym	4301 Willow Lane, Chevy Chase	3712	free	Appropriate
Johns Hopkins MCC	Multipurpose Room		9601 Medical Center Drive, Rockville, MD		Lease Fee	No room largest enough
Knights of Columbus			9707 Rosensteel Ave., Silver Spring			Left message about BOE need. No return call
Longwood Community Recreation Center	Soc. Hall	Gym	19300 Ga. Ave., Brookville, MD		free	Appropriate
Meadowbrook/Rock Creek Park Building	Activity Bldg.		7901 Meadowbrook Ln., Chevy Chase M-NCPPC	2,791	Fee	Lease required
Mid County Community Recreation Center	Social Hall A/B	Gym	2004 Queensguard Rd., Silver Spring, 20906		free	Appropriate
Midcounty Regional Service Center	Social Hall A/B		2424 Reedie Drive, Wheaton			Insufficient space
Montgomery College						Space unavailable
National Labor College			New Hampshire Ave., Silver Spring			Closed to Leasing
North Four Corners Recreation Center	Event Room		211 Southwood Avenue, Silver Spring, MD			150 max

**2014 Reviewed Sites -- WORKING DRAFT  
Early Voting Centers**

*Information Subject to Change.*

Location Name	Room 1	Room 2	Address	Sq. Ft.	Fee	Comments
Norwood/BCC Park	Activity Room		4700 Norwood Drive, Bethesda M-NCPPC	585		Room too small
Olney Boys & Girls Club		Gym	Olney-Laytonsville Rd., Olney			No room large enough
Olney Library	Meeting Room		3500 Olney-Laytonsville Rd., Olney			Second Floor, Limited Pkg.
Olney Manor Recreation Park	Event Rm.		16601 Georgia Ave., Olney M-NCPPC		Fee	Lease required 120 max, Lease required,
Pilgrim Hills Local Park	Event Building		1615 E. Randolph Road, Colesville, MD 20904		Fee	limited parking
Potomac Community Recreation Center	Social Hall	Gym	11315 Falls Road, Potomac, MD 20854		free	Appropriate
Randolph Road Theatre	Stage		4010 Randolph Road, Wheaton, MD 20902		free	Space & Accessibility Weak
Recreation Dept. Adm. Office	Theatre		4010 Randolph Road, Wheaton, MD 20902			No space largest enough
Rockville Memorial Library	Meeting Room		21 Maryland Ave., Rockville			Room too small
Rockville Sr. Center	Carnation Rm.		1150 Carnation Dr., Rockville	1,600	\$782/4 hr.	300 Stdg. Room too small
Sandy Spring Fire & Rescue	The Oak Room		17921 Brooke Rd., Sandy Spring, MD 20860		Lease Fee	Lease required
Schweinhaut Sr. Center	Soc. Hall		1000 Forest Glen Rd., Silver Spring, MD	2,562	free	PP currently (13-19)
Scotland Community Center	Social Hall		7700 Scotland Dr Potomac, MD 20854	1650		Reno Until 7/2014.
Sligo Community Building	Event Building		10200 Sligo Creek Parkway, Silver Spring, MD			Flooding Problems, 120 Max
Strathmore	Comcast Circle Lounge		5301 Tuckerman Lane, Bethesda		Lease Fee	Lease required
Thms. Farm Community Center	1 & 2		700 Fallsgrove Drive, Rockville	1,600		Admin. Declined
Upper County Community Recreation Center	Soc. Hall		Emory Grove Road, Gaithersburg, MD		free	Appropriate \$800 a day: June - OK; October - Sold out
UMC at Shady Grove	Conf. Rm.		Gudelsky Dr., Gaithersburg			
Wheaton Neighborhood Recreation Center		Gym	11711 Georgia Ave., Wheaton	3,750	free	PP currently (13-44)
Wheaton Fire & Rescue	Meeting Rm.		Georgia & Arcola Ave., Wheaton		Lease Fee	Second Floor
Wheaton Regional Ice Rink	Party Rooms A/B		11717 Orebaugh Ave., Wheaton			2 Small Party Rooms
Wheaton Regional Tennis Bubble	Courts		11715 Orebaugh Ave., Wheaton			Inappropriate
Wheaton Regional Sports Pavilion			11751 Orebaugh Ave., Wheaton			Covered Field
White Oak Community Recreation Center	Social Hall	Gym	1700 April Ln., Silver Spring, MD		free	Close to Praisner
Women's Club of Bethesda	Event Room		5500 Sonoma Rd., Bethesda, MD 20817			No Parking
Long Branch Community Recreation Center	Social Hall	Gym	8700 Piney Branch Road, Silver Spring			
Upper County Community Recreation Center	Social Hall	Gym	8201 Emory Grove Rd., Gaithersburg			
BOE	Training Rooms		18753 N. Frederick Ave., Gaithersburg			
EOB	Auditorium		101 Monroe St., Rockville			

**2014 Reviewed Sites -- WORKING DRAFT  
Early Voting Centers**

*Information Subject to Change.*

<b>Location Name</b>	<b>Room 1</b>	<b>Room 2</b>	<b>Address</b>	<b>Sq. Ft.</b>	<b>Fee</b>	<b>Comments</b>
White Oak Community Recreation Center	Social Hall		1700 April Lane, White Oak/Silver Spring			
North Potomac Community Recreation Center						2016
Wheaton Library/Wheaton Community Rec. Ctr.						2018

## **Proposed Timeline for Early Voting Selection Process**

### **June 2013**

Review of non-public facilities and rental agreement with County Attorney and Board Attorney

Preliminary public posting to website of sites under consideration

### **July 15, 2013 Board Meeting**

Staff presentation of Early Voting Sites after regulation review and testing  
Includes graphics and pictures  
Commence the start of public input in writing

### **August 2013**

Public comments

### **September 16, 2013 Board Meeting**

Public comments  
Board questions and recommendations to staff for further review.

### **October 21, 2013 Board meeting**

Finalize Board selections of Early Voting and Alternate sites  
Submit to State Board of Elections by November 1, 2013  
with Security Plan

### **November 18, 2013 Board Meeting**

State Board Staff Reviews  
Review any State Board Actions related to Early Voting and  
Re-submit as required

### **December 23 2013 – SBE Final Designation**