

October 21, 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 Khozeimeh
Graciela Rivera-Oven
Jacqueline Phillips
David Naimon

Counsel:

Kevin Karpinski

Staff:

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

Guests:

Holly Joseph
Ryan Marshall
Marica O'Connell
Adol Owen-Williams
Barbara Sanders
Rachel Silberman
Elly Shaw-Belblidia
Michael Subin
Joyce Temple

Convene the Board Meeting and Declare a Quorum Present

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

Public Comments

No public comments were received.

Additions/Changes to the Agenda

Ms. Jurgensen requested that Section VII, C. Early Voting be discussed after the approval of minutes and an Executive Session be held to review previous minutes and the FY15 budget. The Board agreed.

Approval of September 16, 2013, Board Meeting Minutes

Ms. Roher reviewed the September 16, 2013, Board meeting minutes with edits received from Board members. Mrs. Khozeimeh made a motion to approve the minutes with suggested edits as shown. Mrs. Jeter seconded the motion and it carried unanimously.

Early Voting Site Selection

Ms. Keeffe provided a summary of the Early Voting site selection process. She stated that Legislation was passed to add three additional early voting sites to the five required sites in Montgomery County, with an option to create a fourth additional site pending approval of the County Council, County Executive, the State Board of Elections, and the Montgomery County Board of Elections. Ms. Keeffe stated that after the 2012 Election, staff began work preparing, researching, and assembling data using State Board guidelines for potential early voting sites. She noted that the Board held a public meeting in June, received comments during regular Board meetings in June, July & September, received public comments via email, and advertised potential early voting sites.

Ms. Keeffe stated that the Board was in favor of adding a fourth site and the Montgomery County Council Committee that oversees the Board of Elections voted unanimously last week to approve and fund a fourth site. Subsequently, the County Executive and the full County Council have approved a fourth site. Ms. Keeffe noted the Board will select nine sites for the 2014 Election today which will be forwarded to the State Board of Elections for approval.

Mrs. Jeter asked how many alternate sites were required and Ms. Jurgensen responded two. Ms. Phillips questioned if the Board has the final decision on the Early Voting sites. Ms. Keeffe responded that the State Board of Elections has the overall approval of each site; Mr. Karpinski agreed referencing COMAR Regulations.

Ms. Roher asked for clarification regarding how the Board meeting minutes would be recorded and referenced an earlier discussion with Ms. Keeffe. Ms. Keeffe thanked Ms. Roher for bringing it to her attention. Ms. Roher stated her understanding was that the minutes would reflect motions and capture the essence of the conversation but not necessarily the opinion of each Board member. The Board agreed to this.

Mrs. Jeter made a motion to approve the following Early Voting sites: Bauer Drive Recreation Center, Activity Center at Bohrer Park, Damascus Community Recreation Center, Executive Office Building, Germantown Community Recreation Center, Jane E. Lawton Community Recreation Center, Marilyn J. Praisner Community Recreation Center, Silver Spring Civic Building, and Wheaton Community Recreation Center and that the Board of Elections (BOE) and Long Branch Community Recreation Center be used as alternates. The motion was seconded by Ms. Keeffe. Ms. Keeffe stated the nine sites recommended are a good representation of the process at the BOE, as they include the five original sites used through two elections, added additional sites in heavily populated areas and reached out to include new growth areas. Ms. Keeffe inquired if the Board needed another alternate site to be recommended; her understanding is that the BOE is automatically an alternate site. Ms. Jurgensen responded that in the past three sites were submitted - Upper County Community Recreation Center, Long Branch Community Recreation Center, and the Board of Elections.

Mrs. Dacek requested that Mrs. Jeter's motion be modified to add Upper County Community Recreation Center as a third alternate site; Mrs. Jeter agreed to the motion modification.

Mrs. Dacek made a motion to amend the original motion to use the Mid-County Recreation Center instead of the Bauer Drive Recreation Center. Reasons for the change are that Mid-County Community Recreation Center has the largest square footage at 4,400 sq. ft., is located away from schools to avoid disturbances with staff, has parking for 150, provides for better geographic distribution of the sites, and adds another site in the Silver Spring area. Mrs. Khozeimeh seconded the motion. The Board discussed the benefits of moving Bauer Drive Community Recreation Center to Mid-County Community Recreation Center which include location, parking, public transportation and safety for voters. Comments against the move included the confusion that would be caused by replacing a site that has been used for four consecutive elections, the greater availability of parking near Bauer Drive, including not only the lots but also the street, the nearby parking lots, and the advantages of its being located next to Wood Middle School, with lots of parking when school is out of session, as it will be for the June primary election. It also was noted that, if Wheaton were selected as a site, Mid-County is fairly close to both Wheaton Volunteer Rescue Squad and Marilyn J. Praisner Community Recreation Center. Ms. Keeffe inquired where Bauer Drive Recreation Center ranked regarding early voting usage. Ms. Jurgensen responded that it was the third highest in the County with Marilyn J. Praisner Community Recreation Center and Executive Office Building being the lowest.

Mrs. Rivera-Oven made a motion to amend Mrs. Dacek's amendment and replace the EOB with Mid-County Community Recreation Center. Her reasons for the change are issues with the Executive Office Building (EOB) site - parking is very challenging, it has the lowest turnout, and cannot be expanded. The motion was seconded by Mrs. Khozeimeh. The Board discussed the motion and Mr. Naimon, Mrs. Jeter, and Ms. Keeffe opposed the change, noting that the EOB is an urban site, the closest early voting site to a Metro station (only 2/10 mile from the Rockville station and convenient for Metro riders), and the closest early voting site to I-270, centrally located serving Rockville and Potomac voters.

Mrs. Rivera-Oven voted in favor of the motion, Ms. Keeffe and Mrs. Jeter opposed the motion, and Mrs. Dacek and Mrs. Khozeimeh abstained. The motion failed.

Ms. Keeffe repeated Mrs. Dacek's amendment to Mrs. Jeter's original motion. Mrs. Dacek's amendment was to move an Early Voting site from Bauer Drive Recreation Center to Mid-County Community Recreation Center. Ms. Keeffe, Mrs. Dacek, and Mrs. Khozeimeh voted in favor; Mrs. Jeter and Mrs. Rivera-Oven opposed. The motion carried.

The motion, as amended and approved by the Board, included the following proposed Early Voting sites: Activity Center at Bohrer Park, Damascus Community Recreation Center, Executive Office Building, Germantown Community Recreation Center, Jane E. Lawton Community Recreation Center, Marilyn J. Praisner Community Recreation Center, Mid-County Community Recreation, Silver Spring Civic Building, and Wheaton Community Recreation Center with alternate sites of Upper County Community Recreation Center, Long Branch Community Recreation Center, and the BOE.

Ms. Keeffe expressed concern with the Long Branch Community Recreation Center's connectivity, which was brought up at the County Council meeting. She added that accepting a site with poor connectivity could lead to fraudulent activity. Ms. Jurgensen stated that SBE staff and Mr. Zelaya reviewed the connectivity issues and noted additional connectivity testing was done at Long Branch and "sweet spots" were found in the gymnasium that achieved SBE connectivity requirements. Mr. Zelaya agreed with Ms. Jurgensen and noted that additional tests will be conducted at Long Branch. Several Board members expressed concern that without Long Branch Community Recreation Center there would be no alternate site down-county and discussed other alternate sites with poor connectivity. Wheaton Volunteer Rescue Squad and Bauer Drive Community Recreation Center were suggested as alternate sites; concern was expressed that Bauer Drive Community Recreation Center was too close to the Executive Office Building and these locations would still offer no alternate site down-county. The Board then discussed whether to choose alternate Early Voting sites at the November Board meeting to allow Ms. Jurgensen an opportunity to provide further clarification regarding connectivity at Long Branch Community Recreation Center.

Mrs. Dacek made a motion to amend the alternate sites in Mrs. Jeter's motion, and use the BOE, and Upper County Community Recreation Center with the third site, Long Branch Community Recreation Center, pending further connectivity research by staff. The motion was seconded by Ms. Keeffe. Ms. Keeffe, Mrs. Dacek and Mrs. Khozeimeh voted in favor, Mrs. Jeter and Mrs. Rivera-Oven opposed. The motion carried.

Ms. Roher read the motion with all approved amendments – to approve the following the nine early voting sites: Activity Center at Bohrer Park, Damascus Community Recreation Center, Executive Office Building, Germantown Community Recreation Center, Jane E. Lawton Community Recreation Center, Marilyn J. Praisner Community Recreation Center, Mid-County Community Recreation Center, Silver Spring Civic Building, and Wheaton Community Recreation Center, with BOE and Up County serving as alternate sites, and with a third alternate site, Long Branch Community Recreation Center, to be discussed at a future meeting. Ms. Keeffe, Mrs. Dacek, and Mrs. Khozeimeh voted in favor; Mrs. Jeter and Mrs. Rivera-Oven opposed. The motion carried. Ms. Keeffe thanked the Board.

Ms. Jurgensen stated that staff will work with the County Department of General Services to execute MOUs and a lease agreement with the City of Gaithersburg. Ms. McLaughlin will be working with the County Department of Technology Services to add the proposed sites to the dashboard and website.

Election Director Reports

Ms. Jurgensen reported a new employee was hired for the mapping position and will begin November 4, 2013. Resumes for the IT Specialist position are currently under review. The Election Judge temporary recruiter position has been posted. She stated that Voter Registration employee Ellie Jespersen has submitted her notification of retirement; Mrs. Jespersen has been with the County for fifteen years and her family members have donated significant time assisting with the elections. Her retirement was effective October 19, 2013. A certificate will be available for presentation at the November Board meeting.

Budget

Ms. Roher reported the current fiscal year expenditures through September 30, 2013. She stated that the fiscal year is on track. Ms. Keeffe thanked Ms. Roher.

Voter Registration

Ms. Jurgensen reported the letters to the 17 year olds were mailed on October 10, 2013, and a subsequent letter was sent out using mail merge. The letter to the Attorney General was mailed last week with copies to SBE staff and Board members.

Ms. Jurgensen stated that the ERIC project will distribute another batch of voters to be processed. Ms. Phillips asked what the typical time frame is to remove a deceased voter. Ms. Jurgensen responded that the SBE sends a monthly list to the BOE and names are removed anywhere from a few days to two weeks depending on the size of the list. Mr. Naimon inquired when the mail merge letter was sent out; Mrs. Ross responded it had been mailed the previous week. Mr. Naimon expressed his concern that the 17 year old letter did not make clear that the 17-year-olds were definitely qualified to be registered voters and old enough to vote in the 2014 election. Ms. Keeffe noted that the letter sent out was not her final approved letter as it was changed prior to mailing; her understanding at the time was that the letter was drafted to

be sent out to all those 17 year olds who would be eligible to vote in the next election but who had not received a voter notification card because of the Municipal Elections. Instead 16 year olds also received the letter, but due to their age would not be eligible to vote in the next election as the letter indicates. For clarification the Board directed a postcard be mailed clarifying the status of the eligibility of the 16 and 17 year olds that were mailed the original letter. Mrs. Rivera-Oven made a motion that two separate postcards be created, one for 16 year olds and one for 17 years olds, clarifying their voting eligibility and that Mr. Karpinski draft them and forward them to Mr. Naimon for review. The motion was seconded by Ms. Keeffe and carried unanimously.

Ms. Keeffe noted that the postcard need not be personalized. Ms. Jurgensen added that the postcard will need to be translated; Mrs. Rivera-Oven requested to review the postcard once translation has been made.

State Board of Elections

Ms. Jurgensen reported that the SBE announced they have been awarded the Federal Voting Assistance Program (FVAP) Grant. The grant will create a single point of contact for military voters and voters who reside outside of the United States. The grant proposal addressed four areas for UOCAVA voters: Voter Information, Voter Registration and Absentee Requests, Blank Ballot Delivery, and Return of Voted Ballots.

Ms. Jurgensen stated that she attended the Director's meeting at the SBE where they announced that the Provisional Ballot envelope will be redesigned so only one signature will be required. The current envelopes will be used for "contingency after hours" voting.

*** Ms. Silberman left the room at 4:05 p.m. ***

Ms. Jurgensen reported that SBE will conduct further testing on the poll books in November and an upgrade and new printers for the GEMS software are expected soon.

SBE announced that Ms. Jurgensen has been appointed to the Change Management Committee for the voting system implementation, and other staff has also been assigned to various Committees.

Ms. Jurgensen reported that a public demonstration of Dominion's voting system is scheduled for Wednesday, November 13, from 2:00 p.m. to 7:00 p.m. at the University of Baltimore's Merrick School of Business, William H. Thumel Sr. Business Center, Room BC-135, 11 W. Mount Royal Ave., Baltimore MD. 21201.

There will be no State Board meeting on October 24, 2013.

Ms. Jurgensen stated that the SBE has announced that the 17 year old process in MDVoters will be changed. The letter is currently in the Attorney General's Office for review; a letter of explanation will be provided to counties for the impacted population. Additionally, the State Board staff is requesting clarification regarding the processing of voter registration applications for those less than 18 years of age, in light of the current regulations in place.

Board Attorney Report

Mr. Karpinski reported that we are still waiting for the Court of Appeals to render its decision regarding the petition case argued one year ago.

Mr. Karpinski stated that he has notified Cliff Royalty with the County Attorney's Office that the Board would be finalizing the Early Voting site locations today. The MOUs will be sent to Mr. Royalty's office and then vetted through the County. Mr. Karpinski will reach out to Lynn Board, Attorney for the City of Gaithersburg, tomorrow and discuss what agreements need to be in place regarding the Bohrer Park Activity Center site. All MOUs must be signed in the next thirty days. Some changes will need to be made to the current MOUs regarding room changes, etc.

Old Business

Follow Up Issues from September Board Meeting

No issues were discussed.

Precinct 05-13 and Precinct 06-09

Ms. Jurgensen stated it was brought to the Board's attention last month that White Oak Recreation Center is available and within the Precinct 05-13 boundary. In addition, Ms. Jurgensen reported that Our Lady of Visitation, Precinct 06-09, is unable to host a precinct due to summer camp during the Elections in June 2014. Staff recommended that Darnestown Elementary School be used for future elections.

Mrs. Rzeszut reviewed a presentation of the White Oak Community Recreation Center for Precinct 05-13, and Darnestown Elementary School as a possible polling place for Precinct 06-09. The Board briefly discussed both sites.

Mrs. Jeter made a motion to accept staff recommendation to use Darnestown Elementary School as a polling place for Precinct 06-09. The motion was seconded by Ms. Keeffe and carried unanimously.

Mrs. Dacek made a motion to accept staff recommendation to use the White Oak Community Recreation Center as a polling place for Precinct 05-13. The motion was seconded by Ms. Keeffe and carried unanimously.

New Business

Precinct 06-09 Lady of Visitation Parish

This section was discussed earlier in the meeting.

Board Bylaws

Ms. Keeffe referred to last months meeting regarding the possibility of amending the Bylaws. Mr. Karpinski stated that Ms. Jurgensen reached out to other local jurisdictions to discuss their bylaw procedure and all the other jurisdictions allow their substitute members to make and second motions except for Frederick County (they do not have substitute members). He added that according to the State model bylaws substitute members are allowed to make and second a motion. Ms. Phillips asked if it included amendments, Mr. Karpinski responded yes. He stated that although State model bylaws allowed substitute members to make and seconded motions, the previous Board amended the Bylaws years ago. Mr. Karpinski reviewed the process to amend the Bylaws adding that a motion may be made and seconded; however, the motion will need to be voted on at the next meeting.

Ms. Keeffe made a motion to amend Section 3.2 - Rules of Order of the Montgomery County Board of Election Bylaws B 2 to read "Substitute members shall have the right to participate in board meetings, and may make or second motions." The motion was seconded by Mrs. Jeter. Mr. Karpinski will circulate the model bylaw language to the Board members as well as the proposed amendment language to the Board. Mr. Karpinski noted that substitute members may vote on the Bylaw amendments.

Future Meetings

Ms. Roher stated that the future meeting dates will be updated on next months Agenda. An outreach event Calendar was made available to the Board. Ms. Jurgensen reported that the GEICO outreach went very well, with 15 potential election judges signing up.

- A. November 18, 2013 – 2:30 p.m.
- B. December 16, 2013 – *Tentative*

Mrs. Jeter made a motion to move to Executive Session. The motion was seconded by Mrs. Khozeimeh and carried unanimously. The Board convened in Executive Session at 4:45 p.m.

*** Laletta Dorsey, Holly Joseph, Alysoun McLaughlin, Ryan Marshall, Marcia O'Connell, Adol Owen-Williams, Janet Ross, Chris Rzeszut, Barbara Sanders, Elly Shaw-Belblidia, Michael Subin, Joyce Temple and Gilberto Zelaya left the room at 4:46 p.m. ***

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:45 p.m., pursuant to State Government Article, Section 10-508(a)(7) and 10-508(a)(13) to review minutes from a previous Executive Session and discuss the FY15 Budget.

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

The Board reviewed the September 16, 2013, Executive Session minutes.

The Board reviewed the proposed Fiscal Year Budget for 2015.

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 5:22 p.m.

Executive Session Minutes

A motion was made by Mrs. Jeter to approve the minutes. The motion was seconded by Mrs. Dacek and carried unanimously.

Mr. Naimon inquired if there is a protocol that prevents a Board member from contacting a Montgomery County Board of Elections or State Board of Elections staff member directly. Mr. Karpinski responded that that as far as he knows, there is no prohibition. He added they are considered public employees and can be contacted like any other employee. Ms. Jurgensen stated that it would be helpful if she knew that her staff was being contacted.

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 5:28 p.m.

Respectfully Submitted,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keefe
President