

APPROVED

November 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
Nahid Khozeimeh
Graciela Rivera-Oven
Jacqueline Phillips
David Naimon

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
Janet Ross, information Technology Specialist
N. Christine Rzeszut, Operations Manager
Gilberto Zelaya, Outreach Coordinator
Lisa Merino, Election Aide II

Guests:

Elnora Jespersen
Chuck Jespersen
Holly Joseph
Dolly Kildee
Adol Owen-Williams
Barbara Sanders
Michael Subin

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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

No public comments were received.

Additions/Changes to the Agenda

Ms. Jurgensen requested that an Executive Session be held to review previous minutes and discuss the FY15 operating budget submission. The Board agreed.

Approval of October 21, 2013, Board Meeting Minutes

Ms. Roher provided minutes from the October 21, 2013, Board meeting which showed all changes requested by the Board. Ms. Keeffe requested that, in the future, Board members use track changes and forward remarks to all Board members, rather than only to the staff, to facilitate discussion when reviewing the minutes in the meeting. Mrs. Rivera-Oven inquired if her comments would be extracted from the minutes according to edits presented. Ms. Keeffe reminded the Board of the agreement made at the September Board meeting, stating that the minutes were to be recorded reflecting motions and capturing the essence of the conversation but not necessarily the opinion of each Board member. In keeping with that agreement, the minutes should reflect as such. Ms. Roher reviewed the October 21, 2013, Board meeting minutes with the edits received from Board members. Mrs. Rivera-Oven requested that a copy of minutes accepting all changes presented be made available for review. Ms. Keeffe requested that the minutes be revisited under Old Business, once the final proposed copy was made available for review.

Presentation of Retirement Certificate to Elnora Jespersen

Ms. Jurgensen introduced Elnora Jespersen to the Board. Mrs. Jespersen has been a permanent employee of the Montgomery County Board of Elections for fifteen years, and prior to that a temporary employee for six years. Ms. Jurgensen thanked Mrs. Jespersen and her family for volunteering their assistance during election seasons. Ms. Keeffe expressed her appreciation and thanked Mrs. Jespersen for her dedication and wished her well with her retirement. She presented Mrs. Jespersen with a certificate from the County Executive in recognition of her years of service. Mrs. Jespersen thanked the Board. The Board thanked Mrs. Jespersen for her years of service.

*** Mr. and Mrs. Jespersen left the room at 2:45 p.m. ***

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Election Director Reports

Personnel

Ms. Jurgensen introduced Louise Warner, and announced that she has filled the GIS position. Ms. Warner brings knowledge and abilities related to programming and data base development and has worked as a GIS Specialist for ten years with a portion of her experience in the Voting Section at the Department of Justice, Civil Rights Division. The Board welcomed Ms. Warner.

Ms. Jurgensen reported that Jessica Jones withdrew her resignation as the Republican Recruiter.

Budget

Ms. Jurgensen stated that the budget for this fiscal year reflects expected costs.

Ms. Roher reported that current fiscal year expenditures through November 10, 2013, are on track. Ms. Keeffe thanked Ms. Roher.

Voter Registration

Ms. Jurgensen stated that the State Board of Elections' (SBE) ERIC project has distributed another batch of voters to be processed. The Voter Registration staff is updating the voter records in accordance with state regulations.

As requested by the Board, postcards to the 17 year olds and 16 year olds were mailed on October 10, 2013.

Ms. Jurgensen reported that the municipalities conducted their elections and submitted approximately 25 voter record updates. She added that voter history will need to be completed by the municipalities for uploading into MDVoters. Upon completion of the voter history update, the elections will be certified and closed and the State Board will release Voter Notification Cards to the 17 year old voters who will be 18 years of age by November 4, 2014.

State Board of Elections

Ms. Jurgensen reported that the SBE has launched their new website and provided it to the Board (<http://www.elections.maryland.gov>).

Ms. Jurgensen stated that Ms. McLaughlin attended the public demonstration of the Dominion Voting System on November 13 and would provide information later in the meeting.

MDVoters release update is scheduled for December 21 thru December 26, 2013.

Ms. Jurgensen reported that SBE has halted the Electronic Poll Books upgrade due to required additional testing on the poll books and noted that delivery of the batteries for the Touch Screen Voting Units has been delayed until January 2014.

Ms. Jurgensen stated that the SBE has identified locations within Long Branch Community Recreation Center that are acceptable connectivity for the Electronic Poll Books. The State Board IT Director approved two locations within Long Branch using 4G technology. Additionally, Montgomery County and SBE staff have tested connectivity at Gwendolyn E. Coffield Community Recreation Center as a potential alternate early voting center.

Ms. Jurgensen reported that the State Board is working with local boards of elections to develop a timeline for the acquisition and deployment of a new voting system.

Ms. Jurgensen reported that the State Board of Elections entered into lease agreements with Takoma Park and the City of Rockville for the use of voting equipment. The three Municipal Elections (Takoma Park, Rockville, and Gaithersburg) were held on November 5, 2013. The City of Rockville contracted to lease Touchscreen voting machines and Electronic Poll books and Montgomery County staff provided support. The Rockville City Board of Elections arrived at the County at approximately 9:30 p.m. that evening with all memory cards and absentee ballots. The Rockville City Board of Elections directed staff regarding the tabulation and reporting of results which were posted on the City of Rockville's website. The Board of Elections is currently waiting on the Cities of Gaithersburg and Rockville to provide data on voter history before the elections may close in MDVoters.

The State Board will be meeting this Thursday and will be closed November 27 through 29 for service reduction days. Ms. Jurgensen agreed to email the Board with scheduling details for Thursday's meeting. She stated that a staff member will be attending the State Board of Elections Board Meeting.

Board Attorney Report

Mr. Karpinski updated that Board regarding the MOU with the City of Gaithersburg, stating that drafts have been circulated. He will reach out to Lynn Board, Attorney for the City of Gaithersburg, tomorrow and the MOU should be ready for execution in the next couple of weeks.

Mr. Karpinski stated that he wrote to the State Board of Elections requesting clarification on the no electioneering zones for Early Voting sites. According to Election Law 16-606, Montgomery County's no electioneering zone can be 25 ft. to 100 ft., measured from the front door of the building where voting is taking place. However, COMAR provisions state that for Early Voting Centers that are in a multi-use facility, the no electioneering zone shall be 100 ft. from the space where early voting is to be conducted. Mr. Karpinski requested clarification whether SBE intended to make that difference of 100 ft. from the door of the polling place or 100 ft. from the building and, given the fact that Montgomery County has the discretion of using 25 ft. to 100 ft. from the front door, would that discretion also be applicable for Early

Voting. SBE stated that they intended to make it different for Early Voting, envisioning that voting could be done in malls or other large multi-use facilities. Mr. Karpinski stated that the regulations have been discussed with Ms. Keefe and Ms. Jurgensen. The Board requested that staff obtain measurements (100 ft. from poll room) for each Early Voting Center and send maps to the Board electronically, no later than twelve days before the January Board meeting, for review. Ms. Keefe thanked Mr. Karpinski.

Old Business

Approval of October 21, 2013, Board Meeting Minutes - Continued

Ms. Roher provided the requested revised minutes to the Board. Ms. Keefe reviewed the edits in keeping with the agreement that no board member opinions be reflected. Mrs. Rivera-Oven expressed concern that the revised minutes do not reflect what had transpired during the meeting or any rationale for her motion. Mrs. Rivera-Oven, based on the importance of the discussion regarding early voting, moved to approve the minutes as presented today with the rationale of both sides reflected. Ms. Keefe requested that the record show that the Board agreed at the October meeting that the minutes were to be recorded reflecting motions and capturing the essence of the conversation but not necessarily the opinion of each Board member. Mrs. Rivera-Oven's motion was seconded by Mrs. Jeter and carried unanimously.

Mr. Naimon requested that the comments noted on the edited minutes presented to the Board prior to accepting changes be inserted back in to the minutes along with Mrs. Rivera-Oven's comments. The Board agreed that this was included as part of the motion. Mr. Naimon stated that his comment regarding the discussion on moving the Bauer Drive Community Recreation Center should be inserted and that he would provide language for the comments expressed at the time. Ms. Keefe made a motion that the minutes remain open until the January Board meeting so that additional comments may be submitted by the Board. The motion was seconded by Mrs. Jeter. Ms. Keefe, Mrs. Jeter, Mrs. Rivera-Oven, and Mrs. Khozeimeh voted for the motion and Mrs. Dacek abstained. The motion carried. Ms. Roher will provide the minutes to the Board electronically for additional review.

Follow Up Issues from October Board Meeting

No issues were discussed.

Board Bylaws

Ms. Keefe reviewed the Bylaw change that had been proposed in the October meeting. Mr. Karpinski suggested that the proposed language be changed for clarity to read "*Any member, including a substitute member, may make or second a motion*". The Board briefly discussed the procedure for amending the Bylaws. Mrs. Jeter stated she is in favor of the amendment to the Bylaws. Ms. Phillips asked Mr. Naimon what instructions he was given when becoming a substitute Board member. He responded that he had not been given any details. The Board briefly discussed process and procedure and voted on Ms. Keefe's motion

from last month, as modified, to amend Section 3.2 - Rules of Order of the Montgomery County Board of Elections Bylaws, Section B 2, to read: 'Any member, including a substitute member, may make or second a motion.' The motion was seconded by Mrs. Jeter. Mrs. Keeffe, Mrs. Jeter, Mrs. Rivera-Oven, Ms. Phillips, and Mr. Naimon voted in favor; Mrs. Dacek voted against; and Mrs. Khozeimeh abstained. The motion carried.

Early Voting Alternate Site

Long Branch Community Recreation Center

Ms. Jurgensen stated that in lieu of connectivity issues at Long Branch Community Recreation Center, Ms. Keeffe requested that staff look into another possible site in Silver Spring. Staff identified Gwendolyn E. Coffield Community Recreation Center and the connectivity was tested. Ms. Jurgensen provided VPN testing results (4G) for both sites, Long Branch Community Recreation Center and Gwendolyn E. Coffield Community Recreation Center, to the Board. The results were found "good" in two positions tested. Mrs. Rzeszut presented a power point presentation of both sites and the Board briefly discussed them. Mrs. Rivera-Oven made a motion to accept Long Branch Community Recreation Center as an alternate early voting site for the 2014 Elections. The motion was seconded by Mrs. Dacek and passed unanimously.

Ms. Keeffe stated that she attended a recent County Council Session at which several people stated they were very pleased with the Early Voting sites selected, especially Mid County Community Recreation Center and the preservation of the Executive Office Building.

Mrs. Khozeimeh noted that she had recently visited a high school and found the students were very receptive to the post cards mailed by the Board of Elections.

New Business

Review Project Management Change from the SBE

Ms. Jurgensen stated a "Save the Date" e-mail and postcard were sent last week to the Election Judges with the dates for Early Voting and Election Day. Additionally, she noted the candidate filing deadline is February 25, 2014.

Ms. McLaughlin stated that there have been developments in replacing the voting system in 2016. Staff of SBE has begun to establish working groups using local board staff to discuss different subjects; the role of the groups is in its preliminary stages. Additionally, vendors that plan to bid on the contract are able to demonstrate their equipment in advance. She attended the first demonstration on November 13 and provided the Board with copies of the handouts distributed. Any literature from future vendor demonstrations will be provided to the Board.

Future Meetings

Ms. Keeffe stated that, as previously discussed by the Board, there will be no meeting in December.

- A. January 27, 2014 - 2:30 p.m.
- B. February 24, 2014 - 2:30 p.m.
- C. March 17, 2014 - 2:30 p.m.
- D. April 21, 2014 - 2:30 p.m.
- E. May 19, 2014 - 2:00 p.m. with *Early Voting Cage Supply Check*
- F. June 12, 2014 - *First Day of Early Voting*
- G. June 16, 2014 - *Tentative*
- H. June 19, 2014 - *Last Day of Early Voting*
- I. June 24, 2014 - *Election Day*
- J. June 26, 2014 - *Absentee I Canvass Begins 10:00 a.m. to 7:00 p.m.*
- K. July 2, 2014 - *Provisional Canvass Begins 10:00 a.m. to 7:00 p.m.*
- L. July 7, 2014 - *Absentee II Canvass Begins 10:00 a.m. to 7:00 p.m.*
- M. July 17, 2014 - *Certification/Audit*
- N. July 21, 2014 - 2:30 p.m.
- O. August 18, 2014 - 2:30 p.m. - *Tentative*
- P. September 15, 2014 - 2:30 p.m.
- Q. October 20, 2014 - 2:00 p.m. with *Early Voting Cage Supply Check*
- R. October 23, 2014 - *First Day of Early Voting*
- S. October 30, 2014 - *Last Day of Early Voting*
- T. November 4, 2014 - *Election Day*
- U. November 6, 2014 - *Absentee I Canvass Begins 10:00 a.m. to 7:00 p.m.*
- V. November 12, 2014 - *Provisional Canvass Begins 10:00 a.m. to 7:00 p.m.*
- W. November 14, 2014 - *Absentee II Canvass Begins 10:00 a.m. to 7:00 p.m.*
- X. November 17, 2014 - *Tentative*

Mrs. Khozimeh made a motion to move to Executive Session. The motion was seconded by Mrs. Jeter and carried unanimously. The Board convened in Executive Session at 4:05 p.m.

*** Holly Joseph, Dolly Kildee, Betty Ann Lucey, Adol Owen-Williams, Janet Ross, Chris Rzeszut, Barbara Sanders, Michael Subin, and Gilberto Zelaya left the room at 4:06 p.m. ***

Report on Executive Session

The Montgomery County Board of Elections convened in Executive Session at 4:07 p.m., pursuant to State Government Article 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, Alysoun McLaughlin, Marjorie Roher, and Lisa Merino.

The Board reviewed the October 21, 2013 Executive Session minutes.

The Board reviewed the proposed budget for Fiscal Year 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 4:18 p.m.

Executive Session Minutes

A motion was made by Mrs. Khozeimeh to approve the minutes. The motion was seconded by Mrs. Rivera-Oven and carried unanimously.

Ms. Keeffe stated that she would like the Board to provide a Holiday lunch for the staff. Board members discussed available dates and contributed funds for the luncheon.

Adjournment

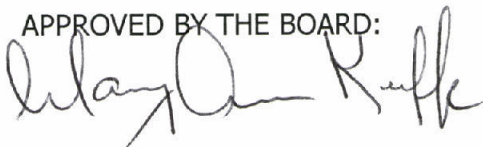
With no further business, Mrs. Rivera-Oven moved to adjourn the regular session. The motion was seconded by Mrs. Khozeimeh and carried unanimously. The meeting adjourned at 4:26 p.m.

Respectfully Submitted,

Marjorie M. Roher

Marjorie M. Roher
Management & Budget Specialist III

APPROVED BY THE BOARD:



Mary Ann Keeffe
President