

# Board of Supervisors of Elections

Meeting Minutes  
City of Rockville Board of Supervisors of Elections  
**January 28, 2012**

Members Present: **Board** of Supervisors of Elections Members: Dave Celeste, Chair, and Boardmembers Linda Aksamit, Sid Gottlieb and Beryl Feinberg.

**Members Absent:** Boardmember Howard Eskildson

**Staff Present:** Acting City Clerk Brenda Bean and Assistant to the City Clerk Sara Ferrell.

**Other Attendees** - Mark Pierzchala, Bridgette Newton, Tom Moore, John Hall, Jr., Michael Sweet, Christina Ginsberg, Joe Jordan, Jacques Gelin, Piotr Gajewski, Les Francis, Janet Wilson, Virginia Onley, Fred Newton, Steve Woehrle, Brigitta Mullican, Malgosia Babiuch-Hall, Mike Berman, Drew Powell, Lois Newman, Helen Hocknell (Sentinel).

## **Re: Campaign Finance Report Forms**

Tom Moore – What do we want these forms to tell us? Not clear.

Fred Newton – It would be helpful to give a sample of a completed form.

Steve Woehrle - Instructions need to be clarified.

Brigitta Mullican – What is the purpose of the report? If you are a first time candidate it is very confusing.

Dave Celeste – Purpose to ensure compliance under terms of Code.

Drew Powell – In order to increase transparency, the second fund report should be due the Friday before the Tuesday of Election Day and include information up to the previous Sunday.

Tom Moore – Agrees with Mr. Powell. The problem is where the election is on November 2nd instead of November 8. Step it back to a Friday before the Tuesday.

Piotr Gajewski – **Naïve** to think we can track the revenue of candidates in real time. The purpose to give board brush of what candidates are getting. Too much talk about something that is not really solvable. The way the report is designed right now, it is designed to be reconciled with the bank total.

Roald Schrack – Has been keeping track for 40 years. What kind of agreement was made by a candidate in debt by his backers who paid for it? The forms we use were copied from Baltimore County. Ambiguous areas. Payments made in kind rendered in various ways. It depends on the valuation placed on things that are not disclosed. In-kind contributions create a tremendous loop hole.

Dave Celeste – Yes. In-kind contributions definitely need to be defined.

Roald Schrack – Needs a little more delineation. Mr. Schrack said that he developed an automated system several decades ago for forms and that people have used it with no complaints. A complete automated system available to anyone who wants to use it. He also mentioned his complete financial analysis that is also available to anyone who wants it.

Christina Ginsberg – Also agrees with Drew Powell in terms of when reports are due. Wants training session at beginning of campaign season on how to complete forms as well as guidance given to staff on what questions they can answer.

Dave Celeste – The idea is to push for compliance without making it to arduous on candidates.

Tom Moore – we are clear on contribution side of things but the expenditure side is trickier. Helpful to have an obligated section as well as disbursed. The Gazette did not publish anything on CFRs this year. Timing of these reports needs to be for the voters and not the press.

Drew Powell - Rules are only going to work to help the honest folks stay honest. The city should not be involved in the analysis; that job is for the press. Provide the information as early as possible. Tough balancing act to achieve but we should strive for it. Redo reports and reconfigure timing of reports. A lot of work to be done after this.

Fred Newton – We may want to consider moving the post mark due date back somewhat.

Michael Berman – an automated process would be very good. From a layperson point of view, anything we can do to make it simple would be good – arrive at a way to compare apples to apples. What needs to be declared as in kind is very vague.

Brigitta Mullican – Would be a good idea to submit the actual bank statement with forms. The city does not have oversight to verify the information. Also, does not think the Code really addresses, in detail, how to close an account.

### **Re: Review of Election Laws**

Drew Powell – Rockville should adopt the State Election Code and make amendments as need be. Many municipalities have done this. Mr. Celeste said that are some things in the state election law that may not be applicable to Rockville.

Christina Ginsberg – What is a campaign committee? What is a PAC? What is an individual? The Rockville Code is very confusing on this subject. A PAC can spend \$500 and individual \$25. Why such a discrepancy?

Tom Moore – Code needs to address how to get someone off a ballot. Mr. Celeste said that this was the first time this has happened and in fact, there is nothing in the Code to address it.

Christina Ginsberg – There was something in writing, produced by the City, at the F. Scott Fitzgerald poll that said that Joe Jordan had withdrawn as a candidate. Dave Celeste said that the City did not authorize this and in fact, told staff they could not do anything. Mr. Celeste asked the City Clerk to have the conversation with the chief judges at that site to inquire about what they saw.

Joe Jordan – Purview of Clerk's Office and the Board of Supervisors of Elections to actually exercise oversight. Who is responsible for checking? Mr. Celeste responded that the purview of the BSE and the Clerk's office is to make sure the elections are run within the laws that exist; that they are fair and are run in accordance with the Code.

Tom Moore –**If** there are things that would make it easier to understand the different roles, the mayor and council would be interested.

Christina Ginsberg – Regarding recounts. Right now, the Code says two districts chosen at random. She believes that a 1% threshold should automatically trigger a recount.

Tom Moore – There may be other reasons to change that but not because of an extra name on the ballot (reference Joe Jordan being on the ballot).

Tom Moore – what happens if an error is found in a recount, then what? Mr. Celeste said that we need a careful look at the Code; that we should have a plan for something that has not happened thus far, but that could happen.

Janet Wilson - Do we proactively benchmark our Code/Election laws against other municipal codes?

John Hall – Brought up advisory referendum in 2003 dealing with length of terms.

Tom Moore – Mayor and Council are about to convene a Charter Commission. This would be a good time to look at changes to Chapter 8 in conjunction with Charter Review.

Bridget Newton – Regarding removing a name from the ballot, maybe we should not print the ballot quite so early.

Piotr Gajewski – you cannot solve the problem by moving dates. No matter how you do it, there could still be the opportunity for someone to come off a ballot, death for example. Historically, City elections have been tremendously well run elections. Cautions against spending a lot of resources to fix what is not broken. We can tweak, yes and we need to be vigilant, but the city does a great job.

Michael Berman – Their campaign spent a great deal of time and energy raising money, filing reports, and analyzing everyone else reports. The amount of money that you raise has a lot to do with the outcome of the race. Is that the kind of thing that we want? Would like to see a tighter per donation limit and a tighter total cap.

Drew Powell – That is the real world. It does cost money to communicate with the electorate. \$1000 limit is perhaps where we need to be. Putting caps on is probably not a possibility. Glad to see that the BSE's mission is to attempt to bring candidates and campaigns into compliance. However, in those instances where there is non-compliance, the BSE should have ability to invoke penalties. Those not complying should receive a bill from the City of Rockville. The BSE needs some teeth.

John Hall responded that we do in fact have penalties.

Tom Moore - Money drives our elections less than others. He cited a Falls Church race where candidates each raise about \$20,000.

Dave Celeste - that is a big debate and we will need to draw in the Mayor and Council on this, and many other areas.

Piotr Gajewski – there is no question it takes money to communicate with electorate. If one of our goals is to increase participation, money will make a difference. Safeguard from the notion that we will have rich people run successfully. Cautions against reducing the amounts. If anything, they may want to think about increasing the amount. Money only buys you marketing. If you are a lousy candidate you are still not going to win.

Brigitta Mulligan – Candidate mailings are important to voter turnout. The data that Rockville receives from the county/state is bad. The number of sample ballots that were returned is a huge concern.

Tom Moore – Agrees that the state's list has problems with it. How much would it cost for us to maintain/control our own list.

Christina Ginsberg – By no means is this a trivial job. Would guess about \$250,000 for the City to do . There are all sorts of regulations at the state level. You are talking about data management and legal

know how that would require a significant amount of money. Ms. Ginsberg echoes Drew Powell's statement that the BSE needs some teeth in enforcing.

Roald Schrack – Gave statistic on the cost per vote in 1985 versus the 2011 election. He talked about the convenience of the City's GIS map which is on the website. He said that there are only two ways to get away from using the State's list. There is always a lag in terms of data regarding people who have moved out of the City. It takes time for that information to ultimately reach the State's list.

It would be good if there was a way to somehow to speed that up. It used to be that people who did not vote in the last two elections were removed from the list. That procedure is no longer legal.

Christina Ginsberg - Believes the challenge period after an election needs to be changed until at least 10 days after the election. Would also like to see something put into place that verifies the accuracy.

Tom Moore – The idea that LLCs can't contribute to elections - how do we feel about that? Mr. Powell said this is a big issue that comes up in Annapolis every year and every year it is defeated. He said it is actually referred to as the "LLC loophole" in Annapolis.

Fred Newton- Show examples in code that limits LLC to \$1000 single contribution.

Limit yard signs –let's go green

Mark Pierzchala – Believes that yard signs fall under the freedom of speech.

Drew Powell – Define the use of the City's flag, seal or logo in campaign literature.

Christina Ginsberg – said that the public data should be provided by the state and county in all forms and that Montgomery County should not edit the database in the form that they want before giving it out.

In conclusion, Mr. Celeste thanked everyone for coming and said the input received is valuable. He noted that the BSE would meet again on February 23 and said that he would devote a portion of that meeting for additional Election Wrap Up comments.

Meeting adjourned at 12:50 pm.