

MARCH 27, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

Attendees: Gilles Burger, Chairman  
Tom Fleckenstein, Vice Chairman  
Joan Beck, Member  
Bobbie Mack, Member  
A. Susan Widerman, Member  
Linda Lamone, Administrator  
Ross Goldstein, Deputy Administrator  
Mark Davis, Assistant Attorney General  
Jared DeMarinis, Director of the Candidacy and Campaign Finance  
Jessica Jordan, Budget and Personnel Director  
Nikki Trella, Election Reform Director  
Mary Wagner, Director of Voter Registration and Petitions  
John Clark, MDVoters Project Manager  
Michael Kortum, CIO  
Terry Harris, Deputy Director of Candidacy and Campaign Finance  
Jaimie Jacobs, Election Reform Deputy Director  
Mary Dewar, Voter Outreach

Also Present: Henry C. Marshall, NCS Co, Inc.  
Margaret Jurgenson, Montgomery County Board of Elections Director  
Randy Cobena, Saber Consulting  
Rebecca Wilson, Prince George's County  
Alex Zeese, Montgomery County  
Stan Boyd, Montgomery County

**DECLARATION OF QUORUM PRESENT**

After establishing the presence of a quorum, Chairman Burger called the meeting to order at 1:35 p.m.

**APPROVAL OF MINUTES OF MEETING OF JANUARY 19, 2006**

Ms. Beck made a motion to approve the minutes as amended, and Ms. Mack seconded the motion. The amended minutes of the February 21, 2006 board meeting were approved unanimously.

**ADDITIONS TO THE AGENDA**

Ms. Trella requested that "Approval of Forms" be added to the agenda. Mr. Burger stated that this addition would be added after "Regulations."

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## **ADMINISTRATOR'S UPDATE**

Ms. Lamone presented to the Board her monthly report.

### Departmental Legislation

HB 800 – Voter Registration – Technical Changes – had its first hearing in Ways & Means on Friday 3/17. Staff has provided a proposed amendment to that bill to address the issue of voter registration activity. Specifically, the amendment prohibits all voter registration application circulators from receiving compensation on a per registrant basis and prohibits copying of confidential information.

The other Departmental Bills, SB 101, 105, 112, 122, 124 and 129, have passed the Senate and are now scheduled for hearing in Ways & Means on Wednesday, March 29 at 1:00 pm. SB 121 (special elections for Congress) was not included in this group.

### Other Legislation

HB 244 – Voting Systems – Voter Verified Paper Records – was amended and passed the House to require use of an optical scan voting system for the 2006 elections. We have asked ES&S to provide a fiscal estimate for implementation of the optical scan voting unit and the AutoMARK voting unit in Maryland along with the same level of service currently provided to the local boards of elections under our existing voting system contract. Following receipt of the initial estimate on March 15th, staff reviewed the document and submitted additional questions and comments to ES&S. We hope to receive a revised fiscal estimate during the week of March 27<sup>th</sup>. Ms. Mack asked if SBE thought it was possible for ES&S to supply the equipment in time for the 2006 elections. Ms. Lamone responded that she did not feel it was possible, as she had just received an email from a county in Texas that was having problems with the company.

SB 324 – Election of Circuit Court Judges – Nonpartisan Election – would address the litigation from the 2004 Primary (Susseman v Lamone). This allows unaffiliated voters to vote for Judge of the Circuit Court in a primary election. Other bills that we are following this year make changes to the 2006 election and will require changes to the election management system and the ballots. In addition to judge of the circuit court, these bills include various changes for central committees, county commissioners and boards of education – all of which would have an impact on the election management system.

HB 1368 – Voter Bill of Rights – was amended to alter the early voting site selection and include a mandate for electronic poll books. This also requires a study be conducted on same day registration.

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### **Legislative Auditor**

The Office of Legislative Audits is currently in the process of conducting its periodic audit of this office. This audit generally occurs every three years and focuses on program administration and information technology issues. The auditors are here full time for the next several months and will work closely with staff in completing their review. Ms. Mack asked if we would have the audit of security in time to make changes before the 2006 elections, to which the answer was yes.

### **Candidacy and Campaign Finance Division**

As of March 21, 2006, 142 candidates have officially filed for office.

The Candidacy and Campaign Finance Division is pleased to announce that it will be accepting credit card payments for candidate filings and late fees.

The Division, after consulting with the Attorney General's Office, State Prosecutor's Office, and representatives from the recognized political parties, will issue its guidance on use of Administrative Funds for publication in the Summary Guide. This guidance reaffirms SBE's position and provides to public and political parties a clear and concise understanding of the permissible uses of the funds. Mr. Burger asked to receive a copy of the summary guide when it was available.

### **Voter Registration Division**

#### Performance and Load Test

On February 16, 2006, SBE and 24 LBEs participated in a Performance and Load Test of the Maryland Voter Registration System (MDVOTERS).

While the final report has not been issued, a number of observations are available. First, the system was ready and available for testing on time thanks to the preparation of Saber's program and technical staff. Second, no major system configuration changes were made just prior to the test, allowing for testing to be conducted on the system known by users across the State. Third, the ability of the system to recover after site failure was demonstrated. When the Annapolis site was brought down, over the next 15-20 minutes, users were able to log onto the Cumberland site. Fourth, Saber's staff was extremely helpful to the InfoSentry test monitors, by reporting and documenting usage and load levels on the system throughout testing. Finally, as anticipated, the Performance and Load Test revealed a number of areas where improvement in system performance is needed.

As a result of the testing, SBE requested Saber to initiate the following corrective actions:

1. Correct a problem with user passwords, which hampered testing by preventing some users from experiencing the full capabilities of the system under load.  
(Completed)
2. Install a planned memory upgrade to improve performance. (Completed)

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3. Correct the problem in user load balancing; i.e., as users signed back on to the system, they were not automatically assigned to the less used site, creating a 170 to 3 imbalance. (*Work in progress*) Ms. Mack asked if SBE has more than one server. Ms. Lamone explained that there are two different servers, one in Annapolis and one in Cumberland. Ms. Widerman asked for an explanation of load balancing. Mr. Cobena explained that the system should automatically allocate users to the less busy server and that this process should make a significant difference in response time and overall performance. Saber is currently working on the algorithm that allocates users. Ms. Beck asked if someone would automatically be moved to another site if the site they attempted to use were busy. Mr. Cobena confirmed that this was the reason for load balancing.
4. Work with local (LBE/County) information technology staff and the SBE CIO to conduct a site-by-site, end-to-end, tuning of each local Board's network paths to both the VROC and COOP. (*Saber plan due this week.*)

A full report from InfoSENTRY is due the week of March 27.

Reports Release

Saber will issue a major software release for testing on March 27 and 28. This release provides key reports that have been redesigned by the Reports Committee to meet the needs of Local Boards and SBE. The Reports Committee is composed of elections staff from four Local Boards (Charles, Baltimore, Harford, and Somerset) and SBE. Following testing at SBE by the Reports Committee members, the new release will be delivered for statewide use on March 30.

Joint Application Design Sessions

On March 14, 15, and 16, Saber hosted Joint Application Design (JAD) sessions for Local and State Board voter registration workers. Ashish Puri, the national product manager facilitated the sessions each day. He brought Saber design and documentation specialists who listened carefully to the LBE member requests for customization of the MDVOTERS system to meet Maryland business processes in the areas of Election Worker, Absentee Voter, and Election Management. Repeated reports from the over 30 LBE attendees were that the sessions were very successful in capturing their needs and that they look forward to seeing the changes in future system releases. On Monday, March 20, 2006, the Executive Steering Committee approved the order of priority for the MDVOTERS software changes identified in the JAD sessions and helped to set deadlines for delivery of software containing the changes.

Committee Changes

Mr. Walter Maddox of Howard County LBE has joined the Executive Steering Committee to continue Local Board representation, with the retirement of Judy Ritter from Wicomico County LBE.

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In line with the move of MDVOTERS from project to operational status, the organization structure has changed. A Change Control Board (CCB) has been organized. The CCB manages the direction and rate of change of MDVOTERS. Strong LBE representation--a hallmark of this project from the beginning--continues with the following appointments:

Local Board Members /CCB Regional Representatives.

Region 1 – Garrett, Allegany, Washington, Frederick, Montgomery

Steve Fratz                      Garrett

Bobbie Payne                    Montgomery

Region 2 – Carroll, Baltimore, Baltimore County, Howard

Katie Brown                    Baltimore County

Gail Carter                      Carroll

Region 3 – Talbot, Somerset, Dorchester, Worcester, Wicomico

Stan Haramoto                Somerset

Val Patterson                 Wicomico

Region 4 – Anne Arundel, Prince George’s, Calvert, Charles, St. Mary’s

Janet Smith                    Calvert

Charlotte Rader               Anne Arundel

Region 5 – Harford, Cecil, Kent, Queen Anne’s, Caroline

Evelyn Potter                 Cecil

Florence Sutton               Kent

**Voting System**

The Voting System division has been upgrading all the GEMS servers and Touchscreens in the State. Three GEMS upgrade teams updated the 48 GEMS servers to software version 1.18.24 at each local board. The voting system division is in the process of upgrading the 19,000 touch screen voting units to BallotStation 4.6.4 using 5 teams. No major incidents have been identified. The voting system team has followed up the upgrade effort at the local boards with a questionnaire and in general the responses have been positive. This project is running on schedule. SBE voting system division would like to thank all the local boards for their cooperation and due diligence in preparing for the upgrade teams’ arrival.

Following up on an issue from the last meeting, Mr. Burger inquired about the necessity of going through a recertification exercise each time the software is upgraded. Ms. Lamone explained that recertification is not necessary each time software is upgraded. Mr. Burger asked if the upgrades incorporated changes made as a result of the California study. Ms. Lamone explained that the California study was of the precinct-based optical scan system that is not used in Maryland, but that all of the recommended procedures are in currently in place.

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The Voting System division is preparing to schedule training on the new software versions. The GEMS and Touchscreen operations training classes will be initially rolled-out to Baltimore City. The operations classes will be made available to the other counties after Baltimore City receives training.

### **Help America Vote Act**

#### HAVA State Plan

The revised sections of the Maryland State Plan were published in the Federal Register on February 27, 2006. The revised plan will be effective on March 30, 2006, 30 days after publication.

#### Election Judges' Manual and Training

The 2006 election judges' manual is progressing, but will not be distributed until pending legislation has been resolved. Jaimie Jacobs recently distributed a list of county-specific sections to the local boards so that they can begin drafting the instructions for these sections using the new template.

Work on the State's election judges' training curriculum is also on-going. Ms. Jacobs distributed a draft version of voting unit judges' curriculum to the Election Judges' Training Curriculum Committee for review. Regional trainings on the new curriculum will begin after the legislative session is complete.

#### Voter Outreach

Mary Dewar has conducted several trainings for the local boards on the upgraded software and more requests are coming. The voter outreach demonstration ballot and "Guide for Effective Voter Education" have been approved. In response to a question, Ms. Dewar explained that this document explains how to conduct a voter outreach demonstration event and use the voting system. Baltimore City conducted its first voter outreach events the week of March 13<sup>th</sup>, and Diebold's facilitators will begin on March 22<sup>nd</sup>. Production on a Phase III commercial will begin the last week of April.

### **ASSISTANT ATTORNEY GENERAL'S REPORT**

Mr. Davis delivered his report on the current state of the legal matters pending before the Board.

### **Litigation**

*Schade v. SBE* (Circ. Ct. for Anne Arundel Co.) – This case is dependent upon General Assembly decisions during session. The principal issue currently is discovery, with both parties negotiating the schedule for depositions. The Plaintiffs have stated their intention

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to depose nine witnesses, both current and former employees of SBE, but the court has ordered that witnesses may not be deposed twice, before and after the November election.

*Nader for President 2004 v. SBE* (fee petition claim for 2004 election)(Court of Special Appeals) - This case was argued at the University of Baltimore Law School on March 8<sup>th</sup>. The principal defense was that the request for attorneys' fees is premature because the Circuit Court never ruled on it. *Nader* decided to take an appeal without a ruling from the Circuit Court.

*Maryland Green Party v. Maryland Board of Elections* (2000 denial of ballot access to Green Party; claim for attorneys' fees of \$338,000 plus)(Court of Appeals) – Scheduling conference held on March 17. The court granted SBE's request to permit limited discovery on the reasonableness of the fee request. *Maryland Green Party* will be permitted to add to its current fee claim at least \$355,000 for the appellate phase of the case.

*Hufnagel v. State Board of Elections* (2002 denial of ballot access to Green Party)(Circ. Ct. for Anne Arundel Co.) - Motions hearing held on October 31, 2005. SBE's motions to dismiss still pending.

*Stysley v. Carroll County Bd. of Elections* (attorneys' fees petition claim; spin-off of *Maryland Green Party*) (Cir. Ct. for Carroll County) - Green Party seeks \$45K in attorney's fees for denial of ballot access in 2000. Hearing held on January 31. Circuit Court dismissed plaintiff's petition as timely. Plaintiff has filed a motion for reconsideration.

Ms. Beck acknowledged Mr. Davis' busy schedule. Mr. Burger commended Mr. Davis and all of the SBE staff for their hard work during the past year.

Ms. Beck asked for clarification on a comment Mr. Davis made about the reasonableness of the Maryland Green Party's fee request. Mr. Davis explained that the Court of Appeals chooses cases by way of discretionary jurisdiction. SBE filed a petition for certiorari that was denied, but has the opportunity to file again after the final order in the Circuit Court or in one of the other fee cases that are pending.

In response to a question from Mr. Burger, Mr. Davis discussed the TrueVote deposition on March 8<sup>th</sup>. TrueVote did not designate Linda Schade so a deposition of her did not take place.

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## **REGULATIONS**

### Regulations for Final Adoption

Ms. Trella referenced a memorandum and other background information concerning the proposed regulations before the Board for final adoption. The Prince George's County Board of Elections provided the only comment to the regulations. The comment concerned changing a term being defined. Ms. Trella noted that the language in question is not new language and that it follows standard drafting rules for definitions. Ms. Trella recommended that the Board adopt the proposed regulation as it was published. Mr. Burger made a motion to adopt the proposed changes to Regulations 33.01.01, 33.05.04, and 33.07.06 without change and as final, and Mr. Fleckenstein seconded the motion. The motion passed unanimously.

### Proposed Regulations for Adoption

*33.03.02* (Copies of Voter Registration Lists) – Ms. Trella stated that the proposed changes remove references to voter registration systems that no longer generate the official list of registered voters, corrects an improper statutory reference, and establishes a single form to request a list of registered voters and standard fee for the list. Ms. Mack inquired as to whether the local boards will continue to generate these lists, and Ms. Wagner responded in the affirmative. Mr. Fleckenstein made a motion to adopt the proposed changes as both a proposed regulation and an emergency regulation, and Ms. Beck seconded the motion. The motion passed unanimously.

*33.05.02* (Voter Registration Forms) – Ms. Trella explained that the proposed changes include a word change to a question on the voter registration application and remove the requirement that information about the federal identification requirement be included on the application. Most new voter registration applicants will have satisfied the federal identification requirement during the registration process. Mr. Fleckenstein made a motion to adopt the proposed changes as both a proposed regulation and an emergency regulation, and Ms. Wideman seconded the motion. The motion passed unanimously.

*33.05.04* (Processing of Voter Registration Applications) – Ms. Trella explained that the proposed regulation removes the close of registration deadline for those applicants whose personal identification number could not be verified. Because the current verification system is not perfect, the proposed changes would provide the opportunity to allow an individual whose number could not be verified to complete the verification inquiry after the close of registration. Mr. Fleckenstein made a motion to adopt the proposed changes as both a proposed regulation and an emergency regulation, and Ms. Beck seconded the motion. The motion passed unanimously.

*33.07.06* (Identification Requirement) – These proposed changes would require those individuals whose driver's license or social security numbers could not be verified to



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show identification before voting for the first time in Maryland. In response to a question, Ms. Trella explained that these proposed changes related to individuals who vote in person at a polling place and that there are corresponding proposed changes for individuals who wish to vote by absentee ballot. Mr. Fleckenstein made a motion to adopt the proposed changes as both a proposed regulation and an emergency regulation regulation, and Ms. Mack seconded the motion. The motion passed unanimously.

33.07.07 (Challenging Voters) – Ms. Trella stated that these proposed changes are necessary to bring the regulation into compliance with a newly enacted law specifying how a voter who is challenged is handled in the polling place. Mr. Fleckenstein made a motion to adopt the proposed changes as both a proposed regulation and an emergency regulation regulation, and Ms. Mack seconded the motion. The motion passed unanimously.

33.11.02 (Absentee Ballot Applications) – Under current law, Ms. Trella stated that a registered voter is no longer required to provide a reason to qualify for an absentee ballot. The proposed change removes the requirement that an absentee ballot request must include the reason for absentee ballot. Ms. Trella explained that the other proposed change would require those individuals whose driver's license or social security numbers could not be verified to show identification before voting an absentee ballot for the first time in Maryland. Ms. Beck made a motion to adopt the proposed changes as both a proposed regulation and an emergency regulation, and Ms. Mack seconded the motion. The motion passed unanimously.

33.11.03 (Absentee Ballot Issuance and Return) – Ms. Trella explained that the Federal Voting Assistance Program recently amended the design of the Federal Write-In Absentee Ballot, a back-up ballot for military and overseas voters who may not receive the State's ballot in time. In previous years, the voter's oath was on the outside of the mailing envelope. With the new design, the voter's oath is now on the security envelope that is inside the mailing envelope. The proposed change allows the LBEs to open the outside mailing envelope to process the voter's information.

In response to a question from Ms. Widerman, Ms. Duncan responded that the outside envelope would remain with the sealed security envelope so that the timeliness of the ballot could be determined. Ms. Duncan noted that, even if the envelopes were separated, the date on the oath would be used to determine timeliness. Ms. Mack requested how voters obtain the Federal Write-In Absentee Ballots, and Ms. Trella responded that military or overseas voters obtain this ballot from a Voting Assistance Officer. Ms. Widerman requested what would happen if a voter voted both a Federal Write-In Ballot and the State's ballot. Ms. Duncan responded that the State ballot would be counted, and Ms. Trella noted that the proposed changes enable the local board to process the Federal Write-In Ballot upon receipt and enter this information into the voter registration system. This entry enables to the local boards to monitor the receipt of the State ballot. Mr.

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Burger made a motion to adopt the proposed change as both a proposed regulation and an emergency regulation, and Mr. Fleckenstein seconded the motion. The motion passed unanimously.

*33.12.04 (Recount Procedures)* – Ms. Trella explained that the reference to “voting machine” referred to lever machines and is no longer needed. Ms. Trella also noted that the current regulation for recounting did not include a reference to recounting provisional ballots. The proposed change includes provisional ballots and treats them the same way as absentee ballots are handled in a recount. Ms. Trella explained that, for privacy reasons, absentee and provisional ballots are not canvassed by precinct. The proposed change would specify that absentee and provisional ballots are recounted and reported as separate tallies. Mr. Burger made a motion to adopt the proposed changes as both a proposed regulation and an emergency regulation, and Mr. Fleckenstein seconded the motion. The motion passed unanimously.

*33.16.05 (Rejecting Provisional Ballots)* – Ms. Trella explained that, under the Help America Vote Act, an absentee ballot from a voter who has not satisfied the identification requirement is considered a provisional ballot. As a result, the “provisional ballot” must be rejected if the absentee voter does not submit identification information before the provisional ballot canvass begins. The proposed change adds language in the provisional ballot regulations for this rejection reason. Since the ballot is technically a provisional ballot, the rejection reason should be listed in the provisional ballot regulations. Mr. Fleckenstein made a motion to adopt the proposed change as both a proposed regulation and an emergency regulation, and Ms. Mack seconded the motion. The motion passed unanimously.

*33.11.05 (Rejecting Absentee Ballots)*– Ms. Trella explained that, at a local board attorney meeting last year, one of the local board attorneys mentioned that there appeared to be a conflict between whether absentee ballots are to be rejected by a unanimous vote or majority vote of the local board of canvassers. After reviewing the law and regulations, we requested that Mr. Davis review the relevant statutory and regulatory provisions and provide advice as to the appropriate standard. In light of Mr. Davis’ advice that the absentee ballots must be rejected by unanimous ballot, Ms. Trella explained that proposed changes remove references to rejections by majority vote. Mr. Burger asked Mr. Davis how strongly he supported his position, and Mr. Davis responded that his support was strong. Mr. Burger made a motion to adopt the proposed changes as both a proposed regulation and an emergency regulation, and Mr. Fleckenstein seconded the motion. The motion passed unanimously.

**APPROVAL OF FORMS**

Ms. Trella noted that three forms were submitted to the Board for approval.

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The first form submitted for approval was the redesigned Voter Registration Application. Ms. Trella noted that the instructions had been streamlined, unnecessary instructions removed, and the “Personal Identification Number” field moved at the request of several local boards from Boxes 9 and 10 to Boxes 4a and 4b. There was discussion about the use of “Personal Identification Number” and whether applicants would read the instructions and provide requested information. Ms. Trella agreed to provide some alternative language for the Board to consider. Ms. Widerman requested that the check boxes on the application be enlarged and additional space be added after each checkbox.

The second form presented for approval was the Request for Polling Place Change or Absentee Ballot. Ms. Trella explained that the additional changes were proposed because it was understood that the local boards typically use this form as an absentee ballot application if another suitable polling place with the same ballot style could not be found. The proposed changes included an alternative mailing address for the absentee ballot and a certificate of assistance. Both of these proposed additions are currently required for an absentee ballot application. Ms. Duncan explained the evolution of this form and that it saved the requesting voter from having to submit an absentee ballot application if the local board could not find another suitable polling place with the same ballot style. Ms. Beck expressed her concern that the language in the certificate of assistance relating to the applicant’s “inability to read or write.” After discussion of the statutory requirements of the certificate of assistance and recognition that the proposed language has been previously approved, Mr. Fleckenstein made a motion to approve the form, and Mr. Burger seconded the motion. The motion passed 4-0, with Ms. Beck abstaining.

The final form presented for approval was the Absentee Ballot Application. For background, Ms. Trella explained how voters who offered a change of address at the polls in 2004 were handled. To handle absentee voters in the same manner as voters who change their address on election day, Ms. Trella proposed adding a question to the application inquiring as to when the absentee ballot applicant moved to his or her new address. The response to this question will determine the appropriate ballot style for the voter. Ms. Beck made a motion to approve the form, and Mr. Fleckenstein seconded the motion. The motion passed unanimously.

### **WAIVER OF LATE FEES**

Ms. Widerman made a motion to approve all of the waiver requests. Mr. Fleckenstein seconded the motion. The motion passed unanimously. The Committees that received waivers were:

1. Citizens For Delores Kelley, A105,
2. Friends of Chris McCabe, A56, and
3. St. Mary's County Republican Central Committee, A160.

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## **OLD BUSINESS**

In response to a question from Ms. Mack, Ms. Lamone responded that SBE is in receipt of the report from the California testing.

Mr. Burger asked about the status of the Board's directive to SBE staff to engage the voting system in new ITA testing and Statewide certification. Ms. Lamone responded that Diebold declined to resubmit the system for the same testing. Mr. Burger expressed his belief that the original ITA testing was performed on different firmware and asked that Diebold reconsider. Mr. Davis noted that a report by InfoSentry that is part of current litigation addresses some of the Board's concerns and asked that the Board review the report when it is available.

Mr. Burger asked about the status of the security assessment of the voting system also requested by the Board. Ms. Lamone discussed several issues with commissioning such an assessment: DBM does not currently have SAIC or any other vendor on contract to provide these services; the report would cost at least \$165,000 and funding is not in the budget; and, the legislature has not decided which voting system the State will use in the 2006 elections. In response to a question from Ms. Mack, Ms. Widerman said that the SAIC report of the voting system from 2003 is available on SBE's website.

## **NEW BUSINESS**

Mr. Burger received a letter from Montgomery County that discussed the GIS (Geographical Information System) interface with MDVOTERS. Mr. Burger asked Ms. Mary Wagner about the status of the interface. Ms. Wagner explained that a meeting between Saber, SBE and Montgomery County had taken place that morning to discuss specifications required by Montgomery County. Ms. Wagner further stated that the meeting had been very beneficial to all parties and Saber will be providing the GIS interface next week to Montgomery County for testing.

Mr. Burger informed staff that he and Ms. Beck provided written testimony to the House in opposition to HB 1580 in support of deferring early voting as a result of a Board decision.

## **SCHEDULING OF MARCH MEETING**

The next meeting of the State Board will be held on April 25, 2006 at 1:30 p.m.

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## **SUMMARY OF CLOSED SESSIONS**

### February 21, 2006

Mr. Burger convened the closed session at 3:04 p.m. pursuant to a Statement for Closed Meeting in order to discuss personnel matters pursuant to State Government Article SS 10-508(a)(1). The Board approved the draft minutes of the January 19, 2006 closed session as revised. Mr. Burger adjourned the meeting at 4:30 p.m.

### March 15, 2006

Mr. Burger convened the closed session at 10:30 a.m. pursuant to a Statement for Closed Meeting in order to discuss pending litigation and advice of counsel pursuant to State Government Article SS 10-508(a)(7) and (8). The Board approved the draft minutes of the February 21, 2006 closed session as revised. The Board voted to seek an independent test of the Diebold TS system and a follow-up review of the 2003 Risk Assessment study conducted by SAIC. Mr. Burger offered to work with the Vice Chairman and draft an Advisory Statement addressing the Board's decision before the end of the day. Mr. Burger adjourned the meeting at 2:45 p.m.

## **ADJOURNMENT**

The meeting was adjourned at 3:40 p.m.

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Gilles W. Burger, Chairman