

Attendees: Robert Walker, Chair (*by phone*)
Bobbie Mack, Vice Chair
Rachel McGuckian, Member (*by phone*)
David McManus, Member
Chuck Thomann, Member
Linda H. Lamone, Administrator
Ross Goldstein, Deputy Administrator
Jeffrey Darsie, Assistant Attorney General
Donna Duncan, Election Management Director
Nikki Trella, Election Reform Director
Jared DeMarinis, Candidacy and Campaign Finance Director
Paul Aumayr, Director, Voting Systems
Keith Ross, Assistant Deputy for Project Management

Also Present: Barbara Sanders, League of Women Voters of Maryland
Stan Boyd, SaveOurVotes
Sara Harris, Montgomery County Board of Elections
Anthony Gutierrez, Wicomico County Board of Elections
Jeri Cook, Wicomico County Board of Elections

DECLARATION OF QUORUM PRESENT

Vice Chairman Bobbie Mack called the meeting to order at 2:00 pm and declared that a quorum was present.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES

The minutes of the March 29, 2012 board meeting were presented for approval. The minutes were approved unanimously.

APPROVAL OF REGULATIONS

First, Nikki Trella presented for final adoption proposed changes to various regulations in Title 33 of COMAR. The proposed changes were published in the April 6, 2012, edition of the *Maryland Register* (Vol. 39, Issue 7). Ms. Trella noted that there was one non-substantive, technical change made to the proposed regulations. Mr. Darsie reviewed the change and agreed that it was a purely technical correction. Mr. McManus moved to approve the regulations for final adoption, and the motion was seconded by Mr. Thomann. The motion was unanimously approved.

Next, Ross Goldstein presented proposed regulations that all relate to post-election verification and audit requirements. Mr. Goldstein referenced his May 18th memorandum to the Board that provides an in-depth analysis of the regulations. Generally, the proposed regulations consolidate all of the post-election verification and audit requirements into one chapter and streamline the process in order to ensure all verification and audit procedures can be completed prior to local board certification of election results. Specifically, Mr. Goldstein noted the following changes.

1. Verification – Currently COMAR 33.10.02.38 requires each local board of elections (LBE) to conduct a voting system verification after election day and prior to the certification of election results. Each LBE is required to randomly select at least 10% of the precincts for verification. The verification process is conducted either manually or on a server running the election management system (GEMS) different from the one used for the official tabulation. If the verification is conducted manually, the LBE adds the vote totals from the totals tapes for each voting unit and compares them to the totals generated by GEMS. For the automated process, the results are loaded into a different GEMS server and those results are compared to the results generated by the first GEMS server. The same verification process is required under COMAR 33.10.11.38 for optical scan results. The proposed regulations move the verification provisions to the new Post-Election Verification and Audit chapter in Subtitle 8. The proposed regulations also make the following changes:
 - The option of using the automated process is removed since it would not detect an election management system software issue. Accordingly, only the manual verification process is permitted.

- The percentage of precincts to be verified is reduced from 10% to 5%. However, the minimum number of precincts is increased from two to three. The reduction is necessary to ensure the process can be completed prior to the certification of election results by the local boards of elections. Further, reducing the number of precincts verified does not reduce the effectiveness of the verification process. The verification is testing the accuracy of the central server in its aggregation of election results. Since the server will use the same logic for every precinct, the number of precincts tested is not significant. Finally, the post-election verification is not the only test conducted on the voting system. Pre-election logic and accuracy testing provides the verification testing for 100% of the precincts in the election.
- The verification process for the optical scan voting system is conducted by manually tallying the totals reports for the optical scan units used for the first absentee canvass and comparing the tally to the report from the election management system.

If a discrepancy is discovered, the discrepancy must be resolved, and the resolution must be approved by the State Administrator, prior to the certification of the election.

2. Audit – Currently COMAR 33.08.01.10 requires a post-election audit. The audit, which must begin the day after the election, requires the election director to review signed voter authority cards, precinct register data, voted ballots, and official returns. Prior to certification, the audit must be completed for the same precincts for which the system verification is conducted; the audit ultimately must be completed for all precincts. The purpose of the post-election audit is to confirm the accuracy of the election judges' statements. Specifically, the focus of the audit is to confirm that the number of ballots cast equals the number of voters that checked-in to vote. The proposed regulations also make the following changes:
 - The manual audit process will only be conducted on the 5% of the precincts selected for the verification. The manual process requires the election director to count signed voter authority cards and compare the number counted against the number of ballots cast as reported in GEMS.
 - An automated audit process is established in addition to the manual process. First, the State Administrator will produce a report for 100% of the precincts that compares the number of voters checked-in to vote by the electronic pollbooks against the number of ballots cast on the voting system. Then, using this report, the election director will be required to conduct the manual audit process on any precinct in which a discrepancy, greater than five, exists between the number of voter check-ins and ballots cast. Accordingly, while the number of manual audits decreases, the total scope of what is being audited remains the same and is required to be completed prior to certification of the election results by the local board of canvassers.
 - The proposed regulations specify that if the number of signed voter authority cards does not match the number of ballots cast, the election director is required to review other election materials from the precinct (such as the chief judge's log, provisional materials, etc.) in order to determine the cause of the discrepancy. If the discrepancy cannot be explained, but is less than the vote margin of any contest on the ballot in that precinct, the local board shall accept the audit results and certify the election. If the discrepancy is greater than the vote margin of any contest on the ballot in that precinct, the local board of canvassers may not certify the election until any corrective actions required by the State Administrator are completed.
 - The audit requirements are also established for absentee and provisional ballots. Prior to the audit, the State Administrator is required to establish the number of absentee and provisional ballots to be audited. The election director then randomly selects the required number of absentee and provisional ballots and makes a determination whether they were properly accepted or rejected based on the applicable criteria. If the audit demonstrates that a ballot was improperly rejected, the canvassing board is required to accept and count the ballot prior to the certification of the election. If the audit demonstrates that ballots were improperly accepted, but in a quantity that is less than the vote margin of any contest on the ballot in that county, the local board shall accept the audit results and certify the election. If the discrepancy is greater than the vote margin of any contest on the ballot in that county, the local board of canvassers may not certify the election until any corrective actions required by the State Administrator are completed.
3. Ballot Accounting – Currently, COMAR 33.08.05.02 - .04 requires the election director to make a full accounting of all optical scan (absentee and provisional) ballots following the tabulation of all votes. The proposed regulations repeal this requirement. Given the comprehensive auditing that is conducted prior to certification of election results, the ballot accounting requirements in the above referenced regulations add no additional security or accountability to the process. If there was no comprehensive audit, ballot accounting may be an important indicator of a problem. For example, missing ballots may lead to concerns of improperly cast ballots. However, the audit process provides meaningful assurance that every ballot was cast by a qualified voter. In responding to a question from Ms. Mack, Mr. Goldstein noted that having the post-election audit procedures focus on accounting for voted ballots was a better use of time and resources than counting and reporting unused or spoiled ballots.

Finally, Mr. Goldstein noted that he had discussed the regulations with three election directors representing a small, medium and large county, and they were all in agreement with the proposed changes. And, in response to a question by Mr. McManus, Mr. Goldstein also noted that he expected that there would be additional comments during the required 30-day publication and comment period.

Mr. McManus moved to approve the proposed regulations, and the motion was seconded by Mr. Thomann. The motion was unanimously approved.

REVISIONS TO ABSENTEE INSTRUCTIONS

Ms. Trella presented proposed changes to the 2012 Absentee Voting Instructions. In the primary election, three local boards used the services of a vendor to automate the printing, inserting, and mailing absentee voting packets. To accommodate the automated process, minor changes to the return envelope were made. Specifically, instead of a stamped "ID Required" notice on the envelope, it is printed, and there is no longer a need for an adhesive strip. Accordingly, the instructions have been revised to reflect these changes, since all 24 LBEs will use the automated vendor services for the general election. Mr. Thomann made a motion to approve the revised instructions, and Ms. McGuckian seconded the motion. The motion was unanimously approved.

REVISIONS TO NURSING HOME AND ASSISTED LIVING FACILITIES MANUAL

Ms. Trella presented proposed revisions to the *Licensed Nursing Homes and Assisted Living Facilities; Absentee Ballot and Voter Registration Procedures*. The revisions to the manual modify the procedures for assisting an individual who is unable to sign his or her name and adopt the same procedures as those provided in COMAR 33.07.05.01 for assisting a voter in an early voting center or polling place who is unable to sign his or her name. Mr. McManus made a motion to approve the revised *Procedures*, and Mr. Thomann seconded the motion. The motion was unanimously approved.

WAIVERS OF CAMPAIGN FINANCE LATE FEES

Mr. DeMarinis presented the following recommendations of the State Administrator for approval of waivers of late fees. Mr. DeMarinis noted that the majority of the late fees were a result of committees not being familiar with the new campaign finance filing system.

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| 1. AFL-CIO, O.P.E.I.U., Local 2, Political Education Program PAC | 31. Marraffa, Henry Friends Of |
| 2. Alexander, Jan M. Committee to Retain Judge | 32. Marrow, Shawn Citizens for |
| 3. Anne Arundel County Democratic Central Committee | 33. Mawhinney, Tina Citizens for |
| 4. Bailey, Sherrie R. Committee To Retain Judge | 34. McConkey, Kelly Friends of |
| 5. Barr, John F. Friends Of | 35. Metz, Jeffrey T. Friends Of |
| 6. Bartenfelder, Joe Friends For | 36. Mitchell, Keiffer For The 44 th |
| 7. Blake, Chris Campaign Committee For 44 th | 37. Moody, Gaylord People for |
| 8. Bramble, Phil Committee to Elect | 38. Nawrocki, Ryan For Maryland |
| 9. Brittingham, Barry Friends of | 39. New Day MD PAC |
| 10. Brobst, S. Ann Citizens To Retain Judge | 40. Patterson, Edith Committee To Elect |
| 11. Buist, Art Friends Of | 41. Pedersen, Pam Citizens for |
| 12. Bunting, Madison Jim Citizens for | 42. Pena-Faustino, (Maria) 4 Maryland |
| 13. Canavan, Kelly Citizens for | 43. PNC Financial Services Group, Inc. PAC – Maryland |
| 14. Caroline County Republican Central Committee | 44. Police PAC of Montgomery County, FOP Lodge 35 |
| 15. Citizens Getting It Right With Paul Trapani | 45. Proctor, Jim Friends Of Committee |
| 16. Coalition For Change PAC | 46. Reed, Jeff Friends of |
| 17. Crandell, Todd Friends of | 47. Reed, Michael Wilson Committee to Elect Judge |
| 18. Davis, Dereck Friends Of | 48. Root, Edward L. Friends of |
| 19. Dean, Ingrid Marie Friends of | 49. Shern, Julius Citizens for |
| 20. DiMaggio, Ginger 4 Edu | 50. Simmons, Luiz Friends Of |
| 21. Educators for Progress in District 10 | 51. Slater, Dan For Cecil |
| 22. Environmental Defense PAC | 52. St. Mary's County Republican Central Committee |
| 23. Fifth District Pac | 53. Stallings, Demetria Sugar Friends of |
| 24. Friends Of Jeannie Haddaway-Riccio | 54. Stull, Paul S. Friends To Elect |
| 25. Insurance and Financial Advisors PAC-MD | 55. Taylor, (Sherine) People For |
| 26. Ivey, Jolene Friends Of | 56. Tinelli, Vito Friends For |
| 27. Kanstoroom, Steve Friends Of | 57. Wade, Donald Friends of |
| 28. Kratovil, Frank M. Jr. Friends Of | 58. Waller, Greg Friends of |
| 29. Levy, Murray Friends Of | 59. Williams, Bryan Committee to Elect |
| 30. Luciano, Chris for Maryland | 60. Women for Democracy of America PAC |

Mr. Thomann made a motion to approve the Administrator's recommendations, and Ms. McGuckian seconded the motion. The motion was unanimously approved.

REQUEST FOR CONFIDENTIALITY OF PERSONAL INFORMATION

COMAR 33.04.02 permits certain categories of individuals to request that their residence address and telephone numbers as contained in election records be kept confidential. Mr. DeMarinis presented two requests on behalf of individuals who fall under the law enforcement category of individuals entitled to request confidentiality (specifically each individual is a judge). Mr. McManus made a motion to grant the confidentiality requests, and Mr. Thomann seconded the motion. The motion was unanimously approved.

ADMINISTRATOR'S REPORT

Ross Goldstein presented the Administrator's Report.

1. Announcements

SBE is pleased to welcome Brandon Mulvey. Mr. Mulvey has joined the voting system team as an IT technical Specialist. Brandon has a degree in Computer Science from Emory University and has a broad technical background. Brandon's most recent position was that of a technical support supervisor for Gateway Communications Inc. Brandon's experience has already made a welcome contribution to the teams activities.

2. Meetings and Important Dates

MAEO Meeting

Ms. Lamone, along with several SBE staff members and Jeffrey Darsie will be attending the 2012 annual meeting of the Maryland Association of Election Officials (MAEO). The conference will be held on June 4th and 5th in Garrett County. Staff has been asked to lead or take part in the Attorney Breakout Sessions, Local Board Member Session, and a Presidential Primary Election Lessons Learned session. In addition two Election Preparedness and Professional Development (EPPD) Program classes will be presented during one full day of the MAEO Conference. One class will focus on adult learning and teaching techniques as it relates to training election judges, and the other class will be about preparing for legislative reapportionment.

Maryland Archives – Records Management

Keith Ross and Vincent Omenka attended a two day training session in Baltimore presented by Maryland Archives on the subject of Agency Records Management and Emergency Planning. The training session was useful and the attendees came away with several ideas for improving the agency's records management and emergency planning. We will share appropriate information with the local boards of elections.

3. Election Reform & Management

Polling Place Accessibility

Rick Urps reports that 99.3% (1,576 of 1,587) of polling places in Maryland are compliant with applicable Americans with Disabilities Act (ADA) standards for accessibility, and 100% of early voting centers are fully accessible. SBE continues to work with the local boards to mitigate existing accessibility issues.

Polling Place Evaluation Program – 2012 Primary Election

Rick Urps is reviewing the Polling Place Evaluation Program forms completed by the local boards during the primary election. The forms provide valuable information about the operations of individual polling places and early voting centers during the election. The local boards are instructed to use the information from the forms to identify and address those issues. Rick sends a summary report to the local boards and when necessary, requests a corrective action plan.

2012 Primary Election Voting Statistics

Turnout statistics from the 2012 Primary Election will be included in the board meeting folder. More detailed data will be shared with the local boards of elections and will be used to generate the post-election data report required by the Federal Voting Assistance Program.

Grants to Improve Access by Voters with Disabilities

Under the Help America Vote Act, states can receive funding to improve access to the electoral process by individuals with disabilities. SBE has received funds for this purpose in every year in which the federal budget included funds for this purpose. The federal FY2012 budget did not include any funds for this grant program, so Rick Urps continues to spend prior years' funds. If federal funds are not provided in future fiscal years, the remaining balance should be sufficient for the next couple of years.

For the primary election, SBE used federal funds to pay for the installation ADA-compliant temporary wheelchair ramps for polling places in six counties and Baltimore City. SBE also purchased parking cones and signs to create handicapped parking spots or drop-off zones closer to the polling places, small suitcase-size temporary wheelchair ramps to assist where curbs or small stairs may be an obstacle, and purchased the services of sign-language interpreting services so that citizens who are deaf can serve as election judges.

Online Voter Services Project Update

Work on SBE's voter services website is on-going. The voter look-up, polling place locator, and online voter registration are on track to be ready in July 2012. Test scripts have been developed, and working with a contractor, Cheré Evans recently moved the websites to a test server so testing can begin shortly. Development on the online absentee ballot delivery system is also progressing. The project team will form a working group to develop canvassing procedures for duplicating and verifying electronically delivered absentee ballots. The project team also scheduled a mock canvass for the local boards to test the working group's procedures this summer.

A security consultant began work this month and is currently reviewing documentation and system architecture. We expect to receive his recommendations as he identifies them, with a final report due this summer. After a competitive procurement, Whitney Faust recently issued an award to DeQue Systems to review the voter services website and election results web pages for accessibility. This review will begin in July.

4. Voter Registration

New Party Recognition

On May 15, 2012, Americans Elect became a recognized party in Maryland. While it is not expected that the party will have a Presidential candidate on the 2012 ballot, they are hopeful to have candidates for local contests in 2014.

Voter Registration Applications

Customarily voter registration applications are printed once per year after the legislative session. SBE will be going to print in the coming weeks and the only change will be political parties. LBEs have been instructed to continue to use the last of their supplies as the anticipated delivery date is mid July.

Referendum Petitions

A conference call was held Monday, May 21st with the sponsors of the Civil Marriage petition effort. The Civil Marriage petition pages are expected to be delivered to the Secretary of State's office on Tuesday, May 29th. The Congressional re-districting petition will be delivered by 11:59 p.m. on Friday, May 31st.

Electronic Registration Information Center

Maryland was the first state to sign the membership agreement entering into the partnership to share information for voter registration purposes. Delaware followed suit. Once a third state signs the agreement Pew will turn over control of ERIC to the initial board which will be comprised of the those first three founding states. The transfer is likely to take place next week. The first meeting of the board is to take place June 25th – 26th in Denver Colorado. Stacey Johnson and Chere' Evans have played an integral part in structuring the technical requirements.

Maryland has been chosen to participate in an ERIC voter registration test mailing project. This is a pilot program Pew is funding to identify the most effective method of getting people to register to vote. The mailing will consist of 8 different types of letter/postcards with various messages ranging from utilizing online registration, election websites and obtaining paper applications.

5. Candidacy and Campaign Finance

Commission to Study Campaign Finance Law

The General Assembly's *Commission to Study Campaign Finance Law* held its first meeting of 2012 to lay out its agenda for the upcoming year. The Commission is going to hold two all day meetings for testimony on June 12th and 13th followed by a discussion meeting on June 25th. Other Commission meeting dates have not yet been determined. The following are the major topics of consideration that the Commission will review: contribution limits; contributions by business entities other than corporations; independent expenditures; public financing; slates; enforcement of election laws; campaign finance reporting schedule; and disclosure of small contributions.

Complaints

Below is a summary of the complaints received by this office and actions taken:

- *Cecil County Republican Central Committee* – The complaint alleges numerous anonymous contributions were received by the committee. An audit letter was sent to the committee requesting an amended filing. The committee has 30 days to respond.
- *Steve England* – This complaint alleges that Mr. England distributed campaign literature without an authority line. After review, Mr. DeMarinis concluded that no violation occurred because it was a parody on authorized campaign material and sent personally to only a few people
- *Friends of E.J. Pipkin* – The complaint alleges an improper expenditure. After the review, no violation occurred. The political committee may engage in an election that the candidate does not appear on the ballot if the expenditure is in the furtherance of the candidate's candidacy.

6. **Voting Systems**

Post-Election Maintenance

The voting units and electronic pollbooks used for the 2012 Primary Election were released on April 26th, and since then, the LBEs have been performing the post-election maintenance on the voting units.

Post-election maintenance is conducted after every election on all pieces of equipment used in the election. Any equipment requiring repair is dealt with at this time to ensure readiness for the 2012 Presidential General Election in November.

Post-Election Analysis

SBE has been collecting and reviewing logs and records of Election Day issues. There were no major issues with the voting units.

Pollbook Software

Over the last month, the voting systems team has been working closely with ES&S for a new release of electronic pollbook software. ES&S has been implementing changes to the software as requested by SBE. SBE has been testing the beta versions and last week conducted a large scale test with multiple LBEs and with the assistance of the regional managers. The results are promising.

7. **Project Management (PM) and Information Technology (IT)**

Program\Project Management Office

Keith Ross continues to work on the development and refinement of project management toolbox templates and other resources for the agency. Mr. Ross is also in the process of developing a *Project Tracking Master List* that will help SBE prioritize existing projects and forecast future projects;

Projects

Mr. Ross continues to work on the Inventory Management Project. Currently SBE staff and LBE staff are in the midst of completing the 2012 physical inventories at both the local boards and at SBE. The entire 2012 inventory is expected to be completed by the end of June.

Mr. Ross is also continuing to work with the call center vendor, CR Dynamics, in preparation for the general election and the support that will be provided. A lessons learned session was conducted with CR Dynamics, LBEs, and SBE. The session was very productive and identified several process improvements.

64bit Oracle Test Environment

SBE has setup a 64bit test Oracle server to serve as a test infrastructure to SBE's 64bit Oracle production server environment. This test Oracle server will be utilized to test new releases of applications before they are allowed to be implemented in the production environment.

Removal of old servers from SBE for Disposal

Unused old servers were removed from the server racks in the server room and transferred to the warehouse for disposal. Hard drives in the servers were removed and were disposed according to DGS' guidelines for disposal of such sensitive items.

Other IT Related Events

- Assisted Worcester County with obtaining and installing a DYMO label printer;
- Successfully applied Microsoft Security updates for the months of April and May 2012 on SBE Server Systems;

- Renewed various computer hardware and software support warranties; and
- Four new workstations have been ordered for Dorchester County (to be delivered in the next few weeks).

8. Legislation

The following are bills of particular interest that were introduced this year:

SB 597 – Elections – Baltimore City – Election Dates – This bill changes the Baltimore City Mayoral Election from the year after the Gubernatorial Election to the same year and to be held concurrently with the Presidential Primary and General Elections. **Passed** – *Note that the bill only change the primary election date, the City Charter will still have to be amended and approved by the voters.*

SB 1078 Election Law – Absentee Ballots – Internet or Facsimile Transmission – This bill does three things. First, the bill amends §9-306 to require a local board of elections to **mail** an absentee ballot to a voter unless the voter is a military or overseas voter or a voter with a disability, in which case the local board may send the ballot via the Internet. Second, the bill amends §9-308 to require the State Board of Elections (SBE) to provide an ballot marking tool. A ballot marking tool will allow the voter to mark the ballot on his or her own computer using an interface that is similar to voting on the touchscreen voting unit. Once the voter is done, the ballot is printed out with the voter's selections. The voter must mail it back to the local board of elections. Section 9-308 is also amended to state that the online ballot marking tool is not subject to State voting system certification requirements unless certification is required by the U.S. Election Assistance Commission (currently the Commission has ruled that certification is not required for ballot marking tools). Finally, the bill amends §9-310 by creating an exception from the requirement to enclose a specially printed envelope with an absentee ballot. For electronically transmitted absentee ballots, the bill specifies that the local board is required provide the voter with an envelope template, the oath, and instructions for completing and mailing the ballot. As you know, SBE has received public input from a few individuals regarding the online absentee ballot delivery system and the planned implementation of a ballot marking tool within the online absentee ballot delivery system. This bill makes meaningful concessions to the critics of the system by significantly scaling back the use of the online absentee ballot delivery system. **Failed**

HB 138 Carroll County – Polling Places – Electioneering Boundaries – This bill restores the 100 foot the no-electioneering zone boundary in Carroll County. Last year the boundary had been changed to 25 feet.

HB 694/SB 763 – Election Law- Payroll Deductions and Member Contributions – Address of Contributor – This bill requires an employer that collects voluntary political contributions through payroll deduction to transfer the address in addition to other information required by statute of each contributor to the treasurer of the political committee receiving the contribution. Currently, only the name, date, and amount are forwarded to the treasurer. **Passed**

HB 725 – Montgomery County – County Council Special Elections – Voting by Mail – This bill permits the Montgomery County Council to conduct by mail a special election to fill a vacancy in a County Council seat. **Passed**

HB 791/SB 1011 – Election Law – Declaration of Intent- Establishment of Campaign finance Entity – This bill requires candidates that file a Declaration of Intent to have established or cause to be established at the time of filing an authorized candidate campaign committee. Currently, the establishment of the political committee is required prior to or at the time of filing a Certificate of Candidacy. **Failed**

HB 1007/SB 919 – Election Law- Campaign Finance Entities – Retention of Records – This bill limits the length of time that a political committee has to retain its account books and associated records to the earlier of 10 years after the creation of an account book entry or related record or 2 years after the political committee files a final report. Currently, a political committee has to keep every record from its establishment until 2 years after it files its final report. **Passed**

HB 1103/SB 918 – Election Law – Campaign Contributors- Occupation and Employer – This bill requires that the treasurer report the employer and occupation information of every contributor making contributions in the amount of \$500 or more in the aggregate in the election cycle to a single political committee. **Passed**

HB 1275/SB 982 – *Election Law – Petition Fund Reports – Available Online* – This bill requires that State Board post online the petition fund reports filed. **Failed**

HB 1285/SB 1033 – *Election Law – Campaign Finance – Requirements* – This bill requires that the responsible officers keep their contact information current with the State Board 21 days prior to a campaign finance report. It also allows the responsible officers the option to receive notices by email instead of by first class mail from SBE. Finally, the bill requires campaign contribution receipts be issued within 60 days of receiving the contributions. **Passed**

Ballot Questions

A list of ballot questions was provided in the meeting folder.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie reported on the following four items.

1. The Court of Appeals ruled in favor of the State Board of Elections' petition verification guidelines by vacating a circuit court decision that had declared those guidelines to be contrary to State law. The court clarified that the same verification standards apply to all petitions. The effect of the decision is to restore SBE's 2011 determination that the new party petitions submitted by the Green and Libertarian parties were insufficient, so that neither organization is currently an officially recognized Maryland political party with the right to nominate candidates for the 2012 General Election ballot. To be reestablished as a political party both will have to add to their current number of qualifying signatures by August 6, 2012.
2. The DREAM Act referendum case (*Doe v. Maryland State Board of Elections*) is scheduled for argument before the Court of Special Appeals on June 12th. The question on appeal is whether the DREAM Act makes an appropriation that would except it from referendum under §2, Article XVI of the Maryland Constitution. In response to a question by Mr. McManus, Mr. Darsie clarified that the State's position is that the Act does not make an appropriation and is therefore referable.
3. Four lawsuits have been filed to contest the State's legislative reapportionment plan. A special master has been assigned and a status conference was held on May 23rd to agree on discovery and a schedule for the litigation. Hearings before the special master will probably occur during the first full week of September.
4. A lawsuit has been filed in the Circuit Court for Carroll County alleging, among other things, that the Secretary of State and members and officials of the State Board of Elections acted contrary to law by certifying President Obama as a presidential candidate for the 2012 Democratic Party Primary Election and the 2012 General Election without determining his citizenship status or other qualifications for the office of President of the United States. A hearing on the State's motion to dismiss or, in the alternative, to change venue, has been set for August 17th.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

SCHEDULING OF NEXT MEETING

The next meeting is scheduled for June 28th at 2:00p.m.

ADJOURNMENT

Ms. Mack adjourned open session of the meeting at 3:00 pm.

CLOSED MEETING

Ms. Mack called for a motion to close the board meeting under State Government Article, §10-508(a)(13) to discuss information regarding pending budget reductions and estimates subject to the Governor's executive privilege. Mr. Thomann made a motion to close the meeting, and Mr. McManus seconded the motion. The motion passed unanimously.

During the closed session, members were briefed by Ross Goldstein, Deputy Administrator, on specific aspects budget reduction issues and the impact on certain contracts and activities of SBE. In addition to the board members, Ms. Lamone, Mr. Goldstein and Mr. Darsie were present. No actions were taken.