

State of Maryland

State Board of Elections Meeting – August 22, 2013

Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Chuck Thomann, Member
Patrick Murray, Member
Linda Lamone, Administrator
Jeffrey Darsie, Assistant Attorney General
Donna Duncan, Assistant Deputy for Election Policy
Keith Ross, Assistant Deputy for Project Management
Nikki Charlson, Director, Election Management & Reform
Mary Wagner, Director, Voter Registration
Jared DeMarinis, Director, Candidacy and Campaign Finance
Rick Urps, Deputy Director, Election Management and Reform
Stacey Johnson, Project Manager, MDVOTERS

Also Present: Ralph Watkins, League of Women Voters of Maryland
Lynn Garland
Stan Boyd, SAVE Our Votes

DECLARATION OF QUORUM PRESENT

Chairman Mack called the meeting to order at 2:05 pm and declared that there was a quorum.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES

The minutes from the July meeting were approved by the Chairman in advance of the meeting and posted on SBE's website. Mr. Murray made a motion to approve the minutes, and Mr. McManus seconded the motion. There was no further discussion on the minutes, and the motion was approved.

ADMINISTRATOR'S REPORT

1. Announcements

Nikki Charlson reported that SBE was fortunate to have several individuals assist us during the summer months. Ms. Charlson thanked each of them for their service to the citizens of the State of Maryland and hope that what they experienced at SBE will have a positive influence on their futures. These individuals were Briana Wilkerson, now entering her junior year at University of Maryland, Eastern Shore; India Holland, now entering her sophomore year at Glen Burnie High School; and Aditya Dilip, a rising junior at University of Maryland, College Park.

2. Election Reform and Management

SB 279/HB 224 Studies

Ms. Charlson explained that this legislation required SBE to conduct three studies and hire an independent security consultant to review certain IT systems. SBE contracted with the University of Baltimore's Schaefer Center for Public Policy to conduct the three studies. Reports are due to the General Assembly by December 31, 2013.

Extending Early Voting & Wait Times - Next month, the Schaefer Center will start interviewing election officials in Maryland and other states. For selected precincts with reported long lines, the research team will contact election judges and voters from those precincts to collect additional information.

Usability & Accessibility Review of Online Ballot Marking Wizard – The Schaefer Center's usability team provided helpful feedback on the online ballot delivery system used in the 2012 General Election, and SBE is incorporating this feedback in the next software version. UB will use this revised software version for the usability testing they will be conducting in September and October 2013.

Security Consultant - SBE is developing a schedule for the procurement of the security consultant and the security analysis. The analysis will include the online ballot delivery system, ballot duplication software, and the online voter registration system.

Voter Services - Software Release

The software version is scheduled to be released this month, and internal testing is expected to begin shortly. This new release will be focused on allowing domestic, civilian voters to submit an online request for an absentee ballot and altering address field lengths to improve the transfer of data into MDVOTERS.

2014 Election Judges' Manual

The Election Judges' Manual Review Committee is meeting on a monthly basis to edit and update the Election Judges' Manual and election day forms for the 2014 elections. It is expected that all or most of the manual and forms will be ready for local modifications within the next couple of months.

3. Voter Registration

Electronic Registration Information Center (ERIC)

Mary Wagner reported that the first set of ERIC reports have been generated and will soon be distributed to the local boards of elections. The voter registration staff developed and are now testing the business process guidelines to assist the local boards in processing these reports. The ERIC reports include cross state matches, potential in-state duplicates, social security administration death matches and in-state updates. Any change to a voter record from these reports will be identified with a new code of "ERIC" in MDVOTERS. This will allow us to identify and track the success of ERIC matching capabilities.

Critical Oversight Program (COP) Training

The COP or audit is a monthly review of voter registration records in MDVOTERS. In the past, the local boards have performed self-audits. Beginning in August, the self-audit has changed to an audit of another local board. Each month, a local board will audit a different local board according to an established schedule. The randomly created schedule was established through December 2014.

Ms. Wagner and Janet Smith held five regional training seminars for the local boards. They reviewed the new COP guidelines and required reports. The first of the COP reports were due to SBE on August 12th and are currently under review. Ms. Wagner reported that the identified issues relate to the "source of registration" or "source of change" entered into MDVOTERS or typographical errors.

The MDVOTERS COP or audit focuses on six key areas: cancellation of registered voters, addition of registered voters, processing of death records reported by Department of Health and Mental Hygiene (DHMH), processing felony records received by Administrative Office of the Court (AOC), processing of absentee ballots, and review of party affiliation changes.

MDVOTERS/Candidacy Development

A mock election has been concluded on release 5.1. A final approved release is expected to be placed in production on the weekend of August 23rd. Key areas of development in this release include candidacy, enhancements to online voter registration, petitions and provisional ballot processing.

Joint Application Design (JAD) Session

A JAD session was conducted Tuesday, August 13th - Thursday, August 15th. Topics included candidacy, a new ERIC interface, which will mirror the interface we currently have with DHMH and AOC, and issues identified during the last election.

4. Candidacy and Campaign Finance

Jared DeMarinis reported that, as of the meeting, 100 candidates filed at SBE. The deadline to file a Certificate of Candidacy to appear on the 2014 Primary Election ballot is Tuesday February 25, 2014.

On August 5th, the semi-annual Contribution Disclosure Form, a required filing by either a person who does business with the State involving consideration of \$100,000 or more and makes campaign contributions of \$500 or more or a person who provides lobbyist compensation and makes campaign contribution greater than \$500, was due. The Candidacy and Campaign Finance Division received over 200 disclosure forms from qualifying persons.

Seminars/Trainings

On August 14th, Mr. DeMarinis attended the Maryland Association of Counties (MACo) Conference. He was a featured speaker on a panel with Diana Saquella moderated by Senator J.B. Jennings. The seminar focused on changes in campaign finance law as a result of legislation passed during the 2013 legislative session. The seminar was well attended.

On August 20th, Mr. DeMarinis conducted a campaign finance training at SBE. There were over 50 people in attendance. The training focused on current rules and regulations for campaign finance and the use of MD CRIS. The next class is scheduled for September 10th.

5. Voting Systems

Electronic Pollbooks

Keith Ross reported that SBE staff, including the regional managers, and representatives of ten local boards tested new pollbook software during August. The testing's primary goal is to verify that changes made to the software since the 2012 General Election function as expected. Changes are mostly "behind the scenes," but there are a few changes to the user interface. The testing has generally gone well, and SBE has been providing feedback to the developers at ES&S.

Development of the pollbook software is continuing in order to implement changes required for same day registration. SBE anticipates receiving the final software version in mid-September.

Voting Units

With a few exceptions, the Secure Sockets Layer (SSL) update for the voting units has been completed.

Those exceptions are some Phase I voting units which are due to have their batteries replaced. Once we receive the new batteries, the SSL update and the battery replacement will be completed together.

Early Voting (EV) Centers

The team continues to work with the local boards to identify new early voting centers. There were 46 EV centers in 2012, and we expect there will be 62 EV centers in 2014. Several local boards continue to explore options for improved EV centers. The team has been using ArcGIS software to identify sites which can satisfy regulations with regard to proximity of registered voters.

Replacement and Additional Equipment

SBE is procuring several GEMS Server printers and pollbook CF memory cards for the 2014 elections. The team is also procuring additional pollbooks and working with the local boards to determine the numbers needed.

Voting System Certification

SBE has been in contact with voting system vendors, with regard of certification of their systems. It is hoped that the certification of these systems can begin next month.

6. Project Management and Information Technology

Mr. Ross reported that the Project Management Office continues to work on several initiatives. Highlights include:

Information Technology Master Plan

SBE completed and submitted the Agency's annual Information Technology Master Plan (ITMP) for FY2015 to the Department of Information Technology (DoIT). This plan highlights several areas as they pertain to our information technology that include our infrastructure, accomplishments, goals and strategies, security status, and our current and future projects portfolio overview.

New Voting System Project

SBE continues its work on many tasks and deliverables in the project planning phases of the new voting system procurement project. Since the last Administrator's Report, we completed or worked on a number of tasks related to this project.

There was a change in the contract vehicles being used to bring onboard contract project management resources. Instead of using the Request for Proposal (RFP) vehicle, SBE is now using DoIT's CATS+ Master Contract vehicle. We currently have out for responses a Request for Resume (RFR) for a Senior Project Manager and a Functional Project Manager. The deadline for responses is Friday, August 23rd. Over the next 3 – 4 weeks, we will interview candidates and expect to have both positions filled the last two weeks of September.

After we complete the onboarding of the two project managers, we will soon follow with the Task Order Request for Proposals (TORFP) for the resources in 14 other labor categories. Some of the labor categories include business analysts, quality manager, organizational change manager, voter education and outreach coordination support, and warehouse support. This is in addition to the tester and trainers that will be brought onboard later in the project. The TORFP is scheduled to be awarded sometime in late January

2014. As a result, we should be able to starting bringing onboard additional resources as we need them starting in February 2014.

We also continue to work with DoIT and the several System Development Life Cycle (SDLC) project requirements. We are working on completing the annual Information Technology Project Request (ITPR) for the project which is due at the end of August with the Agency's FY2015 budget submission.

Over the past few weeks, Mr. Ross and the Core Project team conducted four regional brainstorming meetings with the management and staff of SBE and the local boards. Approximately 100 individuals attended the meetings. The four meetings were: large local boards (40 attendees) held in Montgomery County on July 24th; local boards from the Eastern Shore (30) held in Caroline County on July 31st; local boards in Western Maryland (15) held in Washington County on August 8th; and SBE representatives (15) held at SBE on August 12th.

During these meetings, we conducted brainstorming sessions that allowed everyone to discuss and have a consistent idea of what we are expecting to have in place in 2016 and what it will take to accomplish it over the next couple of years. In addition to procuring the voting system hardware, we also have to address the planning and execution of business process changes, organization change management, voter education and outreach, resource management, cost management, facilities and space related issues, and other functions and logistics directly impacted by the project.

The Core Project team, which is the governing body for the project, continues to meet and lay the foundation for the entire project. Last week, the team selected Joseph Torre, the Election Director of the Anne Arundel County Board of Elections, as the new Core Project Team member replacing Ross Goldstein. Mr. Torre's experiences will be invaluable to this project as an Election Director and also as the previous Voting System Director responsible for the procurement of the current voting system.

Integrated Inventory Management System Project

SBE is working on completing the initial ITPR for the Integrated Inventory Management System project which is due to DoIT by the end of August and at the same time as our FY2015 budget submission.

SBE is expecting to officially initiate the project in FY2015 when funding is expected to be identified and made available. The expectations are to use contract project management resources to manage the project. In the interim, SBE and local board resources will be developing and documenting the detailed inventory requirements. The plans are to use the new inventory system to add the new voting system equipment in calendar year 2015.

Other

SBE is in the latter stages of its FY2013 annual physical inventory of equipment. The SBE Property Officer and the Regional Managers have been working together with the LBE's to perform the inventory and reconciliations. Reports are due to the Department of General Services no later than September 15th.

SBE purchased a Smartsheet application license to manage our tasks and project schedules. This application tool is integrated with the Google Apps system. DoIT is negotiating with the vendor to purchase an enterprise license which will provide additional services. In the interim, SBE will use this tool to enhance our task and project scheduling and collaboration capabilities at SBE and with the local boards.

The contract Security Consultant continues to work with SBE to enhance our security process and procedures and to identify other steps we should take based on best practices.

ASSISTANT ATTORNEY GENERAL'S REPORT

The State Administrator requested that Jeff Darsie provide advice on whether Maryland's new Health Benefits Exchange should be designated a voter registration agency as provided in the National Voter Registration Act of 1993. State law assigns the responsibility for making such designations to the State Board. Among the kinds of offices or agencies that must be designated as VRAs are "all offices in the State that provide public assistance."

The Maryland Health Benefits Exchange (MHBE) was established by the General Assembly in 2011 as a State agency to implement certain features of the federal Patient Protection and Affordable Care Act of 2010. Its functions include making eligibility determinations and enrolling individuals in public assistance programs such as the Maryland Medicaid program and the Maryland Children's Health Insurance Program. MHBE has made plans to offer voter registration services to its clients, but it has not been designated officially as a voter

registration agency. The open enrollment period for the MHBE begins October 1, 2013. Mr. Darsie provided a memo with his analysis on how the statutory standard applies to MHBE.

DESIGNATION OF NEW VOTER REGISTRATION AGENCY

Mr. Darsie reviewed his memo dated August 21, 2013, and there was discussion about MHBE's readiness for this designation and whether other states are designating their health benefits exchange programs as a voter registration agency. According to Mr. Darsie, MHBE has planned to offer voter registration and whether other states are making this designation depends on whether the exchange is a state agency and the types of services it will provide. Mr. McManus made a motion to designate the Maryland Health Benefits Exchange as a voter registration agency, and Mr. Murray seconded the motion. The motion passed unanimously.

PROPOSED REGULATIONS

Final Approval of Regulations

Ms. Charlson explained that proposed changes to various regulations in Title 33 are ready for final adoption. The proposed changes were adopted at the May meeting and amend:

1. 33.04.01.02 (Inspection and Copying of Public Records)
2. 33.05.01 - .04 (Voter Registration – Definitions and Voter Registration Forms)
3. 33.11.01 - .03 (Absentee Ballots – Applications and Return Envelopes)
4. 33.17.03 & .06 (Early Voting – Notice)

The proposed changes were published in the June 28, 2013, edition of the *Maryland Register*. The public comment period closed on July 29, 2013, and public comments from one local board and two individuals were received. Ms. Charlson referenced a table showing the comments received and SBE's response and recommendation to most comments. She explained that the comments from the Harford County Board of Elections were questions about the authorizing legislation and accessing the online voter registration system and she did not include these comments in the summary table. Ms. Charlson summarized the comments received.

Ms. Charlson noted that there was a typographical error in 33.11.02.02C(4)(a) and requested that the board consider during final adoption the following change: If the MVA verifies the information, the voter may submit the online ~~voter registration~~ ABSENTEE BALLOT application. She stated that Mr. Darsie had reviewed this change and deemed it to be a change that does not differ substantively from the text as published. She recommended that the board adopt the change to 33.11.02.02C(4)(a), adopt the remaining regulations as published, and noted that she will present later in the meeting one proposed change based on the public comment.

Mr. Murray made a motion to adopt the proposed regulations as published with the one correction to 33.11.02.02C(4), and Mr. Thomann seconded the motion. The motion passed unanimously.

Approval of Proposed Changes

Ms. Charlson presented changes to COMAR 33.04.01.02 and 33.05.02.03. These proposed changes seek to protect from public disclosure the last four digits of an individual's Social Security number and provide notice to a user of the online voter registration system that the user's MVA ID number, the date the ID number was issued, and Social Security number are protected from public disclosure. Mr. McManus made a motion to approve the proposed changes, and Mr. Murray seconded the change. The motion passed unanimously.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Mr. DeMarinis presented the following requests for waiver of campaign finance reporting late fees.

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| 1. Alzona, Gus Citizens For | 12. Miller, John (Jack) for County Commissioner |
| 2. Apartment & Office Building Assoc MD PAC | 13. Norkus, Dave Friends Of |
| 3. Association Of Physician Executives PAC,
Maryland | 14. Pasenelli, Jennifer Friends of |
| 4. Balinski, Dawn Calvert Citizens For | 15. Peet, Andy Election Team |
| 5. Braswell, James Citizens For | 16. Phillips, Kathy Friends of |
| 6. Caldwell, Van Citizens for | 17. Podiatric Medical Association |
| 7. Clendaniel, Carlton Voters for | 18. Price, Laura for county Council |
| 8. Jennings, J. B. Friends Of | 19. Quirk, Tom Friends of |
| 9. Klausmeier, Krista Friends of | 20. Rappaport, Margaret Friends Of |
| 10. Mattingly, Jenks Friends of | 21. Roberts, Carl Friends |
| 11. McLaurin, Hugh Citizens for | 22. Rollins, (Edward) E.D.E. III, For State's
Attorney |

- 23. Roper, Gerald Citizens for
- 24. Rudolph, David Committee, The Citizens For

- 25. Saxon, Nancy Friends of

In response to a question from Ms. Mack, Mr. DeMarinis stated that the online system includes “help” features and that he was exploring posting a training video on YouTube.

Mr. McManus made a motion to grant the waiver requests, and Mr. Murray seconded the motion. The motion passed unanimously.

APPROVAL OF REQUESTS FOR CONFIDENTIALITY

Mr. DeMarinis presented requests for confidentiality from six registered voters. Five of the voters are judges, and one voter is an employee of the Department of Parole and Probation. One of the voters whose request was tabled at the July meeting does not qualify for confidentiality, and the other voter was eligible and is one of the six voters whose requests are being considered. In response to a question from Ms. Mack, Ms. Wagner reported that the local boards must review all confidentiality requests every two years. Mr. Murray made a motion to approve the requests for confidentiality for the six voters, and Mr. McManus seconded the motion. The motion passed unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Murray disclosed that he made campaign contributions to the committees associated with Senators Matthias and McFadden and Delegates Ludkte and Lafferty.

SCHEDULING OF NEXT MEETING

The next meeting was scheduled for September 26th at 2:00 pm.

ADJOURNMENT

Mr. Thomann made a motion to adjourn the meeting, and Mr. Murray seconded the motion. Ms. Mack adjourned the meeting at 2:54 pm.

CLOSED MEETING

Ms. Mack called for a motion to close the board meeting under State Government Article, §10-508(a)(12) to discuss an investigative proceeding on actual or possible criminal conduct. State law permits the closed session to protect the confidentiality of an ongoing criminal investigation, and the State Board will discuss SBE’s role in an investigation into alleged double voting. Mr. Murray made a motion to close the meeting, and Ms. Mack seconded the motion. The motion passed unanimously.

During the closed session, the board members were briefed on the SBE’s sharing of voting history and voter registration records with several states as part of an ongoing investigation. Ms. Wagner reported that SBE is working collaboratively with the Office of the State Prosecutor and has requested from the District of Columbia signed voter authority cards.

In addition to the board members present at the open meeting, Ms. Lamone and Ms. Wagner were present. No actions were taken. The closed meeting adjourned at 3:05 pm.