

State of Maryland 

State Board of Elections Meeting – September 26, 2013

Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Rachel McGuckian, Member
Patrick Murray, Member
Chuck Thomann, Member
Jeffrey Darsie, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy for Election Policy
Keith Ross, Assistant Deputy for Project Management
Mary Wagner, Director, Voter Registration
Paul Aumayr, Director, Voting Systems
Rick Urps, Deputy Director, Election Management and Reform
Stacey Johnson, Project Manager, MDVOTERS
Vicki Smith, Candidacy and Campaign Finance
Ruth Maynard, Candidacy and Campaign Finance

Also Present: William Edelstein
Barbara Saunders, League of Women Voters of Maryland
Lynn Garland
Stan Boyd, SAVE Our Votes
Holly Joseph

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 August meeting were approved by the Chair in advance of the meeting and posted on SBE's website. Mr. Murray made a motion to approve the minutes, and Mr. Thomann seconded the motion. There was no further discussion on the minutes, and the motion was approved.

ADMINISTRATOR'S REPORT

1. Announcements

On behalf of Ms. Lamone, Donna Duncan introduced the new Deputy Administrator, Nikki Charlson. While Ms. Charlson became a Maryland Election Official back in 2003, she has had leading roles with the election process for many years. During her time with the Secretary of State's Office, she was an active participant in the Garber Commission to re-write the Election Law Article and was instrumental in the passage of legislation mandating a statewide voting system. She has since proven herself with the success of numerous projects both at the State and federal level. We are lucky to have her accept the position of Deputy State Administrator.

2. Election Reform and Management

SB 279/HB 224 Studies

Extending Early Voting & Wait Times – The University of Baltimore's Schaefer Center for Public Policy is interviewing Maryland's local election officials as well as election officials in other states. They will also be interviewing election judges and voters from precincts with reported long lines to collect additional information. These interviews will continue into November 2013.

Usability & Accessibility Review of the Online Ballot Marking Wizard – The Schaefer Center will conduct two rounds of testing on the online ballot delivery and marking system. The first round will be the week of October 7th, and this round of testing will occur in UB's lab. The second round of testing will occur in November where the participants have access to the Internet (e.g., their homes, library). The Schaefer Center is working with the Maryland Disability Law Center and the National Federation of the Blind to recruit participants with varying disabilities for these tests.

Security Analysis of Online Voter Services – SBE will use the services of its current security consultant to conduct the security review required under SB 279 and HB 224. SBE contracted with this individual earlier this year to perform an analysis of SBE's existing system and network infrastructure and make recommendations to improve the security of the systems. The review of the online voter registration, online ballot delivery, and ballot duplication systems are within the scope of his contract.

The person selected for this contract has 10+ years of progressive experience in information assurance, including network, system, and cyber security, and earned recognized security-related certifications (CISSP and Certified Ethical Hacker and Intrusion Prevention). He will conduct the study, make recommendations to improve the reviewed systems, and submit the required report.

FVAP's Effective Absentee Systems for Elections 2.0 Grants

This week, the Federal Voting Assistance Program (FVAP) announced that SBE was awarded a \$374,671 grant to create a single point of contact office for military voters and voters who reside outside of the United States. SBE's grant proposal addressed four areas for UOCAVA voters:

1. Voter Information – Direct UOCAVA voters to SBE for information. This includes a more prominent UOCAVA webpage, directing local boards' websites to SBE's website, a web portal to assist UOCAVA voters with obtaining election-related information, and displaying SBE's contact information in publications and websites aimed at UOCAVA voters
2. Voter Registration & Absentee Ballot Requests – SBE will process all voter registration and absentee ballot requests from UOCAVA voters
3. Blank Ballot Delivery – SBE will use its address as the mailing address on return envelopes, handle requests for replacement ballots, and research and resend ballots to voters whose initial ballot was returned
4. Return of Voted Ballots – Voted ballots will be returned to SBE and forwarded to the appropriate local board for canvassing

The grant funds additional personnel at SBE and an MDVOTERS redesign to make state-level processing more efficient.

In response to a question from Ms. Mack, Ms. Charlson explained that SBE's grant proposal includes one full-time, permanent position and two full-time, temporary positions before each election. The positions are funded through the 2018 elections.

2014 Election Judges' Manual

The first four chapters of the Election Judges' Manual have been reviewed and updated by the Election Judges' Manual Review Committee. These same chapters have been reviewed by the Office of the Attorney General and will be released soon to the local boards of elections for local modifications. The Election Judges' Manual Review Committee is continuing its work to review and update the remaining chapters and election day forms.

HAVA's Administrative Complaint Process

Under the Help America Vote Act (HAVA), each state must have an administrative complaint process to resolve complaints alleging a violation of Title III of HAVA, State law regarding provisional ballots, or brought by an individual who feels aggrieved by an election of a local board regarding voter registration. This month, SBE received a complaint alleging that a registered voter does not reside at the address he provided on his voter registration application. The complainant requested a hearing on the record, and the hearing is scheduled for Friday, October 18, 2013, at the Harford County Board of Elections' offices. Judy Arnold, SBE's former Assistant Attorney General, will serve as the hearing officer and write the final determination. The final determination is due in December 2014.

In response to a question, Jeff Darsie explained that the administrative complaint process may not be the appropriate way to handle these types of complaints and he will propose an alternative process for the future. For the current complaint, the Harford County Board of Elections will be the respondent, and SBE will provide notice to the individual whose residential address is being challenged and provide him opportunity to participate in the process.

3. Voter Registration

Electronic Registration Information Center (ERIC) Report Update

The first reports generated by ERIC were forwarded to the local boards for review. These reports compare information from ERIC member states: Delaware, Virginia, Colorado, Washington, Nevada and Utah. The District of Columbia is not yet a member of ERIC but is expected to join soon. The information used in the ERIC comparison comes from motor vehicle records, voter registration records and social security death file. Through this comparison, four reports are generated. They include duplicate records, in state moves, out of state moves, and death records. There were a total of 70,337 records contained in the reports. Of those records, 40,803 were sent confirmation notices and 2,082 records were merged due to duplicate records. Some local boards are still reviewing the reports, and the final number of merged records and confirmation mailings is expected to increase.

The feedback from the local boards is invaluable as we report back to ERIC. The next delivery of ERIC reports is expected within the next two weeks and will contain significantly less records for review. It is expected the first file after a new state joins ERIC will cause a slight increase in the file size.

Mock Election

The mock election for the next software release (5.2) of MDVOTERS begins next week. This release includes continued development and improvements to candidacy filings, election judge processing, and absentee searches.

On Thursday, September 26th and Friday, September 27th, a mini joint application design (JAD) session will be held to discuss improvements in processing electronic voter registration applications and minor issues identified as needing correcting prior to the 2014 election.

Pending Underage Voters

The Montgomery County Board of Elections raised a concern over the way underage voters receive notification. The original MDVOTERS letter for these applicants was confusing, and therefore SBE turned off the ability for the letter to be generated and printed.

The logic MDVOTERS uses to determine when an underage voter's status changes from "pending" to "active" is based on the date of the next upcoming general election in MDVOTERS. SBE enters the dates of all federal elections, but the local boards enter the dates of municipal elections. When a local board enters the primary and general election dates for a municipal election, MDVOTERS uses the date for that municipal election and keeps the underage voter in "pending" status until that municipal election date has passed.

For example, Montgomery County has 3 municipal elections on November 5, 2013. Any pending, underage voters who will be eligible to vote in the November 2014 General Election will remain in pending underage status until November 6, 2013. On that date, those pending underage voters will move to "active" status and a voter notification card will be generated and mailed.

This logic only applies at the local jurisdiction level. For example, a municipal election scheduled in one county does not impact the generation of voter notification cards to pending underage voters in another county or Baltimore City.

SBE is currently re-working the letter to better communicate when a pending voter is eligible to vote. The letter cannot be instantly changed in MDVOTERS and will require approximately 16 development hours to make the change. Unfortunately, development hours have been earmarked for other development and changes through the 2014 General Election. In the interim, however, SBE is proposing a business process work around where labels for these voters can be generated, printed and used to mail the revised letter.

In response to a question from Ms. Mack, Stacey Johnson responded that redesigning MDVOTERS would impact generating precinct lists for municipal elections.

4. Candidacy and Campaign Finance (CCF)

As of September 23rd, 149 candidates have filed at SBE. The deadline for filing a Certificate of Candidacy to appear on the 2014 Gubernatorial Primary Election ballot is Tuesday February 25, 2014.

Meetings

Today, Jared DeMarinis is attending a working group meeting of the Maryland/Delaware Corruption and Fraud unit of the FBI. The unit's primary focus is on public corruption. William Colquhoun of State Ethics is also attending.

Trainings

On September 10th, 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.

Notices

The CCF Division sent out a memorandum to all chairmen, treasurers and candidates informing them of the October 1st changes in the law resulting from HB 1499 (Campaign Finance Reform Act of 2013). Included in the mailing was the 2014 Gubernatorial reporting schedule. A copy of the memorandum was included in the board meeting folder.

5. Voting Systems

Electronic Pollbooks

Testing of the final release of the pollbook software has begun. Initial testing was with SBE staff, including the regional managers. It is planned for some local boards to begin testing next week, and testing may

continue until the end of 2013. A large amount time has been allocated to testing to ensure accuracy of the software prior to the rollout, scheduled for January 2014.

Voting System Certification

Dominion Voting Systems Inc. is the first voting system vendor who will undergo Maryland voting system certification, prior to issuing an RFP for a new system. Dominion has submitted equipment and documentation, and SBE will be conducting certification testing over the next few weeks. A report will be written at the conclusion of all testing. Certification testing will include accessibility testing in partnership with University of Baltimore.

Municipal Elections

The cities of Annapolis and Frederick both held municipal primaries this month. The City of Frederick chose to use ES&S optical scanners for ballot tabulating, Annapolis used the State's AccuVote-TS voting units.

Both cities utilized the electronic pollbooks. Election day went generally well, with no major issues reported. Because of the low turnout, it was difficult to assess how the equipment was received by voters. No issues with the voting equipment were reported.

Early Voting (EV) Centers

The team has continued to work with the local boards to identify new early voting centers. Baltimore City will have a sixth early voting center, bringing the total number of early voting centers statewide to 63. In addition to assisting the local boards in locating centers to conduct early voting, testing for the early voting pollbook network has begun.

Replacement and Additional Equipment

SBE is continuing in the procuring of several GEMS Server printers and pollbook CF memory cards for the 2014 elections. The team is also procuring additional pollbooks. SBE is also procuring replacement batteries for the Phase I voting units.

6. Project Management and Information Technology

The Project Management Office continues to work on several initiatives. Highlights include:

New Voting System Project

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

Over the past couple of weeks, SBE has been conducting phone interviews of candidates for the contract Senior and Functional Project Manager positions. As of the presentation of this report, 60 individuals were interviewed. This phase of interviews will end on September 27th. The next steps are to have face-to-face interviews with 5 – 7 down-selected candidates for each position. If everything proceeds as expected, the two project managers should be onboard the 3rd week in October. These positions will be funded through the Campaign Finance Public Financing Fund in FY2014.

As reported last month, when 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 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 testers 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 will be able to bring onboard additional resources as we need them starting in February 2014.

In the next few weeks, SBE is looking to develop another 6 month Request for Resumes (RFR) for a public relations resource. This resource will be brought onboard to help develop the public relations framework for the project.

We also continue to work with DoIT and the several System Development Life Cycle (SDLC) project requirements. SBE did complete and submit to DoIT and DBM the annual Information Technology Project Request (ITPR) for the project.

The Core Project team which is the governing body for the project has been renamed to the Voting System Governance Team (VSGT) to better represent its role. The VSGT has been busy reviewing and discussing the over 400 comments from the four regional meetings with the local boards held in August. They have also been working on the resourcing, logistics, and other tasks related to the engagement of the five workgroups that will comprise of resources from SBE and the local boards. The expectations are to have the workgroups start their work in October detailing the requirements for the several topic areas assigned.

SBE started working with the Department of General Services (DGS) to identify and locate temporary central warehouse space for this project. Last week, Keith Ross, Paul Aumayr, Armstead Jones (Baltimore

City Election Director), and representatives from DGS visited the Baltimore City warehouse facility. The purpose of this visit was to provide DGS the opportunity to better understand some of our temporary warehouse needs based on our existing equipment. They took measurements and discussed other considerations for us in making our space requests.

Integrated Inventory Management System Project

SBE completed and submitted the initial ITPR for the Integrated Inventory Management System project to both DoIT and DBM as part of the FY2015 budget submission process. As reported last month, SBE is expecting to officially initiate the project in FY2015 when funding is 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 develop the detailed inventory requirements. The plans are to use the new system to add the new voting system equipment in calendar year 2015.

SBE completed the FY2013 annual physical inventory requirements and submitted the required reports to DGS by the September 15th deadline. As a follow-up, there are several inventory related sub-projects that SBE will need to work with the local boards to complete by the end of this year.

Other

SBE continues to identify opportunities to streamline tasks. During this reporting period, SBE implemented a cloud-based application called ScheduleOnce. This application tool helped us automatically schedule the 70 plus phone interviews for the Senior and Functional Project Manager positions. We were able to setup and schedule all the resources in 2 days as opposed to what could have taken up to 2 – 3 weeks to accomplish.

The PMO section completed two requests for information per the Public Information Act (PIA) for the New Voting System Replacement Project and the 2012 Presidential General Lessons Learned. In response to a question about the status of the public information requests, Ms. Charlson explained that SBE provided a response to Mr. Edelstein, a copy of which was provided in the board meeting folder. The second individual narrowed her request for information, and SBE is working on her revised response.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie reported that there was no Assistant Attorney General's Report.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Vicki Smith presented the following requests for waiver of campaign finance reporting late fees.

1. Accountability Slate, The
2. Adair, Robert L. Citizens for
3. Ali, Saqib Friends Of
4. Arts, Culture and Entertainment PAC
5. Baker, Terry Citizens for
6. Barkley, Norma Campaign Fund For
7. Berliner, Roger Friends Of
8. Blackwell, Ronald Citizens For
9. Bolden, DeCorsey Friends Of
10. Calvert County Republican Central Committee
11. Central Baltimore County Democratic PAC
12. Cheatham, Marvin Doc Friends of
13. Childs, Angela Friends of
14. Clark, Laine Sr. The Friends For
15. Coalition for a Better Future Slate
16. Durso, Mike Citizens For
17. Etheridge, Jennifer Friends Of
18. Fisher, Arlene 44 Dis. Cmte, Citizens To Elect
19. Fraser-Hidalgo, (David) For 15
20. Harrison, Hattie N. for Delegate
21. Hill, Bill for 42nd B.C.C.C.
22. Hough, (Michael) For Delegate
23. Impallaria, Timothy P. Friends Of
24. Ingram, George Friends Of
25. Kiessling, Laura Friends of
26. League Of Conservation Voters Political Action Committee, Md
27. Lenett, Mike Friends of
28. Macfarlane, Byron Friends of
29. McCready, Michael K. Citizens for
30. McNeal, Sherar Friends of
31. National Fed. Indp. Bus. Md. Save America Free Ent. Trust PAC
32. Neil, Mary Jo Citizens for
33. Robinson, Winston Citizens for
34. Royce, Traci Friends of
35. Saxon, Nancy Friends of
36. Seehusen, Joe Campaign Committee, Friends Of
37. Stocksdale, Nancy Friends Of
38. Stukes, Melvin L. People For
39. Turner, Arthur Friends Of
40. Valderrama, Kris Friends Of
41. Ware-Newsome, Frederick Douglass Citizens for

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

Ruth Maynard presented a request for administrative closure of Kuker-Kihl, (Karen) Citizens For. This account was established in 1998, and the candidate ran for office in 2002. The State Prosecutor has been unable to find any useful information about Ms. Kuker-Kihl's whereabouts. Mr. McManus made a motion to close this campaign account, and Mr. Murray seconded the motion. The motion passed unanimously.

APPROVAL OF REQUESTS FOR CONFIDENTIALITY

Ms. Smith presented requests for confidentiality from two registered voters. After discussion, it was determined that one of the registered voters is not a candidate for judicial office and is not eligible to request confidentiality. As a result, this voter's request was removed from consideration. The other voter is a sitting judge.

Ms. McGuckian made a motion to approve the request for confidentiality for one, and Mr. Murray seconded the motion. The motion passed unanimously.

APPROVAL OF 2014 ABSENTEE BALLOT REQUEST FORM

Ms. Charlson presented two forms to request an absentee ballot for the 2014 elections. The first form is an updated version of the 2012 form and includes the new deadlines to submit a request for an absentee ballot, allows any voter to receive an absentee ballot from SBE's website, and for a voter who has moved but not updated his or her registration, captures the voter's former and new addresses. The second form is for use by the local boards as part of their nursing home and assisted living program. It was proposed to help manage the ballot request process for this program.

Mr. Murray made a motion to approve the two requests forms, and Mr. McManus seconded the motion. The motion passed unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Ms. Mack stated that William Edelstein had requested the opportunity to speak during today's meeting. Mr. Edelstein requested that SBE publish the full penetration testing report and release the source code for the online ballot delivery and marking system. Mr. Edelstein provided written comments on his remarks. In response to a question about whether he followed up on SBE's response to his Public Information Act request and obtained the redacted version of the full report, Mr. Edelstein stated he received the redacted report the day of the meeting and had not reviewed it. Mr. Edelstein was asked what he would do with the source code, and he stated that he would provide it to experts, including Alex Halderman of the University of Michigan and his son, who could analyze it.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

There were no disclosures of campaign contributions.

SCHEDULING OF NEXT MEETING

The next meeting was scheduled for October 24th 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 2:55 pm.