Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Patrick J. Hogan, Member
Janet Owens, Member
Charles Thomann, Member
Linda H. Lamone, State Administrator
Jeff Darsie, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan Assistant Deputy for Election Management
Keith Ross, Assistant Deputy for Project Management
Shelly Holland, Director of Budget and Finance
Mary Cramer Wagner, Director, Voter Registration
Sarah Hilton, Director, Election Reform and Management
Jared DeMarinis, Director, Candidacy and Campaign Finance
Paul Aumayr, Director Voting Systems
Rick Urps, Deputy Director, Election Reform and Management
Roger Stitt, Voter Registration Division
Soo Kang, Voter Registration Division
Tom Feehan, Project Manager, SBE New Voting System Replacement Project
Lois Barrance, SBE New Voting System Replacement Project
Kevin Gibson, SBE New Voting System Replacement Project

Also Present: Ralph Watkins, League of Women Voters
Lynn Garland
Rebecca Wilson, SAVE Our Votes
Lewis Porter, Maryland 20-20 Watch
Robin Sachs
Philip Dacey, Motor Vehicle Administration
Mary Ann Keefe, President, Montgomery County Board of Elections
Jackie Phillips, Member, Montgomery County Board of Elections
Stuart Harvey, Election Director, Frederick County Board of Elections
Jean Alexandra Tuttle, Montgomery County Precinct Co-Chair
Lynda del Castillo
Michael Malone

DECLARATION OF QUORUM PRESENT
Ms. Mack called the meeting to order at 1:59 pm and declared that there was a quorum.

RATIFICATION OF THE PRIOR BOARD MEETING MINUTES
In advance of the meeting, the minutes from the October meeting were reviewed by the board members and approved by the Chair. No changes to the minutes were presented. Mr. Hogan made a motion to ratify the approval of the minutes, and Mr. McManus seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT
1. **Announcements & Important Meetings**

Welcome
Last week, SBE welcomed Soo Kang as a new member of the Voter Registration Division. Dr. Kang has a PhD in Computer Science from Yonsei University in Seoul, Korea, and her experience includes projects on location-based technologies, spatial databases and online marketing solutions. She will be working with the Voter Services website team as a developer and with the MDVOTERS team as a database and reporting specialist.

On December 2nd, Kevin Gibson joined the New Voting System Replacement project team as the new Warehouse Manager. Mr. Gibson will be instrumental in helping with the build-out and other work needed to prepare and manage the warehouse facility.

Voter Fraud Investigations
On Friday, November 14th, Ms. Lamone and Ms. Wagner met with Michael McDonough, of the Maryland Office of the State Prosecutor and Richard Pilger, U.S. Department of Justice, Criminal Division, Public Integrity Section. Both offices continue to work together to identify and investigate any allegations of election law violations.

Future Voluntary Voting System Guidelines Working Group Meeting
From December 2nd - 3rd, Mr. Aumayr attended a working group meeting in Atlanta organized by the U.S. Election Assistance Commission (EAC). The purpose of the working group is to develop policies for future federal voting system standards. State and local election officials, voting system vendors and voting system testing laboratories participated in a productive meeting.

Electronic Registration Information Center (ERIC) Board Meeting
On December 5th, Ms. Lamone and Ms. Wagner participated in the ERIC Board of Directors' meeting. Topics of discussion included the addition of National Change of Address data and presentations by Erika Haas and David Becker on various ERIC statistics. The board members wrapped up the meeting with an executive session. At its February meeting, there will be an election of officers.

Council on Governmental Ethics Laws (COGEL) Conference
From December 6th -10th, Mr. DeMarinis attended a conference hosted by COGEL, an organization comprised of various State and local regulators in the fields of ethics, campaign finance and freedom of information. Mr. DeMarinis was nominated and elected as a member of COGEL's Steering Committee, the governing body for the organization.

National Conference of State Legislatures (NCSL) Committee Meeting
On December 11th, Ms. Lamone participated in NCSL's Redistricting and Elections Standing Committee meeting in Washington, D.C. The panel was entitled "Partnering for Great Elections" and included topics such as the shortage of poll workers, the implementation of new technologies, and concerns about the future of voting equipment.   Ms. Lamone represented the National Association of State Election Directors and discussed the need for updated voting system standards, better service to military and overseas voters, and cooperation between election officials and motor vehicle agencies. Maryland is one of a handful of states that electronically transfer information from the motor vehicle agency to election officials. Ms. Mack thanked Ms. Lamone for her work and how well she represents Maryland.

2. **Election Reform and Management**

Help America Vote Act (HAVA) State Plan - Non-Material Changes

SBE expects that the EAC Inspector General (IG) will schedule in early 2015 an audit of the federal funds SBE received under HAVA. In preparation for this audit, the EAC offers states the services of an auditing firm to identify areas where the IG's audit team will likely focus and make recommendations based on other states' recent experiences. One of firm's recommendations was to update the State of Maryland's State Plan to reflect HAVA-related accomplishments.

In prior revisions, we updated §12 of the State Plan to reflect accomplishments but did not update the relevant substantive sections of the plan. At their recommendation, we updated the entire plan to reflect accomplishments, the receipt of the 2010 and 2011 requirements payments, and changes to the State's implementation schedule for a new, HAVA-compliant voting system.

HAVA defines the process to make "material changes" to a State Plan, and the EAC previously issued guidance on what constitutes a "material change" to a State Plan. Following this advice, it is our opinion that the changes we made to the State Plan are not "material changes" as defined by the EAC, and as a result, the process and notice requirements in HAVA do not apply to these changes.

The EAC has accepted the revised State Plan, and the revised plan is posted on SBE's website. A copy of the revised State Plan was provided in the board meeting folder.

New Voting System Replacement Project Workgroups

Mr. Urps was selected to be SBE's representative leading the Election Judges' Workgroup. The leadership team also includes Abigail Goldman from the Baltimore City Board of Elections and Tracy Dickerson from the Charles County Board of Elections. The leadership team is in the process of selecting other representatives from local boards to participate in the workgroup. The workgroup is responsible for reviewing and revising the Election Judges' Manual, training curricula, and election day forms. The workgroup will also focus on regulations and procedures as well as other issues related to polling place operations.

Ms. Hilton, Alysoun McLaughlin from the Montgomery County Board of Elections, and Alisha Alexander from the Prince George's County Board of Elections will lead the Communications workgroup to create awareness of the new voting system and educate voters about how the new system works so they are prepared to vote in 2016.

3. **Voter Registration**

MDVOTERS 5.6

The mock election for the upcoming 5.6 release began December 8th. While most of the release focuses on the new Candidacy module, the mock election tests all areas of MDVOTERS. In addition to SBE staff, several representatives of the local boards are assisting with the mock election. SBE would like to thank Millie Easterling and Hakima Shaulis of the Baltimore City Board of Elections, Loretta Mallary-Brown of the Anne Arundel Board of Elections, Chris McDougal of the Charles County Board of Elections, Chris Rzeszut of the Montgomery County Board of Elections, and Tae Frere of the St. Mary's County Board of Elections. This release – the last one of the year – is scheduled for the weekend of December 20th.

Frederick County Jury Commission Findings

Ms. Wagner and Janet Smith, in conjunction with the Frederick County Board of Elections, have

been investigating the allegations submitted with the lawsuit filed by four Frederick County residents. The investigation is ongoing, but of the 58 records reviewed to date, it appears that six individuals were never registered in Frederick County, two voters have never been registered to vote in Maryland, and 50 voters affirmed, under penalty of perjury, that they are U.S. citizens. The date of the report used by the plaintiffs was 2007. Because the data is outdated, it is a challenge to investigate.

Ballot and Results Reporting (BARRS)
With the current Election Management System (EMS) support contract with CSC coming to an end this month, SBE has been working to develop an in-house system to replace the functionality of the current EMS system. In March 2014, a representative of the Department of Information Technology (DoIT) met with SBE representatives and identified BARRS as a major IT project. In the following months, the BARRS team worked to comply with DoIT's requirements for a major IT project.

In late October, representatives of SBE, DoIT, and the Department of Budget and Management (DBM) discussed the status and funding of the project, and SBE learned that, without funding approval, the project was in jeopardy. SBE continued to work on BARRS and with DoIT in an attempt to move the project forward. On November 17th, DoIT's Deputy Secretary sent SBE a letter stating that, since the BARRS project had not been officially approved, all work must stop immediately. A copy of the letter was provided in the board meeting folder. On November 19th, two members of the BARRS team were dismissed, while two others transferred to the NVSR project.

Without any further guidance from DoIT, SBE is currently performing a gap analysis between the current EMS system and the database functionality of the new voting system. This will help SBE understand the impact of the cancellation and the steps needed to replace the election management system functionality. There was a discussion about whether DoIT understood the implications of its decision and how to move forward. The gap analysis will identify those functions that we will not be able to perform, and with that information, we can request assistance from DoIT about moving forward.

MDVOTERS III Procurements - System Application and Data Center
SBE issued separate procurements for maintaining the MDVOTERS database and the data centers. Bids were received, and the evaluation team made its recommendations. The successful bidders should be notified the week of December 8th.

ERIC Report
SBE will receive the next ERIC report at the beginning of January. With the passage of Chapter 467 (Senate Bill 15 - Statewide Voter Registration List - Removal of Deceased Voters) of the 2014 Legislative Session, the local boards can now remove from the statewide voter registration list voters identified from the Social Security death records after mailing one notification. This new law will streamline the removal process for these voters, and we appreciate Senator Nancy Jacobs' efforts in sponsoring this legislation.

U.S. Election Assistance Commission (EAC) Report
Ms. Smith, in conjunction with Ms. Charlson, will be gathering various data required to be submitted to the EAC. The report is due February 2015.

Post-Election Activities
Voter registration staff is performing ongoing post-election maintenance. This includes assisting the local boards with inactivating and cancelling voters under the National Voter Registration Act (NVRA), post-election audits, and registration record clean up.

4. **Candidacy and Campaign Finance (CCF) Division**
Campaign Finance
On November 18th, the 2014 Post-General Report was due for all political committees participating in the 2014 Gubernatorial Election. The transaction period ended on November 11th. Currently, 90% of the committees have filed the campaign finance report. Any late filings are subject to late fee penalties up to $250. This is last campaign finance report for which late fees cannot be paid with campaign funds. Starting with the 2015 Annual Report, any late fees accrued may be paid with campaign funds. Additionally, the maximum penalty increases to $500.

The next campaign finance report for a publicly financed candidate is due December 15, 2014. All political committees must file the 2015 Annual Report due on January 21, 2015.

The so-called "LLC loophole" ends on December 31, 2014. Beginning on January 1, 2015, the rest of Campaign Finance Reform Act of 2013 becomes effective.

Enforcement
The CCF Division is withholding commissions for candidates who have not filed campaign finance reports. The division has withheld commissions for one candidate for local office, one elected member to the Democratic central committee, and 25 elected members to the Republican central committees. The Division is working with the political parties to resolve the matters.

Electronic Filing System
The new electronic filing system developed by PCC Technology Group for Persons Doing Public Business (Title 14) is now live and accepting submissions. The scheduled "go live" date was December 2nd, and the CCF Division will offer trainings in January 2015 for the filers. The first filing in the system will be February 5, 2015. On the campaign finance website, there is a button for Title 14 filing, and the system is designed for touchscreen devices.

5. **Project Management Office**
New Voting System Replacement (NVSR) Project
SBE realized two significant milestones during this reporting period on the NVSR project.

On December 17th, the new voting system solution contract with Election Systems & Software (ES&S) is on the Board of Public Works (BPW) agenda for approval. SBE working with DoIT and DBM to complete all the BPW documentation requirements (e.g. contracts, MBE, financials) needed for the approval request to be on the agenda.

As the result of the voting system solution selection, SBE and the project team are now actively addressing the specific requirements for a number of other sub-projects, including booths, carts, and transportation. Given the magnitude of the work that remains and now that the 2014 General Election is complete, we can now engage many individuals from SBE and the local boards that were previously focused on the election. We have established several workgroups comprised of individuals from SBE and the local boards. The six workgroups created are Project Management, Voting System, Polling Place Logistics, Communications, Election Judges, and Local Board of Elections' Requirements. These workgroups will assist SBE and the project team with

completing the sub-project requirements, addressing the many questions and ideas that have and will come up, serving as subject matter experts, and helping identify and manage risks and issues.

Central Warehouse
Another milestone realized was the BPW's approval of SBE's Central Warehouse on December 3rd. As the result of this approval and the signing of the lease, SBE is now working with the Department of General Services and the facility's landlord on the build-out requirements that are expected to take about 30 days. At the completion of the build-out, sometime around January 15, 2015, SBE will take possession of the facility and start our own work to prepare the facility for the incoming equipment and other activities.

New Inventory System
SBE is evaluating the RFP technical and financial responses received for the new inventory system. SBE expects to complete the evaluation and make a decision by the end of this year.

Project Resources
The NVSR project team has been very busy. In addition to the several project related tasks, the project team visited different voting locations during early voting and on Election Day, including one polling place in Washington DC. The first purpose for their visits was to understand the logistics of voting locations. This invaluable experience allowed them the opportunity of learning first hand the polling place logistics and election judges' interactions. This will help address the requirements for the polling place with the new equipment. The second purpose was to assist with the line studies being conducted by the University of Baltimore. The report is due in mid-January.

General Election Support - Call Center
The call center used by SBE, Anne Arundel, Baltimore City, Baltimore County, and Prince George's ended on November 5th. The call center answered approximately 22,500 calls related to the 2014 General Election.

6. **Voting Systems**
Election Day
On Election Day, 16,274 voting units and 5,686 electronic pollbooks were deployed. Election Day was largely successful for the voting system, although there were some allegations of "voting flipping."

Voting Unit 'Flipping' Issue
During early voting and on election day, we received a number of reports of "vote flipping." It is alleged that voters would touch on one candidate but a different candidate would be selected on the voting unit. Although reports of "vote flipping" occur in every election, there were more reports during this election than previous elections.

As these reports came in, the local boards followed protocol and monitored the units with the reported issue. If multiple voters reported the same issue on the same voting unit, the unit was to be taken out of service. Out of almost 18,000 voting units, about 35 voting units statewide were taken out of service during early voting or on election day for this reason.

Although a small number of voters reported this issue during early voting and on election day, every voter reported that they were able to correct their selection either on the contest page or from the summary page and that the summary page reflected their intentions when they cast

their ballot. What displays on the summary page is what is recorded when a voter presses the "Cast Ballot" button.

SBE has procedures to test voting unit with reports of "vote flipping." Starting the week of December 8th, all voting units that were withdrawn from service due to allegations of flipping are being tested. Of the units tested so far, there were no issues with ten units, calibration issues were confirmed on eight units, and four units had different issues (there were spots on two units where the touchscreen did not respond, one unit had a power issue, and one unit had an "incorrect display" message). The regional managers are coordinating this effort. A copy of the procedures was included in the board meeting folder.

The local boards test calibration on each voting unit during the pre-election Logic & Accuracy testing. If the unit is out of calibration, it is calibrated during this testing. There was a discussion about whether the voting units could be calibrated at voting locations before voting starts.   For security reasons, it would not be practical to have the election judges perform this test on units set for voting.

Election Audit
The team has been auditing local boards' activities for the comprehensive post-election audits. This includes: (1) sampling and auditing voting equipment for the post-election audit and verification; (2) auditing the equipment allocation to ensure that sufficient equipment was sent to each polling place; (3) comparing the number of voters who checked in to vote on the electronic pollbooks against the number of ballots cast in each polling place; and (4) verifying that polling places opened on time on election day. One precinct opened late, because none of the election judges at the precinct reported for work.

Pollbook Software Update
Testing of updated of pollbook software is continuing for the implementation of same day voter registration and address change during early voting in 2016. The team continues to work with ES&S, the vendor for the electronic pollbooks, on the next release.

Post-Election Maintenance
The voting system and pollbook equipment used during the election was released on December 8th, and post-election maintenance has begun. Although the current system is being withdrawn from use, there remains the possibility that a special election may take place prior to the new system being in place. As a result, some maintenance is taking place on the voting units, and the post-election maintenance procedures have been updated to reflect this. Because the electronic pollbooks are not being replaced, full post-election maintenance is being performed.

Voting System Certification
At the last meeting, the State Board certified the ES&S EVS 5.2.0.0 voting system and also selected the same system as the new system for Maryland. It should be noted that SBE also evaluated the Dominion Democracy Suite version 4.14 for state certification. After thorough testing, SBE staff determined that this system met all the requirements for State certification and had this system been selected for Maryland, it would have been recommended for State certification.

7. **Information Technology**
Oracle Database Upgrade and Patch Application
SBE recently migrated the Electrack and Ballot Oracle databases from version 11.2.0.1 to 11.2.0.4. After the migration, required patches were then applied to the new Oracle version. This Oracle

version/release will continue to receive patches quarterly until January 2018.

One Maryland Broadband Network (OMBN)
The One Maryland Broadband Network (OMBN) is a planned 1,294-mile fiber optic broadband network that will link 1,006 government facilities and community "anchor institutions" in every county in the state, while interconnecting and extending three independent networks. The Cecil County Board of Elections and the Somerset County Board of Elections are the most recent locations that will be added to the OMBN before the end of 2014. SBE's IT Division and DoIT's Network Maryland team will be provisioning, installing and testing the new circuits for these two local boards.

ASSISTANT ATTORNEY GENERAL'S REPORT
Mr. Darsie provided the following report.

1. Plaintiffs in Miller v. Frederick County Board of Elections, Civil No. ELH-14-3346 (D. Md.), voluntarily dismissed their lawsuit on November 7. That lawsuit argued that the presence of non-citizens on the voter registration list in Frederick County violated plaintiffs' rights and sought declaratory and injunctive relief that would have removed from the voter list anyone who had previously been excused from jury duty as a non-citizen.

2. The State Administrator's motion to dismiss in Newton v. Lamone, No. 02-C-14-191218 (Cir. Ct., Anne Arundel Co., Md.) has not yet been decided by the circuit court. In that case, a Republican Party candidate for House of Delegates in District 10, together with two other registered voters, filed a lawsuit challenging the residency of "Jay" Jalisi, a Democratic Party candidate for the same office. Dr. Jalisi was elected as one of the delegates to represent District 10; Mr. Newton was not.

3. The appeal of Brian Vaeth, who was denied a place on the 2014 primary election ballot for Governor, was dismissed for default by the Court of Special Appeals on November 17, 2014. Vaeth v. Lamone, Case No. 00524, September Term, 2014 (Md. Ct. Spec. App., November 17, 2014).

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS
Mr. DeMarinis presented 38 requests for waivers of campaign finance reporting late fees.

1. 45th District State Central Committee PAC
2. Andrews, Corey Friends of
3. Anyanwu, Evarestus (Chike) Citizens for
4. Baldwin, Yvonne R. Citizens For
5. Benjamin, Rod Committee to Elect
6. Beulah, Curtis Committee to Elect
7. Caroline County Democratic Central Committee
8. Croyder, Page Citizens for and Judicial Accountability
9. Drielak, Joanne Citizens for
10. Fisher, (Ron) Friends of
11. Fitzway Maryland PAC
12. Fogg, Matthew, Citizens to Elect
13. Garagiola, Rob Friends of
14. Gatton, David Friends to Elect
15. Gauthier, R (Rachel) for HCPS Board of Ed, Friends of
16. Gelrud, Stephen (Steve), Friends of
17. Gisriel, (Michael) Citizens for
18. Hagen, Kai Friends Of
19. Hayhurst, Joshua Friends of
20. Hindi, Mike Friends of
21. Horner, Josh Friends of
22. Jones, Liz for Republican Central Committee
23. Kagan, Cherly Citizens Helping Elect

24. Kelley, Delores Citizens For
25. King, James The Committee To Elect
26. Kramer, Rona E. Friends Of
27. Levin, Theodore for House of Delegate
28. Lorshbaugh, Larry for Better Jobs
29. Michel, Barney Citizens for
30. Motor Truck Association PAC MD
31. Palmer, Edward (John) Friends for
32. Progressive Democratic Central Committee Team Slate
33. Queen Anne's County Democratic Central Committee
34. Riley, Anita, for Senate
35. Scarlett, Christopher Russell Citizens for
36. Service Employees International Union Local 500 PAC
37. Smith, Wayne C. Committee to Elect
38. Waterman, Kevin Friends of

Mr. DeMarinis noted that, since the last board meeting, SBE has received over $10,000 in payments for late fees and requests from 24 committees were denied.

Mr. Thomann made a motion to accept staff's recommendations on the waiver requests, and. Mr. Hogan seconded the motion. The motion passed unanimously.

OLD BUSINESS
There was no old business.

NEW BUSINESS
Mary Ann Keeffe, President of the Montgomery County Board of Elections, summarized the local board's request of the Joint Audit Committee to audit the process of registering voters at the Motor Vehicle Administration (MVA). The local board's letter references voters who state that they registered at MVA but MVA's record say they declined to register to vote, voters who did not make a change to their registration information but a change was processed, and non-citizens registering to vote. In response to a question, Ms. Wagner stated that no other local boards have reported similar issues. Ms. Wagner explained that SBE and MVA work cooperatively to identify and resolve issues and the electronic transfer of data from MVA has resolved the issues reported frequently when MVA was transferring paper applications. A copy of the local board's letter to the Joint Audit Committee and Ms. Keeffe's remarks were distributed in the board meeting folder.

Philip Dacey, MVA's Director of External Affairs, stated that MVA is always looking to improve the process. He reported that, starting in January 2015, two important changes to MVA's system and process will go into effect. First, MVA agents will no longer be able to select the customer's party affiliation; only the customer will be able to select the party affiliation. Second, there will be text changes that emphasize the citizenship requirement and the text will be displayed earlier in the process. In response to a question, Mr. Dacey stated that MVA does not have a position on the request of the Joint Audit Committee. In response to Ms. Mack's request for additional information on the changes to MVA's system and process, Ms. Wagner stated that SBE would include information in an upcoming *Registrar*.

There was a discussion about whether the Office of Legislative Audits would include in MVA's normal audit cycle the registration process at MVA. Ms. Mack asked that the other local boards be surveyed to determine if the issues reported by the Montgomery County Board of Elections are occurring statewide.

Richard Fidler, a closing election judge in Montgomery County and volunteer for a candidate in Legislative District 16, shared his observations and recommendations to the election process.

His observations included that the closing process for election judges is confusing and complex, a county agency improperly notified a candidate that distributing political literature violated county code, the campaign finance reporting system is difficult to use, and the Montgomery County Board of Elections distributed sample ballots that did not include all of the candidates' names. His suggestions include State audits, request feedback from candidates on how to improve the process, list candidates in alphabetical order, and allow election judges to work split shifts. A copy of Mr. Fidler's remarks was distributed at the board meeting.

Lewis Porter, founder of Maryland 20-20 Watch, shared his experiences as a poll watcher at a Baltimore City precinct for the 2014 General Election. Mr. Porter requested that poll watchers have more power in the process and have a way to report a legitimate and fraudulent concern other than calling the candidate's campaign headquarters. A copy of Mr. Porter's remarks and his observations as a poll watcher were distributed at the board meeting.

J. Alexandra Tuttle, a precinct co-chair in Montgomery County, expressed her concerns about the accuracy of the voter registration list and the integrity of same day registration, questioned why voters continue to be registered in Maryland and Virginia when both states participate in ERIC, and stated her support for voter ID.

Lynda del Castillo stated her concerns with non-citizens voting, registering to vote at MVA without proving citizenship, and the inability of verifying citizenship status. A copy of Ms. Del Castillo's remarks was provided after the meeting.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
No campaign contributions were disclosed.

SCHEDULING OF NEXT MEETING
The next meeting was scheduled for January 29, 2014, at 2:00 pm.

ADJOURNMENT
Mr. Hogan made a motion to adjourn the open meeting, and Mr. McManus seconded the motion. Ms. Mack adjourned the meeting at 3:35 pm.