

State of Maryland 

State Board of Elections Meeting – February 4, 2016

Attendees: David McManus, Chair (by phone)
Patrick J. Hogan, Vice Chair
Michael R. Cogan, Member
Kelley A. Howells, Member
Bobbie Mack, Member (by phone)
Linda H. Lamone, State Administrator
Jeff Darsie, Assistant Attorney General (by phone)
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy for Election Policy
Erin Perrone, Director, Election Reform and Management
Paul Aumayr, Director, Voting Systems
Stacey Johnson, MDVOTERS Project Manager

Also Present: Mary Ann Keeffe, Member, Montgomery County Board of Elections
Jackie Phillips, Member, Montgomery County Board of Elections
Alysoun McLaughlin, Deputy Director, Montgomery County Board of Elections
Maggie Minde, Harford County Board of Elections
Stephanie Taylor, Harford County Board of Elections
Allison McCord, Harford County Board of Elections
Guy Mickley, Howard County Board of Elections
Joan Kleinman, Congressman Van Hollen's office
Nicholas Cardone, Delegate David Vogt's office
Ralph Watkins, League of Women Voters
Lynn Garland
Pamela Wood, *The Baltimore Sun*
Danielle Gaines, *The Frederick News Post*
Bryan Sears, *The Daily Record*
Brian Witte, Associated Press
Finn Neilsen, WNAV
Fenit Nirappil, *Washington Post*
Luqman A.p. Thornton

DECLARATION OF QUORUM PRESENT

Mr. Hogan called the meeting to order at 3:01 pm and confirmed that a quorum was present. Mr. McManus and Ms. Mack attended the meeting by conference call. Because Mr. McManus attended by phone, he asked Mr. Hogan to chair the meeting.

RATIFICATION OF MINUTES FROM NOVEMBER 2015 MEETING

Mr. Cogan made a motion to ratify the approval of minutes from the January 21, 2016, meeting, and Ms. Howells seconded the motion. The motion passed unanimously.

2016 PRIMARY ELECTION – MARKING BALLOTS DURING EARLY VOTING

Ms. Lamone explained that the State initially planned for all voters during early voting to use the ballot marking device to make selections and reminded the members of the State Board of Elections of the issues raised at the January meeting about contests with more than seven candidates. The “Previous” and “Next” buttons take voters to the previous or next contest, not the previous or next screen, and when a voter returns a subsequent time to a contest with multiple

screens, the voter is not required to view the second page of candidates as he was the first time he visited the contest.

Ms. Lamone expressed concern that voters may not be able to find a candidate or it may take a voter time to navigate to the desired screen and questioned the fairness of the ballot layout design to candidates. She reported that there are more than seven candidates for the Republican nomination for President, Democratic and Republican candidates for U.S. Senate, Republican candidates for Congressional District 6, Democratic candidates for Congressional District 8, and Democratic candidates for Baltimore City Mayor and Baltimore City Circuit Court judges.

In light of the navigation concerns, Ms. Lamone recommended that hand marking paper ballots be the primary method of making selections during early voting for the 2016 Primary Election and that one ballot marking device would be deployed to each early voting center for voters who need to use the device to make selections independently. Ms. Lamone stated that, if the State Board adopts her recommendation, additional paper ballots will be needed and some election administrative tasks will need to be changed.

Ms. Mack agreed that the recommendation addresses the fairness issue but expressed her concern with issuing the correct ballot style to voters. Ms. Lamone responded that she is confident that the local boards of elections and election judges will implement processes to ensure that each voter receives the correct ballot style as the local boards and election judges are used to this process because of provisional and contingency voting. In response to a question, Ms. Lamone explained that the vendor is planning a future software release to change how candidates' names are displayed.

Mr. Hogan stated the three options he believes are available – (1) deploy the equipment as planned; (2) install updated software to address how candidates' names are displayed but the software may not be federally certified in time for the early voting period; or (3) use hand marking as the primary means of marking ballots during early voting. Mr. Hogan stated that the third option is the most fair, viable and reasonable solution.

In response to a question from Mr. McManus, Ms. Lamone stated that no additional precinct tabulators would be necessary but additional voting booths will likely be needed. Ms. Lamone confirmed that her recommendation is applying the election day process to early voting and that the State and local boards will share the costs of the additional paper ballots and the local boards will bear the cost of additional election judges. The State Board has funds for its share of the additional ballot costs.

Since some voters will use the ballot marking device during early voting, Ms. Lamone stated that SBE is reviewing the audio instructions to ensure that they are clear and working with the local boards to develop written instructions to post at each ballot marking device. Ms. Lamone stated that the contractual impact of this recommendation will be considered. In response to a question, Ms. Charlson stated that the next critical steps are revising the election judges' materials, updating the *Conducting the Election Guide*, and understanding the impact on transportation. Ms. Lamone stated that, while the software issue is likely to be resolved by the general election, there is concern about changing the election process between elections.

Mr. Hogan invited Mary Ann Keeffe, a member of the Montgomery County Board of Elections, to express her views on this recommendation. Ms. Keeffe stated that the recommendation appears to make the most sense. In response to a question, Ms. Duncan stated that two counties –

Baltimore City and Prince George’s County – have the most ballot styles (approximately 50) but most counties have less than ten different ballot styles. If a voter is given the wrong ballot style and it is not identified during the check-in process, the ballot is tabulated.

Ms. Mack made a motion to accept Ms. Lamone’s recommendation for hand marking paper ballots as the primary way to making selections for the 2016 Primary Election, and Mr. Cogan 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

No members reported any campaign contributions.

CONFIRM NEXT MEETING

The next meeting is scheduled for February 25, 2016, at 2:00 pm.

ADJOURNMENT

Ms. Hogan adjourned the meeting at 3:30 pm.