

July 14, 2003

State Board Meeting

151 West Street, Suite 200, Annapolis, Maryland 21401

Attendees: Ralph Wachter, Vice Chairman
Joan Beck, Member
Gilles Burger, Member
Linda Lamone, Administrator
Tim Augustine, Deputy Administrator
Ross Goldstein, Director, Candidacy and Campaign Finance
Terry Holliday, Deputy Director, Candidacy and Campaign Finance

Division

Pam Woodside, Chief Information Officer
Brad Barkey, Project Manager, Voter Registration System
Donna Duncan, Director, Election Management Division
Mary Cramer Wagner, Deputy Director, Election Management Division
Joan Mobley, MARS Manager
Ernestine Blake-Green, Personnel Officer
Nikki Trella, HAVA Coordinator
Beth Buck, Budget Analyst
Judith Arnold, Assistant Attorney General

Also Present: Ed Chojnowski, President, Anne Arundel County Board of Elections

Pat Matsko, Election Director, Carroll County Board of Elections
Gail Carter, Deputy Election Director, Carroll County Board of Elections
Noreen Schultz, Deputy Election Director, Frederick County Board of Elections

Guy Harriman, President, Howard County Board of Elections
Margaret Jurgensen, Election Director, Montgomery County Board of Elections

Sara Harris, Election Administration, Montgomery County Board of Elections

Robin Downs, Election Director, Prince George's County Board of Elections

Henry Marshall
David Paulson, Maryland Democratic Party

Absent: Hilda Pemberton, Member
Mark Wittstadt, Member

DECLARATION OF QUORUM PRESENT

After establishing the presence of a quorum, Mr. Wachter called the meeting to order at 2:31 p.m.

APPROVAL OF MINUTES OF MEETING OF JUNE 11, 2003

July 14, 2003

State Board Meeting

151 West Street, Suite 200, Annapolis, Maryland 21401

On a motion by Ms. Beck, seconded by Mr. Burger, the minutes of the June 11, 2003 meeting were approved as amended.

WELCOME NEW BOARD MEMBERS

Mr. Wachter welcomed Ms. Beck and Mr. Wittstadt, the newly appointed members of the State Board.

ELECTION OF OFFICERS

Mr. Burger was unanimously elected as the new chairman of the State Board after a nomination by Ms. Beck, seconded by Mr. Wachter. Motion unanimous.

Mr. Burger accepted the office of chairman, thanking the Board members for their confidence. Mr. Burger also thanked outgoing Chairman Koss for bringing leadership to the Board and Mr. Wachter for bringing structure to the Board.

Mr. Burger deferred the election of a vice chairman until a full Board is present.

ADDITIONS TO THE AGENDA

Mr. Wachter requested that he be allowed to give a few comments prior to the adjournment of this meeting.

ADMINISTRATOR'S REPORT

FYI Documents

Ms. Lamone directed the Board's attention to several documents included in their folders to be read at a later date. The documents included a list of frequently asked questions provided by the U. S. Department of Justice, an Information Technology Projects Update and a personnel activity update.

Ms. Lamone advised that a decision has been reached by the Court of Appeals in a statute of limitations case, which involves a determination of when someone reaches a certain age. Under the decision, a voter whose 18th birthday is the day after the General Election will be eligible to vote in that election and any preceding primary. Ms. Lamone explained that the decision will require changes to the Power Profile voter registration software as well as the software for those counties still using independent voter registration systems.

July 14, 2003

State Board Meeting

151 West Street, Suite 200, Annapolis, Maryland 21401

Ms. Arnold went on to explain the common law and the coming of age rule, which states that a person becomes a year old on the day before his first birthday because there is a legal fiction that there is no separation in the parts of a day. She added that, under common law, a person becomes 18 on the day before the 18th birthday; therefore, if a person's birthday is the day after the election, he or she has the right to vote on election day.

Baltimore City Primary Election

Ms. Duncan advised the Board that Baltimore City will hold a mayoral primary election on September 9, 2003 with the general election to be held on November 2, 2004. She advised that the primary election ballot content and arrangement will be certified by SBE later in the week. It is noted that considerable programming changes were required to the Election Management System in order to accommodate this election schedule.

Petition – Wicomico County

A petition drive is underway in Wicomico County concerning a tax issue. Ms. Duncan advised that a special election may be necessary this fall if this petition effort is successful.

Local Board Relocations

Ms. Lamone advised that two local election offices have moved to new locations: Baltimore, and Kent. Additionally, Garrett County is expected to move in the near future..

NASED Meeting

Ms. Lamone will attend a NASED meeting later this month. Currently, she is preparing the Maryland Report for distribution to the other states. It will be of interest to see the steps other states have taken towards HAVA compliance.

HAVA

Ms. Lamone advised that the funds requested for polling place accessibility under the Help America Vote Act (HAVA) have been received. Ms. Trella has assembled a work group of state and local officials and representatives of the disabled community to determine how to disburse funds. Mr. Wachter complimented the staff on their work thus far with HAVA.

Election Directors Meeting

An election directors meeting will be held on July 21st at the SBE office. Ms. Lamone invited the board members to attend.

Maryland Association of Counties (MACO) Conference

July 14, 2003

State Board Meeting

151 West Street, Suite 200, Annapolis, Maryland 21401

Ms. Lamone and Ms. Downs of Prince George's County have been asked to participate in the annual MACO conference in Ocean City on August 15th. The topic of the presentation will be the voting system implementation. This will provide an excellent opportunity to talk with county officials.

New Employee

Ms. Beth Buck was introduced to the Board. Ms. Buck is the new budget analyst who will replace Rick Danaher who retired on June 30th.

Ongoing Projects

Ms. Lamone briefed the Board on projects that are ongoing at the SBE office. The Board was given a document listing projects in which SBE has been involved. At the breakout session at the recent MAEO meeting, Ms. Lamone distributed information relating to federal laws now in place; the role of the local boards versus the role of election directors as interpreted by the SBE staff and the Attorney General; and a listing of ethics and financial disclosure forms.

Voting System Procurement and Implementation

Ms. Lamone is hopeful that the Board of Public Works will include the voting system procurement on their agenda Wednesday July 16th. Members of the SBE staff, Ms. Woodside, Mr. Torre and Mr. Heller, met today with the staff of the Department of Budget and Management to discuss the contract. The contract includes all counties except Baltimore City.

The goal is to have the voting system implementation completed and ready for the March primary election.

HAVA

Ms. Trella gave an update on the status of the plan for the disbursement of HAVA funds and distribution of provisional ballots. Mr. Burger asked, under the current procedures, if provisional ballots are open to anyone. Ms. Trella thoroughly explained the procedures that will be followed.

Mr. Burger also asked if HAVA funds are based on the number of provisional ballots distributed. Ms. Trella responded that the funds are based on a formula set out in the legislation.

Ms. Lamone explained Maryland's approach to HAVA implementation, which included the mandatory state plan that provides the outline. The more detailed implementation strategies are provided for in a road map and then project plans. Ms.

July 14, 2003

State Board Meeting

151 West Street, Suite 200, Annapolis, Maryland 21401

Lamone will make a presentation at the NASED meeting and provide an explanation of Maryland's approach to HAVA implementation. The Board will be given a copy of the road map. She explained that no funds will be distributed until the Federal Commission has been seated.

Poole Lawsuit

Ms. Arnold reported that a hearing for the Poole lawsuit was initially scheduled for June 20th but has been postponed until August 25th, pending Board of Public Works approval of the contract to roll out DRE voting machines to Baltimore County in March 2004. If the contract is not approved, then the litigation will proceed.

Voting System Implementation

Ms. Lamone reported that three counties have asked not to go on the new voting system: Baltimore, Harford and Calvert Counties.

Local Board Compliance Audit

Ms. Lamone advised that the SBE staff continues to work on the compliance audit of local boards. A review of the compliance audit will be provided to the Board upon completion. Ms. Duncan added that the formal audit adds to the daily auditing of local election board through review of local board minutes, voter registration audit and standard procedures that are routinely used.

Voter Registration

Ms. Lamone advised that SBE continues to move forward to develop an RFP for the new voter registration system. Ms. Lamone will continue to involve the local boards in the process.

Data Match

Ms. Hejl reported that she is working with the MVA to conduct a data match as required by HAVA. After Jan 1, 2006, the local boards must verify through the MVA the drivers' license number or the last four digits of a voter's social security number. Ms. Hejl added that the first data verification is expected to be run sometime in August.

SBE Budget

Ms. Lamone gave the Board a copy of a letter to DBM, which gives an overview and insight into the consequences of a 7.5% budget reduction of the SBE general fund FY 2004 budget.

Hardware Maintenance

Mr. Burger inquired about hardware maintenance. Ms. Lamone responded that SBE now sustains a level of maintenance. The Preventive Maintenance Plan to perform preventive maintenance on the county servers is being review by SBE. The contractor

July 14, 2003

State Board Meeting

151 West Street, Suite 200, Annapolis, Maryland 21401

is providing costs for upgrading servers as necessary. SBE expects the maintenance to begin in mid July 2003.

Mr. Burger also inquired about the Information Technology report, specifically the VRS functional requirements publication. Mr. Barkey explained the status of this publication. He added that an excerpt will be created and distributed to the Board and other interested parties.

Mr. Burger asked about cost containment as reported in the July IT report. He noted that DBM's allowance for a reduced budget cut is recognition that SBE has already found cost efficiencies and is ahead of the curve with respect to other Maryland agencies in budget cutting. Mr. Burger added that this is an example of strong leadership.

Deficiency Notices

Mr. Goldstein directed the Board's attention to a memo in the folder concerning deficiency notices. He explained that the Candidacy and Campaign Finance Division recently completed a thorough review of the two most recently filed campaign fund reports. The Board was also given a copy of a listing of the types of deficiencies that were assigned and the frequency of occurrence.

ASSISTANT ATTORNEY GENERAL'S REPORT

Ms. Arnold presented a summary of her activities since the June meeting. The written report is attached for review.

Ms. Arnold spoke briefly on the two suits relating to Baltimore City. The first case, *Kerpelman v. Baltimore City Board*, which relates to the City redistricting, was dismissed. Second case, *Adams v. Baltimore City Board*, which challenges the 14-month gap between the City primary and general elections, was dismissed on Friday.

DESIGNEE OF THE BOARD TO THE STUDY COMMISSION ON PUBLIC FUNDING OF CAMPAIGNS IN MARYLAND

Ms. Lamone briefed the Board on legislative efforts to establish public financing of elections. The legislation calls for a study commission with 1 member from the State Board of Elections. Ms. Koss served as a member of the commission for two years. Although Ms. Koss is no longer a member of the State Board, the legislature has requested that she continue as a member until a commission report is completed in December. Ms. Lamone advised that the Board must approve the continuation of Ms. Koss as a member of the commission. Following a brief discussion, Mr. Wachter made a motion, seconded by Ms. Beck, to allow Ms. Koss to continue to represent the State Board as a member of the study commission. Motion unanimous.

July 14, 2003

State Board Meeting
151 West Street, Suite 200, Annapolis, Maryland 21401

RECONFIRMATION OF VOTE ON FREDERICK COUNTY COMAR WAIVER

Stuart Harvey, Election Director of Frederick County, has requested a temporary waiver of the provisions of COMAR 33.15.04.03A, which require that election materials be under the direct and sole control of the local board and that the materials be secure from access by unauthorized persons. Ms. Lamone recommended that the waiver request be granted until such time as Frederick County can locate suitable, secure storage that will accommodate the anticipated DRE voting system units. On a motion by Mr. Wachter, seconded by Ms. Beck, the State Board granted a 60-day waiver.

OLD BUSINESS

None

NEW BUSINESS

Ms. Duncan requested that the State Board approve a redesigned Request for Polling Place Change form. The new design allows the voter to designate a preference of being assigned to an accessible polling place or voting by absentee ballot. The form was devised as a result of litigation brought against the Baltimore City Election Board, which alleges that Baltimore City did not meet the disability law. On a motion by Mr. Wachter, seconded by Ms. Beck, the State Board approved the new form with minor changes. Motion unanimous.

NEW BUSINESS (Continued)

Mr. Wachter advised that he has resigned as a member of the State Board.

Mr. Wachter stated that he was pleased with the time and the amount of work performed while he was on the Board. Specifically, Mr. Wachter was very proud of the work that the Board and staff had done in promulgating a complete and all-inclusive re-write of the Regulations to support the many changes in the Election law.

While on the Board, Mr. Wachter saw the development of a more unified and consistent group that includes the staff of SBE and the 24 local boards of elections, working together for the common good of elections in Maryland. Mr. Wachter expressed that he is proud of the work that the staff had accomplished under the leadership of Ms. Lamone and Mr. Augustine.

Mr. Wachter mentioned that he conducted a statistical analysis of the federal funds expected under HAVA that placed Maryland at approximately 17th in the nation in the amount of federal funding to be received. He believes this is directly proportional to the population in Maryland but is also indicative of the efforts of the State Board of Elections, Administrator and staff.

July 14, 2003

State Board Meeting
151 West Street, Suite 200, Annapolis, Maryland 21401

Mr. Wachter also observed that partisan politics were always set aside so that policy decisions could be made by the State Board from a non-partisan perspective.

On behalf of the State Board, Mr. Burger stated that Mr. Wachter will be missed. He invited Mr. Wachter to attend meetings as he wishes. Also on behalf of the Board, Mr. Burger thanked Mr. Wachter for his leadership.

SCHEDULING OF AUGUST MEETING

The next meeting of the State Board will be held on August 20, 2003 at 3:00 p.m.

ADJOURNMENT

The meeting adjourned at 3:38 p.m.