

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

Attendees: Gilles Burger, Chairman
Bobbi Mack, Vice Chairman
Joan Beck, Member
Andrew Jezic, Member
Susan Widerman, Member
Linda Lamone, Administrator
Mark Davis, Assistant Attorney General
Ross Goldstein, Deputy Administrator
Donna Duncan, Election Management Director
Jared DeMarinis, Candidacy and Campaign Finance Director
Nikki Trella, Election Reform Director
Jaimie Jacobs, Election Reform Deputy Director
Michael Kortum, CIO

Also Present: Courtney Higgins, Maryland Republican Party
James Thomas, Maryland Republican Party
Monique Hall, Maryland Democratic Party
Andrew A. Rivera, Advancement Project
Margaret Jurgenson, Montgomery County
Robert Ferraro, SAFE Voting for Maryland

DECLARATION OF QUORUM PRESENT

Chairman Burger called the meeting to order at 1:30p.m. and declared that there was a quorum present.

APPROVAL OF July 22nd BOARD MEETING MINUTES

- On page 10, last paragraph, there was discussion over whether Ms. Beck or Mr. Burger nominated Ms. Mack to fill the position of Vice Chairman. While there seemed to be consensus that Ms. Beck made the nomination, not Mr. Burger, as indicated in the minutes, Ms. Trella proposed relying on the transcript to clarify who made the nomination and who seconded the nomination.
- On page 10, last paragraph, Ms. Widerman proposed adding the fact that she concurred with Ms. Beck's suggestion not to wait until the next meeting to nominate a Vice Chairman.
- On page 11, second paragraph, Ms. Widerman proposed adding an additional sentence to clarify the question she was asking. Specifically, she wanted to know whether multiple provisional voting transactions by the same voter recorded by electronic poll books in different counties could be uploaded to the central database.
- Mr. Burger proposed several non-substantive edits to the minutes.

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

- Mr. Widerman made a motion to accept the minutes with the proposed additions and Ms. Mack seconded the motion. The amended minutes of the August 22, 2006 board meeting were approved unanimously.

ADDITIONS TO THE AGENDA

Mark Davis noted that his Assistant Attorney General's report was not listed on the agenda. Mr. Burger stated that it would be added after agenda item four.

ADMINISTRATOR'S REPORT

1. Personnel

Ms. Lamone reported that Ms. Karen Simpson is joining the Candidacy and Campaign Finance staff as the new deputy director. She has worked in state government since 1992 and is eager to join the State Board of Elections. Her first day will be August 23, 2006.

2. Voter Registration

MDVOTERS Voter Registration System

Ms. Lamone reported that the MDVOTERS Project Team has been supporting the LBEs as they prepare for the Voter Registration deadline of August 22, 2006, and the Primary Election. To that end, the Saber Field Support Team conducted a survey of the 24 LBEs on their knowledge of MDVOTERS, and their readiness for using MDVOTERS for the Primary Election. All LBEs completed the survey in full, with the exception of Montgomery County. Ms. Widerman asked why the Montgomery County Board of Elections had not complied. Ms. Lamone stated that they simply had chosen not to do so. Ms. Widerman asked whether staff had requested Montgomery County to complete the survey. Ms. Lamone assured Ms. Widerman that staff had certainly followed up with Montgomery County staff.

Ms. Lamone continued reporting on the survey by noting that using a ranking system from Very Proficient, to Somewhat Proficient, to Training Needed; overall, the LBEs ranked their readiness in using MDVOTERS as Very Proficient. The Saber Field Support Team will continue to target training to those LBEs that indicated their need.

Ms. Mack asked whether there would be a two day period when the MDVOTERS server would need to be off-line for maintenance. Mr. Kortum responded that the server would have to be off-line for maintenance, but only from 7:00p.m. on Saturday until 8:00a.m. on Sunday (13 hours).

Security Testing

Ms. Lamone reported that ISMART – the IT security-testing firm – has completed their intrusion testing of MDVOTERS and issued a favorable report about the security of the system.

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

3. Help America Vote Act

EAC's Inspector General Audit

Ms. Lamone reported that two representatives of the U.S. Election Assistance Commission's Inspector General completed their audit. They reviewed the financial management and application of the federal funds. They will be submitting their draft findings and recommendations to the EAC's Inspector General. A draft report on their findings is projected for mid-September.

Election Judges' Manual and Training

Ms. Lamone reported that all of the chapters for the election judges' manual have been distributed to the local boards, and review of the local boards' customization continues. Ms. Lamone called to the attention of the members a print out of an email in the meeting folders from Jaimie Jacobs that shows which counties still had outstanding chapters. Ms. Lamone noted that Caroline County has the most incomplete chapters.

Voter Outreach

Ms. Lamone reported that Jaimie Jacobs and Mary Dewar Heath attended the Maryland Youth Leadership Forum's Technology and Resource Fair. This is an annual event for individuals with disabilities, and response to the voting system continues to be positive. Ms. Widerman asked whether this group could be tapped as a potential source for election judges. Ms. Jacobs responded that this was a high school group, and therefore the membership is not comprised of registered voters.

Ms. Lamone called the members attention to the new "Voting in Maryland" brochure in their meeting materials. The brochure has been printed and distributed to the local boards. This brochure replaces the "How to Vote" brochure and was provided in each Board member's folder.

Ms. Lamone reported that Mary Dewar Heath has been working with the Maryland D.C. Delaware Broadcasters Association to develop and film a television and radio commercial. The commercials encourage Maryland residents to register to vote and vote in the assigned precinct on Election Day. The way the scripts were written they can be used for future elections. By partnering with this association, the agency will be purchasing available advertising slots at reduced costs. The ads are expected to begin airing statewide at the end of August and will run through the General Election. Ms. Widerman asked whether there was a schedule of when the commercials will air. Ms. Trella responded that she was not sure that there was a firm schedule, but that she would follow-up and send any scheduling information to the Board. Ms. Lamone noted that the commercials were very well done.

Ms. Lamone reported that on August 18th, we will roll out a new program called the Election Integrity Program. This program will focus attention on the integrity of the entire election process – not just the voting system. By meeting with representatives of the media and the public, we hope to generate positive articles and enhance the public's

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

knowledge and trust in the election process as a whole. Simultaneously, we are reaching out to advocacy groups (i.e., League of Women Voters, Common Cause, etc.) and asking them to participate in the program and provide public accountability to the voting process. Ms. Lamone noted that the outreach event in Carroll County was well received and that currently the program was in Ocean City. Ms. Mack mentioned that she was informed that the Voter Integrity Program contacted Bowie Town Center. Ms. Lamone responded that this was our program.

Polling Place Accessibility

Ms. Lamone reported that Jaimie Jacobs continues using federal funds to purchase items to make polling places accessible on Election Day. The Board Members received a report on polling place accessibility. Jaimie Jacobs is still updating survey information, but Maryland's polling places are currently 95% accessible. The largest improvements since last election were in Baltimore City and Montgomery County, which will both be 100% accessible with the addition of temporary ramps at those polling places that do not have a permanent accessible entrance. The staff at both of these LBEs have worked hard to make the changes necessary to reach the goal of 100%. Ms. Jacobs explained that Prince George's 24% inaccessible rate did not mean that 24% of the polling places were inaccessible for voters using wheelchairs. The report counts all polling places that have at least one inaccessibility problem that needs to be resolved. The data for Prince George's County is still in the process of being updated. Ms. Jacobs is using the HAVA accessibility grant funds to order items that the LBEs have requested to improve accessibility at the polling places. Items include temporary ramps, threshold ramps, traffic cones to create accessible parking spaces, and doorknob adapters. These items will be used in addition to items purchased last election. Baltimore City's LBE requested permanent accessible entrance signs to be installed at Baltimore City Public Schools used as polling places. The installation of these signs will relieve election judges of the task of setting up temporary signs on election morning.

Administrative Complaints

Ms. Lamone reported that the Howard County Board of Elections filed three administrative complaints against seventy registered voters. In each of the complaints, the Howard County Board alleged that the voters provided a non-residential address (i.e., a rented mail box or a business address) on their voter registration applications and are now registered to vote at an address at which they do not reside. Lu Pierson agreed to review the complaints and issue the final determinations. Ms. Lamone stated that all of the opinions had been issued and that a correction had to be issued to reflect an update to a voter's personal information. Copies of the final determinations and correction were provided to the Board members. Ms. Lamone also stated that Ms. Pierson had recommended that these voters be referred to the State Prosecutor for possible enforcement action. Staff will make the recommended referrals.

4. Candidacy and Campaign Finance Division

Candidate Filing

AUGUST 22, 2006

STATE BOARD MEETING
151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

Ms. Lamone reported that on August 7, non-principal political party nominees and petition candidate were required to submit the remaining requisite documents to be official candidates for the November General Election ballot.

Contribution Disclosure

Ms. Lamone reported that 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, covering the period from January 1 to July 31, 2006, was due on August 7, 2006. The Candidacy and Campaign Finance Division received over 190 disclosure forms from qualifying persons. Ms. Lamone noted that we do not know who is required to file this report and that all reports are filed on paper.

Campaign Finance Reports

Ms. Lamone reported that the First Pre-Primary campaign finance report was due on August 15. 1,163 committees timely filed the 2006 Pre-Primary 1 Report. Currently, 391 committees have not filed the Pre-Primary 1 Report and are accruing late fees. The maximum late fee penalty is \$250.

Ms. Lamone reported that the next campaign finance report is due September 1. The Pre-Primary 2 report covers transactions from August 9 to August 25, 2006. This will be the last report before the Primary Election on September 12.

5. Ballot Development

Ms. Lamone reported that staff has devoted over three weeks to the ballot preparation process. While the production of the optical scan ballot layouts and the touch screen layouts went relatively smoothly, production of the audio ballot remains a timely and rather cumbersome process. Natasha Walker and Paul Aumayr have greatly assisted the LBEs in making pronunciation corrections, thereby ensuring that the ballot database was available for the beginning of L&A. Ms. Walker continues to work with Montgomery County in the development of specialized touch screen shots for the production of the specimen ballots.

6. Electronic Poll Books

Networking

With the exception of Anne Arundel County, all of the early voting sites in the seven multi-site counties have been set-up and tested. One of the sites in Anne Arundel County needs a data line installed before it can be tested.

The next step prior to the start of early voting is to conduct one more site visit to all big seven counties to conduct a follow up network test.

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

Seventeen single-site counties will be networked with the EPIC server. The EPIC server is the server that supports all of the electronic poll book functions, such as setting up the database and compiling voter history information to send back to MDVOTERS. Given the short amount of implementation time, we are not confident that all of those sites will be connected in time for the primary. However, staff has developed a back-up plan for any site that is not connected to the server. The back-up plan will still provide for nightly updates of early voting activity.

Ms. Beck asked about the fact that there would not be enough printers. Mr. Burger asked for some background on the use of the printers. Mr. Goldstein responded that the electronic poll book and printer take the place of the precinct register and pre-printed Voter Authority Card (VAC). The printer prints the VAC with the voter's identification information. The voter signs the VAC, which gets deposited into an envelope attached to the voting unit on which the voter votes.

Mr. Burger asked what will happen if there are not enough printers for the primary. Mr. Goldstein responded that there will be one printer for each precinct, plus approximately 700 additional units that can be deployed to high volume precincts. Given the historically low Gubernatorial Primary turnout (35% on average), the possibility of early voting, and greater access to absentee ballots, one printer should be sufficient to serve our needs. Mr. Goldstein also noted that we planned for one electronic poll book per 1,000 voters. Given the expected turnout the anticipated voter to poll book ratio would be not be greatly exceeded.

Mr. Burger asked whether only one electronic poll book would be sent to the precinct. Mr. Goldstein responded that more poll books than printers could be sent. The poll book not attached to a printer could be used for voters requiring additional assistance by the Chief Judge. Additionally, Mr. Goldstein explained that a blank VAC had been created for use in case printers were not available. That form can also be used in a precinct in which the one printer is not sufficient to meet the demands.

Ms. Widerman suggested that some printers should be held back for spares in case a precinct with one printer fails. Mr. Goldstein noted that this was a good suggestion that would be taken into consideration.

Mr. Burger asked whether there was a contingency plan in case the printer or the poll book breaks. Mr. Goldstein stated that the back-up for the printer is the blank VAC and the back-up for the poll book is the provisional ballot. The provisional ballots are a sufficient back-up since each poll book is a stand alone unit and therefore it is unlikely that all of them would be inoperable at the same time.

Ms. Widerman asked what information is required of the voter on the blank VAC. Mr. Goldstein responded that the voter will be required to enter his name and date of birth. This VAC will also be put into the voting unit envelope where it can be used for audit

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

purposes or to call back voters in the unlikely event that there is catastrophic damage to the voting units.

Ms. Mack noted that after work hours there are lines at the polls and asked how one electronic poll book and printer could accommodate that situation. Mr. Goldstein responded that there will be other electronic poll books that are assigned to each precinct and the additional unit can be used with the blank VAC to check in voters. Ms. Mack followed up by asking whether it would be up to the local election officials to assign the electronic poll books. Mr. Goldstein answered affirmatively.

Ms. Beck asked whether it was easy to switch a printer from one poll book to another. Mr. Goldstein stated that it was since it was just a simple USB connection.

Testing

Ms. Lamone reported that acceptance testing, Independent Verification & Validation (IV&V) testing, and Logic and Accuracy testing is being centrally conducted at the Diebold warehouse under the supervision and control of SBE staff. Staff from Towson University RESI, which has conducted IV&V for the voting system, is being used for this testing. All current supply of electronic poll books will be completed by Wednesday of this week. There is a delay in the final shipment of electronic poll books that in turn will delay the testing of the final set of units until the following week. Nonetheless, we still expect that all units will be tested and deployed prior to election day.

Training

Ms. Lamone reported that the train the trainer classes were held the week of August 7th and the technical training classes were held the week of August 14th. One technical training make up class will be scheduled to accommodate counties who had a scheduling conflict.

Deployment

Ms. Lamone reported that all of the electronic poll books have been deployed to the LBEs. In addition, all LBEs have received spare units to use for training purposes. Currently, staff is shipping election day units to them as they are completed.

Support

Ms. Lamone reported that Diebold is planning on having one technical support staff at each early voting site to help answer questions and trouble shoot any problems. In addition, Diebold has committed to having one support staff for every two polling places on election day. The support staff will assist with election morning set-up and be on call to trouble shoot problems and answer questions. Mr. Burger stated that he hopes that Diebold will be able to meet this commitment.

7. Voting System

CTE Guide

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

Ms. Lamone reported that the voting system team distributed the Conducting the Election Guide to the Local Boards. This guide contains the instructions and checklists for performing Ballot Proofing, Logic and Accuracy, and Canvass procedures. Mr. Burger inquired whether this was the judges' manual. Ms. Lamone required that this was a manual that was developed for use by the local election officials.

County Technicians

Ms. Lamone reported that a county technician has been deployed to all counties, except for Somerset who uses Stan Haramoto. The duties of the county technician are to support the Election Directors in preparing the voting system for the election. They support Ballot Proofing, Logic and Accuracy and Canvass process.

L&A Support

Ms. Lamone reported that staff has started to hire and train staff to support the Logic and Accuracy efforts at the Local Boards. Some counties have started logic and accuracy and the support staff has been deployed to the appropriate jurisdictions.

Supervisor Cards

Ms. Lamone reported that all supervisor cards throughout the State have been updated and returned with new security keys. This is SBE's standard operating procedure to change the security keys prior to statewide elections.

GEMS

Ms. Lamone reported that the voting system team has been visiting various counties to prepare, update, and configure their GEMS system.

8. Website

Ms. Lamone noted that last summer the agency entered into a partnership with the University of Maryland, Baltimore County. That partnership created the National Center for the Study of Elections. The Center just completed a major project for this agency – the Maryland Elections Clearinghouse. The Clearinghouse, which can be accessed from the SBE website contains:

1. A Voter Look-up – Voters can enter their name, date of birth, and zip code and find out whether they are registered, what districts they are in, where their polling place is, and their sample ballot. The site also links to MapQuest, which will provide driving directions to the polling place.
2. Enhanced Candidate List – Candidates can provide a brief biography, statement, a photograph, and link to a campaign website, all of which provides voters with easily accessible information.
3. Campaign Finance Database Search - This site takes over the current campaign finance database search on the SBE site. UMBC has added some interesting new features that will help people research the database.

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

All of the different aspects of the website were developed with input from a public advisory board set up by UMBC. The advisory board included the groups like the League of Women Voters, political parties, and the press. Ms. Lamone also noted that UMBC used an interdisciplinary approach to this project, drawing on resources from the Computer Science, Information Science and Political Science Departments. So far the responses have been positive.

Ms. Lamone reported that staff is also engaged in a project to update the SBE website. An outside firm has been engaged to create a re-design and develop the site in a standard MicroSoft format that will be easier to support and maintain. The new site will be up and running within the next two weeks.

9. Parallel Testing

Ms. Lamone reported that staff is preparing to conduct parallel testing during both the Primary and General Election Days. Space has been secured in the Miller Senate Office Building for this activity. We are going to have one voting unit from every county. Parallel testing will be conducted on as many voting units as we have volunteers.

10. Budget Update

Ms. Lamone reported that that the agency closed out fiscal year 2006, having spent all of our State funds down to the last penny. We are working on the budget request for fiscal 2008 which is due at the end of August. When the budget request is available for review and comments, we will mail you a copy.

Ms. Beck asked for a copy of the Conducting the Election Guide. Ms. Lamone stated that a copy could be made available for review in the office, but since it contains information that could compromise the security of the voting system, it cannot be taken home.

Ms. Lamone pointed out to the Board that there was an IT Update prepared by Michael Kortum in their meeting materials packet.

Ms. Lamone also called the Board's attention to the ballot questions prepared by the Secretary of State.

Ms. Wideman asked whether she could have a copy of the ISMART security review. Ms. Lamone again noted that the report could be reviewed, but since it contains security information that could compromise security of the system, it cannot be taken home.

Ms. Beck asked noted that the Election Assistance Commission report from July 20,2005 required voting systems to be capable of printing out a paper record. Ms. Beck asked why SBE did not have to comply with that requirement. Ms. Lamone responded that the State is in compliance with that requirement because the system can produce a paper record. Ms. Beck stated that the system had not been updated to meet that requirement. Mr. Goldstein stated that the referenced requirement did not mean a voter verifiable paper

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

trail and that State's voting system could produce a paper record through GEMS. Mr. Torre also noted that ballot images could be created on our system and that this was done in the 2002 recount in Allegany County. Mr. Torre also noted that the current system meets the Federal Election Commission's voting system requirements.

ASSISTANT ATTORNEY GENERAL'S REPORT (*addition to the agenda*)

Mr. Davis noted that August 25th will be a very important day for election law issues. On that day, the Court of Appeals will hear arguments in the *Abrams v. Lamone* and *Lamone v. Capozzi* case. Mr. Davis noted that the *Capozzi* constitutional challenge is being defended by the Attorney General's office, which defends all State statutes against constitutional challenges. The hearings started at 10:00 and should last one hour each.

Mr. Davis also noted that the other early voting lawsuit, the *Roskelly* case, had been decided by the Court of Appeals on the grounds of limitations.

Mr. Burger asked what would happen to the referendum if the Court of Appeals held early voting to be unconstitutional. Mr. Davis stated that it would depend on the Court's ruling. Since there are other provisions in the HB 1368 (the bill petitioned to referendum) there could still be a question on the ballot.

Mr. Davis agreed to inform the Board as soon as he knows about the outcome of the court decisions.

REGULATIONS

Ms. Trella explained that proposed regulations approved by the Board in May (changes to COMAR 33.05.07.03, 33.06.06, 33.06.03, 33.06.04, 33.06.05, 33.11.03, and 33.11.04) were ready for final adoption. She stated these regulations were also adopted as emergency regulations, which became effective in June 2006. No public comments were received on these proposed regulations. Mr. Burger made a motion to adopt as final regulations, and Ms. Widerman seconded the motion. The motion passed unanimously.

POLLING PLACE CHANGE

Donna Duncan reported that there was a request for a polling place change from Baltimore County in the meeting materials packet. Mr. Burger inquired whether there was any reason not to grant the request. Ms. Duncan stated that there was no reason not to grant the request. On a motion by Mr. Burger, seconded by Ms. Mack, the Board unanimously approved the Baltimore County request to move the 14th Election District, Precinct 5 polling from the Evangel Cathedral to the Boumi Temple Room B located at 5050 King Avenue, Baltimore, MD 21237.

OLD BUSINESS

AUGUST 22, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

Mr. Burger noted that in a prior meeting he had asked staff to respond to an inquiry from the Montgomery County Board of Elections about whether there was a need for a requirement in the Provisional Voting Guidelines for timely update of voter history. Mr. Goldstein stated that with the electronic poll book technology, an update of voter history in MDVOTERS after the election could be accomplished within a day after the election. Ms. Widerman asked whether the update would be centralized or conducted by the local election staff. Mr. Goldstein responded that this was still being determined. Mr. Burger asked whether a requirement to update this information was needed. Ms. Lamone responded that the local election officials would be very anxious to run this update so that their provisional canvass would be accurate.

Ms. Widerman followed up on her question from the last meeting regarding whether multiple provisional voting transactions by the same voter recorded by electronic poll books in different counties could be uploaded to the central database. Mr. Goldstein responded that the EPIC server, which compiles electronic poll book data, will store multiple transactions from the same voter. Accordingly, in the scenario presented by Ms. Widerman, the fact that the two provisional ballots were cast will be recorded and appropriately reported.

Mr. Burger questioned Margaret Jurgensen about whether the GIS interface in MDVOTERS was properly working. Ms. Jurgensen that she had been informed by her staff that it was working properly.

NEW BUSINESS

There was no new business to discuss.

SCHEDULING OF AUGUST MEETING

The next meeting of the State Board will be held on September 26, 2006, at 1:30 p.m. The meeting will be combined with the State Board's post election canvass duties. Accordingly, the Board acknowledged the need to keep other dates open in case the canvassing duties requires a different meeting time.

CLOSED SESSION

Ms. Beck made a motion to hold a closed session to consult with staff and counsel about several matters involving voting system security pursuant to State Government Article §10-508(a)(10), and Ms. Widerman seconded the motion. On a roll-call vote, all members voted in the affirmative.

ADJOURNMENT

The meeting adjourned at 2:50 p.m.