

Attendees: Robert L. Walker, Chairman
Bobbie S. Mack, Vice Chairman
David McManus, Member
Charles E. Thomann, Member
Ross Goldstein, Deputy Administrator
Sandy Brantley, Assistant Attorney General
Donna Duncan, Election Management Director
Jared DeMarinis, Candidacy and Campaign Finance Director
Michael Kortum, Chief Information Officer
Nikki Trella, Election Reform Director
Mary Wagner, Voter Registration Director
Paul Aumayr, Voting System Project Manager
Mary Heath, Election Reform Division
Rick Urps, Election Reform Division
John Clark, MDVOTERS Project Manager
Roger Stitt, Voter Registration Division
Janet Smith, Voter Registration Division

Also Present: Stan Boyd, Save Our Votes
Hocey Joseph, Montgomery County

DECLARATION OF QUORUM PRESENT

Chairman Walker called the meeting to order at 2:38 p.m.

APPROVAL OF THE August 28th BOARD MEETING MINUTES

The minutes from the August 28, 2008, Board Meeting were presented for approval. Mr. Thomann made a motion to approve the minutes, and Mr. McManus seconded the motion. The minutes were approved unanimously.

ADDITIONS TO THE AGENDA

Chairman Walker stated that there were no additions to the meeting.

ADMINISTRATOR'S REPORT

Ms. Lamone provided the Administrator's Report.

1. Announcements

Ms. Lamone announced and welcomed three new staff members to the SBE Team.

- a. Ken Thompson, Budget Officer. Mr. Thompson arrived at a challenging time given the general chaos of an upcoming election and the responsibility to submit our 2010 budget to the Department of Budget and Management by October 3rd.
- b. Ebony Sherbert-Parran, Front Desk Receptionist. Ebony came to us from the Prince George's County Board of Elections. We are grateful to have Ebony's election experience and understanding with MDVOTERS as election day approaches.
- c. Chere' Evans, MDVOTERS Database Specialist. Chere' comes to us from Ohio where she worked as the Programming Assistant in the Information Technology Division of the Supreme Court of Ohio. Her work at SBE will include data analysis and developing special reports using MDVOTERS data.

Ms. Lamone also welcomed Ms. Kathy McClellan to the EDS project management team.

2. Meetings and Important Dates

Election Directors' Meeting

Ms. Lamone reported that prior to the State Board meeting, on September 25th, an Election Directors' meeting was held. A summary of the meeting will be provided at the next Board meeting. Mr. Walker inquired if there were any major issues or problems. Ms. Lamone responded no, just the routine questions.

Democracy at a Distance: A Summit to Make Voting Work for Military & Overseas Voters

Ms. Lamone reported that the Pew Center on the States hosted a two day conference to explore how to improve the voting process for military and overseas voters. Approximately 140 individuals registered for the

conference, and attendees included federal, state, and local election officials, academics, and representatives from various military and overseas voters organizations. Nikki Trella attended this conference. Although this effort by Pew is long-term and will not result in many changes for the upcoming election, this summit was designed to start the conversation and identify solutions to improve the process for future elections. Topics discussed included a discussion of the current state of voting by military and overseas voters, demonstration of the Overseas Vote Foundation's web-based tool to help voters complete a Federal Write-in Absentee Ballot, the possibility of developing a uniform state law for military and overseas voters, and research needed to address this problem.

Mr. Walker inquired if this conference was a part of the grant. Mr. Goldstein replied no, but explained the status of SBE's ongoing project to study post election audits. Mr. Goldstein stated that the project is the final phase. A draft was being developed with the goal of submitting a report to Pew in November. A copy of the report will be provided to the Board.

Briefings – Governor and Senate

Ms. Lamone reported that the Governor's Chief of Staff, Michael Enright and the Senate Education Health and Environmental Affairs Committee requested briefings on our pre-election preparations. We provided them both with an update on the progress the local election officials are making with election judge recruitment, an overview of our line alleviation strategies, and our plans for an election day call center. In addition, we requested the assistance of the Governor's office in finding State resources for data entry support and clerical assistance with opening the voluminous amount mail received here each day.

Mr. Walker wanted to know more about the cost and process of the call center. Ms. Lamone explained that the call center received calls forwarded from SBE's 800 number and the main line number. Calls that the call center cannot answer are sent back to the staff at SBE. Mr. Libber stated the cost of the call center was approximately \$25,000. Ms. Lamone added that the Office of the Attorney General has established a hotline for election day. Mr. Walker wanted to know what issues and problems the Attorney General's hotline would be handling. Ms. Brantley explained that the hotline would be there to receive reports of voter fraud, intimidation and other election related issues. Mr. Walker inquired if the Attorney General's hotline was the result of the Task Force. Ms. Brantley answered yes and that the hotline will be staffed by volunteer Assistant Attorney Generals. Mr. Thoman noted his attendance at the Senate briefing and complimented Ms. Lamone on an excellent presentation.

Ms. Lamone mentioned SBE's proactive response to stop false information regarding voting with the establishment of the Rumor Control page on our website. Mr. Thomann stated he thought it was an excellent idea. Ms. Duncan stated it was shown on WBAL TV.

Ms. Lamone noted that the Secretary of State and the Comptroller have been sending over people to help with data entry of voter registration applications.

Conference Call with LBE Board Attorneys

Ms. Lamone reported that before each election, staff hosts conference calls for local boards' attorneys to discuss election procedures, address last minute issues, and answer questions. The first conference call was held on September 18th. Topics discussed included the spare unit deployment plans, polling place checklists and LBE policies for verifying the content of polling place supplies, the status of ballot printing, the newly released provisional voting manual, and reminders about the Public Information Act. Ms. Lamone added the next conference call was Thursday.

Conference Call with U.S. Department of Justice (DOJ)

Ms. Lamone reported that on September 8th, the DOJ hosted a meeting and conference call for State election officials. The DOJ representatives discussed their election day organizational structure and how they can assist state election officials. Mr. Walker inquired if the DOJ will be present in Maryland. Ms. Lamone stated that there has not been much interest in Maryland, however, the DOJ is providing SBE with resources to use if needed.

Conference Call with NASS and Homeland Security

Ms. Lamone reported that on September 9th, the National Association of Secretaries of State (NASS) held a conference call that focused on election day security and contingency planning. The meetings seek to coordinate state and federal resources, share threat assessment information, and develop planning ideas for the states.

Maryland Alliance of Disability Commissions meeting

Ms. Lamone reported that on September 8th, Rick Urps spoke at the Maryland Alliance of Disability Commissions meeting. He presented information about efforts to enhance the accessibility of polling places for voters who have disabilities or who are elderly. Mr. Urps discussed how the State Board of Elections accesses federal funding to purchase accessibility equipment such as wheelchair ramps, handicapped parking signs, traffic cones, and door bell systems. The funding is also used to purchase the services of sign language interpreters for election judges and the audio ballot voting system. Mr. Urps also discussed the election judges training as it relates to interacting with people with disabilities.

Foreign Visitors

Ms. Lamone reported on two recent visits by international guests. First, on September 10th, a contingent of Finnish political reporters came for a briefing on how elections are conducted in the United States. Specifically, they were interested in the role different levels of government play in the process, funding, and other administrative and procedural issues. Second, on September 19th, Jared DeMarinis met with 10 Christian Democratic Union party officials from Germany. Jared gave an overview of the American campaign finance system and process, the candidate process and a general synopsis of Maryland election law. Mr. Walker wanted to know who organized these visitors. Ms. Lamone stated the City of Annapolis for the Finnish reporters and the State Department for the Germans.

3. Election Management and Reform

Ms. Lamone reported that SBE's efforts to recruit election judges continues to be successful. Mary Heath received 377 forms in August and over 423 forms the first two weeks of September from individuals indicating an interest in serving as election judges. Mr. Walker asked where the volunteers saw our recruitment ad. Ms. Heath stated that many of the recruits came to us from Craig's List and DBM's job listing site. It was also noted that the offer administrative leave for State and some county employees has been very beneficial to the recruitment efforts.

The training of election judges continues. Rick Urps has observed one of Anne Arundel County's training and was pleased with the training. He is planning on observing trainings in many of the counties.

4. Candidacy and Campaign Finance

Ms. Lamone reported that September 26th is the deadline to file the agency required amendment for the 2007 Baltimore City election related campaign finance reports. Failure to submit the amendment may result in late fees. In addition, on September 24, the division referred six political committees to the Office of State Prosecutor for failure to file and/or late fees owed regarding the Montgomery and Prince George's special elections.

5. Voter Registration

Provisional Voting Manual

Ms. Lamone reported that staff has completed *The Provisional Voting: Training Guide for Processing and Canvassing Provisional Ballots* and posted it to the On-line Library for use by the local boards of elections. Mandatory training was provided on Tuesday, September 16th and Wednesday, September 17th in a GoTo meeting. Janet Smith and Nikki Trella conducted in-person training for local boards in the 1st Congressional District on September 23rd. Ms. Lamone mentioned that the Table of Contents of the on-line library was included in the board meeting materials.

New Party Petitions

Ms. Lamone reported that the Voter Registration Division has completed its work with local boards in verifying the two new political party petitions. Two parties have been made official for the Presidential election: the Constitution Party and the Independent Party.

Datacenters Upgraded with additional Citrix Hardware and Licenses

Ms. Lamone reported that Saber, SIDUS and the IT Division completed the upgrade of the Annapolis and Cumberland datacenters, installing hardware that provides for 100 more Citrix licenses, used to access MDVOTERS. The increase in Citrix licenses is important to our local boards who hire temporary staff to meet the major increase in voter registration that occurs during an election year.

Voter Merge

Ms. Lamone reported that the LBEs have completed their voter merge review work in MDVOTERS. The voter merge function is a powerful tool that is used under controlled conditions to review potential duplicate registration records in MDVOTERS. Not all potential duplicates are actual duplicates. Only trained and authorized persons are allowed to make a decision to merge voter records, and an audit trail is kept of the actions taken. In August, the number of potential duplicate voters began at 2,200. Following the strictly

controlled procedures, as of September 4th, the number of potential duplicates was reduced to 332 records in a database of 3.2 million records.

MDVOTERS Ad Hoc Reporting Project

Ms. Lamone reported that the Voter Registration Division, working with Kurt Snyder of IT Division and Saber staff, have implemented an ad hoc reporting capability for MDVOTERS. With the ad hoc reporting capability, the Voter Registration Division will be able to respond more efficiently to ad hoc requests for data or one-time reports from external parties and our local boards. Early Morning Software, a minority firm based in Baltimore, conducted a full day training session for Voter Registration and IT staff on the use of the new "Crystal Reports" software.

Absentee ballots

Ms. Lamone reported that the Voter Registration Division has entered the ballot styles for each of the local boards into MDVOTERS. This allows the local boards to begin the business process for mailing absentee ballots to voters.

Mr. Walker noted the postage problems in the past. Ms. Trella stated the language on the envelopes says that additional postage may be required because the size of ballot is different in the counties. Ms. Mack asked what happens if the voter used insufficient postage. Ms. Lamone responded that the counties are required to have an account with the post office to be charged the difference. Ms. Mack stated that, with the postal account, there is no fear of losing a vote.

Support to Local Boards

Ms. Lamone reported that the Voter Registration Division staff has been supporting local boards conduct onsite assistance, telephone support, and data entry support to help with the extra workload in voter registration applications. Janet Smith, Manager for Reporting and Data Quality, and Michael Hinton of the Field Support team have been particularly supportive in assisting local boards with their problems ranging from equipment issues to business processes.

6. Voting Systems

Ballot Development

Ms. Lamone reported that finalization of the ballot was delayed due to four legal challenges relating to ballot questions: one statewide and one each in Allegany County (City of Cumberland), Baltimore County, and Montgomery County. Three of the four were appealed. Ms. Lamone expressed her thanks to all of the courts for recognizing the need to hear and rule on the cases in an expedient manner. Additionally, Ms. Lamone recognized the effort of all the attorneys for the late nights and early mornings spent preparing for the cases. Mr. Walker expressed a similar sentiment.

Ms. Lamone described the details of each case and stated that each local level case resulted in the ballot question not going on the 2008 General Election ballot. For the statewide ballot question on video lottery terminals, the revised language as proposed by the Anne Arundel Circuit Court and re-certified to us on September 12, 2008, by the Secretary of State was upheld by the Court of Appeals.

The ballot information was shipped or provided to the local boards on September 8th with instructions to proofread the materials and post them with a notation that the content could change due to litigation. After the Circuit Court decision, the verbiage was revised and recorded by the studio for the audio ballot thereby completing the ballot database so it could be sent immediately to each county following the decision of the Court of Appeals. Ms. Lamone mentioned that the court decisions caused a slight delay in ballot production but on Monday, the ballot was finalized and sent to the printers.

Ms. Lamone reported that the absentee and provisional ballots are currently being printed with a target delivery date of September 29th. A total of 605,375 paper ballots are being printed. In addition, almost 2 million contingency ballots will be printed. Contingency ballots are used in emergencies only, and are not printed on the same card stock as absentee and provisional ballots.

Voting Units

Ms. Lamone reported that the local boards have now begun their preparation of the voting system for the election, and the target completion date is October 24th. The 745 extra voting units that were leased for the election are in place in the local boards and have undergone acceptance testing and are ready to be deployed for the election. Staff continues to work closely with the local boards to ensure proper voting unit allocation planning.

Electronic Pollbooks

Ms. Lamone reported that staff received ExpressPoll software version 2.1.8 on September 10th. With the assistance of the Anne Arundel County, functional tests, load tests, regression testing and election simulation testing were completed by September 12. It was confirmed that issues from prior release versions have been corrected. Distribution of the upgrade software, instructions and forms to all local boards was accomplished by September 15th. Software upgrades of all 5,958 electronic pollbooks in the state are on track to be completed by September 30th. Mr. Walker inquired why we perform an upgrade so close to the election. Ms. Lamone stated that the upgrade will make it easier for the election judges to use the electronic pollbooks. Mr. Murphy stated that the units have been tested and currently the local boards are using the new version.

Ms. Lamone reported that staff is working closely with the local boards to optimize allocation of available electronic pollbooks within each jurisdiction, based on expected total voter turnout and past hourly turnout patterns for each precinct.

Ms. Lamone reported that the electronic pollbook "resource file" which defines the text of instructions, button names, font sizes and colors of the electronic pollbook screens has been extensively edited to improve the clarity and readability of the on-screen instructions. Preliminary work has been completed on preparation of the final electronic pollbook database for the November election, including the precincts and ballots tables.

7. Information Technology

Mr. Walker inquired about the status of the Request for Proposal for the new voting system. Mr. Goldstein stated it was submitted to the Department of Information Technology for review and then it goes to the Department of Legislative Services for review as a part of the budget requirements. Mr. Walker asked for a timeframe of collecting bids. Mr. Goldstein replied January, noting that additional response time would be provided in recognition of the fact that the bidders are election services companies who are heavily engaged in the election.

Ms. Lamone reported that SBE recently completed moving the voter registration/polling place lookup and the campaign finance database to the University of Maryland, College Park (from UMBC). In addition to hosting the searchable databases, UM will improve the layout and design, provide additional information and voter services, and develop in depth analysis and contextual information on campaign finance activity in Maryland. Professor Paul Hernson, a political scientist at UM and the director of the Center for Politics and Citizenship, is leading the UM team and will direct the research and serve as a subject matter expert. Professor Hernson has numerous publications dealing with election related issues and campaign finance analysis. We are very excited about this new partnership.

Mr. Walker inquired about the cost of the operation. Mr. Goldstein answered approximately \$200,000.

ASSISTANT ATTORNEY GENERAL'S REPORT

Ms. Brantley updated the Board on the resolution of the ballot issue question cases. She wanted to thank the SBE staff at for all of the information provided to put the best case forward. Ms. Brantley also explained in greater detail the hotline operated by the Office of the Attorney General. An attorney will be on call in Annapolis ready to write briefs for litigation needs. Mr. McManus inquired about what kinds of actions the Attorney General's office would file. Ms. Brantley responded it depends on the violation. Mr. McManus asked if the Attorney General's office would be conducting investigations. Ms. Brantley said yes and noted this is the first year of hotline. A record of the calls received will be kept. Ms. Lamone added that if the voter does not provide specific information and the exact location of the incident, the information would be useless. Ms. Lamone added she will have a judge on call in every county.

Ms. Brantley reported that a Letter of Advice was issued regarding the location of the meeting for the Presidential electors in light of the fact that the State House is unavailable. It will be held at the Miller Office Building.

Mr. Walker welcomed Ms. Brantley to the elections team.

APPROVAL OF STATE BOARD BY-LAWS

This item was deferred until all board members are present.

WAIVER OF CAMPAIGN FINANCE LATE FEES

Mr. DeMarinis presented 15 requests for a waiver of late filing fees for the following committees:

- Nathaniel J. McFadden For Senate
- Citizens Supporting Dana Dembrow
- Queen Anne County Responsible Growth PAC
- Committee to Elect Edith Patterson
- Friends of Kirill Reznik

- Citizens For Alicia Darensbourg
- Associated Builders & Contractors Southern MD PAC
- Citizens For Justin Towles
- Citizens For Matt Swanson
- Baltimore County Licensed Beverage Association PAC
- Antonio (Tony) Asa- Personal Treasurer
- Grass Roots Workers of MD PAC
- William (Sam) Broaddus For Council
- Salima Siler Marriott Campaign Committee
- Democratic Leadership Team 2006

The Board reviewed the requests. Ms. Mack made a motion to approve the recommendation of granting the waiver, and Mr. Thomann seconded. The motion passed unanimously.

OLD BUSINESS

The Dorchester County Board of Elections resubmitted their bylaws for Board approval. Since the Dorchester County Board of Elections did not make the required changes, Mr. Walker stated the Board's position has not changed and directed Mr. Goldstein to inform Dorchester County accordingly.

NEW BUSINESS

Ms. Lamone asked the Board to randomly pick out of a hat two counties to participate in parallel testing. Mr. Thomann picked Anne Arundel County and Ms. Mack picked Somerset County.

SCHEDULE FOR THE OCTOBER MEETING

Chairman Walker stated that the next meeting would be held on October 23, 2008, at 2:30 p.m.

ADJOURNMENT

Mr. Walker asked for a motion to adjourn. Ms. Mack made a motion to adjourn the meeting, and Mr. Thomann seconded the motion. The motion passed unanimously. The meeting adjourned at 3:34 p.m.