

# State of Maryland

## State Board of Elections Meeting – April 29, 2010

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Attendees: Bobbie Mack, Vice Chairman  
David McManus, Member  
Charles Thomann, Member  
Rachel McGuckian, Member  
Linda Lamone, Administrator  
Ross Goldstein, Deputy Administrator  
Jeff Darsie, Assistant Attorney General  
Donna Duncan, Election Management Director  
Mary Wagner, Voter Registration Director  
Nikki Trella, Election Reform Director  
Jared DeMarinis, Candidacy and Campaign Finance Director  
Paul Aumayr, Voting System Project Manager  
Michael Kortum, Chief Information Officer  
Matt Libber, Project Management Office

Also Present: Barbara Sauders, League of Women Voters  
Michael Dawson, Constitution Party of Maryland  
Jerrold Garson, Montgomery County Board of Elections  
Holly Joseph, Save Our Votes  
Guy Mickley, Howard County Board of Elections  
Rita Reimer  
Lynn Garland

### **DECLARATION OF QUORUM PRESENT**

Vice Chairman Mack called the meeting to order at 3:30 pm and declared that a quorum was present.

### **APPROVAL OF THE PRIOR BOARD MEETING MINUTES**

The minutes of the March 25, 2010, board meeting were presented for approval. Mr. McManus made a motion to approve the minutes, and Mr. Thoman seconded the motion. The motion was approved unanimously.

### **ADMINISTRATOR'S REPORT**

#### 1. Announcements

Ms. Lamone introduced two new staff members: Lisa Parker and Erin Dennis. Lisa will be serving as the new full time receptionist. The prior receptionist, Vicki Smith, has assumed the vacant position created by Peggy Wilkerson's retirement. Erin, who is a part time employee, will be assisting the campaign finance division and other tasks as they arise.

#### 2. Meetings and Important Dates

##### Election Directors' Meeting

Ms. Lamone reported that a conference call with the election directors was held on April 13<sup>th</sup>. During this meeting, the following topics were discussed: the status of the post-election maintenance on the voting units, allocation of voting units for early voting, the upcoming mock election, software upgrades and networking tests for the electronic pollbooks, early voting tabulation, updated budget information, and a summary of legislation passed during the 2010 Legislative Session. A copy of the meeting summary will be provided in the meeting folder. Because of the upcoming joint SBE/MAEO conference, there will not be an election directors' meeting in May.

##### Voter Registration Modernization Act – Meeting with Congressional Staff

Ms. Lamone reported that on March 30<sup>th</sup>, she attended a meeting with staff members of the House Administration Committee, state and local election officials, and representatives of the National Council of State Legislatures and the National Association of Counties to discuss H.R. 1719 – Voter Registration Modernization Act of 2009. This legislation generally requires states to offer on-line voter registration. While election officials generally support online voter registration as a convenient and efficient way to register voters, some of the requirements in H.R. 1719 are problematic (e.g., creating new voter registration

deadlines for individuals who submit a new registration online (15 days before the election) or changes to registration information (7 days before the election)). A small group of election officials is drafting proposed amendments to H.R. 1719, which will be submitted to staff counsel of the House Administration Committee.

### 3. Election Reform & Management

#### Election Official Preparedness and Professional Development Program

Ms. Lamone reported that classes for this program continue, and interest continues to remain high. At the upcoming MAEO/SBE biennial conference, the Law & Ethics class will be offered on Sunday, May 16<sup>th</sup>. Two outside experts will be presenting at this class – William Varga, the Office of the Attorney General's resident expert on the State's Public Information Act and Open Meeting Act, will educate the attendees on these two laws, and Bob Hahn, Executive Director of the State Ethics Committee, will present on the State's ethics laws and requirements. Nikki Trella will provide information about various federal and State election-related laws. Because of the topic and its relevance to all members of the election community, local board members and attorneys were invited to attend.

#### U.S. Election Assistance Commission (EAC): Proposed Policy on Maintenance of Expenditures

As reported at the last board meeting, the Help America Vote Act (HAVA) requires each state to maintain the level of spending spent in FY2000 on activities subsequently required by HAVA. This requirement is generally called the maintenance of expenditures or maintenance of effort requirement or, for short, the MOE requirement. The EAC had previously issued policies on this topic but subsequently suspended enforcement of the policy. After hiring a professional grants director last year, the EAC met with state and local election officials to discuss this requirement and last month released for public comment a proposed policy on the MOE requirement. The proposed policy addresses how to calculate the FY 2000 maintenance of expenditures (baseline MOE) and how to annually meet the MOE requirement and is generally an improvement on the EAC's prior policies on this issue. The EAC extended the time for public comments until April 19<sup>th</sup>, and our comments were submitted to the EAC on April 19<sup>th</sup>.

#### Implementation of the Military and Overseas Voter Empowerment (MOVE) Act

With one exception, Maryland is well on its way to implementing the requirements of the MOVE Act by the statutory deadlines. The regulations being presented for final adoption at the April board meeting address many of the procedural requirements of the Act, and the development of the online delivery of absentee ballots is progressing. Maryland will not be able to meet the requirement to transmit absentee ballots 45 days before the 2010 General Election, and we intend to submit to the Federal Voting Assistance Program (FVAP) a request for a waiver of this provision. Although the FVAP informed us that they were not ready to accept requests for waivers, the FVAP's Director was recently quoted by the media as saying that the FVAP is ready to accept requests whenever states are ready to submit them.

The U.S. Department of Justice recently requested an update on the status of MOVE implementation in Maryland. A copy of the response will be provided in the meeting folder.

#### Administrative Complaint by Murray Hill, Inc.

Ms. Lamone reported that on March 24<sup>th</sup> Murray Hill, Inc. filed with SBE an administrative complaint (pursuant to COMAR 33.01.05) challenging the action by the Montgomery County Board of Elections in refusing to register Murray Hill, Inc. to vote. COMAR 33.01.05.06D states that the State Administrator or a designee shall review the record and determine whether, under a preponderance of the evidence standard, the local board acted properly concerning the voter registration issue in the complaint. The regulation also provides that the determination of the State Administrator or the designee shall be the determination of the Board.

In this case Judith Arnold served as the Administrator's designee. Ms. Arnold is a former Assistant Attorney General who was counsel to the Board for several years. Ms. Arnold's determination is provided in your meeting folder. The complaint was dismissed since no violation of statutory or constitutional provisions as alleged in the Complaint occurred.

### 4. Voter Registration

#### MDVOTERS Software

Ms. Lamone reported that a voter registration staff in conjunction with LBE staff is currently performing a mock election on the latest developed software (2.28). The mock election is scheduled to be completed by April 30<sup>th</sup> with the software being placed into production the weekend of May 1<sup>st</sup>. Several "Go-To" meetings will be scheduled to demonstrate the new functionality.

### MVA Mailings

The project with MVA regarding the mailing of letters to individuals who had transactions with the MVA, but are not reflected in MDVOTERS is ongoing. The next mailing will take place the first week of May with approximately 25,000 letters being mailed. Mr. McManus inquired as to the return statistics from the MVA mailings. Mary Wagner said that because MVA utilized SBE's custom VRA for one of their mailings, staff is unable to capture the number of new registrations generated by the mailing. Ms. Wagner hopes to be able to start capturing that information beginning with the April 2010 mailing.

MVA is currently testing data from MDVOTERS to match voter registration records with driver license numbers. If successful, this will significantly cut down on the number of duplicate voter registration records. A date for the first match has not been established.

### Procurement

In response to a solicitation for a Field Support Consultant to assist with MDVOTERS software user acceptance testing and to support the local boards in using MDVOTERS, the Division received a responsive bid from Expericon, LLC, to provide these services. The bid is being sent to DBM for presentation to the Board of Public Works in June. One other company (National Management Solutions) expressed interest in the solicitation but informed us that they were unable to propose an individual with the necessary qualifications.

The Division is working with DBM and DOIT Procurement on three more solicitations: one for an MDVOTERS business process analyst to give field support to the local boards; a CATS II Task Order for MDVOTERS software maintenance; and a CATS II Task Order for operation of our two MDVOTERS data centers.

#### 5. Candidacy and Campaign Finance

Ms. Lamone reported that As of April 23, 195 candidates have officially filed for the 2010 Gubernatorial Election.

The fundraising prohibition for members of the General Assembly, Governor, Lt. Governor, Attorney General and Comptroller ended at midnight on April 12, 2010.

### Meetings

Between April 7 and April 13, CCF held three "Go-To" Meetings with the local boards as a refresher on candidate filings, audio ballot issues and receipt of Statements of Organization.

On April 19, Jared met with Shelly Glenn and Jason Price from the Office of State Prosecutor regarding numerous delinquent accounts. The discussions focused on the September 29, 2009 referrals, which included the 2008 Presidential Pre-General and Post-General Reports and the 2009 Annual Report.

The General Assembly appropriated funds to SBE for the implementation of an online campaign finance filing solution. The online solution will replace the software currently provided by SBE to the approximately 2,000 campaign finance treasurers. An online filing solution will allow SBE to easily make changes and updates to the system. There are also a lot of benefits for the treasurers.

1. Treasurers will be able to file their reports from any computer. Currently they have to install the program on a computer and use only that computer to enter and report their campaign finance data. If they want to work on a different computer, they would have to install the software on the new computer and then save and transfer their database from the old computer to the new computer. This can be done, but it is very cumbersome.
2. All filers would have easier access to electronic filing. With an online system, a filer wouldn't need a computer, just access to the internet. A filer could go to the library, go online and enter their information.
3. It would be easier for multiple people from the same committee to enter campaign finance data. Since the current system assumes one computer it also assumes one user. In some large campaigns that is just not practical. With an online system, it would be possible for multiple individuals to input data.
4. Another advantage for the filers is that their data would be maintained by the online system. Currently, if a computer crashes the filer loses his data. Staff can restore some of it, but again, it is a very cumbersome process.

As a first step in this project, on April 21, Jared, Ross and Michael attended a demonstration by Quest Information Systems regarding their online campaign finance filing system, First Tuesday. This system was very good and easy to understand.

#### Seminars

On April 16, Jared was invited to the Fraternal Order of Police (FOP) Annual Conference to present a campaign finance compliance seminar to the treasurers of the State FOP and its local lodge PACs. It was attended by over 50 people. Most of the questions by the treasurers involved reporting and use of payroll deduction.

On April 26, Jared was requested by the Calvert County Democratic Central Committee to conduct a compliance seminar for candidates and potential candidates. The confirmed attendance is over 20 people.

#### Enforcement Actions

The Candidacy and Campaign Finance Division mailed out Notice to Show Cause letters to 155 political committees for the 2010 Annual Report. These political committees owe late fees and/or the campaign finance report. This is the last administrative step before the committees are referred to the Office of State Prosecutor.

The Division continues to monitor the Maryland Republican State Central Committee progress in repayment of the outstanding debt to the Michael Steele for Maryland Committee. All parties are in compliance with the MOU.

On March 19, Jared went to district court regarding the *Committee to Elect Dr. Andrey Bundley and Friends of Andrey Bundley*. The issues are failure to file campaign finance report, failure to amend required requested audits and an unpaid and uncollected \$40,000 loan made to the candidate. The matter was placed on Stet with the following conditions: 4 consecutive monthly meetings to resolve the previously mentioned outstanding issues and pay \$1,200 in late fee penalties.

The Division had made an inquiry to the *Friends of Maryann Maher* committee regarding foreign nationals making contributions to the campaign based on a complaint received. On April 8, the committee has supplied SBE with a letter of explanation stating every contributor is an US citizen who lives abroad. Therefore the matter is resolved.

The Division had made an inquiry to the *Friends of Jack Johnson, Vision 2006* slate and *Grass Roots Workers PAC* regarding transfers over the limit, failure to report a transfer, and incorrect transfer amounts. This was revealed during the course of routine audits of political committees. The committees in question are actively working with SBE to resolve the issues and be in complete compliance.

The Division has made an inquiry to the *Bob Ehrlich for Maryland* committee regarding unreported in-kind contributions based on a complaint received. The committee has until May 3, 2010 to response to our inquiry.

On April 12, the Division has referred to the Office of the State Prosecutor for further investigation *Friends of Ulysses Currie* for failure to make disbursements by check; and impermissible disbursements or expenditures of campaign funds.

## 6. Voting Systems

#### Elections

Ms. Lamone reported that yesterday, the voting system was used in the Montgomery County Student Member of the Board of Education election. This annual election takes place in high schools and middle schools throughout the county using over 400 voting units. Turnout is typically very high – with over 63,000 students – 85% voting in 2009.

#### Early Voting Planning

The voting systems team is continuing with the development of processes and procedures for the primary and general elections, with special regard to early voting. The updating of the Conducting the Election Guide is continuing and sections of it are undergoing peer review.

### Mock Election

To ensure the validity of all procedures, the Mock Election scheduled for June will fully test them. Any changes that are required will be made after this. This mock election is a huge effort involving participation from all the LBEs.

### Electronic Pollbooks Software Development

The final version of the electronic pollbook software has been completed and sent to us for testing and analysis. The software addresses changes needed to implement early voting and other improvements for pollworkers. As with all of the software releases, Bob Murphy sends the software to all of the local boards to test. The new software version will be used in a few of the schools participating in the Montgomery County Student Member of the Board of Education election and other upcoming municipal elections (Havre de Grace and St. Michaels).

### Early Voting Network

Plans for establishing an early voting network have been completed. Preliminary test results are very favorable and additional testing is ongoing and will be expanded as soon as additional networking equipment is received.

The early voting network will take advantage of wireless VPN networking equipment. This equipment is secure, but very transportable, which is an advantage since early voting site may change in the next election. All early voting centers will be linked to SBE's electronic pollbook server (EPIC). In the multi-site counties, when a voter checks in, the pollbooks will check against the EPIC server to determine whether that voter already voted in another site in that county.

## 7. Information Technology

Ms. Lamone reported that the information technology division has been busy providing technical support to SBE projects and LBEs, including:

- Completed software upgrades and support renewals to datacenter
- Completed Oracle license updates and support renewals
- Completed Citrix license updates and support renewals
- Completed several third party software upgrades/patches
- Provided updates to the data tables for U of M
- Provided updates to Electrack data tables
- Completed numerous website enhancements
- Completed monthly updates to PBX
- Completed material inventory updates to 8 LBEs
- Completed supplemental security audits for 3 LBEs
- Continued work on virus scan library for MDVOTERS users
- Initiated enhancements to the SBE Inventory application
- Processed 8 employee background clearances
- Updated 67 MDVOTERS user access accounts
- Completed 3 firewall configuration changes.

## 8. Legislative Wrap-Up –

Ms. Lamone reported that the following election legislation passed during the 2010 Session:  
SB 26 – Constitutional Convention – Requires the placement of a question on the ballot to determine whether voters are for or against holding a constitutional convention.

SB 119 - Civil Jury Trials – Amount in Controversy – Requires the placement of a question on the ballot regarding amending the constitution to increase from more than \$10,000 to more than \$15,000, the amount in controversy in civil proceedings in which the right to a trial by jury may be limited by legislation.

HB 417 – Baltimore City – Changes to the qualifications of Orphans' Court Judges – statewide question that must receive statewide majority vote and majority vote from Baltimore City voters for passage.

SB 28/ HB 816 – Alters the restrictions on registering to vote for individuals under guardianship for mental disability. The restriction on registering and voting will be limited to those individuals that are specifically found by a court to not be able to communicate with or without accommodations the desire to participate in the voting process.

SB 748/ HB 547 – Wicomico, Worcester and Somerset County Board of Election Membership – changes the make-up of the Board from 3 regular members and 2 substitute members to 5 regular members.

HB 217 – Voter Registration and Nomination by Petition – specifies that 16 year olds may register to vote, changes the deadlines to change party affiliation from 12 weeks before the primary to coincide with the voter registration deadline which is 21 days before the primary and establishes a new deadline to determine the number of signatures necessary to complete a candidate nomination petition.

HB 378 – Campaign Finance Reports – This bill limits the filing requirements for central committee candidates and adds a report (fourth Friday before a general election) for ballot issue committees.

HB 856 – Montgomery County Republican and Democratic Party Central Committee Membership – removes specific provisions of the Republican Central Committee election process from the election law to allow the Committee to alter the election process under their By-laws. This legislation also alters the Democratic Central Committee number and method of election in the code.

HB 1175 – Kent County Board of Education – Members – Terms and Vacancies – alters the terms of the Board of Education members and provides that the appointment of vacancies shall be filled by the county commissioners instead of the Governor.

HB 1440 – Campaign Finance Entity – Officers Authorized to Perform Duties of Treasurer – This bill allows campaign committee chairmen (unless the candidate is the chairman) to make expenditures under specified circumstances. The bill also removes the sub-treasurer.

#### **ASSISTANT ATTORNEY GENERAL'S REPORT**

Mr. Darsie reported on the potential implications of *SpeechNow.org v. Federal Elections Commission*, 2010 WL 1133857 (D.C. Cir., March 26, 2010) on Maryland Campaign Finance Laws. The ruling in that case invalidated on free speech grounds a similar Maryland law that limits contributions to campaign finance entities that are independent of any candidate (but run independent political ads in support of or opposition to a specific candidate).

Mr. Darsie reported that on March 26, 2010, plaintiffs filed an amended complaint naming the State Board as an additional defendant in *PPE Casino Resorts, LLC v. Anne Arundel County Board of Elections*. The case involves a challenge to a referendum petition seeking a popular vote on local zoning ordinance authorizing locations for slot machines.

Finally, Mr. Darsie reported that Susan Turnbull, Chair for the Maryland Democratic Party, submitted a letter to SBE on April, 20, 2010, alleging that "The Kendel and Bob Ehrlich Show" broadcast on WBAL radio represents an in kind contribution to the Mr. Ehrlich's campaign for governor. The State Administrator requested an Advice Letter from the attorney General's Office on the issues raised in the Maryland Democratic Party letter. The matter is currently under review.

#### **APPROVAL OF FORMS**

Ms. Trella presented two forms for approval by the Board: Challenger and Watcher Certificate and Voter Assistance Form.

Ms. Trella explained that the Challenger and Watcher Certificate had been updated to accommodate early voting, and the certificate now permits a designating candidate or entity to designate challengers and watchers for early voting. Ms. Trella noted that an updated version of the *Instructions and Information for Challengers, Watchers, and Other Election* was provided in the meeting folder and includes the proposed Challenger and Watcher Certificate. Mr. McManus made a motion to approve the Challenger and Watcher Certificate, and Mr. Thomann seconded the motion. The motion passed unanimously.

Ms. Trella explained that the Voter Assistance Form is used if a voter has a disability or is unable to read or write English and needs assistance with voting. In response from a comment by Mr. Thomann, Ms. Trella responded that the chief judges are not to supervise the voter and the individual assisting the voter. A bipartisan team of elections judges may assist the voter if the voter asks, but the chief judges should not oversee the voter and his or her assistant. Ms. McGuckian made a motion to approve the Voter Assistance Form, and Mr. McManus seconded the motion. The motion passed unanimously.

#### **APPROVAL OF REGULATIONS**

Ms. Trella presented for final adoption changes to 33.01 (Definitions; General Provisions), 33.04 (Inspection and Copying of Public Records), 33.05 (Voter Registration), 33.10 (Voting Systems – System Requirements and Procedures), 33.11 (Absentee Voting), and 33.17 (Early Voting). The proposed changes were published in the March 12<sup>th</sup> edition of the *Maryland Register*, and no public comments were received. Ms. Trella explained that two non-

substantive changes were being proposed and noted that Mr. Darsie had certified that the changes were non-substantive. The non-substantive changes were both to 33.01.01.01 (Definitions)

1. Adds an additional reference to the Election Law Article in the authority line. Section 3-101 should be added to the authority line for this chapter.
2. Clarifies that the definition of "current" only applies to non-photo identification. This non-substantive change corrects a drafting error.

Ms. McGuckian made a motion to adopt the proposed and non-substantive changes as final, and Mr. McManus seconded the motion. The motion passed unanimously.

Ms. Trella presented proposed changes to 33.07.05, 33.17.06, and 33.10.02.38. The proposed changes to 33.07.05 and 33.17.06 incorporate the requirements of § 9-406 of the Election Law Article which prohibit a candidate from assisting a voter with voting a provisional ballot if that candidate is on that voter's ballot. The proposed changes to 33.10.02.38 define how a post-election system verification can be conducted using an election management system not used for the official tabulation. Ms. McGuckian made a motion to adopt the proposed and non-substantive changes as final, and Mr. Thomann seconded the motion. The motion passed unanimously.

#### **APPROVAL OF PROPOSED SBE POLICY – CONTINGENCY PLANS**

Ms. Trella explained that SBE Policy 2007-01 was revised to reflect early voting and the fiscal impact of printing and packing back-up paper ballots. Generally, the proposed policy requires that, within two hours of the equipment failing or becoming inoperable or unavailable for use, a local board must have functioning equipment or be using contingency supplies. The proposed policy gives the local boards discretion as to when they deploy the contingency supplies, except for extended voting hours supplies which must be deployed with the election judges. To save funds and avoid printing and packing copied ballots which will most likely not be used, the proposed policy anticipates using extra absentee and provisional ballot or ballots printed from the electronic versions of the ballots and copied. Ms. Trella explained the content of the various contingency plans and noted that the proposed policy had been reviewed and approved by a task force of local election officials. Mr. McManus made a motion to approve the proposed policy, and Ms. McGuckian seconded the motion. The motion passed unanimously.

#### **REQUESTS FOR WAIVERS OF CAMPAIGN FINANCE LATE FEES**

Jared DeMarinis presented the following requests for campaign finance late fee waivers:

1. Public School Accountability Political Action Committee, A4217
2. The Columbia Democratic Club Political Action Committee, A4081
3. Citizen to Elect Steve Schuh A4339
4. Employees Action Movement-MD Clasfd. Empl. Assoc. PAC A227
5. Friends Of Cory Siansky, A4315
6. William Niner For You, A5144
7. Association Of Physician Executives PAC, Maryland, A7016
8. United Together Slate, A3745
9. Republican Club of Cecil County PAC, A6409
10. Friends of Dereck E. Davis, A532
11. Friends of Harold Huggins, A3025
12. District 17 Democratic Team, A627
13. Friends of Phil Andrews, A558
14. Friends of Jim Ireton, A6291
15. Craig Borne for Senate, A4632
16. Committee to Elect Judge Pat Stringer, A6514
17. Friends of Sharon Green Middleton, A6548
18. Friends of Brian McHale, A366
19. Committee to Elect Paula Mullis, A4351
20. Parents Coalition of Montgomery County PAC, A4208
21. Friends of Eugene Karol, A7113

Chuck Thomann made a motion to accept the Administrator's recommendation to grant the 21 waiver requests, and Mr. McManus seconded the motion. The motion passed unanimously.

### **REQUESTS FOR CONFIDENTIALITY**

Mr. DeMarinis presented five requests from candidates seeking to keep personal information (home address and phone numbers) on their *Certificate of Candidacy* confidential. COMAR 33.04.02.02 grants the Board the authority to keep personal information confidential for the following individuals: law enforcement personnel (including judges); persons being threatened; and victims or witnesses to a felony. All five requests are from sitting judges. Mr. Thoman made a motion to grant the requests for confidentiality, and Ms. McGuckian seconded the motion. The motion passed unanimously.

### **UPDATE ON SBE INVESTIGATIONS, REFERRALS, AND PUBLIC REQUESTS**

The Board discussed the lack of action taken by the State Prosecutor on the referral made by SBE of voters who attempted to or voted more than once in the 2008 Presidential Election. The asked Mr. Darsie whether SBE had any independent legal recourse. Mr. Darsie stated that he would look into potential civil actions. Mr. McManus requested that staff send a letter to the State Prosecutor reiterating the Board's concern and providing information on which of the voters on the list were the most egregious.

Next the Board addressed the issue of how campaign finance complaints submitted to SBE are handled by staff. Mr. DeMarinis outlined the following process. First, he reviews the complaint and makes an initial determination if there is a valid issue over which SBE has jurisdiction. Next he contacts the political committee that is the subject of the complaint to get any necessary clarifications or responses. If the response from the political committee resolves the inquiry, then the matter is closed. If it does not, then a referral will be made to the State Prosecutor. Mr. McManus asked whether the steps outlined by Mr. DeMarinis constituted a written policy, to which the answer was no. Mr. McManus stated that a formal written policy will provide notice to the public that all complaints are handled in a consistent manner. Ms. McGuckian recommended that the process include notification to the subject of the complaint, including who made the complaint and a copy of the complaint. There should also be a standard statement clarifying that the Board has no position on the matter.

Finally, the Mr. DeMarinis provided an updated on a referral regarding a political committee established by ACORN. Mr. DeMarinis stated the subject of the complaint was outside the statute of limitations. A review of recently filed reports did not indicate any issues.

### **OLD BUSINESS**

At the March meeting, the Board was presented with a request for a declaratory ruling regarding a candidate's name. The Board declined to issue a declaratory ruling, but expressed reservations about the type of alternative names being proposed. Accordingly, clarification is needed regarding the Board's position on what constitutes an alternative name. The Board directed staff to draft a policy for the Board to consider at the next meeting.

### **NEW BUSINESS**

Ms. McGuckian requested that two questions be submitted to the Attorney General for a formal opinion. First, when is a person a candidate and second whether volunteer professional services constitute an in-kind contribution.

### **SCHEDULING OF NEXT MEETING**

The next meeting was tentatively scheduled for June 3, 2010 at 2:30p.m.

### **ADJOURNMENT**

Mr. Walker adjourned the meeting at 5:35 pm.