

State of Maryland 

State Board of Elections Meeting – September 27, 2010

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Attendees: Robert Walker, Chair  
Bobbie Mack, Vice Chair  
David McManus, 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  
Rick Urps, Election Reform Deputy Director  
Valerie O'Connor, Budget and Finance Director

Also Present: Mary Kiraly, Montgomery County Board of Elections  
Lynn Garland  
Nancy Dacek, Montgomery County Board of Elections  
Barbara Sanders, League of Women Voters  
Holly Joseph

**DECLARATION OF QUORUM PRESENT**

Chairman Walker called the meeting to order at 2:31 pm and declared that a quorum was present.

**APPROVAL OF THE PRIOR BOARD MEETING MINUTES**

The minutes of the August 5, 2010, board meeting were presented for approval. Ms. Mack made a motion to approve the minutes, and Mr. McManus seconded the motion. The motion was approved unanimously.

**CERTIFICATION OF PRIMARY ELECTION RESULTS**

Ms. Duncan presented each board member with a set of Maryland Official Results by Category for the 2010 Gubernatorial Primary Election. The results, broken down by county and by method of voting (early, at the polls, absentee or provisional) were included. Ms. Lamone noted that in House of Delegates District 4A, there was a 4 vote margin between Paul Stull and Kelly Schulz and that a recount would likely occur. Mr. McManus asked whether the Board could certify the election with a pending recount. Ms. Duncan responded that a candidate may not request a recount until the election is certified. Mr. McManus made a motion to certify the election results, and Ms. Mack seconded the motion. The motion was approved unanimously. Each member signed the results.

**APPROVAL OF REGULATIONS**

Ms. Trella presented 5 sets of regulations for final adoption:

1. 33.17.04.01 and .03 (Election Equipment and Materials);
2. 33.17.05 (Election Judges);
3. 33.01.06 (Candidate Names);
4. 33.13.06 (Campaign Accounts); and
5. 33.13.07 (Authority Line Requirements; Electronic Media).

Ms. Trella explained that the proposed regulations had been published in the *Maryland Register*, and no public comments had been received. Mr. McManus made a motion to adopt the proposed changes as final, and Ms. McGuckian seconded the motion. The motion was approved unanimously.

Next, Mr. Goldstein presented proposed amendments to Regulation 33.17.07.04. Currently, the regulation specifies that local boards of elections (LBEs) may not begin to process early voting results until 8 p.m. on election day. The regulation does provide an option for an LBE to begin processing early voting results at 2 p.m. provided they submit a security plan that ensures results will not be released to the public prior to the end of the election. The proposed changes to this regulation requires all LBEs to process early voting results during election day and report the results to SBE no later than 6 p.m. on election day. The proposed change also specifies that the State Administrator will

develop the security plan to be followed by the LBEs to ensure that election results will not be released to the public prior to the end of the election.

Mr. Goldstein noted that candidates, the public and the media view the timely delivery of election results as a core responsibility of SBE. In order to ensure that the agency can meet the public demand (which has only increased in light of early voting), a variety of steps to improve the timeliness of reporting needs to be implemented. One important step is to obtain the early voting results from the LBEs early enough in the day so that we can ensure they were transmitted correctly and are ready to upload to SBE's website at 8 p.m.

Mr. McManus had several questions about security procedures. Mr. Goldstein noted that the LBEs that processed early voting results during election day already had good procedures in place that were successful in keeping the results confidential. For example, they required attendees to forfeit cell phones and sign confidentiality agreements and they had procedures in place to keep the totals reports out of public view. Paul Aumayr added that when the results are transmitted, they are a string of data that cannot be understood without a table key and other information. At the request of the Board, it was agreed that staff would provide the board members a copy the State Administrator's security procedures.

Mr. Goldstein requested that the Board approve the proposed regulations as both emergency and regular regulations. Ms. Mack made a motion to approve the proposed regulations, and Mr. McManus seconded the motion. The motion was approved unanimously.

#### **NEW BUSINESS - POLLING PLACE CHANGE**

Ms. Duncan presented the Board with a request from the Queen Anne's County Board of Elections for a polling place change for precinct 04-007. The current polling place is located at the Parks and Recreation Center at Piney Narrows. The proposed new polling place is the Chesapeake Exploration Center at 425 Piney Narrows Road, Chester, Maryland. The reason for the changes is that the Parks and Recreation Center is being torn down. In response to questions from the board members, Ms. Duncan stated that the new location met the ADA requirements and that notices would be sent to all affected voters.

Ms. Mack made a motion to approve the polling place change, and Mr. McManus seconded the motion. The motion was approved unanimously.

#### **APPROVAL OF WAIVERS OF CAMPAIGN FINANCE LATE FEES**

Mr. DeMarinis presented to the Board for approval 24 waiver requests from the following committees:

1. Benson, Joanne C. Friends Of, A394
2. Progress For The People Slate, A4860
3. Slate For Fiscal Responsibility, A7105
4. Love, Mary Ann Friends Of, A500
5. Keating-Volke, Karyn Citizens For, A8369
6. Kauffman, Phil Friends Of, A6620
7. Washington County Democratic Central Committee, A138
8. Perkins, LyKisha Friends of, A8195
9. EPIC Pharm PAC, A739
10. Moses, Lawrence Jamaal Citizens For, A6573
11. Wilson, Michael A. Citizens For, A8636
12. Heinsohn, Monica Dyott Citizens for, A7536
13. Johnson, Rosalind Citizens to Re-Elect, A7713
14. Coalition For A Better Future Slate, A7102
15. Bloom, Sharon Friends Of, A4990
16. Petrides Bette Friends Of, A5265
17. Fiastro, (John) For Maryland, A4579
18. Voters Club Of Maryland PAC, A4646
19. Baltimore City Democratic Central Committee, A118
20. Tarrant, Shawn Friends Of, A3973
21. Democratic Women's PAC Of Maryland, The, A4043
22. Miller, Edward "Eddie" Committee to Elect, A6677
23. Middleton, Sharon Green Friends Of, A6548
24. Gibson, Robert (Bob) Friends of, A7150

Ms. Mack made a motion to approve the polling place change, and Ms. McGuckian seconded the motion. The motion was approved unanimously.

## **ADMINISTRATOR'S REPORT**

On behalf of the State Administrator, Ross Goldstein provided the following report.

### **1. Announcements**

Kurt Snyder, SBE's database administrator, has left SBE for a new job. Kurt was with SBE for over 7 years and will be greatly missed. Kurt will be providing some part-time assistance through the gubernatorial election. This will ensure that the critical work he does is fully staffed through the election and he will be able to assist in training his successor.

### **2. Meetings and Important Dates**

#### Election Directors' Meetings

There were three election directors' meetings – August 17<sup>th</sup>, August 31<sup>st</sup>, and September 10<sup>th</sup> – since the last State Board meeting. Topics generally concerned election preparation information, the implementation of the federal Military and Overseas Voters Empowerment (MOVE) Act, and early voting outreach efforts. Summaries of the meetings were provided in the meeting folder.

#### Conference Calls for LBE Counsel

There were three conference calls for the counsel to the local boards of elections. During these calls, we highlighted new information or information that we thought would be useful to them for the upcoming election and answered their questions. Pre-general election conference calls have been scheduled for September 29<sup>th</sup>, October 13<sup>th</sup>, and October 27<sup>th</sup>.

### **3. Election Reform & Management**

#### MOVE Act – Withdrawal of Waiver

Previously SBE submitted to the Federal Voting Assistance Program (FVAP) a request for a waiver of the Military and Overseas Voter Empowerment (MOVE) Act requirement to mail absentee ballots to certain voters at least 45 days before the general election. However, SBE continued to work to identify a solution that enables us to transmit federal ballots at least 45 days before the general election.

The solution was to transmit, 45 days before the general election, a federal ballot to all military and overseas voters who had requested an absentee ballot for the 2010 General Election prior to September 18<sup>th</sup>. The federal ballot was identical in design to the State's absentee ballots and included the expected general election candidates for the federal offices on the ballot – U.S. Senator and the appropriate Representative in Congress. When the full State ballots are certified and ready for distribution, they will be retransmitted to the military and overseas voters who are eligible to vote the full State ballot. The voters will be instructed that the federal ballot will only be counted if the full State ballot is not voted and timely returned to the appropriate local board of elections.

SBE presented this solution to the FVAP and the Department of Justice on August 25<sup>th</sup>, and they confirmed that the proposed solution would constitute compliance with the MOVE Act. Based on this confirmation, the request for a waiver was withdrawn.

Where feasible, the full State ballots will be sent by expedited mail. This will give military and overseas voters additional time to vote and return their ballot. State funds will be made available to reimburse the local boards of elections for this expense and all expenses related to this effort.

#### MOVE Act - Implementation

One of the provisions of the MOVE Act requires election officials to transmit absentee ballots to certain voters at least 45 days before the general election. The 45<sup>th</sup> day before the general election was Saturday, September 18<sup>th</sup>. To meet this deadline, SBE contracted with a printer/mail house to handle the mailing of federal ballots to voters who asked to receive their ballots by mail and internally handled emailing and faxing federal ballots. There were approximately 10,300 voters whose federal ballots had to be transmitted by the 45<sup>th</sup> day; this total broke down into approximately 6,600 mailed ballots, 3,600 emailed ballots, and 100 faxed ballots.

On Friday, September 17<sup>th</sup>, the mail house mailed federal ballots for the 1<sup>st</sup> – 7<sup>th</sup> Congressional Districts and we faxed and emailed federal ballots to voters who requested to receive them in this way. Federal ballots for the 8<sup>th</sup> Congressional District were mailed on Saturday, September 18<sup>th</sup>. In addition to the normal absentee voting materials, we included for certain voters a notice explaining why they received a ballot with

only federal contests and informing them that the full State ballot would be mailed when it was certified. A copy of the insert was provided in the meeting folder.

An extra day was needed for the 8<sup>th</sup> Congressional District because of the close vote differential between the two Republican candidates with the most votes. On Thursday evening, the margin between the top two vote getters was 39 votes in Montgomery County's portion of the 8<sup>th</sup> Congressional District and 19 votes in Prince George's County's portion of the district. Since waiting until the final canvasses was not an option, we developed a federal ballot with both potential Republican nominees on the ballot and received approval from the U.S. Department of Justice on this approach. The final ballot for the 8<sup>th</sup> Congressional District was provided in the meeting folder.

A challenge to SBE's plan for compliance with the MOVE Act has been filed in federal court. The suit was filed by an unnamed reserve army officer and an organization called the Military Voter Protection Project. The lawsuit argues that the federal only ballot is insufficient because it is not the same ballot that is used on election day and therefore violates the equal protection rights of military and overseas voters. Mr. McManus asked whether SBE would extend the time for receipt of an absentee ballot. Ms. Lamone noted that there are other deadlines, such as the swearing in of certain local offices, which would be affected by extending the time for receipt.

#### Online Absentee Ballot Delivery System

The implementation of the online absentee ballot delivery system was successful for the primary election. Approximately, 4,000 voters received their primary election ballot via this delivery system, and less than 50 voters experienced a technical issue when trying to access their ballot. For these voters, staff either explained how to resolve the issue or emailed them the documents necessary for them to vote their absentee ballot. Technical resources at the University of Maryland and the vendor who developed the delivery system have reviewed these issues and implemented corrective actions. The system will be used again for the general election, and we expect to begin notifying voters that their ballots are available in early to mid-October.

#### Improved Accessibility for Voters with Disabilities

Rick Urps continues to use federal funds to improve accessibility to the electoral process for voters with disabilities. In FY2010, Rick used federal funds to purchase equipment and supplies (such as signs, folding chairs, etc.), pay for sign language interpreting services, deliver and install a permanent ramp at a local board of elections' office and temporary ramps for polling places, and support the early voting outreach effort and the online absentee ballot delivery system. The interpreting services and temporary ramps will also be used for the general election. A summary of the grant program was provided in the meeting folder.

#### Voter Outreach – Early Voting

For the primary election, the local boards of elections were able to order brochures, fliers, posters, banners for the early voting centers as well as professional produced radio, TV, and print ads. With the limited funds in SBE's budget, we were able to pay for the production of these items and purchase limited radio and TV spots. The early voting spots ran on the Mid-Atlantic Sports Network (statewide), various cable channels, morning TV channels, and numerous local radio stations, many of which were requested by the local boards. A similar strategy will be used for the general election. A listing of the TV and radio stations on which the ads ran and will be running again for the general election will be provided in the meeting folder. In addition, the specimen ballots mailed by all of the LBEs contained early voting information.

#### Call Center

As was done in the 2008 Presidential General Election, a call center was used for the primary election. The call center services were provided by CR Dynamics and began on August 23 (the week of the voter registration deadline) and ran through September 17<sup>th</sup>. The call center answered calls for SBE, Prince George's County, Anne Arundel County, Baltimore County, and Baltimore City. During the period of operation, approximately 20,000 calls were answered. This service is extremely beneficial for SBE and at the local boards of elections.

#### **4. Voter Registration**

##### Data Center Operations

Last month, the Voter Registration Division reviewed the single proposal received for operation of two data centers for MDVOTERS. The task order was awarded to Sidus Group, a partnership of Sidus and Gantech. Sidus has operated the data centers as a subcontractor to HP/Saber for the past five years. Gantech, an MBE firm, will provide network administration assistance and maintenance support for the MDVOTERS desktop equipment located in the local board offices. The Division has met twice with Sidus Group to plan

for the transition from HP/Saber to Sidus Group. On September 22<sup>nd</sup>, the data center task manager, John Clark, approved Sidus' Transition Management plan; the cut over date is December 31<sup>st</sup>.

#### MDVOTERS Software Maintenance

On August 26<sup>th</sup>, the Division, working with Rick Fowle in Procurement, issued a CATS II Task Order RFP to obtain a contractor to maintain the MDVOTERS software. A pre-proposal conference was held at SBE on September 8<sup>th</sup> for the contractors. Contractor responses are due on September 30<sup>th</sup>; a team with SBE and local board representation will evaluate the proposals. Our target is mid-October for selection of the software Contractor, prior to the start of early voting.

#### Early Voting Support

Chéré Evans, SBE database specialist, created statistical reports to show voting activity during the early voting periods (for example, voter counts by Party; by congressional/legislative district; by gender, age and party). The reports were posted the day after each early voting day on the SBE website. The reports have been well received.

#### MDVOTERS Software

In between the Primary and General Elections, the Field Support section (Mary Jo Waite) has been pre-testing elements of the final MDVOTERS software release for 2010. This release (2.30) will not be installed until after completion of the general election.

#### Local Board Support

Janet Smith, the Division Manager for Data Integrity and Quality, has been working extensively to assist local boards in cleaning up voter registration data entry and processing errors to ensure the accuracy of the voter registration list.

#### Upcoming Deadlines

Close of registration – October 12<sup>th</sup>

Deadline to enter registration data/changes – tentatively October 17<sup>th</sup> by 11:00 p.m.

General election precinct register – October 18<sup>th</sup>

Absentee deadline – October 26<sup>th</sup>

Late absentee begins – October 27<sup>th</sup>

#### MVA mailing

Another mailing will take place September 30<sup>th</sup>. Approximately 40,000 letters will be sent.

## **5. Candidacy and Campaign Finance**

### Candidacy

Ten State filed petition candidates attempted to qualify for ballot status. Only one petition candidate, Scott Guenther, candidate for House of Delegate District 4A, was successful in the submitting the requisite number of legally eligible signatures.

The deadline for a candidate to decline a political party's nomination is September 29<sup>th</sup>. If that occurs, the central committee has 5 days to fill the vacancy in nomination. The only other method to become a candidate for the 2010 Gubernatorial General Election is as a write-in. October 27<sup>th</sup> is the deadline for write-in candidates to file a Certificate of Candidacy.

### Candidate Names

Maryland law permits candidates to use an alternative name provided they submit an affidavit, under penalty of perjury, attesting that the candidate is generally known by that other name in press accounts or, if there are no press accounts, in every day encounters with members of the community. In June, this Board adopted regulations that specified that the affidavits have to be accompanied by copies of press accounts or affidavits of members of the community. Since the regulations were adopted after candidates had already filed, staff sent letters to candidates informing them of the new affidavit requirement and directing them to complete the new affidavit with the required supporting materials.

The Candidacy and Campaign Finance Division received a complaint regarding the use of an alternate name by a candidate. The candidate, Rebecca Weir Nelson, submitted the Affidavit of Alternative Name when she filed for office. However, that was the old affidavit prior to the regulation change discussed above. Like all other candidates, Ms. Nelson was sent a letter directing her to complete the new affidavit and provide the supporting documentation (press account or affidavits of members of the community). The letter was sent to a post office box that she had provided to this office, but that she no longer uses. A new letter was sent to

Ms. Nelson informing her that the failure to submit the affidavit with supporting documentation by September 30<sup>th</sup> will result in having her ballot name return to her voter registration name of Rebecca Lynn Nelson.

#### Campaign Finance

On August 17, 2010, the 2010 Gubernatorial Pre-Primary 1 campaign finance report was due for all political committees designated for the gubernatorial election. The transaction period ended on August 10. Out of the 2,416 committees required to file, 89% were timely. To date, SBE has received nearly 97% of all of the reports due for the Pre-Primary 1 reporting period. The remaining committees are late and being assessed late fees. The maximum late fee penalty is \$250.

On September 3, 2010, the 2010 Gubernatorial Pre-Primary 2 was due. The transaction period covered from August 11 to August 29<sup>th</sup>. Out of the 2,425 committees required to file, over 86% were timely. To date, SBE has received nearly 92% of all of the reports due for the Pre-Primary 2 reporting period. The remaining committees are late and being assessed late fees. The maximum late fee penalty is \$250.

#### Notifications

The Candidacy and Campaign Finance Division sent out a blast email reminder to every treasurer, chairmen and candidate prior to the due date for each campaign finance report.

At the request of the local boards of elections, the Candidacy and Campaign Finance Division also sent out a blast email to every treasurer, chairmen and candidate asking them to remove any signs or garbage around the early voting centers or polling places after voting concluded.

#### Seminars/Classes

On August 12<sup>th</sup>, Mr. DeMarinis conducted a campaign finance compliance teleconference seminar on campaign finance regulations, responsibilities of the chairman and treasurer and a general overview of election law at the request of a Prince George's Republican candidates. It was attended by 10 people.

On September 16<sup>th</sup>, Mr. DeMarinis was an invited guest lecturer for Professor Laslo Boyd's election class at Towson University. Mr. DeMarinis gave an overview of the functions of the Candidacy and Campaign Finance Division and some of the recent issues that have arisen. The class was particularly interested in discussing the rules and regulations regarding contributions and expenditures.

#### Meetings

On September 17, 2010, Mr. DeMarinis attended the first meeting of the Attorney General Commission on Campaign Finance Reform. Its objectives are to make legislative and administrative recommendations to modernize, update and change campaign finance laws. The Committee members include Ross, Jared, Senators Jamie Raskin and Allan Kittlemen, Delegate Jay Walker and attorneys Bruce Marcus and Carville Collins. The next scheduled meeting is set for October 14<sup>th</sup>.

Mr. Darsie noted that this is not a formal commission. Instead, it is more of a study group that will make recommendations. Campaign finance has been governed by a series of advice letters and opinions from the Attorney General. Instead, of serial questions and answers there is interest in establishing regulations or seeking legislative clarification.

#### Enforcement Actions

On August 9, 2010, the Maryland Republican State Central Committee made its final payment to completely repay the outstanding debt to the Michael Steele for Maryland Committee. This payment terminates the MOU.

The Candidacy and Campaign Finance Division forwarded *Marks for Maryland Committee* to the Office of State Prosecutor for further investigation and possible enforcement actions for the committee's failure to make disbursements by check and impermissible disbursements or expenditures of campaign funds.

The Candidacy and Campaign Finance Division forwarded the following candidates to the Maryland Judicial Campaign Conduct Committee:

- Ramona Moore Baker
- Wendy A. Cartwright

The Candidacy and Campaign Finance Division forwarded the following candidates to the Office of Special Counsel for possible violations of the Hatch Act:

- Cal Bowman, House of Delegates, District 8

- Ben Lawless, State Senate, District 8

The Candidacy and Campaign Finance Division has received complaints on following political committees for lack of authority lines on campaign material:

- Friends of Margaret Rappaport
- Citizens for an Independent Judiciary and Beckman
- Vote Frazier 2010
- Friends of Saqib Ali
- Ethically Responsible Government PAC
- Citizens for Mark Fisher
- Team 26

A letter was sent to these committees informing them of the authority line requirements.

On September 21<sup>st</sup>, Mr. DeMarinis reviewed a request by a candidate, Beau Oglesby, on whether a payment towards a prior but recently disputed debt regarding his closed candidate committee may be paid by his active authorized candidate campaign committee. Mr. Oglesby's committee had paid \$2,000 towards the debt. Jared, in consultation with the Office of Attorney General, deemed it not a proper disbursement of funds. Mr. Oglesby has 30 days to reimburse the committee the \$2,000 paid towards the disputed debt.

#### Past Business

The Office of Attorney General still has not given any written advice on the questions the Board inquired about at the April 29, 2010 meeting: When is a person a candidate and whether volunteer professional services constitute an in-kind contribution. Additionally, CCF has an outstanding opinion request on expenditures.

In response to Ms. McGuckian's request for a time estimate, Mr. Darsie responded that hopefully the opinions would be available soon.

## 6. **Voting Systems**

### Primary Election

The voting system was used successfully statewide for both early voting and election day. Approximately 15,000 voting units were deployed on election day, with another 600 used for early voting. There were very few voting unit issues reported to SBE, and none of those reported were major.

Under the voting system support services contract with Cirdan, some 250 Election field support specialists were deployed to assist with voting unit and e-pollbook setup, operation and closedown on election day. This is in addition to those hired by the individual LBEs to assist them on election day.

The election does not end on election day, and staff has been busy providing guidance to the LBEs on the provisional and absentee canvassing, as well as results processing and reconciliation.

The turnaround time between the primary and general elections this year is extremely short, and the voting system team has already begun preparation for November.

### Electronic Pollbooks

During early voting, a total of 170 electronic pollbooks were deployed at the 46 early voting sites. They were all connected to the EPIC server at SBE via a dedicated wide-area network/VPN. All elements of the system generally performed as designed. Nightly reconciliations of the electronic pollbook ballot counts with the number of ballot transactions posted to the server revealed only 7 minor discrepancies, which were immediately resolved. A network monitoring tool to automatically detect the connection status of each modem on the network was developed and implemented.

On election day, a total 4,647 pollbooks were utilized in 1,767 polling places. The "bulkupdate" process, whereby the voter database on each pollbook was updated with current status of early voting and late absentee voters, was conducted by all LBEs on the morning after the close of early voting. This process went smoothly and more quickly than anticipated. The pollbooks generally performed well on election day. A comprehensive analysis of the transactions is underway. The post-election log file collection process has been partially automated, with the result that log files were processed in record time: 99.5% completed the day after the election and 100% complete by Thursday morning.

## 7. **Information Technology**

- Completed software upgrades and support renewals to Data center
- Completed final modifications for interface and file changes for MVA in preparation for the MVA mainframe conversion
- Completed testing of all MVA associated interagency circuits/applications as part of successful MVA mainframe conversion
- Renewed numerous SBE hardware/software licenses and support agreements
- Completed several third party software upgrades/patches
- Rebuilt 6 desktop computers
- Completed upgrades to 4 network servers
- Completed numerous website enhancements
- Completed numerous additions and enhancements to on-line library
- Completed the EMS server update for the Primary Election
- Completed monthly updates to PBX
- Repaired 4 Ethernet connections
- Conducted material inventory updates for 4 LBE accounts
- Conducted additional modifications to SBE Help Desk
- Completed set-up of technical help desk and election technical operations center
- Completed set-up of Disaster Recovery center
- Completed final set-up and testing of the EV WAN
- Assisted a total of 14 LBEs in the last month
  - 12 assists to install/check-out new equipment
  - 5 assists to remove excess equipment
  - 11 assists with network issues
  - 7 assists to repair peripheral devices
- Completed installation and final testing of Howard county LBE network relocation.
- Completed installation and final testing of Disaster Recovery network site for Baltimore county LBE
- Completed testing 5 LBE network connections in preparation of election
- Security
  - Processed 29 employee background clearances
  - Processed credentialing for 40 contractors
  - Completed 8 firewall configuration changes

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

Mr. Darsie stated that on September 27<sup>th</sup>, SBE received a notice letter from the Election Law Center questioning Maryland's compliance with the list maintenance requirements of the National Voter Registration Act. The notice letter is a prerequisite to any later filing of a private enforcement action under statute. Ms. Mack asked whether SBE is fully in compliance. Mr. Darsie responded that there were a few areas where SBE was not in full compliance. A response to the Election Law Center is being prepared.

Mr. Darsie reported that on behalf of the State Board, the Attorney General's Office participated as amicus in *Montgomery County Fire-rescue Assn v. Board of Elections*, an action challenging the rejection of signatures on a local referendum petition in accordance with the SBE guidelines developed in response to the Court of Appeals ruling in *Doe v. Montgomery County Board of Elections*. Judge Greenberg granted summary judgment in favor of the County on September 24<sup>th</sup>. The Court of Appeals is scheduled to hear the case on September 29<sup>th</sup>. Ms. Mack asked whether the petition procedures were correct to which Mr. Darsie noted that in the past the petition verification procedures were more lenient, but had been changed to be stricter in response to the *Doe* case.

#### **ELECTION OF CHAIRMAN AND VICE-CHAIRMAN**

Chairman Walker noted that §2-102 of the Election Law Article requires the Board to elect one of its members as chairman no later than August 1<sup>st</sup> of each year. Ms. McGuckian nominated Mr. Walker to continue as chair of the board. The nomination was seconded by Mr. McManus and unanimously approved by the Board. Next Mr. McManus noted that the bylaws require the vice-chair to be a member of the minority party, but also provided that the requirement would not begin until after the term of the current vice-chairman. The Board agreed that the intention was to allow the current vice-chairman to continue to serve in that position throughout her term on the Board. Accordingly, Mr. Walker nominated Ms. Mack for vice-chairman. The nomination was seconded by Ms. McGuckian and unanimously approved by the Board. Mr. Walker and Ms. Mack thanked the board for the Board's continued

confidence in them. Mr. Walker went on to note that Board has been a pleasure to serve on due to the collegial nature and good working relationship.

**OLD BUSINESS**

There was no old business.

**SCHEDULING OF NEXT MEETING**

The next meeting was scheduled for October 28, 2010, at 1:30 pm.

**ADJOURNMENT**

Mr. Walker adjourned the public meeting at 3:35 pm.