DECLARATION OF QUORUM PRESENT
Chairman Walker called the meeting to order at 2:35 pm and declared that a quorum was present.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES
The minutes of the December 14, 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.

BRIEFING BY ATTORNEY GENERAL
Chairman Walker introduced Attorney General Doug Gansler and invited him to address the Board regarding the report issued by the Attorney General’s Advisory Committee on Campaign Finance. Mr. Gansler stated that his office answers a lot of questions about campaign finance compliance based on past advice that he considers to be incorrect or outdated. Mr. Gansler noted that nothing could be done about this fact during the election, but wanted to begin to review the issues to lay the groundwork for future improvements. The mission of the advisory committee was to provide transparency and clarity to campaign finance laws. The committee adopted 25 recommendations, some of which require legislation, regulations, or administrative actions by SBE or the Office of the Attorney General.

Mr. Gansler stated that SBE can play an important role in shaping campaign finance laws by adopting regulations on those areas not specifically addressed in statute. For example, the Board cannot regulate contributions limits (which are directly specified in State law) but could regulate when an email message from a campaign finance entity has to include an authority line. Mr. Gansler noted that clear rules established by the Board would greatly assist campaigns by not putting them into a position of having to guess at how to comply. Mr. Gansler acknowledged that the advisory committee took a more conservative view of SBE’s rule making authority.

Mr. Gansler noted other areas that need to be clarified. For example, a clear standard should be established for when an individual is a candidate for campaign finance compliance purposes. Another area that needs clarification is the when a committee is deemed to have participated in an election for campaign finance reporting purposes. Mr. Gansler stated that it did not make sense to consider a one-time transfer of funds as participation, especially since the transfer funds would be reported by the receiving committee.

ADMINISTRATOR’S REPORT
Ross Goldstein informed the Board that Linda Lamone was attending the National Association of Election Directors meeting in Washington, D.C. and that he would be reporting to the Board in her place.
1. **Staff Updates**
   Paul Aumayr is still out on sick leave and probably will remain out for the foreseeable future. However, we have spoken to Paul and he is doing well. He is out of the hospital and is at home recuperating. As we do for all senior staff, we have a continuity plan in place for Paul’s position. SBE staff along with the Cirdan Group has reviewed the continuity plan and Paul’s job duties to ensure that throughout his absence all of his essential job functions are being fulfilled.

2. **Meetings and Important Dates**
   **Post Election Lessons Learned**
   On December 8th a lessons learned meeting was held in Annapolis for the local boards of elections. Early voting was the major topic of discussion including the performance of the early voting centers, electronic pollbook networking, opening and closing procedures and interaction with challengers and watchers. Ballot printing and the challenges of complying with the MOVE Act were also discussed. The meeting was productive and a subsequent meeting to discuss technical issues with pollbooks and voting units will be held on February 10th.

   **Technical Guidelines Development Committee**
   The members of the U.S. Election Assistance Commission’s (EAC) Technical Guidelines Development Committee (TGCD) (of which Ms. Lamone is a member) met at the National Institute of Standards and Technology on January 13th – 14th. During the meeting, the various working groups updated the full committee on their work and presented resolutions. Ms. Lamone served on the UOCAVA Working Group, which presented a white paper on possible pilot projects for UOCAVA voters. This working group’s resolutions included transmitting the white paper to the EAC and directing the working group to develop a risk assessment comparing current UOCAVA voting processes with those processes used in pilot electronic voting projects, high-level guidelines for remote electronic voting systems considering the risks identified in the assessment, and guidelines for a demonstration project for military voters only. The working groups meet regularly, and the next meeting of the TGDC is scheduled for July 2011.

   **Citizens’ Forum**
   Staff held its second Citizens’ Forum on December 14, 2010 at 6:00 P.M. at the SBE office. The majority of the meeting was devoted to vendor presentations of new optical scan equipment. The vendors were Dominion Voting and Unisyn and Hart Intercivic (who were presenting a joint solution). Election Systems and Software had indicated that they would also be in attendance, but did not show up. The Unisyn/Hart Intercivic system has been certified to the 2005 Voluntary Voting System Guidelines. The Dominion system was not yet certified to the 2005 guidelines but the company representatives were confident that certification was imminent. In addition to hands on demonstrations, the vendors provided an overview of their equipment and its accessibility capabilities, audit capabilities, security and other features. Vendors were also asked to address future innovations and the challenges facing voting system companies.

   **Republican Caucus**
   On January 25th, several Ms. Lamone and several staff members accompanied Stacy Mayer from the Governor’s Policy Office to a meeting with the Republican Caucus to brief them on the proposed legislative changes to election dates. For the Presidential Primary, the Governor was going to propose an April date in order to ensure that the Republican Delegation is able to seat the maximum number of delegates at the party convention. For the Gubernatorial Primary, the Governor was going to propose a June date. Given the proximity of the June date to the legislative session, several concerns about the impact a June primary on incumbents (who are prohibited from fundraising during the legislative session) were noted.

   **State Prosecutor**
   On January 20th, Linda Lamone, Nikki Trella, Jared DeMarinis, and Ross Goldstein met the new State Prosecutor, Emmet Davitt. We discussed the handling of referrals from SBE to the Office of the State Prosecutor – specifically double voters and campaign finance violations. The meeting was productive and Mr. Davitt seems eager to foster a good working relationship.

   **Non-Principal Parties**
   On January 13th, Mary Wagner, Jared DeMarinis and Jeffrey Darsie held a conference call with the three recognized non-principal political parties regarding the petition process to renew their party status. It was agreed upon that the Office of the Attorney General would seek guidance from the Court of Appeals and that SBE would hold the new party petitions until March 7th to begin the process.
House and Senate Briefings
On January 25th and 26th Ms. Lamone provided a briefing to the Senate Education, Health and Environmental Affairs Committee and the House Ways and Means Committee respectively. An outline of her remarks was included in the meeting folder. Generally, Ms. Lamone provided an overview of the 2010 Gubernatorial Election, the implementation of early voting, the impact of the MOVE Act, and other issues, including the status of SBE’s implementation of an online campaign finance reporting system, the upcoming Baltimore City Election, and a new initiative being proposed by the Pew Charitable Trusts to improve voter registration list maintenance through cooperative data sharing among the states and by implementing online voter registration to increase access to voter registration and reduce the administrative costs.

During the briefing, Ross Goldstein made the following comments about the Maryland Voting Systems Study report prepared by RTI International for the Maryland Department of Legislative Services.

a. In general the RTI report agrees with SBE’s equipment cost estimates and in most cases RTI stated an amount that was slightly higher than what we had estimated in our cost analysis last year.

b. RTI recognized the importance of investing in booths and carts to ensure an orderly election and protect equipment. Again, the RTI estimate was slightly higher than the amount that SBE used for its cost analysis last year.

c. The RTI report suggests that a reduction in services will be realized by switching systems. We agree in part with their analysis. There will be savings for certain services like logic and accuracy testing which currently require hiring numerous temporary support staff to touch every piece of voting equipment in preparation for an election. The reduction of equipment will reduce or eliminate those costs. However, general election support and management of the system will continue to be necessary. As noted in the report SBE is understaffed so we continue to rely on contractors for services that other states can conduct in-house. One key aspect of the general management of the system is the Regional Managers who are necessary to ensure consistent and uniform management and maintenance of the voting system. Further, our services contract also supports the electronic pollbook project – which most other states do not have. The electronic pollbooks represent another statewide information technology project with over 5,000 pieces of equipment to support and maintain.

d. Finally, the RTI report states that the State will save $9.5 million between 2013 and 2020 by switching to an optical scan system. This amount is based on:
   - Comparing the cost of replacing all of the current TS Units versus the cost of buying a new optical scan system; and
   - Reduction of service costs – a total of $5.5 Million over 8 years – or $700K per year.
However in FY 2012 there are no plans to replace TS units. Accordingly, if you take away the cost of buying new TS units, you will see that the assumed $700K annual savings in services does not offset the cost of buying a new OS system

3. Election Reform & Management
2010 Election Administration and Voting Survey
After each general election, State election officials are required to submit to the EAC voter registration and other election data. In addition to voter registration data, the survey asks for voter turnout, absentee voting data for both domestic, civilian voters and military and overseas voters, and provisional data as well as information about voting system deployment, how voter history is compiled, and other election administration issues. Janet Smith and Nikki Trella compiled this report and submitted on February 1st. This data will ultimately be included in an EAC publication and will be made available for researchers and other individuals.

General Election – Absentee & Provisional Voting Statistics
Absentee and provisional voting statistics from the general election will be included in the board meeting folder and will be posted shortly to the website. As expected in a general election, the most common rejection reasons for provisional ballots are voters who are not registered to vote. The second most common rejection reason is that the voter failed to sign the provisional ballot application. These are preventable rejections as the election judges should be reviewing the application and verifying that it has been signed before issuing the voter the provisional ballot.

Rick Urps has reconvened his election judges’ manual committee, and they are busy reviewing the 2010 manual in preparation for the 2011 Baltimore City election and the 2012 Presidential Elections. The revisions made for the 2010 elections were well received, and most of the changes for the 2011 and 2012 elections related to software changes for the electronic pollbooks.
Election Preparedness and Professional Development Program
Rick Urps will be preparing the 2011 schedule for the certification program for the local election officials. At the Maryland Association of Election Officials’ request, one or two classes will be offered at MAEO’s annual summer conference. Other classes will be offered during the year on relevant topics.

4. Voter Registration
Final MDVOTERS Release for 2011
Version 2.30, the last MDVOTERS software release under the Saber/HP contract was placed into production the weekend of December 18th. To train our local boards of elections on the new software, on-line “Go To” meetings were held Monday, Tuesday and Wednesday, December 27–29th.

MDVOTERS Data Center and Software Development Transition
With the award of two task orders to new companies, the six-year MDVOTERS contract with Saber/Hewlitt Packard completed on December 31, 2010. A task order for operating our two MDVOTERS data centers was awarded to The Sidus Group (Annapolis) for $1.83 M, and a task order to provide MDVOTERS software development was awarded to The Canton Group (Baltimore) for $5.27 M. The two task orders have option years extending to May 2014. Immediately upon receiving their notices to proceed, the companies began working with Hewlitt-Packard technical employees to verify the current status of the data center equipment and MDVOTERS software. This transition was skillfully shepherded by Stacey Johnson, MDVOTERS System Administrator and resulted in a successful transfer of responsibility to the new companies at midnight on New Year’s Eve. Voter Registration Division member Chere’ Evans worked directly with Canton Group programmers, helping them review the MDVOTERS software and database design; and Roger Stitt held training on MDVOTERS processes for the new contractor staff.

Annual Planning Meeting
The first annual planning meeting was held in January with our new contractors. It was determined that we will have three software releases this year. These were scheduled to work around the Baltimore City Elections, with the first release set for April 15th; User Testing will begin on March 7th.

Upcoming Software Release
On January 6th and 7th, we held a successful JAD (Joint Application Design session) for MDVOTERS software release version 3.0, the first to be produced by the Canton Group. Stacey Johnson led the group of local election board experts, contractor software developers and the Department of Planning personnel through the session. The group focused on the 2012 redistricting, Absentees, Elections Workers and some outstanding issues.

MVA Letters
The first week of February another round of letters was forwarded to MVA for mailing. The letters are sent to individuals who, during an MVA transaction, indicated that they wanted to register to vote or update their existing voter registration, but either are not registered or have information in MDVOTERS that does not match their MVA data. This batch included approximately 13,000 not registered letters and 28,000 change-of-address letters.

5. Candidacy and Campaign Finance
Annual Campaign Finance Report
On January 19, 2011, the 2011 Annual campaign finance report was due for all political committees. The transaction period ended on January 12th. The Candidacy and Campaign Finance Division has received reports from over 87% of the committees required to file. The remaining committees are late and being assessed late fees. The maximum late fee penalty is $250.

Fundraising During Session
The fundraising prohibition began on January 12th at noon for all current office holders. This prohibition on raising or depositing funds includes the Governor, Lieutenant Governor, Attorney General, Comptroller and members of the General Assembly.

Disclosure Report
On February 7, 2011, 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, is due. The Candidacy and Campaign Finance Division received over 270 disclosure forms from qualifying persons from the last filing.
Notifications
The Candidacy and Campaign Finance Division sent out a blast email reminder to every treasurer, chairmen and candidate prior to due date for 2011 Annual campaign finance report.

The Candidacy and Campaign Finance Division sent out ELECtrack filer software patches to every political committee adjusting the aggregate tables for contributors for the new election cycle and the reporting dates table for the 2011 Baltimore City Election and 2012 Annual Report.

Online Campaign Finance Reporting
A draft of the request for proposals for the new online Campaign Finance Reporting and Management System (CFRMS) was sent to the Department of Information Technology (DoIT) has oversight of all IT related procurements) for an initial review. Comments were received and responded to and currently the RFP is back at DoIT for final review and approval.

Responding to a question by Ms. Mack, Mr. DeMarinis indicated that the proposed new system would have several important advantages over the current system. Currently, SBE provides a software program to campaign finance filers that they load on a personal computer and use to create the required campaign finance report. That report is exported (generally via FTP or mailed on a CD) to SBE. The benefit to CFRMS is that filers will not be responsible for managing the software or the associated database. This will allow seamless transition between computers or from one campaign staff member to another. It will also enable a filer without a dedicated computer to use a public computer (i.e., library) to meet the campaign finance filing requirements. For SBE, an online solution will allow for easy modifications to the software which occur whenever changes are made to campaign finance laws. Instead of mailing a software program to over 2,000 filers, SBE will be able to affect a programming change online without interfering with the users. In addition, filer accounts will be easier to manage and SBE staff will have less data entry responsibilities.

6. Voting Systems

Post Election Maintenance
The Post Election Maintenance of all voting units has begun. The Post Election Maintenance is conducted pursuant to a detailed plan created by SBE and is included in the Conducting the Election Guide. The instructions include the following inspections:

a. Physical inspection of the voting booths and legs (36 steps);
b. Touchscreen voting unit inspection (13 steps);
c. Touchscreen voting unit printer inspection (5 steps);
d. Touchscreen voting unit operation test (42 steps); and

e. Completing the test and, either sealing and returning the unit to the warehouse for the next election or sending the unit for repairs (17 steps).

This is a time consuming process. Cirdan is providing some support for this task, primarily through the regional managers.

Municipal Election Support
Staff is planning to provide support to some of the upcoming municipal elections. The first one is Salisbury followed by Indianhead and the Montgomery County Student Member of the Board of Education election.

Electronic Pollbooks
Analysis of the log files for all 5,000 electronic pollbook used in the general election has been completed and provided to the local boards. Data on 24 separate metrics was captured and summarized, including hardware and software issues and performance indicators, number and duration of AC power outages, and check-in judge compliance with procedures.

Suggested enhancements to the electronic pollbook software have been reviewed with Rick Urps and an advisory committee of LBE and Cirdan representatives. A list of more than 30 program enhancements and fixes for minor program defects will be sent to the ES&S software development team this month. Our goal is to have the software changes programmed and tested in time for the new version to be used in the Baltimore City elections this fall.

The processes of extracting data from MDVOTERS and creating an election database for use on the electronic pollbooks has been a cumbersome procedure involving five different software programs and many manual steps. Programming to convert this to an automated process requiring very little manual intervention.
Electronic pollbook equipment needs for the 2012 elections have been projected based on voter registration trends, Department of Planning population projections, expected turnout and anticipated growth in early voting. Although none of the local boards had to utilize their early voting pollbooks again on election day in 2010, it is apparent that many of them will have to do so in 2012.

7. **Information Technology**
   - Completed system and network upgrades in cooperation with Network Maryland (NwMD)
   - Completed system line maintenance with Verizon and NwMD to two local board of elections’ circuits
   - Updated several system maintenance contracts
   - Updated several SBE hardware/software licenses
   - Completed several third party software upgrades/patches
   - Provided updates to the data tables for the University of Maryland
   - Provided updated data tables to JHS
   - Setup and installed six new desktop computers
   - Completed several website updates
   - Completed numerous updates to the on-line library
   - Completed monthly updates to PBX
   - Completed material inventory updates to nine local boards of elections
   - Completed Microsoft system security updates
   - Repaired SBE exchange server
   - Assisted a total of 11 local boards of elections in the last month with various technical issues
   - Provided service to 55 campaign finance entities
   - Completed data file rebuilds for 30 campaign user accounts.
   - Processed background check for four contractor clearance.
   - Processed three employee background clearances

8. **Follow-up from Previous Meeting**

   During the last board meeting, two board members asked for statistics on the number of military and overseas voters who benefited from the extended deadline for receipt of absentee ballots. There were 684 absentee ballots canvassed during the 3rd absentee canvasses, and 657 of these ballots were accepted. The remaining ballots were rejected for not being mailed timely or other rejection reasons. A table showing the number of ballots from domestic, civilian voters and military and overseas voters received by day will be provided at the board meeting.

**ASSISTANT ATTORNEY GENERAL’S REPORT**

Jeff Darsie reported that the plaintiffs in *Doe v. Walker, et al.*, voluntarily dismissed their claims. The Doe case originally focused on alleged violations of the MOVE Act. Mr. Darsie also informed the Board about a December 13th opinion by the Office of the Attorney General that concluded that pursuant to an amendment to the State Constitution approved by the voters during the 2010 Gubernatorial Election, an Orphans’ Court Judge in Baltimore City must be a member of the State Bar. One of the successful candidates, Ramona Moore Baker, lacked this qualification and therefore could not be issued a commission.

**BALTIMORE CITY EARLY VOTING – DETERMINATION OF DAYS**

Ross Goldstein stated that the Election Law Article was silent on the early voting dates for the Baltimore City election (the law only sets the dates for the 2010 and 2012 elections). The Attorney General’s Office has advised that, in the absence of statutorily required dates, SBE sets the dates. Baltimore City Board of Elections submitted a letter requesting that the State Board adopt the following dates for early voting for the Baltimore City Mayoral Election:

1. September 1st, 2nd, and 3rd for the Primary Election; and
2. October 27th, 28th, and 29th for the General Election.

Armistead Jones, Election Director for the City stated that one consideration for the primary election dates was to avoid a conflict with the Baltimore City Grand Prix which begins on September 3rd. Mr. McManus made a motion to approve the proposed dates. The motion was seconded by Ms. Mack and was approved unanimously.

**APPROVAL OF ABSENTEE BALLOT APPLICATION FOR THE 2011 BALTIMORE CITY ELECTION**

Ross Goldstein presented the 2011 proposed Baltimore City absentee ballot application. The changes from the 2010 application include:
1. Updated dates;
2. Instructions informing the voter of the email address that will be used to provide notice that the voter’s ballot is available and the suggestion to add the email address to the voter’s email address book to ensure it is not blocked by a spam filter.

The application continues to allow all voters (instead of only Military and Overseas voters) to request to receive their absentee ballot via the online absentee ballot delivery system. However, Mr. Goldstein noted that Montgomery County had concerns about making the online absentee delivery system widely available. Montgomery County submitted a letter to the Board and Jerry Garson, Board President, addressed the Board to outline the concerns. All of the ballots returned from voters using the online delivery system have to be duplicated onto a card-stock ballot before they can be run through the optical scanner. Montgomery County stated that it took 10 minutes per ballot for duplication and verification. Only 1,200 of the 3,900 Montgomery County users of the online system were a military or overseas voter. Finally, with anticipated increases in voter turnout for 2012, Montgomery County noted their concern that the duplication and verification will pose a significant administrative burden. Mr. Goldstein responded that no other county expressed similar concerns and that the online delivery system provided a significant convenience for all voters. Mr. Jones noted his agreement with Montgomery County that the duplication process is time consuming and that there are accuracy issues.

Mr. Walker asked whether the Board needed to approve the application at the current meeting. Mr. Goldstein stated that the Board could approve the application with the current practice of permitting all voters to use the online system for the Baltimore City election and then reconsider the issue prior to the presidential election. Mr. McManus stated that waiting to make the ultimate determination would give staff time to research whether there were any technological solutions that would improve the duplication process. Mr. Thomann made a motion to approve the absentee ballot application. The motion was seconded by Ms. Mack and was approved unanimously.

APPROVAL OF WAIVERS OF CAMPAIGN FINANCE LATE FEES

Mr. DeMarinis presented waiver requests for the following political committees along with the Administrator’s recommendations for approval to the Board:

1. Harden, Gordon Friends Of, A7036
2. Gerczak, William T. Elect, A8237
3. Eckardt, Addie Friends To Re-Elect, A40
4. Republican House Slate Committee, A4058
5. Saffery, Rick Sovereign Citizens for, A7352
7. Political Action For Charles County PAC, A7129
8. Smith, Bill for Judge of Orphan’s Court, A8034
9. Hutton, Leslie For Citizens, A7138
10. MacFarlane, Kathy Friends of, A8865
11. Frederick County Chamber Of Commerce Business PAC, A4534
12. Cunningham, Valerie Citizens To Elect, A6981
13. James, M-D Friends Of, A884
14. Benson, Joanne C. Friends Of, A394
15. Trise, Marcus For Sheriff, A8884
16. Hanson, Robert L. Committee To Elect, A7123
17. Kamnetz, (Kevin) Committee For, A557
18. Holland, (Carl) for Council, A8489
19. American College Of Cardiology, Maryland Chapter PAC, A6807
20. Twenty Sixth District New Leadership Team Slate, The, A6445
21. Stone, Norman Friends Of Senator, A15
22. Gropp, Dolores Friends Of, A8279
23. Jakubiak, Chris Citizens For, A7128
24. Price, Laura for County Council, A7711
25. Smith, Will Friends Of, A7038
26. Conaway, Mary W. Friends Of, A597
27. Fisher, (Raymond) for Sheriff, A6466
28. Williams, Wanda Citizens For, A8639
29. Tregoning, Ken For Sheriff, Citizens For, A8591
30. Cogan, Michael Citizens For, A8057
31. Roenick, Jim Citizens for, A7686
32. Kidane, Amleset Citizens for Change Vote, A7802
33. Hughes, Betsy Friends of, A8530
34. Rothermel, (Robert) for School Board, A7618
35. Nelson, Rebecca Weir Citizens for, A7326
36. Wagner, Kim Friends of, A8362
37. Kullen, (Sue) For Calvert, A4247
38. Mooney, (Alexander) For Senate, A845
39. Andrews, Phil Friends Of, A558
40. Blake, Kory Friends Of, A6753
41. Addison, Ken Friends Of, A7896
42. Montgomery Women - A Leadership and Political Action Committee, A1898
43. Constitution Party Of Maryland, A6900
44. Williams, Charles Friends To Elect, A3929
45. Schrader, Sandy Friends Of, A1896
46. Brockington, Jeffrey L. Citizens for, A7893
47. Grasso, John Friends of, A7369
48. League, Carlton For Register Of Wills, A8399
49. Meehan, Stephen Friends of, A8741
50. DiMaggio, Brian Citizens For, A7048
Mr. Thomann made a motion to approve the State Administrator’s recommendations on the waiver requests. The motion was seconded by Ms. Mack and was approved unanimously.

**OLD BUSINESS**
There was no old business.

**NEW BUSINESS**
There was no new business.

**SCHEDULING OF NEXT MEETING**
The next meeting was scheduled for March 24, 2011, at 2:00 pm.

**ADJOURNMENT**
Mr. Walker adjourned the public meeting at 3:30 pm.