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Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Rachel McGuckian, Member
Chuck Thomann, Member
Patrick Murray, Member
Linda Lamone, Administrator
Ross Goldstein, Deputy Administrator
Jeffrey Darsie, Assistant Attorney General
Donna Duncan, Election Management Director
Nikki Charlson, Election Reform Director
Paul Aumayr, Director, Voting Systems
Keith Ross, Assistant Deputy for Project Management
Mary Wagner, Voter Registration Director
Jared DeMarinis, Campaign Finance Director
Victorica Smith, Campaign Finance

Also Present: Stan Boyd, Save Our Votes
Mary Kiraly
Nancy Soreng, League of Women Voters
Rebecca Wilson, Save Our Votes
Holly Joseph
Margaret Harley, Anne Arundel County Board of Elections
Joseph Torre, Anne Arundel County Board of Elections
Bill Edelstein
Rebecca Mules, Governor's Office

DECLARATION OF QUORUM PRESENT

Chairman Mack called the meeting to order at 2:07 pm and declared that a quorum was present.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES

The minutes of the December 6, 2012, board meeting were presented for approval. The minutes were approved unanimously.

ADMINISTRATOR'S REPORT

Ross Goldstein presented the Administrator's Report.

1. Announcements

Chere' Evans

Chere' Evans and her husband Richard welcomed Rosemary Alexandria Nicole Evans into their family on January 16th at 10:03 pm. Everyone is doing well.

2. Meetings and Important Dates

National Association of State Election Directors (NASED)

Linda Lamone attended the NASED Winter Meeting in Washington D.C. on January 24th through 26th. The meeting included a briefing by the Department of Justice and the Election Assistance Commission. Congressional staffers also provided a briefing on pending legislation. The Government Accountability Office informed the conference that they will be conducting a study on a variety of election related issues. Finally, there were a variety of presentations by different states on new initiatives, best practices, and lessons learned. A summary of the conference is included in the meeting folder.

Classes

On January 8th and 23rd, Jared DeMarinis conducted joint informational sessions with State Ethics on the reporting requirements of Title 14 of the Election Law Article and State Government Article § 15-715. Those provisions involve requirements for businesses to report contributions if the business does business with the

State or employs a lobbyist. The session was very enlightening to many of the lobbyists in attendance and who will be able to inform their clients about the requirements and how to comply.

On January 8th and 11th, Jared DeMarinis held seminars on using SBE's new online campaign finance reporting system - MD CRIS. The session focused on entering contributions and expenditures and how to file a report. Over 50 people attended the sessions.

Chairman Mack asked whether SBE sends out notifications of reports due. Victorica Smith, responded that a pre-report notice is sent to campaign committees prior to a Campaign Finance Report and, if necessary, a fee running notice and other notices regarding late fees are sent. Notices are not sent for the Contribution Disclosure Report (required under Title 14 of the Election Law Article) since SBE has no way of knowing who owes that report.

3. Election Reform and Management

Post-Election Data Reports

After each election, SBE submits various post-election reports. Election officials submit to the U.S. Election Assistance Commission an extensive data report covering voter registration, absentee and provisional voting, voting locations, and voting equipment. This report is due February 1st and will be submitted on time. SBE submits to the Department of Defense's Federal Voting Assistance Program (FVAP) two reports. One report is related to the grant SBE received to implement online voter registration and an online ballot delivery system, and this report was submitted earlier this month. The second FVAP survey requests from a sampling of Maryland's counties voter registration and absentee data for military voters and voters who live outside of the United States. This data is due February 15th, and SBE will be submitting the data on behalf of the local boards of elections.

Review of Voting History

The review of voting history from the 2012 General Election is on-going. This process includes reviewing the statewide list of voters who have more than one voting credit and working with the local boards of elections to determine if the voters attempted to vote more than once or if there was a clerical error that needs to be corrected. This process should be completed by the end of February.

Polling Place Evaluation Program

Rick Urps is in the process of reviewing the polling place evaluation forms completed during the 2012 General Election and submitted to SBE by the local boards of elections. Rick sends to the local boards a summary report of his review for their response.

So far, all local boards are in compliance with the number of polling place evaluations required to be conducted for their jurisdictions. In general, the evaluators were more diligent when completing the forms than for previous elections. Also, the evaluators effectively used the "Comments" sections of the evaluation form to document issues and actions taken by election judges to resolve issues. The most common issues identified were a lack of parking places at some polling places because of heavy voter turnout and equipment issues. Where long voter lines were indicated, evaluators noted that the election judges did a good job keeping the lines moving and a good job accommodating elderly voters and voters with disabilities. Where equipment issues were indicated, evaluators noted that technical staff were able to resolve the issues.

Ms. McGuckian asked whether the evaluation program reviews whether the allocation of pollbooks was sufficient for the polling place. Mr. Goldstein responded that allocation analysis is not part of the polling place evaluation program but would be reviewed by the voting system staff.

Election Preparedness and Professional Development (EPPD) Program

A series of training classes on legislative redistricting are scheduled for local board staff in February. The classes will be held regionally to accommodate all local boards. The classes will be held in Howard, Washington, and Worcester Counties. In addition, a class will be held in Prince George's County specifically for Prince George's County staff.

4. Voter Registration

MDVOTERS

Release 4.4 was put into production use. This release dealt with election judge module enhancements as well as fixing old issues.

Candidacy Software Development

The ELECTTrack agency system used by the Candidacy and Campaign Finance Division has been substantially replaced by the new online campaign finance reporting and management system (MD CRIS). However, the new online system does not address candidate filing. To efficiently meet this need, it has been determined that the candidate filing piece will be taken over by MDVOTERS. This is a logical fit, because, except for presidential candidates, all candidates have to be registered voters. Further, the candidate filing application has to be accessible for use by all LBEs.

As previously reported, the requirements gathering have been completed and a complete set of functional specifications were developed and are currently being reviewed by staff. Once the review is complete, the specifications will be sent to the vendor to begin programming.

ERIC

Maryland and six other states mailed postcards to over 5.7 million eligible, but unregistered voters to encourage them to register to vote prior to the 2012 general election. Over 300,000 new voters were registered across the 7 ERIC states. Maryland registered 31,919 new voters, of which, 26,712 voted.

List maintenance reports are expected by the end of April. These reports will include information regarding voters who have died, have moved within Maryland, as well as have moved outside of the State.

5. Candidacy and Campaign Finance

Campaign Finance

On January 16, 2013, the 2013 Annual campaign finance report was due for all political committees. The transaction period ended on January 9th. This was the first report where all political committees were required to file using the new online campaign finance system - MD CRIS. Over 78% of the political committees have filed the report.

Fundraising Prohibition

Maryland law prohibits the Governor, Lieutenant Governor, Attorney General, Comptroller and members of the General Assembly from raising or depositing campaign funds during the 90 day legislative session. The fundraising prohibition began on January 9th at noon.

Contribution Disclosure Form

On February 5, 2013, 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 greater than \$500 or a person who provides lobbyist compensation and makes campaign contribution greater than \$500, is due. The Candidacy and Campaign Finance Division received over 260 disclosure forms from qualifying person.

6. Voting Systems

Post Election Maintenance

After every election, post-election maintenance is performed on every piece of equipment used in the election, including GEMS servers, voting units and electronic pollbooks. This comprehensive maintenance process has begun and will be continuing for the next few months. Any pieces of equipment requiring repair will be either fixed in-house or will be sent to ES&S.

Voting Units Software update.

All touchscreen voting units in the State will also be receiving a minor software update over the next few months. The update is an Engineering Change Order, that has been examined by Wyle, an EAC accredited Voting Systems Test Laboratory. A corresponding update to the GEMS software will also be required. The purpose of this update is to install a digital certificate on each piece of equipment, as the previous certificate will expire in July.

Electronic Pollbook updates

The voting system team is also planning for updates to the electronic pollbooks during 2013. In addition to possible enhancements, the team has been exploring methods to implement voter registration during early-voting, as required in legislation that has been introduced (HB224.) The team has been drafting high-level functional specifications that outline the changes necessary in the pollbooks to efficiently carry-out voter registration during early voting.

7. Project Management and Information Technology

Cirdan Support Contract - Close Out

Next month the three year contract with the Cirdan Group is coming to an end. Cirdan provided project management support, staffing, including the regional managers, and voting system transportation. SBE will be using a variety of different strategies to fulfil the functions handled by Cirdan under their contract.

The regional manager services are being brought in house. Staff has completed the interview process for the Regional Manager Supervisor and six Regional Manager positions. Offers have been extended to the selected candidates. The expected start date for the seven individuals is Wednesday, February 20, 2013.

An RFP for the transportation of the voting system is nearly complete and will be issued later next month. The contract will require the vendor to haul all voting equipment to and from the polling places for each regularly scheduled election and for any special or municipal elections if required. In addition, the contract will also require the vendor to be responsible for delivering the new system and removing the old system to a storage facility.

New Laptops and Cellphones

SBE has procured seven laptops and will be procuring seven cellphones for the new regional managers. The data plans on the cellphones will have tethering included since these employees will be working remotely or at different Local Boards of Elections most of the time. Tethering is a technique in which a cellphone can be used as a wireless modem to provide Internet access to a computer or other Wi-Fi enabled device, like a tablet or laptop.

Google Apps Migration

SBE successfully migrated over to the State of Maryland's Google Apps environment on January 15, 2013. As a result, SBE is now part of the ever growing number of agencies that have already migrated (Governor's Office, Department of Information Technology, State Police, and Department of Agriculture) to Google Apps. Each staff member now has a new email address and will continue to receive emails at their old email addresses until further notice.

2012 General Election Lessons Learned

SBE is in the process of conducting a Presidential General Election lessons learned survey of SBE and local board staff. The survey is active until Thursday, January 31 after which there will be a follow-up session at a yet to be determined date and location with representatives from SBE and each local board. The expectations for this follow-up session will be to have more detailed discussions of the survey results in the several topic areas. The expected output will include a list of action items and process improvements for everyone to work on moving forward.

New Voting System

SBE is in the process of establishing the project groundwork in anticipation of initial implementation funding that will allow us to initiate the voting system project. The new voting system is slated to be deployed in time for the 2016 Presidential Election. Within the next few weeks, SBE will work with the Department of Information Technology, Department of Budget Management and others on the initial project efforts.

SBE's FY 14 budget includes \$1.2 million from Fair Campaign Financing Fund to allow SBE to begin planning for the implementation of the new system. The goal is to procure and implement the new system for use in the 2016 Presidential Election. Staff will begin certification review of new voting systems this year.

The goal is to have systems certified before the procurement begins. Early certification will be a benefit to both vendors and interest groups by putting them on notice of which systems SBE deems acceptable for certification and therefore potential contract award.

SBE and MAEO/ETC Collaboration

SBE and the Election Technology Committee (ETC) of MAEO have started an effort to more closely work together on projects and tasks that impact both SBE and the local boards. Most recently, a contingent of the ETC joined with SBE staff members in a demonstration meeting with an inventory software vendor. There is another meeting scheduled for the first week in February in order to layout goals and expectations on several areas including inventory, pollbooks, online library, and the many pertinent documented procedures.

8. Legislation

HB 17 - *Elective Franchise - Registration and Voting at Polling Places* - This bill is a Constitutional Amendment that would permit the General Assembly to establish a law to permit a person to register and vote on election day.

HB 49 - *Election Law - Petitions - Confidentiality* - This bill creates an exception to the Public Information Act by providing that a petition filed with an election authority is not subject to public inspection.

HB 73 - *Presidential Elections - Agreement Among the States to Elect the President by National Popular Vote - Repeal*

HB 137 - *Election Law - Polling Places - Proof of Identity* - This bill requires an election judge, as part of the voter check-in process, to establish the voter's identification by requiring the voter to present photo identification, a voter notification card, or the specimen ballot mailed to the voter. If the voter does not have identification, the voter is issued a provisional ballot

HB 170 - *Election Law - Early Voting Centers* - This bill provides for at least one, but not more than three early voting centers in a county that has 150,000 or fewer registered voters. Current law only permits one early voting center in those counties.

HB 196/ SB 171 - *Election Law - Special Elections - Voting by Mail* - This bill authorizes voting by mail for a special election. The bill requires the local board to establish a polling place with accessible voting equipment in the local board office or the district in which the election occurs for a specified amount of time prior to and through election day.

HB 217 - *Early Voting Access Act of 2013* - This bill increases the number of early voting centers for general elections and authorizes the county to use at least the current formula for primary elections. The bill requires early voting to begin on the second Saturday before an election and last through the Sunday immediately before election day.

HB 220 - *Voters' Rights Protection Act of 2013* - The bill authorizes the Attorney General to institute an action in a circuit court for injunctive relief to prevent election fraud.

HB 221 - *Election Law - Petitions - Prohibited Actions* - This bill prohibits a person from obtaining a signature on a petition through threat, menace or intimidation or prevent, hinder or delay a person from signing a petition.

HB 224/ SB 279 - *Election Law - Improving Access to Voting* - This bill provides for the following:

- The bill provides an exception to the voter registration closing deadline to allow a person to apply to register to vote or update an existing voter registration during early voting. The exception only applies during early voting. The applicant must provide proof of residency in order to register or update an existing voter registration.
- The bill provides several changes to the process for applying for and delivering absentee ballots. The bill allows a voter to apply for an absentee ballot via an online application process provided by SBE. The bill also extends the application deadline if the applicant requests receipt of the absentee ballot via the Internet. The bill authorizes all voters (not just military and overseas voters) to receive the ballot via fax or the Internet. Finally, the bill requires SBE to provide an optional online ballot marking tool and requires the marking tool to be certified pursuant to the applicable requirements under § 9-102 of the Election Law Article.
- The bill requires early voting to be conducted beginning the second Thursday before election day through the Thursday before election day. For all elections except the Presidential General Election, the hours for early voting will be 10 a.m. to 8 p.m. each day. The hours for the Presidential General Election will be 8 a.m. to 8 p.m. The number of early voting centers is as follows:
 - Less than 125,000 registered voters - one early voting center
 - 125,000 to 300,000 registered voters - three early voting centers
 - 300,000 to 450,000 registered voters - five early voting centers
 - Over 450,000 registered voters - eight early voting centers

HB 242 - *Election Law - Registration and Voting at Early Voting Centers* - This bill allows a person who is not registered to vote during early voting. To register, the individual must have proof of residence in the county, sign an affidavit, and have that affidavit witnessed by another registered voter. Once that process is complete, the individual may vote a provisional ballot. The provisional ballot will be accepted once the local board determines that the individual is eligible to register to vote.

HB 259 - Affiliated Business Entities - Attribution of Contributions - Currently, a contribution by a corporation is attributable to its affiliated corporation (a subsidiary or another corporation with the same ownership and control). This bill expands the attribution requirement to all business entities.

ASSISTANT ATTORNEY GENERAL'S REPORT

Assistant Attorney General Jeffrey Darsie reported that on January 22nd, the Circuit Court awarded summary judgment to the State defendants in *Canavan v. Maryland State Board of Elections*, No. 02-C-12-173637 (Circuit Court, Anne Arundel Co., Md.), dismissing the plaintiffs' challenges to Article XIX of the Maryland Constitution and to Question 7 (Expansion of Gaming Act) of the recent general election ballot. Judge Silkworth's opinion concluded that the plaintiffs' claims were barred by laches, not within the statutory time period for filing election challenges, and substantively without merit. Assistant Attorneys General Julia Doyle Bernhardt and Jeff Darsie represented the State defendants. The plaintiffs noticed an appeal to the Court of Special Appeals on January 28, 2013.

WAIVERS OF CAMPAIGN FINANCE LATE FEES

Jared DeMarinis presented the Administrator's recommendations on the late fee waiver requests for the following campaign finance committees.

1. Baltimore Teachers Union - COPE PAC, The
2. Barclay, Christopher Friends Of
3. Barlow, Gary Citizens for
4. Bramble, (Glenn) for District 1
5. Broomell, Diana Friends Of
6. Byrne, Susan Friends of
7. Campos, Will Friends For
8. Chenelly, Joe Friends to Elect
9. Cooke, Quianna M. Friends Of
10. Dawson, (Michael) Friends of
11. English, Gary T. Friends Of
12. Gangemi , Marty for Board of Ed
13. Groth, Kathryn B Friends of
14. Hubbard, James W. Friends For Delegate
15. Leight, Susan for School Board District Two
16. Miller, Eddie Committee to Elect
17. Montgomery County Democratic Central Committee
18. Repeal The Gerrymander
19. Ridenour, Wayne for WCBOE
20. Scheinin, Steven J. for Judge
21. Van Horn, Kelly Friends to Elect
22. Williams, Bryan Committee to Elect

Ms. McGuckian made a motion to approve the Administrator's recommended actions except for Barlow, Grant, Dawson and Williams, for whom Ms. MGuckian moved approval of their waiver requests. Ms. McGuckian's motion was seconded by Mr. McManus and unanimously approved by the Board. xxx

OLD BUSINESS

NEW BUSINESS

Rebecca Mules, Governor's Deputy Legislative Officer presented the Governor's bill to improve access to voting (HB 224 and SB 279). First, the bill expands early voting with the goal of addressing lines and being able to accommodate future demand as early voting becomes increasingly more popular. The bill provides increases the number of early voting locations, including adding eight early voting centers in Montgomery, Prince George's and Baltimore Counties. The bill increases days and the hours during which for early voting. Second, the bill provides an exception to the voter registration deadline by allowing individuals to apply to register to vote and vote during early voting. Finally, the bill permits the online delivery of absentee ballots to all voters – not just

military and overseas voters. Further the bill also permits a voter to submit an online request for an absentee ballot. Ms. Lamone pointed out that the online delivery was used during the Presidential General Election for utility workers who were deployed out-of-state at the last minute to assist with post Hurricane Sandy clean-up.

Ms. Mack asked whether allowing voter registration during early voting will create lines during early voting. Ms. Mules responded that while additional resources will be needed, the impact on lines will be minimized by pre-loading the names of potential registrants into the pollbook and by reducing the number of provisional ballots.

Mr. McManus asked whether there had been an analysis of the number of individuals who may be served by registration during early voting and whether there would be enough people to justify the administrative expense. Ms. Mules responded that she is aware of last minute in-state movers – especially students. Ms. Lamone also noted that this is not a new concept and is being implemented in other states.

Ms. McGuckian asked why the voter registration deadline isn't just extended in general through early voting. Mr. Goldstein responded that there is a necessity for a deadline, in terms election preparation and voting unit allocation.

In response to a question by Ms. Mack, Mr. Goldstein responded that the changes being contemplated to the pollbooks for voter registration during early voting will also provide staff the ability to make last minute updates to the pollbooks in cases where an administrative error occurs and a voter was not properly in the pollbook database.

Ms. McGuckian asked why a constitutional amendment is not required to extend the voter registration deadline through early voting. Mr. Darsie responded that he had not reviewed these issues. Mr. Goldstein stated that there is informal advice from Assistant Attorney General Brantley to Delegate Jon Cardin stating that permitting voter registration during early voting would not be inconsistent with the State Constitution.

In response to a question by Ms. Mack, Mr. Goldstein explained that the bill is only requiring the proof of residency – not voter identification. The proof of residency takes the place of the confirmation mailing in confirming the address of the voter. Ms. Charlson added that the types of proof of residency are very broad and are being currently being used to authenticate a voter who did not provide a personal identification number with their voter registration application.

Mr. Goldstein also noted that the bill permits a voter to request an absentee ballot online and extends the deadline for an online request and online delivery of an absentee ballot. The security of this process and the online voter registration process were discussed and staff stated that additional measures were being taken to address the security concern raised by the fact that the MVA identification number was based on a publicly available algorithm.

The Board considered whether to support the bill, but took no action.

Next, Mr. William Edelstein addressed the board regarding his analysis of election day lines. First, Mr. Edelstein noted several reports and his personal experience with election day lines. Mr. Edelstein went on to explain his calculations for determining the cause of lines and his conclusion that there were not enough voting units to address the demand. Ultimately, moving to an optical scan voting system which will allow address the problem because instead of being limited by the number of units, election officials can easily expand capacity through inexpensive cardboard booths. In response to a question by Mr. McManus, Mr. Edelstein pointed out that careful allocation of pollbooks was also important and would be necessary even once an optical scan system was implemented.

SCHEDULING OF NEXT MEETING

The next meeting was scheduled for February 28th at 2:00 pm.

ADJOURNMENT

Ms. Mack adjourned the meeting at 3:25 pm.