

Attendees: Bobbie Mack, Chair  
Rachel McGuckian, Member  
Chuck Thomann, Member  
Patrick Murray, Member  
Linda Lamone, Administrator  
Ross Goldstein, Deputy Administrator  
Jeffrey Darsie, Assistant Attorney General  
Nikki Charlson, Director, Election Management & Reform  
Keith Ross, Assistant Deputy for Project Management  
Rick Urps, Deputy Director, Election Management & Reform  
Shelly Holland, Director, Budget & Finance

Also Present: Barbara Sanders, League of Women Voters of Maryland  
Stan Boyd, Save Our Votes

#### **DECLARATION OF QUORUM PRESENT**

Chairman Mack called the meeting to order at 2:00 pm and declared that there was a quorum.

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

The minutes of the March 28<sup>th</sup> meeting were presented and approved by a unanimous vote of the Board.

#### **ADMINISTRATOR'S REPORT**

Ross Goldstein presented the Administrator's report.

##### **1. Meetings and Important Dates**

###### Washington Examiner Editorial

The Washington Examiner printed an editorial that was critical of the estimated costs for the implementation phase of the voting system project. While a response was not sent to the newspaper, staff did draft a memorandum to the two legislators mentioned in the editorial. The memorandum points out that the spending is necessary to comply with State mandated project management requirements and the estimated costs have been vetted by both the Department of Budget and Management and the Department of Information Technology and found to be appropriate and reasonable for the required tasks. In response to a question by Ms. McGuckian, Mr. Goldstein noted that the estimates are for one year of services provided by a vendor as opposed to salaries paid directly to an individual employee. Mr. Goldstein also noted that the estimates were based on prices quoted by vendors in the State's master consulting and technical services contract. Ms. Mack asked about total spending on the new voting system implementation. Mr. Goldstein stated that hardware and peripheral supplies would be approximately \$35 million. The services would continue at the current amount or more through the completion of the implementation of the new system. The editorial, response, and supporting documentation are all posted on SBE's website under the Press Room.

##### **2. Election Reform and Management**

###### 2012 General Election: Post-Election Voter Survey

When SBE submitted its grant application requesting funds from the Federal Voting Assistance Program, the grant proposed a partnership with the Overseas Vote Foundation (OVF) to conduct a post-election survey of military and overseas voters. OVF completed its data analysis and recently issued a final report. (A copy of the final report will be included in the board meeting folder.) Report highlights include:

- Excellent response rate: 29% of the voters who received the survey responded. OVF's response rate for its general post-election survey was 15%.
- Respondents were mostly US citizens residing outside of the US (82%), and the remaining respondents were military voters (18%). They were highly educated (31% reported having a bachelor's degree and 34% having a master's degree) and younger than the average OVF survey participant (48% were 39 years old or younger).
- Respondents provided very positive feedback on the online voter registration and absentee ballot request services (OLVR). Almost 88% of OLVR users reported that they were very satisfied (55%) or satisfied (32%) with the registration and ballot request process. The most

common suggestion was to allow online document submission and transmission, but this appears to be a comment on online ballot delivery not OLVR.

- Similar feedback was provided on the online ballot delivery system. 87% of respondents who used the online ballot delivery system reported being very satisfied (53%) or satisfied (34%) with receiving and returning a ballot. The common suggestion was to allow voted ballot to be returned electronically.

#### Voter Services Website

Since the 2012 General Election, the project team has been collecting feedback from a variety of sources. The local boards shared feedback they received from voters, the Overseas Vote Foundation conducted a post-election survey of online voter registration (OLVR) and the online ballot delivery system and shared voters' comments on the two systems, and our own internal post-election lessons learned. There is now a compiled list of future enhancements with priorities assigned to each enhancement. The project team established a quarterly software release schedule, and software releases over the next 12 months will address the majority of the enhancements.

The first software release is scheduled for May 2013. This release will focus on security enhancements (including adding fields for the four digits of the user's social security number and the date the user's driver's license or State-issued ID card was issued), and changes to improve the usability of and navigation to the voter look-up, polling place locator, and OLVR.

### **3. Voter Registration**

#### Candidacy Software Development

Development of the MDVOTERS candidacy filing module is on schedule. The most recent functional specifications have been reviewed by SBE staff and currently are in development with the The Canton Group (MDVOTERS vendor). The first software release is scheduled for mid-June and will undergo user acceptance testing. Currently, the existing system (ELECTrack) is being used and will continue to be used through the 2014 Gubernatorial Election. When the MDVOTERS system is ready, it will also be used alongside the current system for testing purposes.

#### ERIC Reports

Part of the ERIC project includes utilizing the data from the various states and other data sources (such as vital statistics and NCOA) to help the member states maintain more accurate voter registration lists. SBE received from ERIC its first set of data reports. The reports are based on outdated Maryland data from September 2012. However, they are in a usable format and are instructive on the accuracy and usefulness of the data comparison process. SBE is currently reviewing the reports.

#### Online Voter Registration (OLVR)

HB 224/ SB 279 - *Improving Access to Voting* requires online applicants for voter registration or an absentee ballot to provide their driver's license or Maryland ID Card issuance date and the last four digits of their Social Security number. In order for this new requirement to be implemented, MVA needs to make changes to the database query that confirms the authenticity of the online transactions. SBE and MVA staff has met to discuss this new requirement. SBE supplied the required specifications and MVA has confirmed its ability to complete the work this summer.

### **4. Candidacy and Campaign Finance**

#### Candidate Filing

Pursuant to State Board policy, candidates may not begin filing for an election until one year before the candidate filing deadline for that election. For the 2014 Gubernatorial Election, candidate filing began on April 9th.

In anticipation of the beginning of candidate filing, Ruth Maynard and Ebony Parran conducted webex classes for the LBEs on how to file a candidate.

As of April 22, 24 candidates have filed for office.

#### MD CRIS Training

On April 19, Jared was invited to give training on the campaign finance reporting requirements and use of the MD CRIS system to the Maryland Republican Party at its spring convention. The training covered using MD CRIS, how to file a report and a summary of the new campaign finance laws recently passed. More scheduled seminars will be occurring throughout the year.

### Complaint

The Campaign Finance Division received a complaint regarding a raffle conducted by *Supporters of Don Dwyer*. The complaint alleges that raffle tickets are being sold that exceed the per ticket limit established by State law. A letter has been sent to the committee and a response is requested within the next 30 days. Mr. DeMarinis noted that he had spoken with the committee and they are taking steps to get into compliance. They are refunding the portion of the raffle ticket that exceeds \$5 and are drafting a letter to Mr. DeMarinis outlining the rest of the steps taken to address the issue.

## **5. Voting Systems**

### Post Election Maintenance

The LBEs are conducting the post-election maintenance on all voting units and pollbooks, and will continue for the next few months. The post election maintenance process also includes the SSL certificate encryption software update to all 19,000 voting units.

### Electronic Pollbook Updates

The voting system team has continued planning and testing for updates to the electronic pollbooks during 2013. Testing has taken place with several interim releases from ES&S, and this will continue for the next few weeks. The updates are both fixes and enhancements requested by SBE.

Since voter registration during early voting will not take place until 2016, SBE will not be fully implementing the necessary updates to the pollbooks to accommodate same day registration during early voting. However, certain software changes that will be useful for 2014 election will be implemented now.

### Election Results

SBE has been working with Towson University Center for Geographical Information Systems (GIS) on hosting election results for the 2014 Elections. Initial work will be testing the number of connections the University's infrastructure can support on election night.

SBE is also performing testing of GIS software here, looking at expanding geographic information for election results.

### Municipal Elections

The Voting System team has been preparing pollbook databases for several municipal elections, including Havre de Grace, Manchester and Hampstead.

## **6. Project Management and Information Technology**

### Regional Managers

Kim, Keith, Paul, and the regional managers completed 23 of the 24 local board meet and greet visits. The visits were very productive and well received. The regional managers are fully engaged in working with their local boards in their modified roles.

### New Voting System Project

SBE continues to work on the project initiation and planning phases scheduled for the remainder of FY13 and all of FY14. Staff is starting the interview process for the 6 month contract Technical Writer resource that will help a great deal with many of the immediate documentation requirements. In addition, staff submitted to the Department of Information Technology (DoIT) for their review the Request for Proposal (RFP) for project management resources. Some of the resources are expected to be onboard by the end of this calendar year.

The New Voting System Core Project team held its project kickoff meeting this week. The Core Project team is a small team of individuals from SBE and the local boards who will be responsible for the overall governance and oversight for the project and the larger project team and their efforts.

### Information Security Consultant

SBE is in the process of hiring a Security Consultant. The Security Consultant will review and improve security controls on our systems and processes and provide assistance with refining and enhancing existing security documentation and plans. Interviews of the Security Consultant candidates is scheduled to begin in a few weeks time.

### Google Apps Migrations

Each local board is being encouraged to have at least one Google Apps account to enable the local board to participate in many of the collaboration efforts that are or will be taking place.

To assist some of the local boards with Google Apps, Keith conducted a second Google Apps training at the Caroline County Local Board of Elections. Several local boards participated in the training including Caroline, Kent, Talbot, Wicomico, and Worcester Counties. Keith is in the process of setting up additional training sessions with other local board staff members that now have maryland.gov Google Apps accounts.

### Other

- Keith and Vincent Omenka attended the monthly Information Technology Advisory Council (ITAC) meeting of all the State CIOs.
- Coordinated and facilitated the SBE Information Technology Strategy Board (ITSB).
- Keith and Vincent Omenka went to Annapolis High to speak to a group of high school 9<sup>th</sup> graders as part of Anne Arundel's Signature Program. Keith and Vincent shared with the students general information about elections, their job functions at SBE, and encouraged them in their education. Keith and Vincent have been asked to come back in May to share more with them.

## **7. Legislation**

The following are significant bills that passed this session:

### HB 1499 - Campaign Finance Reform Act of 2013

This bill is a comprehensive overhaul of campaign finance disclosure and enforcement in the State. The bill was the product resulting from the Legislative Commission on Campaign Finance Reform. Of note are:

- Increase in contribution and aggregate limits (effective for the 2018 Election Cycle);
- 48 hour reporting on Independent Expenditures;
- Closing the LLC loophole (effective for the 2018 Election Cycle);;
- Greater disclosure and reporting requirements on SuperPACs and activities by 501(c) organizations;
- The option for public financing of candidates at the county level;
- Creating Legislative Party Caucus Committee and recognizing the existence of administrative accounts;
- Granting civil citation authority to SBE on certain strict liability offenses
- Clarification on the lump sum rule for contributions;
- Increase in late fees for campaign finance reports and amended campaign finance reports;
- Title 14 (Persons doing business with the State) reform;
- Restriction on membership of slates to incumbents or active filed candidates (effective for the 2018 Election Cycle);
- 3 additional campaign finance reports including one exclusively for candidates for Central Committees in July.

### HB 224/SB 279 - Improving Access to Voting

- Effective in 2016, an individual will be able to register to vote or update an existing voter registration and then vote based on the new or changed registration during early voting;
- Early voting will be conducted from the second Thursday before the election through the Thursday before the election from 10 a.m. to 8 p.m. (except in a presidential general election in which case the hours will be 8 a.m. to 8 p.m.). The number of early voting centers is increased as follows:
  - Montgomery, Prince George's, and Baltimore Counties will all go from 5 to 8 required early voting centers;
  - Frederick and Harford Counties will all go from 1 to 3 required early voting centers;
  - All local boards will have the option of creating one additional early voting center if approved by SBE and county government.
  - The number of required early voting centers increases from 46 to 59. With the optional centers, the total number of early voting centers could be 83.

- 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 mandates several studies:
  - Study the feasibility and costs of conducting early voting through the Sunday before election day;
  - Study the issue of polling place wait times and how state and local boards can ensure wait times do not exceed either 15 or 30 minutes;
  - Additional usability testing of the ballot marking tool;
  - Security consultant review and report on online voter services.Funding was provided from the Fair Campaign Financing Fund for the purpose of completing these reports.

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 730 0 Election Law - Polling Places - Electioneering - This bill specifies that a public facility must permit electioneering consistent with the electioneering boundary requirements and that access to the facility for electioneering purposes must begin at 7pm the day before election day or the start of early voting through 8am after election day or the conclusion of early voting. The bill also specifies that a private facility may not be used for a polling place or early voting center unless the owner of the facility agrees to same electioneering requirements as the public facilities.

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

Jeffrey Darsie informed the Board that his office has recently made several legal determinations bearing on the advance determination process of the State Board for approving the sufficiency of the format of a referendum petition. Under Article XVI, § 4 of the Maryland Constitution, "each paper" of a petition to refer an Act of the General Assembly "shall contain the full text, or an accurate summary approved by the Attorney General, of the Act or part of Act petitioned." Last year, Mr. Darsie advised the State Board that this requirement most likely meant that the text or summary must be printed on the signature page itself, rather than printed on a separate paper attached to the petition page. The State Board revised its policy in accordance with that advice so that it no longer accepts as valid signature pages that contain neither the full text nor the required summary on the reverse of the signature page.

Following this year's legislative session, potential sponsors of referendum petitions on SB 281 (Firearms Safety Act) and SB 422 (Representation Fees for Public School Employees) have submitted for the State Board's approval proposed petition forms that contain either the full text or a summary of the bill as required, but in small print (8-point font) and without any formatting or spacing to assist the reader. An example was provided. The Attorney General's office has advised the State Board to reject those submissions because such forms would not serve the purpose of Article XVI, § 4, which is to "to fairly identify for the benefit of the signatories what is sought to be petitioned" and to prevent fraud. Based on these standards, the Attorney General has approved for accuracy a summary of SB 276 (Repeal of Death Penalty) and is currently reviewing a new proposed summary of SB 281 (Firearms Safety Act).

The Office of the Attorney General has also advised that HB 1107 ("Prince George's County – School System – Academic Revitalization and Management Effectiveness Initiative") is a "Public Local Law" within the meaning of Article XVI, § 3 of the Maryland Constitution. Under that section, an Act of the General Assembly that is local in operation may be referred by the Secretary of State to the voters of a single county "upon a referendum petition of ten percent of the qualified voters of the County . . . calculated upon the whole number of votes cast respectively for Governor at the last preceding gubernatorial election."

#### **PROPOSED REGULATIONS**

Nikki Charlson presented the following proposed changes to regulations.

1. 33.05.06.04 - Federal law defines when a voter who moved out of state before a presidential general election can vote in his or her former state. The proposed changes to this regulation mirror the federal requirements. For this proposed regulation to apply, the voter must have moved to another state within 30 days of a presidential general election and the deadline to register to vote in the new state must have passed. If both conditions are met, the voter can vote in Maryland, but only for the office of President and Vice President. In response to a question from Ms. Mack, Ms. Charlson noted that this situation occurred during the Presidential General Election. The voter simply sent a letter to Maryland election officials. Since this occurs so infrequently, the process request process does not need to be formalized.
2. 33.08.01 & .5 - When Regulation 33.08.01.01 was initially adopted, the State Board directed staff to move the definition of "precinct" to 33.08.05 (Post Election Verification and Audit). The proposed changes remove the definition from Regulation 33.08.01.01B(3) and add it to Regulation 33.08.05.01. At the same time, the State Board also adopted a directive instructing the local boards to select the precincts subject to the post-election verification and auditing after 8 pm on election day. The second proposed change codifies this directive.
3. 33.09.01 -.07 - Subtitle 9 currently contemplates that SBE certifies multiple voting systems and the local boards select a voting system from those certified by SBE. For example, there are references to the local boards buying or changing the voting system and requirements for "each" voting system contract. Under the current structure, the local boards do not buy or make changes to the voting system and do not have separate contracts; there is one voting system and one voting system contract. The proposed changes reflect how voting systems are currently selected, used, and managed in Maryland.

Current regulations also contemplate that State certification of a voting system occurs after the system has been federally certified and procured by the State. For example, there are provisions that define required contract and warranty provisions and require the vendor to provide implementation plans. For the procurement of the new voting system, SBE would like to certify voting systems before the procurement process begins. This enables voting system vendors to know whether their voting system is susceptible for an award and meets the statutory requirements of a voting system. The proposed changes reflect that certification will occur before the procurement process.

The specific, substantive changes to address the current and planned certification structure include the following.

- *33.09.01.02 (Scope)*: The proposed change reflects that there is one voting system for polling place voting and one voting system for absentee voting in Maryland.
- *33.09.03.01 & .02 (State Board Certification – Preliminary Submissions)*: These proposed changes allow a vendor to submit an application for a voting system that has been submitted for federal qualification testing but has not yet been certified. The vendor must anticipate that the system will be finished with federal qualification testing in the timeframe specified by the State Board.
- *33.09.03.04 & .08 (Preliminary Submission Requirements)*: As part of the certification submission, SBE needs voting equipment to test. The proposed changes require a vendor to submit voting equipment that was submitted for qualification testing and is necessary to test the system fully. Under the proposed changes, SBE will keep the equipment if the voting system is selected for use as the statewide voting system or return it if the equipment is not selected.
- *33.09.04 (Evaluation & Decision)*: Under the proposed changes, the evaluation agent must evaluate the equipment provided by the vendor, the State Administrator shall provide a public demonstration of the voting system and solicit public comments, and the effective date of certification is no longer dependent on the adoption of regulations.
- *33.09.06 (Implementation & Use)*: Under the proposed changes, the State Administrator develops a voting system implementation plan that includes a project schedule, tasks required for major IT projects, and instructions and materials for using the system, and the local boards implement the plan and provide the required funding. Election directors provide updates to the State Administrator, and the State Administrator provides updates to the State Board. A similar structure is proposed for the public education plan with the State Administrator developing a public education program, and the local boards implementing, funding, and reporting on the plan.

Another change to the certification regulations is removing a specific functionality requirement. Regulation 33.09.02.04 currently requires a voting system to have a public counter and a protective counter. The public counter shows the number of voters who cast a ballot during a defined period of time. In Maryland, the public counter is set to zero during pre-election testing. Election judges verify that this counter is zero when they open the voting units and record the number when voting ends, and the local boards use this number to reconcile voting data. A protective counter shows the total number of voters who have cast a ballot on the voting unit since it was first put in service and is not used for any verification process in Maryland.

The proposed change to 33.09.02.04 removes the protective counter requirement. The protective counter is not required by the current federal voting system standards (the public counter is), and during the last procurement, SBE learned that not all voting systems have a protective counter. SBE does not want to disqualify a voting system from certification merely because it does not have counter than we do not use and is not required under federal voting system standards.

Ms. Mack asked why the regulations no longer require the vendor to pay the consultant's fee. Ms. Charlson stated that proposed change was made to avoid the impression that evaluation was not completely independent of the vendor. Ms. McGuckian noted that it is not uncommon for vendors to directly pay for the review to have their product certified and that the State should not incur any costs for certification. Mr. Goldstein noted that even though the regulation no longer requires direct funding by the vendor, the fees will be set high enough to cover all certification related costs.

Ms. Mack also asked why the provision requiring disclosure of contributions (Election Law Article, Title 14) was removed. Mr. Goldstein responded that the requirement related to procurement and not certification. Further, under State law it is a mandatory contract provision and therefore already a requirement and included in all contracts that SBE enters into.

4. 33.11.01.01 & 33.11.02.03 – In the 2012 General Election, 774 Federal Write-in Absentee Ballots (FWAB) were rejected because the UOCAVA voters failed to submit a timely request for an absentee ballot. The information provided on the declaration accompanying the FWAB is nearly identical to information requested on the Federal Post Card Application (FPCA) or by SBE's online voter registration system, the typical ways UOCAVA voters request an absentee ballot.

The proposed change to Regulation 33.11.01.01 removes the requirement that the UOCAVA voter must submit a separate request for an absentee ballot and allows the local boards of elections to use the declaration accompanying the FWAB as a request for an absentee ballot. If this proposed change had been in effect for the 2012 General Election, most of the 774 rejected FWABs would have been accepted. (The declaration accompanying the FWAB must be timely received to be considered a request for an absentee ballot. Some of the 774 rejected FWABs may not have been timely received by the deadline to request an absentee ballot and therefore could not have been accepted and counted.)

Amending Regulation 33.11.02.03 to reference the declaration accompanying the FWAB clarifies that this declaration is an informal, written request for an absentee ballot. The declaration includes fields for the required contents for an informal, written request and can be treated as such.

Current regulations require that third parties (e.g., political parties, candidates) that mail absentee ballot request forms include the deadline for the receipt of an absentee ballot request form. This requirement was adopted to ensure that these third parties inform the recipients of their mailings of the deadline to submit the form.

Technically, the declaration form accompanying the FWAB is a third party form and as such, must include the absentee request deadline. The FWAB, however, is a federal form accepted by all 50 states, and it does not seem realistic to make this requirement apply to the Federal Voting Assistance Program (FVAP) and its FWAB. The FVAP's website and other information include Maryland's deadline for receipt of an absentee ballot application. The proposed regulation exempts the declaration accompanying the FWAB from the requirement to print the deadline to request an absentee ballot.

5. 33.11.03.08, 33.11.04.03 & 33.16.05.02 - Chapters 548 and 549 of the 2012 Legislative Session aligned the Baltimore City election cycle with the presidential election cycle. As a result, existing Baltimore City specific deadlines are no longer needed. The deadline for mailed absentee ballots and the start of the absentee 2 canvass – regardless of the election cycle – is 10 am on the 2<sup>nd</sup> Friday after an election. The proposed changes to Regulation 33.11.03.08B and 33.11.04.03A remove references to Baltimore City primary elections and align the City's calendar for canvassing ballots with all other elections.

Occasionally, the date of a provisional canvass falls on Veteran's Day, a State holiday. Because of the new gubernatorial primary election schedule, it's now possible for the date of an absentee canvass to fall on the 4<sup>th</sup> of July, another State holiday. (This occurs in the 2014 election calendar.) While we previously advised the local boards to move the start of the provisional canvass to the next business day when it falls on a State holiday, we thought it prudent to formalize this advice as a proposed COMAR change. The proposed changes to 33.11.04A(3) and 33.16.05.02 make this change. Both changes are consistent with §1-301 of the Election Law Article (Computation of time).

6. 33.15.02.05 - Precinct changes triggered by the 2010 redistricting and reapportionment process occurred at different times. Changes resulting from Congressional redistricting occurred in 2012, changes due to legislative reapportionment occurred in spring 2013, and redistricting for county council or commissioner districts and school board districts are not yet complete in some counties.

Under the current regulations, the local boards are required to send voter notification cards after each change. This means that a local board must send voter notification cards when legislative reapportionment is complete, even though the local board may be making changes to county commissioner districts a few months later. There is no flexibility to wait until the redistricting process is complete for all districts before sending the cards.

The proposed regulation allows the State Administrator to establish a schedule for mailing voter notification cards for changes triggered by redistricting and reapportionment. This provides flexibility on when the cards must be mailed and should reduce voter confusion (caused by receiving multiple cards) and mailing costs for the local boards.

7. In addition to the above changes, several technical and clarifying changes to various regulations are being made.
  - 33.10.02.14 (*Voting System – Pre-Election Testing*): This proposed change corrects an error. The deadlines to complete testing are based on election day, not “an election.”
  - 33.11.02.06 (*Absentee Ballots – Change of Name and Party*): The current regulation is silent as to whether the change of name or party affiliation on the request for an absentee ballot should be processed. The proposed change makes clear that these two changes cannot be made when voter registration is closed; only the change of address can be processed when voter registration is closed.
  - 33.15.02.05 (*Precinct Changes – Mailing of Voter Notification Cards*): This proposed change corrects an error. The general deadline to mail voter notification cards after a precinct change should be a “no later than” deadline, not an “at least” deadline.
  - 33.09.01.01 & .03, 33.09.03.02 & .05, 33.09.04.01 & .03 (*Voting System Certification – Updated Terms*): The U.S. Election Assistance Commission accredits independent testing laboratories to perform tests on voting systems. The current regulations use the phrase “independent testing authorities,” which is a term used under the prior testing program. The proposed regulations replace “independent test agency” with “independent testing laboratories.”
  - 33.09.01.05 (*Voting System Certification – Specialists*): The proposed changes reflect the types of skills and knowledge needed to review current voting systems and clarifies how these specialists are paid for their services.
  - 33.09.01.03 & .04 & 33.09.03.01 (*Voting System Certification – Correct Statutory References*): There are several incorrect references to §9-102 of the Election Law Article. The proposed changes correct these references and refer to the appropriate subsection of current law.

Ms. Charlson asked Jared DeMarinis to present the proposed campaign finance regulations.

8. 33.13.01.01 & 33.13.10.02 – .03 – In the 2012 Special Session, the General Assembly passed legislation prohibiting owners and applicants of video lottery operation licenses from making contributions. The proposed regulations clarify and codify the subsequent Attorney General’s advice on the implementation of the law. Moreover, the proposed regulations clarify existing SBE policy on expenditures made by political committees. It enumerates certain long standing policy prohibitions and sets a clear and concise standard for making expenditures to entities regulated outside of Title 13.
9. 33.13.07.01 – .06 – The proposed regulations expand the current authority line requirements to include the frequently used barcodes and application software (“apps”). Additionally, it expands the requirement on covered entities from political committees to include entities engaging in independent expenditures, electioneering communications and agents of a political committee. Finally, the regulations set a retention standard for the use of the new mediums by political committees pursuant to Election Law Article, §13-403.

Ms. McGuckian noted that the proposed regulations require SBE to post certain information on its website within 24 hours of receiving that information from a political committee. Since, the 24 hour posting requirement could fall on a weekend, Ms. McGuckian proposed changing it to the next business day.

Mr. Murray made a motion to approve the proposed regulations as presented, with the suggested change by Ms. McGuckian to require posting on the next business day instead of 24 hours. Ms. McGuckian seconded the motion and it was unanimously approved.

**WAIVERS OF CAMPAIGN FINANCE LATE FEES**

Jared DeMarinis presented the following requests for waiver of campaign finance reporting late fees.

1. Anderson, Liz Friends Of	21. Foster, Robert Jr. For Sheriff	41. McCrimmon, Penny Friends Of	61. Showe, Stephen M. Friends of
2. Beeler, Charles "Buzz" For County Council	22. Frisch, Bob Friends of	42. McKinley, Bill Citizens for	62. Smallwood, David Maurice Committee to Elect.
3. Blacks and Latinos for Mitt Romney PAC	23. Glass, Glen Friends of	43. Mwalimu, Shaihi for Party Central	63. Sneed, Shannon Citizens For
4. Bob Peck for Sheriff	24. Greenway, Candy Friends of	44. Newcomb, Jim Citizens for	64. Stanley, Patrice Friends Of
5. Bodway, Steven Sheriff Citizens To Elect	25. Griffiths, (Michael) Friends of	45. Ngwala, Nakia Friends of	65. Starkman, Moshe For Republican Central Committee
6. Boschert, (David) 2010 Committee	26. Groves, Athena Malloy Friends Of	46. North County Dem for Progress Slate	66. Taylor, Tom Friends for
7. Bradshaw, Thomas Crisfield Committee To Elect	27. Hadfield, Jordan Friends Of	47. Pearson, (Michael) People for	67. Thomas, Lindsey for Marylanders
8. Brown, Tamara Davis For Prince George's County	28. Hadley, Nicholas Committee to Elect	48. Pollitt, Rick's Friends	68. Thompson, Jim For Commissioner
9. Busick, Linda Citizens for	29. Hall, Greg Friends of	49. Post, Trisha Friends of	69. Timberman, Tom for K.C. Den Cen Committee
10. Chiropractic PAC MD	30. Harvey, Ronald for County Executive	50. Potomac Edison PAC	70. Tucker, Tommy Friends of
11. Cole, David C. For BOE	31. Hodges, Dee Citizens For	51. Potomac Electric Power Company PAC, Maryland	71. United Together Slate
12. Cole, John Election Committee	32. Hughes, Mark E. Friends Of	52. Present Truth for a Just America PAC	72. Veterinary PAC MD
13. Craig, Amy J. for Clerk of the Circuit Court	33. Hulburd, Bob Friends of	53. Progressive Leaders for South County Slate	73. Votes For Animals PAC, MD
14. Cromwell, (John) In The 7th, Friends Of	34. Jalisi, (Hasan) Friends of	54. Reg Avery, Friends of	74. Wagner, Becky Friends Of
15. Datt, Neeta Friends of	35. Johnson, Tricia Friends Of	55. Riley, Anita Friends Of	75. Washington Suburban Master Plumbers PAC
16. District 14 Victory Committee PAC	36. Kelly, Candice Quinn Elect	56. Robison, Eric Friends to Elect	76. Weems, Steven Citizens For
17. Duckett. Judith L. Friends of	37. Kennedy, Darlene Friends Of	57. Rolley, Otis Friends of	77. Welch, Lisa Thayer for State's Attorney
18. Edwards, George C. Friends For Committee	38. Lorton, Kyle Friends Of	58. Santoni, Bob Friends of	78. Wiggins, David Anthony Citizens For
19. Eifenbein, Ron Friends Of	39. Lukas, Mike Citizens For	59. Shepherd, Arthur Citizens For	79. Wimbish, Rhonda Friends Of
20. Fogleman, Steve Friends Of	40. Maryland Outdoor Enthusiast PAC	60. Short, William for Kent County	80. Yarema, Brenda Citizens For

Mr. Murray asked to set aside the waiver request for *Friends of Glen Glass* until Mr. DeMarinis has an opportunity to check whether Delegate Glass, who is also the chairman of the committee, was absent from the General Assembly on the day the report was due.

Rachel McGuckian made a motion to approve all of the waiver requests except for the *Friends of Glen Glass*, which was seconded by Mr. Murray. The motion was unanimously approved.

#### **APPROVAL OF PROPOSED CHANGE TO BYLAWS**

Mr. Goldstein presented a proposed change to the bylaws to help expedite the approval and posting of minutes and clarify the requirements for closed meeting minutes. Currently it takes until the next month's meeting for minutes to be approved and then posted. If a meeting is missed the time until approval and posting is even further delayed. The proposed changes require the Administrator to send the minutes to the Board members within 5 business days after the meeting. All members will have two business days to review the minutes and note changes or corrections. After the two business days, the Chairman is granted the authority to approve the minutes on behalf of the board.

The current bylaws require a separate sealed set of closed meeting minutes and for those closed meeting minutes to be approved at the next closed meeting. The proposed change provides that closed meeting minutes, which shall include a summary of the meeting, a list of attendees, and action taken, can be included in either the open meeting minutes or in a separate sealed document (if they are in a separate sealed document, a summary must still be provided in the open meeting minutes). The closed meeting minutes will be approved in the same manner as provided for the open meeting minutes.

Mr. Thomann made a motion to approve the proposed bylaws change which was seconded by Ms. McGuckian. The motion was unanimously approved.

#### **OLD BUSINESS**

There was no old business.

#### **NEW BUSINESS**

Pursuant to § 4.2B4 of the Bylaws, Patrick Murray informed the Board that he made a contribution to the campaign committee for Gregg Bernstein.

#### **SCHEDULING OF NEXT MEETING**

The next meeting was scheduled for April 25<sup>th</sup> at 2:00 pm.

#### **ADJOURNMENT**

Ms. Mack adjourned the meeting at 3:15 pm.