

State of Maryland 

State Board of Elections Meeting – January 23, 2014

Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Rachel McGuckian, Member
Patrick Murray, Member
Chuck Thomann, Member
Linda H. Lamone, State Administrator
Jeffrey Darsie, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Keith Ross, Assistant Deputy for Project Management
Shelly Holland, Budget and Finance Director
Mary Wagner, Director, Voter Registration
Jared DeMarinis, Director, Candidacy and Campaign Finance
Sarah Hilton, incoming Director of Election Reform and Management
Paul Aumayr, Director, Voting Systems
Stacey Johnson, Project Manager, Voter Registration System
Vincent Omenka, Information Technology Director
Tom Feehan, Senior Project Manager, New Voting System Implementation
John Clark, Functional Project Manager, New Voting System Implementation

Also Present: Anthony Gutierrez, Election Director, Wicomico County Board of Elections
Jeri Cooke, Wicomico County Board of Elections
Mary Ann Keffe, President, Montgomery County Board of Elections
Margaret Jurgensen, Montgomery County Board of Elections
Kevin Keene, Director, Harford County Board of Elections
Dale Livingston, Deputy Director, Harford County Board of Elections
Joseph Torre, Director, Anne Arundel County Board of Elections
David Garreis, Deputy Director, Anne Arundel County Board of Elections
Guy Mickley, Election Director, Howard County Board of Elections
Tracy Dickerson, Election Director, Charles County Board of Elections
Armstead Jones, Election Director, Baltimore City Board of Elections
Abigail Goldman, Deputy Director, Baltimore City Board of Elections
Sandi Logan, Election Director, Caroline County Board of Elections
Allison Murphy, Caroline County Board of Elections
Stuart Harvey, Election Director, Frederick County Board of Elections
Deborah Towery, Election Director, Cecil County Board of Elections
Lora Walters, Deputy Director, Cecil County Board of Elections
Cheemoandia Blake, Election Director, Kent County Board of Elections
Ralph Watkins, League of Women Voters
Rebecca Wilson, SAVE Our Votes
Lynn Garland
Glinys Kazanjian, MarylandReporter.com

DECLARATION OF QUORUM PRESENT

Ms. Mack called the meeting to order at 3:25 pm and declared that there was a quorum.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES

The minutes from the December meeting had been approved by the Chair in advance of the meeting and posted on SBE's website. Ms. Charlson presented corrected minutes from the December meeting. Mr. Thomann made a motion to approve the corrected minutes, and Mr. Murray seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

1. Announcements & Important Meetings

Welcome

Ms. Charlson introduced Andrew Levy and Kevin Docherty of Brown Goldstein Levy. Mr. Levy and Mr. Docherty are representing the State Administrator in the litigation related to the guidance about fundraising during the legislative session.

Ms. Charlson also introduced Sarah Hilton as the new Election Reform and Management Director. Sarah comes to SBE from a private law firm and before that, the American Bar Association (ABA). During her eight years at the ABA, she was a project coordinator for outreach and education projects and drafted various publications. Her communications background and strong writing skills will greatly benefit SBE. Sarah's start date is January 29, 2014, but she attended the legislative briefing in the Senate and the State Board meeting.

Governor's Budget

The Governor released the State's Fiscal Year 2015 budget on January 15th. SBE's total budget is \$14.4 million. The budget includes \$4.1 million for the New Voting System Project. There are no costs associated with the procurement of the new voting system equipment and hardware, as these costs as expected in the Fiscal Year 2016 budget.

Joint Chairmen's Report (JCR)

In the 2013 JCR, the General Assembly withheld \$25,000 of SBE's budget until SBE submitted a report addressing security concerns with the online voter registration and ballot request system. SBE submitted a timely report (a copy of which was provided at the meeting), and the General Assembly released the \$25,000.

Election Directors' Meeting

On January 16th, SBE hosted an Election Directors' meeting. The four legislatively required reports, SBE's Fiscal Year 2015 budget, updates to the new electronic pollbook software, and the new voting system implementation were discussed. A meeting summary was provided at the meeting.

Legislative Briefings

On January 23rd, the Senate's Education, Health, and Environmental Affairs Committee requested a briefing on various election-related issues. In addition to updating the committee on SBE's pre-election activities and enhancements, Ms. Lamone briefed the members on the status of the new voting system implementation and the four interim studies and reports. The team leads from the University of Baltimore attended the briefing and provided a summary of their reports. The House Ways and Means Committee has asked for a similar briefing, and that briefing is scheduled for 11 am on January, 29, 2014.

Conference

Mr. DeMarinis attended the Council on Governmental Ethics (COGEL) conference in Quebec City from December 7th – 11th. The organization is comprised of campaign finance and ethics

regulators throughout the United States and Canada. It was well attended and very informative.

2. **Election Reform and Management**

Reports Required by the General Assembly

Chapters 157 and 158 of the 2013 Legislative Session required SBE to conduct four studies and submit reports.

Online Voter Registration and Online Ballot Delivery Systems - Security Assessment

As previously reported, SBE contracted with Unatek, Inc. to perform the required security assessment. Charles Iheagwara, Unatek's Managing Director, led the team as they performed a vulnerability assessment and penetration testing on the online voter registration system and online ballot delivery system. In the final report, the team concluded that the systems and the "underlying network system infrastructure are resilient and that reasonable security controls have been put in place." Vince Omenka, Stacey Johnson, and Chere' Evans worked diligently to coordinate this contract and monitor the system during the numerous tests. A copy of the report was provided at the meeting.

Online Ballot Delivery System - Usability and Accessibility Review

This study was led by Kathryn Summers, Ph.D. of the University of Baltimore. Because UB conducted two rounds of testing, the development team of Chere' Evans and Kenway Chen made changes as recommendations were made. This process meant that the updated version of the software could be tested. All of the usability issues identified in the first round of testing have been implemented, and there are 13 issues from the second round that have not been implemented. Of the 13 issues, only 1 issue was deemed "high," and it involves voters who use AOL as their Internet browser. The team recommends a non-technical solution for these voters, and SBE can implement the recommendation for the 2014 elections. The remaining issues - all deemed "low" - will be reviewed, and those that can be implemented for the 2014 elections will be. A copy of the report was provided at the meeting.

Extending Early Voting to Sunday Before Election Day

This study was lead by John T. Willis of University of Baltimore, and Bob Murphy, SBE's former electronic pollbook manager, served on the research team. The research team analyzed the options and administrative requirements for extending early voting to the Sunday before election day.

Based on interviews with State and local election officials, the research team offered the following options: (1) a statewide IT network would be required to maintain the security, integrity and accuracy of the voter registration lists; (2) provide printed lists of voters who voted during early voting or were issued a late absentee ballot and have the election judges refer to the printed list during the check-in process; (3) offer in person absentee voting at the offices of the local boards of elections on the Sunday before the election; or (4) wait to see the effect of the recent expansion of early voting (number of days and locations).

Wait Times

The research team that conducted the early voting study also conducted a review of maximum wait times and detailed analysis of voting equipment and staffing practices used by the local boards of elections, and identified the fiscal costs of implementing additional equipment and staff. The team surveyed voters who voted during early voting (random

sample) and voters who voted at precincts with reported long lines or the most populous precincts and interviewed local election officials. Using this information, the team developed a model to determine estimated wait times once certain variables (number of voters, amount of equipment, etc.) are entered. The team provided suggestions about equipment allocation, ballot length, facilities, voter education efforts, and line management strategies that policymakers and election officials can consider for future elections.

The required reports were combined into one report. An electronic copy of the combined report was provided at the meeting.

HAVA's Administrative Complaint Process

As previously reported, SBE received two administrative complaints about the residency of two Harford County voters. Hearings were held in October and November 2013, and in December, Judy Arnold, SBE's designee for these complaints, issued a final determination. A copy of the final determination was provided at the meeting.

In her ruling, she determined that the two voters do not reside where they registered to vote and ordered the Harford County Board of Elections to change their residence addresses in the voter registration system and SBE to refer the matter to the Office of the State Prosecutor. The Harford County Board of Elections and SBE have complied with the order.

In late December, the affected voters filed in the Anne Arundel County Circuit Court a request for judicial review of the final determination and a request for an expedited hearing. A copy of the filing was provided at the meeting.

Election Judges' Manual

All of the chapters for the Election Judges' Manual and Early Voting Manual have been released to the local boards of elections for local modifications. Rick Urps is reviewing all chapters submitted by the local boards.

Election Preparedness and Professional Development Program

Two Election Preparedness and Professional Development classes will be presented at the upcoming Maryland Association of Election Officials (MAEO) Conference scheduled for March 26th and 27th in Ocean City. Alyssa Fieo of the Maryland Disability Law Center has agreed to develop a presentation on voting accessibility. The other topic is to be determined by SBE.

3. Voter Registration

MDVOTERS Release

A new release of MDVOTERS was implemented on January 18th. This release included improvements to flex labels and allows for the electronic delivery of absentee ballot applications. The next and final software release before the primary election is April.

Electronic Registration Information Center (ERIC)

New reports will be received in February. While the District of Columbia joined ERIC in January, they are still in the testing phase. The participating states will start to receive DC's information in March.

Maryland Association of Election Officials (MAEO) Standards Committee

MAEO is forming a standards committee to review all aspects of MDVOTERS. The goal is to develop statewide uniform standards to assist the local boards with their audit process.

Janet Smith and Ms. Wagner will be members of this committee. The first meeting is scheduled January 28th.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of January 17th, 315 candidates have filed to appear on the 2014 Gubernatorial ballot. The deadline to file a certificate of candidacy and a declaration of intent is 9 pm on February 25, 2014.

Later in January, the CCF Division will send to all candidates that filed for office in 2013 postcards reminding them of the requirement to file no later than February 27, 2014, a financial disclosure statement. The financial disclosure statement covers the period from January 1, 2013, to December 31, 2013. A candidate that fails to file the report by the deadline may be removed from the ballot.

Campaign Finance

On January 15, 2014, the 2014 annual campaign finance report was due for all political committees. The transaction period ended on January 8th. Over 88% of the political committees filed timely reports. The remaining political committees are being assessed a daily late fee penalty of \$10 per day up to \$250.

The fundraising prohibition began on January 8th at 12 noon for all current office holders. The Governor, Lieutenant Governor, Attorney General, Comptroller and members of the General Assembly are prohibited from raising or depositing funds. On December 19th, guidance was issued for inclusion in the Summary Guide clarifying the scope and coverage of the statute.

On December 20th, guidance was issued regarding the contribution limits for a registered political action committee that makes exclusively independent expenditures, also known as “Super PACs.” Based upon recent decisions by the U.S. Supreme Court and other lower courts, the contribution limits are not applicable to those entities.

On February 5th, 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.

On December 4th, the Board of Public Works approved a contract modification with PCC Technology to modify MD CRIS to implement the legislative changes in HB 1499 (Campaign Finance Reform Act of 2013). This includes a new enforcement and auditing module and a new electronic filing program for Title 14 filers.

Throughout December, Mr. DeMarinis and PCC developed and implemented a new filing system for gubernatorial ticket candidates accepting public financing. Delegate Mizeur and Mr. Coates are the first candidates to accept public financing in nearly 20 years. The

campaign submitted its first matching fund request report on January 7, 2014. The candidates have requested and SBE has disbursed about \$300,000 in public financing.

Trainings/Seminars

On January 28th, Mr. DeMarinis and Will Colquhoun of the State Ethics Commission will conduct a lobbyist training seminar with a focus on filing the Title 14 Contribution Disclosure Form. The seminar focused on the requirements of the current law as well as the changes effective in January 2015. This training was originally scheduled for January 21st but was postponed because of the weather.

On November 19th and December 17th, Mr. DeMarinis held WebEx compliance seminars on using MD CRIS and how to file a campaign finance report. Over 25 people attended.

Enforcement

On January 17th, 4 committees were charged in Anne Arundel County District Court for failing to file 2010 and 2011 campaign finance reports. The committees were: Friends of Shanetta Oliver, Committee to Elect Brian “BMore” Brown, Jeffrey Hedrick 2010, and Citizens for Julius Shern.

5. Project Management Office

The Project Management Office (PMO) continues to work on several initiatives. Highlights include:

Overall

SBE’s PMO started the detailed project planning for the 2014 election cycle. This includes developing the 2014 master schedule and coordinating the call center support, SBE’s helpdesk functionality, and many other election cycle deliverables and tasks.

New Voting System Replacement (NVSR) Project

SBE’s PMO, the Voting System Division, and the contract project team have been actively working on several aspects of the project, including the System Development Life Cycle (SDLC) documentation development, risk and issue development and management, and project scheduling. The project team is also reviewing the Attorney General’s opinion (98 OAG 152) concerning the “segregated ballot” and its impact on the project. A copy of the Attorney General’s Opinion was provided at the meeting.

There were two updates to the contract personnel resources. First, Pete Pollinger, the Functional Project Manager, had to temporarily leave the project to fulfill another project’s requirements. To cover the time until his return (one – three months), the vendor offered and SBE accepted a replacement resource – John Clark. Mr. Clark worked for SBE as the Voter Registration Project Manager for several years, until he retired in 2011. His familiarity with SBE and the Maryland election community helps mitigate the impact of this change of personnel. Second, the agreement for Ramon McGee, the technical writer, was finalized and started on December 4, 2013. The agreement ends on April 30, 2014.

For future contract personnel resources, several master contractors submitted responses to the project resources Task Order Request for Proposal (TORFP) by the January 15th deadline. SBE will schedule and conduct orals and interviews for the project resources and hope to have these additional resources start in mid-March.

SBE successfully executed and concluded the five workgroup sessions. From these sessions, SBE was able to address and refine many requirements and issues from several major areas (*e.g.*, ballot, voting system, and election judges) that impact the project. On December 17th, a summary presentation of the workgroup sessions was made to SBE and LBE management.

Other

Mr. Ross and Mr. Omenka attended the first annual Maryland Google Apps Summit on January 16th. The all day summit covered many topics related to Maryland's Google Apps, and a number of Maryland agencies were represented. The summit had two tracks - one for Google Apps administrators and another for helpdesk personnel. Two vendors, govdelivery and Smartsheets, presented their systems. SBE presently uses the Smartsheets task and project management system and hopes in the future to use the services of govdelivery. The summit met if not exceeded the expectations of those in attendance.

SBE accepted the volunteer services of Linda Yeinger, an intern with the University of Maryland, College Park's Legacy Leadership Institute. The Institute is a program that identifies and trains individuals who are retired and interested in volunteering with State government. Most interns serve with elected officials during the General Assembly session, and others ask to be assigned to a State agency. Ms. Yeinger will work with SBE two days a week until the session closes in April.

6. **Voting Systems**

Electronic Pollbooks

Testing of the new electronic pollbook software is complete. This was conducted with SBE (including the Regional Managers) and the local boards. The team is currently assembling installation packages, including software and instructions, for delivery to the local boards. Installation will begin next week, and it is anticipated that this will take place over the next six weeks. Changes will be made to the *Conducting the Election Guide* and election judges' documentation to reflect the new software.

SBE procured approximately 350 additional electronic pollbooks for the 2014 elections and beyond. These are necessary due to the expansion of early voting, and additional precincts added to several jurisdictions. These pollbooks are currently being accepted tested.

Early Voting Centers

SBE is procuring the necessary equipment for the new early voting centers. In addition to the pollbooks, network equipment, such as 4g modems and VPN routers, are required. These are currently being configured at SBE.

Pre-Election Survey

The Regional Managers have been working with their local boards to complete the pre-election survey. Each local board completes this survey prior to every election or election cycle. This detailed survey ensures that SBE has up to date information on every local board. This information includes which staff members will be responsible for specific election activities, temporary staff requirements, key dates such as logic and accuracy testing, current inventory of ancillary items (paper rolls, tamper tape, voter access cards and the like) and training requirements.

7. Information Technology

New Inbox/Outbox Implementation

SBE will launch a more secure centralized Inbox/Outbox solution on January 22nd. This new solution will enhance the encryption of all files or documents that SBE and the local boards share with each other.

Maryland State WebCom Meeting

At the last State Web Community meeting, Natasha Walker shared her experiences with the deployment of the new Maryland State web page template utilizing the Dreamweaver application. Attendees were impressed with her presentation and asked if they could reach out to her in the future if they had any follow up questions or issues.

Relocation of the Prince George's County Board of Elections

On January 2nd, the Prince George's County Board of Elections office moved to a new location. SBE and NetworkMaryland assisted with the installation and relocation of the required telecommunication line and networking devices installations and configuration. They have since been successfully communicating with SBE via the installed line and devices.

New Electrack Patch released

A new patch for the Electrack application was released on January 16th. This patch changes the error message displayed for locked candidate records, removes the fax number field from the Certificate of Candidacy, adds social media fields to the Certificate of Candidacy, and requires only the ID and Statement of Organization check boxes when filing non-principal and petition candidates. Currently, if any boxes are left unchecked, the Statement of Incomplete Candidate Filing opens. After the patch, that report will only display if either ID or Statement of Organization are left unchecked.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie presented the following report:

On December 18, 2013, the Attorney General issued a formal Opinion regarding the meaning of § 9-102(f)(1) of the Election Law Article, Md. Code Ann., which requires that a certified voting system must provide equal access to voters with and without disabilities and without creating a “segregated ballot” for voters with disabilities. 98 Opinions of the Attorney General 152 (2013). The Opinion concludes that the General Assembly included the prohibition against a “segregated ballot” to ensure that votes cast by voters with disabilities could not be identified as such during or after an election. The Opinion further concludes that, if this objective could be achieved in part by adopting procedures to ensure that “accessible” voting machines are used by disabled and non-disabled voters alike, then SBE could certify an accessible voting system under the statute even if the ballots it created were distinguishable from other ballots.

APPROVAL OF LBE BY-LAWS

Ms. Charlson presented a recent by-law change adopted by the Montgomery County Board of Elections. The Montgomery County Board of Elections adopted an amendment that allows substitute members to make and second motions. This change mirrors the draft by-laws distributed by SBE. Ms. McGuckian made a motion to accept the by-law change, and Mr. McManus seconded the motion. The motion passed unanimously.

PROPOSED SALARY INCREASE – ELECTION DIRECTORS AND DEPUTY DIRECTORS

Ms. Charlson stated that in December, she emailed the members of the State Board about MAEO's Personnel Committee's proposed salary increase for election directors and deputy directors in the State's personnel system, and the Board requested that the proposal be discussed at the next meeting. Ms. Charlson presented MAEO's salary proposal - a 3 grade increase equaling about 12%, retroactive to July 1, 2013. This proposal will not affect the positions' status as "skilled service." She noted that, since the date of the original memo, the Cecil County Board of Elections created a Deputy Director position, and the new position will be covered under any action taken by the members of the State Board.

Ms. McGuckian asked whether all of the affected election directors and deputy directors agree with this proposal and whether each affected local board has funding in the current budget to pay for the increases. Mr. Mickley, the Election Director for the Howard County Board of Elections and Chair of MAEO's Personnel Committee, stated that the proposed salary increase has been discussed for many years and all affected local boards were told to put funds in each fiscal year's budget. He did not know whether all affected local boards had budgeted for this increase. The Board members stated that their concerns did not mean that the election directors and deputy directors were not deserving of a salary increase, but they would like additional information. Mr. Mickley agreed to survey the local boards on whether they approve the proposed salary increase and if so, whether the funds for the salary increase (including retroactive to July 1, 2013) were approved by each county in the current fiscal year's budget. At the Board's request, Mr. Mickley further agreed to provide the Board with written approvals from each local board as well as each affected county in advance on the next meeting. Mr. Mickley agreed to do so.

Ms. McGuckian made a motion to table the proposed salary increase until the Board received written approvals from local boards and counties, and Mr. McManus seconded the motion. The motion passed unanimously.

APPROVAL OF EARLY VOTING CENTER

Mr. Aumayr presented an early voting center for Baltimore City, their sixth and final early voting center. The proposed location is at the University of Maryland Baltimore at the campus center. The proposed center meets all of the requirements. The City of Baltimore agreed to pay for 50 parking spots in the adjacent parking garage.

Mr. McManus made a motion to accept the sixth early voting center in Baltimore City, and Mr. Murray seconded the motion. The motion passed unanimously.

LEGISLATION – APPROVAL TO SUPPORT

Ms. Charlson presented Senate Bill 15 and House Bill 212 for approval to support the legislation. The legislation would require the Social Security Administration to provide quarterly reports of the names and residence addresses of the Maryland residents who are at least 16 years old and reported as deceased. The sponsors of Senate Bill 15 will be offering amendments to conform with House Bill 212.

Currently, the local boards of elections send to the family of a deceased voter a letter requesting confirmation of the voter's death. This legislation would authorize an elected official to cancel the voter registration record of a voter who has reported a death without confirmation from the voter's family.

Mr. Darsie raised a concern about how the legislation was drafted. Mr. McManus made a motion to support this legislation and authorize Mr. Darsie to offer amendments or suggestions, and Mr. Murray seconded the motion. The motion passed unanimously.

APPROVAL OF ABSENTEE VOTING FORMS

Ms. Charlson presented the oath signed by voters who vote by absentee ballot. One of the oaths is for domestic, civilian voters, and the other oath is for military voters and voters who reside outside of the United States. Under the federal Help America Vote Act, the Federal Voting Assistance Program defines the oath for military voters and voters who reside outside of the United States. This oath is printed on the back of the envelope used to return the absentee ballot or provided with the ballot if the voter receives the ballot electronically.

Ms. McGuckian made a motion to approve the oaths for absentee voters, and Mr. Murray seconded the motion. The motion passed unanimously.

ADOPTION OF PROPOSED REGULATIONS

Mr. DeMarinis presented proposed regulations for Subtitle 14 – Administration of Public Financing Act. The proposed changes include:

1. Necessary changes that were identified during the current disbursement of public funds. These changes include provisions on the process for a candidate who used public funds in the primary election to decline public financing in the general election, the schedule to disburse funds, and the information required in each request for funds.
2. Establish that expenditures by a State or local central committee coordinated with a candidate are in-kind contributions and subject to contribution limitations.
3. Establish civil penalties for various campaign finance related violations, establish that failure to maintain contribution records deems those contributions as contributions from an anonymous source, define the required contents for a civil citation, and establish that the fines can be paid by the campaign finance entity.

Mr. DeMarinis explained that incremental fines are of different amounts to reflect the differences in the types of violations – administrative and violations made by new committees or committees with few resources to serious violations. The civil penalties were authorized in House Bill 1499, and if a campaign finance entity does not have sufficient funds to pay the penalty, the chair and treasurer of the committee are personally responsible. In response to questions, Mr. DeMarinis explained that a candidate requesting public financing does not receive funds if the candidate does not file the required request for funds.

Mr. McManus made a motion to submit the proposed regulations for publication and public comment, and Mr. Murray seconded the motion. The motion passed unanimously.

FAIR CAMPAIGN FINANCING FUND – CERTIFICATION OF EXPENDITURE LIMIT

Mr. DeMarinis explained the handout with public financing calculations for the 2014 Gubernatorial Elections. The expenditure limit is based on the population of the State, the expenditure per Maryland resident, and the adjusted inflation rate.

The maximum expenditure limit for the 2014 elections is \$2,586,124.21. Each candidate receiving public financing must raise \$258,612.42 from eligible private contributions. The seed money is 10% of the expenditure limit.

In the contested primary election, the formula is \$1 in public funds for every \$1 in eligible private contributions. A candidate in a contested primary election can receive no more than \$1,263,062.10. In the general election, a candidate is eligible to receive a grant up the expenditure limit.

Ms. McGuckian made a motion to certify the expenditure limit for candidates receiving public financing in the 2014 election cycle, and Mr. McManus seconded the motion. The motion passed unanimously.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

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

1. Aughenbaugh, David A. Citizens To Elect
2. Baltimore County Victory Slate
3. Beaston, Jack Campaign Fund
4. Becker, Sherrie Friends of
5. Bengali, Zakir for BOE, Citizens for Dr.
6. Bernstein, (Neil) for Register of Wills
7. Beverley Goffin, Cassandra Citizens To Elect
8. Bolden, DeCorsey Friends Of
9. Bruce, Dawn Friends Of
10. Burkhardt, Doug Friends of
11. Carmichael, Nora Citizens For
12. Childs, Angela Friends of
13. Coca-Cola Refreshments USA, Inc. for Good Government PAC, MD
14. Corley, Rob Friends To Elect
15. DiBiasio, Scott Friends of
16. Eastridge, (Christopher) Campaign to Re-Elect
17. Frampton, (Ronald) for Judge
18. George Abner for Board of Education
19. Gordon, Jack Citizens To Elect Dr.
20. Goslee, David Jr. Campaign Fund
21. Greater Capital Area Political Action Committee
22. Green, Teena Friends Of
23. Gulyas, Louise L. Friends of
24. Hohman, Ryan Citizens for
25. Holton, Helen Citizens For
26. Jones, Ronnie Citizens For
27. Koutsoutis, Socrates Friends Of
28. Kratovil , Frank M. Jr. Friends Of
29. Lane, Joe For Commissioner
30. Matko, Anna K. Friends of
31. MD/DC-National Assoc. Of Industrial and Office Propert. PAC
32. Miller, John (Jack) for County Commissioner
33. Mills, Dustin for Marylanders
34. Moving Prince George's County Forward Slate
35. MSEA's Fund For Children And Public Education PAC
36. Muir, Keith Committee to Elect
37. Pelagatti, Thomas M. Citizens for
38. Prince George's County Democratic Central Committee
39. Riemer, Hans Friends of
40. Scott, Jackie Friends of
41. Speigner, Terry Friends of
42. Tome, Wayne L. Citizens to Elect
43. Vaillancourt, Cynthia for Board of Education
44. Vohra, Arvin for Maryland
45. Wade, Donald Friends of
46. Ward, Keith For Register Of Wills

Mr. Thomann made a motion to grant the waiver requests, and Mr. McManus seconded the motion. The motion passed unanimously.

APPROVAL OF REQUESTS FOR CONFIDENTIALITY

Mr. DeMarinis presented four requests for confidentiality from registered voters. Three of the individuals requesting confidentiality are sitting judges, while the fourth voter is a candidate judge. There was a motion to approve the requests for confidentiality for the three voters who are sitting judges, and the motion passed unanimously.

ADMINISTRATIVE CLOSURE

Mr. DeMarinis presented two campaign finance entities for administrative closure. The first entity is Friends of Chris Taylor, a committee related to the 2011 Baltimore City election. Remaining campaign funds were donated, and the account has no balance. The second entity is The Eighth District Slate created in 2002. A slate member and the entity's treasurer were previously sentenced and incarcerated.

Ms. McGuckian made a motion to administratively close these accounts, and Mr. McManus seconded the motion. The motion passed unanimously.

FUNDRAISING DURING SESSION

Mr. McManus asked for information about the process of issuing the guidance about fundraising during session. Mr. DeMarinis stated that he received press inquiries and questions from the Brown/Ulman campaign about the ability of a non-covered candidate to fundraise during session starting in the summer of 2013, and board staff discussed the issue with the Board's attorney immediately following the close of the board meeting in November 2013. Ms. McGuckian expressed concern that this was not raised at the board meeting or earlier and that staff did not consult with the Board despite that this was a known issue and despite that staff had the opportunity to do so.

Mr. DeMarinis explained that when it became clear that more than one gubernatorial campaign could be affected, board staff determined that general guidance – instead of individual advice – was needed. This follows the recommendation of the legislative committee that studied campaign finance issues, which encouraged the publication of advice.

Mr. DeMarinis explained that a potential conflict of interest for the Attorney General was identified by board staff in November 2013. Mr. Darsie explained that he was not asked to provide advice on this issue and did not provide any advice. He was asked by staff to request outside counsel and relayed that request. The names of four outside lawyers were given to board staff by the Attorney General's office. None of the lawyer contacted agreed to provide an opinion. Board staff acknowledge that they did not attempt to either contact other private lawyers or consult with the Board prior to December 19, 2013.

Mr. DeMarinis further explained that the Director of Candidacy and Campaign Finance is charged with issuing the Summary Guide which provides the public and candidates with information about campaign finance compliance. While neither he nor his predecessors seek board approval on these types of matters, Mr. DeMarinis notified the State Board members of the advice before it was released. It was noted by the Board that the "advance notice" was only a matter of hours, and that they received the guidance the same day it was issued. Mr. McManus stated that because of the unusual circumstances, the State Board members could have assisted with the advice and finding counsel to review it before it was released. Ms. Mack stated that she would defer to the State Administrator to find counsel, and Mr. DeMarinis stated that the State Prosecutor agreed with the activities listed in the guidance that would be considered violations. Mr. DeMarinis acknowledged that the State Prosecutor declined to offer an opinion on the interpretation of the

statute, but rather assumed that accuracy of the guidance for purposes of his review and comment.

Ms. McGuckian discussed a possible by-laws change requiring that the State Board members be advised of any advice that will be issued that has not been reviewed by the Attorney General's Office. In response to a question, Mr. DeMarinis explained that the guidance was based on over 40 years of prior opinions and advice from the Attorney General's office and the legislative history of the statute. Mr. McManus express concern that the statute did not prohibit uncovered officials from "cooperating and coordinating" with covered officials, so that SBE did not have the authority to regulate those activities.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Rebecca Wilson of Save Our Votes asked to address the State Board. She stated that a secret ballot is a fundamental right to democracy and the State Board should consider this requirement before certifying the online ballot delivery system. Ms. Wilson stated that the online ballot delivery system jeopardizes the secrecy of the ballot because the voted ballot is returned in the same envelope as the oath, and online transactions can be observed or intercepted by others. She expressed her concern about the timeliness of election results because the ballots printed from the online ballot delivery system must be duplicated during the canvass and the canvassing process for these ballots is more time consuming than the process for ballots delivered by mail. She suggested a study to estimate the probable burden on duplicating ballots.

Ms. Wilson also expressed her concern with extending early voting through the Sunday before the election and suggested extending the hours of early voting each day to allow more voters to vote during early voting.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Murray reported that he contributed funds to Marylanders for Miller and Friends of Luke Clippenger.

SCHEDULING OF NEXT MEETING

The next meeting was scheduled for February 27, 2014, at 2:00 pm.

CLOSED MEETING

Ms. Mack called for a motion to close the board meeting under State Government Article, §10-508(a)(7) and (8) to consult with counsel to obtain legal advice on a legal matter and consult with staff, consultants, or other individuals about pending or potential litigation. State law permits the closed session to consult with outside counsel regarding *Jenkins v. Lamone* and to discuss legal advice related to that matter, and the State Board will discuss the *Jenkins v. Lamone* litigation regarding the extent of the ban on fundraising during the legislation session. Ms. McGuckian made a motion to close the meeting, and Mr. Murray seconded the motion. The motion passed unanimously.

During the closed session, the board members discussed with outside counsel the *Jenkins v. Lamone* litigation. In addition to the board members present at the open meeting, Ms. Lamone, Ms. Charlson, Mr. DeMarinis, Mr. Levy, and Mr. Docherty were present. No actions were taken. The closed meeting adjourned at 5:45 pm.

ADJOURNMENT

There was a motion to adjourn the open meeting, and it was seconded. Ms. Mack adjourned the open meeting at 5:05 pm.