

Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Patrick J. Hogan, Member
Rachel McGuckian, Member (by phone)
Chuck Thomann, Member
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, Director, Election Reform and Management
Paul Aumayr, Director Voting Systems
Vince Omenka, Director, Information Technology
Tom Feehan, Senior Project Manager, New Voting System Implementation
John Clark, Deputy Project Manager, New Voting System Implementation

Also Present: Anne Taylor, National Federation of the Blind
Clara Van Gerven, National Federation of the Blind
Barbara Sanders, League of Women Voters
Rebecca Wilson, SAVE Our Votes
Lynn Garland
Alyssa Fieo, Maryland Disability Law Center
Lou Ann Blake, National Federation of the Blind
Michael Greenberger, UMD's Center for Health and Homeland Security
Marissa Clark, UMD's Center for Health and Homeland Security
Michael Dresser, *The Sun*

DECLARATION OF QUORUM PRESENT

Ms. Mack called the meeting to order at 2:01 pm and declared that there was a quorum.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES

The minutes from the February meeting had been approved by the Chair in advance of the meeting. Mr. Thomann made a motion to approve the minutes, and Ms. McGuckian seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

1. Announcements & Important Meetings

Introductions

Ms. Wagner introduced Anne Charles as SBE's Military and Overseas Voter Liaison. Anne comes to SBE from Fort Meade, Army Continuing Education Services, where she was the Educational Specialist. Prior to Fort Meade, Anne worked for the Anne Arundel County Board of Elections as an election judge trainer, where she gained experience with MDVOTERS. Anne has already reached out to the local boards to glean their best practices. Anne looks forward to serving her constituency.

Mr. Ross introduced representatives from Netorian supporting the new voting system implementation and other projects. In attendance from Netorian were Matthew Iannelli, CEO; Walter Borkowsky, Program Manager; Gordon Dodson, Director of Operations Caitlin Whatley, Voting System Business Analyst; Kent Weatherley, Business Process Consultant; and Kareem Sykes, Project Administrator. Ms. Whatley, Mr. Weatherly, and Mr. Sykes are full time project resources working at SBE. Netorian is the CATS+ Master Contractor SBE selected for contract project management resources. Their prior work has been primarily with the Department of Defense. Their staff augmentation experience and proven work ethic, in addition to the quality resources they will provide, will help ensure SBE and the local boards have the support we need in a timely and cost effective manner.

Maryland Association of Election Officials' (MAEO) Conference

The Maryland Association of Election Officials' annual conference was held on Wednesday, March 26th and Thursday, March 27th in Ocean City, Maryland. Several SBE staff members attended and presented. Mary Wagner, Janet Smith, and Roger Stitt provided information about audits and absentee and provisional ballots, Mr. Ross and Mr. Feehan gave an overview of the New Voting System Replacement (NVSR) project to local board members and attorneys, and the regional managers presented Smartsheets, a tool used by SBE and many of the local boards. The conference agenda also included two courses for the Election Preparedness and Professional Development Program – SBE's Comprehensive Audit Guidelines led by Rick Urps and supported by various SBE staff and a presentation on accessibility issues by representatives of the National Federation of the Blind and the Maryland Disability Law Center. A copy of the conference agenda and slide show presentation on the NVSR project was provided in the meeting folder.

Electronic Registration Information Center (ERIC) Meeting

From March 26th – 28th, Linda Lamone attended a meeting hosted by ERIC to bring together election officials with their counterparts from the motor vehicle agencies. The object is to promote the sharing of information and show the ease and success of the process.

2. Election Reform and Management

Nursing Home Manual for Absentee Voting

With updates to two website addresses, the Voter Registration and Absentee Voting Manual for nursing homes and assisted living facilities was reissued for the 2014 elections and added to the SBE's Online Library on March 21st.

Challengers and Watchers Guide

The guide has been reviewed and updated to reflect the new Sunday start time for early voting, SBE's new website address, and the new address for the Prince George's County Board of Elections. SBE will reissue the guide and post it online when the current legislative session ends, and we're assured no new legislation impacts the guide.

Polling Place Accessibility

On March 18th, Mr. Urps attended a seminar on polling place accessibility presented by the Research Alliance for Accessible Voting. The seminar included tips for enhancing accessibility of the voting process, strategies for improving the turnout of voters with disabilities, a demonstration of the Prime 3 online voting system developed by Clemson University, and line management strategies.

Absentee Ballots - Mailing

SBE has had two conference calls with Runbeck Election Services, the mail house handling absentee ballots for the 2014 Primary Election. A draft calendar for voter file uploads and mail dates has been established and forwarded to the local boards for feedback.

Online Ballot Delivery System - Public Demonstration

SBE offered a second online demonstration of the online ballot delivery system. The second demonstration ran from March 17th – March 21st, and during this demonstration, there were 121 attempts to use the system. A table showing the comments from both public demonstrations was provided in the meeting folder.

3. Voter Registration

UOCAVA Grant

SBE was awarded a grant from the Federal Voting Assistance Program to create and implement a single point of contact for the estimated 83,000 service members and their dependents and overseas civilians who consider Maryland home. SBE will provide UOCAVA voters, regardless of their county of registration, access to the same information and services previously provided by the local boards. Ms. Charles will serve as SBE's point of contact for UOCAVA voters.

MDVOTERS

The statewide voter registration system is now in a private cloud. This allows for manageable disaster recovery and synchronization across multiple servers and provides a cost savings to the agency.

The mock election on software release 5.4 will begin on March 31st. The final release before the June primary election is still on schedule for a mid-April implementation.

National Voter Registration Act (NVRA) Deadline

The deadline for confirmation mailings to be sent was March 26th. This federal law prohibits certain list maintenance activities starting 90 days prior to an election. The local boards were reminded of this deadline.

4. Candidacy and Campaign Finance (CCF) Division

Statement of Organizations

The Candidacy and Campaign Finance Division has been busy data entering the Statement of Organizations received from the local boards on the filing deadline. The biggest issue with the paper-filed Statements of Organizations has been either a missing email address or a shared email address between the responsible officers. The staff has contacted all of the accounts that need to provide additional information.

Outreach Activities

On March 5th, Doug Tallman, the political editor of the *Gazette*, invited Mr. DeMarinis to meet with several reporters. The session was informational in nature and helped reporters navigate the Campaign Finance website.

On March 20th, Mr. DeMarinis attended a Montgomery County work session on the county's proposed public financing bill. He provided insight into campaign management, how the State operates its public financing program, and general information on independent expenditures. Another work session is expected in April.

5. Project Management Office

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

Overall

The SBE PMO continues its work on the detailed project planning for the 2014 Election cycle. This includes but is not limited to the elaboration of the 2014 Master Schedule, coordination of the Call Center support, and the SBE helpdesk functionality.

New Voting System Replacement (NVSR) Project

The project team's primary focus is the voting system hardware Request for Proposal which includes finalizing voting system hardware requirements. The team is also working on completing and submitting the required System Development Life Cycle documentation to the Department of Information Technology for their review and approval. In addition, the project schedule, identifying and managing risks, developing the non-voting system hardware requirements, and ensuring the project remains within scope are on-going activities.

Netorian signed a lease for office and meeting space on the third floor of 151 West Street. This is a significant risk mitigation factor for SBE and the ongoing issues associated with our current space and what we need for existing and new resources. For the Master Contractors that were not selected for the project management support contract, Mr. Ross and Mr. Feehan conducted debriefings with five of the six Master Contractors.

Mr. Ross continues to work with other SBE project managers who are leading projects that are outside the NVSR project but have some level of impact on the project.

Other

SBE secured an additional 28 Smartsheets Creator licenses for SBE staff and some of the local board management and staff. Smartsheets is a cloud-based project and task manager which is now being used to manage projects and the election schedules by SBE and some of local boards. SBE's current annual subscription, including the newly added licenses, will end mid-July. It is expected that before that time the Department of Information Technology will have completed their negotiations with Smartsheets for a statewide enterprise license. Currently, the local boards use SBE's licenses.

On March 10th, Mr. Ross conducted a Google Apps Nuggets Train the Trainer session for over 12 trainers from Anne Arundel County. The training included going over features of Gmail, Google Drive, and Google Calendar in preparation for them to train their temporary election staff.

6. Voting Systems

Ballot Programming

645 unique ballot styles were generated for the upcoming 2014 Gubernatorial Primary Election, and a ballot style chart by county was provided in the meeting folder. Those 645 styles were then generated into the following formats: Touch Screen, Optical Scan, Fax/Electronic, Audio and Screen Shots. This means that SBE is managing 3,225 ballot formats for this primary election. The ballot development process was led by Natasha

Walker, and she did a terrific job managing this process. The local boards are now proofing those ballots.

Electronic Pollbooks

The software update on all 6,800 electronic pollbooks has been completed. SBE started the preliminary creation and testing of the electronic pollbook database for the 2014 Primary Election. This database takes data from the ballot generation process.

Conducting the Election Guide.

The Voting System Division, including the regional managers, has been updating the *Conducting the Election Guide*, and this guide is currently being finalized. This document details how to prepare the voting system and electronic pollbooks for the election, how to conduct it, and how to report of results. Revisions were made from the 2012 Primary Election, including new screenshots for both the voting units and the electronic pollbook, and some minor revisions of the audit procedures.

Voting System Encryption

SBE's voting system team and the regional managers have started changing the encryption keys to the voting system. This is done before every election and is part of the voting system security program. This process will continue for another week.

Pre-Election Preparation

SBE has ordered election supplies and materials for the 2014 Primary Election, including tamper tape, additional memory cards, voter access cards, and paper rolls for the touchscreen voting units and electronic pollbooks.

New Voting System Certification

SBE received equipment for testing from Election Systems and Software for certification testing, and testing is currently taking place. After SBE's testing is complete, the University of Baltimore will conduct accessibility testing, and SBE will host a public demonstration. Hart InterCivic intends to apply by the deadline (March 31, 2014), but Unisyn will not be submitting equipment for certification.

7. Information Technology

Disposal of Uninterruptable Power Supply Units (UPS)

With approval from DGS, SBE will have CoastTec, a UPS refurbisher, purchase and pick up the UPS units from seven counties. The local boards have contact information to arrange for a time and date of pickup. The pickup form must be filled out and a copy sent to SBE's Property Officer, Kurt Snyder, after the units are picked up.

Procurement of New Network Firewalls

SBE has recently purchased two new firewalls to replace the old firewalls presently being used that are fast approaching their end of life. The plan is to have the new firewalls delivered, configured and installed in the next few weeks. The new firewalls will have Intrusion Prevention System and Intrusion Detection System modules. These should improve the security posture of the firewalls and SBE's HQ network. This is also a recommendation from the last OLA IT Audit.

8. Local Boards of Elections

Caroline County

We have responded to several letters from the County Commissioners for Caroline County about the county funding of local boards of elections and recent personnel transactions.

After a meeting between the President of the Caroline County Board of Elections and the County Commissioners, it appears that the Commissioners' concerns have been addressed.

Frederick County

The Frederick County Board of Elections has decided to postpone its move to another location until after the 2014 Primary Election. The expected move date was May, and the local board was concerned about moving that close to an election.

Talbot County

The Talbot County Board of Elections will not be moving before the 2014 elections.

Wicomico County

Linda Lamone, Donna Duncan, Jeff Darsie, and Nikki Charlson met with Wicomico County's County Administrator, County Attorney, and Director and Deputy Director of Procurement to discuss the procurement of the Wicomico County Board of Elections' new office space. As long as the office space meets SBE's minimum space and storage requirements, the procurement decision rests with the county administration. Members of the Wicomico County Board of Elections have expressed concern about how the county has shared information and the location of the new space. A procurement decision is expected in April 2014.

9. Legislation

SBE is tracking the following election-related legislation.

- a. SB 15 - Voter Registration Lists - Reports of Deceased Voters (Similar legislation: HB 212): Provides for the release of information on deceased individuals from certain organizations and allows the local boards to remove any identified individual from the voter registration records. The State Board approved the support of this legislation.
Recent action: SB 15 passed Senate, and is scheduled for a hearing in Ways & Means on March 27th. HB 212 passed House with amendments, and no hearing is yet scheduled in the Senate Education, Health and Environmental Affairs (EHEA) Committee.
- b. SB 438 - Municipal Elections - Inclusion of Offices and Questions on the State Ballot. Authorizes a municipality to ask SBE to include municipal offices and questions at the end of the State ballot. This bill was filed at the request of Ocean City. Staff has offered possible amendments. **Recent action:** Passed Senate with amendments, and hearing in Ways & Means was held on March 20th. Additional amendments are expected.
- c. SB 930 - Filing Deadline for Campaign Finance Reports: Alters the campaign finance report filing deadline for the pre-primary report from 4th Tuesday to 5th Tuesday before the primary election and the post-general report from 3rd Tuesday to 2nd Tuesday after the general election. Moves deadlines away from State holidays and allows for better staff support during the filing period. **Recent action:** Passed Senate with amendments, and hearing in Ways & Means is scheduled for March 27th.
- d. SB 931 - State Board of Elections - Appointment of General Counsel: Provides that there is a general counsel to the State Board. **Recent Action:** Passed Senate with amendments, and hearing in Ways & Means is not yet scheduled.

- e. HB 25 - Municipal Elections - No Excuse Absentee Voting - Prohibiting a municipality from requiring an individual to provide a reason for voting by absentee ballot. Recent action: Passed House, and hearing in EHEA was held on March 20th.
- f. HB 109 - Polling Place Accommodations for Disabled Voters - requires election judge to the extent practicable to allow a disabled voter who is in line to vote, to sit while waiting or move to the front of the waiting line. **Recent action:** Passed House, and hearing in EHEA is not yet scheduled.
- g. HB 125 - Petitions - Prohibited Actions - Prohibiting a person from willfully and knowingly preventing, hindering or delaying a person from signing a petition through the use of fraud, duress or force. **Recent action:** Passed House, and hearing in EHEA was held on March 20th.
- h. HB 489 - Municipality Incorporation Referendum - Special Elections: Authorizing a special municipal incorporation referendum election to be conducted by mail. Hearing on February 20th.
- i. Cecil and Talbot Counties have legislation to change the local board structure from three regular members and two substitute members to five regular members. **Recent Action:** SB 243 (Cecil County) passed Senate, and hearing in Ways & Means was held on March 20th. HB 16 passed House, and no hearing is scheduled in EHEA yet. SB 918 (Talbot County) passed Senate, and hearing in Ways & Means is scheduled for March 27th. HB 991 passed House, and hearing in EHEA is not yet scheduled.

There are a number of campaign finance related bills and over 15 constitutional amendments. In addition, there are several pieces of legislation to alter the Anne Arundel and Baltimore County Board of Education structure and/or election processes.

Lastly, there are several pieces of legislation that relate to filling a vacancy in several local offices. Some create a requirement for a special election and in one instance where a special election had been required, that is now being eliminated.

ASSISTANT ATTORNEY GENERAL'S REPORT

Complaints were filed to contest the ballot eligibility of three Democratic Party primary candidates: Arthur Helton for State Senate for the 34th District, Natalie Cabrera for House of Delegates District 47B, and former State Board member Patrick Murray for House of Delegates District 34A.

The challenge to Arthur Helton is in the form of an administrative complaint filed by Barbara Kreamer contesting Arthur and Anne Helton's January 2014 voter registration change from a District 35 address to an address within District 34. The State Board advised Ms. Kreamer that § 5-305 of the Election Law Article ("EL"), Md. Code Ann., is the exclusive means to challenge the residency of a candidate and so has declined to hear the administrative complaint. Ms. Kreamer has stated her intention to challenge SBE's denial of an administrative hearing in Anne Arundel County Circuit Court.

Natalie Cabrera's candidacy was challenged on the basis of residency and party affiliation. *Penate v. Cabrera et al.*, No. CAL14-05489 (Cir. Ct., Prince George's County, Maryland). After reviewing the voter registration and other records requested in the lawsuit, SBE determined that Ms. Cabrera was registered as a Republican on February 25th, the date she filed her certificate of candidacy for the Democratic Party primary. Two days later, after the candidate filing deadline, Ms. Cabrera changed her party affiliation to Democratic. Based on those records, SBE advised Ms. Cabrera that she would be removed from the ballot because, as of the filing deadline, she did not

meet the candidacy requirements of EL § 5-203, which bars an individual from being a candidate for nomination by a political party unless the individual is a registered voter affiliated with that party. Following a March 21, 2014, hearing, the Circuit Court ruled that Ms. Cabrera's certificate of candidacy was void because of her lack of party affiliation. An appeal is expected.

Patrick Murray's candidacy was also challenged on the basis of residency. Posey-Moss v. Murray, 12-C-14-0649 (Cir. Ct., Harford County, Maryland). Mr. Murray's response stated that he had registered and established his principal residence within District 34 as of February 21, 2014, the date he filed his certificate of candidacy. The parties agreed to a voluntary dismissal of the case on March 13, 2014.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Mr. DeMarinis presented 24 requests for waivers of campaign finance reporting late fees.

1. Boston, Carolyn Committee to elect
2. Constitutional Conservatives for Maryland PAC
3. Davila-Steele, Veronica L. Citizens for
4. Feldman, Jack T. Citizens for
5. Ford, Durand Jr. Friends of
6. Glover, Antonio Friends of
7. Greene, Johntel Friends of
8. Human Rights Campaign Maryland Families PAC
9. Jarboe, Larry Friends for
10. Jobs For Frederick Now PAC
11. Jones, Jermaine Citizens for
12. Kahl, Sam Marylanders for
13. Leadership Consortium PAC
14. LeFall, Waymon Citizens for
15. Levengood, Wilbur 4 Caroline County
16. Lucas, Scot Citizens for
17. Marks, (Meyer) For Maryland Senate Committee
18. McCarthy, Alan Friends of
19. Otts, Trevelyn (Trevor) Citizens for
20. Paff, John Friends of
21. Piner, Earl M. Friends of
22. Rice, Craig Citizens for
23. Shelton-Martin, Wanda Friends of
24. Simpson, Maurice Jr. Friends of

Mr. McManus made a motion to accept staff's recommendations on the waiver requests, and Mr. Hogan seconded the motion. The motion passed unanimously.

APPROVAL OF REQUESTS FOR CONFIDENTIALITY

Mr. DeMarinis presented 28 requests of confidentiality for voter registration and candidacy information. The requests were made under the Law Enforcement Personnel exception.

Mr. McManus made a motion to accept the confidentiality requests, and Mr. Hogan seconded the motion. The motion passed unanimously.

REQUEST FOR ADMINISTRATIVE CLOSURE

Mr. DeMarinis requested administrative closure of two campaign finance entities.

1. Friends of Jean Cryor: The candidate is deceased, and the account has no balance.
2. Friends of Jimmy Schoolfield: The State Prosecutor's office is unable to locate the candidate or treasurer and recommended closing the account. There is no balance in the account.

Mr. McManus made a motion to close the two accounts, and Mr. Hogan seconded the motion. The motion passed unanimously.

REQUEST FOR WAIVER OF DEADLINE FOR NOTICE OF PUBLIC FINANCING

Mr. DeMarinis presented a request from the Lollar for Governor campaign to waive the deadline for the campaign to file the notice to request public financing. February 25, 2014, was the deadline to file this notice. A representative of the campaign stated that the campaign forgot to file the notice and requested the waiver the week of March 24th.

Ms. McGuckian made a motion to deny the request, and Mr. Hogan seconded the motion. The motion passed unanimously.

ONLINE BALLOT DELIVERY SYSTEM

Rebecca Wilson of Save Our Votes summarized her correspondence dated March 26, 2014, opposing the online ballot delivery tool. A copy of her correspondence was provided in the board meeting folder. Ms. Wilson explained her concerns with ballot secrecy and the security of the authentication process.

Anne Taylor of the National Federation of the Blind showed a video of her using the online ballot marking tool with her screen reader. Ms. Taylor explained that this system will allow blind voters and deaf/blind voters to vote an absentee ballot independently.

Michael Greenberger of the University of Maryland's Center for Health and Homeland Security referenced his February 12, 2014, letter and supporting memo. A copy of the letter and memo was provided in the board meeting folder. Mr. Greenberger stated that State law does not require SBE to certify the use of the online ballot delivery system for domestic, civilian voters and advocated against certification for these voters.

In response to a question, Mr. Darsie stated that federal law requires election officials to transmit ballots electronically to military and overseas voters. Mr. Darsie explained that the State Board has the specific authority under EL § 9-308.1 to certify the online ballot marking tool but there is no provision requiring the State Board to certify the online ballot delivery system. He stated that, according to general principles of administrative law, the State Board likely has some authority regarding the use of the online ballot delivery system. He stated he would advise the State Board as to the appropriate legal standard that would apply to any such action by the State Board.

In response to a question about whether the State would be faced with an Equal Protection argument for providing electronic delivery to military and overseas voters but not all voters, Mr. Darsie stated that he thought there was a rational basis for treating these voters differently from other voters. Similarly, Mr. Darsie did not believe that litigation under the Americans with Disabilities Act or other laws addressing individuals with disabilities would be successful.

There was a discussion about whether the State Board could require verification of signatures. Ms. Charlson stated that it was her understanding that this would be a policy matter for the General Assembly.

OLD BUSINESS

At the February meeting, Mr. McManus requested background information on the citations related to fundraising during session. Ms. Charlson stated that the background information was provided electronically and in the meeting folder.

NEW BUSINESS

Ms. Mack spoke in memory of Dr. William Edelstein. Dr. Edelstein frequented State Board meetings and advocated for the use of technology in elections. A copy of Dr. Edelstein's obituary from *The Sun* was provided in the board meeting folder.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

No contributions were reported.

SCHEDULING OF NEXT MEETING

The next meeting was scheduled for April 24, 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)(13) to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. State law permits the closed session to discuss the security of the online ballot delivery system, including the contents of confidential reports and to protect against the disclosure of information that may compromise the security of the online ballot delivery system. Mr. Hogan made a motion to close the meeting, and Mr. McManus seconded the motion. The motion passed unanimously.

During the closed session, the board members discussed the security testing and features of the online ballot delivery system. In addition to the board members present at the open meeting, Ms. Charlson and Ms. Hilton were present. No actions were taken. The closed meeting adjourned at 4:45 pm.

ADJOURNMENT

There was a motion to adjourn the open meeting, and it was seconded. Ms. Mack adjourned the open meeting at 3:45 pm.