

State of Maryland

State Board of Elections Meeting – July 17, 2015

Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Patrick J. Hogan, Member
Kelley A. Howells, Member
Michael R. Cogan, Member
Linda H. Lamone, State Administrator
Jeff Darsie, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy for Election Policy
Keith Ross, Assistant Deputy for Project Management
Shelly Holland, Director of Budget and Finance
Paul Aumayr, Director of Voting Systems Division
Jared DeMarinis, Director of Candidacy and Campaign Finance
Mary Cramer Wagner, Director, Voter Registration
Stacey Johnson, MDVOTERS Project Manager
Roger Stitt, Voter Registration Division
Janet Smith, Voter Registration Division
Janey Hegerty, IT Division

Also Present: Steve Galloway, NVSR Project Team
Rachel Rachfal, NVSR Project Team
Ralph Watkins, League of Women Voters
Rebecca Wilson, SAVE Our Votes
Lynn Garland
Barbara Sanders, League of Women Voters
Alisha Alexander, Election Director, Prince George's County Board of Elections
Armstead Jones, Election Director, Baltimore City Board of Elections
Margaret Jurgensen, Election Director, Montgomery County Board of Elections
Bryan Sears, *The Daily Record*
Raquelle Contreras, Common Cause MD
Kaitlyn Stovall, Common Cause MD
Taylor Simpson, Common Cause MD
Nikki Hurley, Common Cause MD
Noel Isama, Common Cause MD

DECLARATION OF QUORUM PRESENT

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

RATIFICATION OF MINUTES FROM JUNE 2015 MEETING

Mr. Hogan made a motion to ratify the approval of minutes from the June 2015 meeting, and Mr. McManus seconded the motion. The motion passed unanimously.

ELECTION OF CHAIR AND VICE CHAIR

Ms. Mack made a motion nominating Mr. McManus as Chair, and Mr. Hogan seconded the motion. The motion passed unanimously.

Ms. Mack made a motion nominating Mr. Hogan as Vice Chair, and Mr. McManus seconded the motion. The motion passed unanimously.

Mr. McManus introduced SBE's two new board members, Kelley A. Howells and Michael R. Cogan.

ADMINISTRATOR'S REPORT

Ms. Lamone asked all SBE staff members and other individuals present to introduce themselves.

1. Announcements & Important Meetings

SBE Biennial Meeting & MAEO's Annual Conference

On June 10th, SBE hosted its biennial meeting, and on June 11th, the Maryland Association of Election Officials (MAEO) hosted its annual meeting. Both meetings were held in Ocean City, and conference attendees were welcomed by Senator James Mathias and Ocean City Mayor Rick Meehan. New SBE member Kelley Howells attended the meetings.

Presentations at SBE's biennial meeting included a training on preventing workplace discrimination, an orientation for new board members, an overview of same day registration, and an extensive briefing on the implementation of the new voting system (NVSR). The focus of this presentation included the history of the voting system procurements, background information of the NVSR project, a presentation of voting systems from ES&S, and other information to include transportation logistics, training plans, and the mock and pilot elections.

At MAEO's meeting, there were presentations on audits, election judges' training, interviewing, disciplining and evaluating employees, and a presentation by Fairfax County, Virginia election officials on implementing the same voting system as Maryland is implementing.

Election Directors' Meeting

On June 18th, SBE hosted an in-person Election Director meeting. The agenda primarily focused on the new voting system project (NVSR), and a copy of the meeting summary was provided in the meeting folder. The next in-person Election Directors' meeting is scheduled for July 23rd.

Libyan Election Officials

On July 30th, SBE staff will meet with the Chairman of the Libyan High National Election Commission (HNEC) to discuss techniques and challenges with implementing new technologies, voter registration and campaign finance reforms. HNEC is an independent election management body formed after the fall of Muammar Gaddafi's regime and is currently led by Dr. Emad Alsaish. This meeting was facilitated by the International Foundation for Electoral Systems.

2. Election Reform and Management

Election Judges' Workgroup

Rick Urps is SBE's leader of this workgroup. The workgroup met on July 7th and continues to revise the statewide, uniform Election Judges' Manual, checklists, forms, reports, and training curricula in advance of training for the upcoming mock election.

NVSR Leadership Committee (NLC)

Mr. Urps is also part of the NLC, an open forum for leadership members of the NVSR workgroups to exchange information and provide updates about various projects. The NLC met most recently on July 9th.

3. Voter Registration

Statewide Voter Registration Database (MDVOTERS)

Software release 5.8 moved into production over the July 4th weekend. Enhancements included improvements to the voter registration application, candidate filing, and provisional ballot processes and updates to the candidate and ballot processing reports. Specifications for the next release – version 5.9 – are being reviewed and developed by staff.

Project Management Staff - The Canton Group & ES&S

MDVOTERS is currently supported by The Canton Group, a Maryland-based IT contractor, and ES&S. Until recently, ES&S' lead on MDVOTERS was John Davenport. Mr. Davenport was recently promoted, and SBE wishes him well in his new position. The Canton Group proposed ES&S' Peter Zelechoski as the new lead, and after meeting with him, SBE staff members were impressed with his extensive elections experience, primarily with voting systems. We feel Mr. Zelechoski will be an excellent addition to our team and welcome him on board.

MDVOTERS - Field Support Personnel

Since 2008, SBE has contracted with a vendor to provide training and support for the local boards of elections, conduct user acceptance testing, and oversee and manage the mock election that is conducted with each new software release. Because the current contract expires in September 2015, SBE recently released a Request for Proposals (RFP) and responses were due July 13th but the deadline was extended to allow for more bids. SBE expects to present to the Board of Public Works the contract for approval in late August.

Electronic Registration Information Center (ERIC)

Started by the Pew Charitable Trusts Foundation, ERIC allows member states to compare data to improve the accuracy of voter registration lists. ERIC compares data from voter registration and driver's license records, Social Security Administration's death records, and information from the National Change of Address program and identifies individuals who appear eligible to vote but are not yet registered and registered voters who are reported as deceased and provides information on registered voters for whom there are multiple records (e.g., voters with different addresses). This matching logic was created by IBM and has been very successful in updating Maryland's voter registration list.

In response to a question, Ms. Wagner explained ERIC regularly provides member states with four reports. These reports are: (1) cross-state matches (voters who appear registered in more than one state); (2) in-state matches (voters with more than one address in the same state); (3) in-state duplicate matches (voters who appear registered more than once in the same state); and (4) death records from the Social Security Administration. Ms. Johnson explained the types of records SBE removes from the ERIC file before forwarding the file to the local boards. These records with addresses that appear different but are actually the same or records that have already been updated with the new information.

In ERIC's April 29th report, SBE downloaded and reviewed 40,706 records and distributed to the local boards 19,163 records for processing. As a result of this file, the local boards touched 13,102 records; they sent 12,816 confirmation mailings and corrected 286 records. The local boards are currently processing ERIC's June 30th report. SBE downloaded 41,884 records and distributed 21,682 records to the local boards for processing. The deadline to complete processing this report is July 31st.

Since ERIC started in 2013, SBE has downloaded 480,438 records and distributed 273,120 records for processing. This information has generated 174,546 confirmation mailings and led to 8,523 records being corrected. A total of 183,069 have been touched.

Pew has since transitioned the initiative to the member states, who are now solely responsible for ERIC. Currently, twelve states – Colorado, Connecticut, Delaware, District of Columbia, Louisiana, Maryland, Minnesota, Nevada, Oregon, Utah, Virginia, and Washington – are members, and more are expected to join in 2015.

In response to a question, Ms. Wagner explained that, to join ERIC, states must have online voter registration and be able to provide driver's license data and send mailings to individuals identified as eligible but not registered. ERIC leadership is currently recruiting other states to join ERIC, and several states are requesting the necessary legislative changes.

Presentation to the Prince George's Board of Election Board

Ms. Wagner met with the members of the Prince George's Board of Elections to discuss list maintenance of the voter registration database. Ms. Wagner explained the various federal and State laws related to removing individuals from the official voter registration list and answered many questions. Ms. Wagner agreed to return if the board members had additional questions. Ms. Wagner will meet with the members of the Frederick County Board of Elections in August.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of July 6th, 23 candidates have filed at SBE for the 2016 Presidential Election. One candidate has withdrawn.

Campaign Finance

On June 15th, Mr. DeMarinis attended a forum hosted by the Montgomery County Council and the Montgomery County Republican and Democratic Central Committees on the passage and implementation of the county's public financing program. It was attended by over 50 people and was broadcasted over local Montgomery public access cable channels.

On July 22nd, Mr. DeMarinis will attend a conference hosted by the New York City Campaign Financing Board. He will speak about Maryland's recent election involving public financing.

The CCF Division is in the process of updating its documents with all of the legislative changes and the Electoral College booklet. The Electoral College booklet was last revised in 1988.

Mr. DeMarinis continues his outreach on the filing requirements for Title 14 (persons doing public business). Because the July 16th meeting of the Procurement Advisory Council, an organization for State procurement officers, was cancelled, he has been invited to September 17th meeting to inform procurement officers about reporting requirements for vendors.

Enforcement

A trial has been set for August 17, 2015, in the matter of John Walter regarding a failure to include an authority line on campaign material. This matter was referred to the CCF Division from the Office of the State Prosecutor who will be representing SBE. The fine is \$250.

The CCF Division has referred to the Office of the State Prosecutor committees for a failure to file to certain reports.

<i>Report Title (Due Date)</i>	<i># of Committees Referred</i>
Spring Report (4-15-14)	12
Pre-Primary Report (5-27-14)	62
Pre-Primary 2 Report (6-13-14)	68
Central Committee (7-15-14)	16
Pre-General Report (8-26-14)	103
Pre-General 2 Report (10-24-14)	83
Post-General Report (11-18-14)	98

Many of the committees are repeat offenders. The CCF Division also forwarded to the Office of State Prosecutor information about two non-citizens allegedly voting in prior elections.

Mr. DeMarinis explained that the increase in untimely reports before a general election is typical because candidates who are not nominated in a primary election often do not understand that they must continue to file reports. He explained that all committees receive a postcard and email before each report and a postcard and email after the deadline. Mr. Hogan suggested adding to the notices language that the report is required regardless of the outcome of the primary election.

The Audit and Enforcement Unit (AEU) completed its audit of the Hogan-Rutherford Committee to Change Maryland primary and general election accounts. The committee needs to reimburse the Fair Campaign Financing Fund \$1,093.70 for receipt of anonymous contributions and overages in public contributions. Additionally, the committee has to amend its campaign finance reports to reflect the correct transaction methods for receipt of contributions and missing addresses. The deadline for amended reports is August 5th.

5. Project Management Office (PMO)

New Voting System Replacement Project (NVSR)

Voting System Support and Communications

SBE welcomed to the contract project management team Lee Kendale and Grant Young as new Trainers and Holly Glacken as a Warehouse Assistant.

SBE continues to work with the Department of Information Technology's (DoIT) leadership, as they will be taking a more active role in the NVSR project. DoIT will be managing the project management contract team's day-to-day work, and over the next few weeks, SBE will work with DoIT to establish and document the roles and responsibilities.

SBE continued communicating with the Election Directors and Deputy Directors via the weekly GoToWebinar sessions and in-person meetings which take place approximately every 3 weeks here at SBE.

Contract Management & Procurements

In addition to the day-to-day tasks and other efforts, SBE continued working with ES&S on certification, contract modification, training, and equipment deliveries. SBE submitted to DoIT a contract modification for the August 5, 2015, Board of Public Works meeting. The contract modification includes requests that ES&S:

- Adjust the number of voting system components (DS200, ExpressVote, and DS850)
- Provide upgraded versions of servers and workstations
- Increase the number of equipment delivery dates from 4 to 9
- Provide soft cases for the ExpressVote units, the ballot marking devices
- Provide voting booths or tables for the ExpressVote units in the voting locations
- Increase the number of ExpressPass printers and USB thumb drives
- Supply ballot transfer bins
- Remove the cost of the modems from the lease agreement

The other active NVSR-related procurement, which is being led by the Department of General Services, includes the Election Day voting booths for voters who will mark their ballots by hand.

CSC continues to provide technical support for SBE's Agency Election Management System. This system is the central system that moves data between the voting system, voter registration system, and website. SBE continues to work with the CSC team on the many deliverables and tasks that are scheduled to be delivered over the next few months.

Workgroups

The six NVSR project workgroups (Project Management, Voting System, Polling Place Logistics, Election Judges, Communications, and LBE Requirements) continued to make important contributions to the project. This included planning work and scheduling for the updates to more than 100 election-related manuals, instructions, quick reference guides, forms, etc. In addition, planning for the October mock election continues.

Warehouse – SBE's Central Warehouse & LBE Warehouses

SBE's Central Warehouse is completely filled with both the new and legacy voting systems. The warehouse team's work included accepting and storing the new voting system equipment, servers, workstations and other equipment. In addition, the team is charging the legacy voting system equipment which is required every few months. The team continues to monitor the warm temperatures and humidity in the warehouse to make sure there are no impacts on the equipment.

The assessment of each of the local boards' warehouses is almost complete, and a report from the contract vendor is due at the end of July. With this report, SBE and the impacted local boards will address those areas identified as problem areas as it pertains to the physical and environmental storage of the new voting system, related equipment, and paper ballots.

Other Project Information

ES&S' formal election official training has begun. In June, SBE personnel attended training on the ElectionWare system. Hardware training for the local boards started this week. ES&S expects to make its final equipment deliveries this month.

Inventory

SBE has completed the implementation and configuration of the new inventory system. Testing continues, and the new system will be ready to record the new voting system equipment and supplies as it is tested and delivered to the local boards.

The FY15 annual inventory of all equipment is currently taking place. Reports to the Department of General Services are due on August 15th and September 15th.

Other

SBE is in the process of updating the insurance spreadsheet for the new voting system equipment received and expects to submit to the Treasurer's Office the updates by the end of July.

6. Voting Systems

New Voting System Settings and Documentation

Voting system software is mostly an “off the shelf” product (as opposed to a custom product for individual jurisdictions). As a result, there are many settings and options within the software that jurisdictions must select to ensure that the software complies with their laws, regulations and policies. The voting system team continues to understand and refine the settings in ElectionWare, the central voting system software, and the voting equipment to ensure the operation will comply with Maryland requirements.

Electronic Pollbook Software Update

To check in voters, election judges use electronic pollbooks, tablet-like devices with the State’s official list of registered voters. ES&S supports the electronic pollbook software and is updating the software to provide for same day voter registration and address changes during early voting. With the requested software changes, election judges can allow qualified individuals to register and vote a regular ballot or update their information and vote a regular ballot. SBE has documented the numerous requirements and is in regular communication with ES&S. Over the next couple of months, ES&S will provide and SBE will test software releases prior to the final release.

7. Information Technology

Inventory of SBE Equipment

SBE’s annual inventory of all computer equipment and furniture is currently being performed. This exercise should be completed in the next two weeks. Kurt Snyder and the Regional Managers have been instrumental with populating and retrieving relevant inventory details from the local boards as required from the inventory database.

Upgrade of Microsoft Office Suite to 2013

SBE’s IT Division recently upgraded on all its computers the Microsoft Office Suite Professional from 2007 to 2013. There are quite a few advantages to the new Office 2013 suite, including opening PDFs in their native format and layout, making changes easier and saving the documents as a PDF or DOC/DOCX file. A PDF to Word converter built into the platform has huge advantages for users who make frequent use of this format due to the pristine preservation of the PDF elements in Word.

ASSISTANT ATTORNEY GENERAL’S REPORT

Mr. Darsie provided the following report.

1. Delegate Neil Parrott and seven other registered voters have filed a federal court challenge to Maryland’s 2011 congressional districting plan as a partisan gerrymander. *Parrott v. Lamone*, Case No. 1:15-cv-01849 (GLR), (U.S.D.C., D. Md., filed June 25, 2015). Plaintiffs allege that the lawsuit seeks to vindicate the rights of voters as against legislators and their agents, who are claimed to have “appropriated” the power to elect representative in Congress from voters. Complaint, ¶¶ 31-32. The complaint avers that the districting plan inflicts “particular, intentional harm on partisan and non-partisan voters of every description,” based primarily on the alleged diminution of voters’ ability to elect preferred candidates when placed in a district where such voters represent a political minority. *Id.*, ¶ 36. In

addition, the complaint alleges that non-compactness of districts itself produces harm by making more difficult candidates' use of mass media to reach the relevant electorate, increasing the cost of campaigns, and creating voter confusion. *Id.*, ¶¶ 48-52.

This lawsuit is the fifth challenge to the State's congressional districting plan, which was previously upheld against other gerrymandering claims in *Fletcher v. Lamone*, 831 F. Supp. 2d 887 (D. Md. 2011), *aff'd*, 133 S. Ct. 29 (2012); *Gorrell v. O'Malley*, Civil No. WDQ-11-2975, 2012 WL 226919 (D. Md. Jan. 19, 2012); *Olson v. O'Malley*, Civil No. WDQ-12-0240, 2012 WL 764421 (D. Md. Mar. 6, 2012); and *Benisek v. Mack*, 11 F. Supp. 3d 516 (D. Md. 2014), *aff'd*, 584 Fed.Appx. 140 (2014). Defendants expect to file a motion to dismiss the complaint early next week. Mr. Darsie explained how this challenge differed from the previously filed lawsuits.

2. Mr. Darsie reported that oral arguments in the *National Federation of the Blind* case have been postponed and not yet rescheduled. They were originally scheduled for mid-September 2015. In response to a question, Mr. Darsie responded that the appeal would likely continue regardless of whether the State Board certified the online ballot marking tool because of the attorneys fees.

VOTING SYSTEM SOLUTION BRIEFING

Ms. Lamone explained that State law requires that a voting system be tested by a federally accredited laboratory and found to meet testing and performance standards of the federal Voluntary Voting System Guidelines. SBE's RFP for the new voting system, however, included a higher standard – certification by the U.S. Election Assistance Commission (EAC).

In ES&S' initial response, the company proposed version 5.2.0.0, an EAC-certified solution. The RFP, however, required that the proposed solution be capable of transmitting unofficial election results, and in its best and final offer, ES&S proposed modem technology and version 5.3.0.0. Release version 5.3.0.0 is not EAC-certified but had been tested by a federally accredited lab. The lab found that version 5.3.0.0 met all but one of the required standards; it did not meet the standard relating to transmitting election night results because of prior decisions issued by the EAC.

During testing, SBE discovered a signature issue with the ExpressVote files. These files are signed with a digital signature, but if the signature starts with a zero, the leading zero is dropped when the file is transferred from ElectionWare to the ExpressVote. Because the signatures no longer match, it triggers an error message. ES&S submitted for EAC certification a software fix – version 5.2.0.3, and testing is expected to be complete by July 17th. Ms. Charlson explained that the only difference between version 5.2.0.0 and 5.3.0.0 is the ability to modem, and the only difference between 5.2.0.0 and 5.2.0.3 is the fix to the signature issue.

This software issue has delayed testing but has not impacted other aspects of the project (e.g., training, documentation, mock election in October). Although ES&S continues to deliver equipment to SBE's central warehouse, acceptance testing of the equipment is on hold. Delivery of the equipment, however, could not begin until the assessments of the local boards' warehouses are complete, and they are due by the end of the month.

When the EAC certifies version 5.2.0.3, staff will provide board members with a copy of the lab report and EAC certification and ask the State Board to certify by email this version. Upon approval, ES&S will install on the equipment the new version, and SBE will fully test the equipment and software and coordinate delivery of the equipment to the local boards.

In prior elections, three local boards – Baltimore, Montgomery, and Prince George's Counties – transmitted unofficial election results from either a polling place or a regional transmission center. Because version 5.2.0.3 does not support this type of transmission, SBE is working with ES&S and DoIT identify a solution for the three local boards to provide timely unofficial election night results.

Ms. Lamone stated that State Law requires a comprehensive, public information program to introduce a new voting system. In June 2015, the Board of Public Works rejected SBE's contract for the design and implementation of a voter education campaign. Ms. Lamone explained that the proposed campaign costs less than \$0.50 per voters and provided the board members with a list of the contract tasks that cannot be performed by SBE. Ms. Lamone noted that voter education is critically important to the success of the project and inadequate voter education will generate lines since voters will have to learn how to use the system when they appear to vote.

In response to a question about whether there could be a less expensive proposal, Ms. Lamone explained that she had asked Mr. Darsie whether procurement law would permit a reduced contract amount. Ms. Mack noted that teaching voters how to vote when they show up will generate more lines. Mr. Hogan stated that he did not think that the Board of Public Works understood that this is a legal requirement and that funds had been budgeted for this purpose.

Mr. McManus made a motion to send to the Board of Public Works a letter requesting that the board re-consider its denial of the SBE's proposed contract with Alex + Tom and determine whether SBE could propose a smaller contract and be consistent with procurement law, and Ms. Mack seconded the motion. The motion passed unanimously.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Mr. DeMarinis explained the process for a campaign committee to request a waiver of fees that have been assessed because the committee failed to file a timely report. As of July 1, 2015, late fees will be remitted to the Fair Campaign Financing Fund (instead of SBE), and since the last board meeting, SBE has received \$16,960 in late fees. Mr. DeMarinis presented requests from eight campaign finance committees for waivers of late fees and noted that most of the committees want to close their accounts but are unable to do so because of the late fees. He noted that, in May, Ms. Lamone denied six requests for waivers.

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| 1. Allen, William Committee to Elect | 5. Mosby, Marilyn Friends of |
| 2. George, Ron Committee To Elect | 6. Novinger, Frank for Judge of Orphan's Court |
| 3. Guy, James (Randy), Citizens for | 7. Sanchez, Carlo Friends of |
| 4. Marchini, Laurie P. Citizens for | 8. Two Terms and No More |

Mr. McManus made a motion to approve the requests for waivers of late fees, and Mr. Hogan seconded the motion. The motion passed unanimously.

APPROVAL OF TITLE 14 WAIVER REQUESTS

Mr. DeMarinis explained the Title 14 filing requirements for businesses and presented requests from 17 businesses doing public business to waive assessed late fees. The businesses requesting a waiver of late fees are:

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| 1. Old Line Holding Company, Inc | 3. Maryland Thoroughbred Horsemen's Association |
| 2. Sidus Group, LLC | |

4. The Maryland Zoo in Baltimore
5. Varde Management, L.P.
6. Ethicon US, LLC
7. Envirotest Systems Holdings Corp.
8. Allegis Group, Inc
9. Enterprise RAC Company of Maryland, LLC
10. Washington Real Estate Investment Trust
11. P. Flanigan and Sons, Inc
12. CAM Construction Co., Inc
13. HAZMED, Inc
14. Health Facilities Association of Maryland
15. Kennedy Krieger Institute, Inc. and Affiliation
16. U.S. Bank National Association
17. U.S. Bancorp Government Finance and Leasing, Inc

In response to a question, Mr. DeMarinis explained that over 350 entities will file the August report.

Ms. Mack made a motion to approve the 17 waiver requests, and Mr. Hogan seconded the motion. The motion passed unanimously.

REQUEST FOR CONFIDENTIALITY

Mr. DeMarinis presented requests from two voters who would like their residence addresses and telephone numbers deemed confidential. Both voters are sitting judges.

Ms. Mack made a motion to make these voters' residential addresses and telephone numbers confidential, and Mr. Hogan seconded the motion. The motion passed unanimously.

PROPOSED REGULATIONS - SAME DAY REGISTRATION

Ms. Charlson presented proposed regulations for same day registration and address changes during early voting.

Definitions; General Provisions (33.01.01.01)

These changes define terms used in the same day registration and address change process.

1. "Pre-qualified voter" means an individual who is not registered to vote but whom SBE has determined is eligible to register to vote in Maryland.
2. "Proof of residency" defines the documents that an individual can present to establish his or her residency. The documents are similar to the documents required under federal law to establish an individual's identity.
3. "Registration and oath document" is a new document printed by the electronic pollbooks. This document will have the voter's registration information and any required oaths (voter registration and/or provisional oaths).
4. "Regular ballot" is a ballot that is voted and counted at a polling place. It is not a provisional ballot.

Processing VRAs and Other Requests (33.05.04)

Chapter 04 defines how a local board receives and processes voter registration applications (VRA) and other related documents, the minimum information required to register, how certain information is verified, the deadlines to register to vote or update a registration record, and when and how to request personal identification information. Some provisions apply to an individual who registers to vote or updates an address during early voting, but others do not.

The substantive change to this chapter (33.05.04.01) applies the requirements of 33.05.04.03 (minimum registration information), 33.05.04.04 (how certain information is verified), and 33.05.04.06 (request for personal identification information) to the process, while excluding the deadlines and how the application is processed (33.05.04.01 – .02 and .05).

Provisional Voting – Provisional Voting Documents and Supplies (33.16.02)

A new regulation – Regulation .03 – requires a unique provisional ballot application for individuals who want to register to vote or make an address change during early voting but are not eligible to vote a regular ballot. The proposed language in Regulation .03 tracks the current language for the special provisional ballot application used during extended voting hours.

SBE's changes to the electronic pollbook software will make the provisional voting process more efficient for voters and the local boards. The pollbook will print more information (rather than the voter writing it), and this information will be affixed to the new application. The document printed by the pollbook will include a barcode to provide an automated way for the local boards to find the appropriate record in MDVOTERS.

The proposed language also allows the local board to combine the provisional voting station and the same day registration and address change station. By adding a new Regulation .03, the regulations must be renumbered.

Provisional Voting – Issuance of Provisional Ballot (33.16.03.01)

The proposed change to Regulation .01A(3) allows for certain “pending” voters to complete their registrations during early voting. If a “pending” voter provides the required information at an early voting center in the county where he lives, his registration will be complete and he can vote a regular ballot.

The new language in Regulation .01A(4) specifies that an individual who is not pre-qualified or did not provide proof of residency in the county where he is voting must vote a provisional ballot.

Provisional Voting – Pre-Canvass Procedures (33.16.04.02)

These proposed changes:

1. Define when a provisional ballot application for same day registration or address change is complete (*i.e.*, the document printed by the pollbook is affixed and the voter signed the oath);
2. Require the election director to determine whether the provisional voter is eligible to register to vote and provided proof of residency;
3. Define how an individual satisfies the proof of residency requirement; and
4. Fix some incorrect numbering.

Provisional Voting – Canvass of Ballots – Procedures (33.16.05.03)

The proposed language defines when a local board of canvassers must accept a provisional ballot application from an individual who tried to register to vote or update an address during early voting. As drafted, a local board must accept an application from:

1. An individual who was not a pre-qualified voter during early voting but was later determined to be eligible to vote and the individual provided proof of residency; or
2. A voter who did not present at the early voting center proof of residency for an address change but provided the proof before the start of the provisional canvass.

Same Day Registration and Address Changes – Definitions; General Provisions (33.19.01.01 – .02)

Regulation .01 specifies that same day registration and address changes will be offered for all regularly scheduled elections; it will not be available for special elections. Regulation .02 clarifies that same day party affiliation changes are not permitted.

Same Day Registration and Address Changes – Public Notice (33.19.02.01)

This new regulation defines how SBE and the local boards will provide notice of the voter registration process. SBE will send to each pre-qualified voter a mailing with information on how to register to vote, and each local board will include in its specimen ballot information on how to change an address during early voting.

Same Day Registration and Address Changes – Election Judges (33.19.03.01 – .04)

These regulations require a primary and back-up election judge for same day registration and address changes, establish restrictions on using local board employees as judges, and define the judges' duties and

training requirements. Regulation .01A(3) requires each local board to hire one election judges to serve as a “greeter judge” to direct voters to the appropriate check-in station. Regulation .01C provides an exemption for those local boards that do not think that a greeter judge is necessary and establishes the process for requesting an exemption and reviewing the request. The training requirements mirror the training requirements for early voting and election day.

Same Day Registration and Address Changes – Processing New Registrants and Address Changes (33.19.04.01 – .03)

These new regulations specify when an election judge issues a regular ballot and when a judge issues a provisional ballot. The election judge issues a regular ballot to an individual who is pre-qualified and provides proof of residency in the county where he is voting or to a voter who has an address change and provides proof of residency in the county where he is voting. If the individual does not meet these requirements, the election judge issues him a provisional ballot.

Discussion of the proposed regulations was tabled until the next meeting.

Mr. Cogan departed the meeting.

PROPOSED REGULATIONS – CAMPAIGN FINANCE

Discussion of the proposed regulations was tabled until the next meeting.

LOCAL BOARDS OF ELECTIONS – ADDITIONAL POSITIONS TITLES AND SALARIES

Ms. Lamone stated that this agenda item was withdrawn.

ANNUAL REVIEW OF SBE BY-LAWS

Mr. Hogan asked how other State election offices with appointed boards handle issuing advice and noted that most boards delegate decision-making authority to the agency head and staff. He expressed his concern that candidates needing a quick decision would be unable to obtain it if the board members needed to weigh in on each decision.

There was a discussion about whether the State Board members could hear an appeal of an agency decision, but it was noted that there is a process by which individuals can request a declaratory ruling on how a regulation would be applied to a specific scenario. Mr. DeMarinis explained that he is proposing regulations to codify policy and reduce the need for interpretative decisions.

Additional discussion of SBE's by-laws was tabled until the next meeting. Ms. Charlson noted that additional duties had been statutorily created, and these new duties would be added to the *Duties of the State Board and State Administrator* document.

APPROVAL OF LBE BY-LAWS

Ms. Charlson explained that each local board adopts by-laws but final approval of these by-laws rests with the State Board of Elections. She presented by-laws from four local boards – Caroline County, Garrett County, Kent County, and Talbot County. She recommended that State Board approve the by-laws for the Caroline County Board of Elections and request changes to the by-laws submitted by the Garrett, Kent and Talbot County Boards of Elections. Ms. Charlson made her recommendation to request changes because three local boards removed provisions that are statutorily required or included provisions that are not consistent with SBE policy and advice.

Ms. Mack made a motion to approve the Caroline County Board of Elections' by-laws, and Mr. Hogan seconded the motion. The motion received four votes in support; one board member had previously left the meeting.

Mr. McManus made a motion to accept Ms. Charlson's recommendations to request changes and resubmission, and Ms. Mack seconded the motion. The motion received four votes in support; one board member had previously left the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Lynn Garland, a Montgomery County voter, introduced herself and thanked the board for considering concerns about using wireless transmission to transmit results. She noted that the new voting system should increase security and post-election audits can verify the integrity of the election. She stated that the change in the voting system should reduce costs.

Rebecca Wilson of SAVE Our Votes distributed two handouts Internet voting, The Heritage Foundation's *The Dangers of Internet Voting* and an extract of the U.S. Vote Foundation's report entitled *The Future of Voting – End-to-End Verifiable Internet Voting*. She noted that no Internet voting system on the market meets the recommendations of the U.S. Vote Foundation. Ms. Wilson also expressed her disappointment with the Board of Public Works' action on the voter education contract.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

There was a discussion about whether funds paid to buy tickets to central committee events would be considered a contribution. Mr. DeMarinis responded that they are contributions. No campaign contributions were disclosed.

SCHEDULING OF NEXT MEETING

The next meeting was tentatively scheduled for August 27, 2015, at 2:00 pm.

ADJOURNMENT

Ms. Mack made a motion to adjourn the meeting, and Mr. Hogan seconded the motion. Mr. McManus adjourned the meeting at 4:26 pm.