

Attendees: David McManus, Chair  
Patrick J. Hogan, Vice Chair  
Michael R. Cogan, Member  
Kelley A. Howells, 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  
Mary Cramer Wagner, Director, Voter Registration and Petitions  
Erin Perrone, Director, Election Reform and Management  
Paul Aumayr, Director, Voting Systems

Also Present: Armstead Jones, Election Director, Baltimore City Board of Elections  
Barbara Sanders, Montgomery County League of Women Voters  
Eric May, Steptoe & Johnson  
Joan Kleinman, Representative Van Hollen's office  
Raquelle Contreras, Common Cause Maryland  
Rebecca Wilson, Save our Votes

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

Mr. McManus called the meeting to order at 4:05 pm and confirmed that a quorum was present. He stated that the meeting was being recorded.

#### **RATIFICATION OF MINUTES FROM FEBRUARY 4, 2016, MEETING**

Mr. Hogan made a motion to ratify the approval of minutes from the February 4, 2016, meeting, and Ms. Howells seconded the motion. The motion passed unanimously.

#### **REQUEST TO APPROVE REPLACEMENT EARLY VOTING CENTER FOR BALTIMORE CITY**

Ms. Charlson presented the Baltimore City Board of Election's request for an early voting center to replace the previously approved early voting center located at a University of Maryland at Baltimore facility at 621 West Lombard Street in Baltimore. The proposed facility is located at another facility on the University of Maryland at Baltimore's campus – the Community Empowerment Center. Ms. Charlson stated that 80% of the City's voters live within five miles of an early voting center, and the proposed replacement facility is accessible, allows for electioneering, has adequate parking, and is adequate to handle estimated peak voting hours.

Mr. Jones, the Election Director for the Baltimore City Board of Elections explained that the initial facility on Lombard Street was not an ideal location. There was no parking in front of the building, and the local board had to pay \$5,000 each election to reserve 50 parking spots in an adjacent parking garage. Mr. Jones stated the reserved parking spaces were rarely used, and this facility was the lowest performing center in the Baltimore City. According to Mr. Jones, the voters at the prior location were mostly employees of the University of Maryland, not residents of neighboring community. The proposed replacement center is located on the other side of Martin Luther King Boulevard and in a more residential area.

Ms. Lamone reported that, since the start of the meeting, she received a letter from the Baltimore City Senatorial Delegation expressing support for the proposed replacement early voting center.

Mr. Hogan made a motion to approve the replacement early voting center, and Ms. Howells seconded the motion. The motion passed unanimously.

## **ADMINISTRATOR'S REPORT**

### **1. Announcements & Important Meetings**

#### Legislative Briefings

As mentioned in the January Administrator's Report, we briefed three legislative committees - Senate's Education, Health and Environmental Affairs Committee (February 4th), House Ways and Means Committee (January 27), and House Appropriations Committee (January 29) - on our preparedness for the 2016 Primary Election and the implementation of the new voting system. ES&S provided voting equipment for the House Appropriations Committee, and several committee members used the ballot marking device to mark a ballot. Follow up questions included information about voter outreach, funding wait time studies, and training dates for campaign finance seminars. A copy of my talking points will be included in the meeting folder.

#### Budget Hearings

After the Governor introduces a budget, the Department of Legislative Services analyzes each agency's budgets and provides to the General Assembly budget recommendations. Subcommittees of the Senate and House budget committees hold hearings to review each agency's budget, receive the Department of Legislative Services' recommendations, and hear each agency's response to the recommendations. SBE's budget hearings are February 26th in the Senate and March 3rd in the House. SBE has received a confidential version of Department of Legislative Services' analysis. This analysis and our response will be provided when it can be shared and complete.

#### Technical Guidelines Development Committee (TGDC)

On February 8th and 9th, the Technical Guidelines Development Committee met to discuss the work to update the federal Voluntary Voting System Guidelines. Ms. Lamone serves on this committee as a representative of the U.S. Election Assistance Commission's Board of Advisors.

#### Electronic Registration Information Center (ERIC) Board Meeting

On February 11th, Ms. Lamone attended a meeting hosted by ERIC. ERIC hopes to add three new members (Wisconsin, Alaska, and New Mexico) this year. ERIC's research shows that the most effective mailings sent to eligible but unregistered voters are straight forward and look like a government mailing. Facebook will be promoting primary elections in member states.

#### National Association of State Election Directors' Winter Meeting

From February 11th through February 13th, Ms. Lamone attended the winter meeting of the National Association of State Election Directors. At this meeting, the attendees received updates from the U.S. Election Assistance Commission, the Department of Defense's Federal Voting Assistance Program, and congressional representatives.

#### Election Law Continuing Legal Education Course

On February 10th and 13th, Ms. Charlson attended a continuing legal education course in election law. The course, offered by the Bipartisan Policy Center, included an update on recent election-related litigation, how to prepare for a recount (from the candidate's lawyer's perspective), legal questions related to automatic voter registration, and ethics training.

### Prince George's County Council - Health, Education and Human Services Committee

Alisha Alexander, Election Director for the Prince George's County Board of Elections, invited Ms. Lamone to attend the February 11th meeting of the Prince George's County Council's Health, Education and Human Services Committee and answer questions about the new voting system. Five council members attend the briefing, and Ms. Alexander and Ms. Lamone were able to share the State's and the local board's efforts to educate the public about the new voting system. The Committee's chair asked for SBE to demonstrate the new voting system to the full Council at a later date.

### Maryland Association of Election Officials' (MAEO) Quarterly Board Meeting

On February 19th, Ms. Lamone, Ms. Charlson, and two Regional Managers - Duane Powell and Russell Hicks, attended MAEO's quarterly board meeting. The meeting's business including information about this year's annual conference (June 19th - 22nd in Cambridge) and a MAEO ballot question related to breaking tie votes in board member elections.

The Baltimore County Board of Elections hosted the meeting and gave a tour of their new facility. Formerly a car maintenance facility, the facility has been completely rebuilt and includes a customized, on-site warehouse and staging area for the voting equipment.

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

### Election Judges' Manuals

On February 12th, the Early Voting Manual was distributed to the local boards for modification. Since the voting process is now very similar to election day, the local boards may print a separate manual for early voting or a supplement to the Election Day manual outlining the differences between early voting and election day. The Same Day Registration and Address Change Manual has also been distributed to the local boards for review and editing, and instructions and forms related to contingency plans will be ready for distribution in mid-March.

### Improving Accessibility by Voters with Disabilities

Supplies to make voting locations accessible on election day have been ordered or are being procured. Deliveries to the local boards should begin by the end of February.

### Online Ballot Delivery System

We are in the process of testing the updated online ballot delivery system for the 2016 Primary Election. Changes to the 2014 system were required because of the new voting system. The system will be ready for use by Saturday, March 12th, the deadline to transmit absentee ballots to certain military and overseas voters. For this election, the online ballot marking tool will only be available for use by individuals with disabilities.

## **3. Voter Registration**

### MDVOTERS

Release 6.1 was successfully moved into production the weekend of February 14th. This is the final release prior to April's primary election. The release included issues regarding same day registration and address change and candidacy.

### Presidential Petition Candidate

Mr. Roque "Rocky" DeLafuente was successful in his petition effort to appear on the Democratic ballot. In order to qualify, Mr. DeLafuente needed 400 verified signatures in each of Maryland's eight Congressional districts. Mr. DeLafuente's total of valid signatures was 4,909.

### Electronic Registration Information Center (ERIC)

Every two months, member states receive four list maintenance reports. The results of the reports processed by the February 3rd deadline are:

Cross-State: 10,660

In-State updates: 9,440

Duplicate Maryland records: 423

Social Security death records: 2,387

### MVA Statistics - January 2016

New Registrations - 9,828

Address Changes - 21,014

Last Name Changes - 1,976

Political Party Changes - 4,284

## **4. Candidacy and Campaign Finance (CCF) Division**

### Candidacy

February 3rd was the filing deadline for the 2016 Primary Election. A total of 939 candidates have filed for office at SBE.

### Campaign Finance

The Campaign Finance Division has submitted for Board of Public Works approval a contract modification with PCC Technology for implementing a new public financing module. The modification is a firm fixed price for \$157,700. The modification is required since Montgomery County enacted its public financing law. Montgomery County is aware of the costs for the project.

### Enforcement

SBE received inquiries into Sheila Dixon's campaign account by an organization, Baltimore Rising. Recently, the committee amended its campaign finance reports from the period from 2009-2011 and added numerous expenditures. The inquiries did not identify any specific violation of the Election Law Article. Because the period was several years ago, the inquiries have been forwarded to the Office of State Prosecutor. Ms. Duncan explained that the committee could have filed one amendment with all of the changes, but instead filed a separate amendment for each change.

## **5. Project Management Office (PMO)**

The PMO continues its support of the NVSR project. Additional information about the new voting system will be presented later in the Administrator's Report.

### Election Cycle Support

SBE is finalizing the Call Center support requirements and documentation for the 2016 Primary Election. The PMO continues to work with SBE management and staff to update and track the election cycle deliverables and tasks.

### Criminal Justice Information System Audit

The Department of Public Safety and Correctional Services (DPSCS) recently conducted its annual Criminal Justice Information System audit of the SBE's process and procedures and issues its report. DPSCS found that SBE complies with the various requirements for using, disseminating and retaining criminal history record information. DPSCS made recommendations to improve tracking of security training, disposing of records for individuals interviewed but not hired, and formalizing various procedures into a written policy. SBE is drafting its response to the audit report as required.

## **6. Voting Systems**

### Electronic Pollbooks

ES&S delivered the software release for the electronic pollbooks, and SBE will provide it to the local boards with instructions and associated documentation. The local boards will start the update process next week and, based on previous updates, it will take up to six weeks for some larger local boards to complete this software update. Because this software release is several weeks later than initially planned, the team will follow up with the local boards to determine if they need additional resources to finish the process. Additional resources can be assigned from the existing voting system implementation team or SBE's temporary staffing contract.

SBE has also procured 150 additional electronic pollbooks, and delivery occurred February 24, 2016. These are needed for the implementation of same day registration and the increase in the number of early voting sites. This order of pollbooks will be allocated to Anne Arundel, Montgomery, Prince George's, and Worcester Counties.

### Ballots Production & Ordering

Ballot production has begun for the 2016 Primary Election. The first ballot proofs were delivered to the local boards this week.

In light of the decision to use printed ballots for early voting as well as election day, the team is reviewing the quantity of pre-printed ballots and ballot activation cards needed for the 2016 Primary Election. The change means that more pre-printed ballots and less ballot activation cards are needed. The contract printers require this information to ensure they have sufficient stock of paper and pre-cut it to size prior to the ballot artwork being delivered.

### Voting System Ancillary Items

SBE has been ordering ancillary items consumables for the local boards. These include memory cards, paper rolls, tamper tape and memory card adaptors. Additional network hardware for the early voting electronic pollbook network has also been ordered and will be configured by the team prior to being dispatched to the relevant local boards.

### Training of Temporary Staff

As with every election, SBE hires 24 temporary county technicians to work with the local boards for the eight weeks prior to and the two weeks after the election. This week, those technicians are being trained and will start with the local boards next week. Other temporary staff that assist the local boards with pre-election logic and accuracy testing will start in early March. Training for temporary field support for early voting and election day will occur shortly before the election.

### Transportation

SBE has been holding transportation meetings with the local boards and the transportation contractor to review sites, discuss packing and labelling carts, delivery tickets, and contingencies. These meetings are conducted at the local boards. Approximately half of the meetings have occurred, with the remaining occurring over the next few weeks.

## **7. Information Technology**

### Anne Arundel County Office Relocation

The Anne Arundel County Board of Elections recently relocated to a new office site with an on-site warehouse facility. Network Maryland provisioned and installed a new data communications circuit for the new location at 6740 Baymeadow Drive, Glen Burnie MD, 21060. SBE IT re-

configured the networking device and re-established data connectivity from the new office location to the SBE's 3 data centers.

#### New WAN Circuit for Talbot County LBE Warehouse

The Talbot County Board of Elections requested a new WAN circuit for its warehouse location at 142 North Harrison Street, Easton, MD 21601. The new WAN circuit has been installed, and SBE IT configured the new network device for that circuit and will be installing the device soon at the site.

#### Legislation

Ms. Duncan provided a handout showing the status of the legislation SBE is tracking this session.

1. HB 204 – Montgomery County – Elections – Early Voting Centers: Passed both houses as emergency legislation.
2. SB 19, SB350, & SB938 authorize universal or automatic voter registration. In response to a question from Mr. McManus, SBE has not taken a position on this bill but has been providing election administration information. Forty-five pages of amendments were recently drafted to this legislation, and the fiscal note has not revised to reflect the amendments. Ms. Lamone explained that, in Oregon, a voter has a certain number of days to select his or her party affiliation. If the voter does not respond, the voter is deemed “unaffiliated” with a political party.
3. SB 170 – Voter Registration – Affiliation with Political Party and Participation in Primary Election, Caucus or Convention: Requires SBE to include on the voter registration application a statement that the voter must pick a party to participate in that party's primary election, caucus or convention.

#### New Voting System Replacement Project

##### Administrative

SBE continues to host weekly GoToWebinars with the local boards. This forum enables SBE to provide project statuses and address questions or issues. SBE continues to manage and monitor contract agreements related to this project, including addressing issues (*e.g.*, equipment defects, temporary resource requirements) that arise.

#### Statewide Election Management (SWEM) Network

*Background:* This network includes: (1) Certified Network which tabulates and reports official election results; (2) Election Night Results Network which tabulates and reports unofficial election results on election night; and (3) Regional Collection Networks to collect unofficial results from regional locations and transmits to a local board office on election night. The Regional Collection Networks are only used in Baltimore County (5 locations), Montgomery County (7 locations) & Prince George's County (6 locations).

##### *Status:*

1. The Certified Network & Election Night Results Networks are installed and tested in 23 counties. Saint Mary's County's network issues will be resolved this week.
2. Regional Collection Networks have been installed, and testing has begun.
3. At SBE's request, ES&S submitted a change to the Certified Network configuration to enable the use of Windows Credential Manager and disable the ability of users to disconnect from a shared mapped drive. This change was granted as a “*de minimis* change” by the U.S. Election Assistance Commission and is being applied to the Certified Networks and Election Night Results Networks at the local boards.

4. SBE continues to work with a Department of Information Technology (DoIT) vendor to evaluate the security of the networks and relevant policies and procedures. The vendor observed the Regional Collection Network testing in Montgomery and Baltimore Counties and will provide preliminary recommendations shortly.

#### Equipment Logistics/Delivery Status

*Background:* Voting system equipment is comprised of: (1) ExpressVote units (ballot marking devices); (2) DS200 scanners; (3) thumb drives; (4) ballot boxes; (5) ExpressPass printers (ballot activation card printers); and (6) DS850 high speed scanners. Ancillary equipment includes precinct voting booths and carts, hard cases & stands for ExpressVote units for early voting, soft cases for storing and transporting ExpressVote units, accessible tables for ExpressVote units on election day, and ballot transfer bins.

*Status:* All local boards have all of their voting equipment. Final deliveries to the two remaining counties (Anne Arundel and Wicomico Counties) were made at the end of January 2016.

Delivery of the 21,000 precinct voting booths is almost complete. A local expert in accessibility requirements recently notified a local board that the height of the voting booth's writing surface when fitted with accessible legs is too high. The accepted height of writing surfaces is 26-34 inches, and the voting booths with the accessibility legs are over 35 inches high. To resolve this issue, ES&S will be retrofitting the existing legs to make the booths accessible to voters with disabilities.

Accessible tables for the ExpressVote units have been delivered. Several local boards installed the ExpressVote units in the hard cases, but the remainder of the schedule has been delayed because less ExpressVote units are needed for early voting.

Each local board has its precinct carts. These carts hold a DS200 precinct tabulator, ballot transfer bins, electronic pollbooks, and many other election supplies. Based on requests from the local boards, it seems likely that an additional order of carts will be placed after the 2016 Primary Election.

SBE collected headsets from the legacy voting system when the legacy system was moved to SBE's warehouse. Since headsets from this system can be used with the ExpressVote units, several local boards have asked SBE to return these headsets as back-up headsets for the ExpressVote units. SBE is in the process of returning to the requesting local boards some of these headsets.

The reconciliation of all the equipment and supplies is an on-going process.

#### Issue Tracking Process

*Status:* As of February 23, 2016, the project team is tracking ten hardware issues (1 "medium" and 9 "low" issues), 22 precinct cart issues, 187 voting booth issues, seven pollbook issues; and 15 pollbook printer issues. There are no software issues or outstanding procedural questions. Issues related to voting booths change regularly as local boards inspect deliveries and ES&S repairs or replaces defective voting booths.

### Documentation

*Status:* The local boards have reviewed and provided comments on the latest draft of the *Conducting the Election Guide*. A final version for the 2016 Primary Election will be distributed February 29, 2016.

Various manuals for election judges are complete. These include the election day manual, instructions and forms for early voting (either as a separate manual or as a supplement to the election day version), and instructions for same day registration and address changes. The local boards customize these manuals and submit them to SBE for review and approval.

### Testing

*Status:* User Acceptance Testing is complete for most voting system equipment and the Certified and the Election Night Reporting networks. The exceptions are a couple local boards that recently finished or have almost finished their warehouses.

Testing of the three Regional Collection Networks (Montgomery, Baltimore and Prince George's Counties) occurred on February 11th, 16th and 18th, respectively. Testing in Montgomery County was successful, with all seven locations connecting to the local board's server and successfully transmitting results data. In Baltimore County, four of the five remote sites connected to the local board's server and successfully transmitted results data. The fifth site will be configured and re-tested. These tests were observed by SBE's security review team.

In Prince George's County, four of the six sites connected to the local board's server, but the remaining two sites had configuration issues. To resolve these issues, SBE, the Prince George's County Board of Elections, ES&S, and the county IT representatives will determine the proper configuration needed to transmit results. Retesting for all six Prince George's County's sites is scheduled for March 2, 2016.

The testing team conducted a test to verify that sample ballot activation cards worked with the ExpressVote units and could be read by scanners. The provider of these cards had not previously printed ballots, and SBE wanted to ensure that the printer's sample cards could be inserted into the ExpressVote units and scanned by the DS200 precinct tabulator. The test included inserting, marking, and scanning 1,000 ballot activation cards. The failure rate was 0.6%.

### Training

*Status:* Local board staff members recently completed refresher training on ElectionWare, the voting system's software package. This was hands-on training in small groups (two local boards per training). Next month, ES&S will provide on-site refresher training on ElectionWare and the DS850 high speed scanner. Additionally, ES&S will offer training on its web results reporting tool. This tool enables the local boards to produce web-friendly unofficial election night results.

### SBE's Central Warehouse

*Status:* Efforts are now underway to reorganize and reduce the space needed in SBE's Central Warehouse. By June 30, 2016, SBE expects to downsize the warehouse. The conference room at the warehouse continues to be used for the various trainings.

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

Mr. Darsie reported that the U.S. Court of Appeals for the Fourth Circuit upheld the federal district court's decision in *National Federation of the Blind v. Lamone*. He summarized the court's decision and will provide a more detailed analysis later.

### **APPROVAL OF FINAL REGULATIONS**

Ms. Charlson presented for final adoption COMAR 33.09.06.03 and 33.10.01. - .29. The proposed regulations were published in the January 8, 2016, edition of the *Maryland Register* (Vol. 43, Issue 1), and SBE received comments from the Maryland Association of Election Officials.

Ms. Charlson explained that SBE will consider some of the association's comments in future revisions, but none of the requested changes were necessary to make now and delay moving forward with final adoption of these regulations. She recommended deferring action on Regulation .08 as it was drafted when ballot marking devices were to be used by all voters during early voting.

Ms. Charlson recommended that the board adopt COMAR 33.09.06.03 and 33.10.01 -.29 as published except for deferring 33.10.01.08 and incorporating the non-substantive changes in 33.10.01.24A and 33.10.01.01218B(2) and an additional reference in the authority line for 33.10.01.

Ms. Howells made a motion to accept Ms. Charlson's recommendations, and Mr. Hogan seconded the motion. The motion passed unanimously.

### **APPROVED OF CONTINGENCY PLAN FOR THE 2016 PRIMARY ELECTION**

Ms. Charlson presented *SBE Policy 2016-01: Contingency Plans for the 2016 Primary Election*. The initial contingency plans (SBE Policy 2015-02) were adopted in November 2015 and covered the exclusive use of the ballot marking devices and ballot activation card printers during early voting.

As a result of the State Board's action at the February 4, 2016, meeting, Ms. Charlson explained that SBE Policy 2015-01 needed to be revised. She presented the revised contingency plans and explained that since contingency paper ballots and ballot activation card printers are no longer needed, all references to those ballots and printers were removed from the contingency plans.

Mr. Hogan made a motion to approve SBE Policy 2016-01, and Ms. Howells seconded the motion. The motion passed unanimously.

### **APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS**

Ms. Charlson presented requests from twelve committees to waive late fees incurred by the committees. The twelve requesting committees are:

1. Boyce, Tom Republican Committee, Committee to Re-Election
2. Coalition for a Better Future Slate
3. Desabla, Tom for Commissioner
4. District 17 Democratic Team Slate, The
5. Ebron, Kenneh Community Run
6. Etieene, Roussan Jr. Friends of
7. Kelley, Delores Citizens for
8. Kiple, Carol M. Friends to Elect
9. Miles, William M. Citizens to Elect
10. Orem, Vicky L. Citizens to Elect
11. Walsh, Citiy for Mayor of Baltimore
12. Yeagley, Erin Friends of

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

### **APPROVAL OF TITLE 14 WAIVER REQUESTS – REQUESTS TO WAIVE LATE FEES**

In response to a question from Mr. Cogan, Mr. Darsie explained that the State Board has discretion under Title 14 to assess late fees and therefore the State Board considers all requests

to waive possible late fees. Under § 13-331(a), the State Board is required to assess late fees, but the State Administrator is granted authority under § 13-337(b) to grant waivers, with the approval of the State Board. The State Administrator's decision to deny a waiver request under § 13-331 does not require approval by the State Board.

This agenda item was tabled until the next meeting, as the members had questions for Jared DeMarinis, Director of Candidacy and Campaign Finance, and he was attending legislative hearings and could not attend the board meeting.

### **CONFIDENTIAL REQUESTS**

Ms. Charlson presented nine requests for designating sitting judges' residential addresses and phone numbers as confidential.

Mr. Hogan made a motion to designate these voters' residential addresses and phone numbers as confidential, and Mr. Cogan seconded the motion. The motion passed unanimously.

### **ANNUAL REVIEW OF BY-LAWS**

Mr. McManus stated that Common Cause Maryland expressed in a letter dated February 25, 2016, its concerns on the provision in the proposed by-laws (§ 4.2B(3)) permitting board members to attend party functions without disclosing this attendance. The letter was provided in the board meeting folder.

Mr. McManus proposed tabling further discussion of the proposed by-laws until all members of the State Board are present. The motion passed unanimously.

### **APPROVAL OF LBE BY-LAWS**

Ms. Charlson recommended for approval by-laws for the Cecil, Frederick, Harford, Montgomery and Worcester County Boards of Elections. The changes previously requested by the State Board have been incorporated.

Mr. Hogan made a motion to accept the by-laws for the Cecil, Frederick, Harford, Montgomery and Worcester County Boards of Elections, and Ms. Howells seconded the motion. The motion passed unanimously.

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

Mr. McManus stated that, in response to the State Board's decision to limit the use of the ballot marking device during early voting, questions have arisen about how many voters will be required to use the ballot marking device. Ms. Lamone proposed that at least 20 voters use the ballot marking device at each early voting center (1,380 voters statewide) and at least three voters use the ballot marking device in each precinct on election day (5,700 voters statewide). She also proposed that voters who ask to use the ballot marking device be allowed to use it. Ms. Lamone stated that SBE will provide specific written instructions for navigating contests and instruct election judges how to provide assistance.

Mr. Darsie explained that Election Law Article, §9-102(f)(1) requires that the voting system provide equivalent access by voters with disabilities without creating a segregated ballot. An Opinion of the Attorney General interpreted "segregated ballot" and recommended that voters

without disabilities use the ballot marking device to ensure that voters with disabilities do not have a segregated ballot.

There was a discussion about what the minimum number of voter using the ballot marking device should be and how to administer this process. Mr. Darsie explained that the Opinion of the Attorney General compares the process for avoiding a segregated ballot to the practice of holding back some absentee ballots of each ballot style for the provisional and second absentee canvasses. This ensures that, if there is there is only one provisional ballot or absentee ballot canvassed in the second absentee canvass of a specific ballot style, that voter's anonymity is preserved because the ballot is canvassed with the ballots that were held back.

Mr. McManus proposed that the State Board schedule a special meeting and ask for feedback on the minimum number of voters using the ballot marking device. Mr. Hogan proposed that the State Board present and request feedback on a draft concept. He proposed that minimum number of voters using the ballot marking device would be 16 during early voting and two per precinct on election day.

Mr. Cogan made a motion to adopt Mr. Hogan's proposal as the State Board's draft concept, and Mr. Hogan seconded the motion. The motion passed unanimously.

Ms. Charlson will draft a document explaining the draft concept and how interested individuals can provide comments.

#### **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

No members reported any campaign contributions.

#### **CONFIRM NEXT MEETING**

The State Board scheduled a special meeting for 4 pm on Friday, March 4, 2016, to review comments and decide the minimum number of voters who will use the ballot marking device in the 2016 Primary Election.

The next regular meeting is scheduled for Thursday, March 24, 2016, at 2 pm.

#### **ADJOURNMENT**

Ms. Howells made a motion to adjourn the meeting, and Mr. Hogan seconded the motion. The motion passed unanimously. Mr. McManus adjourned the meeting at 6:00 pm.