

State of Maryland 

State Board of Elections – August 25, 2016 Meeting

Attendees: David McManus, Chair
Patrick J. Hogan, Vice Chair
Michael R. Cogan, Member
Kelley A. Howells, Member
Bobbie S. Mack, Member
Linda H. Lamone, State Administrator
Ann MacNeille, Assistant Attorney General (by phone)
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy for Election Policy
Keith Ross, Assistant Deputy for Project Management
Paul Aumayr, Director, Voting Systems
Jared DeMarinis, Director, Candidacy and Campaign Finance Division
Erin Perrone, Director, Election Reform and Management
Mary Cramer Wagner, Director, Voter Registration and Petitions
Stacey Johnson, MDVOTERS Project Manager
Janet Smith, Voter Registration Manager of Audits
Vincent Omenka, Director, IT Division
Janey Hegarty, IT Division
Kenway Chen, Programmer, Voting Systems Division

Also Present: Margaret Jurgenson, Election Director, Montgomery County Board of Elections
Allison McCord, Harford County Board of Elections
Ralph Watkins, League of Women Voters
Holly Joseph, Montgomery County citizen
Lou Ann Blake, National Federation of the Blind
Rebecca Wilson, SAVE Our Votes

DECLARATION OF QUORUM PRESENT

Mr. McManus called the meeting to order at 2:05 pm and confirmed that a quorum was present. He stated that the meeting was being recorded.

RATIFICATION OF MINUTES FROM JULY 28, 2016, MEETING

Ms. Howells made a motion to ratify the approval of minutes from the July 28, 2016, meeting, and Mr. Hogan seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

1. Announcements & Important Meetings

ES&S Customer Advisory Board

Ms. Charlson attended ES&S' Customer Advisory Board meeting on August 4th in New York City. Attendees toured the New York City's Manhattan warehouse facility and discussed preparations for the 2016 General Election.

Maryland Association of Election Officials' (MAEO) Monthly Board Meeting

On August 19th, Ms. Charlson, Sylvia Brown, SBE's HR Director, and two Regional Managers, Shafiq Satterfield and Duane Powell, attended MAEO's monthly board meeting. The meeting was hosted by the Frederick County Board of Elections. Approximately 15 non-board members attended the meeting and numerous others joined the meeting by phone.

At the request of the MAEO board, Ms. Brown reviewed the Performance Evaluation Program presentation she gave to members of the local boards of elections at MAEO's annual meeting in June 2016. It appears that there is a better understanding of the process, and SBE will continue to assist the local boards with the process and verifying that the correct procedures have been completed. MAEO's board decided to hold its 2017 annual meeting in Ocean City.

2. Election Reform and Management

Provisional Voting Workgroup

At Ms. Lamone's request, Margaret Jurgensen, the Election Director for the Montgomery County Board of Elections, led a committee of local election officials to recommend strategies to prevent provisional ballots from being scanned in the early voting centers or polling places. After considering the recommendations, Ms. Lamone issued on August 12th mandatory and optional actions for the local boards of elections. A copy of the memorandum was included in the board meeting folder. Mandatory actions include hiring at least one provisional judge for each voting location, issuing the orange provisional privacy sleeve at the check-in table, and training all judges how to review the voter authority card to ensure the voter is in the correct area of the polling place. Optional actions include using an orange tablecloth for the provisional voting area, purchasing orange painters tape to guide voters to the provisional voting area, and using a tent card on the provisional judge table with instructions for the provisional voter on one side and the provisional judge on the other side.

In response to questions, Ms. Perrone confirmed that the Baltimore City Board of Elections received the memorandum and explained why some of actions are required while others are optional. Ms. Jurgensen explained that the committee's recommendations were prioritized based on cost and time needed to implement. Ms. Perrone will follow up with the local boards of elections to determine which optional actions will be used in the 2016 General Election.

Election Judges' Training Videos

Cortnee Bryant is developing a storyboard and filming footage for a provisional voting video. Since each county has different processes, the video will focus on the voter's experience, instead of the election judges. However, all election judges can watch the video to get a better understanding why a voter may have to vote provisionally and how the provisional process works. Ms. Perrone will provide the board members with a link to the video when it is complete and survey the local boards on whether and how the video is being used.

Election Judge Training Classes

Ms. Perrone and Ms. Bryant will observe various election judges' training classes at different local boards of elections. The evaluations will begin in September.

Election Judges' Training Requirements

A list of required topics for election judges' trainings for the 2016 General Election was distributed to the local boards of elections. Topics included reviewing the provisional voting process with **all** judges to ensure a provisional voter does not leave the provisional voting area, providing voters with privacy at the scanning unit, and ensuring the ballot marking device is properly setup and ready to be used by voters when the voting location opens.

Voter Services - Software Release

Last month, SBE installed a software release for the online voter registration system. This release included minor changes to improve usability and accessibility. The last release for 2016 will be installed in early September and will include the ability to queue transactions if the connection with the Motor Vehicle Administration is down. This release will include the online ballot delivery system, which must be ready for military and overseas voters no later than September 23rd.

3. **Voter Registration**

MDVOTERS

Release 6.2 will be moved into production on August 27th. This is the final release prior to the 2016 General Election. The release includes processing reports from the Electronic Registration Information Center (ERIC) and enhancements to the election judge and candidacy modules. Release overview training is scheduled for September 6th through 8th.

The required paperwork has been submitted to the Department of Information Technology (DoIT) to renew an option year for the Sidus and Canton contracts, vendors that support MDVOTERS.

A Joint Application Design session is scheduled for August 28th through 31st. This session is used to prioritize 2017 MDVOTERS development. Thank you in advance to the local boards who will assist in these sessions.

On August 4th, Stacey Johnson, Soo Kang, Andrew Johnson and Mary Wagner met with representatives from the Motor Vehicle Administration to lay out priorities for the coming year and ensure that everything is in place for the 2016 General Election regarding MDVOTERS and SBE's online voter services.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

Training took place August 22nd and 23rd for SBE staff and temporary employees on processing voter registration applications, absentee ballot applications and processing voted ballots from military and overseas voters. Thank you to Janet Smith for coordinating and doing the training.

Electronic Registration Information Center (ERIC)

One of the conditions of ERIC membership is contacting individuals who appear eligible to vote but are not yet registered. Member states must mail postcards to these individuals before every general election. Currently, the postcards are at the mailing house and will hit mailboxes around September 12th. Approximately 24,000 postcards will be mailed. In response to a question, Ms. Wagner stated that the cost of printing and mailing these postcards is about \$10,000. In the 2012 General Election a mailing of 120,000 postcards generated about a 1% response rate or 1,200 new registrations.

Ms. Wagner stated that ERIC statistics from the last report is not yet complete because not all of the local boards of elections have submitted their data.

MVA Statistics - July

The number of voter registrations received from the MVA for the month of July 2016 were:

- New Registrations: 16,392
- Address Changes: 37,430
- Last Name Changes: 3,293
- Political Party Changes: 7,986

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

The deadline to file a certificate of candidacy for a non-principal political party and petition candidates was Monday, August 1, 2016 at 5 pm. No petition candidates filed for a State office, but two petition candidates met the threshold for Baltimore City council elections.

Campaign Finance

The Presidential Pre-General 1 Report is due on August 30th. This campaign finance report is required only for the political committees participating in the Presidential–Baltimore City election. Over 560 committees are participating in the Presidential–Baltimore City election.

Enforcement

On August 5, 2016, SEIU Maryland and DC State Council American Dream Fund paid \$3,368.29 for a civil penalty of filing an independent expenditure report late.

On August 6, 2016, the Prince George's County Democratic Central Committee paid \$650.00 in civil penalties for failure to maintain treasurer's books and records, failure to record contributions, and failure to record expenditures on the campaign finance report. Mr. DeMarinis noted that the Prince George's County Democratic Central Committee was responsive to the Division's suggestions on correcting the identified issues.

In response to a question, Mr. DeMarinis explained that these funds are added to the Fair Campaign Finance Fund.

5. Project Management Office (PMO)

Inventory

SBE is now in the reconciliation phase with the new and legacy equipment and supplies. The current focus is on the legacy equipment located at SBE's Central Warehouse and verifying that everything matches the information in the inventory database. As a result of this process, we have found items previously identified as not being found. This reconciliation exercise is necessary to prepare for the September 15th submission of the annual report of equipment and supplies to the Department of General Services (DGS).

Election Staffing for the 2016 General Election

SBE is now fully engaged with the election field support staffing vendor recruiting the temporary resources needed to support the 2016 General Election. Currently, trainers and the voter outreach resources are on board. This past week, the voter outreach team conducted thirteen outreach events in eight counties. The training team started training election judges in some of the local boards.

The next recruitment effort will be for county technicians. Each local board is assigned one county technician to provide support for all election preparation and conducting activities. Training for the county technicians will start on September 6th, and they will report to their assigned local boards on September 12th.

SBE's Central Warehouse

The contract staff at SBE's Central Warehouse are working on several tasks, including helping with the inventory reconciliation and performing the periodic charging of the legacy voting system equipment.

New Voting System Replacement (NVSR) Project

The NVSR team is now working with ES&S on the second round of changes to the Statewide Election Management (SWEM) network prior to the 2016 General Election. The NVSR project leads are working on the support documentation and plans for the Baltimore City Warehouse for the 2016 General Election.

Work continues between vendor staff supporting the Agency Election Management System (AEMS) requirements for the 2016 General Election and the building of the ballot and other related functions.

AEMS Modernization Project

SBE completed its interview of contract candidates for the Project Manager for the AEMS project and has made the selection. The management of this project will be governed by the Agile project methodology recommended by DoIT.

6. Voting Systems

Post-Election Maintenance.

The local boards of elections continue to perform the post-election maintenance, but the vast majority of the work is complete. The local boards must complete the work by the end of August. ES&S is repairing voting equipment at the local boards' premises, but pollbooks needing repair must be sent to ES&S' office in Bowie and pollbook printers needing repair must be sent to a third party repair vendor in Mt Airy, MD.

Pollbook Software

ES&S released the production version of the updated pollbook software, and the team is testing it prior to release to the local boards of elections. Testing should be completed this week, with deployment to the local boards next week. This software update will be installed on all pollbooks because the report functionality has been updated.

Election Procurement.

The team procured additional barcode scanners and network hardware for the two additional early voting centers in Prince George's County and Frederick County. Additional scanners were purchased to expand Baltimore County's and Prince George's County's capabilities in their early voting centers.

On August 17th, the Board of Public Works approved the purchase of additional 116 electronic pollbooks and 114 associated printers, the rental of DS200 scanners, ballot boxes, and other ancillary equipment for the 2016 General Elections, and an ES&S agreement for software licensing and development hours for the electronic pollbooks. Equipment rented for the 2016 General Election will be returned to ES&S after the election.

The regional managers surveyed the local boards of elections to determine what supplies, such as paper rolls and tamper evident seals, are required for the 2016 General Election. These supplies will be procured shortly.

7. Information Technology

New WAN Circuit for Wicomico County Board of Election's Warehouse

The Wicomico County Board of Elections requested a new WAN circuit for its warehouse location. The new WAN circuit has been installed, and SBE's IT Division configured the network device for that circuit and installed it successfully.

Ms. Charlson identified additional documents provided in the board meeting folder.

ASSISTANT ATTORNEY GENERAL'S REPORT

In Mr. Darsie's absence, Ms. MacNeille provided an update on two lawsuits. The U.S. District court denied the State's motion to dismiss in one of the pending redistricting lawsuits. The State's motion to dismiss in the litigation relating to 2016 Primary Election is pending.

APPROVAL OF CONTINGENCY POLICY FOR 2016 GENERAL ELECTION

Ms. Charlson presented the proposed *SBE Policy 2016-02: Contingency Plan for the 2016 General Election*. She stated that the proposed plan is identical to the plan presented and adopted for the 2016 Primary Election.

Mr. Hogan made a motion to adopt *SBE Policy 2016-02: Contingency Plan for the 2016 General Election*, and Ms. Mack seconded the motion. The motion passed unanimously.

APPROVAL OF EARLY VOTING CENTER – TALBOT COUNTY

This agenda item was withdrawn.

REQUEST FOR CERTIFICATION OF THE ONLINE BALLOT MARKING TOOL

Ms. Charlson stated that Rebecca Wilson of SAVE Our Votes requested to speak at the meeting. Ms. Wilson stated that the online ballot marking system does not meet Maryland's ballot secrecy requirements, will not expedite the return of voted ballots by military and overseas voters, and makes elections vulnerable to fraud and error. She also questioned why the online ballot marking system is being considered for certification. A copy of her written comments were included in the board meeting folder.

Ms. Charlson explained that she updated the 2014 survey summary document previously distributed to the board members. The updates to the 2014 summary are shaded. Since the 2014 elections, three more states use an online system to deliver absentee ballots, and one of these states has an online ballot marking tool. Nineteen states allow military and overseas voters to return voted ballots via the Internet.

Ms. Charlson reviewed the security reviews that have been performed on the online ballot marking tool. The University of Maryland Baltimore County performed a penetration test in 2012, Unatek performed a vulnerability assessment and penetration testing in 2013, DoIT and Mainstay Enterprises performed a security audit of Unatek's work in 2014, and DoIT performed penetration testing in October 2014. Mr. Omenka and Mr. Chen joined the meeting to answer questions.

In response to questions, Ms. Charlson explained that the U.S. Department of Defense funded Maryland's online ballot delivery with online ballot marking tool. One of the stated justifications for the online ballot marking tool was to eliminate questions of voter intent, prevent overvotes, and improve accuracy. The use of a QR barcode on the ballot returned by a voter means that the duplication process during canvass is automated and more efficient. Mr. Chen explained how the QR barcode is generated, and Mr. Omenka explained that the voter's selections are encrypted and transferred via a secure tunnel to a state-owned server. Ms. Charlson stated that the selections are not saved, only transferred to reformat the selections into a ballot (as a PDF document) with the voter's selections marked.

There was a discussion about how many voters were likely to use the online ballot marking tool in the 2016 General Election and the upcoming schedule of security scans. Ms. Howells noted

that only one state has both online ballot delivery system available to every registered voter and an online ballot marking tool. Ms. Charlson explained that SBE regularly runs one security scan and recently acquired two additional scans and staff members are constantly scanning and monitoring the use of the online systems.

2016 GENERAL ELECTION – USE OF BALLOT MARKING DEVICE

Ms. Charlson presented proposed revisions to the election judges' instructions for the 2016 General Election. The proposed revisions attempt to address the State Board's desire to limit the use of the ballot marking device because of navigation and display issues and the concerns shared by representatives of voters with disabilities. Ms. Charlson noted that verbal and written navigation instructions will be given to all voters who use the ballot marking device and shared feedback provided by the National Federation of the Blind and Disability Rights Maryland. Ms. Blake from the National Federation of the Blind confirmed that Ms. Charlson accurately articulated the organizations' position. Mr. Hogan stated his support of the proposed language with the understanding that the identified issues will be resolved for the 2018 elections.

Mr. Hogan made a motion to approve the proposed election judges' instructions, and Ms. Mack seconded the motion. The motion passed unanimously.

Ms. Charlson presented a request from the Prince George's County Board of Elections to deploy two additional ballot marking devices at five early voting centers. The local board is requesting the additional ballot marking devices because of the number of senior citizens and individuals with disabilities that use the early voting centers.

Ms. Mack made a motion to allow the Prince George's County Board of Elections to deploy two additional ballot marking devices at five early voting centers subject to the State Board's other applicable policies, and Mr. Hogan seconded the motion. The motion passed unanimously.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Mr. DeMarinis presented requests from 8 committees to waive late fees incurred by the committees. The requesting committees are:

1. Boyce, Tom Republican Committee
2. Brown, Beatrice Citizens for
3. Carabetta, Joe Citizens for
4. District 35 Team Slate
5. Health Care Professionals for Responsible Health Care
6. MacFadden, Nathaniel J. for Senate
7. Mason, Karen H. Friends of
8. Supporters of MD Winegrowers PAC

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

Mr. DeMarinis provided for informational purposes denied requests from five entities requesting a waiver of the fees incurred as a result of a late report. The five entities whose requests were denied are: (1) Recovery Point Systems, Inc.; (2) Restaurant Association of Maryland Education Foundation; (3) Food & Friends, Inc.; (4) CAM Constructions Co., Inc.; and (5) OCI Resources, dba Overland Consulting. No action was needed for these denials.

Mr. DeMarinis presented requests from Apollo Management Holdings, L.P. and AQR Capital Management, LLC for a waiver of the requirement to provide certain information about these entities' contracts with public entities that exceed \$200,000. Mr. Cogan made a motion to accept

Mr. DeMarinis' recommendation to grant the waivers, and Ms. Howells seconded the motion. The motion passed unanimously.

APPROVAL OF CONFIDENTIALITY REQUESTS

Mr. DeMarinis presented two requests from sitting judges to have certain voter registration and candidate information designated as confidential.

Ms. Mack made a motion to designate certain information confidential for the two sitting judges, and Ms. Howells seconded the motion. The motion passed unanimously.

APPROVAL OF LBE BY-LAWS

Ms. Charlson presented amendments to the by-laws of the Dorchester County Board of Elections. The changes adopted by the local board of elections include how individual members may access information and data, adding a duty to the Election Director, and revising language related to personnel decisions made by the Election Director and the process to revise the delegation of duties.

Mr. Hogan made a motion to approve the revised by-laws for the Dorchester County Board of Elections, and Mr. Cogan seconded the motion. The motion passed unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Ms. Duncan explained that the Baltimore City Board of Elections will be requesting changes to nine polling places since the schools in which the polling places were to be located will not be available for use. Ms. Duncan asked for a quick approval once she requests a vote by email as the final polling place list is needed to finalize the ballots for the 2016 General Election.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Cogan stated that he donated \$100 to the campaign of Kathy Szeliga for U.S. Senate and \$150 to the National Republican Senatorial Committee.

CONFIRM NEXT MEETING

The next meeting is scheduled for Thursday, September 29, 2016, at 2 pm.

ADJOURNMENT

Mr. Hogan made a motion to adjourn the meeting, and Ms. Howells seconded the motion. The motion passed unanimously.

Mr. McManus adjourned the open meeting at 3:55 pm.

CLOSED MEETING

Mr. McManus requested a motion to close the board meeting under General Provisions Article, §3-305(b)(13), which permits closing a meeting to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public discussions about a particular proceeding or matter. This exemption would apply to any discussions between the Board, its counsel, and staff to prevent disclosure of information about the security of an information system under General Provisions Article, §4-338 and enable the members of the State Board of

Elections to discuss, ask questions, and receive information about the security of the online ballot marking tool.

Mr. Hogan made a motion to convene in closed session, and Ms. Howells seconded the motion. The motion passed unanimously.

The motion having passed, the Board met in closed session in accordance with exemptions (b)(13) of Section 3-305 of the Open Meetings Act to prevent the disclosure of information about the security of the online ballot marking tool. The open meeting recessed at 3:55 pm.

In addition to the board members present at the open meeting, Ms. Lamone, Ms. Charlson, Ms. Perrone, Mr. Omenka, and Mr. Chen were present. During the closed session, Mr. Omenka explained the online ballot delivery system's architecture and how unauthorized users might try to access the system. There was a discussion about the findings from the security scans. The board members decided to meet on September 14, 2016, at 2 pm to discuss the online ballot marking tool. No other action was taken. The closed meeting adjourned at 5:08 pm.