

**State of Maryland** 

**State Board of Elections – September 29, 2017 Meeting**

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Attendees: David McManus, Chair  
Patrick J. Hogan, Vice Chair  
Michael R. Cogan, Member  
Kelley A. Howells, Member  
Gloria Lawlah, Member  
Jeff Darsie, Assistant Attorney General  
Nikki Charlson, Deputy Administrator  
Donna Duncan, Assistant Deputy, Election Policy  
Keith Ross, Assistant Deputy, Project Management  
Paul Aumayr, Director, Voting System  
Jared DeMarinis, Director, Candidacy and Campaign Finance  
Erin Perrone, Director, Election Reform and Management  
Mary Cramer Wagner, Director, Voter Registration  
Cortnee Bryant, Deputy Director, Election Reform and Management  
Janet Smith, Voter Registration

Also Present: Alisha Alexander, Election Director, Prince George's County Board of Elections  
Margaret Jurgensen, Election Director, Montgomery County Board of Elections  
Lou Ann Blake, National Federation of the Blind  
Gabe Cazares, National Federation of the Blind  
Sharon Manecki, National Federation of the Blind, Maryland Chapter  
Alyssa Fieo, Disability Rights Maryland  
Ben Jackson, Disability Rights Maryland  
Ralph Watkins, League of Women Voters  
Damon Effingham, Common Cause MD  
Ralph Tyler  
Erin Cox, The Baltimore Sun  
Stacey Goodman, Department of Legislative Services  
Lynn Garland  
Kathryn Summers, Professor, University of Baltimore

**DECLARATION OF QUORUM PRESENT**

Mr. McManus called the meeting to order at 2:00 pm and stated that there was a quorum present. He stated that the meeting was being recorded and an audio file will be posted on SBE's website. Mr. McManus stated that he would like to end the meeting by 4 pm in observance of Yom Kippur and apologized for needing to reschedule the meeting from September 28, 2017.

**RATIFICATION OF MINUTES FROM JULY 2017, MEETING**

Mr. Hogan made a motion to ratify the minutes from the August 24, 2017, meeting, and Ms. Howells seconded the motion. The motion passed unanimously.

**ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**ADMINISTRATOR'S REPORT**

Ms. Charlson explained that Ms. Lamone was traveling to a weekend meeting of the National Association of State Election Directors and was unable to attend the meeting.

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

### Biennial Information

Preparation for the Monday, October 23, 2017 biennial meeting of Maryland election officials is underway. The meeting is mandatory for local board members, attorneys, election directors and deputy directors. The draft agenda was included in the meeting folder. Please advise Ms. Duncan or Ms. Wagner if you plan to attend.

### Joint Legislative Committee Briefing

On September 6th, the members of the Senate's Education, Health and Environmental and House's Ways and Means Committees held a joint hearing on cybersecurity in elections. Two representatives of the Office of Legislative Auditors briefed the committee members on the recent legislative audit report, and a panel of federal government, academic, and advocacy representatives discussed cybersecurity in elections and their recommendations for improving the security of election systems. After this panel, we updated the committee members on the legislative audit findings and provided an overview of how we protect the election systems used in Maryland. Representatives of ByteGrid, SBE's hosting vendor for critical election systems, and Cybraics, a firm who developed a tool ByteGrid uses to monitor systems, spoke about the election system infrastructure and how it is protected. The committee members were engaged in the presentation and asked questions about the Legislative Auditor's recommendation to change the requirements to obtain an absentee ballot, a simultaneous end-to-end cyber risk assessment, oversight of municipal elections, and the ability to detect fraud in the voting process.

In response to this hearing, the Capital News Service published and the Associated Press distributed an article stating that SBE told the General Assembly that a law change was necessary to strengthen computer security. This is **not** what we advised the members of the Senate's Education, Health and Environmental Affairs and the House's Ways and Means Committees at the September 6th briefing. As you may recall, the Legislative Auditor recommended in SBE's most recent audit report that voters using a paper form to request an absentee ballot be required to provide the last four digits of their Social Security Number. This recommendation and the advice we received from the Attorney General's Office – that a legislative change would be required to implement this new requirement to the absentee ballot request process – was discussed at the September 6th briefing. The reporter's representation that this change is a "security measure" is not accurate; it would be a change to the information required for certain absentee voters (i.e., voters using the paper request form) and is independent from the system used to manage the absentee voting process.

### Technical Guidelines Development Committee Meeting

On September 11th and 12th, Ms. Lamone participated in the Technical Guidelines Development Committee meeting in Washington, DC. At this meeting, the committee members voted to approve the next generation of voting system standards – Voluntary Voting System Guidelines 2.0 – and reflect changes proposed by the election community, the U.S. Election Assistance Commission, the National Institute of Standards and Technology, and TGDC members. These new standards are expected to be complete by 2018.

### League of Women Voters of Montgomery County – Trending Topics Forum

On September 25th, Ms. Charlson participated in a forum hosted by the League of Women Voters of Montgomery County to discuss "*Facts Behind the Headlines: How Maryland Elections Operate.*" Two members of the Montgomery County Board of Elections – Jim Shalleck and

Mary Ann Keeffe – and Ms. Jurgensen, Election Director for the Montgomery County Board of Elections, also participated in the forum. Topics discussed were roles of the State and local boards of elections, the voter registration process, how we protect our election systems, and how voting locations are chosen. Approximately 40 individuals attended the forum. In response to questions from Ms. Howells, Ms. Charlson responded that the panelists were the individuals mentioned and SBE will participate in other organizations' events if requested.

In response to a series of questions from Mr. Hogan, Ms. Charlson responded that a breach of SBE's online voter registration system had been attempted but there was no breach. Mr. Hogan stated that to date, no voter data has been breached or votes tampered with and that the online voter registration system is a separate system from the statewide voter registration database. He also stated that data is manually reviewed and processed before being entered into the statewide voter registration database. Ms. Howells stated that it is important to recognize that the systems have not been breached "to the best of our knowledge," and Mr. McManus explained that we are aware of these attempts and are using all tools available to protect these systems.

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

### Spanish Translation Committee

The Spanish Translation Committee's first meeting was September 13th. The purpose, goals, and tasks were outlined during the meeting and various documents were presented to the members. Before the next meeting, each member will review the Spanish translation of ballot information, and any recommended changes will be discussed at the next meeting.

### Voter Privacy at the Scanning Unit

To ensure voter privacy at the scanning unit, a memo will be sent to the local election directors and deputy directors outlining various mandatory and optional actions for local boards. The mandatory actions include using a special type and color of folder for the scanning unit judge to shield the voter's ballot when assisting the voter, adding the location of the scanning unit judge to any voting room diagrams that are given to the election judges, and including specific instructions, text and diagrams to the *Election Judge Manual* and training classes. The optional actions include ordering "privacy screens" made of corrugated plastic to fit on both sides of the scanning unit and using tape on the floor of each voting location as a marker for the scanning unit judge.

Ms. Perrone stated that three board members observed voting at the Maryland Hall for Creative Arts, one of the City of Annapolis' polling places in the recent primary election. Mr. Cogan explained that this precinct was a great example of conscientious and well trained election judges and that the voting unit judge understood the significance of voter privacy at the scanning unit. Mr. Hogan explained that he voted before signing in as an observer and tried to expose to the scanning unit judge his voted ballot and the voting unit judge instructed him to keep his ballot private.

## **3. Voter Registration**

### Electronic Registration Information Center (ERIC)

New reports will be distributed to the local boards at the beginning of October for processing. On October 2<sup>nd</sup>, Ms. Wagner will attend a meeting in Denver, Colorado to discuss the first 5 years of ERIC and moving forward.

### MDVOTERS

Release 6.6 has been thoroughly tested and is scheduled to be moved into production on September 30th. The release deals largely with the candidacy module.

### Federal Jury Commission

At the request of the board, Ms. Wagner sent a letter to the federal jury commissioners requesting information regarding individuals who responded they were unable to serve due to not being a U.S. citizen. The letter was included in the meeting folder. Ms. Wagner explained that the Jury Administrator in the U.S. District Court's Baltimore Office responded and is working through its internal process to see if this information can be shared.

### Non-Citizens

Removal of non-citizens – 3

Removal of non-citizens who voted – 3

Removal of non-citizens who voted multiple times – 3

Non-citizens forwarded to the Office of the State Prosecutor – 3 in process

In response to a question from Ms. Howells, Ms. Wagner explained that adding a field in MDVOTERS to capture this information would require software development and historically, the source of registration for individuals canceled for this reason is the MVA. In response, Ms. Howells suggested that additional training at MVA may be needed as they may not be clearly explaining that it is a violation of State law for a noncitizen to register to vote.

### Razed or condemned building

An inquiry of the local boards of elections found that only three or four receive from their county reports of buildings that have been razed or condemned. Ms. Wagner noted that we encouraged the local boards to develop relationships with the county's planning and zoning offices and that this notice would trigger the mailing of a voter notification card. Ms. Howells noted that this would potentially result in a confirmation mailing.

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

### Candidacy

As of September 22, 2017, 205 candidates have filed a certificate of candidacy at SBE for the 2018 General Election.

### Campaign Finance

On September 12th, a committee named Bill Conway for Council qualified for public matching funds under the Montgomery County public finance program. The committee submitted 286 individual qualifying contributions with a monetary aggregate of \$32,224.00 on September 5, 2017. The committee is eligible to receive \$100,746.00 in public matching funds.

On September 19th, a committee named Hoan Dang for County Council filed an initial request for Montgomery County public matching funds. The committee submitted 293 qualifying contributions with a monetary aggregate of \$21,696.00 and is eligible to receive \$73,814.00 in public matching funds.

On September 19th, a committee named Marc Elrich for County Executive submitted an initial request for \$273,110.00 public funds. The request is currently under review for compliance.

Committees may file matching fund requests on the first and third Tuesday of every month.

### Enforcement

We the People for Cupid Gersham made disbursements from the campaign account by an unauthorized method- cash. On September 20, 2017, the candidate paid the \$100.00 civil penalty that was issued due to the unauthorized disbursement.

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

#### Inventory: Excess Equipment Disposal

During this reporting period, SBE continued the TS-R6 voting system disposal planning work with the Department of General Services (DGS) and the State's contract recycler. To date, 2,622 TS-R6 units have been picked up by the recycler.

The Excess Property Declaration (EPD) forms for the TSX and Optical Scan units were submitted to DGS. This is the first step for either selling the equipment to election officials or recycling the equipment.

#### Inventory: FY 2017 Annual Inventory

SBE submitted its FY 2017 annual equipment and supply reports to the Department of General Services. The inventory reconciliation process continues for the equipment and supply inventory.

### Other

SBE is working with the Worcester County Board of Elections and the Worcester County administration to find new warehouse space for the local board. Mold issues were reported in the current warehouse facility which is requiring the relocation of the warehouse.

## **5. Voting Systems**

### Electronic Pollbooks

Work continues on pollbook software updates with SBE performing testing of individual cases. Testing will continue with local boards next month. It is anticipated that the final release will be in early December.

The local boards continue installing new CMOS batteries in the pollbooks. The second battery shipment arrived last week. A final small shipment is scheduled to arrive next month, and this task is scheduled to be completed by the end of January.

SBE is awaiting the final prototype for updated pollbook hardware that will be used for two counties in 2018. It is on track to arrive in Maryland next week. SBE will use this to determine the acceptance test process and documentation.

### Pre-Election Testing

Planning continues for the pre-election testing. This involves putting together schedules for the testing, documentation of new and changed procedures, and determining the equipment and data required. SBE has also sought and received feedback from the local boards and is incorporating this feedback into the process.

### Upcoming Server Updates

Server updates are scheduled to take place next month. The first update is an update to the network driver for increased upload speed. This second update is hard drive space reallocation. We are awaiting formal EAC approval for the second update.

### Municipal Elections

The voting equipment was used in both the Annapolis and Frederick municipal primary elections this month. Both elections had a turnout of approximately 25%, with no major issues reported. Both cities will have the general election on November 7<sup>th</sup>.

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

Mr. Darsie provided the following report:

1. *Shapiro v. McManus, et al.*, No. 1:13-cv-03233-JKB (D. Md.), re-captioned *Benisek v. Lamone*. On August 24, 2017, the three-judge court denied the plaintiffs' motion for preliminary injunction and ordered a stay of any further proceedings pending the outcome of the Supreme Court's decision in *Gill v. Whitford*, a Wisconsin case involving similar claims of political gerrymandering. The plaintiffs have appealed that decision to the Supreme Court. The defendant's Motion for Affirmance of the order of the three-judge court is due at the end of October. Assistant Attorneys General Sarah Wright and Jen Katz are representing the State Board in this litigation.
2. *Judicial Watch v. Lamone, et al.*, No. 1:17-cv-02006-ELH (D. Md.). The State Board filed a motion to dismiss or for summary judgment on September 15, 2017, in response to the complaint of Judicial Watch, which seeks access to Maryland's voter registration list under the National Voter Registration Act ("NVRA"). The State Board has argued that the NVRA does not require disclosure of its voter registration list and does not pre-empt state access restrictions to voter information. The State Board has denied access to the list on the grounds that Judicial Watch does not meet the requirements set forth in § 3-506 of the Election Law Article. Assistant Attorney General Robert Scott is representing the State Board.
3. *In the Appeal of Star Computer Supply, LLC*, No. MSBCA 3002 (Md. State Bd. of Contract Appeals). On September 15, 2017, the Board of Contract Appeals ruled that SBE breached its contract with Star Computer Supply ("Star") when it sought to recover money it had paid Star by imposing an offset against other amounts payable to Star by the State of Maryland under unrelated contracts. The Board of Contract Appeals determined that SBE had no right to self-help and awarded Star \$3,569 in compensation, plus interest. SBE asserted as grounds for its right to recover that Star breached its agreement with SBE to provide a one-year fix or replace service warranty for 31 ballot-on-demand printers on which the manufacturer's warranty had expired. The State Board has until October 16 to appeal the administrative decision. Assistant Attorney General Jonathan Pomerance is representing the State Board.

### **APPROVAL OF PROPOSED REGULATIONS**

Mr. DeMarinis summarized the proposed regulations.

1. *Recounts (Subtitle 12)*: The proposed regulation would expand the qualifications for personnel to be appointed to a recount team to include the State Board, another local board, and its staff.
2. *Campaign Financing (Subtitle 13)*: The proposed regulations amend the current regulation to conform to the statute regarding when employer and occupation information needs to be disclosed on a campaign finance report.

In 2017, the General Assembly added new requirements for independent expenditure entities and participating organizations. After making disbursements of \$50,000 or more, the entity, if out-of-State, must have a registered agent within Maryland to accept service of notices for any potential fines. Additionally, the proposed regulations detail the procedures for an electioneering communication entity to request a waiver of late fees and the issuance of a civil citation by the State Board for failure to file an electioneering communication report. The procedures mirror those for making independent expenditures.

The proposed regulations clarify the attributable costs for social media use regarding independent expenditures and electioneering communications and detail the responsibilities for a county and the county's chief financial officer for implementing a public financing program.

In 2017, the General Assembly permitted the use of a compliance account by political action committees. The proposed regulations establish the requirements for opening a compliance account, its maintenance and reporting. Additionally, the proposed regulations state the permissible and prohibited uses for compliance funds. Finally, House Bill 1498 of the 2017 General Assembly Legislative Session changed the definition of a contribution to exclude certain activities. The proposed regulation under COMAR 33.13.16.03 define the parameters of those disbursement not considered contributions by a business entity.

3. *Administration of Public Financing Act (Subtitle 14)*: The proposed regulation clarifies the requirements on a post-election report for a gubernatorial ticket committee participating in the public financing program.
4. *Disclosure by Persons Doing Public Business (Subtitle 20)*: The proposed regulations come at the suggestion of the Office of the State Prosecutor requesting the codification of procedures for a failure to file. The procedures are in the same manner and methods as a campaign finance report failure to file.

In response to a question from Mr. Cogan, Mr. DeMarinis explained that funds for compliance accounts come from fundraising.

Mr. Hogan made a motion to approve the proposed regulations and publish them for public comment, and Ms. Howells seconded the motion. The motion passed unanimously.

#### **APPROVAL OF REQUESTS FOR WAIVERS OF CAMPAIGN FINANCE LATE FEES**

Mr. DeMarinis presented requests from 14 committees to waive late fees incurred by the committees. The requesting committees are:

1. Brooks, Kevin Andre Friends of
2. Crawford, Tim for Sheriff
3. Ebron, Kenneth Community Run
4. Guessford, Michael (Mike) for Board of Education
5. McDaniel, Brian K. Friends for
6. Oppenheim, Todd Equal Justice Group for
7. Reiter, Bernard Maryland Committee for
8. Restore Maryland PAC
9. Robinson, Chris Friends of
10. Scott, Kinji Pierre Friends of
11. Smallwood, David Maurice Committee to Elect
12. Summers, Michael G. Friends of

13. Thames, Jeffery Friends of

14. Wood, Louis for Sheriff

In response to a question about the Office of the State Prosecutor’s upper threshold for a “de minimus” amount of late fees, Mr. DeMarinis explained that he did not know but we are obligated to send the information to the Office of the State Prosecutor anyway. Mr. DeMarinis stated that SBE does not have authority to charge interest and committees are administratively closed only where there is no money in the campaign account.

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

**APPROVAL OF REQUESTS FOR WAIVERS OF TITLE 14 CONTRIBUTION DISCLOSURE REPORTS**

*Request for Waivers of Late Fees*

Mr. DeMarinis presented a request from American Communities Trust to waive late fees.

Ms. Howells stated that she believes that this reporting requirement is catching individuals who are not doing anything wrong, and she is sympathetic to small business owners and the chilling effect this type of requirement has on them. In response to a question from Mr. McManus, Mr. DeMarinis stated that compliance with these reporting requirements is improving. SBE sends two notices of upcoming deadlines, and the State Ethics Commission also provides notice.

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

*Requests for Waivers of Contract Disclosures*

Mr. DeMarinis presented seven requests to waive the requirement to disclosure contract requirements. The entities requesting a waiver are:

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| 1. Apollo Management Holdings, LP | 5. Exelon Corporation              |
| 2. WGL Holdings                   | 6. AQR Capital Management, LLC     |
| 3. Hutchin Hill Capital LP        | 7. Kohlberg Kravis Roberts & Co LP |
| 4. Roark Capital Management, LLC  |                                    |

Mr. Darsie explained that he continues to research how much information needs to be disclosed by investment advisors, as disclosing the amount of a contract may provide the public with too much information. Requests to waive contract disclosures by public utilities have been granted by the Office of the Attorney General for over 20 years.

Ms. Lawlah made a motion to grant the request to waive the contract amount for the investment firms (Apollo Management Holdings, LP; Hutchin Hill Capital LP; Roark Capital Management, LLC; AQR Capital Management, LLC; and Kohlberg Kravis Roberts & Co. LP) and waive the contract disclosure requirement for the other requesting entities (WGL Holdings and Exelon Corporation, Inc.), and Ms. Howells seconded the motion. The motion passed unanimously.

**APPROVAL OF REQUESTS FOR ADMINISTRATIVE CLOSURE**

Mr. DeMarinis presented requests for administrative closure for four campaign committees. The committees are:

- |  |                                   |
|--|-----------------------------------|
| 1. Huckenpohler, (William) for Maryland            | 3. Magee, Peggy 2014 Friends of   |
| 2. Wilkes, Aaron Keith 45 <sup>th</sup> Voters for | 4. Hanna, Will Committee to Elect |



In response to a question from Mr. Cogan, Mr. DeMarinis explained that any outstanding citations and judgments are unrelated to campaign finance violations.

Mr. Hogan made a motion to close administratively this committee, and Ms. Howells seconded the motion. The motion passed unanimously.

#### **APPROVAL OF REQUESTS FOR CONFIDENTIALITY**

Mr. DeMarinis presented two requests to designate certain information confidential and protected from public disclosure. Mr. McManus confirmed that the first requesting voter is a sitting judge. While the other voter requested confidentiality as a law enforcement personnel and witness to a felony, Mr. McManus noted that the law enforcement personnel justification does not apply to this voter but the witness to a felony does.

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

#### **USE OF EXPRESSVOTE BALLOT MARKING DEVICE – 2018 ELECTIONS**

Ms. Charlson explained that, in the meeting folder, there is a follow-up email from Katie Berry, Election Director for the Carroll County Board of Elections, a written timeline and cost estimate to update the voting system software, and a letter from Jim Shea, a candidate for Governor.

Ken Capone, Public Policy Director for People on the Go, stated that all voters should be told about the ballot marking device, the local boards should be given flexibility to deploy as many ballot marking devices as needed, and limiting access to the device infringes on the right to vote. Mr. Capone stated that the State Board's policy is an egregious step away from universal accessibility.

Ralph Tyler, counsel to Jim Shea for Governor, referenced the letter in the meeting folder. According to Mr. Tyler, Mr. Shea's concerns relate to the two distinct but related software problems with the ballot marking device – the limits on the number of candidates on a page and the navigation between pages is the opposite of user friendly. Mr. Tyler stated that the ballot marking device as currently configured violates three requirements of Election Law Article, §9-203 – easily understandable, present all candidates in fair and nondiscriminatory manner, and permit the voter to easily record a vote – and limiting their use is not an adequate response. Mr. Tyler proposed pressing the vendor to fix the navigation issue or hiring engineers to fix the issue before the 2018 elections.

In response to a question from Mr. McManus about a proposed solution if the software cannot be fixed, Mr. Tyler stated that there is sufficient time to present a contract modification to the Board of Public Works. Mr. Hogan summarized the balance between candidate concerns and concerns raised by the disability community and the need to have a sufficient number of ballots marked with the ballot marking device to prevent segregated ballots. Mr. Tyler identified the ultimate question as what can be done to increase the likelihood of results reflecting voter choices, and Mr. Tyler proposed using one ballot marking device per voting location and allowing voters who want to use it to use it.

Lou Ann Blake of the National Federation of the Blind (NFB) stated that the NFB supports the upcoming statements from Alyssa Fieo and Ben Jackson of Disability Rights Maryland. Ms. Blake shared the results of the NFB's post-2016 Primary Election survey of sighted and non-sighted voters. The primary concerns identified in this survey were the failure to set up the ballot

marking devices, election judges not familiar with the device's accessibility features, and election judges not addressing voters with disabilities respectfully. She noted that navigation concerns were at the bottom of the list of reported issues. Voter feedback after the 2016 General Election primarily concerned the failure of election judges to read the required statement about the ballot marking device. Ms. Blake explained that there was improvement between the primary and general elections and there is good reason to be hopeful that better voting experiences are coming. Ms. Blake recommended that the required statement during the check-in process and instructions before voting begins be continued, that the minimum number of voters to use the ballot marking device be increased, and an election judge should be dedicated to assisting voters using the ballot marking device.

Alyssa Fieo, Director of Legal Advocacy for Disability Rights Maryland, agreed with Ms. Blake's assessment that the general experience in the general election was much better than the primary election. She recommended the continued use of the statement during the check-in process and expressed her disappointment that a solution is not in place for the 2018 elections. While Ms. Fieo stated that universal access should be the goal, she expressed her understanding for the current issue and noted that the local boards' request for more flexibility was reasonable. She explained that the two voter minimum is grossly inadequate to meet the Office of the Attorney General's advice which required a "randomized procedure" and recommended increasing the minimum number of voters that must use the ballot marking device to make selections.

Ben Jackson, an attorney with Disability Rights Maryland, explained that limiting the use of the ballot marking device violates Election Law Article, §2-102(b)(7), which requires maximizing the use of technology and the development of a comprehensive computerized elections management system. Mr. Jackson recommended expanding the use of the ballot marking device and supporting universal accessibility. Mr. Jackson noted that the device is underused since, according to the Census, there are approximately 500,000 Marylanders over the age of 18 that could use the features of the ballot marking device, but only 1.8% of the voters who voted in the 2016 General Election (56,000 voters) used the device.

Mr. Cogan asked for thoughts on whether a hotline for voters to call and report voting unit issues would be useful. Ms. Fieo explained that, in previous elections, Disability Rights Maryland contacted both SBE and local boards to share information and troubleshoot and election officials were very responsive. She acknowledges that the NFB and Disability Rights Maryland hotline could be better promoted. In response to a question, Ms. Charlson explained that only the vendor can make software changes to the proprietary system, the vendor has not developed a software solution to resolve the navigation issue, and any software change must be certified by the U.S. Election Assistance Commission. She noted that there is not enough time to make changes before the 2018 elections.

Mr. McManus stated that there is no data that being on a second page is a detriment and all voters using the ballot marking device are required to review their selections before printing their marked ballot. In response to a question from Mr. Cogan as to whether voters with disabilities should be given priority for the ballot marking device, to which both Ms. Blake and Ms. Fieo responded that universal accessibility means that everyone is treated the same – that is, if the voter can stand in line, the voter should stand in line. They both noted that accommodations should be provided if the voter is unable to stand in line. Ms. Lawlah inquired whether there is a model solution on how candidates' names are displayed on a ballot.

Mr. Hogan departed the meeting at 4 pm.

## **OLD BUSINESS**

### *Approval of 2018 Absentee Ballot Application*

In response to Ms. Lawlah's question about displaying candidate names, Professor Kathryn Summers of the University of Baltimore noted that the "order effect" is well established by research but impacts both electronic ballots and paper ballots. Dr. Summers explained that paper ballots have enormous usability issues and the solution to "order effect" is to randomize names but that is only an option with electronic ballots.

Dr. Summers explained the suggested text for the "Note" under #6 was 45 words, and she and her usability team suggested language that is 23 words and includes the key message of the security risks associated with printing a ballot and another person copying it. Ms. Howells stated her preference for including why the ballot has to be copied. Dr. Summers agreed to add a reference to scanning but explained that the proposed application was tested with voters who read at an 8<sup>th</sup> grade level or lower (as 43% of US population reads at this level) and understood the message. Mr. McManus stated his preference for the previous text, using active voice, and including who is copying the ballot.

Mr. McManus made a motion to return to the prior language of the "Note" under #6, allow Dr. Summers to make minor readability improvements to this language but retain the "why" and the "who," and delete the third paragraph under #6, and Ms. Lawlah seconded the motion. The motion passed unanimously.

### *Proposed Motion: Security Awareness*

This agenda item was tabled until the next meeting.

### *Potential Campaign Finance Enforcement Action*

This agenda items was tabled until the next meeting.

## **NEW BUSINESS**

There was no new business.

## **DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

In Mr. Hogan's absence, Ms. Charlson stated that Mr. Hogan donated \$100 to John Astle for Mayor. Ms. Howells reported that she contributed \$125 to Friends of Big Ed Reilly and \$150 to the Republican Central Committee of Prince George's County. Both of Ms. Howell's contributions were for tickets.

## **CONFIRM NEXT MEETING**

The next meeting is scheduled for Thursday, October 26, 2017, at 2 pm.

## **ADJOURNMENT**

Ms. Lawlah made a motion to adjourn the meeting, and Mr. Cogan seconded the motion. The motion passed unanimously. Mr. McManus adjourned the meeting at 4:28 pm.