

State of Maryland 

State Board of Elections – December 7, 2017 Meeting

Attendees: David McManus, Chair
Patrick J. Hogan, Vice Chair
Michael R. Cogan, Member
Kelley A. Howells, Member
Gloria Lawlah, Member
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
Janey Hegarty, IT Division
Stacey Johnson, MDVOTERS Project Manager, Voter Registration Division
Sarah Thornton, Technical Writer, Project Management Office
Ray Reyes, IT Division

Also Present: Ruie Lavoie, Baltimore County Board of Elections
Katie Berry, Election Director, Carroll County Board of Elections
Paula Troxell, Deputy Director, Carroll County Board of Elections
Kevin Keene, Election Director, Harford County Board of Elections
Dale Livingston, Deputy Director, Harford County Board of Elections
Mary Ann Keefe, Member, Montgomery County Board of Elections
Jackie Phillips, Member, Montgomery County Board of Elections
Margaret Jurgensen, Election Director, Montgomery County Board of Elections
Mary Ann Magavero, Prince George's County Board of Elections
Christine Jones, Acting Election Director, Queen Anne's County Board of Elections
Kim Spence, Queen Anne's County Board of Elections
Rebecca Wilson, SAVE Our Votes
Lynn Garland
Joyce Brooks, National Federation of the Blind
Deborah Brown, National Federation of the Blind
Tom Backford, National Federation of the Blind
Lou Ann Blake, National Federation of the Blind
Clarence Hennigon, National Federation of the Blind
Tracy Hall Hennigon, National Federation of the Blind
Lloyd Thomas, National Federation of the Blind
Barry Hored, National Federation of the Blind
Melissa Riccobono, National Federation of the Blind
Ellarin Crew, National Federation of the Blind
Sarah McCubbin, National Federation of the Blind
Antoinette Sekou, National Federation of the Blind
Pat Oates, National Federation of the Blind
Sharon Maneki, National Federation of the Blind
Graham Patterson, National Federation of the Blind
Smita Jhaveri, National Federation of the Blind
Karen Herstin, National Federation of the Blind
Frank Johnson, National Federation of the Blind
Ellen Chrisjanson

Holly Joseph
Ralph Watkins, League of Women Voters – Maryland

DECLARATION OF QUORUM PRESENT

Mr. McManus called the meeting to order at 2:03 pm and stated that there was a quorum present. He stated that the meeting was being recorded.

RATIFICATION OF MINUTES FROM OCTOBER 26, 2017, MEETING

Ms. Lawlah made a motion to amend the approved minutes from the October 26, 2017, meeting, and Mr. Cogan seconded the motion. The motion passed unanimously.

ADDITIONS TO THE AGENDA

Ms. Charlson stated that three individuals had requested to address the board members on a variety of topics. Mr. McManus added this topic under “New Business.”

ADMINISTRATOR’S REPORT

Ms. Charlson introduced two new SBE employees. Ray Reyes joined the IT Division, and Sarah Thornton joined the Project Management Office as a technical writer.

1. Announcements & Important Meetings

Center for Election Innovation and Research Conference

Mary Wagner and Linda Lamone are attending a conference hosted by the Center for Election Innovation and Research in Louisiana. The agenda is focused on ERIC’s list maintenance processes and best practices. Also participating in the conference is staff from member states’ motor vehicle departments to address data integration with ERIC.

Council on Governmental Ethics Laws (COGEL)

This week, Mr. DeMarinis attended the Council on Governmental Ethics Laws’ (COGEL) annual conference in Toronto, Canada. The conference is a gathering of campaign finance and ethics officials and regulators from across the nation and Canada. It featured more than 45 educational sessions and numerous breakfast table topics. Mr. DeMarinis led a breakfast topic on fake news and its issues.

Harvard’s Belfer Center for Science and International Affairs - Table Top Exercise

On December 1, 2017, the Belfer Center for Science and International Affairs, a center within Harvard University’s Kennedy School, hosted a table top exercise for State and local election officials from six states. The project – “Defending Digital Democracy” – is an effort to provide practical cybersecurity advice and trainings for candidates, campaigns, and election officials. Recent publications include a playbook for campaigns on cybersecurity and one-page informational sheets on how candidates and campaign workers can protect their systems and networks. The one-page informational sheets were provided in the meeting folder.

Ms. Lamone, Ms. Charlson, Ms. Perrone, Vince Omenka, and Allison Murphy, Election Director for the Caroline County Board of Elections, participated in this exercise. During the simulated election preparation and election day activities, we were assigned various election roles (*e.g.*, Secretary of State, county clerk, county IT director, chief election judges) and had to respond to numerous scenarios. These scenarios ranged from system attacks to hacked social media accounts distributing incorrect information to high turnout on a very hot day to equipment failures and gun-toting protesters.

Over the next several months, the team (led by the former campaign managers for the Hillary Clinton's and Mitt Romney's presidential campaigns and including undergraduates and graduate students from Harvard University and Massachusetts Institute of Technology) will revise their exercises, publish similar publications for elections officials, and in the spring, offer "train-the-trainer" sessions for three individuals from each state.

Election Directors' Meeting

On November 30th, we hosted an in-person election directors' meeting. At this meeting, we summarized the Department of Homeland Security's (DHS) recent risk and vulnerability assessment, new voter registration and absentee procedures, updates on pollbook software, hardware, and printers, and plans for the upcoming statewide training program scheduled for January 2018. A summary of this meeting will be provided once it is complete.

2. Election Reform and Management

Elimination of Ballot Stubs

As planned, the Election Judges' Workgroup met on November 2nd to discuss the use of ballot stubs. The participants - representing twelve local boards - heard the proposal to remove ballot stubs and how the ballot printer proposed to package stub-less ballots and engaged in a vigorous discussion about the use of the stubs.

After listening to the local boards describe the advantages and disadvantages of stubs and how the ballots stubs are used or not used, we determined that we needed more time to fully assess how the local boards currently perform ballot accounting and identify best practices for accounting of paper ballots from election officials here and in other states.

At last month's Election Director's meeting, we shared with the election directors our decision and committed to working with them to develop best practices for ballot accounting and consider the future of ballot stubs for the 2020 election cycle.

In response to a question, Ms. Perrone explained the advantages of numbered stubs, that is, accounting for ballots, verifying ballot quantities, and proofing ballots. Ms. Charlson explained that SBE staff believe that the goal of removing the ballot stub can be accomplished but time is needed to identify how the local boards currently perform ballot accounting and identify best practices from within Maryland and in other states before presenting a proposal.

Election Judge Workgroup

The *Election Judge Manual* has been revised and submitted to the Attorney General's Office for approval. Once the Attorney General's Office approves the manual, each chapter will be posted to SBE's Online Library for the local boards to begin customizing.

Ballot Duplication Software

Runbeck Election Solutions has been awarded the ballot duplication software contract. This duplication solution is available to Anne Arundel, Baltimore, Montgomery, and Prince George's Counties and Baltimore City to assist those local boards duplicate absentee ballots that voters received via SBE's online ballot delivery system. There is a kickoff meeting scheduled for December 20th at the Anne Arundel County Board of Elections. At this meeting, representatives from Runbeck, SBE, and the five local boards will attend and receive a demonstration of the duplication solution with a question and answer period after the demonstration.

Ms. Howells stated that SBE staff had not shared with the members a constituent email addressed to the members about this procurement. Ms. Charlson stated that, if the email had not been sent, it was not intentional and was an oversight.

In response to Ms. Howells' question about whether the new way of duplicating ballots would require a legal review, Ms. Charlson explained that she did not think that it would as the proposed software has the same functionality – taking a ballot that cannot be read by the scanner and creating a scannable ballot – that SBE's ballot duplication software currently performs but performs them more quickly. Ms. Charlson confirmed that, although the proposed software can create duplicate ballots for more types of ballots than the current ballot duplication software, the functionality of the two software applications is the same. The requirement that two election officials compare the ballot returned by the voter against the ballot created by the software continues, regardless of which ballot duplication software is used. Ms. Charlson explained that SBE developed the current ballot duplication software for the 2012 elections and all local boards are required to use this software to duplicate ballots marked by the online ballot marking wizard.

Absentee Printing and Mailing

The Request for Proposal for the absentee printing and mailing is in its final stages of being awarded. We received one bid, and the services will be provided statewide.

3. Voter Registration

Electronic Registration Information Center (ERIC)

The local boards continue to process the last ERIC report. Numbers will be provided at the next board meeting.

MDVOTERS

Software release 6.7 will move into production the weekend of December 16th. The release primarily deals with candidacy enhancements in preparation for the February 27, 2018 candidate filing deadline.

Non-Citizens

Removal of non-citizens - 6

Removal of non-citizens who voted - 1

Removal of non-citizens who voted multiple times - 0

Non-citizens forwarded to the Office of the State Prosecutor - 6

New voter registration mailing

Following best practices of other State agencies, other states, and a strong suggestion from the Legislative Auditor, local boards will begin mailing to each registered voter who provides a new residential or mailing address a notice about the change of address. The message will be: "We recently changed your address for voting purposes. If you did not request this change, please call <the local board's phone number>." We shared this new procedures with the election directors at the November 30th meeting, and mailings will start this month. While the voter notification card is mailed to the voter's new address, this mailing will be sent to the voter's previous address.

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

Candidacy

As of November 27, 2017, 284 candidates have filed a certificate of candidacy at SBE for the 2018 General Election.

Campaign Finance

The Contribution Disclosure Statement was due on November 30 for (1) any person with a single contract with a single governmental entity of \$200,000 or more or (2) a person who provides lobbyist compensation and makes campaign contributions or donation of \$500 or more to a candidate or an independent expenditure entity supporting a candidate. There are over 700 active accounts in the system for the November report including over 60 new businesses having registered in 2017.

County Public Financing Programs

Jared reviewed Howard County Council Bill 30, the legislation for the public financing program for Howard County elections, and found that it conformed with State law and policy. A letter will be sent approving its implementation for the 2022 election.

The following committees filed documents under Montgomery County's public finance program.

1. Michele Riley for Council filed on November 7th a request for public matching funds. The committee failed to meet the minimum requirements on the number of eligible contributors and aggregate amount. Since a candidate is permitted to submit only one application for certification, this committee is not eligible to receive public funds.
2. Nancy Navarro for Montgomery County filed on November 7th a request for public matching funds. Because the committee had some incorrect data entry of the contributor information, the report must be amended by December 5th. If an amendment is not timely filed, the committee will be found not eligible to participate because it did not meet the minimum requirements.
3. George Leventhal for Montgomery County submitted on November 7th a request for additional public matching funds. The committee submitted 68 qualifying contributions totaling \$6,080.00 and is eligible to receive \$26,270.00 in public matching funds.
4. Friends of Sidney Katz filed on November 21st a request of public matching funds. The committee submitted 165 qualifying contributions totaling \$14,942.00 and is eligible to receive \$49,403.00 in public matching funds. The report is under review.

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

Enforcement

The following committees paid civil penalties:

1. Committee to Retain the Sitting Judges of Montgomery County MD paid on November 9th a \$100.00 civil penalty for failing to include an authority line on its website.
2. State Law Enforcement Officers Labor Alliance PAC paid on November 3rd a civil penalty of \$750.00 for failing to report on a campaign finance report all contributions and expenditures. Additionally, the committee could not identify all of its contributors when audited, and as a result, remitted to the Fair Campaign Financing Fund the anonymous contributions of \$150.00.

3. Friends of Greg Hall paid on November 7th a civil penalty of \$700.00 for failing to maintain account books and records; reporting all contributions and expenditures on a campaign finance report; and making a disbursement by unauthorized method.
4. United for Maryland PAC paid on November 9th a civil penalty of \$50.00 for engaging in campaign finance activity prior to its establishment.

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

Inventory: Excess Equipment Disposal

We continue to work with the Department of General Services (DGS) and the State's contract recycler to dispose of the legacy TS-R6 voting system. To date, 6,393 TS-R6 units have been picked up by the recycler.

Inventory System Updates

On November 9th, the local boards were granted in the new inventory production system "view only" access to their equipment and supplies. On December 4th, the local boards received training on and access to updating and transferring equipment in the test system. Over the next month, the local boards can use the test system to become familiar and comfortable with the system's functionality in preparation for the local board's go-live date the week of January 8th. At that time, they will be responsible for the update and transfer of their own equipment and supplies.

Staffing

The PMO continues work on the planning for the statewide staffing of temporary election support resources for the 2018 Primary Election. The planned date for Board of Public Works approval is January 3rd.

Other

We continue to work with the Worcester County Board of Elections and the Worcester County administration to resolve the mold issues in the Worcester County Local Board of Elections' warehouse. SBE hired a mold remediator/cleaner to transport the equipment and supplies from the warehouse to the contractor's facility in Glen Burnie, remove the mold from equipment and supplies to be cleaned, and wrap equipment and supplies that cannot be cleaned.

All equipment and supplies will delivered to SBE's central warehouse on December 8th. The cleaned equipment and supplies will be transported back to Worcester County when a new warehouse facility is secured. Equipment that cannot be cleaned will be disposed of following DGS' disposal process.

6. **Voting Systems**

Electronic Pollbooks

The release version of the electronic pollbook software is due next week. This is the software version to be used for the 2018 Elections. The software will be loaded onto a small amount of pollbooks in each LBE for testing, including the pre-primary training scheduled for January.

SBE will also receive the first production models of the new electronic pollbooks this month. These will be going to two local boards - Caroline and Charles - for use in the 2018 Elections. The balance of the new pollbooks will be received in February.

Pre-Election Testing and Volume Testing

Preparations for the pre-primary testing continues. A group of local boards reviewed the plans and submitted feedback, and the plan has now been issued to all local boards. The local boards will simulate the pre-election logic and accuracy testing, early voting, election day operations, and the canvas process. Most of the work will take place in the third week in January.

Server Updates

Updates to the certified network servers and workstations have taken place the last two weeks. Images containing two updates have been loaded. The updates optimize the hard drive space on the servers and install new hardware drivers to stabilize the speed of loading the data from the ballot scanners. These updates have been approved by the U.S. Election Assistance Commission.

Additional Equipment for 2018 Elections

With the addition of ten new early voting sites for 2018, the team has been procuring and configuring the required additional equipment. 33 new modems have been procured and are being configured. These are for both the new early voting sites, and the replacement of older 3rd generation modems. All 3g modems must be replaced by December 2019, as Verizon will be discontinuing their support for it then.

The additional voting equipment previously approved by the Board of Public Works is scheduled to be delivered in February. The equipment will be received at the central warehouse for acceptance testing, and then delivered to the local boards in early March.

Documentation

The team has been updating the Conducting the Election Guide for 2018. While there are no major changes, there are the changes to the pollbook software, updates to the EXP application that handles exports from the election night and certified networks, and lessons learned from the 2016 elections.

7. Information Technology

Risk and Vulnerability Assessment

From November 6th - 17th, representatives of DHS performed a risk and vulnerability assessment on several of our IT systems. The assessment included a test “phishing” email and external and internal vulnerability and penetration testing of our internal network and websites (including the online voter registration system, voter look-up, polling place locator), MDVOTERS, MD CRIS, and the pollbook database. Although we are awaiting the final report, the DHS representatives shared that they did not obtain any significant access to any of our systems and offered some preliminary recommendations, all of which we have either implemented or are in the process of implementing.

ASSISTANT ATTORNEY GENERAL’S REPORT

There was no Assistant Attorney General’s report.

APPROVAL OF REQUESTS FOR WAIVERS OF CAMPAIGN FINANCE LATE FEES

Mr. DeMarinis presented requests from five committees to waive late fees incurred by the committees. The requesting committees are: (1) Hall, Greg A. Friends of; (2) Miller, Jason for Maryland Mid; (3) LifeBridge Health PAC, Friends of; (4) Psychological Association PAC, Maryland; and (5) Taylor, (Rev) Arlene F. Friends of.

Mr. Hogan recused himself from voting on the request from Friends of LifeBridge Health PAC since he represents, as a lobbyist, LifeBridge Health. Mr. McManus disclosed that his firm represents LifeBridge Health but did not recuse himself from voting on the request.

Ms. Howells made a motion to approve the requests for waivers of late fees from (1) Hall, Greg A. Friends of; (2) Miller, Jason for Maryland Mid; (3) Psychological Association PAC, Maryland; and (4) Taylor, (Rev) Arlene F. Friends of, and Mr. Cogan seconded the motion. The motion passed unanimously.

Mr. Cogan made a motion to approve the request from Friends of LifeBridge Health PAC, and Ms. Howells seconded the motion. The motion passed 4-0, with Mr. Hogan abstaining from voting.

APPROVAL OF REQUESTS FOR CONFIDENTIALITY

Mr. DeMarinis presented requests from nine voters to designate certain information confidential and protected from public disclosure. All of the nine voters are sitting judges.

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

APPROVAL OF EARLY VOTING SITES FOR 2018 ELECTIONS

Ms. Perrone presented seven local boards' proposed early voting centers for the 2018 elections.

Anne Arundel County

The Anne Arundel County Board of Elections proposed seven early voting centers. Four centers were used in the 2016 elections, one center replaces a center used in the 2016 elections, and two new centers are being proposed. The Roger "Pip" Moyer Recreation Center in Annapolis replaces the Annapolis Senior Activity Center, and the new proposed centers are the Crofton Community Library and the Anne Arundel County Board of Elections' offices in Glen Burnie. Since the proposed centers meet the applicable requirements for early voting centers, Ms. Perrone recommended accepting the seven early voting centers proposed by the Anne Arundel County Board of Elections.

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

Baltimore City

The Baltimore City Board of Elections proposed seven early voting centers. Five centers were used in the 2016 elections, one center replaces a center used in the 2016 elections, and one new center is being proposed. The Mount Pleasant Church and Ministries replaces the Maritime Industries Academy School #431, and the new proposed center is the Dr. Carter G. Woodson Modular Building School #160. Since the proposed centers meet the applicable requirements for early voting centers, Ms. Perrone recommended accepting the seven early voting centers proposed by the Baltimore City Board of Elections.

Mr. Hogan made a motion to approve the seven early voting centers, and Ms. Lawlah seconded the motion. The motion passed unanimously.

Baltimore County

The Baltimore County Board of Elections proposed eleven early voting centers. Nine centers were used in the 2016 elections, and two new centers are being proposed. The proposed new centers are the Jacksonville Recreation Center at Sweet Air Park and the Campus Metro Centre at Owings Mills. Since the proposed centers meet the applicable requirements for early voting centers, Ms. Perrone recommended accepting the eleven early voting centers proposed by the Baltimore County Board of Elections.

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

Montgomery County

The Montgomery County Board of Elections proposed eleven early voting centers. Nine centers were used in the 2016 elections, one center replaces a center used in the 2016 elections, and one new center is being proposed. The St. Catherine Laboure Catholic Church replaces the Wheaton Volunteer Rescue Squad, and the new proposed center is the Sandy Spring Volunteer Fire Department. Since the proposed centers meet the applicable requirements for early voting centers, Ms. Perrone recommended accepting the eleven early voting centers proposed by the Montgomery County Board of Elections.

Ms. Lawlah made a motion to approve the eleven early voting centers, and Mr. Hogan seconded the motion. The motion passed unanimously.

Prince George's County

The Prince George's County Board of Elections proposed eleven early voting centers. Nine centers were used in the 2016 elections, and two new centers are being proposed. The proposed new centers are the Kentland Community Center and the VFW Post 8950 Hansen Hall. Since the proposed centers meet the applicable requirements for early voting centers, Ms. Perrone recommended accepting the eleven early voting centers proposed by the Prince George's County Board of Elections.

Ms. Howells made a motion to approve the eleven early voting centers, and Ms. Lawlah seconded the motion. The motion passed unanimously.

Queen Anne's County

The Queen Anne's County Board of Elections proposed two early voting centers. One center was used in the 2016 elections, and one center replaces a center used in the 2016 elections. The Kent Island Library replaces the Kent Island Fire Department. Since the proposed centers meet the applicable requirements for early voting centers, Ms. Perrone recommended accepting the two early voting centers proposed by the Queen Anne's County Board of Elections.

Mr. Hogan made a motion to approve the two early voting centers, and Ms. Lawlah seconded the motion. The motion passed unanimously.

St. Mary's County

The St. Mary's County Board of Elections proposed moving the location of the one early voting center from the 2016 elections. The Hollywood Firehouse Main Building replaces the Carnival Bingo Building. Since the proposed center meets the applicable requirements for early voting centers, Ms. Perrone recommended accepting the one early voting center proposed by the St. Mary's County Board of Elections.

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

Ms. Charlson explained that all remaining early voting centers from the 2016 elections will continue for the 2018 elections.

APPROVAL OF SBE POLICY 2017-01: CONTINGENCY PLANS FOR 2018 ELECTIONS

Ms. Charlson presented the proposed SBE Policy 2017-01: Contingency Plans for the 2018 elections and explained that the proposed policy is, with one exception, the same as the policy in place for the 2016 election. The new language in the proposed policy would require the local boards to deploy to each early voting center supplies for extended hours voting.

Mr. Hogan made a motion to approve SBE Policy 2017-01, and Ms. Howells seconded the motion. The motion passed unanimously.

OLD BUSINESS

Proposed Motion: Security Awareness

Mr. Cogan asked that the Office of the Attorney General confirm that the members can hold a closed meeting to receive security information about SBE's election systems and requested that the item be tabled until the next meeting.

Online Ballot Delivery System

In response to a question from Ms. Howells, Ms. Charlson explained that the online ballot delivery system has not been updated for the 2018 Primary Election. The project team has been busy updating servers, and text updates have not yet been made. Ms. Charlson stated that revised screenshots will be presented at the January 2018 meeting.

Candidate Portal

In response to a question from Ms. Howells about external links on the candidate portal, Ms. Charlson stated that the candidate portal is not posted or available for use.

Proposed Regulations Adopted at October 2017 Meeting

Ms. Howells explained that the Office of the Attorney General could not approve the proposed regulations because of the Election Law Article. She explained three scenarios how an individual might have both an absentee and provisional ballot.

NEW BUSINESS

Declaratory Ruling

Mr. DeMarinis summarized the petition for declaratory ruling submitted by Chalmers Burch & Adams LLC on behalf of the Republican Governors Association (RGA). Because the RGA and the Larry Hogan for Governor campaign share a professional funding raising firm, Rivet Strategies LLC, the RGA requested the State Board issue a declaratory ruling that, "based on the facts and assurances provided in the petition, the RGA has presented sufficient contrary evidence to rebut the presumption that any future expenditures it makes in connection with the reelection of Governor Hogan are...coordinated with his campaign." RGA asserts that the coordinated expenses will be coordinated and not solely by virtue of sharing a fundraising consultant. Mr. DeMarinis recommended that the State Board issue a declaratory ruling stating that, provided RGA submits sufficient evidence of the proposed firewall between the fundraising efforts for RGA

and the Larry Hogan for Governor campaign, the RGA will not be presumed to make coordinated expenditures on behalf of the Hogan campaign by virtue of its relationship with Rivet Strategies.

Ms. Howells stated her intention to abstain from voting because she did not receive the petition for declaratory ruling and memo with enough time to review the petition and requested that documents and information be shared with board members earlier. Mr. DeMarinis agreed to report to the State Board the results of his review of any additional information provided by the RGA.

Ms. Lawlah made a motion to issue a declaratory ruling stating that, provided RGA submits sufficient evidence of the proposed firewall, the RGA will not be presumed to make coordinated expenditures on behalf of the Hogan campaign by virtue of its relationship with Rivet Strategies, and Mr. Hogan seconded the motion. The motion passed 4-0, with Ms. Howells abstaining from voting.

Rules of Security Behavior

Ms. Charlson summarized the *Rules of Security Behavior for Board of Election's Officials and Employees* and requested that each board member review, sign and return the form.

Margaret Jurgensen, Election Director, Montgomery County Board of Elections presented a letter from the Montgomery County Board of Elections expressing its support for eliminating the requirement for a serially numbered stub on each ballot. Ms. Jurgensen stated that no ballot stubs would decrease the time a voter has to wait to be issued a ballot and would reduce the bits of paper contributing to paper jams. She also distributed a document which lists the benefits of removing the ballot stub and an article from *The Free Lance-Star*, a Virginia newspaper, explaining how voters in Virginia were assigned to the wrong precinct and therefore issued the ballot style.

Ms. Jurgensen stated that the Maryland Association of Election Officials (MAEO) polled all of the election directors and 21 of the 24 election directors supported removing the ballot stubs. She urged the State Board to move forward with the regulation change to remove the requirement for a ballot stub for the 2018 elections. There was a discussion about what the MAEO survey requested, with representatives from two of the three local boards explaining that the survey did not ask whether the election directors wanted to stop using ballot stubs. The Election Directors from Baltimore and Carroll Counties voted answered “no” to the question of whether they support changing the regulation to allow ballots without stubs because they both believe that the same process should be used across the State. In response to a question, Ms. Charlson explained that the decision about ballot stubs impacts the election judges’ manuals, which need to be finalized in early 2018, and ballot printing, scheduled for May 2018.

Mr. McManus asked SBE staff to develop a timetable for removing ballot stubs for the 2018 election and identify each local board’s position on the use of ballot stubs and uniformity. He requested that this information be presented at the January meeting.

Sharon Maneki, President, National Federation of the Blind of Maryland read the organization’s recent resolution on the use of the ballot marking device for the 2018 elections. This resolution, adopted at the National Federation of the Blind of Maryland’s convention on November 11, 2017, “condemn[ed] and deplore[d]” SBE for requiring that only two ballots be marked by the ballot marking device and limiting the number of ballot marking devices that will be deployed. The resolution requested that the minimum number of voters and deployed devices be increased.

Lou Ann Blake, National Federation of the Blind showed what the ballot used with the ballot marking device looks like and how it differs from the ballot voters mark by hand. She provided data from the 2016 General Election showing that precincts in two counties had fewer than two ballots marked using the ballot marking device and stated that this jeopardized the secrecy of the ballot for those voters that did use the ballot marking device to make selections.

Lynn Garland stated that the proposed ballot duplication software needs to be certified as a voting system and that this solution does not address the problem, which is the wide use of the online ballot delivery system. She explained that the online ballot delivery system has resulted in a large number of ballots to duplicate, security risks, lower return rate than absentee ballots delivered by mail, and ballot secrecy risks. Ms. Garland requested that the use of the online ballot delivery system be limited to military and overseas voters and voters with disabilities and these voters should use SBE's online voter registration system to request the electronic ballot. She recommended consulting legal counsel, limiting the use of the online ballot delivery system, and canceling the procurement for ballot duplication software.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Cogan reported that he contributed \$100 to Friends of Steve Hershey, \$80 to Friends of Wes Adams, \$100 to the Republican National Committee, \$100 to the National Republican Senatorial Committee, \$100 to the Maryland Republican Party, \$100 to Larry Hogan for Governor, and \$35 to Friends of Kathy Szeliga. Ms. Lawlah reported that she contributed \$500 to Friends of Maggie McIntosh and \$100 to Friends of Anthony Brown. Mr. Hogan reported that he contributed \$50 to Larry Hogan for Governor.

CONFIRM NEXT MEETING

The next meeting is scheduled for Thursday, January 18, 2018, at 2 pm.

ADJOURNMENT

Ms. Lawlah made a motion to adjourn the open meeting, and Ms. Howells seconded the motion. The motion passed unanimously. Mr. McManus adjourned the open meeting at 4:17 pm.

CLOSED MEETING

Mr. McManus requested a motion to close the board meeting under General Provisions Article, §3-305(b)(1), which permits closing a meeting to discuss a personnel matter that affects a specific individual. Meeting in closed session allows the members of the State Board to be briefing on a personnel matter and share their views without compromising the confidentiality of those discussions.

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)(1) of Section 3-305 of the Open Meetings Act to obtain legal advice on a potential enforcement action. The closed session began at 4:20 pm.

In addition to the board members present at the open meeting, Ms. Charlson was present at the closed session. During the closed session, Ms. Charlson presented the proposed salary for the individual selected as the Election Director for the Queen Anne's County Board of Elections.

Mr. Cogan stated that, as a Queen Anne's County voter, he would abstain from voting on any motion. Ms. Lawlah made a motion to accept the proposed salary, and Mr. Hogan seconded the motion. The motion passed 4-0, with Mr. Cogan abstaining from voting.

The closed meeting adjourned at 4:25 pm.

MARYLAND STATE ETHICS COMMISSION

45 Calvert Street, 3rd Floor
Annapolis, MD 21401
410-260-7770 / 1-877-669-6085

REGULATED LOBBYIST SERVING ON A STATE BOARD OR COMMISSION
STATEMENT OF RECUSAL
(Form 24)

Pursuant to COMAR §19A.07.01.06C, whenever an issue arises within the board or commission related to the information disclosed on Form 23, the regulated lobbyist must file this statement of recusal describing the circumstances of the recusal. This form must be included with the minutes of the meeting at which the issue(s) on which the lobbyist is recused is discussed, voted on, or on which any other action required by the circumstances is taken.

Name of Individual Lobbyist: Patrick W. Hogan

Name of Board or Commission: Maryland State Board of Elections.

Could be expected to result in a conflict of interest.
(State Subject Area For Recusal)

Reason: I am a registered lobbyist for LifeBridge Health therefore I recuse myself on voting as an SBE member on a Waiver of Campaign Finance Late Fee recommendation by SBE staff for LifeBridge PAC.

I hereby make oath or affirm under the penalties of perjury that the contents of this report including any attachments thereto, are complete, true and correct to the best of my knowledge, information and belief.

(SEAL)

Signature of Person Filing: [Signature]

Date: 12/7/17

Sworn to before me this: 7, day of December, 2017

Signature of Notary Public: [Signature]

Printed/typed Name of Notary Public: Jared DeNardinis

My Commission Expires: 1/26/21

