Attendees: Robert L. Walker, Chairman
Bobbie S. Mack, Vice Chairman
David McManus, Member
Charles E. Thomann, Member
Linda Lamone, Administrator
Ross Goldstein, Deputy Administrator
Sandy Brantley, Assistant Attorney General
Donna Duncan, Election Management Director
Jared DeMarinis, Candidacy and Campaign Finance Director
Michael Kortum, Chief Information Officer
Nikki Trella, Election Reform Director
Mary Wagner, Voter Registration Director
Paul Aumayr, Voting System Project Manager
Mary Heath, Election Reform Division
Rick Urps, Election Reform Division
John Clark, MDVOTERS Project Manager
Roger Stitt, Voter Registration Division
Janet Smith, Voter Registration Division
Donna Wiltshire, Voting System and Procurement Director

Also Present: Stan Boyd, Save Our Votes
Jerome Garson, Montgomery County Board Member

DECLARATION OF QUORUM PRESENT
Chairman Walker called the meeting to order at 2:34 p.m.

APPROVAL OF THE JULY 24th BOARD MEETING MINUTES
The minutes of the September 25, 2008, board meeting were presented for approval. Mr. McManus made a motion to approve the minutes, and Mr. Thomann seconded the motion. The minutes were approved unanimously.

ADDITIONS TO THE AGENDA
Chairman Walker stated that there were no additions to the agenda.

ADMINISTRATOR'S REPORT
Ms. Lamone provided the Administrator's Report.

1. **Announcements**
   Ms. Lamone reported that Gil Gardener has been contracted to serve as the agency's interim budget officer. Mr. Gardener has extensive budgeting and State government experience. He comes highly recommended by the Department of Budget and Management. Gil will be with us for the next couple of months while we conduct a search for a new budget officer.

   Ms. Lamone also announced that Helen Koss, former Chairman of the State Board of Elections, passed away last month. Helen had a long and distinguished career in government (including serving as the first woman chair of a standing committee in the General Assembly) during which time elections was one of the many areas she worked hard to improve. As Board chairman, she provided meaningful guidance and direction for this agency and the local boards. She will be missed.

2. **Meetings and Important Dates**
   Ms. Lamone reported that on October 9th, she and Jared DeMarinis met with 20 visiting African reporters from Central Africa. Mr. DeMarinis presented to them an overview of the American campaign finance system and process, the candidate process and a general synopsis of Maryland election law. The group was very appreciative.

Ms. Lamone reported that on October 10th, she, Ross Goldstein, Mr. DeMarinis, and Nikki Trella met with the attorneys from the Maryland Democratic and Republican Parties to discuss election preparation activities, suggested venue for any election day litigation, and exchange election day contact information. The meeting proved to be very productive and appreciated by the attendees.

Ms. Lamone reported that staff hosted two conference calls for the attorneys for the local boards of elections. Counsel from approximately 12 local boards have been represented during these calls, and topics of discussion have included voter registration of individuals previously convicted of a felony and pre-trial detainees, required content for specimen ballots, provisional voting, access to the warehouse during the return of election supplies, and other important matters. The final pre-election conference call is scheduled for Thursday, October 30th.

Ms. Lamone reported that staff has been hosting weekly conference calls for the election directors. Topics included voter registration issues, absentee voting, electronic pollbooks and voting system, and election supplies. The next conference call is scheduled for Friday, October 24th.

Finally, Ms. Lamone reported that on October 15th, she and Mr. Goldstein met with Governor O'Malley, Lieutenant Governor Brown, Chief of Staff Michael Enright and other key staff to brief them on election readiness and ongoing preparations, including election judge recruitment (noting that Prince George's County has 1,200 standby judges), planned equipment allocation, current voter registration statistics, canvassing issues, and other plans. The Governor thought highly of the call center and suggested that it be expanded to serve the other big seven counties. Ms. Lamone noted that currently Prince George's County, Baltimore City, Baltimore County, and Anne Arundel County were now using the call center. Howard County may be added for election day. Montgomery County and Harford County declined to be included stating that they had their calls under control. In general, the goal of the meeting was to make sure election officials have the needed resources to be successful on election day. Ms. Lamone noted her thanks to the Governor for providing needed resources.

Ms. Lamone also informed the Board that a press briefing was held on October 22nd for the purpose of getting important pre-election information out to voters and educating the press about election processes, the voting equipment and other background information. Ms. Lamone stated that, in 2006, approximately 16,000 voting units were deployed as compared to approximately 19,000 at this election. This is an 18% increase, which is compared to the 9% increase in registered voters suggests that we are prepared for election day. Similarly there is a 33% increase in electronic pollbooks (4,200 deployed in 2006 and 5,600 will be deployed in 2008). Generally, most polling places are at capacity and simply do not have the space to add additional equipment.

3. **Election Management and Reform**
Ms. Lamone reported that Rick Urps observed election judges' training provided by Baltimore City and Anne Arundel, Calvert, Harford, Queen Anne's, Talbot, and St. Mary's Counties. He generally found the trainings to be effective. Updated checklists will be provided to the local boards the week of October 20th as well as a reminder about the voting system's time out feature (a ballot is canceled if a voter does not touch the screen for 2½ minutes.)

Ms. Lamone reported that election judge recruitment efforts continue to be successful. In fact, Montgomery County has requested that no more election judge referrals be sent to them. Mary Heath received over 1,500 applications from individuals interested in serving as election judges. The local boards were surveyed earlier this month, and almost all of the local boards had a sufficient number of election judges and substitutes. Prince George's County has more than 1,200 additional individuals interested in serving.

Ms. Lamone reported that the deadline to request an absentee ballot by fax or by mail is Tuesday, October 28th. Starting October 29th and through 8:00 p.m. on election day, all absentee ballot requests must be submitted in person. The late absentee ballot application will be posted on SBE's website starting October 29th. A voter who is unable to go to the local board's office in person may designate an individual to serve as his or her agent and pick up the ballot and if the voter chooses, return the voted ballot.

4. **Candidacy and Campaign Finance**
Ms. Lamone reported that August 4, 2008, was the deadline for non-principal political party candidates and petition candidates to file their remaining required documents to appear on the Presidential General Election ballot. Several petition candidates failed to meet the deadline. Additionally, August 4th was the deadline for new political parties to submit their petitions to be recognized for the November general election. The Independent Party and Constitution Party both filed petitions.

Ms. Lamone reported that on August 5, 2008, the semi-annual Contribution Disclosure Form covering the period from January 1st to June 30th was due. A person who does business with the State involving

consideration of $100,000 or more and makes campaign contributions greater than $500 to a candidate or a person who provides lobbyist compensation and makes campaign contributions greater than $500 to a candidate is required to file this form. The Candidacy and Campaign Finance Division received over 200 disclosure forms from qualifying persons.

Ms. Lamone reported that Ruth Maynard completed auditing all of the 2007 Baltimore City election-related campaign finance reports. Deficiency notices were mailed to the chairmen and treasurers of the political committee. The committees have until September 26, 2008, to submit amended campaign finance reports otherwise they may be fined.

5. **Voter Registration**
    Election Preparation
    Ms. Lamone reported that the Voter Registration Division has been performing data quality checks to ensure the accuracy of the voter records in the MDVOTERS database. At midnight on October 22nd, voter registration staff generated the precinct register data from MDVOTERS for the 24 local boards of elections. This data will be loaded into the electronic pollbooks for use on election day.

    Volunteer Support
    Ms. Lamone reported that during this peak season, the office received 3-5 bins of registrations from the Post Office daily. An army of volunteers has arisen to help open, sort and distribute the registration applications to the 24 local boards. In addition, a number of State offices have offered staff to be trained on entering the applications into MDVOTERS. The volunteers from these organizations and offices have played a critical role in our success in processing the mountains of applications we have received these past few weeks. Ms. Lamone thanked the volunteers from the following agencies and organizations for their support: The League of Women Voters; the Maryland Secretary of State's Office; the Comptroller's Office; the Governor's Office; and, the Department of Legislative Services.

    Mr. McManus asked whether it was possible to tell where the voter registration applications are coming from. Mary Wagner responded that it is not possible. Mr. McManus asked whether ACORN was doing voter registration drives in Maryland, to which Ms. Trella responded that they were not. Mr. Goldstein stated that there was a letter in the folder that was sent to Senator Greenip on the issue of ACORN and the various processes that protect the integrity of the voter registration data.

    Support to Local Boards
    Ms. Lamone reported that normally any voter registration applications received here at the State Board are sent to the local boards for entry into MDVOTERS. Due to the large number of people registering this year, the voter registration staff and SBE staff have volunteered to assist some of the local boards, at their request, by helping with the mail and entering the applications received at SBE. Staff has been assisting Baltimore City and Prince George's, Baltimore, and Washington Counties. As of October 17th, Janet Smith of the Voter Registration Division had scanned in 254 batches of applications for Prince George's County, 143 batches for Baltimore County, 25 batches for Baltimore City, and 6 batches for Washington County. This is an estimated 14,980 applications scanned that are being entered by SBE staff and the volunteers. For their efforts, Ms. Lamone recognized the following SBE staff: Janet Smith, Roger Stitt, Chere' Evans, Stacey Johnson, John Clark, Vincent Scott, and Mary Wagner of the Voter Registration Division; Mary Jo Waite and Mike Hinton our Field Support contractors; Sue Holiway and Jackie Bryley from Finance; Donna Wiltshire, James Courtney, Paul Aumayr, and Janey Hegarty from Voting Systems; Nikki Trella, Mary Heath and Rick Urps from Election Reform Division; and Chrissy Oswald, Vickie Molina, Ebony Sherbert-Parran, Peggy Wilkerson, Karen Simpson and Jared DeMarinis from Campaign Finance for their tremendous support of the registration effort. It has truly been an all-hands effort and Ms. Lamone recognized the efforts of all of the staff!

6. **Voting Systems**
    Electronic Pollbook Allocation
    Ms. Lamone reported that SBE has added refinements to the "hourly wait time" estimates for individual precincts and updated them with the latest voter registration totals. The reports have been provided to each local board to assist then with fine-tuning the number of electronic pollbooks to be assigned to each polling place. Ms. Mack asked whether the basis for the "hourly wait time" estimates were based on information from the last election, to which Ross Goldstein responded that they were.

    Emergency Backup Spares
    Ms. Lamone reported that SBE has worked with Premier Election Solutions on the preliminary preparation and distribution plans for 1,100 electronic pollbooks that will be staged around the State on election day. They will be used as emergency replacement units as needed.

Election Preparation

Ms. Lamone reported that Logic & Accuracy forms, precinct assignment worksheets, CF card labels and lists of test voters for functional testing of the electronic pollbook election database have been distributed to all local boards.

Procurement

Ms. Lamone reported that the procurement unit has been ordering signs, various supplies, equipment, voting system and pollbook accessories for delivery to the local boards.

Solicitations have also been sent out to update and replace the SBE server room air conditioning system, to obtain a new office alarm system and IT equipment and services to update/upgrade our current backup systems needed for the election for voting systems as well as voter registration.

A new contract is being submitted in November for Board of Public Works approval to award Premier a 3-month contract to provide basic services while the new voting system solicitation is being approved, issued, and awarded. This contract will contain three 3-month renewal options to be exercised as needed.

Renewal options will be exercised with Saber Government Solutions to ensure continued service on two contracts: Project Management Services and MDVOTERS (voter registration) for an additional year. Contracts will be put in place for field support personnel (2) to provide support to the local boards with MDVOTERS.

Finally, Ms. Lamone reported that SBE entered into a contract with Infospherix (state contract) for call center operations to answer calls made to our main telephone number as well as the 800 toll free number. In addition, Prince George's County, Anne Arundel County, Baltimore City, Baltimore County and Howard County will be using the call center to answer and respond to voter registration and other voting related questions. If unable to provide an adequate response, call center operators have been provided a "to call" list that identifies key personnel to transfer the call for further response. It was also noted that SBE is receiving call volume statistics and breakdowns of the nature of the calls being received. Ms. Lamone noted that the majority of the calls currently being received were: "where's my polling place," absentee ballot questions, and "am I registered." Mr. Walker asked how much the call center would cost. Mr. Goldstein responded that the final cost would be around $500,000. Mr. Goldstein noted that the original scope was a $25,000 contract for three days of call center support for just SBE and has grown to three weeks of call center support for SBE and four counties. It was also noted that, in addition to the calls SBE is receiving, the office is receiving about 150 emails a day and thousands of web hits. Ms. Lamone noted the success of the "Rumor Control" page on the website and that she encouraged the press to use the site before they report erroneous facts. Ms. Mack inquired whether the contract was pursuant to a competitive process. Donna Wiltshire responded that there was already a State contract that the agency was able to use.

Voting Units

Ms. Lamone reported that the voting system team has been busy preparing for the November General Election. Logic and Accuracy testing has been taking place in the local boards, where every voting unit to be used in the election has the election data loaded and is tested to ensure that it counts accurately and is free from any defects. Performing this activity on close to 20,000 voting units requires quite an effort by everyone, and this activity is scheduled to be finished by the end of this week. SBE has been receiving copies of each local board's GEMS database upon completion of their Logic & Accuracy testing.

Transportation of these voting units to the polling places will begin next week.

Additional voting units for Baltimore City and Prince George's County – 200 and 100 respectively – have been leased for this election. This is over and above those that were originally leased.

Ballots

Ms. Lamone reported that printing and delivery of over 600,000 absentee/provisional ballots, 2 million contingency ballots, and test decks have been completed for all local boards. SBE maintained daily communication with the ballot printer for print and delivery statuses in addition to addressing issues and problems found and ensuring a timely resolution. Staff worked closely with the local boards and their quality assurance efforts to quickly address any issues that developed and address those issues with the ballot printer. Mr. McManus asked for clarification about contingency ballots. Ms. Lamone responded that contingency ballots were photocopies of the actual paper ballots that are used in the case of a complete failure of the voting units in a polling place.

Training
Ms. Lamone reported that James Courtney, DP Specialist, attended and assisted Premier Elections Solutions with the technical support training. Participants of this training receive specialized instruction related to the technical operation of Premier equipment. Mr. Courtney will also be attending Premier's Election Day Staff Support training at the end of October.

7. Information Technology
Ms. Lamone reported on the following activities of the Information Technology Division.
-Completed installation of Help Desk tool, Electrack 9.08
-Back-up data center Tape Drive installed (COOP)
-Completed build of back-up facilities PC platform
-Updated several SBE software/application licenses and support
-Provided assistance with accessibility of the data tables for University of Maryland
-Prepared internal recovery servers and PCs
-2 visit to install and set-up new equipment
-3 visits to assist with Network issues
-2 visits to provide troubleshoot and repair of peripheral devices
-3 visits for Security and Disaster Recovery assists
-Joint ISDN circuit testing (back-up election results circuit) is 100% completed
-Verizon has upgraded alert and response priority for SBE and all 24 LBEs.
-Completed installation and test of a new WAN connection for Prince Georges county
-Conducted systems and circuit monitoring for data usage with Network Maryland (8 LBEs)
-Annual Security and Disaster Recovery Assessment visits completed
-SBE Data/Server room security upgrades approved (installation pushed to October)

8. Updates from Prior Meeting
Ms. Lamone referred the Board to the following materials in their folders:
1. Meeting minutes from the election directors' meetings; and
2. The letter to Dorchester County regarding their bylaws.

Ms. Lamone also discussed the components of the line alleviation plan. One important part of the plan is to educate voters about the following:
1. Find your correct polling place
    www.elections.state.md.us
    1-800-222-VOTE (8683)
    Vote where you live
2. Know what's on the ballot
    Review your specimen ballot
    Mark your specimen ballot and bring it to the polls
3. Try to vote between 10am – 4pm on Tuesday, November 4, 2008

In addition, Ms. Lamone stated that a major effort has been made this year to take steps to help ensure that there are not unacceptably long lines at the polls. In developing these plans, the goal was to develop a line alleviation strategy that is comfortable and familiar for voters and that does not create undue confusion for election judges. SBE's strategies include:
- Increasing the number of voting units that will be deployed on election day;
- Increasing the number of electronic pollbook voter check-in devices that will be deployed on election day;
- Analyzing voter registration trends to identify where to most effectively deploy additional equipment;
- Ensuring spare equipment is available and can be quickly deployed in the event that a voting unit or pollbook becomes inoperable;
- Providing information to voters on the best times to vote to avoid lines;
- Statewide distribution of specimen ballots to help voters prepare to vote (especially helpful for ballot questions);
- Recruiting more election judges;
- Conducting mass mailings to ensure that voters who registered to vote at the Maryland Motor Vehicle Administration are correctly registered;
- Some counties are using polling place greeters to help ensure voters are at the correct polling place; and
- Some counties are handing out ballot questions to voters who are in line so they can review the questions while in line instead of at the voting unit

ASSISTANT ATTORNEY GENERAL'S REPORT
Sandy Brantley reported that there was no litigation to report. Ms. Brantley noted her participation in several conference calls with local election directors and board attorneys. During those calls she addressed several questions concerning residency, mostly related to an advocacy effort to register pre trial detainees. Advice was given that a person's residency in terms of voter registration is where that person's intended domicile is. That is, the location at which the person has demonstrated an outward manifestation of establishing that place as the individual's domicile (such as staying there, receiving mail there, storing belongings there). While a person may have more than one residence, a person can have only one domicile.

Ms. Brantley reported that she advised SBE and the Anne Arundel County local election board about an allegation that the Annapolis Housing Authority was prohibiting voter registration drives at the Glenwood public housing facility. This allegation turned out to be not accurate. Glenwood is a senior high-rise facility that has a general no solicitation policy in the residential hallways. Nonetheless, groups were permitted to conduct voter registration drives in the recreational rooms at Glenwood. Several different groups have already done so and no group had been denied permission to do so.

Ms. Brantley reported that she advised that voter registration forms that do not have a postmark should be considered timely so long as the date that the applicant signed in Box 13, which also contains the signature line for the oath, is October 14th or earlier.

Ms. Brantley reported that the Office of Attorney General re-confirmed the prior advice given by AAG Mark Davis in December 2006 that, based on the Court of Appeals' decision in *Capozzi*, a provisional ballot cast outside of a voter's election district should not be counted.

Finally Ms. Brantley reported that, in response to a request from the Frederick County local election board, she issued a written letter of advice that a food donation box may not be placed within the 100 foot perimeter of the entrance or exit of a polling place or inside the polling place itself. Groups may place a box up to the line, but local election officials are not responsible for the safeguarding of those materials.

Mr. Walker asked what happens if a voter alleges a registration was timely but there is not record of that fact. The response was that the voter is not registered and cannot vote (or have the provisional vote counted). Mr. Walker asked about the safeguards to ensuring illegal aliens are prohibited from registering. Ms. Brantley responded that the driver's license does not assure that a person is a citizen. The situation will improve when Real ID goes into effect.

Mr. McManus asked about the hotline and its staffing. Ms. Brantley said it will be open for election day and staffed by the Assistant Attorneys General. Mr. McManus asked whether the attorneys were prepared to litigate. Ms. Brantley responded yes if the situation warranted that response. However, the first step would be to confirm complaints and decide whether there are other more efficient ways to resolve the issue.

APPROVAL OF LOCAL BOARD BY-LAWS
Mr. Goldstein reported that Baltimore City and St. Mary's County had submitted their bylaws. Mr. Goldstein recommended both for approval, noting that Baltimore City left out a provision from the model bylaws but did not take a position contrary to the bylaws. Accordingly he still recommended that they be approved but would point this out to the Baltimore City. Ms. Mack made a motion to approve the bylaws and Mr. McManus seconded the motion. The bylaws were unanimously approved.

WAIVER OF CAMPAIGN FINANCE LATE FEES
Mr. DeMarinis reported that there were three waivers for the Board's consideration.
1. Friends of Wiltina D. Bultman – requesting a reconsideration of a prior denial. The Administrator's recommendation is to reduce the late fee by $500.
2. Gabe Purviance House of Delegates – requesting a reconsideration of a prior denial. The Administrator's recommendation is to grant the waiver.
3. Elbert Henderson for Mayor – request on a reconsideration of a prior denial. The Administrator's– recommendation is to deny the waiver.

Ms. Mack made a motion to accept the recommendations of the Administrator, and Mr. McManus seconded the motion. The motion unanimously accepted.

OLD BUSINESS
There was no old business to discuss.

NEW BUSINESS

Mr. Walker noted his appreciation for Anne Arundel County and Howard County for their agreement to work with him to host observers Spanish and Russian OSCE observers.

Ms. Lamone asked the Board members to serve as her "eyes and ears" in the polling places on election day. She will provide the members with staff members' direct lines and cell phone numbers for election day.

Ms. Lamone also stated that the Board of Canvassers will be meeting on November 24th and the Electoral College will be on December 15th.

SCHEDULE FOR THE NEXT MEETING
Chairman Walker stated that the next meeting would be held on December 4, 2008 at 2:30 p.m. There will not be a November meeting.

ADJOURNMENT
Mr. Walker asked for a motion to adjourn. Ms. Mack made a motion to adjourn the meeting, and Mr. Thomann seconded the motion. The motion passed unanimously. The meeting adjourned at 4:22 p.m.