Attendees: Robert Walker, Chair
              Bobbie Mack, Vice Chair
              Rachel McGuckian, Member
              Charles Thomann, Member
              Linda H. Lamone, Administrator
              Ross Goldstein, Deputy Administrator
              Jeff Darsie, Assistant Attorney General
              Donna Duncan, Election Management Director
              Nikki Trella, Election Reform Director
              Stacey Johnson, Project Manager, MDVOTERS
              Jared DeMarinis, Director, Candidacy and Campaign Finance Division
              Paul Aumayr, Director, Voting Systems
              Susan Kloss, Project Management Support

Also Present: Anthony Gutierrez, Wicomico County Board of Elections
                 Barbara Sanders, League of Women Voters of Maryland
                 Mary Kiraly
                 Lynn Garland
                 Holly Joseph, Montgomery County
                 David Garreis, Anne Arundel County Board of Elections

DECLARATION OF QUORUM PRESENT
Chairman Walker called the meeting to order at 2:05 pm and declared that a quorum was present.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES
The minutes of the September 22, 2011, board meeting were presented for approval. The minutes with one amendment were approved unanimously. Mr. Thomann thanked the board for remembering his wife during the last board meeting.

ADMINISTRATOR'S REPORT
Ross Goldstein presented the Administrator's Report. He introduced Susan Kloss who is helping SBE with project management support.

1. **Meetings and Important Dates**
   Delegation from Kosovo
   On October 6th, a delegation consisting of four representatives from Kosovo – the Mayor of Pristina and three other government/party officials – visited SBE to learn about election administration in Maryland and SBE's roles and responsibilities. The delegation was also interested in the role of political parties in process of selecting its nominees.

   Election Directors' Meeting
   On October 11th, staff hosted an election directors' meeting. An update was provided to the election directors on SBE's various projects, including the FVAP grant, automated absentee ballot mailing project, software updates, election night reporting, the status of the LBE audits SBE is performing, and other relevant topics. A copy of the meeting summary was provided in the board meeting folder. All local boards participated in the meeting. The next election directors' meeting is scheduled for Tuesday, November 15th.

Automated Absentee Ballot Mailing Project

A pre-proposal conference was held for the automated absentee ballot mailing project. SBE is seeking a vendor to automate the printing, processing, and mailing of absentee ballots. There were five vendors in attendance and a lot of good questions. The proposals have been received and are currently being reviewed by the evaluation committee.

Delaware

On Thursday, October 6th, representatives of the NVRA workgroup traveled from Maryland to Delaware to meet with that state's election officials to examine the methods used to comply with NVRA voter registration requirements. In attendance from Maryland were representatives of the Governor's Office (Deputy Legal Counsel and Director of State Stat), four from the Department of Human Resources, five representatives of the Department of Health and Mental Hygiene, two individuals from the Democracy Program of DEMOS, and Roger Stitt from SBE. The first 90 minutes was a presentation by representatives of the Delaware State Election Office on the electronic signature program used to register voters through the Delaware Department of Motor Vehicles. This program was initially funded (and to some degree still is) with HAVA funds. The program is now being expanded to health and social services offices throughout the state. The afternoon involved a visit to a local social services office to view the techniques used by Delaware to meet the NVRA requirement to offer voter registration at all such offices. Mr. Walker asked about State Stat's interest in this issue, and Mr. Goldstein reported that State Stat tracks the NVRA agencies' voter registration activities.

2. **Election Reform & Management**

Federal Voting Assistance Program (FVAP) Grant Award

On November 3rd, the FVAP announced the first round of grant recipients for its Electronic Absentee Systems for Elections grant program. SBE requested $653,719 to implement an online voter registration system and enhance the existing online absentee ballot delivery system, and the FVAP fully funded the grant proposal. The grant award has been signed, and we are in the process of learning about federal grant administration and the substantive work will now begin in earnest. The online voter registration system is scheduled for implementation July 2012, and the enhancements to the online absentee ballot delivery system – integration of an online ballot marking wizard and the use of barcodes to generate scannable ballots during canvassing – will be ready for the 2012 Presidential General Election. In response to a question about the number of grant awardees, Ms. Trella reported that six jurisdictions or groups of jurisdictions were in the first round of awards, and two jurisdictions or groups of jurisdictions were just announced. Ms. Trella will be completing the grant paperwork.

Redistricting Class

As part of the Election Preparedness and Professional Development Program, Rick Urps coordinated the first of two classes on redistricting for those local boards likely to be impacted by the upcoming congressional redistricting. The class included instructions on planning for redistricting and making the necessary changes in MDVOTERS. The first class was held on October 18th. Guy Mickley, the Howard County Election Director, Mary Jo Waite and Stacey Johnson led the class. There were 24 attendees representing six local boards (Anne Arundel, Baltimore County, Carroll, Cecil, Harford, and Montgomery) at the October 18th class. The feedback was positive, with the vast majority of attendees agreeing that the course was relevant, useful, and well organized. The second class is scheduled November 30th, and representatives from Baltimore City, Frederick, Howard, and Prince George's Counties will be attending. This class will be re-offered after the 2012 Legislative Session for the remaining counties.

National Federation for the Blind of Maryland (NFB-MD) Convention

At the NFB-MD Annual Convention on Saturday, October 29th, Mr. Urps presented an update and overview of SBE initiatives. He spoke about the status of the voting system for the 2012 elections and SBE's efforts to ensure that polling places, early voting centers, and SBE's website are accessible to voters with disabilities. In addition, Mr. Urps presented information about the online absentee ballot system and the online voter registration system (currently in development).

Election Laws and Regulations Webpage
Ms. Trella drafted a new section of the website on election laws and regulations. The Federal Law section includes a brief summary of six federal laws that impact election administration and links to the U.S. Department of Justice's website that has more information on the various laws. The Election Laws section opens with some general information about the State Constitution and laws that impact election administration and includes a link to a website with the *Annotated Code of Maryland* and how to buy a printed version of the Election Law Article. Lastly, the Regulations section includes information on the Administrative Procedures Act, how to access COMAR and the *Maryland Register*, and provides information about SBE's pending proposed regulations. The webpage is accessible from the homepage by clicking "Election Laws and Regulations" on the side navigation bar.

3. **Voter Registration**
Joint Application Design (JAD) Session
SBE hosted a JAD session from September 26th – 28th to cover development and enhancements to MDVOTERS that will be released throughout 2012. The primary scope was the election workers module and any issues that occurred during the Baltimore City election.

MDVOTERS Yearly Planning
The yearly planning for 2012 took place September 29th and 30th. The goal of this meeting was to prioritize the release schedule, help desk schedule and contractual issues. SBE solidified the schedule for the MVA interface and the online voter registration system. There will be four software releases: February, June, August and December 2012.

Upcoming software release
User testing began November 1st for a release in December. This release is focused on upgrading MDVOTERS to a 64-bit operating system, implementing a new document scanning interface, and resolving a variety of old issues.

Maryland Motor Vehicle Administration (MVA) Interface
New legislation was enacted in 2011 (*see* Chapter 288, Laws of 2011) requiring that SBE and the Motor Vehicle Administration (MVA) implement a two-way interface between each agency's system. MVA will step applicants through the voter registration process (with updated software on their touch pads) and send the data to MDVOTERS nightly. The local boards will then process each registration in MDVOTERS; verifying that the application is not a duplicate registration, the address is a valid residential address, and the applicant is eligible to vote and not a convicted felon or deceased. MVA will receive an updated list of voters from MDVOTERS on a nightly basis so that the MVA will know if the applicant is updating their existing record or making an initial application. The interface between MVA and SBE is on track and expected to be placed in production the weekend of February 17th.

Online Voter Registration (OLVR)
OLVR is on schedule to be released by July 2012.

Request for Bids
A request for bids for a consultant to assist the SBE development team with the MVA/Online Voter Registration project is being resubmitted this month. Two candidates from our first

submission were interviewed, but the interview team did not feel that the candidates met the qualifications. The description has been adjusted and will go out for bid again. The request for hardware last month did not go through, and SBE decided to switch to a secure cloud-based (vendor-hosted) system to maintain the project schedule. This has led to a savings in the upfront cost.

Redistricting
The team co-conducted redistricting training with Guy Mickley as part of the certification program. SBE is suggesting data for the local boards review and is planning to support the local boards throughout the process.

Audits
The voter registration division staff completed audits of the voter registration data as part of the comprehensive local board audit.

4. **Candidacy and Campaign Finance (CCF) Division**
Candidacy
As of November 7, 2011, 39 candidates have filed for office for the 2012 Presidential Election.

Reporting
On October 28, 2011, the 2011 Baltimore City Pre-General Campaign Finance Report was due for all political committees participating in that election. The Candidacy and Campaign Finance Division received reports from 82% of the committees required to file (76% were timely). The maximum late fee penalty is $250.

On October 7th, the 2011 Prince George's Special Election Pre-General Campaign Finance Report was due for all political committees participating in that election. The Candidacy and Campaign Finance Division received reports from 100% of the committees required to file (94% were timely).

New Online Campaign Finance Reporting and Management System
On October 5th through October 21st, the CCF Division conducted extensive testing of the new campaign finance reporting management system. Staff tested all three modules: public, committee, and administration. Additionally, the Democratic and Republican State Central Committee each sent over volunteers to assist in the testing. SBE thanks Meredith Bowman, Compliance Director of Democratic State Central Committee; Fred Fleischmann, Compliance Officer for the Republican State Central Committee; Beth Swoap from the Calvert County Democratic Central Committee; and Corynne Courpas from the Carroll County Democratic Central Committee. PCC Technology Group, the system vendor, is currently updating the system with our testing findings and recommendations.

During October, the CCF Division sent out two notices to all responsible officers and candidates of active and inactive political committees. The notices introduced the new system and required the officers to update their contact information, especially email addresses. To log into the new system, an officer or candidate must have a valid email address. Every user will have a unique username (an email address) and password. Additionally, the Division requested filing any 2012 Annual Report data for data conversion purposes only to prevent a committee from having to reenter the 2012 Annual Report transaction into the new system. The filing of the 2012 Annual Report will be considered unofficial and not released to public.

On November 16th, the Division will give a presentation and demonstration of the new online campaign finance reporting system to the Election Law Subcommittee of the House Ways and Means Committee.

Enforcement

On October 25, 2011, the CCF Division referred to the Office of State Prosecutor a total of 298 political committees for failure to file one or more of the following reports: (1) 2010 Gubernatorial Pre-General; (2) 2010 Gubernatorial Post General; or (3) 2011 Annual Report. In response to a question from Mr. Walker, Mr. DeMarinis explained that the referrals include multiple referrals of the same committees and does not represent an increase in the number of committees referred.

On October 25, 2011, the CCF Division referred to the Office of State Prosecutor following individuals for exceeding the contribution limit to a single political committee in an election cycle:

- Elephant Club
- Citizens for a Better Government
- Frederick Schram
- Ronald W. Johnson Associates
- Desbuild Inc.
- Pioneer Contracting Co. Inc.
- Joan Schuh

In response to a question from Mr. Walker, Mr. DeMarinis explained that each committee had been contacted and asked for more information. The committees that were referred did not respond to the request.

5. **Voting Systems**

Elections

Early voting for the Baltimore City Mayoral General Election ran from October 28th through November 3rd (except Sunday, November 3rd). Election day was November 8th, and the first absentee canvass is November 10th. Baltimore City tested 1,767 voting units for the election. Turnout and results from early voting and election day were provided to the board members.

Also on November 8th, the voting system and electronic pollbooks were used in Rockville, Hurlock, Aberdeen and Bel Air for their municipal elections.

Prince George's County Special General Election for Council District 6 took place on October 18th, with a very light turnout of just 5.8%.

Voting System Servers

Paul Aumayr has been continuing the installation and configuration of new voting system servers throughout the State. There are two servers in each county as well as at SBE, and this effort will be concluded within the next couple weeks. The servers replace servers that have been used since 2004.

Electronic Pollbooks

Election Systems and Software (ES&S) and SBE have continued to work on the updated electronic pollbook software. Andrew Johnson has been vigorously testing the various software changes and working closely with ES&S to ensure the software meets Maryland's needs.

Voting Units Maintenance

The local boards are continuing to install batteries in 8,000 voting units after delivery over the last month. SBE is also obtaining booth parts for those that have become damaged during previous elections.

6. **Project Management and Information Technology**

Information Technology Strategy Board

Keith Ross continued working to define the responsibilities for the agency's internal Information Technology Strategy Board that will provide oversight for the agency's short and

long term information technology strategy and goals. The Board will also ensure that IT goals align with the SBE business strategy.

Information Technology Master Plan (ITMP)
Each agency is required to submit an Information Technology Master Plan with the Department of Information Technology. SBE's fiscal year 2013 ITMP was completed and submitted on October 28th. Mr. Walker requested a copy of the ITMP.

Local Board Visits
Mr. Ross is currently in the process, over the next 3 months, of visiting each of the 24 local boards. Since the last board meeting, he has visited St. Mary's, Charles, Worcester, Allegany, Garrett, Calvert, Anne Arundel, Frederick, Howard, Queen Anne's, and Carroll Counties. Trip reports are provided for each visit. The trips have so far proven to be a great opportunity of reaching out to the local boards, hearing their concerns, suggestions, and compliments, all of which enhances the communication between the local boards and SBE.

Projects
There are several projects in progress. In addition to the Baltimore City and Prince George's special elections, planning work is taking place for the 2012 election cycle. In addition, other notable efforts include:
1. *Mock Election* – In the process of defining the scope. The core project team members from SBE and the local boards were identified, and the first project team meeting was held. The project team will be responsible for shaping the mock election. Initial expectation is that the exercise will take place within the period of January 3 – 10, 2012.
2. *Inventory Management Project* – This three phase project includes the validation of the inventory (e.g. voting system) currently in the database, coming up with an interim inventory system solution and workflow, and the implementation of a new inventory system.
3. *Optical Scan Voting System Implementation* – Started several tasks as they pertain to planning for the new voting system implementation, including extensive work on the Information Technology Project Request (ITPR) and developing cost estimates for the next four years. The ITPR was completed and submitted to the Department of Information Technology.

Brown Bag Presentations
Staff participated in the first monthly Brown Bag Presentation, a one hour opportunity for SBE management and staff to transfer and share knowledge. Mr. DeMarinis gave a presentation on the new Campaign Finance Reporting and Management System (CFRMS). His presentation provided everyone that attended a high-level understanding of the system's functionality. It was also an opportunity for other staff to share lessons learned from other projects that were helpful for the project.

Election Preparation
Natasha Walker performed ballot production for both the 2011 Baltimore City General Election and the Prince George's County Special General Election. This included taking screenshots of all ballot styles, creating fax ballots, recording the audio ballots and packing the final database for the local boards.

CFRMS Project
Kurt Snyder has been assisting PCC Technology Group, the CFRMS vendor, by providing them with the necessary database dump files and required tables from Ballot and the ELECTrack systems.

Website Updates
Ms. Walker created a new template for the website for laws and regulations. Four HTML pages are included in this new section: Introduction, Federal Laws, Maryland Election Laws, and Regulations. Ms. Trella provided the language for the new pages. A section for Voting System Procurement was also added to the Online Library.

Retrieval of Old Equipment from the Counties for disposal
Daniel O'Connell has started making trips to several counties, with the State van, to retrieve old computer equipment for appropriate disposal following the Department of General Services (DGS) disposal procedures and guidelines.

Election Management System
Ms. Walker conducted testing on version 9.2 of SBE's internal election management system (EMS). This new version of EMS will assist in the tabulation of presidential election results by Congressional District and provides more flexibility with contest maintenance tasks. The testing was completed successfully and will be deployed shortly

Other IT Related Events
- Successfully renewed numerous SBE hardware/software licenses and support agreements
- Successfully applied Microsoft Security updates for the month of October on SBE Server Systems
- Processed some employee and contractor credentialing information
- Procured new computer equipment for the Allegany County Board of Elections
- In the process of procuring new computer equipment for the Cecil County Board of Elections

ASSISTANT ATTORNEY GENERAL'S REPORT
Mr. Walker extended condolences to Jeff Darsie on the loss of his brother.

Mr. Darsie reported that the Court of Appeals on October 24, 2011, granted the State's petition for writ of certiorari in *Maryland State Bd. of Elections v. Libertarian Party of Maryland* and ordered that briefing of the appeal be completed on or before January 27, 2012. The main issue on appeal concerns the proper signature standard to be applied to new party petitions and whether the statutory signature requirements may be applied to new party petitions consistent with the State and federal constitutions. A secondary issue is whether duplicate or multiple signatures on a petition by the same individual must be reviewed if the signer's name has not already been counted in support of the petition.

On October 27, 2011, the Court of Special Appeals of Maryland issued its written opinion in *Howard County Citizens for Open Government v. Howard County Bd. of Elections*, affirming the election board's determination that a 2009 petition effort to refer a local ordinance to voters had collected too few signatures to be placed on the ballot. In its opinion, the Court of Special Appeals held, among other things, that the State's petition signature standards did not unreasonably burden voter's referendum or other rights, an issue that is also presented in the State Board's appeal in the *Libertarian Party* case.

A circuit court judge on October 7, 2011, denied a challenge to the Frederick County Board of Elections' insufficiency determination with respect to a charter board nominating petition. That litigation involved, among other things, the correctness of the State Board's guidelines interpreting *Doe* and *Fire-Rescue* as to petition signature standards and whether those requirements were constitutional. The petitioner has filed an appeal to the Court of Special Appeals and a petition for a writ of certiorari with the Court of Appeals.

Mr. Darsie reported that he has been involved with preparations for the DREAM Act petition efforts and potential litigation on the Congressional redistricting plan and it appears likely that there will a

referendum effort on the Congressional redistricting plan. Petition sponsors have until June 1, 2012, to submit the first third of the required signatures.

APPROVAL OF REGULATIONS
Mr. DeMarinis presented a new chapter in COMAR 33.13 Campaign Financing for electronic contributions. This new regulation is in response to legislation passed by the General Assembly and provides for various secure methods of making electronic contributions. Ms. McGuckian made a motion to approve the new regulation, and Ms. Mack seconded the motion. The motion was unanimously approved.

WAIVERS OF CAMPAIGN FINANCE LATE FEES
Mr. DeMarinis presented 27 campaign finance late fee waiver requests that the State Administrator had recommended for approval. The following committees requested a late fee waiver:

1. A.A. County FOP Lodge 70 PAC, A1556
2. Allegany County Democratic Central Committee, A116
3. Blake, William Lance Friends of, A7667
4. Bowles, David For Central Committee, A7984
5. Branch, Jonathan Friends of, A7464
6. Campbell, Rick Friends To Elect, A6960
7. Carmichael, Nora Citizens For, A8037
8. Davila-Steele, Veronica L. Citizens For, A8109
9. Gordon, Brandon Friends Of, A8255
10. Harrington, David Friends Of, A1797
11. Howard County Professional Firefighters PAC, A2304
12. Johnson, Anneliese Friends Of, A8336
13. Johnson, Jack Friends Of, A445
14. Litten, Russell Citizens For, A8413
15. MacKall, Kimberly Citizens For, A6884
16. McDermott, Mike Citizens To Elect, A6891
17. McFadden, Nathaniel J. for Senate, A992
18. McMillan, Herb Friends Of, A2087
19. Merkel, Victor F. Friends of, A8809
20. National Association Industrial & Office Parks PAC, A241
21. Progressive Alliance Slate, A7104
22. Saltwater Sport fisherman's PAC MD, A276
23. Sampson, Tracey Friends Of, A8664
24. Schuh, Steve Citizens To Elect, A4339
25. Speigner, Terry Friends of, A8277
26. Stakem, John T. Friends of, A8337
27. Vision For 2006 Slate, A3915

Mr. Thomann made a motion to approve the recommended waiver requests, and the motion was seconded. The motion was unanimously approved.

ADMINISTRATIVE CLOSURE OF CAMPAIGN FINANCE COMMITTEES
Mr. DeMarinis requested administrative closure of two campaign finance committees – People for (Marilyn) Praisner and Meyer Marks for Maryland Committee. Ms. Praisner is deceased, and there is a difference in the remaining balance for the committee that appears to be a paperwork issue. The State Prosecutor recommends closing Mr. Marks' account. Ms. McGuckian made a motion to close these two campaign finance committees, and Mr. Thomann seconded the motion. The motion was unanimously approved.

REQUEST FOR CONFIDENTIALITY
Mr. DeMarinis presented five individuals who requested that certain information be held confidential. All five individuals are sitting judges and are requesting confidentiality under the law enforcement personnel exemption. Ms. McGuckian made a motion to approve the confidentiality requests for the five individuals, and Ms. Mack seconded the motion. The motion was unanimously approved.

APPROVAL OF LOCAL BOARD BYLAWS
Mr. Goldstein presented the amended bylaws from three local boards: Dorchester, St. Mary's, and Washington Counties. Mr. Goldstein noted that the bylaws from these three local boards are generally consistent with the SBE Model Bylaws but do not include the amendment requiring board members to

be sworn-in before early voting. Since this is already required by regulation, Mr. Goldstein recommended approving the bylaws, and he will notify the election directors that this requirement needs to be added. Mr. Goldstein also presented bylaws from Allegany and Worcester Counties. The only changes to these bylaws were to increase the number of board members. Ms. Mack made a motion to approve the bylaws, and the motion was seconded by Mr. Thomann. The motion was unanimously approved.

OLD BUSINESS
There was no old business.

NEW BUSINESS
There was no new business.

SCHEDULING OF NEXT MEETING
Mr. Walker asked that proposed dates for the next meeting be circulated by email.

ADJOURNMENT
Mr. Walker adjourned the public meeting at 2:40 pm.

CLOSED MEETING
Mr. Walker called for a motion to close the board meeting under State Government Article, §10-508(a)(1)(i) to discuss a compensation of specific employees. Ms. McGuckian made a motion to close the meeting, and Ms. Mack seconded the motion. The motion passed unanimously.

During the closed session, only the board members were in attendance. The board voted to recommend a salary increase for certain personnel.