Attendees: Bobbie Mack, Chair
                Chuck Thomann, Member
                Patrick Murray, Member
                Linda Lamone, Administrator
                Ross Goldstein, Deputy Administrator
                Jeffrey Darsie, Assistant Attorney General
                Nikki Charlson, Director, Election Management & Reform
                Keith Ross, Assistant Deputy for Project Management
                Rick Urps, Deputy Director, Election Management & Reform
                Shelly Holland, Director, Budget & Finance

Also Present: Barbara Sanders, League of Women Voters of Maryland
                Ralph Watkins, League of Women Voters of Maryland
                Holly Joseph
                Lynn Garland

DECLARATION OF QUORUM PRESENT
Chairman Mack called the meeting to order at 2:01 pm and declared that there was a quorum was present for purposes of holding public meeting. However, with only three of the five members in attendance, no official actions could be taken.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES
The minutes of the January 31st meeting were presented, but not approved due to a lack of a quorum. Ms. Mack instructed staff to make the unapproved minutes available to the public.

ADMINISTRATOR'S REPORT
Ross Goldstein presented the Administrator's report.
1. **Announcements**
    The new field support team is in place. Keith Ross introduced the team. The manager is Kimberly Meiklejohn. Kimberly joins SBE with many years of management experience at several State agencies including the Department of Transportation, Natural Resources, and most recently Public Safety.The regional field support managers are: Paula Paschall, Shafiq Satterfield, Desvin Gabbidon, Russell Hicks, John Speir, and Duane Powell.   Mr. Goldstein noted that Russell, Desvin, Duane, and John had been serving in this role through SBE's contract with the Cirdan Group. Shafiq worked for Montgomery County in the voting system division and Paula worked as a county voting system technician for several elections. There is a lot of knowledge and continuity with this team and thus far it has been a smooth transition to this new model for regional support.

2. **Meetings and Important Dates**
    NIST/EAC Future of Voting Systems Symposium
    The National Institute of Standards and Technology (NIST) and the U.S. Election Assistance Commission (EAC) hosted on February 26th - 28th a symposium on the future of voting systems. On February 26th, Linda Lamone participated in a panel on web-based technologies supporting elections and highlighted Maryland's voter services website, specifically the online voter registration system and the online ballot delivery system with the online marking tool. The other panelists - local election officals and a security expert - discussed other online services offered in their jurisdictions and some of the security concerns. Paul Aumayr attended the symposium, and other SBE staff members watched the live webcast of the symposium.

    NASS' Emergency Preparedness for Elections Task Force
    The National Association of Secretaries of State (NASS) convened a task force to support election officials in their efforts to establish and improve election practices in preparation for and in response to emergency events. The task force, of which Ms. Lamone is a member, held its first conference call on March 19th. The potential outcomes of this effort will likely be a survey to establish a baseline understanding of existing models, best practices for an emergency contingency model plan, and publication of a lessons learned document.

SBE's Biennial Meeting

As has been done for the last several years, SBE's biennial meeting will be held in conjunction with the Maryland Association of Elected Officials' annual meeting. The meetings will be held June 17th and 18th, with the biennial on June 17th, at the Marriott Inn and Conference Center in Hyattsville. The tentative agenda for the biennial meeting, includes security training, a legislative briefing, and afternoon breakout sessions for board members, attorneys, and election directors and staff. A hand-out was provided that includes the tentative break session topics as follows:

- Board attorneys – discussion led by Jeffrey Darsie to include an open meetings review and instructions for completing meeting minutes.
- Board members – a presentation on ERIC, a presentation on how to conduct the performance evaluation with the election director, and lessons learned.
- Election directors and staff – lessons learned, an overview of the new voting system implementation, and a presentation on how to effectively use social media.

3. **Election Reform and Management**

Post-Election Data Reports

SBE submitted data in response to the U.S. Election Assistance Commission's post-election survey. The spreadsheet SBE submitted is posted on SBE's website under "Elections," "2012 Elections," and "Voter Turnout and Election Related Statistics." SBE also submitted data in response to two surveys by the Department of Defense's Federal Voting Assistance Program.

Review of Voting History

The review of voting history from the 2012 General Election is now complete. A summary of voters with multiple voting credit will be presented during the meeting.

Post-Election Audit of the Local Boards

Rick Urps coordinated the post-election audit of the local boards of elections. Each division used the established audit guidelines to assess each local board's performance on the identified criteria. The findings were compiled into one document and will be shared with the local boards. The compiled findings will be sent to the local boards this month.

2014 Election Calendar

Each election cycle, staff prepares an election calendar that identifies the various statutory and regulatory deadlines. This calendar is posted on SBE's website and shared with the local boards of elections. After the 2013 session of the Maryland General Assembly, the calendar will be reviewed and updated as necessary. The 2014 election calendar will be provided in the board meeting folder.

4. **Voter Registration**

MDVOTERS

Release 4.4 was put into production use. This release dealt with election judge module enhancements as well as fixing old issues.

Candidacy Software Development

The ELECTrack agency system used by the Candidacy and Campaign Finance Division has been substantially replaced by the new online campaign finance reporting and management system (MD CRIS). However, the new online system does not address candidate filing. To efficiently meet this need, it has been determined that the candidate filing piece will be taken over by MDVOTERS. This is a logical fit, because, except for presidential candidates, all candidates have to be registered voters. Further, the candidate filing application has to be accessible for use by all LBEs.

As previously reported the requirements gathering has been completed and a complete set of functional specifications were developed and are currently being reviewed by staff. Once the review is complete, the specifications will be sent to the vendor to begin programming.

ERIC

Maryland and six other states mailed postcards to over 5.7 million eligible, but unregistered voters to encourage them to register to vote prior to the 2012 general election. Over 300,000 new voters were registered across the 7 ERIC states. Maryland registered 31,919 new voters, of which, 26,712 voted.

List maintenance reports from ERIC are expected by the end of April. These reports will include information regarding voters who have died, have moved within Maryland, as well as have moved outside of the State. Ms. Lamone noted that ERIC now has a full time employee working on the list maintenance reports.

Paper Voter Registration Applications
Historically, after each legislative session SBE reprints paper applications to reflect any legislative changes and to restock the local boards and those agencies designated under the National Voter Registration Act (NVRA). Due to the implementation of OLVR and the MVA electronic interface, we anticipate an approximate 15% decrease in paper applications. Paper applications will always be necessary to accommodate those individuals that do not have computer access.

5. **Candidacy and Campaign Finance**
Filings
On February 5, 2013, the semi-annual Contribution Disclosure Form, a required filing by   either a person who does business with the State involving consideration of $100,000 or more and makes campaign contributions of $500 or more or a person who provides lobbyist compensation and makes campaign contribution greater than $500, was due. The Candidacy and Campaign Finance Division received over 260 disclosure forms from qualifying persons.

Trainings
The Candidacy and Campaign Finance Division will be conducting trainings with the local boards to prepare for the upcoming candidacy filing period starting on April 9th. Trainings started on March 27th and will continue through the first week of April.

6. **Voting Systems**
Post Election Maintenance
Post-election maintenance has continued with the LBEs, and will continue for the next few months. Most of the LBEs have completed the pollbooks and printers and are moving on to the TS units.

Voting Units Software Update
After testing at SBE, the LBEs have received the updated Accuvote-TS software for installation on all their TS units. Many of the LBEs are and will be performing the update at the same time as their maintenance. The update is to install new encryption certificate on the voting units.   Other SBE documentation has been updated to reflect this update.

Electronic Pollbook Updates
The voting system team has continued planning for updates to the electronic pollbooks during 2013. The team has been compiling enhancements and features that SBE would like to see for future releases, as well as collaborating with ES&S on bug fixes. SBE has also received the latest release and has been putting that version through user testing.

Municipal Elections
SBE's Municipal Election guide has been updated to reflect the end of the Cirdan contract. This primarily impacts the transportation of voting units and other equipment. State equipment will be used in a number of municipal elections this year - such as Salisbury, Havre de Grace, and Hampstead.

7. **Project Management and Information Technology**
Regional Manager Onboarding
Kimberly and the six regional field support managers are fully engaged in their new jobs. They have thus far gone through a great deal of training and participated in several different presentations led by management and staff.

A packet of information was created and made available to the local boards that included an initial list of the Regional Manager responsibilities and some of the expected goals over the next 6 - 12 months, all in preparation for the local board Meet and Greet visits.   During March and April, Keith or Paul, Kimberly, and the assigned Regional Manager have or will travel to each of the local boards to meet management and staff and to discuss any questions they have concerning the new Regional Manager model. Thus far we have visited Somerset, Wicomico, Worcester, Dorchester, Talbot, Allegany, Garrett, Washington, Caroline, Queen Anne's, Frederick, and Montgomery counties.

New Voting System

SBE continues to work on the project planning phases scheduled for the remainder of FY13 and all of FY14. Since the last report, we have started and completed a couple of planning documents that include the Project Charter which is in the process of being reviewed by the Department of Information Technology (DoIT.) We are now actively in the process of recruiting a contract Technical Writer. Our goal is to have someone onboard the beginning to mid May who will assume much of the documentation requirement work for the beginning phases of the project.

Another of our efforts that we will soon begin work is on the development of a Request for Proposal for the other contract project management resources. Our goal is to onboard the initial resources 3rd quarter this calendar year. Their roles will be to fulfill the project management and System Development Life Cycle (SDLC) requirements for major projects as mandated by the DoIT.

Questions have been raised about the proposed budget (approximately $1.2 million) for the implementation phase of the project. In response to these questions SBE has drafted letters to budget committee members which provides a detailed listing of all the required implementation reports, plans and schedules that must be submitted to the Department of Information Technology and the project team members and related costs. In addition, the Secretary for the Department Budget and Management also drafted a response to an inquiry, which supports the proposed budget and confirms the necessity of hiring a project management team to conduct the required procedures for a major information technology project.

<u>SBE and MAEO/ETC Collaboration</u>
SBE and the Election Technology Committee (ETC) representing the Maryland Association of Election Officials (MAEO) met in a kickoff meeting to discuss many of the technology related issues facing SBE and the local boards. Output from this kickoff meeting included several tasks and action items for SBE and the ETC. The expectation is to meet on a quarterly basis to build on the foundation created.

<u>North Carolina Board of Elections Visit</u>
Keith Ross had an opportunity to visit the North Carolina Board of Elections in Raleigh, NC on February 15. The purpose of this visit was to learn about their District Election Technician model which is very similar to the model we are implementing here at SBE with the Regional Managers. In addition, we wanted to learn more of the technology they are using for their election night reporting, helpdesk, inventory, and task management. Mr. Gary Bartlett (Executive Director), Ms. Johnnie McLean (Deputy Director), and other NC SBE staff members were very hospitable and open to sharing their lessons learned and best practices. A trip report was created.

<u>Google Apps Migration</u>
We continue to grow in the number of users and the level of interest in Google Apps. In addition to SBE staff, we now have five counties with at least one Maryland Google App account. With the potential of greater collaboration, we expect the number of counties with at least one account to grow.

In addition to the training provided by DoIT, Keith has conducted additional training in Queen Anne's based on lessons learned and user tips. There will be another session held in April in Caroline County with staff from Worcester, Wicomico, Kent, and possibly Talbot counties participating.

8. **Legislation**
   SB 279/HB 224 - *Improving Access to Voting* - The bill, which was sponsored by the Administration has three main purposes:
   1. The bill provides an exception to the voter registration closing deadline to allow a person to apply to register to vote or update an existing voter registration during early voting. The exception only applies during early voting. The applicant must provide proof of residency in order to register or update an existing voter registration.
   2. The bill provides several changes to the process for applying for and delivering absentee ballots. The bill allows a voter to apply for an absentee ballot via an online application process provided by SBE. The bill also extends the application deadline if the applicant requests receipt of the absentee ballot via the Internet. The bill authorizes all voters (not just military and overseas voters) to receive the ballot via fax or the Internet. Finally, the bill requires SBE to provide an optional online ballot marking tool and requires the marking tool to be certified pursuant to the applicable requirements under § 9-102 of the Election Law Article.
   3. The bill requires early voting to be conducted beginning the second Thursday before election day through the Thursday before election day. For all elections except the Presidential General Election, the hours for early voting will be 10 a.m. to 8 p.m.each day. The hours for the

Presidential General Election will be 8 a.m. to 8 p.m. The bill also establishes the required number of early voting centers.

The House and Senate bills have passed their respective chambers. Both versions delay the effective date for the implementation of same day registration during early voting to 2016. And both alter the required number of sites for the largest counties (over 450,000 voters) from five to eight. The House version states that any county, in consultation with the State Board and its local election board, may opt to have one additional early voting center. The Senate version permits only the small counties that have one early voting center to opt for an additional center if the county covers an area of 400 square miles or more. Finally, both the House and the Senate bill require SBE to require users of the online voter registration system and the online system for requesting an absentee ballot to provide the last four digits of their Social Security number and another piece of personal information not generally known to the public. The House version also includes a provision that explicitly states that the process for online delivery of ballots may not be used for returning voted ballots.

The House bill also contains several requirements for SBE to report back to the General Assembly on various issues, including:
- The causes of and strategies for reducing wait times on election day;
- The feasibility and implications of conducting early voting through the Sunday before election day,
- Hiring a security consultant to report on the security of online voter services, and
- Conducting additional usability testing on the ballot marking tool.

Ms. Mack asked whether the required reports would be accompanied by the requisite funding. Ms. Lamone said that there was no funding available and she encouraged the members to talk with members of the General Assembly who may be able to work to obtain funding for these various reports.

HB 1499/SB 1039 - *Campaign Finance Reform Act of 2013-* This bill introduced by the President and Speaker on behalf of the Commission to Study Campaign Finance Law is a major overhaul of the campaign finance system and Title 14 of the Election Law Article. Major highlights of the bill include:
1. Increasing contribution limits
2. Eliminating the LLC loophole
3. Establishing a new civil citation authority for SBE on certain infractions such as authority line
4. Slate reform by restricting the transfers out and membership
5. Creating Legislative Party Caucus Committees which will streamline and modernize Maryland election's for the General Assembly
6. More rapid disclosure of Independent Expenditures and
7. Streamlining and clarifying Title 14 disclosure, i.e. the persons doing public business

The bill passed out of the House of Delegates without opposition. Currently, it is in the Senate and scheduled for a vote sometime this week.

HB 196/ SB 171 - *Election Law - Special Elections - Voting by Mail* - This bill authorizes voting by mail for a special election. The bill requires the local board to establish a polling place with accessible voting equipment in the local board office or the district in which the election occurs for a specified amount of time prior to and through election day. Both the House and Senate bills have passed their respective chambers.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie informed the Board that following the award of summary judgment to the State defendants in *Canavan v. Maryland State Board of Elections*, No. 02-C-12-173637 (Mem. Op., January 22, 2013, Cir. Ct., Anne Arundel Co., Md.), plaintiffs first noticed an appeal to the Court of Special Appeals and later filed a petition for certiorari with the Court of Appeals. That lawsuit involved a challenge to Article XIX of the Maryland Constitution and the voters' approval of expanded gaming in the November 2012 general elections. In response to the petition for certiorari, defendants argued that the lower court ruling should be summarily affirmed by the Court of Appeals and the appeal dismissed, rather than permit the appeal to go forward in the Court of Special Appeals. The Court of Appeals agreed with defendants and summarily affirmed the circuit court's order to dismiss the complaint on the basis of *laches* (prejudicial delay) and untimeliness. *Canavan v. Maryland State Board of Elections*, Court of Appeals No. 104, Sept. Term, 2012 (per curiam order, March 1, 2013).

Mr. Darsie also reported that SBE is a party-appellee in two cases that are still before the Court of Special Appeals: *Parrott v. McDonough*, Ct. Sp. App. No. 01445 (Sept. Term 2012), an unsuccessful challenge to the ballot language of Question 5 (Congressional Redistricting) that was approved by voters in the November 2012 general election, and *Fair v. Walker*, Ct. Sp. App. No. 01287 (Sept. Term, 2012), an unsuccessful challenge to

President Obama's right to appear on the Maryland Democratic primary or general election ballot for President of the United States. Appellants in *Parrott* filed a brief in their appeal on March 19. Appellants in *Fair* are expected to file their brief in April, with oral argument in that case set for October 2013.

2012 GENERAL ELECTION: VOTERS WITH MULTIPLE VOTING CREDITS
During canvassing, the local boards are instructed to use reports generated from MDVOTERS and the electronic pollbook to identify voters who appear to have voted more than once. For each identified voter, the local boards review the documents signed by the voter (*e.g.*, absentee oath, signed voter authority card, provisional ballot application) and determine whether the voter appears to have voted more than once or whether there was a clerical error that makes it look like the voter voted more than once. After this review, they make a recommendation to the local board of canvassers as to whether to accept or reject the ballot. For those voters who appear to have voted more than once, the documents are forwarded to SBE for additional review and possible referral to the State Prosecutor.

On March 21, 2013, information about 193 voters who appear to have voted more than once in the 2012 General Election were forwarded to the State Prosecutor. Of those 193 voters, 5 voters were flagged as high priority. One voter voted more than once in a prior election, received a letter from this office explaining that voting more than once if not permitted, and voted more than once in this election. For the four other voters, signatures on the documents suggest that further review may be warranted.

Letters were sent to 152 of the voters with multiple voting credits. This letter puts them on notice that their actions were detected and improper. Twenty-three voters have responded to the letter.

Finally, Ms. Charlson noted that the system worked well in preventing multiple ballots from being counted. The 193 voters <u>cast</u> multiple ballots, but none had multiples ballots <u>counted</u>.

OLD BUSINESS
There was no old business.

NEW BUSINESS
There was no new business.

SCHEDULING OF NEXT MEETING
The next meeting was scheduled for April 25th at 2:00 pm.

ADJOURNMENT
Ms. Mack adjourned the meeting at 3:25 pm.

CLOSED MEETING
Ms. Mack called for a motion to close the board meeting under State Government Article, §10-508(a)(12) and (13) to discuss an investigative proceeding on actual or possible criminal conduct and to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. State law requires maintaining the confidentiality of the Office of Legislative Audits (OLA) information and information pertaining to security of information systems, and referrals to the State Prosecutor involve investigation of possible criminal conduct. Mr. Murray made a motion to close the meeting, and Mr. Thomann seconded the motion. The motion passed unanimously.

During the closed session, the board members were briefed on the information technology audit performed by OLA, security issues related to the online voter registration system, and referrals of possible election law violations to the State Prosecutor. Specifically, Mr. Goldstein provided an overview of OLA's IT audit findings, SBE's draft responses to each finding, and SBE's plans to address security issues related to the online voter registration system. Ms. Charlson provided more detail on two referrals to the State Prosecutor from the 2012 General Election. Based on information provided by the Frederick and Montgomery County Boards of Elections, it appears that there are two examples of children of deceased voters voting in their deceased parents' names. A representative of the State Prosecutor's office has expressed interest in the information provided by the Montgomery County Board of Elections.

In addition to the board members, Ms. Lamone, Mr. Goldstein, Mr. Darsie, and Ms. Charlson were present. No actions were taken. The closed meeting adjourned at 3:05 pm.