

SEPTEMBER 26, 2006

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

Attendees: Gilles Burger, Chairman
Bobbie Mack, Vice Chairman
Joan Beck, Member
Andrew Jezic, Member
Susan Widerman, Member
Linda Lamone, Administrator
Mark Davis, Assistant Attorney General
Ross Goldstein, Deputy Administrator
Donna Duncan, Election Management Director
Mary Wagner, Voter Registration Director
John Clark, MDVOTERS Project Manager
Jared DeMarinis, Candidacy and Campaign Finance Director
Michael Kortum, CIO
Nikki Trella, Election Reform Director
Jaimie Jacobs, Election Reform Deputy Director

Also Present: Tom Feehan, Diebold
Ross Underwood, Diebold
Michael Lindroos, Diebold
Abigail Goldman, Baltimore City Board of Elections
Teresa Riggan, Worcester County Board of Elections
Patricia Jackson, Worcester County Board of Elections
Patti Davis, Talbot County Board of Elections
Brittani Thomas, Queen Anne's County Board of Elections
Stuart Harvey, Frederick County Board of Elections
Alisha Alexander, Prince George's County Board of Elections
Barbara Fisher, Anne Arundel County Board of Elections
Carole Streeting, Anne Arundel County Board of Elections
Tracy Dickerson, Charles County Board of Elections
Catherine Countiss, St. Mary's County Board of Elections
Holly Joseph, Montgomery County
Mary Howe Kiraly, Montgomery County
Stan Boyd, Montgomery County
Elizabeth Boyd, Montgomery County
Shawnielle Predeoux, Office of Legislative Audits
Steven Hertzberg, Election Science Institute
Colin Pierce, Project VOTE
Andrew A. Rivera, Advancement Project
Chris Yakaits, CNS
Melissa Harris, Baltimore Sun
Gretl Krewe, ABC 7
John Sherman, WRST TV
Beau Kershan, WRST TV

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Also Present (continued): Tom Stuckey, AP
Tom Corboy

DECLARATION OF QUORUM PRESENT

After delaying the start of the meeting, Chairman Burger called the meeting to order at 2:05 p.m. and declared that there was a quorum present.

OPENING STATEMENT

Chairman Burger opened the meeting with the following statement:

“On Tuesday, September 12th, we in the elections community let the Maryland citizens down. My Democrat and Republican colleagues on this Board were dismayed while events unfolded during the course of the day.

We have worked hard, year in and year out, to organize and operate a safe, secure, and fair election environment. Indeed a lot of things went right and a lot of people deserve praise:

- We were able to launch our new centralized voter registration system, MDVOTERS, a significant advance in ensuring an accurate database of registered voters
- In some areas around the state, election operations for the primary were smooth and problems minimal, negligible, and in some cases, non-existent.

But when I discovered that just one eligible voter arrived at the polls and was unable to vote for whatever reason, I believe our election administration system failed not just that voter, but all voters, every one of us.

We must restore our integrity. Much work in corrective action has taken place since the 12th and as our Elections Administrator said, we will work around the clock to get it right.

I want to thank Governor Ehrlich for financially supporting all state employees who will choose to serve as election judges on November 7th. Please, take advantage of this opportunity. I know first hand how personally enriching this experience is.

This is a message to all eligible voters – I’m urging you to exercise your right and privilege to vote in the General Election. We will be there to accommodate you.”

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APPROVAL OF August 22nd BOARD MEETING MINUTES

- On page 1, for the 3rd bullet under Approval of July 22nd Board Meeting Minutes, Ms. Widerman proposed the following language to replace a previous clarification, “Specifically, she wanted to know whether/how the central database records multiple votes cast by the same voter on the same day in different counties upon uploading to the central database.”
- On page 11, 2nd paragraph, Ms. Widerman proposed inserting the words “on the same day” after the word “counties” in the first sentence.
- On page 11, 2nd paragraph, Ms. Widerman proposed that the last sentence be replaced with “Accordingly, in the scenario presented by Ms. Widerman, Mr. Goldstein responded that both provisional ballots will be recorded and appropriately reported.”

Ms. Beck made a motion to approve the minutes as amended, and Ms. Mack seconded the motion. The amended minutes of the August 22, 2006, board meeting were approved unanimously.

ADDITIONS TO THE AGENDA

There were no additions to the agenda added at this time.

ADMINISTRATOR’S REPORT

1. Voter Registration System

The MDVOTERS system was used successfully in every aspect of the 2006 Primary Election from registering voters to assisting Local Boards of Elections with their canvass.

Working with the ePollbook Project Team, the MDVOTERS Project Manager developed a detailed schedule of MDVOTERS system activities to guide Local Boards through the steps needed to prepare for the Primary Election including the process of generating their precinct registers (poll books). The result of creating the precinct registers was the successful creation of a single, statewide pollbook file that contained the names and registration data of over 3 million registered Maryland voters, and individual registration files for use by each of the 24 Local Boards. Following the Primary Election, the Voter Registration Division has been supporting the ePollbook Project Team in the processing of voting data from the ePollbooks back into MDVOTERS and supporting Local Boards in processing their absentee and provisional ballots.

Preparation for the General Election includes an internal Lessons Learned session held on September 14, 2006, with a second Lessons Learned session held today. From these two sessions, the Project Management team will develop informational materials and a second schedule of MDVOTERS system activities leading up to the General Election. In addition, the Saber Field Support Team will be on-site at the Local Boards daily between now and the election to provide ongoing training on MDVOTERS.

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ADMINISTRATOR'S REPORT (continued)

2. ePollbooks

Approximately 5,000 ePollbooks and 3,400 printers were deployed to 1,776 polling places on Election Day. A total of 804,716 voter access cards and 17,478 provisional ballot authority cards were issued using the ePollbooks.

99% of the ePollbook log files containing voter history had been uploaded to the SBE-ePollbook database server as of Wednesday night after the election. Absentee Voter "Multiple Status Reports" were provided to all jurisdictions prior to the start of the Absentee Ballot Canvass on Thursday.

100% of ePollbook voter history had been processed by Sunday, Sept 17 and all jurisdictions were provided with voter history update files to automatically update status history in the voter registration system.

Provisional Voter "Multiple Status Reports" were provided to all jurisdictions prior to the Provisional Canvass on Monday, September 18. Ms. Lamone noted that this was a historic milestone, since in the past, absentee and provisional ballot canvassing had been done without voter history

3. Help America Vote Act

2006 Election Administration and Voting Survey

The U.S. Election Assistance Commission (EAC) has issued for public comment its draft 2006 Election Administration and Voting Survey. This election cycle the EAC has combined its Election Day Survey and Voter Registration Survey into one survey. Each state is required to complete this survey after each General Election. Comments on the draft survey are due at the end of September.

Chairman Burger requested a copy of the proposed findings and recommendations from the EAC Inspector General. Mr. Jezic suggested that the information be gathered in closed session due to the confidential nature of the contents. Chairman Burger and Ms. Lamone agreed.

Voter Outreach

Mary Heath traveled statewide with the Maryland Election Integrity Program to highlight the systems and procedures that protect the integrity of the voting process in Maryland. She traveled to 21 counties and met with voters and representatives of the media. This program generated positive media coverage, and related news articles will be included in the next media packet.

Federal Voting Assistance Program (FVAP)

The FVAP is again offering local election officials and certain uniformed and overseas citizens the opportunity to request and receive absentee ballots through an on-line, secure

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system. Because Maryland law requires a signed absentee ballot application, these voters will not be able to request an absentee ballot through the system, but local boards may chose to send absentee ballots via the system. This system appears to be similar to the system the FVAP implemented in 2004, when 8 Maryland counties offered to deliver absentee ballots through the system.

United States Postal Service (USPS)

The USPS is again expediting absentee ballot mail to overseas military voters. The expedited service began on September 18, 2006, and will continue through November 6, 2006. Instructions on how to separate absentee ballots have been provided to the local boards, and local representatives of the USPS will be contacting the local boards to coordinate the expedited delivery.

4. Candidacy and Campaign Finance

The Pre-Primary 2 campaign finance report covering transactions from August 9 to August 25, 2006 was due on September 1. As of September 22, 2006, campaign finance received 1,338 reports (90% of all reports required). Of the reports filed, 83% were timely. Currently, 144 committees have not filed the Pre-Primary 2 Report and are accruing late fees; notices regarding late fees have been sent to those committees. The maximum late fee penalty is \$250.

Additionally, campaign finance has received numerous late filings for the Pre-Primary 1 report. At the present time, over 94% of the committees have filed the required reports.

The next campaign finance report is due October 27. The Pre-General campaign finance report covers transaction from August 26 to October 22. This is the only campaign finance report before the General Election.

Campaign finance has filed several write-in candidates for office. The deadline for filing as a write-in candidate is November 1, 2006 or 7 days after the candidate receives or spends in excess of \$51, whichever is sooner.

Finally, campaign finance is near completion of the next newsletter. It will focus on ELECTTrack filing and the common problems users encounter.

5. Voting Systems

The voting system team has provided the local boards with pre-election and post election support including answering technical questions and providing additional resources to assist the local boards. The voting system team arranged for Election Day technicians to be deployed to counties that requested additional support, including Baltimore City, and also provided 14 counties with trained supplementary staff to perform L&A activity in preparation for the Primary Election.

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County technicians have been retained for each LBE through November 22nd. The county technicians support the local boards with Ballot Proofing, Logic and Accuracy activity, Election Day preparation and planning, and Canvass activity.

The voting system team addressed the court decision to remove Tom Perez from the Statewide ballot in the Attorney General race. The local boards were provided signs for each voting booth declaring that "Tom Perez is not a candidate for the office of Attorney General and any vote for Tom Perez will not be counted." Additionally, paper slips were provided to each LBE declaring the same announcement for distribution to Democratic voters on Election Day and with the Democratic absentee ballots. Finally, instructions were provided to all local boards on how to mask Tom Perez as withdrawn in the voting system servers so votes cast for Mr. Perez would not be counted in the election results.

The voting system team supported the ePollbook initiative by coordinating testing of the ePollbook printers and acceptance testing of the remaining ePollbook units, and also helped develop a distribution plan to ensure all precincts had at least two ePollbook printers.

The voting system team assisted with developing Election Judge's Quick Reference Guides (QRGs) for the ePollbooks which were printed and sent to the local boards for distribution with their Election Day materials. They also developed and deployed instructions to all local boards on how to configure the ePollbook for a specific precinct. These instructions included verifying that the ePollbooks were keyed with the proper county security key so the voter access cards would be encoded properly.

The voting system team developed an incident report used at SBE and DESI Help Desks and by the Election Day Support technicians in order to capture Election Day issues. These incidents are being analyzed and the results will be made available as soon as possible.

6. Parallel Testing

Parallel testing was conducted on four randomly selected voting units at the Miller Senate Building on the day of the Primary. Over 45 volunteers from the League of Women Voters, several State agencies, and Anne Arundel County assisted in the testing over the course of the day. The results from the machines were 100% accurate. We are actively seeking volunteers for the General Election in hopes of testing more machines.

Chairman Burger stated that he understood the expectations of parallel testing to include one voting unit per jurisdiction. Ms. Lamone explained that one voting unit had been randomly selected from each of the 24 jurisdictions and that the lower number of volunteers had resulted in four voting units being selected randomly from the group of

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twenty-four. Ms. Lamone explained that five volunteers are needed for each voting unit per shift during the all-day parallel testing. Chairman Burger noted that this was another opportunity for people to volunteer on Election Day and help demonstrate to the public the veracity and accuracy of the machines. Ms. Lamone said that Jessica Jordan was the contact for parallel testing volunteers.

7. Budget

The fiscal 2008 budget request was submitted to DBM on August 31. It includes funding requests for all ongoing projects including the voting system, voter registration system, and ePollbooks. A paper copy of the budget request was provided to each of the Board member with a notation that this document is confidential until the Governor submits the budget to the General Assembly.

Ms. Lamone noted three documents included in the folders provided to each Board member:

- A list of essential tasks that Chief Judges must be able to perform on Election Day. This list is to be used by the LBEs for refresher training;
- Memo to all Election Directors from Ms. Lamone detailing the basic requirements for refresher training; and
- Survey to all LBEs to determine what resources they need from SBE and Diebold for training support.

Ms. Beck asked for an explanation about several voters being listed for the wrong party in the ePollbooks. Ms. Lamone replied that SBE had received only one example and that voter was registered as an Independent. Mr. Goldstein noted that this voter did receive a provisional ballot at the polls.

Ms. Beck voiced her concerns about the support technicians' availability and ability to answer ePollbook questions and resolve problems. Ms. Lamone explained that some LBEs hired their own technical support and opted not to have Diebold technicians. Ms. Lamone clarified that the ePollbook problem had not been anticipated and that Diebold learned a valuable lesson.

In response to a question from Ms. Beck, Ms. Lamone clarified that Maryland's elections was the first time the ePollbook hardware was being used, but not the first time the software was being used.

Ms. Beck asked if there were enough printers for the electronic pollbooks at every polling place. Mr. Goldstein responded that there had been enough printers to send two to every polling place, but some LBEs sent the printers to their busiest polling places and had others use the pre-printed VAC (Voter Authority Card) forms. In response to Ms. Wideman's question about the delivery schedule of the printers, Mr. Goldstein said that

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some printers had arrived the Friday before the Primary Election. Ms. Widerman noted that, at the last Board meeting, it was stated that a certain amount of printers would be held in reserve. Mr. Goldstein said that although we did not have the full complement of printers, there were printers and electronic pollbooks held in reserve in case they were needed as replacements. Ms. Widerman requested follow-up on including back-ups for power strips sent to the polling places.

Mr. Jezic asked if the 100% accuracy reported for the parallel testing was also true statewide. Ms. Lamone responded that although there were a few issues reported, the Voting System Team has reported that the 19,000+ voting units worked wonderfully for the Primary Election.

In response to a question from Chairman Burger, Ms. Lamone said that electronic Pollbooks were not included in the parallel testing because they do not tabulate election results.

In response to a question from Mr. Jezic, Ms. Lamone said that a summary from the Lessons Learned for MDVOTERS and Epollbooks held today would be forthcoming. Mr. Clark noted that the Lessons Learned had been well attended.

Mr. Jezic asked if there were any problems with absentee voting. Ms. Lamone said that no problems have been reported except for some LBEs needing more time to complete the canvass. Ms. Beck asked about the number of provisional ballots. Ms. Duncan and Ms. Wagner said that Montgomery County had 11,000 provisional ballots.

Chairman Burger noted that it was important to have the ePollbook work so that provisional ballots do not have to be used again, although extra supplies must still be sent as back up. A large number of provisional ballots causes election results to be late and adds the risk of fatigue for the canvassing staff.

ASSISTANT ATTORNEY GENERAL'S REPORT (addition to the agenda)

Mr. Davis reported that, on August 25th, the Court of Appeals issued orders in two election cases: *Abrams v. Lamone* (removal of Tom Perez's name from the ballot) and *Lamone v. Capozzi* (canceling early voting). With regards to the early voting case (*Lamone v. Capozzi*), the remaining parts of House Bill (HB) 1368 that were not at issue in the lawsuit will be a ballot question in the General Election.

Although the court will be issuing opinions on both orders at a later date, Mr. Davis noted that an opinion explaining an order might not be issued for years. For example, the opinion on the Green Party case was issued three years after the fact. It is difficult to interpret a court's order without its opinion. Chairman Burger asked if we have access to

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the vote count for each case. Mr. Davis said that the orders were not unanimous, but the details are not in the order.

Mr. Davis stated that most of the other cases in his report are currently in appellate courts. The case *Daniel Vovak v. Duncan* was dismissed, but Mr. Vovak has appealed.

Ms. Mack complemented Mr. Davis for his work.

REGULATIONS

Ms. Trella submitted a one-page memo to the Board and reported that no comments had been received on the proposed changes to Regulation 33.11.04.07. Chairman Burger made a motion to adopt the proposed changes as final. Ms. Widerman seconded the motion, and the changes to Regulation 33.11.04.07 were unanimously approved.

Ms. Trella noted that proposed changes to Regulation 33.10.02.07 were specific to early voting, so the changes are no longer necessary. Chairman Burger made a motion to withdraw the proposed changes to Regulation 33.10.02.07. Ms. Widerman seconded the motion, and the motion passed unanimously.

ELECTRONIC POLLBOOK BRIEFING

Mr. Michael Lindroos, Vice President of Diebold; Mr. Tom Feehan, Project Manager of Diebold; and Mr. Ross Underwood, Head of Diebold's Electronic Pollbook Division presented a report on the electronic pollbook and answered questions from the Board.

Mr. Lindroos reported that both election tabulations and parallel testing went well in Maryland. The electronic pollbook project had been fast-tracked after a late start due to the time of contract award, with much of the project time spent on early voting preparations. Diebold's electronic pollbook software has been used in Georgia. Maryland had opted to upgrade the COTS (Commercial Off The Shelf) hardware. The re-booting problem was caused by errors associated with an optional screen used in Maryland that had not been used in Georgia. Data from this screen was stored in the electronic pollbook's memory after each voter was checked in, and the overload of the memory caused the electronic pollbook to reboot. Diebold has conducted a test of Maryland's software without this optional screen and reported that 1500 voters were checked-in without any occurrence of a reboot. A full-scale test is being planned.

Ms. Widerman and Ms. Beck both inquired about the status of the voter access cards that were being encoded at the time the electronic pollbook rebooted. Both Mr. Lindroos and Mr. Feehan said that the voter access cards had been encoded properly before the

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ELECTRONIC POLLBOOK BRIEFING (continued)

electronic pollbook rebooted, but that election judges were confused by the situation and, in some instances, had the voters vote provisionally.

Chairman Burger reported that the electronic pollbook froze when he was being checked-in. He received his voter access card, but because the printer did not work, he had to complete a VAC form by hand. Mr. Feehan responded he had not previously heard of this particular sequence of events occurring. Mr. Lindroos noted that Chairman Burger's experience would not occur again since the rebooting error has been resolved. Chairman Burger emphasized that the electronic pollbooks cannot break on Election Day.

Ms. Widerman asked how a voter's provisional ballot would be counted if the voter was marked as "Already Voted" after the electronic pollbook had rebooted. In some precincts, the Election Judges knew to use the password to encode another voter access card for the voter when the electronic pollbook rebooted, but others had not been trained on this process. Ms. Widerman also reported that the technicians were calling to report the rebooting problem and were being told that the units were overheating.

Ms. Mack reported that she saw an electronic pollbook freeze when the voter access card was inserted, but the voter was not marked in the other electronic pollbooks as "Already Voted." The Election Judges checked in the voter on another electronic pollbook to issue a voter access card. Mr. Feehan noted that the voter history is updated when the card is created. In response to a question from Ms. Beck, Mr. Goldstein said that if the reboot problem occurred, the electronic pollbook log would track that a voter received a voter access card and then was issued a provisional ballot right soon after. In these situations, the provisional ballot would be counted because it was clear why the voter was issued the provisional ballot.

Chairman Burger noted that Election judges are not trained to handle all of these technical problems, nor should they be, which is why technicians were hired.

Mr. Feehan reported that Diebold met the contract obligation to provide one technician per every fifteen precincts to work the 15-hour day. Diebold had proposed one technician per every two precincts to work from 5 a.m. to 10 a.m. to assist with set-up and opening procedures. Mr. Feehan noted that not all jurisdictions took Diebold up on this offer. Chairman Burger asked Mr. Feehan if he believed that a one to fifteen ratio was adequate. Mr. Feehan responded that, for a first-time implementation, it was probably not adequate. Chairman Burger said that with the technician working a "triage" process, other polling places had to wait for assistance. Some Election Judges tried to fix the problems themselves so that the voters would not have to wait. Chairman Burger said that as partners, we failed to anticipate the support needed. Ms. Beck said that we cannot have Chief Judges waiting for hours for technical assistance. Mr. Feehan said that the HelpDesk can help to escalate a problem. Ms. Widerman reported that a frustrated

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ELECTRONIC POLLBOOK BRIEFING (continued)

Election Judge handed the phone to her to hear the “overheating” explanation firsthand. Chairman Burger said that escalation works for consistent problems, but we cannot have chaos during an election with a large variety of problems. Ms. Beck agreed, especially since there will be a larger voter turnout for the General Election. Chairman Burger said that he would like to see more technicians than we think we need for the General Election.

Chairman Burger expressed his disappointment that no load testing had been conducted to catch the rebooting problem that occurred after every forty voters were checked in. Mr. Feehan responded that the screen that caused the problem is available as an option but was not used in Georgia, the first state to implement Diebold’s electronic pollbooks statewide.

Mr. Jezic inquired about the contract obligation to provide technicians. Mr. Feehan said that the contract requirements are reviewed every year. Diebold is in the process of putting together a survey for the Local Boards of Elections to report on contract requirements and options. Mr. Jezic asked for confirmation that the recent test had included 1500 voters. Mr. Lindroose reported that that one test stopped at 138, but another test went up to 1500.

In response to Mr. Jezic’s question about pre-Primary testing, Mr. Goldstein reported that in-office testing had included between 200 and 400 voters, but the optional screen and other Maryland-customizations had not been available in the test version of the software.

Chairman Burger recognized Ms. Fisher from the Anne Arundel County Board of Elections. Ms. Fisher reported mixed reviews on technicians provided by Diebold. She noted that the majority of the technicians were very good, but some either did not show up on Election Day or did not know specific information. Ms. Fisher noted that Anne Arundel County also had county technicians for support who had been trained by the head of the county’s IT department.

In response to a question from Chairman Burger, Mr. Feehan said that there were two types of electronic pollbook training available for the Local Boards of Elections and the option each election to provide technical assistance to the Local Boards of Elections for Election Judges’ training on the voting system. Chairman Burger inquired why there were Election Judges who did not know how to modem election results at the end of the night or had left memory cards in the voting units. Mr. Feehan noted that the Local Boards of Elections each decide if they will use Diebold as a training support resource. Diebold follows that statewide training manual when they do provide training.

Chairman Burger inquired about technicians who were hastily hired and did not undergo background checks. Mr. Feehan reported that this was not the case for the County

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Technicians who are hired for a 10-week period, 8 weeks before the Election and 2 weeks after the Election. The Election Day Support technicians, who work only one day per Election and are restricted from performing certain tasks as described in the State's security plan, did not have background checks since they were not touching a live voting unit. In order to provide 800 people in this support position, temporary workers were hired. Chairman Burger noted that these technicians were being used when there were problems and that we need to see better support and that the State of Maryland has paid Diebold a lot of money over the last four years and it is in the taxpayers' interest in how we are being served. Mr. Lindroos responded that Diebold will revisit the background check policy.

Ms. Beck agreed that better support must be provided for the General Election because, with twice the voter turnout as a Primary Election, every problem gets magnified.

The Board asked Local Election Directors present at the meeting to speak.

Ms. Thomas from Queen Anne's County noted that she had a great county technician and was lucky to have an Election Day Support person in each of her 11 precincts. Ms. Thomas noted that she had instructed all of her Election Judges to ask only her or her office staff for advice if there was a problem; the Support person did not have jurisdiction over her staff. Ms. Thomas further noted that Election Judges do not get background checks.

Ms. Davis from Talbot County reported that she provided additional training for her Election Judges and not one judge left without feeling confident in how to operate the equipment. However, there was no way to explain how to solve problems we did not know about. In general, the electronic pollbooks were easy for her Election Judges and that they had to put up with rude voters after waiting only ten minutes in line. The Election Judges had to deal with the press at the polling places, people getting calls to go outside of their precinct so that they could vote by provisional ballot, and lawyers at the polling places making sure that voters got provisional ballots. Being an Election Judge is not as easy as it used to be and it just gets harder every Election, and voters have to realize what Election Judges go through.

Mr. Jezic asked Ms. Fisher, Ms. Thomas, and Ms. Davis if any of their voters had not been able to vote because of the Electronic pollbook problems. Ms. Fisher said she only heard one voter who left out of frustration. Ms. Thomas reported one voter who chose to leave instead of voting a provisional ballot.

Ms. Fisher added that her county has 189 precincts and 2000 Election Judges. Her office held 68 training classes, each 3 to 4 hours long, but three quarters of her classes did not have electronic pollbooks available for training and the training manual had been

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ELECTRONIC POLLBOOK BRIEFING (continued)

incomplete. Many of her Election Judges got frustrated and left the training class because of the lack of materials.

Ms. Jackson from Worcester County requested that the re-synching problem with the electronic pollbooks be resolved. She agreed with Ms. Fisher that they did not have what they needed for training and that they had a lot of new information thrown at them.

Chairman Burger and Ms. Wideman agreed that Election Judges' training has become more complicated over the years and that the length of training classes is inadequate for the amount of information that is being given to the judges.

In response to a question from Chairman Burger, Mr. Goldstein noted that some reported synchronization problems in the polling places were difficult to reproduce in a test lab. Upon further research, the root cause of the problem was discovered to be in the operating system, specifically the network driver. Diebold is working with the manufacturer to test a new network driver to eliminate the problem. Chairman Burger asked why Georgia's sporadic synchronization problems had not been brought to our attention. Ms. Lamone responded that representatives from Georgia had told her the problems were related to the model 4000 hardware that was not being used in Maryland.

Chairman Burger asked the Diebold representatives to explain the error with encoding some voter access cards. Mr. Underwood explained that the manufacturer was involved in the analysis and determined that a slight variation in the assembly of the electronic pollbooks caused an incomplete contact with the chip on the voter access card when it was inserted into the electronic pollbook. A modification to the card reader will resolve this problem.

Ms. Lamone explained to Chairman Burger that another reported voter access card problem was caused by cards that were not cleared after the last election. Cards are to be cleared and re-encrypted for each election as part of the maintenance plan. Mr. Feehan noted that the fact that the cards with old encryption could not be encoded during this election proved that the security procedure worked. Mr. Harvey from Frederick County added that the clearing and re-encryption process is a uniform process issued by SBE that all LBEs are to follow.

Ms. Mack asked how the manufacturer was going to fix the card-reader problem in all jurisdictions. Mr. Underwood said that the manufacturer is going to install a shim in every electronic pollbook to ensure that all voter access cards have the proper amount of contact to be encoded. In answer to a question from Mr. Jezic, Mr. Underwood noted that the manufacturer, AdvanTech, has accepted responsibility for this assembly error.

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ELECTRONIC POLLBOOK BRIEFING (continued)

In response to a question from Chairman Burger, Mr. Lindroos said that, on behalf of David Byrd, Diebold's Election System President, the State Board of Elections has Diebold's commitment to this project.

Ms. Widerman said that the Election Judges should still be given an administrative procedure on what to do if the cards fail so that the problem is resolved consistently across the state.

Chairman Burger thanked the Diebold representatives for their participation in today's meeting. Ms. Beck said that the Board would want to hear an updated report from Diebold before the General Election.

Chairman Burger called for a short break in the meeting.

REQUESTED WAIVERS OF CAMPAIGN FINANCE LATE FEES

Mr. DeMarinis presented the Board with three requests for waivers of campaign finance late fees.

Friends of Steven George for State Senate District 40: Waiver of late fee requested due to the treasurer's house burning down. Ms. Widerman moved to accept the Administrator's recommendation to waive the late fee. Ms. Beck seconded the motion, and the motion passed unanimously.

Maryland Associated General Contractors PAC: Waiver of late fee requested due to software installation problems. The problem has been resolved and the payment was only one day late. Ms. Widerman moved to accept the Administrator's recommendation to waive the late fee. Ms. Beck seconded the motion, and the motion passed unanimously.

Paul Swartz, Candidate Committee: Waiver of late fee requested due to the treasurer being with a hospice patient on the due date. The Board discussed the proposed recommended reduction in late fee and decided that the fee should be waived in its entirety. Ms. Widerman made a motion to waive the late fee. Ms. Beck seconded the motion, and the motion passed unanimously.

Mr. Goldstein introduced Ms. Karen Simpson, the new Deputy Director of Candidacy and Campaign Finance.

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CERTIFICATION OF ELECTION RESULTS

Ms. Duncan noted that the Primary Election results need to be certified in order to begin the preparation process of ballots for the General Election. Chairman Burger stated that the Board has a statutory obligation to certify the results. In response to a question from Ms. Mack, Ms. Duncan said that a breakdown of ballots canvassed during Absentee 1, Provisional, and Absentee 2 will be provided.

Board members proceeded to sign the certificates.

The Board expressed their appreciation for all the effort that went into this election at the State and Local levels.

OLD BUSINESS

Ms. Beck said that she would be much more comfortable if all Local Election Directors sent printed precinct register lists to all of the polling places as a back-up. Ms. Lamone noted that this had already been decided as part of a back-up plan for the General Election.

Ms. Widerman asked if the Maryland Election Integrity Program was continuing and if it would be modified in light of what happened during the Primary and the outcome of the planned public test on October 3rd. Ms. Trella responded that the program was designed to be conducted only before the Primary Election. The Program took an enormous effort to organize and had Ms. Heath on the road for 2 ½ weeks.

Ms. Widerman noted that Election Judges reported being confused by the terms Voter Authority Card (VAC) and voter access card and asked if we come up with different names. Ms. Jacobs responded that in the Election Judges' Manual, voter access card is always spelled out and Voter Authority Card is designated as the VAC.

Ms. Mack inquired about a problem with Voter Notification Cards in Prince George's County. Ms. Wagner responded that Mr. Antonetti had opted not to use the Voter Notification Card produced in MDVOTERS, the statewide voter registration system, because he did not agree with his predecessor's decision to have a bilingual card. A letter is being drafted to address this problem.

Ms. Mack asked if a bar code on the Voter Notification Card was a future development.

Ms. Widerman reported that when she went to vote at the polls, the Election Judge said her personal information instead of asking for it. Ms. Jacobs responded that the proper procedure for verifying a person's information is in the Election Judges' Manual.

Ms. Mack thanked the staff for getting information to the press quickly.

SEPTEMBER 26, 2006

STATE BOARD MEETING
151 WEST STREET, SUITE 200, ANNAPOLIS, MD 21401

NEW BUSINESS

There was no new business to discuss.

SCHEDULING OF OCTOBER MEETING

The next meeting of the State Board will be held on Monday, October 30, 2006, at 1:30 p.m.

ADJOURNMENT

The meeting adjourned at 4:45 p.m.