

OCTOBER 30, 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  
Joseph Torre, Director, Procurement and Voting Systems  
Patrick Strauch, Voting System Manager  
Michael Kortum, CIO  
Nikki Trella, Election Reform Director  
Jaimie Jacobs, Election Reform Deputy Director

Also Present: Ross Underwood, Diebold Election Systems, Inc.  
Brian Clubb, Diebold Election Systems, Inc.  
Mike Lindros, Diebold Election Systems, Inc.  
Tom Feehan, Diebold Election Systems, Inc.  
Mary Howe Kiraly  
Lu Pierson, League of Women Voters  
Carmen O'Brocke, Glen Burnie, MD  
Courtney Higgins, MD GOP  
Jimmy Thomas, MD GOP  
Stephen Sponamore, Cybrinth LLC  
L.R. Androl  
Shawnielle Predeoux, OLA  
Mike Axford, Diebold Election Systems, Inc.  
Sev Miller, Bob Ehrlich for Maryland Committee  
Michael Boyd, SABER  
Derek Walker, MDP  
Steve Lugel, Washington Post  
Len Lazarick, Baltimore Examiner  
Colin Pierce, Project Vote  
Deborah Vollmer  
Stan Boyd, TrueVoteMD  
Elizabeth Boyd  
Andrew A. Rivera, Advancement Project  
N. Hartzanbusch, Baltimore Sun  
Robert Ferrera, Save Our Votes  
Dee Orr, Gov. Policy Office  
Steve Manning, AP

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**DECLARATION OF QUORUM PRESENT**

Chairman Burger called the meeting to order at 1:34 p.m. and declared that there was a quorum present.

**OPENING REMARKS**

Chairman Burger opened the meeting with the following statement:

“Since I have been a member of this board, we have been working hard to improve our voting systems and service delivery to Maryland voting citizens. Over the years, there has been a lot of criticism of our technology and our use of technology; some of it legitimate, some of it sensational and without merit.

I have said on a number of occasions that the State Board of Elections is continuously in the process of improving elections. This is something I believe citizens expect from us.

Regarding our voting system, we have made many improvements since its initial operation four years ago. I believe that our voting system is at the highest level of readiness it has ever been, and I am personally looking forward to casting my vote in the precinct next Tuesday.

That is not to say that I do not think we should stop improving our voting system technology and administration. My State Senator recently sent me a letter raising questions regarding the integrity of our elections. He called for a verifiable paper ballot system. For the past several years the Ehrlich Administration and the General Assembly have been grappling with alternative voter verification methods and I am certain their efforts will continue. Once our 2006 election duties are behind us, I will lend my support to this effort to improve the verification component of our system.

I want to thank all who have worked so hard since the primary to achieve this high state of readiness. I am looking forward to a well run election next week.”

The other members of the Board expressed thanks and congratulations to the employees of the State Board and local boards on the work they have performed. Additionally, each board member expressed complete confidence in the election.

**ADDITIONS TO THE AGENDA**

Mr. Burger added the following items for discussion under New Business:

1. Final Update on Security Reviews of MDVoters and the Voting System. He also requested that the public report be made available
2. Selection of Voting Units for Parallel Testing
3. Regulation Withdrawal; and
4. Diebold Absentee Ballot Update

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**APPROVAL OF SEPTEMBER 26<sup>th</sup> BOARD MEETING MINUTES**

Ms. Beck made a motion to approve the minutes, and Ms. Mack seconded the motion. The minutes of the September 26, 2006, board meeting were approved unanimously.

**ADMINISTRATOR'S REPORT**

**1. Personnel**

Ms. Lamone informed the State Board that the Voter Registration Division hired Mr. Roger Stitt on October 25, 2006, to serve as the SBE Voter Registration Manager for Operations (the position formerly held by Jan Hejl). He comes to SBE following a successful 36 year teaching career, with the past 19 years as Chairperson of the Social Studies Department of Northeast High School. Mr. Stitt earned his undergraduate degree in History from Franklin and Marshall, and he has earned two Master's degrees, the most recent being a Master's in Technology from Johns Hopkins. One of Mr. Stitt's main duties will be the development of improved business processes for voter registration, and he will be meeting actively with LBEs in the coming year.

**2. Voter Registration**

Ms. Lamone told the State Board that the MDVOTERS Field Support Team supported the Local Boards as they prepared for the Voter Registration data entry deadline of October 26, 2006, and the General Election.

The detailed schedule of MDVOTERS system activities that will guide Local Boards through the steps needed to prepare for the General Election has been distributed to them. The activity schedule included the process for LBEs to generate their precinct registers (poll books) on Friday, October 27, 2006. The result of generating the precinct registers is the compilation of a single, statewide voter registration list of over 3 million registered Maryland voters, which complies with the intent of the Help America Vote Act.

The Voter Registration Division and Saber Field Support personnel have been continuing onsite visits, in particular to the largest LBEs, to assist with business and system processes in preparation for the General Election. 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. SBE staff members have been fielding numerous calls daily from voters with questions on the status of their registration and absentee balloting procedures.

Following the General Election, the Voter Registration Division will support the ePollBooks Project Team and Local Boards in the processing of voting data from the ePollBooks back into MDVOTERS and in canvassing the absentee and provisional ballots.

**3. Help America Vote Act**

2006 Election Administration and Voting Survey

Ms. Lamone informed the State Board that the U.S. Election Assistance Commission (EAC) issued its final 2006 Election Administration and Voting Survey. This election cycle, the EAC

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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.

**Financial Reporting – HAVA Accessibility Grant**

Ms. Lamone reported that the annual financial report for the FY03 federal funds to improve access to the electoral process by individuals with disabilities is due November 30, 2006. A summary of the funds spent from FY03 was provided in the Board members' folder, and this information will be used to complete the FY03 report. A narrative report and financial reports for the remaining fiscal years are due at the end of December 2006.

**Election Judges' Refresher Training**

Ms. Lamone informed the State Board that Jaimie Jacobs has attended refresher training for Chief Judges in Anne Arundel and Prince George's Counties and Baltimore City. Ms. Jacobs found the refresher training in Anne Arundel County to be excellent and noted areas in the Baltimore City and Prince George's County training that either differed from or did not include information provided in the refresher training curriculum issued by this office.

**Baltimore City Voter Outreach**

Ms. Lamone stated that between the Baltimore City Board of Elections and Diebold, there have been 680 voter outreach events (1 event = 2 hour demonstration). Diebold has an additional 40 events to perform and has events scheduled at grocery stores, learning and community centers, and libraries in Baltimore City. Based on the surveys taken at the end of each demonstration conducted by a Diebold representative, the voters are satisfied with the demonstrations and their knowledge of the voting system.

**Other Outreach Events**

Ms. Lamone said that Jaimie Jacobs demonstrated the voting unit at an Awareness Day sponsored by the Blind Industries and Services of Maryland and the National Federation of the Blind's Possibilities Fair for Seniors.

**Pre-Election Conference Calls with the LBE Attorneys**

Ms. Lamone reported that similar to the conference calls before the 2004 General Election, she, Ross Goldstein, Nikki Trella, Joe Torre, and Mark Davis, hosted conference calls with the local board attorneys. The purpose of these calls is to discuss relevant topics and answer any questions that have arisen during their election preparation activities. Two conference calls have been held, with the third one scheduled for Wednesday, November 1, 2006. Summaries of the conference calls are distributed in the Board members' folders.

**4. Candidacy and Campaign Finance Division**

Ms. Lamone stated that the Pre-General campaign finance report covering transactions from August 28 to October 22, 2006 was due on October 27. As of October 25, 2006, the Candidacy and Campaign Finance Division has received 302 reports or 20% of all reports required.

The Candidacy and Campaign Finance Division conducted an ELECTrack training class on October 17. The class focused on the filing software and the common problems a user encounters.

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Additionally, several write-in candidates for office have filed. The deadline for filing as a write-in candidate is November 1, 2006, or 7 days after the candidate receives or spends \$51 or more, whichever occurs first.

Finally, the Candidacy and Campaign Finance Division published its Newsletter. It was sent to all the treasurers, chairmen and candidates as well as other interested parties. It is available on the website.

## 5. Electronic Poll Books

### Post Election Incident Resolution

Ms. Lamone informed the State Board that after the Primary Election Diebold was required to conduct a root cause analysis of the problems experienced on election day and develop a corrective action plan. Diebold was also required to implement their corrective actions and publicly demonstrate that, with the corrective actions in place, the system is capable of working without any problems for a full election day. To date, Diebold has successfully completed all of their required tasks.

Staff and an independent quality assurance expert reviewed all of the Diebold corrective actions and tests. The general conclusion is that the corrective actions proposed by Diebold are sufficient to fully address the problems encountered in the primary election. However, additional actions were required by Diebold.

- a. Another load test of the epoll books to demonstrate their ability to process over 1,000 voters in a single day. Completed as of 10/17.
- b. Additional test documentation. Provided as of 10/20.
- c. Technical descriptions of fixes. Provided as of 10/20.

Mr. Burger noted he was impressed with the speed and resolution of the problems that occurred during the primary. He further commented he was confident that the epoll books will work and was very excited about their usage. He noted the local boards were also excited about the epollbooks.

### Equipment Upgrade and Distribution

Ms. Lamone stated that the hardware and software upgrades to fix the problems that occurred in the primary election were completed as of October 16<sup>th</sup> on all 5,500 epoll books. RESI of Towson University was hired to provide IV&V resources throughout the conduct of the epollbook upgrade. All of the units have been redistributed. In addition, all of the printers have been received and distributed to all of the LBEs, except Prince George's County which decided not to use the printers in this election.

The high speed compact flash card duplicators have been redistributed so that there is now a duplicator in Southern Maryland (to serve Calvert, Charles, and St. Mary's Counties), the upper Eastern Shore (to serve Queen Anne's, Dorchester, and Kent Counties), and Western Maryland (to serve Allegany and Garrett Counties). Each duplicator is made up of three to six 8-card slot units. No county lost a full duplicator, just one or two of the 8-card slot units. Doing this means more counties will have easier access to the high-speed duplication equipment. In addition, the

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duplicators have also been configured to be used for retrieving the voter history information from the compact flash cards after the election. This will greatly speed up the process and level of effort for reporting voter history.

Training

Ms. Lamone informed the State Board that Bob Murphy and Patrick Strauch held a training session for the LBE IT technicians to provide them additional technical information on the epoll books and to train them on conducting pre-election logic and accuracy testing. In the Primary Election, logic and accuracy testing was performed centrally by the IV&V team. However, for the General Election, the LBEs will be performing this task. The voting system team developed comprehensive step-by-step procedures and checklists.

**6. Voting System**

Election Day Technicians

The voting system team is monitoring the recruitment of the Election Day Support Technicians. These individuals provide support to 22 counties. DESI will have 600 trained technicians for the General Election. 540 will be deployed to precincts, while the remaining 60 will be an active surplus that can be dispatched to a precinct in case an incident arises. DESI is performing background checks on all of the individuals hired.

Additionally, Baltimore City will recruit 130 to 150 technicians to supplement the 90 DESI technicians to cover the City's 290 precincts. There will be four Election Day Support training classes for Baltimore City's recruits. Two classes will be on Oct. 28<sup>th</sup>, and the other two classes will be conducted on November 2<sup>nd</sup>.

**8. Website**

Ms. Lamone notified the Board that SBE launched the new website on Friday, October 6<sup>th</sup>. The new website, server, and other security protections were necessary in responding to the legislative audit findings. Except for some difficulty with broken links on the county websites, all of which were fixed immediately, the new website is a success. We have received very little feedback: many positive comments and some related to finding information on the new site. The new site does contain a link to the old site should someone prefer to use the old version. Natasha Walker is the new SBE webmaster and has been responding to issues as needed and will provide her own design input in the future.

**9. Parallel Testing**

Ms. Lamone informed the State Board that SBE is making arrangements to conduct parallel testing on Election Day. Our goal is to test 6 machines, and we are currently on track to do this. As you know, this is a volunteer-dependent project, and we are still working to find volunteers, specifically for the morning and evening shifts. The voting machines will be randomly selected this week and the testing will take place in the Senate Office Building in Annapolis throughout Election Day. For any member that had not witnessed this testing process yet, she encouraged them to stop by and see the testing.

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Mr. Burger asked for specific room information where the testing will take place so that he may put it on his schedule. He also wants to encourage people to witness and volunteer for parallel testing. Ms. Lamone told him the location of the testing.

## **10. Miscellaneous Election Preparation**

### Security

Ms. Lamone reported that the Governor's Homeland Security office conducted a conference call on Wednesday, October 25<sup>th</sup> with state and local law enforcement agencies. A threat assessment was provided that indicated that there is no information about direct threats to this election. Nonetheless, a heightened state of readiness is still required. Plans and procedures developed in 2004 will be utilized and implemented for this election.

Mr. Burger wanted to thank the Director of Homeland Security and the Governor for giving this attention it deserves. Ms. Lamone noted that Donna Duncan organized the conference call, and Mr. Burger thanked her for her efforts.

### Contingency plan

Ms. Lamone stated she has issued a required contingency plan to be implemented by each LBE.

1. Electronic Poll Book Back-Up – Each local board will prepare an emergency supply bag for each precinct in the event that the electronic poll books assigned to that precinct cannot be used. Each bag must be sealed and must contain a clearly visible instruction that the seal may not be broken and the bag may not be used unless the chief judges have been instructed to do so by the local election office. The bags and contents shall be as follows:
  - a. Paper precinct register
  - b. Voter Access Card Encoders
  - c. Blank voter authority cards (quantity equal to 100% of expected turnout)
  - d. Instructions
2. Voting System Back-Up - In the unlikely event that all voting units assigned to a precinct cannot be used, each local board will deploy a sufficient amount of provisional ballots to allow voting to continue without voting units for at least one hour. In addition, each local board will have pre-packed paper voting supplies that they must be capable of deploying within one hour of a reported problem. Specifically, the plan requires:
  - a. Increase Provisional Voting Supplies by 4%
  - b. Create for emergency distribution a supply bag (or box) for each precinct that contains the following:
    - Emergency Ballots (either optical scan ballots or photocopied optical scan ballots);
    - Supplies (i.e. pencils, ballot receptacle, etc.)
    - Instructions
    - Closing Certificate/ Precinct Canvass Report if emergency ballots used.
  - c. Development of an emergency deployment plan.

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Mr. Burger asked whether the pre-packed supply of emergency ballots for deployment at the local board of elections was additional to the pre-packed supply at each precinct. Ms. Lamone responded that it was, as it was not feasible to supply the polling place with all that extra paper.

Meeting with Principal Party Legal Counsel

Ms. Lamone informed the State Board that on Friday, October 20<sup>th</sup>, she, Mark Davis, Nikki Trella, Ross Goldstein, and Jared DeMarinis met with the legal counsel for the gubernatorial campaigns and the principal political parties. The meeting was held in order to ensure that the lines of communication are open and to brief them on issues of concern, including recount procedures, absentee voting, provisional canvass, and election judge recruitment.

Mr. Burger opened the floor to the other board member for questions. Ms. Widerman and Mr. Jezic questioned Ms. Jacobs on the refresher courses she attended and the differences she noted. Ms. Jacobs responded that after observing a Chief Judges' Refresher Training, she sent a request to Mr. Antonetti, Election Director in Prince George's County, for the local procedures he has put in place for his Election Judges as a result of two decisions he has made that do not follow statewide procedures. Ms. Jacobs explained that Prince George's County is not following one of the requirements for returning the memory cards after the polls close. Also, since Mr. Antonetti has chosen not to use the available printers for the electronic pollbooks, his Election Judges will need a revised procedure for tracking the number of voters who have their voter access cards re-encoded. For example, if the Election Judge forgot to encode the voter's first voter access card for the audio ballot, the Election Judge would write "Cancelled" on the first printed Voter Authority Card (VAC). A new VAC would print when the voter access card was re-encoded. After the polls close, all "Cancelled" VACs need to be counted and recorded on the Precinct Canvass Report.

**ASSISTANT ATTORNEY GENERAL'S REPORT**

Mr. Davis reported *Liddy v. Lamone* was dismissed but has no information on whether an appeal has been filed. The court dismissed the action on the grounds that the action was file untimely.

Mr. Burger commented that there are two types of people, ones who believe that an election is a 2 times a year event versus election administrators who know that it is a 12-month a year job. He further thanked Mr. Davis for all of his work. Ms. Beck also stated this sentiment.

Mr. Jezic inquired whether the court in the *Liddy* case held that the 10 years of law practice by Mr. Gansler was sufficient. Mr. Davis answered that the Court has not issued an opinion in the *Liddy* or *Perez* case.

**POLLING PLACE CHANGES**

Ms. Duncan presented a Howard County Board of Elections request for an immediate and emergency polling place change to the East Columbia Senior Center. Mr. Burger asked about accessibility issues, which Ms. Duncan replied that there would be no problems. He also inquired if there was any opposition to the move. Ms. Duncan answered no.

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Ms. Duncan presented a request by the Prince George's County Board of Elections for a polling place change. This request moves the polling place from the Bowie State University Student Union to the University's McKelden Gym. She stated that the gym was not available during the primary.

Mr. Burger inquired about the location of each of the new site in relation to the original polling place. Ms. Mack asked if the building will have notice on it. Ms. Duncan answered Mr. Burger's question about distance and stated the county will provide adequate notice and post signs.

Ms. Widerman made a motion to accept the polling place changes, and Ms. Mack seconded the motion. The motion passed unanimously.

**REQUESTED WAIVERS OF CAMPAIGN FINANCE LATE FEES**

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

Friends of Penny McCrimmon, A2141: Waiver of late fee requested due to lack of notice provided by the local board for the reporting deadlines. Ms. Beck moved to accept the Administrator's recommendation to waive the late fee. Ms. Widerman seconded the motion, and the motion passed unanimously.

Charles Robison, A4419: Waiver of late fee requested due to filed only one day late and it is the first time offense. Ms. Widerman moved to accept the Administrator's recommendation to waive the late fee. Ms. Mack seconded the motion, and the motion passed unanimously.

Committee to Elect Phil Bissett, A353: Waiver of late fee requested due to a storm knocking out the power on the deadline date. Ms. Beck made a motion to waive the late fee. Ms. Widerman seconded the motion, and the motion passed unanimously.

AT&T PAC MD, A196: Waiver of late fees was based on the committee's reasonable efforts to timely filed and its limited activity and small account. Ms. Beck made a motion to waive the late fee. Ms. Mack seconded the motion, and the motion passed unanimously.

Friends of Wanda White, A4825: Waiver of late fee was based on the committee's first offense. Ms. Mack moved to accept the Administrator's recommendation to waive the late fee. Ms. Widerman seconded the motion, and the motion passed unanimously.

Charles Ulysses Smith for Governor, A4317: Waiver was requested because it would cause a financial hardship on the individual. Ms. Widerman moved to accept the Administrator's recommendation to waive the late fee. Ms. Beck seconded the motion, and the motion passed unanimously.

Charles County Fraternal Order of Police PAC, A935: Waiver of the late fee was recommended for the Chairman only because the Treasurer abandoned his duties. Ms. Beck moved to accept

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the Administrator's recommendation to waive the late fee. Ms. Widerman seconded the motion, and the motion passed unanimously.

Maryland Home PAC, A4489: Waiver was recommended for only the first report and to deny for the 2<sup>nd</sup> and 3<sup>rd</sup> offenses. Ms. Mack moved to accept the Administrator's recommendation to waive the late fee. Ms. Beck seconded the motion, and the motion passed unanimously.

John Low- Personal Treasurer, A6300: Waiver was recommended for only the first report and to deny for the 2<sup>nd</sup> offenses. Ms. Beck moved to accept the Administrator's recommendation to waive the late fee. Ms. Widerman seconded the motion, and the motion passed unanimously.

**OLD BUSINESS**

Ms. Beck inquired about the status of the missing disk. Ms. Lamone commented that, since the matter is under federal investigation, she can not answer any questions. Mr. Burger suggested that the matter might be discussed in closed session. Ms. Beck stated the matter is important, because people are concerned, and it leaves a lingering feeling going into the election. She will leave the matter there, because she understands the legal constraints. Mr. Davis stated that both the Public Information Act and Open Meetings Act provides for an exception for matters under investigation.

Mr. Jezic wanted to know whether the notes from the conference calls with the local board attorneys are public records. Mr. Davis answered no. The notes are governed by the attorney-client privilege. Mr. Jezic expressed concern over the attendance in the calls with only 11 of 24 counties being represented. He wanted to know if the other local boards are receiving the information. Ms. Trella responded that all the attorneys have received the information. Ms. Lamone noted that some of the local boards pay the attorneys on an hourly basis and need prior approval and cost may factor in whether the attorney can participate. Mr. Jevic asked how the date of the Absentee receipt deadline was changed. Ms. Trella informed him it was by regulation. Ms. Lamone added that the Post Office is fully aware of its responsibility.

Mr. Burger asked Mr. Goldstein for a clarification of the Voter Access Card and the Voting Authority Card (VAC). Mr. Goldstein explained the Voter Authority Card (VAC) is produced by the printer and is placed in an envelope on the voting unit. It states the name of the voter, party affiliation, the signature of the voter, and the initials of the voting unit judge. Mr. Goldstein stated it serves an audit function. Mr. Burger inquired if the Voter Access Card has any personal information of the voter encoded on it or just the ballot style. Mr. Torre stated that the Voter Access Card does not contain any personal information of the voter and only has the ballot style and a security key. The security key on the Voter Access Card limits its use to a particular election. After each election, the card is re-keyed with a new security key. Ms. Beck proposed changing the terminology to prevent confusion. Ms. Widerman asked if the cards are recycled. Mr. Torre responded that the card is cleared by the voting unit each and every time and can be used again.

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Mr. Burger inquired about the Asian American Defense League's request to conduct exit polling. Mr. Goldstein responded that he had referred the organization to the Montgomery County Board of Elections.

Mr. Burger asked about a letter he received from the Citizens for Non-Partisan School Board Elections. Mr. Davis stated the matter was resolved and that nothing precludes partisan activity in the election. Ms. Duncan noted that she contacted the group by telephone. Mr. Burger requested that Ms. Duncan provide him with some documentation of the response.

**NEW BUSINESS**

**1. Final Updates on Security Reviews**

Mr. Burger asked for a report on the MDVOTERS security. Mr. Clark informed the Board that between June 9 and August 11, 2006, SBE contracted with an independent technology security-testing firm ISMART (a DBM-approved contractor from Elkridge, Maryland) to conduct a security vulnerability assessment of the MDVOTERS statewide voter registration system. This testing followed the guidelines of the National Institute of Standards and Technology (NIST) Special Publication 800-42. The firm's testing included both the discovery of potential vulnerabilities in MDVOTERS and actual attacks on the MDVOTERS system. ISMART presented its formal report to SBE Staff on August 11. The report concluded that MDVOTERS is not a publicly accessible system; the MDVOTERS domain and associated computer addresses are not available to external users; information available to conduct external attack is limited; MDVOTERS' external defenses incorporate "defense in depth" and "diversity of defense"; and the greatest potential threat to MDVOTERS would be from authorized users [and not outside attack]. The ISMART analyst described MDVOTERS as a system with "a very hard outer shell, and "squishy" inside (hard to unravel if penetrated)--like a turtle."

Mr. Goldstein informed the Board that the Freeman, Craft, McGregor final report on voting systems is in their folders for their review. Ms. Beck inquired if the system is a go, and Mr. Goldstein responded that it is.

**2. Selection of Voting Units for Parallel Testing**

Mr. Goldstein placed the names of all the counties and Baltimore City in a hat for the selection of the machines for parallel testing. Because of the work preformed on the task, Mr. Goldstein allowed Ms. Pierson from the League of Women Voter to make the first selection. She randomly selected Baltimore City. Each of the board members picked counties out of the hat. In addition to Baltimore City, Baltimore, Kent, Frederick, Calvert and Wicomico Counties were all selected.

**3. Regulation Withdrawal**

Ms. Trella explained that the State Board approved proposed regulations at its July 2006 meeting that addressed multiple absentee ballot and provisional ballot from the same voter. In response of the Court of Appeal's order in the *Perez* case, the regulations had to be re-amended, and the re-amended proposed regulations were adopted in September 2006. Ms. Trella noted that these proposed regulations do not need to be adopted as final regulations. Mr. Burger made a motion to withdraw the proposed changes to Regulations 33.11.05 and 33.16.05 as they were amended in July 2006, and Ms. Beck seconded the motion. The motion passed unanimously.

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**4. Diebold Absentee Ballot Update**

Mr. Michael Lindroos, Vice President of Diebold Election Systems (DESI), Mr. Tom Feehan, Maryland DESI Project Manager, Brian Clubb, DESI Ballot Printing Manager, and Mr. Ross Underwood, Head of DESI's Electronic Pollbook Division, presented a report on the absentee ballots and answered questions from the Board. Mr. Feehan provided the Board a summary of the printing of the Absentee ballots. He informed the Board that DESI engaged the services of other print shops to assist in the order. As of the October 30<sup>th</sup>, all the ballots have been distributed, and Montgomery County will receive the final shipment tomorrow. The printing request was four times the budgeted amount. Ms. Beck expressed concerns over the turnaround time to get the ballots to the voters and problems encountered by the local boards. Mr. Feehan and Mr. Lindroos informed the Board that over one million ballots were printed for this election, and as soon as the local boards notify them of a shortage, they will get the printed ballots out within the day. Ms. Widerman asked whether a person who is out of town now could receive his or her absentee ballot. Mr. Feehan explained that it is possible for that individual to receive a ballot by fax and vote. Ms. Duncan added it is also possible for an individual to vote on a photocopied ballot if the card stock ballot is not be available. During the canvass the votes will be duplicated on a card stock ballot. Mr. Burger inquired why the budget for the ballots was 4 times less. Mr. Lindroos stated the budget was projected based on the 2004 Presidential General Election which is usually much higher than a Gubernatorial Election. In the 2004 General Election, 420,000 ballots were printed. Mr. Burger asked if the budget was set prior to the no-excuse absentee voting, to which Mr. Lindroos responded that it was not.

Ms. Jordan informed the Board of a typical story of how the local boards are going out of their way to supply voters with the absentee ballot. A local board employee drove to the airport to hand deliver a ballot to a voter. Mr. Burger noted that it was a great story.

Ms. Beck solicited comment for the public regarding the absentee ballot issue. Stephen Sponamore, Cybrinth LLC, addressed the Board regarding his concerns over the discrepancies between the two reports on the DRE machines and security. Mr. Burger informed Mr. Sponamore that this was not the proper forum for his comments. Deborah Vollmer expressed consternation about the absentee ballot procedures. Mr. Burger informed her that anyone may go to the election board to vote absentee and that the individual does not have to wait for the mail to arrive. Stan Boyd, TrueVoteMD, informed the Board that his absentee ballot was identified as "Democratic" and wanted to know why. Mr. Burger replied that, in the Primary Election, it is because of ballot style and should not be labeled with a party in the General Election.

**SCHEDULING OF NOVEMBER MEETING**

The next meeting of the State Board will be held on Monday, November 27, 2006, at 11:00 a.m.

**ADJOURNMENT**

The meeting adjourned at 3:24 p.m.