

NOVEMBER 28, 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  
John Clark, MDVOTERS Project Manager  
Joseph Torre, Director, Procurement and Voting Systems  
Michael Kortum, CIO  
Nikki Trella, Election Reform Director

Also Present: Carmen O'Brocke, Hunt Reporting Co.  
Mary Kiraly, Bethesda, MD  
Shazia N. Anwar, TrueVote MD  
Andrew Rivera, Advancement Project

#### **DECLARATION OF QUORUM PRESENT**

Chairman Burger called the meeting to order at 1:45 p.m. and declared that there was a quorum present.

#### **OPENING REMARKS**

Chairman Burger opened the meeting by stating that the 2006 General Election went very well and that he had a good experience going to various polling places, election offices and seeing the State parallel testing. While Mr. Burger noted certain issues, none of them were systemic problems. He complemented the work of the staff and asked the Board to join him in a round of applause.

#### **ADDITIONS TO THE AGENDA**

Mr. Burger stated that a closed session would be held at the conclusion of the open session. The purpose of the closed session is to review legal advice from counsel.

#### **APPROVAL OF October 30<sup>th</sup> BOARD MEETING MINUTES**

Ms. Widerman made a motion to approve the minutes, and Ms. Mack seconded the motion. The minutes of the October 30, 2006, board meeting were approved unanimously.

#### **ADMINISTRATOR'S REPORT**

##### General Election

Ms. Lamone began by thanking the staff. There was a lot of pressure and a lot of hours worked, but in the end the hard work paid off in spades. She also noted the hard work and dedication of the local board of elections staff. Ms. Lamone also thanked Mr. Jezic for the congratulatory

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flowers sent to her and the staff and Ms. Mack for calling to acknowledge the hard work of the State election office staff.

Ms. Lamone also stated that the general election went very well. Press accounts, general feedback, and reports from local election directors all indicate that we had a very good day on November 7<sup>th</sup>.

#### Correction of Primary Election Issues

Ms. Lamone noted her pleasure in the fact that all of the major issues that occurred during the primary election were satisfactorily remedied:

- a. Electronic Poll Books – During the primary election, the three main areas of concern were the spontaneous rebooting of the poll books, problems reading voter access cards, and loss of synchronization. During the general election, none of those problems occurred. In fact, the electronic poll books worked seamlessly and were a huge asset to the administration of the election. Ms. Lamone also noted the fact that poll workers responded very positively to the poll books. In addition, the poll book is proving to be a very powerful tool to analyze the election. Staff is reviewing data collected by the poll books. Some of the information will educate the public about the benefits of the poll books and demonstrate their successful implementation.
- b. Delivery of Supplies – While there were a few reports of a polling place not receiving correct supplies, there were certainly no widespread problems or errors like we saw with Montgomery County in the primary election.
- c. Election Judges – There were a variety of problems with election judges during the primary election, especially in Baltimore City. However, in the general election, the election judges showed up at their assigned polling places on time, well trained, and prepared to conduct the election. By all accounts, the refresher training was an essential tool for ensuring success and a best practice that will likely be continued. Ms. Lamone noted that a great deal of thanks for the success was due to Baltimore City Mayor's office and the assistance provided by all facets of the City workforce – from the police to the janitors at the different facilities. Ms. Lamone also noted that the Schaefer Center at the University of Baltimore is also deserving of special recognition for the successes in the City. The Schaefer Center took a substantial risk by agreeing to get involved with the election judges' training.

#### Voting System

Once again, the voting system performed very well in its 3<sup>rd</sup> general statewide election.

In fact, there were only 150 help desk calls received on election day. Nonetheless, as we do after every election, we are reviewing all issues and problems that occurred on election day to determine what if any corrective actions need to be taken. One issue that we are going to carefully review is the long delays in Prince George's County. We have heard reports of voters having to wait several hours to get to vote. We will study whether the issue is due to a long ballot or not enough equipment being deployed.

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Also, parallel testing once again demonstrated the 100% accuracy of the voting system. Ms. Lamone publicly thanked Jessica Jordan, the SBE staff, and the many volunteers who participated.

#### MDVOTERS

MDVOTERS also preformed very well during the election. The process for creating the precinct register data for the poll books went very well. The system was also successfully used for all phases of the canvass.

#### Provisional Voting

Ms. Lamone reported that there were 41,154 provisional ballots cast during the election and that 70% were accepted in full, 17% were accepted in part, and 12.5% were rejected. Ms. Lamone noted that in 2004 48% were accepted in full, 17 % were accepted in part, and 25% were rejected.

#### Absentee Voting

Ms. Lamone reported that there were a total of 193,486 absentee ballot requests. The local election boards mailed out 189,056 absentee ballots, of which 84% were returned by the voters. This return rate is consistent with prior year return rates.

#### Election Day Voter Turnout

Ms. Lamone noted that Nikki Trella and Donna Duncan were still working to compile a final voter turnout number. However, Ms. Duncan stated that based on electronic poll book data, the initial estimate is that turnout was approximately 51% of registered voters.

#### Election Day Help Desk

Ms. Lamone reported that, overall, election day was a surprisingly quiet day here and at the local election offices. One reason was due to the new online polling place locator created and hosted by UMBC. This system allows voters to look up their voter registration status and find out where they are assigned to vote. The UMBC polling place locator received over 30,000 inquiries on November 6<sup>th</sup> and 7<sup>th</sup> – inquiries that would have otherwise required a phone call to the State or local boards of elections.

#### Lessons Learned

Ms. Lamone reported that, instead of holding one general lessons learned session, staff is planning to use the monthly election directors' meetings to conduct lessons learned on selected topics. In addition to identifying problems and ways to avoid them in the future, the meetings will focus on best practices. Specifically, what procedure local election officials implemented that should be shared and implemented by other boards of elections.

#### UMBC Partnership

Ms. Lamone reported that staff will continue to work with UMBC on the following issues:

- Continued development and improvement of web applications.
- Improved voter turnout and election night results reporting
- Improving judges' training

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Preparing for Transition

Ms. Lamone stated that the following transition related activities will be undertaken:

- Educating new General Assembly members about the mission of this agency
- Transition team – prepare information to assist the transition efforts of the Governor-elect
- Legislation – review issues that occurred during the past election for possible legislation

IT Projects

Ms. Lamone reported that there are several projects that are ongoing:

- Electronic poll books – user group meetings and continued upgrade and improvement
- MDVOTERS – continued development, upgrades, and enhancements

Campaign Finance

Currently, local boards handle all campaign finance reporting activity of certain local candidate committees. Ms. Lamone reported that beginning January 1, 2007 all committees, including local committees, will report to the State Board of Elections. The Campaign Finance Division along with our vendor CSC, will be working hard to address these changes.

Upcoming Elections

Finally, Ms. Lamone reported that there are only 10 months until the Baltimore City Primary Election; 12 months until the Baltimore City General Election; and 16 months until Presidential Primary Election.

**ASSISTANT ATTORNEY GENERAL’S REPORT**

Assistant Attorney General Davis noted that the written opinions in the five cases that related to this year’s election are still pending: Roskelly (petition timeliness), Abrams (challenging Perez’s qualifications to file as a candidate for Attorney General), Capozzi (early voting challenge), Liddy (challenging Doug Gansler’s qualifications to be a candidate for Attorney General), and Fritzsche (extending the absentee ballot deadline by one day).

Mr. Davis also reported that there was a new case filed by Barbara Samorajczyk and Joan Cadden candidates for House of Delegates in District 30 and 31, respectively, challenging certain aspects of the provisional ballot canvass in Anne Arundel County. Mr. Davis noted that the case raises an interesting question in that it appears that the State Board, not the Circuit Court, has jurisdiction over provisional canvass issues.

Finally, Mr. Davis noted that he has been working on a report required by the General Assembly on the issue of same day voter registration. SBE staff is also working with Mr. Davis to complete the required report.

**CERTIFICATION OF CAMPAIGN FINANCE REPORTING**

Karen Simpson, Deputy Director of the Candidacy and Campaign Finance Division, presented the Board with a document to certify that the winning candidates in the 2006 Gubernatorial General Election had complied with Maryland Campaign Finance laws.

Ross Goldstein noted that most candidates do not have compliance responsibilities. The only time a candidate is responsible for campaign finance activities is if the candidate has a personal

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treasurer entity or a candidate is the chairman of his or her own candidate committee. Mr. Goldstein stated that this was the subject of advice of Assistant Attorney General Judith Arnold. Last year, the Board submitted departmental legislation that would have made all candidates liable for compliance of the campaign committees. However, the bill was not introduced by the Governor. Ms. Widerman asked whether such legislation could be introduced this year. Ms. Lamone stated that the deadline to submit legislation had already passed.

### **OLD BUSINESS**

Joan Beck asked whether it would be possible to create an interface between the electronic poll books and MDVOTERS so that a voter from another county could still be informed of where to vote. Mr. Goldstein stated the poll books already have that capability. Every poll book has the entire State database of registered voters so an election judge can look-up any voter (even one not assigned to that precinct or county) and determine where that person is registered and should vote.

Mr. Burger asked each Board member to describe their election day experiences.

Ms. Mack stated that she went to several Prince George's County polling places with Commissioner Gracia Hillman of the federal Election Assistance Commission. They also met with the Prince George's County Board of Elections and conducted a question and answer session that was very informative. Ms. Mack also noted that there were very long waits in Prince George's County. Generally voters were not angry, but average waits were around an hour and forty-five minutes. Ms. Mack attributed part of the problem to the long ballot questions and part of the problem to the need to divide certain precincts. Finally, Ms. Mack commented that during her conversation with Ms. Hillman she learned that not all states produce a zero report before voting begins or conduct logic and accuracy testing. Ms. Mack suggested that the EAC consider adding making those tasks mandatory. Mr. Burger noted that the EAC is hesitant to dictate requirements since jurisdictions may not have the resources to comply. Nonetheless, Mr. Burger stated that more standard requirements are needed. Ms. Duncan asked Ms. Mack what steps the Prince George's County Board of Elections would be taking to ensure the wait times at the next election are not as long. Ms. Mack stated that she would be in contact with Prince George's County Board members about this issue.

Ms. Widerman stated that she visited a total of 21 precincts in several counties, including Frederick, Carroll, Howard, and Baltimore Counties. In one instance, she encountered a problem with a printer that Joseph Torre was able to rectify. Ms. Widerman stated that she did not see the same wait times that Ms. Mack experienced. However, one issue was the improper storage of voter authority cards (VACs). Instead of putting the VACs in an envelope attached to the side of the voting unit, all of the VACs were clipped to the side of the unit. Ms. Widerman reported that she spoke to the election judges who agree to follow the correct procedure. In addition, Ms. Widerman noted that the election judges were generally happy with the electronic poll books. Finally, Ms. Widerman reported that she received many comments about the fact that identification is not required to vote.

Ms. Beck stated that she visited various polling place in Anne Arundel County. There were long lines for the voting units, not the electronic poll books. The judges seemed well trained. There

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was, however, one instance of judges being assigned to a precinct other than the home precinct and therefore needed absentee ballots. Ms. Beck extended her congratulations to the staff. It was a difficult election, but with due diligence things worked well. Finally, Ms. Beck also received numerous comments about the lack of identification requirements and observed that this is something most voters want.

Mr. Jezic reported that he visited 8 polling places and observed things running very well. The main comment he heard was a general frustration in the lack of turnout readily available turnout information from the election judges. Ms. Lamone stated that staff is looking into the possibility of using the electronic poll book technology to report turnout information throughout the day. Finally, Mr. Jezic received comments from some election judges on the desirability for shifts instead of the requirement to work the full election day. Ms. Beck responded that shift work creates its own set of problems and that what is really needed is more money (and more thanks). Ms. Widerman commented on providing turnout and expressed concerned that it could be used to affect the outcome of an election. Ms. Lamone responded that the intent was simply to provide information that is of public interest. Mr. Burger stated that the principal concern must be voters. Providing information is good, but not at the expense of voters.

Mr. Burger reported that he spent time with Ms. Mack and the Prince George's County Board of Elections. He also attended parallel testing in Annapolis and noted that hard work of the volunteers. Mr. Burger also spent part of election day with Mr. Jezic and Ms. Hillman from the EAC. Mr. Burger noted his overall pleasure at seeing all the hard work come to fruition successfully. Mr. Burger also reported that he visited the Baltimore City Board members. Things were going very smoothly in the City. Mr. Burger stated his agreement with Ms. Lamone that much of this was due to the support from the City Government.

### **NEW BUSINESS**

Ms. Beck stated that notwithstanding the good election, people want a paper trail. She expressed her desire for the board to obtain a paper trail that is compatible with the current voting system. Mr. Burger asked if her comments were intended to be a motion. Ms. Beck indicated yes and stated her motion as follows: The State Board requests SBE to pursue a possible system that would provide a paper trail that would be compatible with the machines we currently have. Mr. Jezic requested that the motion be tabled until the next meeting, noting that this is not an urgent requirement. Ms. Widerman stated that she was not in favor of tabling the motion. Mr. Davis stated that this issue is currently under litigation and the proposed actions of the Board could have an impact on that litigation. Mr. Burger agreed to table the motion until the closed session in order to seek legal advice from Mr. Davis.

### **SCHEDULING OF NOVEMBER MEETING**

The next meeting of the State Board will be held on Thursday, December 28, 2006, at 1:30 p.m.

### **ADJOURNMENT**

The meeting adjourned at 3:00 p.m.