

State of Maryland 
State Board of Elections Meeting – July 10, 2014

Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Patrick J. Hogan, Member
Janet Owens, Member
Linda H. Lamone, State Administrator
Jeffrey Darsie, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan Assistant Deputy for Election Management
Keith Ross, Assistant Deputy for Project Management
Shelly Holland, Director of Budget and Finance
Mary Wagner, Director, Voter Registration
Sarah Hilton, Director, Election Reform and Management
Jared DeMarinis, Director, Candidacy and Campaign Finance
Paul Aumayr, Director Voting Systems
Rick Urps, Deputy Director, Election Reform and Management

Also Present: Ralph Watkins, League of Women Voters
Barbara Sanders, League of Women Voters
Rebecca Wilson, SAVE Our Votes
Lynn Garland
Holly Joseph
Mary Kiraly
Cathy Kellher, Election Integrity Maryland
Andrew Han, O'Melveny & Myers LLP
Jessica Weber, Brown, Goldstein, & Levy
Lou Ann Blake, National Federation of the Blind
Richard Jurgena, Candidate, Montgomery County Council
Bryan Sears, *The Daily Record*
Erin Maese, *Baltimore Sun*
Dan Friedman, Assistant Attorney General

DECLARATION OF QUORUM PRESENT

Ms. Mack called the meeting to order at 2:00 pm and declared that there was a quorum.

RATIFICATION OF THE PRIOR BOARD MEETING MINUTES

In advance of the meeting, the minutes from the April meeting were reviewed by the board members and approved by the Chair. No changes to the minutes were presented.

2014 PRIMARY ELECTION – CERTIFICATION OF ELECTION RESULTS

Ms. Duncan explained that the members of the State Board of Elections certify election results for State offices in a gubernatorial primary election. Ms. Duncan presented the results from the 2014 Primary Election and asked each board member to sign the certification pages.

In response to a question, Ms. Duncan explained that there are two possible recounts for local offices, one in Prince George's County and one in Baltimore County. The local boards of canvassers certify the results for local contests, and the deadline to request a recount is close of

business on July 10th. Ms. Duncan noted that there was a tie vote in a Worcester County Commissioner District and the tie was broken by the local central committee.

ADMINISTRATOR'S REPORT

1. Announcements & Important Meetings

Staff Departures

Ruth Maynard, a long time employee of SBE and member of the Candidacy and Campaign Finance Division, retired June 30th. When Ms. Maynard started 16 years ago, she joined the Division as an administrative aide and after earning her accounting degree, she moved into the Division's Senior Auditor position. She was a valued employee and will be missed. She is looking to forward spending her retirement with her grandkids.

Chere' Evans, a member of the Voter Registration Division and the lead programmer for the online voter registration and online ballot delivery systems, accepted a position with a Virginia company. Her last day as an SBE employee was July 8th. With Ms. Evan's programming skills, SBE brought the voter look-up and polling place in-house and developed the online voter registration and ballot delivery systems. Because of her critical role at SBE and the inability to transition her work to her replacement, we hope to offer her a small contract for the transition period.

2. 2014 Primary Election Statistics

Early Voting

Early voting has expanded since 2012, and in the 2014 Primary Election, there were 63 sites open for eight days of voting. Approximately 140,000 voters voted during early voting. Just over 300 electronic pollbooks and 800 voting units were used, and no major issues were reported.

Election Day

The primary election was held on June 24th, and approximately 561,000 voters cast their ballots. Again, there were few issues reported, and the equipment worked well. Montgomery County had a few issues with electronic pollbooks in a handful of precincts. This has been traced to a corrupted pollbook database on the pollbooks in those precincts. SBE has already begun implementing changes to enhance the probability of detecting any corruption prior to election day. Unofficial early voting and election day turnout is included in the board meeting folder.

Absentee & Provisional Voting

Statewide, over 29,000 absentee ballots were transmitted and approximately 22,000 were returned. Over 14,000 voters voted provisional ballots during early voting and on election day.

Over the next couple of weeks, more data from the 2014 Primary Election will become available. Unofficial turnout is posted on SBE's website in the "Press Room," and now that date entry is complete and the election has been certified in MDVOTERS, election data can be analyzed and the usual election reports generated. The only required post-election report is the Federal Voting Assistance Program's report on the number of valid military and overseas ballot requests received and ballots issued for each county. This report is required because SBE received a federal grant from this office and is due in mid-August.

3. Election Reform and Management

Maryland Emergency Management Agency (MEMA) Cooperation

Before each election, SBE and MEMA host a conference call for local boards of election and local law enforcement and emergency management agencies. During the pre-election call on June 4th, MEMA provided SBE and the local boards with a security and threat assessment and power

management and weather updates. MEMA also provided an updated weather and threat assessment the day before the election, and we discussed the potential impact of the PGA golf tournament on election day and picking up the equipment from neighboring precincts.

On election day, we alerted MEMA representatives to the power outage, natural gas leak, and malfunction of railroad crossing gates in Allegany County. They monitored these situations, and each was resolved quickly.

SBE is scheduled to meet with MEMA representatives on July 11th to discuss how we can more effectively share information, understand what information needs to be shared, and plan “table top exercises” for events impacting only SBE and events impacting multiple jurisdictions. These exercises will give us practice on how to respond to emergency situations.

Polling Place Accessibility

In advance of the primary election, SBE used federal Help America Vote Act Accessibility Grant funds to improve accessibility to the voting process across the State. Examples of equipment purchased include handicapped parking and access signs, portable wheelchair ramps, remote doorbell systems, cable path tape, sanitary headset covers, and sign display systems. Also, temporary wheelchair ramps were rented and installed at several voting locations, and American Sign Language interpreters were provided so that deaf citizens could be trained and serve as election judges.

Alyssa Fieo of the Maryland Disability Law Center reported to Mr. Urps that there were no significant accessibility issues reported to her office during early voting or election day. SBE will continue to work with the local boards of elections to improve accessibility in advance of the general election.

Military and Overseas Voter Empowerment (MOVE) Act Compliance

The 45-day MOVE Act deadline to distribute absentee ballots to military and overseas voters for the 2014 General Election is September 20, 2014. Later this month, SBE and Runbeck, with input from the local boards, will develop a general election mailing schedule for ballots for domestic, civilian voters and military and overseas voters. In response to a question about the return envelopes, Sarah Hilton explained that Runbeck transferred SBE’s inventory from its Florida facility to its Arizona facility, and during the transfer, return envelopes were placed in the wrong boxes. All of the identified ballots were either received by a local board of elections or forwarded to the correct local board or the local board issued the voter a correct return envelope.

4. Voter Registration

MDVOTERS

The Voter Registration Division has been supporting the local boards through election day activities and canvassing absentee and provisional ballots.

Voter Registration

Voter registration rolls are now open. New applications and address changes may now be processed, and the online voter registration system is again available to the public. MVA electronic records will now be released to the local boards of elections for processing.

Electronic Registration Information Center (ERIC)

Ms. Wagner provided an overview of ERIC and how the project started and is governed. A new ERIC report has been delivered to the local boards of elections for processing. The due date for

completing the processing is July 23rd. To date, 135,456 records have been reviewed by the local boards and 72,754 records have been updated.

5. Candidacy and Campaign Finance (CCF) Division

Campaign Finance

The Pre-Primary 2 Report was due on June 13th. The next scheduled campaign finance report for most committees is due August 26th.

The Central Committee Report is due on July 15th. This campaign finance report is due only for central committee candidates. Failure to file the campaign finance report will result in late fees and the withholding of commissions of office.

Gubernatorial Public Financing

Over \$1 million was distributed from the Fair Campaign Financing Fund for the 2014 Primary Election. The Mizeur-Coates campaign received \$764,212.24, and the Hogan-Rutherford campaign qualified for \$322,710.60 in matching funds. The dollar to dollar matches were only eligible on individual contributions of \$250 or less. The Craig-Haddaway, George-Aloi and Walsh-Wingate campaigns did not raise the required seed money and did not qualify for public funds.

The Hogan-Rutherford campaign has informed SBE that the campaign will seek public financing for the 2014 General Election. The committee will receive a grant of \$2,586,124.21, which is also the campaign's expenditure limit for this election.

The Division's Audit-Enforcement Unit has started its in-depth audit of the Mizeur-Coates and Hogan-Rutherford accounts from the primary election. This audit is required by regulations, and we project the completion of the audits by the fall.

Seminars

On July 10th, Mr. DeMarinis conducted a seminar with State Ethics on the upcoming August 5th filing for persons doing public business and employing a lobbyist. The seminar covered the current state of the law and all of the changes that will go into effect on January 1, 2015.

On June 7th, Erin Dennis conducted a campaign finance training at the Eastern Shore Democratic Summit. The topics covered how to file a campaign finance report and campaign finance laws.

Project Management

We are on schedule to develop a new electronic filing system under the Campaign Finance Reform Act of 2013 (Person doing Public Business) and State Government, §15-715 (Person employing Lobbyists) filers. A prototype has been delivered. The next scheduled delivery will be the administrative/SBE portion. Mr. DeMarinis reported that users will be able to move easily between the online campaign finance reporting system and this system.

6. Project Management Office

The Project Management Office (PMO) continues to work on several initiatives. Highlights include:

Overall

SBE's PMO continues its work on the detailed project planning for the 2014 election cycle. This includes the elaboration of the 2014 Master Schedule, coordination of the Call Center support, and the SBE helpdesk functionality.

New Voting System Replacement (NVSR) Project

Since the last Administrator's Report, we completed or worked on a number of tasks related to this project.

The Voting System Solution Request for Proposal (RFP) for the new voting system is currently under review by the Assistant Attorneys General for SBE and Department of Information Technology. The RFP was not released as originally scheduled due to additional material updates that were needed before release. SBE expects to release the RFP this month.

With respect to the voting system certification process, Paul Aumayr reports that Everyone Counts intends to apply for State certification and will do so prior to the July 11th deadline. Everyone Counts is currently discussing with the U.S. Election Assistance Commission federal certification of its Elect system. SBE has also been in contact with Hart Intercivic, and it is likely that their equipment will be in Maryland for testing later in the summer.

SBE and the NVSR project team continue to recruit and bring onboard the additional quality project resources needed to perform the project work. During June, we brought onboard Peter Thomas, the new Senior Business Process Consultant, and Maureen Mott, the Technical Writer. SBE has also identified and is in the process of onboarding in July the Quality Manager.

SBE and the project team met with the Department of General Services (DGS) and CBRE, DGS's contract broker, to locate and negotiate facilities for the central warehouse. In this meeting, we discussed many of the detailed requirements (e.g. location, space needed, and security) that will be incorporated into the facility RFP. DGS will issue the RFP. We also discussed several of the major tasks (e.g. site visits, lease negotiations, and facility build out) that we will include in our project timeline.

The New Inventory System RFP is now in review in preparation for its release. There has been a great deal of discussion concerning the Minority Business Enterprise goals for this NVSR sub-project. We anticipate having the system decision finalized and implemented in time for the arrival of the new voting system equipment in early 2015.

Keith Ross continues to identify and work with other project managers and their projects (e.g. Agency EMS Enhancement and Same Day Registration) that are external to NVSR project but have an impact on the project.

Over the next couple of months and during the somewhat lull between elections, SBE and the NVSR project team will be working with the local boards to refine the requirements for many of the NVSR sub-projects (e.g. booths, carts, and ballots).

Other

The Call Center support for the 2014 Primary Election ended on Wednesday, June 25th. The call center handled approximately 16,000 calls on behalf of SBE and four local boards (Baltimore City and Anne Arundel, Baltimore, and Prince George's Counties). In response to a question from Ms. Mack, Mr. Ross stated that he would provide the number of calls handled per county. The call center handles routine calls such as voter registration status and assigned voting location and transfers other calls to SBE or the appropriate local board.

Mr. Ross is in the process of conducting the 2014 Primary Election lessons learned with the management and staff of SBE and the local boards. Using the online SurveyMonkey survey system, our focus will be to identify specific process improvements for the 2014 General Election.

Mr. Ross continues to work with SBE management and staff managing the 2014 Master Schedule in preparation for the general election. The Master Schedule includes the deliverables and tasks necessary to run the election, special projects, and administrative tasks.

7. Voting Systems

Auditing

The team has been auditing local boards' activities for the comprehensive post-election audits. This has included:

- Verifying pre-election Logic and Accuracy testing, where the regional managers observe that local boards are correctly performing the pre-election test
- Sampling and auditing voting equipment for the post-election audit and verification
- Auditing the how the equipment was allocated to ensure that sufficient equipment was sent to each polling place
- Comparing the number of check-ins against the number of ballots cast in each polling place

8. Information Technology

Office Phones Setup

In preparation for the 2014 Primary Elections, Kurt Snyder setup phone groups to efficiently and dynamically handle the incoming calls from the call center. Staff members in each of the groups were instructed to sign in on their phones to receive calls when they are present at their desks and to sign-out from the group when they are away from their desks.

Election Night Web Results Reporting

SBE's IT Division and two vendors, CSC and SIDUS, conducted extensive load and stress tests on the web servers in preparation for the load expected on election night from citizens and other end-users viewing the unofficial election results. We also utilized a Content Distribution Network (CDN) service by Edgecast to help with the smooth delivery of content from our results web pages. CDN is a large distributed system of servers deployed in multiple data centers across the Internet. The goal of a CDN is to serve content to end-users with high availability and high performance.

Gubernatorial Primary Elections Results Reporting

Reporting of elections results is still ongoing. Natasha Walker is importing into the Election Management System results provided by each local board of elections. With the final canvass on July 7th, this process is expected to be completed on the same day.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie submitted the following report.

1. The Court of Appeals on April 30, 2014, in a *per curiam* order, affirmed the decision of the district court declaring void the candidacy of Natalie Cabrera, who sought to become the Democratic Party nominee for the House of Delegates District 47B. The Court's opinion stating the reasons for its decision was issued June 20. *Cabrera v. Penate*, Case No. 110, September Term, 2013 (slip op. June 20, 2014, Court of Appeals of Maryland). In that opinion, the Court of Appeals construed § 5-203(a)(2)(ii) of the Election Law Article to

- require that an individual meet the party affiliation requirements for primary candidates as of the time the candidate files a certificate of candidacy.
2. The Court of Special Appeals upheld the dismissal, for laches, of a lawsuit filed by Ramona Baker against Governor O'Malley for withholding Baker's commission to the Orphans Court for Baltimore City. *Baker v. O'Malley*, No. 2393, September Term, 2012 (slip op. May 27, 2014, Court of Special Appeals of Maryland). Ms. Baker, who is not a member of the bar, was elected in 2010 in the same election at which voters approved a constitutional amendment requiring that judges of the Orphans Court of Baltimore City be admitted to practice law. On the advice of the Attorney General, *see* 95 Op. Att'y Gen. Md. 209 (2010), the Governor denied Baker the commission because she lacked a continuing qualification for the office. The Court of Special Appeals, in affirming the dismissal for unreasonable delay, noted that Baker took no action to challenge the Governor's denial of the commission for almost six months.
 3. Individual plaintiffs and the National Federation of the Blind filed a lawsuit in federal court against the members of the State Board alleging that the unavailability of an online ballot marking tool for use by disabled voters violates federal laws prohibiting discrimination against persons with disabilities. *National Federation of the Blind v. Lamone*, Civ. No. RDB-14-1631 (U.S.D.C., D. Md.). Plaintiffs sought a preliminary injunction to require that the ballot marking tool be made available to all voters for the June primary and a permanent injunction to permit use of the marking tool in all elections thereafter. On June 11th, federal District Court Judge Richard Bennett denied Plaintiffs' motion for preliminary injunction and set a schedule for further proceedings. On June 27th, Plaintiffs amended their complaint to include a claim for unspecified compensatory damages based on the alleged difficulty experienced by one of the named plaintiffs in casting her ballot at a polling place on election day. A two-day hearing is scheduled for August 13th and 14th. AAGs Dan Friedman and Julia Bernhardt are lead counsel representing the members of the State Board.
 4. An appeal to the U.S. Court of Appeals for the Fourth Circuit was filed April 28, 2014, seeking review of the dismissal of a challenge to the state's congressional districting plan. *Benisek et al v. Mack et al*, No. 14-1417 (4th Cir.). The brief on behalf of the State defendants-appellees was filed June 19; AAG Dan Friedman is lead counsel for the State defendants, including the State Board.
 5. The circuit court for Howard County affirmed the actions taken by the Howard County Board of Elections with respect to a referendum petition effort on certain local zoning ordinances. *In re Ashai*, Case No. 13-C-13-96866 (slip op. May 28, 2014, Cir. Ct., Howard County, Md.). The circuit court judge agreed that the local board had properly rejected the petition because the summary of the zoning changes was not "fair and accurate." In addition, the judge found that State law requirements regarding the form of a petition, including the circulator's oath, were intended to "pre-empt the field," meaning that local laws or charter provisions purporting to require a different petition form would be invalid.
 6. A lawsuit seeking to require SBE to hold an administrative hearing on the residency of Arthur Helton, then a Democratic Party candidate for Senator, 34th Legislative District, has been dismissed. On June 23, a circuit court judge in Anne Arundel County granted the State Board's motion for summary judgment without issuing a written opinion. *Kreamer v. Maryland State Board of Elections*, No. 02-C-14-185386 (Order of June 23, 2014, Cir. Ct., Anne Arundel County, Md.). Mr. Helton did not win the Democratic Party's nomination for the seat at the June 24 primary.

APPROVAL OF PROPOSED REGULATIONS

Mr. DeMarinis presented new regulations and proposed changes to several chapters in the Code of Maryland Regulations. These regulations were originally proposed at the April 2014 meeting but were tabled until the next meeting. The new regulations and proposed changes are:

1. 33.13.15.01 -.07 addresses political action committees that make exclusively independent expenditures (commonly referred to as “Super PACs”). The new regulations define the registration and reporting requirements, which are identical to the regularly scheduled campaign finance reports. The new regulations recognize the recent Supreme Court decision to allow unlimited contributions to a political action committee that makes exclusively independent expenditures. In response to a question, Mr. DeMarinis explained that super PACs can make expenditures for or against a candidate but cannot coordinate with the candidate or transfer money to the candidate.
2. 33.13.16.01-.02 define the new attribution rule for business entities and the General Assembly’s closing of the so-called “LLC loophole.” The new regulations define what constitutes ownership and control and establishes a standard based on management control over the direction and amounts of political activity by a business entity. The new regulations also provide potential contributors and political committees notice on affiliated businesses in order to remain compliant with contribution limits.
3. 33.13.17.01-.06 define the registration and reporting requirements for participating organizations. These organizations are defined in State law as an entity organized under §501(c)(4) or (6) of §527 of the Internal Review Code that makes contributions for the express purpose of the recipient to make an independent expenditure or disbursement. The reporting requirements are identical to the regularly scheduled campaign finance reports.
4. 33.14.01.02 defines the term “outstanding obligation.”
5. 33.14.03.01-.02 define the fundraising requirements and payment of an outstanding obligation incurred during the primary election by a publicly financed gubernatorial ticket after the primary election. Since the general election is fully funded by a public contribution grant, outstanding obligations incurred during the general election must be paid in full at the conclusion of the general election. In response to a question, Mr. DeMarinis confirmed that outstanding obligations include loans.
6. 33.20.03.01-.02 allow and require electronic signature on the electronically filed statement of contribution by a person doing public business. This new regulation is similar to SBE’s campaign filing reporting system.

Mr. McManus made a motion to: (1) adopt for publication the new and proposed changes to all chapters except 33.13. 17; and (2) table until the next meeting the new regulations proposed as 33.13.17, and Mr. Hogan seconded the motion. The motion passed unanimously.

APPROVAL OF FINAL REGULATIONS

Ms. Charlson presented for final adoption new regulations and proposed changes to 33.10, 33.13, 33.14.01-.02, 33.17, 33.18, and 33.20.01 -.02. The regulations were published in the March 21, 2014 and April 18, 2014 editions of the *Maryland Register*, and no comments were received. Mr. McManus made a motion to adopt as final, and Ms. Owens seconded the motion. The motion passed unanimously.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Mr. DeMarinis provided an overview of the process for reviewing requests for late filing fee waivers. There was a discussion about the number of campaigns requesting and receiving

waivers, and Mr. Hogan asked whether SBE's granting of late fees is a disincentive to file on time. Mr. DeMarinis responded that he did not think that the wavier process was a disincentive but would emphasize in trainings the importance of deadlines. Mr. Hogan requested that Mr. DeMarinis report at future meetings the number of requests that were received and denied.

Mr. DeMarinis presented 33 requests for waivers of campaign finance reporting late fees.

1. 1000 Women for O'Malley/Brown PAC
2. Alt, Robert Citizens For
3. Baltimore County Victory Slate
4. Bethea, Venus Friends To Elect
5. Bright, Melissa Pollitt Committee To Re Elect
6. Brim, Henry Jr. Friends of
7. Coates, Thomasina Friends For
8. Curry, JV (Juanita) Vote For
9. Davis, Judy H. Friends of
10. Delizio, Jason Friends to Elect
11. Dewitt, (Robert) Sheriff, Elect
12. ElskoeDrayton, Jaime Students for
13. Foote, Wayne Friends for
14. Guyton, Emmett Friends To Elect
15. Hayes, David K. Election Committee
16. Hennessy, Loraine Friends Of
17. Hirshman, Nancy for Orphans Court Judge
18. Hollis, Roy (Andy), Candidate for County Council
19. Ironworkers Political Action League PAC
20. Jurgena, Dick Friends of
21. Kullen, (Sue) For Calvert
22. Lehmann, Kim, Students for
23. Martel, Rick Friends of
24. Olds, Dotty for School Board District 3
25. Riemer, Hans Friends of
26. Schneider, Alan, Committee to Elect
27. Shafer, Richard (Denny), Citizens for
28. Solesky, Tony The Write Committee for
29. Stanton, (Eugene) For Delegate
30. Terry, Maria Citizens for
31. Vote Frederick First PAC
32. West695 Political Action Committee
33. Zuza, Leonard, for Delegate

Mr. McManus made a motion to accept staff's recommendations on the waiver requests, and Mr. Hogan seconded the motion. The motion passed unanimously.

ADMINISTRATIVE CLOSURES

Mr. DeMarinis presented requests for administrative closure for the following campaign finance entities:

1. Friends of Ronald Mills
2. Friends of Jack Johnson
3. Lorrie R. Davis for Baltimore Citizens
4. United Together Slate
5. Committee to Elect Mike Cady
6. Vic Bernson for Maryland

Mr. Hogan made a motion to close administratively these accounts, and Mr. McManus seconded the motion. The motion passed unanimously.

REQUESTS FOR CONFIDENTIALITY

Mr. DeMarinis presented three requests from individuals who have requested that certain information be protected from public disclosure.

Mr. McManus made a motion to approve two of the requests and tabled one request pending more information, and Mr. Hogan seconded the motion. The motion passed unanimously.

ONLINE BALLOT MARKING TOOL

Public Comments

Charles Crawford provided an overview of his background with computers and explained his experience with the public demonstration of the online ballot marking tool. He stated that with his computer (Windows 98 operating system and Internet Explorer version 8), he was not able to use the tool. When he accessed the system from another computer, he was unable to navigate to the next step. He opposes the use of the online ballot marking tool and is seeking to have voting system demonstrations in Montgomery County. In response to a question about the type of system that would assist him, he stated that the system has not been invented but the system must meet the needs of all users. A copy of an email Mr. Crawford previously sent to the board was provided in the meeting folder.

Cathy Kelleher of Election Integrity Maryland read the organization's statement opposing the use of the online ballot marking tool. The organization is concerned about authenticating any absentee ballot to ensure that the ballot is associated with a properly registered voter. A copy of Election Integrity Maryland's statement was provided in the meeting folder.

Rebecca Wilson of SAVE Our Votes provided demographic data on the number of Marylanders with disabilities and the number of individuals in the United States with vision limitations. She stated these demographics show that voters with visual impairments are less likely to use commercial accessibility software. Ms. Wilson stated that the online ballot marking tool is not accessible because the PDF documents are not accessible and blind voters need assistance with signing the oath and returning the voted ballot by mail. In response to a question about the demographic information, Ms. Wilson stated the data shows that there is a large pool of potential litigants that could seek compensatory damages and that if the State Board certifies the online ballot marking tool or settles the litigation, other blind voters may sue. Copies of the two spreadsheets were provided in the meeting folder.

Andrew Han of O'Melveny and Meyers stated that his firm is formalizing an agreement with a coalition of individuals who oppose the online ballot marking tool, including the American Council of the Blind – Maryland, VerifiedVoting.org, and individuals like Mr. Crawford, Alex Halderman, and Noel Runyan. Mr. Han stated that this coalition opposes the tool because it is less accessible than the current system, does not safeguard privacy, and is insecure, easily hacked, and susceptible. He encouraged the State Board members to allow the lawsuit to continue to bring out the facts and stated that if the State Board settles, the coalition will sue. In response to questions, Mr. Han stated that he understood that the online ballot marking tool is optional and stated that the coalition's decision to intervene will depend on the actions of the State Board.

Lou Ann Blake of the National Federation of the Blind stated that paper absentee ballots are not accessible and the current touchscreen voting system is accessible but pollworkers do not always know how to enable the audio ballots. Ms. Blake stated that the online ballot marking tool solves the problems and is now the model of accessibility. She noted that each voter is responsible for updating software and knowing how to use screen reading software and that online ballot marking tools are the wave of the future and can be made secure.

In response to a question, Ms. Charlson stated that voters' selections are not saved on SBE's servers. Ms. Mack stated that she would like to give more individuals the ability to vote even if it does not help all voters. Ms. Charlson stated that Noel Runyan's comments on the public demonstration of the online ballot marking tool were previously distributed with other comments from the demonstration and that security is an on-going task.

CLOSED MEETING

Ms. Mack called for a motion to close the board meeting under State Government Article, §10-508(a)(7), (8), and (13), which exceptions permit closing a meeting to consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation; and to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. The closed session was proposed to protect the confidentiality of attorney opinion or advice regarding the *National Federation of the Blind v. Lamone* lawsuit and to protect the security of the online ballot delivery system, which information is required to be protected consistent with § 10-617(g) of the State Government Article. Mr. Hogan made a motion to close the meeting, and Ms. Owens seconded the motion. The motion passed unanimously.

During the closed session, the board members received legal advice and discussed the current litigation and the security features of the online ballot delivery system. In addition to the board members present at the open meeting, Ms. Lamone, Mr. Darsie, Mr. Friedman, Ms. Charlson and Ms. Hilton were present. No actions were taken. The closed meeting adjourned at 5:10 pm.

The public meeting reconvened at 5:14 pm.

ONLINE BALLOT MARKING TOOL

Mr. Hogan made a motion to certify the online ballot marking tool, and Ms. Owens seconded the motion. The vote to certify was 3 -1 but failed for lack of a supermajority of the appointed members.

OLD BUSINESS

At the April meeting, Mr. McManus requested that two letters from the County Administrator for Caroline County about the salary adjustments for election directors and deputy directors be discussed. Mr. McManus stated that he understood that all county governments had approved the salary, and Ms. Charlson stated that the chart distributed by the Maryland Association of Election Officials did not include information for all counties and Caroline County may have been one of these counties. Mr. McManus requested that the Association explain why the chart did not include information for all counties. Copies of the letters were provided in the meeting folder.

NEW BUSINESS

Ms. Duncan presented a requested change to a polling place in Carroll County. Because of building renovations, the gym at the William Winchester Elementary School was not available for use as a polling place for the primary election but will be for the general election. The Carroll County Board of Elections is requesting that the polling place for 7-2 be returned to the William Winchester Elementary School for the general election.

Mr. McManus made a motion to approve the polling place change, and Ms. Owens seconded the motion. The motion passed unanimously.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

No campaign contributions were disclosed.

SCHEDULING OF NEXT MEETING

The next meeting was scheduled for August 28, 2014, at 2:00 pm.

ADJOURNMENT

Mr. McManus made a motion to adjourn the open meeting, and Mr. Hogan seconded the motion.
Ms. Mack adjourned the meeting at 5:19 pm.