

Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Patrick J. Hogan, Member
Janet Owens, Member
Linda H. Lamone, State Administrator
Jeff 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 Cramer Wagner, Director, Voter Registration
Rick Urps, Deputy Director, Election Reform & Management
Ebony Sherbert-Parran, Candidacy and Campaign Finance Division

Also Present: Steve Galloway, NVSR Project Team
Rachel Rachfal, NVSR Project Team
Ralph Watkins, League of Women Voters
Rebecca Wilson, SAVE Our Votes
Lynn Garland
Holly Joseph

DECLARATION OF QUORUM PRESENT

Ms. Mack called the meeting to order at 3:10 pm and stated that there was a quorum.

RATIFICATION OF MINUTES FROM APRIL 2015 MEETING

Ms. Owens made a motion to ratify the approval of minutes from the April 2015 minutes, and Mr. McManus seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

1. Announcements & Important Meetings

Future of Voting Conference

On May 28th, Ms. Lamone, Mr. Ross, and Ms. Charlson attended The Future of Voting Conference hosted by the U.S. Vote Foundation. The conference provided an overview of the project and projected findings and recommendations on an end-to-end verifiable Internet voting project. The report is expected to be released in July 2015.

SBE's Fiscal Year 2016 Budget

We have been working closely with the Department of Information Technology (DoIT) on funding issues related to the New Voting System Replacement (NVSR) Project. By leasing (rather than purchasing) items, reducing quantities, and identifying reductions elsewhere, we believe that we do not need additional funds for FY2016.

- A. Under our contract with ES&S, we can lease thumb drives, ExpressPass printers, and the ballot transfer bins. We have also determined that we need less thumb drives and ExpressPass printers than we initially thought.
- B. The quote for the privacy sleeves was lower than we expected, and we have funds in our FY2015 budget to cover the full amount.

- C. We reviewed our existing project management support contract and will eliminate three positions with minimal risk to the project and create a savings of \$608,393. Our estimated cost of ballots was \$681,000, so we have a difference of \$75,000. We had some resources that started later than planned, and we believe that the savings generated by the delayed starts can cover the \$75,000 difference.
- D. After paying the remaining FY2015 CSC invoices, we expect to have funds remaining on CSC's FY2015 purchase order. We will encumber these funds and move them to an FY2016 purchase order. Additionally, we have funding available because we did not build a new election management system for FY2016. These funds can pay for CSC's FY2016 invoices through March 2016. We believe that the remaining balance can be covered by some project resources that started later than planned.

SBE's Biennial & Maryland Association of Election Officials' (MAEO) Annual Meetings

SBE's biennial meeting is scheduled for Wednesday, June 10th, and MAEO's annual conference is scheduled for Thursday, June 11th. The meetings will be held in Ocean City. A final draft agenda was included in the board meeting folder. Thanks to Mary Wagner for working with the MAEO conference committee on the agenda. SBE staff will be presenting both days.

Election Directors' Meetings

On May 11th, SBE hosted an in-person Election Directors' meeting, and all local boards of elections were represented at the meeting. Most of the meeting was focused on the NVSR project, and a copy of the meeting summary was provided in the meeting folder. The next in-person Election Directors' meeting is scheduled for June 18th.

State Testing of Voting Systems Conference

From May 19th – 20th, Paul Aumayr attended the annual State Testing of Voting Systems conference in Seattle. This conference attracted approximately seventy State election officials, academics and other interested parties to share certification, testing and implementation of voting system equipment and software.

2. Election Reform and Management

Same Day Registration and Address Changes During Early Voting

SBE's project team continues to meet regularly and is finalizing proposed regulations, diagrams for various scenarios for same day registration and address changes, and equipment needs. At SBE's biennial meeting, Ms. Charlson will present a high-level presentation on same day registration and address changes and provide more detailed trainings later this summer. Sample diagrams were provided in the board meeting folder.

Meet Alex + Tom

SBE's creative services agency evaluation committee selected Alex + Tom, a Baltimore agency named for communication innovators Alexander Graham Bell and Thomas Edison, for SBE's new voting system outreach and advertising contract -- pending final approval from the Department of Budget and Management and the Board of Public Works. The Alex + Tom team has done creative and digital work for the Star Spangled 200, the National Park Service, Under Armour, Black & Decker, the State Department, the Maryland State Police, the Department of the Treasury, and more.

New Voting System Replacement (NVSR) Project - Election Judges Workgroup

Chaired by Rick Urps of SBE and Tracy Dickerson of the Charles County Board of Elections and Abigail Goldman of the Baltimore City Board of Elections, the Election Judges' Workgroup

members are working well together to revise the Election Judges Manual, election day forms, reports, checklists and training curricula. Several draft chapters of the Election Judges' Manual are posted on the NVSR Communications website and more chapters, forms and curricula will be posted next week.

NVSR Leadership Committee (NLC)

The newly formed NLC has had its first three meetings. NLC is made up of leaders from various NVSR workgroups and offers an open forum members to ask questions and discuss issues related to the implementation of the new voting system. The primary purpose of the NLC is to facilitate communication between the NVSR work groups and eliminate duplication of effort. NLC's next meeting will be in June.

3. Voter Registration

MDVOTERS

User acceptance testing for release 5.8 has begun, and the mock election is scheduled to begin the week of June 15th. Functional specifications for release 5.9 are currently being reviewed. Areas of development include updates to candidacy, polling place and accessibility, same day registration and UOCAVA improvements.

Electronic Registration Information Center (ERIC)

The results of the most recent ERIC report led to over 11,000 updates. The final report from the local board of elections was due May 27th, and all local boards submitted their reports. In response to a question, Ms. Wagner explained that a record update includes sending a confirmation mailing, merging duplicate records, or transferring a registered voter to his or her new county of residence. Mr. McManus asked for the breakdown of the 11,000 updates generated from this most recent report.

Maryland Higher Education Commission (MHEC)

SBE has a Memorandum of Understanding with MHEC to match legislative scholarship application records to legislative districts for the State's legislative scholarship program. Soo Kang has been performing the match. The match always proves challenging due to the way the applicant may list their address. Ms. Kang achieved an impressive 92% match. MHEC uses this information to verify each applicant's legislative district.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of May 20, 2015, 16 candidates have filed at SBE for the 2016 Presidential election.

Campaign Finance

The CCF Division is in the process of approving new enhancements to the MD CRIS system. The enhancements include Super PAC registration and reporting, participating organization registration and reporting, and independent expenditure entities reporting changes.

Additionally, the audit and enforcement module has been updated with the new slate requirements and more automated deficiencies.

Jared DeMarinis continues his outreach on the filing requirements for Title 14 (persons doing public business). The Secretary of State's Office has revised its public disclosure form to help SBE identify potential filers. Secretary of State John Wobensmith was instrumental in making the change happen quickly. Additionally, Mr. DeMarinis has been in contact with representatives at the Board of Public Works to spread the word.

The CCF Division completed adding to the Business Contribution Disclosure System the new reporting periods and extended filing time. The new reporting affidavits for filers with no applicable contributions will be added next to the system.

Enforcement

A civil citation was issued to John Walter for failure to include an authority line on campaign material. This matter was referred to the CCF Division from the Office of the State Prosecutor. The fine is \$250. On May 21st, Mr. Walter notified SBE of his election to stand trial.

The CCF Division forwarded to the Office of State Prosecutor information about three non-citizens allegedly voting in prior elections. The Division also forwarded to the Office of State Prosecutor a complaint against the Maryland Liberty PAC for possible violations and enforcements actions. The Maryland Liberty PAC operated as a political committee and a separate corporation. CCF's Audit Enforcement Unit (AEU) performed a complete audit on the committee, and amended reports were filed.

The AEU is almost finished with its audit of the Hogan-Rutherford Committee to Change Maryland primary and general election accounts. An exit conference will be scheduled in June. If necessary, a deficiency report will be sent to the committee detailing the required amendments or actions needed to correct the filed campaign finance reports.

5. Project Management Office (PMO)

Voting System Solution

There continue to be many tasks addressed and decisions made between SBE and other groups as they are related to the NVSR project.

SBE leadership has been briefing DoIT's new leadership team on the status of the NVSR project and the associated risks and issues. In addition, DoIT has been helpful in addressing issues associated with some of the project procurements. SBE conducted for DoIT's Secretary and Deputy Secretary a demonstration of the new voting system equipment. In response to a question, Mr. Ross explained that the demonstration was provided after a meeting with the Secretary and Deputy Secretary about the new voting system project.

SBE continues sharing information with the Election Directors and Deputy Election Directors via the 1-hour weekly GoToWebinar sessions and in-person meetings. During these sessions, SBE and the workgroups provide status updates of their work and discuss some of the open issues and possible resolutions. On a related note, SBE completed and delivered to the President of the Maryland Association of Election Officials (MAEO) SBE's response to MAEO's NVSR project concerns letter. A copy of SBE's response was previously provided to the board members.

SBE continued working with ES&S on several contract areas, including Electionware implementation, contract modifications and updates for the number of equipment components needed, certification related issues, equipment delivery modifications, training requirements, receipt testing, and problem escalation procedures.

Since April's board meeting, several procurement related tasks were accomplished.

- A. SBE finalized with Maryland Correctional Enterprises (MCE) the requirements for the carts, and they are now in production.

- B. The voting booth procurement is moving forward, and SBE participated in a pre-bid conference conducted by the Department of General Services (DGS). Bids are due May 29th.
- C. SBE awarded to MCE the production and printing of privacy sleeves work. MCE is creating the privacy sleeves for proofing.
- D. SBE continues to discuss with the existing transportation vendor the updated requirements to transport the new voting equipment to the local boards.
- E. SBE issued on eMaryland Marketplace a request for a vendor to conduct a warehouse space assessment. The selected vendor will assess each of the local board's warehouse space and climate control to ensure compliance with the requirements for the new voting system and ballots. The deadline to submit bids was the week of May 25th. In response to a question, Mr. Ross stated that this assessment will inform the local boards of elections of any non-compliance issues, and they can use this information in their discussions with the county.

The contract project resources are busy working on the many different project efforts. For example, the quality and testing team members have finalized the User Acceptance Testing scripts for the ES&S equipment and are now testing the equipment. The Organizational Change Manager is in the midst of visiting each of the local boards to discuss the impact this project will have on their offices. The business analysts are working on election documentation, equipment delivery and reporting requirements, and inventory management. The Deputy Project Manager has a dual focus managing the Agency Election Management System (AEMS) project and the implementation requirements for Electionware, ES&S' election management system.

Work is underway with CSC to provide AEMS technical support. SBE is working with the CSC team on the many deliverables and tasks that are scheduled to be delivered over the next few months.

Workgroups

The six NVSR project workgroups (Project Management, Voting System, Polling Place Logistics, Election Judges, Communications, and LBE Requirements) have all been very active and continue to have a significant positive impact on the project.

Workgroup efforts were either initiated or continued with rules and regulations, the procurement of removable barcode stickers, privacy sleeve requirements, the mock election, pilot elections, the review and updates to the Conducting the Election (CTE) Guide, updates to the NVSR Communications intranet website, the Election Judge's manual, warehouse space requirements, testing requirements, and the list goes on.

In addition, some Workgroup representatives observed Fairfax, Virginia's May 5th election. The individuals witnessed many of the same voting system equipment items from ES&S during an actual election event. There were some ideas generated and questions answered as a result of the visit.

Central Warehouse

The legacy voting system equipment from all of the local boards is now stored in SBE's central warehouse.

Other

SBE's PMO is preparing for the NVSR project presentation at the upcoming biennial meeting on June 10th.

SBE completed the inventory documentation requirements and submitted to DGS the request to remove over 6,000 CF cards from SBE's equipment inventory and have them correctly categorized and handled as supply items. SBE expects to have an approval from DGS in the next couple of weeks.

Keith Ross and Stephanie Taylor and Justin Wall of the Harford County Board of Elections gave a Google Apps and Smartsheet presentation before the State Department of Assessments and Taxation's management team at their meeting on May 18th.

6. **Voting Systems**

New Voting System

The team continues to develop procedures and processes for the new system, including Logic and Accuracy testing and canvass procedures on both digital scanners, the DS200 and DS850. The team also reviewed the acceptance testing procedures, including the test scripts.

Training

Electionware training has begun for SBE Voting System staff, including the regional managers. The hands-on course will last for a week, and there will be two separate sessions to accommodate a total of twelve staff and contractors.

Electronic Pollbooks

With input from the same day registration project team, the pollbook software specifications continue to be refined. SBE has weekly conference calls with the ES&S pollbook team to review the work and prioritize items those that are still outstanding. It is likely that there will be four separate releases - three for testing and a final version once all testing is complete.

7. **Information Technology**

SBE New Inventory Software Application

SBE recently procured an Inventory System named eEquip!. The software application and Microsoft SQL database application are set up and being hosted temporarily by the implementation company E-ISG. DoIT will permanently host the system. SBE, with help from E-ISG, will migrate over the inventory data from the temporary hosting site to DoIT on May 28th.

8. **Legislation**

Chapter numbers are assigned to a bill when the Governor signs the bill.

- SB 5 - Canvass of Votes - Public Observation: Clarifies that the tallying of early results is subject to public observation. **(CHAPTER 318)**
- SB 97 - Canvass of Absentee Ballot: Requires that the local board count an absentee ballot cast by a voter who dies before the ballot is canvassed. **(CHAPTER 9)** (HB 884 – **CHAPTER 463**)
- SB 204 - Primary Election Dates in the Presidential Election Year: Moves the date of the 2016 Primary Election to eliminate early voting on Easter Sunday and alters other deadlines to eliminate conflicts. (HB 396) **(CHAPTER 332)**
- SB 340 - Voting Rights - Ex Felons: Changes the qualifications to register to vote for individuals who have been convicted of a felony and have been released from incarceration. (HB 980) **(VETOED)**

- SB 755 - Campaign Finance - Central Committee Candidates: Requires candidates for central committees to keep all financial account records but eliminates the need to establish with SBE a campaign finance entity if the candidate does not spend more than \$1,000 in personal funds or does not accept contributions. **(CHAPTER 380)**
- SB 767 - Ethics Law - Statement by Person Providing Lobbyist Compensation and Making Campaign Contributions: Aligns Ethics Law with Title 14 of the Election Law Article for disclosure and filing purposes. **(CHAPTER 198)**
- HB 73 - Voter's Rights Protection Act of 2015: Authorizes the Attorney General or the State Prosecutor to institute an action in circuit court for injunctive relief to prohibit a person from engaging in or continuing to engage in certain violations of election law. (SB 192) **(CHAPTER 396)**
- HB 284 - Local Petitions - Advance Determination: Allows an election director to seek from the local board counsel or the Attorney General legal advice on sufficiency of petitions. **(CHAPTER 82)**
- HB 485 - Fair Campaign Financing Fund: Re-establishes the checkoff on the income tax return through which individuals may contribute to the fund. Additionally, it increases the sources of funding to include candidate filing fees, late filing fees, civil penalties assessed under the Election Law Article and the remittance of anonymous contributions. (SB 593) **(CHAPTER 312)**
- HB 769 - Persons Doing Public Business - Statements of Contributions: Changes the reporting period to align with the lobbyist disclosure report filed with the State Ethics Commission, expands to 30 days the current 5 days window to file, and requires the disclosure of contributions to independent expenditure entities on the reports. **(CHAPTER 454)**
- HB 775 - Inaugural Committees - Donations and Disbursements - Disclosure: Requires an Inaugural Committee for the Governor and Lt. Governor to file with SBE a statement of organization and generally follow campaign finance rules and file reports. **(CHAPTER 275)**
- HB 864 - Kent County Board Membership: Creates a 5 full member board for the Kent County Board of Elections. **(CHAPTER 109)**

ASSISTANT ATTORNEY GENERAL'S REPORT

1. After a hearing on May 1, 2015, the Circuit Court for Carroll County granted the State's motion to dismiss in *Bouchat v. State of Maryland*, Case No. 06-C-15-068061 (Cir. Ct., Carroll Co., Md.). The Court held that, under the Maryland Constitution, only the Court of Appeals has jurisdiction to hear challenges to the State's legislative districting plan and therefore Mr. Bouchat's petition could not be heard by the Circuit Court for Carroll County. No appeal has been filed.
2. Appellants filed their Reply Brief on May 12, 2015, in their appeal of the district court's decision that requiring certification of an online ballot-marking tool violates the Americans with Disabilities Act. *National Federation of the Blind v. Lamone*, Appeal No. 14-2001 (U.S. Court of Appeals for the Fourth Circuit). With the briefing now completed in that appeal, the next step will be for the Court of Appeals to schedule the case for oral argument. Arguments are expected in late 2015.
3. The Circuit Court for Anne Arundel County heard oral argument in *Newton v. Lamone*, No. 02-C-14-191218 (Cir. Ct., Anne Arundel Co., Md.), a lawsuit challenging the residency of "Jay" Jalisi and his right to run as a Democratic Party nominee for the House of Delegates, District 10. Mr. Jalisi was elected in November 2014 and sworn in as a Delegate before any hearing was conducted or any action taken by the circuit court. At the hearing, the Circuit Court granted the State Administrator's motion to dismiss, concluding that the case was now moot

because the State Administrator could not take any action that would redress the petitioner's complaint. On May 8, 2015, the petitioner filed a Notice for In Banc Review, a procedure similar to an appeal that allows legal issues to be reviewed by a three-judge panel of circuit court judges. Briefing for the three-judge panel is expected to occur in July.

In response to a question about the appropriate way to challenge a candidate's residency, Mr. Darsie explained that Election Law Article, §5-305 requires that a challenge be filed in circuit court within six days of candidate filing deadline. Mr. Darsie noted that a residency challenge may be justified under Election Law Article, §12-202 if information about the candidate's residency was not known until later in the election process. During the candidate filing process, SBE's role in verifying this information is limited to verifying it against other SBE records, but SBE is not authorized to determine residency in a quasi-judicial manner.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Ms. Sherbert-Parran presented requests from seven campaign finance committees for waivers of late fees. She noted that Ms. Lamone denied two waiver requests in May.

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| 1. Endzel, Michael, for County Council | 5. Phukan, Anjali, for Maryland |
| 2. Hayward, Garland Committee for Progress | 6. Smallwood, David Maurice Committee to Elect |
| 3. McIntire, Bryan Friends of | |
| 4. Mitchell, Laura Friends of | 7. Mizeur, Heather Friends of |

Mr. Hogan made a motion to approve the requests for waivers of late fees, and Ms. Owens seconded the motion. The motion passed unanimously.

APPROVAL OF TITLE 14 WAIVER REQUESTS

Waiver of Contract Reporting Requirements

Ms. Sherbert-Parran presented requests from Roark Capital Group to waive the requirement that they disclose certain information about contracts of \$200,000 or more with the State. If approved, the waiver covers the required semi-annual contribution disclosure statement filings for calendar year 2015. Ms. Sherbert-Parran recommended granting this request.

Waiver of Late Fees for Persons Doing Public Business

Ms. Sherbert-Parran presented a request from one business doing public business requesting a waiver of late fees. Because there was no agency recommendation on this request, this request was tabled until the next meeting.

Mr. Hogan made a motion to approve the waiver request from Roark Capital Group, and Mr. McManus seconded the motion. The motion passed unanimously.

REQUEST FOR CONFIDENTIALITY

Mr. DeMarinis presented requests from one voter who would like his residence addresses and telephone numbers deemed confidential. This voter is a sitting judge.

Mr. McManus made a motion to make this voter's residential addresses and telephone numbers confidential, and Ms. Owens seconded the motion. The motion passed unanimously.

PROPOSED REGULATIONS – SPECIAL ELECTIONS CONDUCTED BY MAIL

Ms. Charlson presented proposed regulations to conduct a special elections conducted by mail.

Background

Senate Bill 171 of the 2013 Legislative Session authorized conducting a special election by mail. With a few exceptions, this legislation made a law that previously only applied to a special election in Montgomery County apply statewide. Because of the exceptions in Election Law Article, §9-501 *et seq.*, there are several provisions in the proposed regulations that apply only to Montgomery County.

A special election can be conducted by mail if the appropriate designating authority (Governor for a Congressional vacancy or a county council or commissioners for a county vacancy) designates that the special election be conducted by mail. For a vote-by-mail election, the local board of elections is required to mail to each eligible voter a vote-by-mail ballot unless the voter has requested that the ballot be transmitted some other way. A local board is also required to provide in person voting at one or more voting centers for seven consecutive days.

Definitions; General Provisions (33.21.01.01 – .03)

This regulation defines terms, specifies the elections to which the regulations apply, the laws that apply to a special election, and how public notice of the special election is to be provided.

1. “Address of record” defines where the eligible voter’s vote-by-mail ballot will be sent unless the voter requests another delivery method or address.
2. “Request for vote-by-mail ballot” is a new form for eligible voters who want their vote-by-mail ballots sent to another address or sent via electronic transmission.
3. The regulations apply if the Governor, county council, or board of county commissioners direct that a special election be conducted by mail.
4. Generally, all applicable federal and State laws and regulations apply to a special election conducted this way. Same day registration and address changes during the in-person voting period, however, do not apply.
5. A local board must provide notice of the special election, and this regulation defines how notice is to be provided. The State Administrator may require additional notice for the first vote-by-mail election in the county.

Request for Vote-by-Mail Ballot (33.21.02.01 – .02)

Generally, an eligible voter does not need to do anything to receive a vote-by-mail ballot. If, however, the voter wants to receive the vote-by-mail ballot at an address other than his or her address of record or via electronic transmission, the voter must complete and submit a new form – the request for a vote-by-mail ballot. Military voters and voters who reside outside the United States are exempt from filing this form if they requested an absentee ballot for a previous election; the local board will transmit the vote-by-mail ballot the same way and to the same location that the ballot for the previous location was transmitted.

The deadline to submit the request for a vote-by-mail ballot is the Tuesday before election day for the special election. The time of day deadline depends on how the voter wants to receive the vote-by-mail ballot. The different time of day deadlines mirror current regulations for regular absentee ballots.

Issuance and Return of Vote-by-Mail Ballots (33.21.03.01 – .07)

With one exception, the requirements for ballot instruction (Regulation .01), envelopes (Regulation .02), return of the voted ballots (Regulation .05), securing the ballots (Regulation .06), and timeliness of ballots (Regulation .07) are the same as the requirements for regular absentee ballots. Regulation .02D requires Montgomery County to provide a return envelope

with pre-paid postage; this requirement does not apply to any other county conducting a special election by mail. See Election Law Article, §9-502(c).

Regulation .03 (Issuance of Ballots) defines the process for issuing a replacement ballot. Regulation .03B(3) requires a new form; it will be used by voters who go to a local board office and request a replacement ballot. Because every eligible voter would have already been sent a vote-by-mail ballot, the required form authenticates the voter requesting a replacement ballot.

Regulation .04 (Transmission of Ballots) establishes when and where vote-by-mail ballots are sent. Vote-by-mail ballots for military voters and voters who reside outside of the United States must be sent at least 45 days before the day of the special election, and ballots must be sent to all other voters at least 14 days before the day of the special election. A local board must mail the vote-by-mail ballot to the voter's address of record unless the voter provides another address or requests electronic transmission.

Regulation .07 (When Ballots Are Timely) mirrors current deadlines except that the proposed regulations allow for the return of voted vote-by-mail ballots at voting centers.

Voting Centers (33.21.04.01 – .05)

For the most part, the regulations in this chapter mirror the language in Election Law Article, §9-503. Requirements not defined in this section are:

1. The county shall make a facility available without charge for in-person voting. This requirement is identical to the requirement for regular elections.
2. Regulations .04 (Selecting Voting Centers) and .05 (Security Plan for Voting Center) mirror the process for selecting early voting centers and developing security plans except with shorter timeframes.
3. Regulation .06 (Allocation of Equipment, Personnel, and Supplies) requires that the local board develop with SBE's assistance and submit a plan for allocating equipment, personnel and supplies.

Election Judges (33.21.05.01 – .03)

These regulations address an employee of a local board serving as an election judge, the minimum number of election judges (4) for each voting center, and election judges' training requirements.

Voting Center Procedures (33.21.06.01 – .03)

Chapter .06 applies the early voting center evaluation program to voting centers, and defines the type of ballot (regular or provisional) that will be issued to voters who vote at a voting center.

1. If a local board has received a voted vote-by-mail ballot from a voter and the voter appears to vote at a voting center, the voter will receive a provisional ballot.
2. A local board shall provide a receptacle to accept voted vote-by-mail ballots from voters.
3. Most other voters will receive a regular ballot and use the voting equipment. This includes voters who have received but have not returned their vote-by-mail ballots and voters who surrender their vote-by-mail ballots at the voting center.

Without the exception in Regulation .03, the local boards would be required on election day to print and aggregate results from the first six days of voting. Since the same equipment will be used for the entire voting period, it is not possible for the local boards to print and aggregate

results from a unit still in use. As a result, the provisions of COMAR 33.17.07.04 cannot apply to this type of an election. Election night results will include results from all seven days of voting.

Canvassing (33.21.08.01 – .03)

These regulations apply general canvassing rules to canvassing vote-by-mail ballots.

Post-Election Activities (33.21.09.01 – .02)

Regulation .01 requires that there be a post-election verification and audit and authorizes the State Administrator to develop an audit program for special elections conducted by mail. A thorough review of the existing post-election verification and audit program will be conducted to identify which of the existing audit requirements apply to a special election conducted by mail and what additional requirements are necessary to verify the integrity of the special election conducted by mail.

Regulation .02 authorizes the election director to release the voting equipment if the special election was conducted for a county office.

Ms. Charlson stated that four representatives of the local boards of elections – Alisha Alexander from Prince George’s County, Stuart Harvey from Frederick County, Margaret Jurgensen of Montgomery County, Joe Torre from Anne Arundel County – worked with SBE on the drafting of these proposed regulations. She thanked them for their assistance and thoughtful feedback.

Mr. Hogan made a motion to publish the proposed regulations, and Mr. McManus seconded the motion. The motion passed unanimously.

ANNUAL REVIEW OF SBE BY-LAWS

Discussion of SBE’s by-laws was tabled until the next meeting.

APPROVAL OF LBE BY-LAWS – FREDERICK COUNTY

Ms. Charlson presented Frederick County Board of Elections’ recently approved by-laws. The recent changes updated incorrect references (including substitute members since Frederick County Board of Elections is now a five, full member board), defined a “no later than” time for swearing in before early voting, and added early voting processes to the election administration concepts board members should generally understand.

Ms. Owens made a motion to approve the Frederick County Board of Elections’ by-laws, and Mr. Hogan seconded the motion. The motion passed unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Rebecca Wilson of SAVE Our Votes distributed two news articles, one related to the IRS’ recent announcement of unauthorized access to tax accounts and an article reporting that a book entitled *Black Box Voting: Ballot Tampering in the 21st Century* was seized during raid on Osama bin Laden’s compound. Ms. Wilson stated that the unauthorized access to a feature of the IRS’ website was analogous to SBE’s voter services website. She noted that the information used to authenticate a user of this website is either publically available or not closely held information and stated that it would be easy for an unauthorized user to access the system and change a voter’s registration information or request an absentee ballot.

Lynn Garland expressed her concern about that the software version approved by SBE at the April meeting has not been certified by the U.S. Election Assistance Commission or the Board of Public Works. She questioned whether there is a document establishing that the version meets the federal Voluntary Voting System Standards, especially those standards related to telecommunications, and SBE should weigh the costs and benefits of including wireless technology in the new voting system. Ms. Garland noted that Florida's cost for the modem was \$1 million, and the closing procedures for the new system will be quicker and the need to modem unofficial results will be decreased. In response to a question, Ms. Charlson stated that a non-technical response to Ms. Garland's previously submitted email will be provided to Ms. Garland and the board members.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

No campaign contributions were disclosed.

SCHEDULING OF NEXT MEETING

The next meeting was scheduled for July 16, 2015, at 2:00 pm.

ADJOURNMENT

Ms. Owens stated that she enjoyed serving as a member of the State Board of Elections and was impressed with the staff of the State Board of Elections. Ms. Mack thanked Ms. Owens for her work on the State Board.

Ms. Owens made a motion to adjourn the meeting, and Mr. Hogan seconded the motion. Ms. Mack adjourned the meeting at 4:30 pm.