

**State of Maryland**   
**State Board of Elections – May 31, 2018 Meeting**

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Attendees: David McManus, Chair  
Patrick J. Hogan, Vice Chair  
Michael R. Cogan, Member  
Kelley A. Howells, Member  
Malcolm L. Funn, Nominated Member  
Linda Lamone, Administrator  
Andrea Trento, Assistant Attorney General  
Nikki Charlson, Deputy Administrator  
Donna Duncan, Assistant Deputy, Election Policy  
Keith Ross, Assistant Deputy, Project Management  
Paul Aumayr, Director, Voting System  
Jared DeMarinis, Director, Candidacy and Campaign Finance  
Erin Perrone, Director, Election Reform and Management  
Sarah Thornton, Technical Writer, Project Management Office

Also Present: David Garreis, Deputy Director, Anne Arundel County Board of Elections  
Allison McCord, Harford County Board of Elections  
Stephanie Taylor, Harford County Board of Elections  
William Zorzi, Maryland Matters  
Tom Culp, WBAL TV  
Darren Ziegenbein, WRC-TV  
Michael Dresser, Baltimore Sun  
Arelis Hernández, Washington Post  
Rebecca Wilson, Save Our Votes  
Stacy Goodman, Department of Legislative Services  
Jodie Chilson, Department of Legislative Services  
Stan Ward, Department of Legislative Services  
Fabion Seaton, Maryland Democratic Party  
Mariana Cordier, Counsel for Valerie Ervin  
Ralph Watkins, League of Women Voters – Maryland  
Kate Amara, WBAL TV  
Brian Witte, Associated Press

**DECLARATION OF QUORUM PRESENT**

Mr. McManus called the meeting to order at 2:00 pm and stated that there was a quorum of four members present. He reported that Mr. Cogan would be joining the meeting late. Mr. McManus stated that the meeting was being recorded.

**RATIFICATION OF MINUTES FROM APRIL 2018 MEETING**

Ms. Howells made a motion to ratify the approved minutes from the April 12, 2018 meeting, and Mr. Hogan seconded the motion. The motion passed unanimously.

**ADDITIONS TO THE AGENDA**

Ms. Charlson requested for two agenda items to be added under “New Business,” including a request to accredit challengers and watchers and a public comment from Mariana Cordier, Counsel for Valerie Ervin. Ms. Charlson also requested to move the agenda item under “Old Business” to the Closed Session. Mr. McManus approved the proposed changes to the agenda.

## **ADMINISTRATOR'S REPORT**

Ms. Charlson shared an update on SBE's response to the death of Democratic gubernatorial candidate, Kevin Kamenetz. She stated that SBE has created a notice that informs voters of the change in candidacy and a plan which states how SBE and the local boards will share the notice with voters. The notice is a one-page sheet that lists all of the democratic candidates for Governor with a note explaining that Mr. Kamenetz has died and that the successor ticket is Valerie Ervin and Marisol Johnson, as well as how to vote for the successor ticket if the voter wants to do so – a vote for Kevin Kamenetz and Valerie Ervin will be counted as a vote for Valerie Ervin and Marisol Johnson.

SBE has shared the notice and plan with the board members, the Democratic candidates for Governor, and the local boards of elections. The plan outlines the steps that shall be taken to inform voters of the candidacy change, including posting the notice in all voting booths across the State during both early voting and on election day, posting the notice in all early voting centers and polling places, including the notice with all absentee ballots, posting on social media, communicating with the press, and posting on SBE's website. SBE has been working with the local boards to implement the plan and to answer any questions they may have. Ms. Charlson expressed that SBE believes they can provide adequate notice to the Democratic voters about the change in candidacy due to Kevin Kamenetz's death.

### **1. Announcements & Important Meetings**

#### U.S. Election Assistance Commission (EAC) Public Meeting - Cyber Security & Funding

On April 18th, the EAC hosted a public meeting to discuss with state and local election officials cyber security and federal funds available to enhance election security. Ms. Charlson attended this meeting, and her summary of the meeting was included in the meeting folder.

#### U.S. Election Assistance Commission - Standards Board Meeting

On April 19th and 20th, the EAC's Standards Board met in Coral Gables, Florida. The Standards Board is comprised of one state and one local election official from each state and territory and is tasked under federal law with reviewing voting system guidelines and best practice recommendations identified by the EAC. Ms. Charlson and Katie Brown, the Election Director for the Baltimore County Board of Elections, represent Maryland on the Standards Board. The primary topics of discussion were the federal funds to enhance election security, election security and disaster recovery, and adopting a resolution in support of the new set of voting system guidelines. A summary of the meeting was included in the meeting folder.

#### U.S. Election Assistance Commission - Board of Advisors Meeting

On April 23rd and 24th, the EAC's Board of Advisors met in Coral Gables, Florida. The Board of Advisors is comprised of appointees from various organizations with an interest in the election process. Ms. Lamone is a representative of the National Association of State Election Directors, and other individuals represent organizations representing state and local election officials, state and county elected officials, individuals with disabilities, the U.S. Department of Justice, and the U.S. Department of Defense' Federal Voting Assistance Program. The agenda of this meeting was similar to the agenda of the Standards Board meeting. The Board of Advisors adopted the same version of the resolution adopted by the Standards Board the prior week.

### Election Directors' Meeting

A summary of the April 12th Election Directors' meeting was included in the meeting folder. We hosted an Election Directors' meeting on May 24th and discussed the changes to the Democratic candidates for Governor, voting system and pollbook updates, absentee mailings, and the results of recent security scans. A summary of the meeting will be provided when it is complete.

### League of Women Voters of Anne Arundel County Public Forum

On May 15<sup>th</sup>, the League of Women Voters of Anne Arundel County hosted a public forum entitled "Protecting Our Elections: Security of the Systems, Integrity of the Results." Discussing these topics was Joe Torre, Election Director for the Anne Arundel County Board of Elections, John Willis, Professor, University of Baltimore, and Ms. Charlson. Ms. Charlson summarized the activity before the 2016 General Election and explained how election officials protect, monitor, and restore election systems and data. Mr. Torre explained how local election officials protect equipment and data and the strict chain of custody procedures used throughout the election process. Mr. Willis provided a national perspective on election security.

### National Association of Secretaries of State (NASS) New Voter Forum

On May 21<sup>st</sup>, Ms. Charlson participated in a panel presentation on Accessible Voting Initiatives and highlighted how voters with disabilities in Maryland have accessible ways to register to vote, request an absentee ballot, and mark a ballot (regular and absentee). She also shared how pollworkers are trained to facilitate voters with disabilities and pollworkers with disabilities are trained and serve. Ms. Charlson was joined on the panel by Vermont Secretary of State Jim Condos and Ben Jackson of the Disability Rights Maryland and the panel was moderated by Tom Hicks, EAC Chair. Cortnee Bryant also attended this forum.

### OSCE Needs Assessment Meeting

On May 23<sup>rd</sup>, Mr. DeMarinis met with four representatives of the Organization of Security and Cooperation in Europe (OSCE) to discuss the current state of elections and campaign finance. The representatives met with various federal, state, and local officials from across the United States. They will be issuing a report on whether the 2018 General Election should have international monitors.

## **2. Election Reform and Management**

### 2018 Primary Election - Absentee Ballots

On May 10<sup>th</sup>, SBE transmitted emails and Election Systems & Software (ES&S), the State's vendor for printing, inserting, and mailing absentee ballot packets, mailed ballots to requesting military and overseas voters. We are happy to report that we complied with the deadline established in the federal Military and Overseas Empowerment Act (MOVE) and in response to a request from the U.S. Department of Justice, supplied data on our compliance.

On May 17<sup>th</sup>, the first round of absentee ballots was transmitted to requesting domestic, civilian voters. This included ballots mailed by ES&S and emails with ballot log-in information sent by SBE.

As of May 21<sup>st</sup>, SBE has sent 3,142 emails with information about how to access SBE's online ballot delivery system. Over 1,400 voters have successfully logged into their accounts, and over 1,000 voters printed their ballots.

#### Harford County - Active Assailant Training

On May 17<sup>th</sup>, Ms. Perrone and Ms. Bryant attended an active assailant training for election judges held by the Harford County Sheriff's Department and the Harford County Board of Elections. The training was very informative, and the election judges were thankful to the staff at the Harford County Board of Elections. The Carroll County Board of Elections, in conjunction with the Carroll County Sheriff's Department, is also offering similar training for their election judges. Ms. Perrone will be attending the Carroll County training.

#### Supply Orders

Various types of supplies, including absentee envelopes, instructions, and forms, have been ordered and delivered to the local boards.

#### Help America Vote Act - Federal Funds for Election Security

We submitted a letter certifying that we will comply with the requirements of the new federal funds to improve election security. This step enables us to withdraw the requested funds. We are developing a plan to allocate the funds in ways to enhance the security of our election systems and data.

### **3. Voter Registration**

#### Transmittal of Electronic Applications from State Agencies

Under the Freedom to Vote Act (Chapter 287, 2016 Laws of Maryland), SBE is now receiving electronic applications from the Department of Human Services.

Under the same act, the Maryland Department of Transportation's (MDOT) Department of Mobility was required to begin transmitting electronic applications in July 2017. The agency has not transmitted records, and SBE recently received notice that, while their application is fully compliant, they require a contract modification with their vendor to implement the electronic transfer of records. Mary Wagner reached out to MDOT regarding the expected implementation timeline but has not received a response.

#### MVA Transactions

During the month of April 2018, MVA collected the following voter registration transactions:

New Registration - 9,688	Residential Address Changes - 10,884
Last name changes - 1,599	Political Party Changes - 1,807

#### Non-Citizens

Removal of non-citizens - 9  
Removal of non-citizens who voted - 1  
Removal of non-citizens who voted multiple times - 0  
Non-citizens forwarded to the Office of the State Prosecutor (OSP) - 24

Information on 15 individuals reported in March have now been forwarded to OSP.

The voter registration deadline is Tuesday, June 5, 2018 by 9:00pm.

#### **4. Candidacy and Campaign Finance (CCF) Division**

##### Candidacy

The deadline for non-principal political parties and petition candidates to file a declaration of intent is July 2, 2018.

##### Campaign Finance

On May 10<sup>th</sup>, Mr. DeMarinis provided a campaign finance training at the Maryland GOP's State conference. Mr. DeMarinis spoke with treasurers and candidates regarding their roles and responsibilities, coordination, and recent changes in reporting requirements. Over 25 individuals attended this training.

##### Public Financing Programs

On May 1<sup>st</sup>, the gubernatorial ticket committee, Marylanders for Madaleno-Jenkins, submitted a request to receive a public contribution based upon 1,978 eligible private contributions. The eligible private contributions were raised in accordance with Title 15 of the Election Law Article and exceeded the seed money requirement.

Pursuant to Election Law Article §15-104, Marylanders for Madaleno-Jenkins is qualified to receive a public contribution. The total authorized amount distributed from the Fair Campaign Financing Fund to Marylanders for Madaleno-Jenkins was \$287,467.46. The expenditure limit for the campaign is \$2,798,369.83.

As of April 30<sup>th</sup>, Montgomery County disbursed \$2,972,077 to qualified candidates. Twenty-two candidates have qualified for the program, and two more candidates are awaiting certification upon the submission of an amendment.

On June 7<sup>th</sup>, Mr. DeMarinis is scheduled to appear at the Prince George's Council meeting to discuss the public financing program for that county. Additionally, he is meeting with Wes Williams from the DC Office of Campaign Finance to discuss administering public financing programs. The District recently passed its own public financing program and wants to learn best practices.

##### Campaign Finance Enforcement

The following enforcement actions have occurred since the last meeting.

1. Maryland Psychiatric PAC MD for failure to report contributions on a campaign finance report and expenditures on a campaign finance report. The committee paid the \$100.00 civil penalty on April 10, 2018.
2. House 2018 Victory Slate for failure to maintain account books and records, report contributions on a campaign finance report, and report expenditures on a campaign finance report. The committee paid the civil penalty of \$800.00 on April 24, 2018.
3. Friends of Valerie Ervin for failure to maintain account books and records, report contributions on a campaign finance report, and report expenditures on a campaign finance report. The committee paid the civil penalty of \$650.00 on April 18, 2018.
4. Friends of Lisa Gladden for failure to report contributions on a campaign finance report and expenditures on a campaign finance report. The committee paid the civil penalty of \$2,600.00 on April 26, 2018.
5. Committee to Elect Aaron Penman because the cost of raffle ticket on the raffle exceeded the legal limit, an individual purchased more than \$50.00 worth of

tickets, an authority line violation. The case was referred to the OSP on March 23, 2018, and the committee paid the \$245.00 civil penalty on May 18, 2018.

6. Excellence for Howard County Slate exceeded the transfer limit of \$24,000.00. On February 10, 2018, the committee transferred \$100,000.00 to the Friends of Janet Siddiqui. The case was referred to the OSP on February 23, 2018, and the committee paid the civil penalty of \$1,995.00 on May 18, 2018.
7. Alan Walden 2016 failed to maintain account books and records, to report all contributions on a campaign finance report, and to report all expenditures on a campaign finance report. The candidate paid the civil penalty of \$500.00, received on May 22, 2018.

## 5. **Project Management Office (PMO)**

### Inventory: Excess Equipment Disposal

The PMO continued to work with the Department of General Services and the State's contract recycler to dispose of the TS-R6 voting system and other legacy equipment and supplies. To date, the recycler has picked up 14,896 out of 18,940 TS-R6 units. During this reporting period, SBE sold or is selling 62 servers, 105 UPS units (currently being auctioned), 446 UPS units (sold), and 58 workstations. In addition, we have arranged to recycle 300 legacy TSX voting units.

### Inventory System Updates

SBE and the local boards of elections are conducting the FY2018 audit of their equipment and supplies. As of May 29<sup>th</sup>, the statewide inventory audit compliance is at 84%. The audit is scheduled to be complete by July 15, 2018.

### Other

The Worcester County Board of Elections has moved into its new office and warehouse facility. All of Worcester County's equipment and supplies that were stored at SBE's Central Warehouse have been transported to the new facility. The uncleaned equipment is still located at SBE's Central Warehouse and will be disposed of according to DGS' disposal requirements.

## 6. **Voting Systems**

### Ballot Printing

SBE's ballot printing vendor printed and delivered ballots for early voting, election day, provisional voting, and some absentee voting (*e.g.*, the nursing home and assisted living program, in-person requests, and ballot packets mailed after ES&S stops mailing). This includes 3.6 million ballots, including test decks. Four local boards requested additional ballots, and these ballots are scheduled for delivery this week.

Test decks are sets of pre-marked ballots that include each ballot style and at least one vote for each candidate. The test decks include marked pre-printed ballots and ballot activation cards marked by the ballot marking device. Ballot activation cards for the test decks are created using the touchscreen interface and the headset and keypad. The ballots in the test decks are used during pre-election testing to validate the tabulation of the voting system.

SBE has ordered ballot activation cards for use with the ballot marking devices. These cards have been delivered to the local boards.

### Logic and Accuracy Testing

The local boards have started the pre-election Logic and Accuracy testing of the voting equipment for the 2018 Primary Election, and this will continue for the next two weeks. For each voting location, the local board will test one or more scanners and one ballot marking device. Each scanner will tabulate ballots in a test deck and generate results. The results are compared against the expected results to verify accurate tabulation. The local board of elections then clears the test results and seals the unit for the election.

### Transportation

The transportation vendor is finalizing the schedule for delivery and pick up of equipment for the 2018 Primary Election. Delivery of early voting equipment will start up to three days before early voting begins, but early voting equipment must be picked up after voting ends on the last day of early voting. Delivery of election day equipment typically starts eight days before election day and the return of the election day equipment typically takes a similar time.

### Electronic Pollbooks

The local boards of elections have finished installing the updated software for the pollbooks. The software used during early voting and on election day is the same version. The local boards of elections will start Logic and Accuracy testing on the pollbooks on June 11<sup>th</sup>, after the precinct pull is performed.

## **ASSISTANT ATTORNEY GENERAL'S REPORT**

Mr. Trento submitted the following report:

1. *Benisek v. Lamone*, No. 17-333, October 2017 Term (Supreme Court). No change from the last update. This case involves claims that the State's congressional districting map is an unconstitutional political gerrymander. Oral argument took place on March 28, 2018. Solicitor General Stephen M. Sullivan argued the case in the Supreme Court. Questioning focused on both procedural and substantive elements of the case. The Court is expected to issue its ruling by the end of June.
2. *In re Petition of the Maryland State Board of Elections*, No. 24-C-17-005677 (Cir. Ct., Baltimore City). This matter relates to a petition for judicial review of a decision of the Board of Contract Appeals holding that the State Board had breached its contract with Star Computer Supply ("Star") when it sought to recover money it had paid Star through an offset against other amounts payable to Star by the State of Maryland under unrelated contracts. In connection with this petition for review, the Central Collections Unit also sought to intervene in the case, in light of what it believed was the Board of Contract Appeals' exceeding the scope of its authority on certain issues that affected CCU's practices. On March 18 the Board of Contract Appeals' ruling was affirmed by the Circuit Court, and CCU's motion to intervene was denied. SBE and CCU have elected not to appeal the Circuit Court's ruling. SBE is arranging to satisfy the judgment of approximately \$4,000.
3. *Fusaro v. Davitt et al.* (U.S. District Court, D. Md.). No change from the last update. Plaintiff Dennis Fusaro has brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. The State defendants moved to dismiss the complaint in January, and their reply in support of that motion was filed February 23, 2018. The motion is fully briefed and awaiting ruling by the Court. Assistant Attorney General John Grimm is representing the State Board in this litigation.

4. *Claudia Barber v. Maryland Board of Elections*, No. C-02-CV-17-001691 (Cir. Ct. Anne Arundel Cnty.) On January 25, Ms. Barber appealed from the Circuit Court’s January 11 dismissal of her complaint. Ms. Barber sought damages and judicial review of, among other things, the State Board’s decision not to issue a declaratory ruling permitting her to use campaign funds to pay for litigation costs she incurred in her unsuccessful attempt to retain her position as an administrative law judge in the District of Columbia. Ms. Barber was ruled ineligible for that position due to her candidacy in 2016 for Judge of the Circuit Court for Prince George’s County, Maryland. Ms. Barber’s opening appeal brief has been filed. The Appellees’ brief is due on July 6, 2018. Assistant Attorney General Andrea Trento will represent the State Board in the appeal.
5. *Johnson v. Prince George’s County Board of Elections*, No. CAL16-42799 (Cir. Ct. Prince Georges Cnty.). No change from the last update. This case involves a challenge under the U.S. Constitution and Maryland Constitution and Declaration of Rights to the SBE’s alleged failure to provide information and access to voter registration and voting resources to eligible voters detained by the Prince Georges County Department of Correction during the 2016 election. The case had been originally filed in the Circuit Court for Prince Georges County but was removed on the basis of the federal claims asserted by the Plaintiffs. On February 27, 2018, the U.S. District Court for the District of Maryland granted SBE’s motion to dismiss the Plaintiffs’ federal claims, declined to exercise jurisdiction over the state claims, and remanded the case to the Circuit Court for further proceedings. The parties are awaiting further direction from the court. Assistant Attorney General Andrea Trento will represent the State Board in this matter going forward.
6. *Lewin v. Lamone*, No. C-02-CV-18-001013 (Cir. Ct. Anne Arundel Cnty). This case involved a challenge by voters in the 41<sup>st</sup> Legislative District to SBE’s refusal to remove Nathaniel Oaks’ name from the primary ballot, despite Mr. Oaks’ conviction on March 29, 2018 in the U.S. District Court to two counts of wire fraud and honest services wire fraud. On April 20, 2018, the Circuit Court denied Plaintiff’s motion for preliminary injunction, but on April 26, 2018 granted a motion for reconsideration and entered the preliminary injunction, on the basis of Mr. Oaks’s intervening cancellation of his voter registration (rendering him disqualified to be a candidate). The State Board immediately appealed the ruling and filed a petition for certiorari and a motion to stay the injunction in the Court of Appeals. The petition was accepted and the motion to stay was granted on April 27, 2018. On May 2, 2018, following oral argument, the Court of Appeals reversed the Circuit Court’s entry of the preliminary injunction and remanded the case with instructions that the Circuit Court dismiss the complaint.

On May 11, 2018, Plaintiffs filed a motion for reconsideration in the Court of Appeals, on the ground that the death of Kevin Kamenetz on May 10 was likely to result in the reprinting of ballots and that Mr. Oaks’s name should be removed if ballots were going to be redone in any event. On May 18, 2018, the State Board filed an opposition to the motion for reconsideration based on the State Administrator’s determination that there was not sufficient time to reprint ballots to reflect the filling of the vacancy caused by the death of Mr. Kamenetz, and therefore the relief sought by Plaintiffs was moot. Later that day, the Court of Appeals denied the motion for reconsideration.

7. *Kreamer v. Maryland State Board of Elections*, No. C-02-CV-18-000629 (Cir. Ct. Anne Arundel Cnty.). This case involves a challenge by one of the candidates for the Democratic nomination for Senate District 34 (Harford County) to the eligibility of the other candidate for that nomination. The challenged candidate was not named as defendant in the case. On

May 21, 2018, the Circuit Court granted the State Board's motion to dismiss, ruling that laches barred Ms. Kreamer's claims and that Ms. Kreamer's failure to name a necessary party as a defendant in the lawsuit also required dismissal. That afternoon, Ms. Kreamer filed a petition for certiorari to the Court of Appeals. The State Board's answer to the petition is due June 8, 2018. Assistant Attorney General Andrea Trento is representing the State Board in this matter.

8. *Ervin v. Lamone*, No. C-02-CV-18-001565 (Cir. Ct. Anne Arundel Cnty.). This case, filed on May 29, 2018, involves a challenge by gubernatorial candidate Valerie Ervin to the State Administrator's determination that there is not sufficient time to reprint ballots to reflect the filling of the vacancy caused by former gubernatorial candidate Kevin Kamenetz's death on May 10, 2018, by Ms. Ervin and her running mate, Marisol Johnson. Ms. Ervin has filed a motion for a temporary restraining order and/or preliminary injunction, which should be heard early next week. Assistant Attorney General Andrea Trento is representing the State Administrator in this matter.

Mr. Trento stated that as of today, May 31<sup>st</sup>, the motion for a temporary restraining order was denied and a hearing was set on the preliminary injunction motion for Monday, June 4<sup>th</sup> at 1:30pm.

#### **APPROVAL OF REQUESTS FOR WAIVERS OF CAMPAIGN FINANCE LATE FEES**

Mr. DeMarinis presented requests from 18 campaign committees to waive late fees incurred by the committees. The committees requesting a waiver of late filing fees are listed below:

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| 1. Altieri, Christina Election Campaign        | 10. Pauls, Willie Mae Elect                        |
| 2. Brown, Liz (Elizabeth) 4 Board of Education | 11. Porter, Karen Committee to Unity for           |
| 3. Butler, Judy Friends of                     | 12. Shepke, Bonnie Citizens for                    |
| 4. Cephas, Charles Citizens for                | 13. Sisk, (Steven) Friends for                     |
| 5. EHUDIN, Ross Stuart Friends of              | 14. Smarter Growth PAC                             |
| 6. Flether, Pat Friends of Dist. 6             | 15. Team 36 Slate                                  |
| 7. Johnson, Joel M. for Orphans' Court         | 16. Thompson, Bob Friends of                       |
| 8. Lewandowski, Rich Friends of                | 17. Walker, Mary Citizens for                      |
| 9. Marshall, MargaretT. Campaign to Re-Elect   | 18. Walsh, Edward for Democratic Central Committee |

Mr. Hogan made a motion to approve the waiver requests from the 18 committees, and Ms. Howells seconded the motion. The motion passed unanimously.

#### **APPROVAL OF REQUESTS FOR ADMINISTRATIVE CLOSURE**

Mr. DeMarinis presented a request to administratively close the account of (Anderson) Campbell, Cleopatra for Orphan's Court. The candidate passed away and the campaign bank account has already been closed, so SBE would like to close the campaign account.

Mr. Hogan made a motion to approve the administrative closure of the (Anderson) Campbell, Cleopatra for Orphan's Court account, and Mr. Funn seconded the motion. The motion passed unanimously.

## **USE OF BALLOT MARKING DEVICES – REQUEST FOR ADDITIONAL DEVICES**

### *Ratification of Vote on Montgomery County Request*

Ms. Charlson presented a request that was approved by the State Board via email from the Montgomery County Board of Elections for additional ballot marking devices to allow more voters the opportunity to vote in private without a long wait for a machine. The Montgomery County Board of Elections requested two ballot marking devices for each of its 11 early voting centers, as well as for five precincts that are identified as communities for individuals over the age of 55, as they may have a higher need for the ADA capabilities of the ExpressVote units.

Ms. Charlson requested that the State Board ratify Montgomery County's request for the additional ballot marking devices. Mr. Hogan made a motion to ratify the board's prior approval of the Montgomery passed County Board of Elections' request to deploy two ballot marking devices to all 11 early voting centers and the five identified precincts, and Ms. Howells seconded the motion. The motion unanimously.

### *Approval of Caroline County Request*

Ms. Charlson presented a request from the Caroline County Board of Elections for a second ballot marking device at its early voting center. The early voting center is in the same building as the Caroline County Senior Center and Adult Daycare Program, so they expect a large turnout from elderly voters and voters with disabilities, and therefore greater use of the ballot marking devices.

Mr. Funn made a motion to approve the Caroline County Board of Elections' request to deploy a second ballot marking device to its early voting center, and Mr. Hogan seconded the motion. The motion passed unanimously.

### *Approval of St. Mary's County Request*

Ms. Charlson presented a request from the St. Mary's County Board of Elections for a second ballot marking device at its early voting center. They experienced a high turnout at their early voting center in the 2016 General Election and believe a second ballot marking device will be essential in mitigating long wait times for voters.

Mr. Hogan made a motion to approve the St. Mary's County Board of Elections' request to deploy a second ballot marking device to its early voting center, and Mr. Funn seconded the motion. The motion passed unanimously.

## **OLD BUSINESS**

*Ballot Duplication – Review of Legal Advice (moved to Closed Session)*

## **NEW BUSINESS**

### *Request to Accredite Challenger and Watcher*

Ms. Charlson presented a request from Ben Jackson of Disability Rights Maryland to designate himself and Yosef Reed as a challenger and watcher. Ms. Charlson specified that these requests do not typically go before the State Board, as they usually go to the counties, but when the request includes multiple counties, it is most efficient to make the request to the State Board. The State Board has the authority under §10-311 to designate challengers and watchers. Ms. Charlson asked the board to consider designating Ben Jackson and Yosef Reed so they may observe voting in early voting centers in 14 counties. Their specific goal is to look at the accessibility of each early voting center. The 14 counties are geographically located mostly in the central part of the state, spanning as far west as Washington County and as far east as Anne Arundel or St. Mary's

County. In response to a question from Mr. McManus, Ms. Charlson stated that Mr. Jackson and Mr. Reed are both registered voters and meet the legal requirements to become challengers and watchers.

Mr. Hogan made a motion to approve the request for Mr. Jackson and Mr. Reed to become challengers and watchers, and Ms. Howells seconded the motion. The motion passed unanimously.

*Public Comment – Mariana Cordier, Counsel for Valerie Ervin*

Ms. Mariana Cordier, Counsel for Valerie Ervin, Democratic candidate for Governor, stated that she and Ms. Ervin are filing a suit, requesting reconsideration of the State Administrator's decision to not reprint the ballots because they believe the voters in Maryland will not be fully advised and informed, even with the basic efforts to notify the public of the candidacy change. Ms. Cordier feels that mistakes can occur and if the posting of the notice in polls does not happen, it can detrimentally affect the integrity of the election. She also stated that if the ballots cannot be reprinted, she and Ms. Ervin would like to request that a sticker be affixed to each ballot. Ms. Cordier expressed that they do not believe they are asking for anything special and that they are asking for compliance with the law. She stated that they believe it is important to protect the integrity of the election and the voters' rights.

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Mr. Hogan reported that he contributed \$100 to Friends of Sarah Elfreth and \$500 to Anthony Brown for Congress.

**SCHEDULE NEXT MEETING**

*Certification of Primary Election Results*

The next meeting is scheduled for July 19, 2018, at 2:00 pm, to certify the results of the primary election.

**CLOSED MEETING**

Mr. McManus requested a motion to close the board meeting under General Provisions Article, §3-305(b)(1), which permits closing a meeting to discuss a personnel matter that affects a specific individual, §3-305(b)(7), which permits closing a meeting to obtain legal advice regarding the Novus ballot duplication software product and ongoing litigation, and §3-305(b)(10) and (13), which permits closing a meeting to discuss sensitive issues related to ongoing efforts to enhance election security. Meeting in closed session allows the members of the State Board to discuss compensation of employees over whom the State Board has salary setting authority, receive information about and discuss the security of election information systems, and discuss legal advice and ongoing litigation.

Mr. Hogan made a motion to convene in closed session, and Ms. Howells seconded the motion. The motion passed unanimously. The motion having passed, the Board met in closed session in accordance with exemptions (b)(1), (7), (10) and (13) of Section 3-305 of the Open Meetings Act to discuss compensation for seven individuals employed by local boards of elections, receive information about the security of election information systems, and discuss legal advice and ongoing litigation.

The closed session began at 2:50 pm. In addition to the board members present at the open meeting, the following individuals were present at the closed session: Ms. Lamone, Mr. Trento, Ms. Charlson, and Ms. Perrone.

*Personnel Action*

Ms. Charlson presented one-time step adjustments for seven individuals employed by local boards of elections. Mr. Hogan made a motion to accept the requested one-time step adjustment for the seven individuals, and Mr. Funn seconded the motion. The motion passed unanimously.

*Ballot Duplication – Review of Legal Advice*

Mr. Trento addressed legal questions regarding Runbeck's Novus Ballot Duplication System asked by Ms. Howells. There was a discussion about prior Attorney General opinions and advice in regards to what is considered a part of the voting system, federal certification of the system, and the possibility of independent certification of the system. No action was taken.

*Change in Democratic Candidates for Governor*

Mr. Trento relayed the facts of the *Ervin v. Lamone* case and reiterated that a hearing will take place on June 4<sup>th</sup> at 1:30 pm. Mr. Trento advised the State Board members to refrain from discussing the facts of the case in the open session of the meeting because the case is in litigation. No action was taken.

Mr. Cogan joined the meeting at 3:20 pm.

*Security Briefing*

Ms. Charlson provided an overview of the various reports issued by the U.S Department of Homeland Security and summarized the findings and comparisons with other similarly situated evaluated entities. No action was taken.

The closed meeting adjourned at 3:58 pm.

**ADJOURNMENT**

Ms. Howells made a motion to adjourn the open meeting, and Mr. Hogan seconded the motion. The motion passed unanimously. Mr. McManus adjourned the meeting at 4:01 pm.