

# State of Maryland

## State Administrator's Report – October 2009

### 1. Meetings and Important Dates

#### Election Directors' Meeting

An election directors' meeting was held on Tuesday, October 20<sup>th</sup>. A summary of the meeting will be provided at the board meeting.

### 2. Election Reform & Management

#### Regulations Update

In addition to the regulations on the meeting agenda, previously adopted regulations are at various stages of the adoption process. The regulations adopted as final at the September board meeting were published in the October 9, 2009, edition of the *Maryland Register* and were effective as of October 19, 2009. The regulations made changes to Subtitles 13 (Campaign Financing), 15 (Precincts, Polling Places, and Directories), and 16 (Provisional Voting). Notice to the local boards was provided in the October 10<sup>th</sup> edition of the County Bulletin.

The public comment period for the new regulations relating to the site selection process for early voting closed on October 13, 2009, and no public comments were received. Since this new regulation cannot be adopted as final until after October 27, 2009, it will be presented for final adoption at the next board meeting. The anticipated effective date for this regulation is December 28, 2009.

The agency's review of regulations under the Regulatory Review and Evaluation Act is nearing completion. Evaluation reports for 33.05 (Voter Registration) and 33.11 (Absentee Voting) – the final two subtitles – were submitted to the General Assembly's Administrative, Executive, and Legislative Review Committee, and a notice of public inspection of the evaluation reports will be published in the October 23, 2009, edition of the *Maryland Register*. Proposed changes to these subtitles will be presented at the January board meeting.

#### Federal Legislation

Congress continues to hold hearings and consider election-related legislation. S. 1415 – Military and Overseas Voter Empowerment Act introduced by Senator Schumer has been amended into S. 1390 – National Defense Authorization Act for FY2010. Since the Senate and House of Representatives passed two different versions of S. 1390, the legislation was sent to conference committee. The conference committee in the House of Representatives passed the legislation with a few minor changes, and the Senate conference committee is expected to meet shortly.

The Subcommittee on Elections of the House Administration Committee is holding a hearing on October 23<sup>rd</sup> on H.R. 1719 – Voter Registration Modernization Act of 2009 introduced by Congresswomen Lofgren. This legislation would require election officials to provide on-line voter registration and change of information, use of electronic mail to communicate certain information to certain voters, and authorize the use of Help America Vote Act funds to implement the requirements. While the general intent and timeframe of the legislation is reasonable, some of the provisions are problematic for election officials. I provided a summary of the most critical issues to counsel of the House Administration Committee (see meeting materials for a copy of the letter).

#### Election Official Preparedness and Professional Development Program

As I mentioned at the July meeting, Rick Urps has been developing a certification program for election directors, deputy directors, and staff of the local boards. The program includes courses that will assist local board employees with preparing for an election as well as enhancing their professional development with courses such as project management and managing an election office. On September 29<sup>th</sup>, Keith Ross of the Project Management Office conducted a trial course of Project Management. I, along with several SBE staff members and several representatives of the local boards, attended this trial course. The course was very well received and will be the first course offered in the program. We expect to present this and other courses at the combined SBE biennial/MAEO meeting in May 2010.

#### Election Judges' Manual Committee

The committee continues to work through the 2008 election judges' manual and update and improve it for the 2010 elections and has started identifying and working through issues related to early voting. Work will continue through the winter with some of the material awaiting the selection of a voting system.

### 3. **Voter Registration**

#### Data Center Refresh

The refresh of the data center is ongoing. Currently, the new components (servers, firewalls, database and system software) are being prepared and tested by the Voter Registration Division team at the VROC data center in Annapolis. Once the testing is complete and the VROC is operational, new equipment will be transported and installed at the COOP data center in Cumberland. The expected date for the full operation of the new data centers is December 31<sup>st</sup>.

#### Software Release

The mock election for MDVOTERS release 2.26 is currently being conducted. The expected completion of the mock election and the release being moved into production is October 25, 2009. Development of early voting software is ongoing.

#### MVA Mailings

Roughly 15,000 letters have been mailed from MVA to voters and applicants whose registration records either need to be updated or who believe they are currently registered but do not appear in MDVOTERS. The response has been overwhelming.

### 4. **Candidacy and Campaign Finance**

#### Candidate Filing

As of October 19, 2009, 47 candidates have officially filed for the 2010 Gubernatorial Election.

#### Audit of Campaign Finance Reports

The Candidacy and Campaign Finance Division has finished its audit of the 2008 election related campaign finance reports. 105 committees have received deficiency notices. During our review, the most common deficiencies were missing or incomplete address, incorrect entries for reimbursements, and a lack of explanation for expenditures. The committees have until November 13, 2009 to amend their campaign finance reports otherwise they will be charged late fees.

#### Training/Classes

On October 8, 2009, Jared DeMarinis spoke at the Farm Bureau candidate training forum on candidate filing and campaign finance requirements for the 2010 elections. It was attended by 30 people.

Currently, 30 people have signed up for the Friday, October 23<sup>rd</sup> seminar at the SBE office on campaign finance regulations.

#### Enforcement Actions

On September 29, 2009, SBE referred 40 committees for failure to file 2008 Pre-General and Post General Campaign Finance Reports. Additionally, SBE referred over 90 committees for failure to file the 2009 Annual Report. Prior to the referral every officer has received at least 3 notices from SBE as a reminder to file the report.

### 5. **Voting Systems**

#### Procurement

Evaluations have started on the responses to the voting system equipment contract and the voting system support services contract.

#### Municipal Elections

Several LBEs have been preparing voting units and conducting Logic and Accuracy for Municipal Elections to be held on November 3<sup>rd</sup>, 2009. These municipalities include Annapolis, Frederick, Bel Air, Aberdeen and Chestertown. Since pollbooks will be used at these elections, databases, L&A test scripts and control count reports were prepared.

#### Electronic Pollbooks

The functional requirements document for pollbook ballot-on-demand printing and client/server capability has been completed. Required changes are currently being programmed under the direction of ES&S's Electronic Pollbook service group in Roseville, California. A pre-release version of the software for testing by SBE is scheduled for delivery in mid-November.

### Touchscreen Maintenance

Most LBEs – all of Phase II and Baltimore City – have received new touchscreen batteries for the TS units that are to be retained for the 2010 election. The LBEs have begun the process of installing these batteries for approximately 3300 voting units.

## **6. Information Technology**

### Technical Updates and Activities

- Updated several SBE hardware/software licenses and support
- Completed Oracle priority patch
- Completed several third party software upgrades/patches
- Posted updated candidate lists to the web
- Provided comparison tables for MVA voter look-ups
- Rebuilt 2 desktop computers and 2 laptops
- Provided expanded memory for and reimaged eight old PCs to maintain operability
- Completed several Web site updates
- Completed numerous updates to the on-line library
- Completed monthly updates to PBX
- Facilitated VPN demonstration for future EV Poll Book networking
- Completed material inventory updates to 6 LBEs

### Training

- Completed updated Accessibility Training – Natasha W.
- Completed update FMIS training – Thomas Q.
- Completed Basic Virtual Ware – Vincent O.

### Security

- Processed 1 employee background check and 1 contractor clearance
- Conducted LBE Security audits at Allegany, Howard and Wicomico LBE (for Legislative Audit)
- Updated 34 MDVOTERS user access accounts
- Conducted several MDVOTERS user access analysis for the legislative audit (system audit and LBE audits)
- Conducted a firewall configuration analysis for legislative audit team.

## **7. Update from Prior Meeting**

### Legacy Leadership

Staff has asked five of the ten legacy leaders who attended last month's meeting to fulfill specific internship roles at SBE. The five interns we are working with are:

1. Tim Lawrence – He has not begun working yet, but we plan to utilize his skills with tracking legislation during session.
2. Robert Bruce – He is working with the voting system team on the planning and execution of mock election testing.
3. LaVera Burnim – She is working with the Candidacy and Campaign Finance Division on reviewing referrals to the Central Collection Unit.
4. Edward Post – He has not begun working yet, but we plan to utilize his skills with a variety of projects including Candidacy and Campaign Finance and voting system project management.
5. Sandra Rayford – She is working on revising SBE's employee manual and other procedures.

### Republican State Central Committee

Pursuant to the agreement, the Maryland GOP made its first monthly payment to the Michael Steele committee. The payment and accounts were verified by SBE via its monthly meeting with Maryland GOP. Additionally, the Maryland GOP has been working on amending all of its campaign finance reports to accurately reflect the debt to the law firm and its subsequent payment by the Michael Steele committee. The amended report issue should be resolved soon.

### LBE By-laws status

In the meeting materials is a status of all of the LBEs in adopting bylaws. There are only three counties that have not adopted bylaws – Baltimore County, Frederick County, and Montgomery County. All have indicated that they plan to take this issue up in the near future.

