Agenda
State Board Meeting
January 31, 2013
2:00 PM
State Board Office
151 West Street, Suite 200
Annapolis, Maryland 21401

1. Declaration of Quorum Present
2. Approval of Prior Meeting Minutes
3. Additions to the Agenda
4. Administrator’s Report
5. Assistant Attorney General’s Report
6. Waivers of Campaign Finance Late Fees
7. Old Business
8. New Business
9. Confirm Next Meeting Date
10. Adjournment

Public Participation
The members of the public may address the Board on any item on this agenda. Pursuant to §3.2B of the Board’s bylaws, public participation at a meeting must be pre-scheduled and pre-approved by the Chairman. To obtain approval to speak at a board meeting, please contact Ross Goldstein at 410-269-2877 or by email rgoldstein@elections.state.md.us no later than 5:00 pm the day before the meeting.
State of Maryland
State Board of Elections Meeting – December 6, 2012

Attendees: Bobbie Mack, Chair
David McManus, Vice Chair
Rachel McGuckian, Member
Chuck Thomann, Member
Patrick Murray, Member
Linda Lamone, Administrator
Ross Goldstein, Deputy Administrator
Jeffrey Darsie, Assistant Attorney General
Donna Duncan, Election Management Director
Nikki Charlson, Election Reform Director
Paul Aumayr, Director, Voting Systems
Keith Ross, Assistant Deputy for Project Management
Mary Wagner, Voter Registration Director
Victoria Smith, Campaign Finance

Also Present: Barbara Sanders, League of Women Voters of Maryland
Lynn Garland, Montgomery County
J.H. Snider
Anthony Gutierrez, Wicomico County

DECLARATION OF QUORUM PRESENT
Chairman Mack called the meeting to order at 2:00 pm and declared that a quorum was present.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES
The minutes of the October 25, 2012, board meeting were presented for approval. The minutes were approved unanimously.

ADMINISTRATOR’S REPORT
Ross Goldstein presented the Administrator’s Report.

1. Announcements
   Congratulations and Thanks
   Linda Lamone recognized the hard work and dedication of all of the SBE staff and the staff at the local boards of elections. This election posed some new and unique challenges, and she was impressed by the ability of all involved to quickly and creatively address the issues created by Hurricane Sandy. Ms. Lamone also recognized the Governor and his staff for the important contributions they made towards managing the response to Hurricane Sandy. In addition, Ms. Lamone specifically recognized Steve Fratz, Election Director for Garrett County and Joanna Emely, Election Director for Somerset County. Both of their counties experienced the most significant damage as a result of the storm and they both were personally impacted. Nonetheless, both individuals worked tirelessly to overcome the many obstacles they were presented with and still conducted a flawless election.

   On behalf of the Board, Chairman Mack also extended thanks and appreciation for a job well done by all of the State and local board staff.

   Departure
   Christine Oswald who has been serving as a fiscal officer in charge of accounts payable is leaving later this month for a job at the Motor Vehicle Administration. Christine has been with SBE for 7 years. She started as a contractual employee working as a receptionist for the campaign finance division and through her own initiative got trained on the fiscal duties and moved into that position when it became vacant. We wish Christine the best of luck in her new position, but she will be missed.

2. Meetings and Important Dates
   Bi-Partisan Policy Center
   Ross Goldstein and Ms. Lamone attended a meeting hosted by the Bi-Partisan Policy Center to discuss the 2012 election, with a focus on issues concerning lines at the polling place. The meeting included the election director for Virginia, county election officials from Maryland and Virginia, and several academics and
policy experts. The meeting highlighted various causes of long wait times, general challenges of administering an election, and other issues that occurred during the election. Except for a general consensus that more funding is needed, there were no practical solutions or policy conclusions that came out of the meeting.

Ms. Mack noted that lines were a significant concern both during early voting and on election day in several counties. She noted that during early voting, local boards added equipment that helped address the lines. However, space limitation at some centers did not allow for the line problems to be fully remedied. Mr. Goldstein stated that staff is reviewing the election data in an effort to determine the cause of the lines in Maryland. Hopefully the analysis will lead to conclusions about what changes, if any, are needed for early voting and election day.

National Conference of State Legislatures (NCSL)
Ms. Lamone moderated a panel at NCSL’s 2012 Fall Forum in Washington D.C. on December 6th. The panel discussed early voting and the factors that affect turnout, including the number of days, hours, parking and the proximity of the days of early voting to election day.

Conference on Governmental Ethics Laws (COGEL)
From December 2nd to December 5th, Jared DeMarinis attended the COGEL conference in Columbus, Ohio. COGEL consists of campaign finance and ethics regulators from the United States and Canada. It was a very informative conference on the recent developments in those fields. Super PACs and independent expenditures were a major focus. Mr. DeMarinis also gave a presentation on Maryland’s regulations on the use of social media and authority line disclosure requirements and noted that British Columbia has adopted Maryland’s regulations.

Conference: Voting in America 2012
On December 10th – 11th, the Pew Charitable Trusts is hosting a conference in Washington, DC about the 2012 General Election. Ms. Lamone, Mary Wagner, Stacey Johnson, and Nikki Charters will be attending on Monday, December 10th. The following topics are scheduled to be discussed: technology, social media, and election administration, election day participation, military and overseas voting, the cost of elections, voter ID, and voter registration.

State Certification of Election Results
On Tuesday, November 27, 2012, the Board of State Canvassers met to canvass the votes cast at the November 6, 2012 Presidential General Election. The Canvass Board members present were Secretary of State John P. McDonough, Comptroller Peter Franchot, State Treasurer Nancy Kopp, and Bessie M. Decker, Clerk of the Court of Appeals. Attorney General Doug Gansler was absent. The State Administrator served as Secretary to the Board. After electing Nancy Kopp to serve as Chairman of the meeting, the Board reviewed the tabulation of results and declared the winners for each state filed candidate office and various ballot questions. A copy of the results was provided in the meeting folder.

Governor O’Malley attended the meeting and expressed his appreciation for hard work of all the election officials and the election judges. In turn, we thanked the Governor and his staff for the assistance provided during Hurricane Sandy.

Following certification, numerous documents must be created. To date, the following have been prepared and sent:
- Commissions of Election for all winning candidates (signed by Governor and Secretary of State)
- Certificates of Election for all state-level winning candidates (signed by State Administrator)
- Proclamations on ballot questions (signed by Governor and Secretary of State)
- Proclamations on US Senate and US Congressional winning candidates (signed by Governor and Secretary of State)
- Declarations on US Senate and US Congressional winning candidates (signed by State Administrator)
- Declaration on ballot questions (signed by State Administrator)

Each of these documents is generated through the Election Management System and prepared by Natasha Walker and staff of the Candidacy and Campaign Finance Division.

Electoral College
The Electoral College will be held on Monday, December 17th at 10:00 am in the State House. There are many formal documents needed for this meeting and staff is hard at work pulling it all together.
3. **Election Reform & Management**  
**Post-Election Reports**

After each election, SBE is required to submit to the U.S. Election Assistance Commission and the Federal Voting Assistance Program election-related data. Nikki Charlson is reviewing data from the 2012 General Election that will eventually be submitted. Ms. Charlson provided three draft reports in the meeting folder. The reports for the 2012 General Election were:

- Absentee voting data, including the number of ballots sent, received, accepted, and rejected (by reason and by county).
- Absentee voting data for domestic, civilian voters and military and overseas voters. Ms. Charlson noted that domestic, civilian voters were able to receive their ballots electronically because of one of the Governor's Executive Orders. The percentage of military and overseas voters who receive their ballots electronically is dramatically increasing. In the 2010 elections, 29% and 37% of these voters received their ballots electronically; in the 2012 elections, 67% and 74% received their ballots electronically. Ms. Charlson explained that the 2012 elections were the first election since 2002 without the 2-cycle absentee ballot request requirement. As a result, the 2012 General Election provides a baseline return rate for ballots issues to military and overseas voters; it was 74.20% for this election.
- Provisional voting data, including the number of provisional ballots cast, accepted in full, accepted in part, and rejected (by reason and by county). Ms. Charlson noted that there were more provisional ballots cast in the 2012 General Election than in any other election; the number of provisional ballots cast in the 2012 General Election was almost 50% more than the highest election to date. She noted the high percentages of accepted in part ballots for Somerset and Allegany Counties and attributed this to college students registered elsewhere in Maryland but voting a provisional ballot at a polling place by their college campus. Ms. Charlson also explained that there is a downward trend in the number of provisional ballots rejected for lack of a signature. This is due increased emphasis in election judges' training and a minor change to the provisional ballot application. A further decrease is expected in future elections as a redesign of the application will be made.

Ms. Charlson noted that the final versions of these reports will be posted on the website and provided to the local boards. She expects that the final versions will not be substantially different from the draft reports.

4. **Voter Registration**  
**MDVOTERS Certification of the Election**

The process in the statewide voter registration system (MDVOTERS) to complete the election and apply the appropriate voting credit to each voter was completed on Wednesday, December 28th. The process was difficult due to data entry errors by the local boards. For example, there were instances where an absentee ballot was not properly accepted into the system and incorrect fields were used when processing provisional ballots. The Canton Group, along with the voter registration staff, tested every possible scenario and corrected records to allow the process to be completed.

**Software Release**

Testing is currently taking place on an upcoming release of software for MDVOTERS. The release will deal with election judge enhancements as well as software updates.

5. **Candidacy and Campaign Finance**  
**Candidacy**

A request for proposals (due on December 10th) for the maintenance and operation of the agency's elections management system was released last week. The contract will include tasks related to the transition and migration of historical candidate filing data into MDVOTERS.

MDVOTERS will take over the functions of candidate filing starting with the 2014 Gubernatorial Election. Staff is working closely with MDVOTERS developers to complete the module and be ready for the beginning of candidate filing in June 2013.

**Campaign Finance**

On December 7th, the Commission for Campaign Finance is scheduled to meet one last time and release its recommendations. All of the recommendations were reached on a unanimous, bipartisan process.

On November 27th, the 2012 Post General Presidential Report was due. Currently, 18% of the required committees have failed to file.
The 2012 General Election was the most expensive election in Maryland’s history. The proponents and opponents to ballot Question 7 raised and spent nearly $100 million. This figure more than doubles the next most expensive race in Maryland’s history.

6. Voting Systems
   Early Voting
Due to Hurricane Sandy, early voting was cancelled for the Monday and Tuesday of early voting, and time was made up by extending it to the Friday and adding 3 hours to each day. In the end early voting was only cut by one hour. Despite the changes, 430,000 voters cast their ballots during early voting, approximately 15% of all ballots cast. Some 750 voting units and 250 electronic pollbooks were used for early voting. Due to long lines, a number of local boards added equipment.

The additional day of early voting also meant that the bulk update of the pollbooks for election day had to be postponed by one day. The bulk update process loads each pollbook with the early voting data, ensuring voters cannot cast a ballot both during early voting and election day. The loss of one day meant staff at SBE had to work overnight on the last day of early voting to compile the bulk update file and local board staff had to work overnight on Saturday to complete the update in time for delivery to polling places.

Election Day
Election Day saw the use of 16,700 voting units and 5,500 electronic pollbooks. In general, the day was busy, with heavy use, but the equipment worked well – with only a few cases of equipment issues. Where issues were reported, additional and replacement equipment was sent out where necessary. The Voting System team and the local boards are currently following up with reported issues.

Canvasses
The counting of absentee and provisional ballots this election was particularly busy. Due to the length of the ballot, six local boards had two-page ballots. Mr. Goldstein referred to Ms. Charlson’s reports for absentee and provisional ballot data. SBE leased additional optical scanner voting units in anticipation of high turnout.

Post Election
It is expected that voting equipment will be released on Monday, December 10th, so the local boards may commence post election maintenance. SBE is still compiling data on reported election issues, but we anticipate this will be finished shortly. There have been two requests for public inspection of voting equipment. In both cases, the request is from a voter who is concerned that the equipment changed the voter’s selection. In each of these reported instances, the voter was able to correct the vote and the summary screen properly showed voter’s selection. Paul Aumayr will lead the test in Carroll County on December 11th.

Parallel Testing
On election day, SBE staff and other volunteers conducted “parallel testing” of a touchscreen voting unit from Cecil County. During testing hours, a total of 190 ballots were voted on the voting unit, while those were simultaneously hand-tallied. After the polls closed, the hand-tallied results were compared to the voting unit totals report, confirming that the voting unit accurately tabulated all votes cast in all contests.

7. Project Management (PM) and Information Technology (IT)
   SBE General Election Helpdesk
SBE successfully completed the use of the cloud based Election Ally Helpdesk system from Dynamic Path, LLC. Staff used the system to help manage calls and issues. There were a number of process improvements identified by staff that will be forwarded onto the vendor for future release of their system. Expectations are that the system can be used again in future elections.

General Election Call Center Support
The Call Center support for the 2012 General Election ended on November 7th. There were 111,539 calls that came into the Call Center from the start of support on October 1th through November 7th. In addition to providing support for SBE, five local boards were also supported: Anne Arundel, Baltimore City, Baltimore County, Harford, and Prince George’s. The number of calls received for 2012 General Election was the greatest ever experienced with call center support. The majority of calls were in regards to the mailing at the beginning of the October, voter registration questions, absentee ballot questions, questions pertaining to what is on the ballot, and the impact of Hurricane Sandy. We are now in the process of analyzing the detailed call center data.
Regional Manager Transition
SBE is in the process of transitioning the Regional Manager support from the current services contractor to SBE which will take place in January 2013. This month, SBE will be conducting interviews for the six Regional Manager positions and one Regional Manager Supervisor position.

Google Apps Migration
SBE will fully migrate to the State of Maryland's Google Apps environment on or around January 15, 2013. As a result, SBE will join the ever growing number of agencies that have already migrated (Governor's Office, Department of Information Technology, State Police, Department of Agriculture). In addition to the SBE migration, there are three local boards (Caroline, Queen Anne's, and Worcester) that migrated earlier this year onto maryland.gov. The remaining local boards have been offered the opportunity of being part of the January migration. The option of migrating is open-ended so when and if a local board decides to migrate is completely up to them.

New Workstations for Worcester County
Worcester County requested the purchase of four new workstations through SBE. The workstations have since been purchased and delivered to the county. The county's IT staff has begun the deployment of the new workstations in their elections office.

New Audio Conference Account
Maryland's original audio conferencing account which SBE used has expired. Maryland chose InterCall as the new audio and web conferencing vendor that will bring enhanced teleconferencing capabilities and provide significant cost savings to the State. InterCall, has replaced the previous vendor (Verizon) with a "reservationless" teleconferencing system that combines on-demand flexibility with a set of new, powerful and easy to use features.

Long Distance Calling
SBE's existing contract for long distance calling through Verizon has expired. The new long distance calling contract is with AT&T. The transition from Verizon to AT&T has taken place but a few billing issues with the new contract are being resolved at the moment. This contract is for SBE's office landlines.

ASSISTANT ATTORNEY GENERAL'S REPORT
Mr. Darsie reported that a lawsuit challenging the certification of statewide Question 7 (Expansion of Gaming Act) from the recent general election was filed November 2, 2012. The lawsuit alleges that Article XIX requires a constitutional amendment to authorize additional forms or expansion of commercial gaming or, alternatively, that the majority of voters needed to approve Question 7 means over 50% of the registered voters in the State, rather than a majority of voters casting ballots on Question 7. Canavan v. Maryland State Board of Elections, No. 02-C-12-173637 (Circuit Court, Anne Arundel Co., Md.). Plaintiffs have named as defendants the State Board of Elections, Linda Lamone as State Administrator of Elections, Governor O'Malley, the Maryland State Lottery and Gaming Control Commission, and the State Lottery Agency and its director, Stephen Martino ("State Defendants"). Seeking to intervene as additional defendants are two groups favoring passage of Question 7, one representing residents and taxpayers of Prince George's County, the other persons or entities associated with MGM Resorts International and CBAC Gaming (Caesar's). Judge Silkworth has been assigned to hear the case. Assistant Attorneys General Julia Doyle Bernhardt and Jeff Darsie are representing all State Defendants and expect to file their dispositive motion shortly.

The Maryland Court of Appeals on November 9, 2012, upheld as constitutional the Governor's legislative districting plan and dismissed all petitions that were filed against it for reasons to be given later in a written opinion. In the Matter of 2012 Legislative Districting of the State, Court of Appeals Misc. Nos. 1, 2, 3, and 5 (September Term, 2012). Mr. Darsie noted that with this case settled, the State is done with legislative redistricting lawsuits.

WAIVERS OF CAMPAIGN FINANCE LATE FEES
Jared DeMarinis presented the Administrator's recommendation for approval of waiver of late fees for the following campaign finance committees.

1. Against Big Box Text Amendment
2. Baltimore Teachers Union
3. Braveboy, Alisha Friends of
4. Business and Commerce PAC
5. Camphausen, Lauren for School Board
6. Coca-Cola Refreshments USA, Inc. for Good Government PAC, MD
7. Eubanks, Patricia Friends of
8. Fiastre, John for Maryland
9. Hurley, Friends of Eric
10. Kauffman, Phil Friends of
11. Kirby, J. Brian for School Board
12. McLaughlin, for SBE
13. Nagle, John J. Ill Retain Judge

SBE 1/30/2013
A motion to approve the recommended waiver was made by Ms. McGuckian and seconded by Mr. Murray. The motion was unanimously approved.

APPROVAL OF FORM
Mr. Goldstein presented a revised version of the Confidentiality Request Form for the Board’s approval. The form was amended to clarify that a person may request to have personal information that is part of a campaign finance record kept confidential. The prior form implied that having one’s name on such a record was grounds to request confidentiality, which is not correct (the grounds for requesting confidentiality are limited to law enforcement officials or other individuals that require confidentiality for their safety). The revised form also includes email address as personal information that would be kept confidential. Finally, due to the confusion created by the old form, the Board tabled the request for confidentiality from Mr. Smith. Mr. Goldstein informed the Board that Mr. Smith had been contacted by staff, but to date has not responded to requests to clarify his request for confidentiality.

A motion to approve the revised Confidentiality Request Form was made by Mr. McManus and seconded by Mr. Thomann. The motion was unanimously approved.

OLD BUSINESS
Ms. Duncan asked the Board to affirm the polling place relocation that was approved by the Board immediately prior to the election. The polling place was precinct 8-1 (Ryans Glade) in Garrett County. The precinct was moved due to lack of power to Southern High School cafeteria. Mr. Fratz issued a press release to local media and State Highway Administration and provided a message billboard at Ryans Glade directing voters to the new location. A motion to affirm the prior approval was made by Ms. McGuckian and seconded by Mr. Murray. The motion was unanimously approved.

Ms. Lamone noted that, in light of the widespread power outages in Garrett County, the responsiveness and efforts by Potomac Edison to prioritize and restore power to most of the precincts in Garrett County was very much appreciated. In general, Ms. Lamone noted that all of the power companies were very responsive as was the State Highway Administration, which provided several signs such as the one outside the closed precinct in Garrett County.

NEW BUSINESS
There was no new business.

SCHEDULING OF NEXT MEETING
The next meeting was scheduled for January 31st at 1:00 pm.

ADJOURNMENT
Ms. Mack adjourned the meeting at 3:50 pm.
1 Announcements
Chere' Evans
Please join us in welcoming Rosemary Alexandria Nicole Evans, Chere' and Richard Evans' daughter and Nadine's little sister. She kept everyone waiting for a while but made her grand entrance on January 16th at 10:03 pm. Everyone is doing well.

2 Meetings and Important Dates
National Association of State Election Directors (NASED)
I attended the NASED Winter Meeting in Washington D.C. on January 24th through 26th. The meeting included a briefing by the Department of Justice and the Election Assistance Commission. Congressional staffers also provided a briefing on pending legislation. The Government Accountability Office informed the conference that they will be conducting a study on a variety of election related issues. Finally, there were a variety of presentations by different states on new initiatives, best practices, and lessons learned. A summary of the conference is included in the meeting folder.

Classes
On January 8th and 23rd, Jared DeMarinis conducted joint informational sessions with State Ethics on the reporting requirements of Title 14 of the Election Law Article and State Government Article § 15-715. Those provisions involve requirements for businesses to report contributions if the business does business with the State or employs a lobbyist. The session was very enlightening to many of the lobbyists in attendance and who will be able to inform their clients about the requirements and how to comply.

On January 8th and 11th, Jared DeMarinis held seminars on using SBE's new online campaign finance reporting system - MD CRIS. The session focused on entering contributions and expenditures and how to file a report. Over 50 people attended the sessions.

3 Election Reform and Management
Post-Election Data Reports
After each election, SBE submits various post-election reports. Election officials submit to the U.S. Election Assistance Commission an extensive data report covering voter registration, absentee and provisional voting, voting locations, and voting equipment. This report is due February 1st and will be submitted on time. SBE submits to the Department of Defense's Federal Voting Assistance Program (FVAP) two reports. One report is related to the grant SBE received to implement online voter registration and an online ballot delivery system, and this report was submitted earlier this month. The second FVAP survey requests from a sampling of Maryland's counties voter registration and absentee data for
military voters and voters who live outside of the United States. This data is due February 15th, and SBE will be submitting the data on behalf of the local boards of elections.

**Review of Voting History**
The review of voting history from the 2012 General Election is on-going. This process includes reviewing the statewide list of voters who have more than one voting credit and working with the local boards of elections to determine if the voters attempted to vote more than once or if there was a clerical error that needs to be corrected. This process should be completed by the end of February.

**Polling Place Evaluation Program**
Rick Urps is in the process of reviewing the polling place evaluation forms completed during the 2012 General Election and submitted to SBE by the local boards of elections. Rick sends to the local boards a summary report of his review for their response.

So far, all local boards are in compliance with the number of polling place evaluations required to be conducted for their jurisdictions. In general, the evaluators were more diligent when completing the forms than for previous elections. Also, the evaluators effectively used the “Comments” sections of the evaluation form to document issues and actions taken by election judges to resolve issues. The most common issues identified were a lack of parking places at some polling places because of heavy voter turnout and equipment issues. Where long voter lines were indicated, evaluators noted that the election judges did a good job keeping the lines moving and a good job accommodating elderly voters and voters with disabilities. Where equipment issues were indicated, evaluators noted that technical staff were able to resolve the issues.

**Election Preparedness and Professional Development (EPPD) Program**
A series of training classes on legislative redistricting are scheduled for local board staff in February. The classes will be held regionally to accommodate all local boards. The classes will be held in Howard, Washington, and Worcester Counties. In addition, a class will be held in Prince George's County specifically for Prince George's County staff.

4  **Voter Registration**
**MDVoters**
Release 4.4 was put into production use. This release dealt with election judge module enhancements as well as fixing old issues.

**Candidacy Software Development**
The ELECTrack agency system used by the Candidacy and Campaign Finance Division has been substantially replaced by the new online campaign finance reporting and management
system (MD CRIS). However, the new online system does not address candidate filing. To efficiently meet this need, it has been determined that the candidate filing piece will be taken over by MDVOTERS. This is a logical fit, because, except for presidential candidates, all candidates have to be registered voters. Further, the candidate filing application has to be accessible for use by all LBEs.

As previously reported the requirements gathering has been completed and a complete set of functional specifications were developed and are currently being reviewed by staff. Once the review is complete, the specifications will be sent to the vendor to begin programming.

ERIC
Maryland and six other states mailed postcards to over 5.7 million eligible, but unregistered voters to encourage them to register to vote prior to the 2012 general election. Over 300,000 new voters were registered across the 7 ERIC states. Maryland registered 31,919 new voters, of which, 26,712 voted.

List maintenance reports are expected by the end of April. These reports will include information regarding voters who have died, have moved within Maryland, as well as have moved outside of the State.

5 Candidacy and Campaign Finance

Campaign Finance
On January 16, 2013, the 2013 Annual campaign finance report was due for all political committees. The transaction period ended on January 9th. This was the first report where all political committees were required to file using the new online campaign finance system - MD CRIS. Over 78% of the political committees have filed the report.

Fundraising Prohibition
Maryland law prohibits the Governor, Lieutenant Governor, Attorney General, Comptroller and members of the General Assembly from raising or depositing campaign funds during the 90 day legislative session. The fundraising prohibition began on January 9th at noon.

Contribution Disclosure Form
On February 5, 2013, the semi-annual Contribution Disclosure Form, a required filing by either a person who does business with the State involving consideration of $100,000 or more and makes campaign contributions of greater than $500 or a person who provides lobbyist compensation and makes campaign contribution greater than $500, is due. The Candidacy and Campaign Finance Division received over 260 disclosure forms from qualifying person.
6 Voting Systems

Post Election Maintenance
After every election, post-election maintenance is performed on every piece of equipment used in the election, including GEMS servers, voting units and electronic pollbooks. This comprehensive maintenance process has begun and will be continuing for the next few months. Any pieces of equipment requiring repair will be either fixed in-house or will be sent to ES&S.

Voting Units Software update.
All touchscreen voting units in the State will also be receiving a minor software update over the next few months. The update is an Engineering Change Order, that has been examined by Wyle, an EAC accredited Voting Systems Test Laboratory. A corresponding update to the GEMS software will also be required.

Electronic Pollbook updates
The voting system team is also planning for updates to the electronic pollbooks during 2013. In addition to possible enhancements, the team has been exploring methods to implement voter registration during early-voting, as required in legislation that has been introduced (HB224). The team has been drafting high-level functional specifications that outline the changes necessary in the pollbooks to efficiently carry-out voter registration during early voting.

7 Project Management and Information Technology

Cirdan Support Contract - Close Out
Next month the three year contract with the Cirdan Group is coming to an end. Cirdan provided project management support, staffing, including the regional managers, and voting system transportation. SBE will be using a variety of different strategies to fulfill the functions handled by Cirdan under their contract.

The regional manager services are being brought in house. Staff has completed the interview process for the Regional Manager Supervisor and six Regional Manager positions. Offers have been extended to the selected candidates. The expected start date for the seven individuals is Wednesday, February 20, 2013.

An RFP for the transportation of the voting system is nearly complete and will be issued later next month. The contract will require the vendor to haul all voting equipment to and from the polling places for each regularly scheduled election and for any special or municipal elections if required. In addition, the contract will also require the vendor to be responsible for delivering the new system and removing the old system to a storage facility.
New Laptops and Cellphones
SBE has procured seven laptops and will be procuring seven cellphones for the new regional managers. The data plans on the cellphones will have tethering included since these employees will be working remotely or at different Local Boards of Elections most of the time. Tethering is a technique in which a cellphone can be used as a wireless modem to provide Internet access to a computer or other Wi-Fi enabled device, like a tablet or laptop.

Google Apps Migration
SBE successfully migrated over to the State of Maryland's Google Apps environment on January 15, 2013. As a result, SBE is now part of the ever growing number of agencies that have already migrated (Governor's Office, Department of Information Technology, State Police, and Department of Agriculture) to Google Apps. Each staff member now has a new email address and will continue to receive emails at their old email addresses until further notice.

2012 General Election Lessons Learned
SBE is in the process of conducting a Presidential General Election lessons learned survey of SBE and local board staff. The survey is active until Thursday, January 31 after which there will be a follow-up session at a yet to be determined date and location with representatives from SBE and each local board. The expectations for this follow-up session will be to have more detailed discussions of the survey results in the several topic areas. The expected output will include a list of action items and process improvements for everyone to work on moving forward.

New Voting System
SBE is in the process of laying the project groundwork in anticipation of initial implementation funding that will allow us to initiate the voting system project. The new voting system is slated to be deployed in time for the 2016 Presidential Election. Within the next few weeks, SBE will work with the Department of Information Technology, Department of Budget Management and others on the initial project efforts.

SBE and MAEO/ETC Collaboration
SBE and the Election Technology Committee (ETC) of MAEO have started an effort to more closely work together on projects and tasks that impact both SBE and the local boards. Most recently, a contingent of the ETC joined with SBE staff members in a demonstration meeting with an inventory software vendor. There is another meeting scheduled for the first week in February in order to layout goals and expectations on several areas including inventory, pollbooks, online library, and the many pertinent documented procedures.

Legislation
HB 17 - Elective Franchise - Registration and Voting at Polling Places - This bill is a Constitutional Amendment that would permit the General Assembly to establish a law to permit a person to register and vote on election day.

HB 49 - Election Law - Petitions - Confidentiality - This bill creates an exception to the Public Information Act by providing that a petition filed with an election authority is not subject to public inspection.

HB 73 - Presidential Elections - Agreement Among the States to Elect the President by National Popular Vote - Repeal

HB 137 - Election Law - Polling Places - Proof of Identity - This bill requires an election judge, as part of the voter check-in process, to establish the voter's identification by requiring the voter to present photo identification, a voter notification card, or the specimen ballot mailed to the voter. If the voter does not have identification, the voter is issued a provisional ballot.

HB 170 - Election Law - Early Voting Centers - This bill provides for at least one, but not more than three early voting centers in a county that has 150,000 or fewer registered voters. Current law only permits one early voting center in those counties.

HB 196/ SB 171 - Election Law - Special Elections - Voting by Mail - This bill authorizes voting by mail for a special election. The bill requires the local board to establish a polling place with accessible voting equipment in the local board office or the district in which the election occurs for a specified amount of time prior to and through election day.

HB 217 - Early Voting Access Act of 2013 - This bill increases the number of early voting centers for general elections and authorizes the county to use at least the current formula for primary elections. The bill requires early voting to begin on the second Saturday before an election and last through the Sunday immediately before election day.

HB 220 - Voters' Rights Protection Act of 2013 - The bill authorizes the Attorney General to institute an action in a circuit court for injunctive relief to prevent election fraud.

HB 221 - Election Law - Petitions - Prohibited Actions - This bill prohibits a person from obtaining a signature on a petition through threat, menace or intimidation or prevent, hinder or delay a person from signing a petition.

HB 224/ SB 279 - Election Law - Improving Access to Voting - This bill provides for the following:
The bill provides an exception to the voter registration closing deadline to allow a person to apply to register to vote or update an existing voter registration during early voting. The exception only applies during early voting. The applicant must provide proof of residency in order to register or update an existing voter registration.

The bill provides several changes to the process for applying for and delivering absentee ballots. The bill allows a voter to apply for an absentee ballot via an online application process provided by SBE. The bill also extends the application deadline if the applicant requests receipt of the absentee ballot via the Internet. The bill authorizes all voters (not just military and overseas voters) to receive the ballot via fax or the Internet. Finally, the bill requires SBE to provide an optional online ballot marking tool and requires the marking tool to be certified pursuant to the applicable requirements under § 9-102 of the Election Law Article.

The bill requires early voting to be conducted beginning the second Thursday before election day through the Thursday before election day. For all elections except the Presidential General Election, the hours for early voting will be 10 a.m. to 8 p.m. each day. The hours for the Presidential General Election will be 8 a.m. to 8 p.m. The number of early voting centers is as follows:

- Less than 125,000 registered voters - one early voting center
- 125,000 to 300,000 registered voters - three early voting centers
- 300,000 to 450,000 registered voters - five early voting centers
- Over 450,000 registered voters - eight early voting centers

HB 242 - Election Law - Registration and Voting at Early Voting Centers - This bill allows a person who is not registered to vote during early voting. To register, the individual must have proof of residence in the county, sign an affidavit, and have that affidavit witnessed by another registered voter. Once that process is complete, the individual may vote a provisional ballot. The provisional ballot will be accepted once the local board determines that the individual is eligible to register to vote.

HB 259 - Affiliated Business Entities - Attribution of Contributions - Currently, a contribution by a corporation is attributable to its affiliated corporation (a subsidiary or another corporation with the same ownership and control). This bill expands the attribution requirement to all business entities.
Thursday, January 24

U.S. Department of Justice

Legislative agenda includes amendments to UOCAVA including reports, automatic remedies, civil penalties, and a private right of action.

The following were suggested or questioned:

- Consider holding LBEs responsible
- Permit the state to bring LBEs in as 3rd party defendants
- What is the rationale for the private right of action?
  - It works well under the Voting Rights Act and NVRA
- Won’t it promote more lawsuits?
  - Yes.
- It will insert more partisanship.
- It will not ensure ballots sent.
- What is the remedy under a private right of action?
  - State law should give SBE leeway to extend deadlines.

NVRA discussion:

- Will DOJ enforce it against MVA?
- NASED should create a workgroup to address modern technology use by Section 7 agencies

Section 2 of the Voting Rights Act will be going to a five year determination (down from ten years). The preference of the states is to hold off issuing new language requirements until after the 2016 election.

Will DOJ regulate third party voter registration drives? Answer: states should report issues to DOJ.

Election Assistance Commission

It was recommended that everyone watch the webcast of the January roundtable.

Question: what is the difference between long lines and long waits?

The future of voting systems symposium will be held 2/26 – 2/28 at NIST. It will be webcast.

Congressional Staff

The private right of action idea is not getting a lot of support.
There is no bipartisan support on solutions to agreed upon problems.
There will be hearings on the 2012 election.
Friday, January 24, 2013

U.S. Government Accountability Office

The GAO will be conducting a study on a variety of issues:

- Voter identification issues
- Early voting
- Third party voter registration
- Provisional ballots
- Fraud

FVAP

The new Action Director, Matt Boehner, introduced himself and indicated that he wants to repair relations with election officials.

Election Day Vote Centers

Colorado provided a good presentation that will be available on the NASED website.

Emerging Information Technology Challenges with Voting Systems

Merle King, Kennesaw State, provided a good presentation that will be available on the NASED website.

Election Night Reporting

Minnesota has a separate site for the press. Its site is pretty slick.
Tennessee uses Tweets also to get results out.
Michigan results are integrated with the voter registration system.
The Associated Press wants Presidential reporting by congressional district.

State and Territorial Exchange of Vital Events (STEVE) and the National Association for Public Health Statistics and Information Systems (NAPHSIS).

Bill Bolton and Larry Nielsen presented.

www.naphsis.org

An Inter-jurisdictional Exchange (IJΕ) agreement governs the use of the death records. However, some states simply will not agree to sharing with election officials.

STEVE is an attempt to automate data sharing. All states will be participating by January 2014.

A state’s department of vital statistics has to set up the mailbox for election officials.

Pew

The Election Performance Index will be released in early February. The states will be getting an advance copy.

Miscellaneous
• DC asked if anyone had moved from precinct to candidate basis? The result would be that DC would only have one ballot style. Washington State reported it was tried there and it was not well received.
• New York has a report on its website that addresses the time it takes to vote per voting system. New York found digital equipment takes longer than analogue.
• Early voting
  o Wisconsin has early voting same day registration (contact Ann Oberly or Sara Whitt)
  o North Carolina, Nebraska and Wyoming also have early voting same day registration

Lessons Learned from Super Storm Sandy

New Jersey
• 10/26 – directed local election offices to postpone delivery of equipment and supplies to polling places and to move everything off the ground
• 10/29 – storm landfall
• 10/30 – assessment of local offices and polling places by telephone
• 11/1 – the state issued several directives
  o Extended the deadline for absentee ballot application
  o Mandated that all local election offices open
  o Designated people who could deliver ballots
  o Waived requirement that poll workers must serve in his/her resident county
  o Waived requirement for state approval to relocate polling place
• 11/2 – Pew Voter Information Project utilized to reach voters to tell them where to go vote (voter lookup and voter messaging)
• 11/3 – the state issued several directives
  o May use fax and e-mail
  o Extended several deadlines, including deadline to receive back voted ballots
  o Approved the use of provisional ballots and mandated that all eligible races must be canvassed
  o Directed local offices to use all media available to advertise polling place locations
• 11/4 – all partners notified of plans
• 11/5 – all polling places established
  o Last voter registration file pushed out to the Pew Project
  o Extended deadline for receipt of voted absentee ballots
• 11/9 – extended date of certification of election and deadline for challenges and recounts

Louisiana suggestions
• Protect equipment and materials
• Have all contact information
• Have an evacuation plan
• Do damage assessment
• Consolidate precincts
• FEMA – get all promises to pay in writing
• Have a law that allows displaced voters to vote in home county with an expiration date
• Have a plan to allow emergency workers to vote
• Establish a relationship with the National Guard (if have a tent and a generator, can hold an election)

3
• Have a law or executive order to allow early voting if a storm is pending
• Have a method to delay/suspend election provisions for nonfederal elections
• Have the authority to relocate polling places
• Have a method to reach out to displaced voters and locate polling places near where they have relocated to
• Have lots of signage on polling place locations
• Review your authority to address issues
• Get a letter of permission from police authorities to allow your workers to get into damaged areas
• Contact the Post Office
• Have a telephone app to deliver information

Connecticut suggestions
• Remember disasters are not limited to weather
• Create a task force to develop an emergency plan of what to do in a variety of events
• Check to determine who has the authority to do what
• Have ways to communicate with all partners
Date: January 16, 2013

To: Alisha Alexander, Election Director  
Prince George’s County Board of Elections

From: Rick Urps, Deputy Director, Election Reform

Re: Prince George’s County Polling Place Evaluation Program ~ 2012 General Election

I have reviewed the Polling Place Evaluation Program (PPE) summary report and evaluation forms completed during the 2012 General Election in Prince George’s County. The purpose of my review was to determine if Prince George’s County Board of Elections (PGCBOE) is in compliance with PPE requirements contained in COMAR 33.07.03.04 and COMAR 33.17.06.04 and to provide information about issues that may need attention. The goal is to protect the integrity of the voting process and the rights of all eligible voters while promoting access to the voting process.

I am requesting that you please review this memo and provide a response that includes PGCBOE’s plan to address and correct these issues. Please submit your response to me by Friday, February 1.

The following is a summary of my review:

- PGCBOE is in compliance with program requirements regarding the number of polling places to be evaluated on election day.

- Only one evaluation form was submitted for the Oxen Hill Library Early Voting Center. COMAR (33.17.06.04.B.(1)) requires at least two unannounced visits to each early voting center.

- Two evaluation forms were submitted for the Upper Marlboro Community Center. According to the dates indicated on the evaluation forms, the evaluations were conducted on the same day (1/2) by the same evaluator just a couple of hours apart. It is recommended that evaluations for early voting centers be conducted on separate days.

- The evaluators effectively used the “Comments” sections of the evaluation form to document their observations. However, some important questions on several of the evaluation forms were not answered by the evaluators. Please remind the evaluators about the importance to answer all questions on the evaluation form and to read every question carefully.
Evaluators reported issues for some polling places as follows (refer to the attached spreadsheet for information about issues identified for specific precincts). Local boards of elections (LBE) are advised to investigate these issues for possible corrective action.

**Voting Location – Outside**

- The “no electioneering” zone was not clearly marked outside the polling place at precinct 14-1 (question 1).
- Electioneering within the “no electioneering zone” was observed at eleven polling places (question 2).
- The entrance to the voting location was not clearly marked at precincts 13-4 and 14-1 (question 3).

Evaluator did not answer question 3 for precinct 14-9.

**Voting Location – Accessibility**

- The accessible entrance to the polling place was not clearly marked at precincts 10-3, 10-7, and 13-4 (question 1).
- Handicapped parking spaces were not clearly marked and visible to voters looking for parking at precincts 10-3 and 10-12 and at the College Park Community Center on 11/2 (question 3).
- There were obstacles or barriers in the parking lot / drop-off area or on the path toward the polling place at the College Park Community Center on 11/2 and at seven polling places (question 4).

Evaluator did not answer question 4 for precinct 5-7.
Evaluator did not answer question 5 for precincts 1-4, 5-10, and 14-4.

**Polling Place – Signs**

- One or more election day signs were not posted at twenty four polling places (question 1). The write-in candidates list was not posted at nineteen polling places and at the Bowie Library, Oxen Hill Library, and Upper Marlboro Community Center (question 1j).
- The sample (specimen) ballot was not posted or available for voters at six polling places (question 2).

Evaluators did not answer parts of question 1 for sixteen polling places and the College Park Community Center on 10/31.
Evaluator did not answer question 2 for twelve polling places and at the Wayne Curry Sports Center on 10/27.
Opening the Polls

- Election judges did not have adequate supplies at fifteen polling places and at the College Park Community Center on 10/31 and 11/2 (question 3).

Evaluator did not answer question 3 for precinct 16-3.

People in the Polling Place

- Evaluators observed people other than chief judges and tech support using a cell phone or other electronic device at four polling places and at the College Park Community Center on 11/2 (question 3).
- Evaluators observed political campaign materials (e.g., signs, brochures, etc.) on display or laying around inside the polling place at precincts 2-3 and 5-3 (question 4).

Evaluators did not answer one or more question in this section for eight polling places and for the Wayne Curry Sports Center on 10/27 and 10/31.

Election Judges

Evaluator did not answer question 1, 2, and 3 for precinct 5-10.

Chief Judges

- The Voting System Integrity Report (Opening) had not been completed at precinct 14-5 (Wood) (question 2).
- The Provisional Ballot Certificate (Opening) was not completed at precinct 14-4 (question 3).
- The Electronic Pollbook Integrity Report (Opening) was not completed at precincts 14-4 and 14-5 (Wood) (question 4).

Evaluators did not answer question 1 for precinct 14-5 (Wood).

Voter Check-in

- All electronic pollbooks were not working at precincts 5-7, 5-10, and at the Wayne Curry Sports Center on 10/31 (question 2).

Evaluators did not answer question 2 for precinct 13-11.

Check-in Judges

- Check-in judges did not ask voters to state their name, address, or month and day of birth at the College Park Community Center on 10/31 (questions 1, 2, and 3).
- Check-in judges did not ask voters to state their address at precinct 14-6 (question 2).
Check-in judges did not ask voters to state their month and day of his or her birth at precinct 5-3 (question 3).
Check-in judges did not ask for ID from voters with “Show ID” in the pollbook at five precincts and at the Bowie Library on 11/1 (question 4).
Check-in judges asked for ID from voters who were not required to show ID at Wayne Curry Sports Center on 10/27 (question 5).
Check-in judges did not tell the voter to give the voter authority card to the voting unit judge at precinct 14-7 and 14-5 (Wood) (question 8).

Evaluators did not answer one or more questions in this section for precincts 2-9, 5-3, and 11-3.

Voting Units

- All voting units (including accessible voting units) were not set up so that voters have privacy while voting at precinct 14-5 (Wood) (question 1).
- All voting units were not working at eight precincts and at the Oxen Hill Library on 11/2 (question 2).
- The audio ballot voting unit (VIBS) was not set up for use at precincts 13-4 and 14-4 (question 4).

Evaluators did not answer one or more questions in this section for precincts 11-3, 13-11, and for Wayne Curry Sports Center on 10/31.

Voting Unit Judges

- Voting unit judges did not insert the voter authority card into the designated envelope at precinct 5-3 (question 5).
- Voting unit judges did not wait until the ballot instruction screen loaded before leaving the voter at precincts 5-3 and 5-4 (question 6).
- Voting unit judges did not retrieve the voter access card from voters or direct voters to where to put the voter access card after voting at precinct 14-5 (Wood) (question 8).

Evaluators did not answer one or more questions in this section for four precincts.

Provisional Voting

- A privacy booth was not set up for provisional voters at precinct 2-9 (question 1).
- The provisional ballot bag was not kept in a secure location at the College Park Community Center on 10/31 and 11/2 (question 3).
- The provisional judge did not verify that the provisional ballot was completed and signed by the voter in both required locations at precinct 10-13 (question 4a).
- The provisional judge did not make sure that the voter inserted the ballot envelope into the provisional ballot bag at precinct 10-2 (question 4ce).

Evaluators did not answer one or more questions in this section for precincts 1-4, 11-3, and 14-6.
Field Support

Evaluator did not answer question 1 for precinct 2-9.

If you have any questions about information contained in this summary, please contact me at (410) 269-2868 or at rurps@maryland.gov.

cc: Linda Lamone
    Ross Goldstein
    Nikki Charlson
Date: January 9, 2013

To: Joseph A. Torre, III, Election Director
    Anne Arundel County Board of Elections

From: Rick Urps, Deputy Director, Election Reform

Re: Anne Arundel County Polling Place Evaluation Program—2012 General Election

I have reviewed the Polling Place Evaluation Program (PPE) summary report and evaluation forms completed during the 2012 General Election in Anne Arundel County. The purpose of my review was to determine if Anne Arundel County Board of Elections (AACBOE) is in compliance with PPE requirements contained in COMAR 33.07.03.04 and COMAR 33.17.06.04 and to provide information about issues that may need attention. The goal is to protect the integrity of the voting process and the rights of all eligible voters while promoting access to the voting process.

I am requesting that you please review this memo and provide a response that includes AACBOE’s plan to address and correct these issues. Please submit your response to me by Friday, January 25.

The following is a summary of my review:

- AACBOE is in compliance with program requirements regarding the number of polling places to be evaluated and the number of Early Voting Center evaluations.

- Evaluators did an excellent job documenting issues in the comments sections. This helped show the actions taken by the evaluators and election judges to address, and in many cases, correct the issues.

- Some important questions on several of the evaluation forms were not answered by the evaluators. Please remind the evaluators about the importance to answer all questions on the evaluation form and to read every question carefully.

- The evaluation for precinct 4-13 was not complete. The evaluator did not complete sections pertaining to check-in judges, voting units, and voting unit judges. This precinct must therefore be evaluated during the next statewide election in addition to the minimum number of polling places required to be evaluated.
Evaluators reported issues for some polling places as follows (refer to the attached spreadsheet for information about issues identified for specific precincts). Local boards of elections (LBE) are advised to investigate these issues for possible corrective action.

**Polling Place – Outside**

- Electioneering within the 'no electioneering zone' was observed at North County Library on 10/27 and at Edgewater Library on 10/31 (question 2).

Evaluator did not answer question 3 for precincts 1-13/17 and 2-7.

**Polling Place – Accessibility**

- The accessible entrance to the polling place was not clearly marked at precincts 4-10, 7-15/16 (question 1).
- Handicapped parking spaces were not clearly marked and visible to voters looking for parking at precinct 5-26 (question 3).
- There were obstacles or barriers in the parking lot / drop-off area or on the path toward the polling place at precincts 4-19/24 (question 4).

Evaluator did not answer question 5 for precincts 7-4/8.

**Polling Place – Signs**

- Various polling place signs were not posted in view of the voters at five precincts and at the Severna Park Library on 10/27 (question 1).
- The sample (specimen) ballot was not posted or available for voters at five precincts (question 2).

Evaluator did not answer parts of question 1 for four precincts.
Evaluator did not answer question 2 for precinct 3-6.

**Opening the Polls**

- Election judges did not have adequate supplies at the Severna Park Library on 10/27 and at five precincts (question 3).

Evaluator did not answer question 1 for precinct 3-25.

**People in the Polling Place**

- Evaluators observed people other than chief judges and tech support using a cell phone or other electronic device at four precincts and at Boys & Girls Club on 10/27 (question 3).

**Election Judges**

No issues reported.
Chief Judges

- The Provisional Ballot Certificate (Opening) was not completed at precinct 25-2 (question 3).

Evaluator did not answer question 3 for precinct 2-2.

Voter Check-in

- All electronic pollbooks were not working at precincts 2-7 and 5-4 and at the Severna Park Library on 10/27 (question 2).

Evaluator did not answer questions 1 and 2 for precinct 4-4.

Check-in Judges

- Check-in judges did not ask voters to state their month and day of his or her birth at precinct 2-22 (question 3).
- Check-in judges did not ask for ID from voters with 'Show ID' in the pollbook at precinct 6-2 (question 4).
- Check-in judges asked for ID from voters who were not required to show ID at precinct 7-6/27 (question 5).
- Check-in judges did not tell the voter to give the voter authority card to the voting unit judge at precinct 7-13 (question 8).

Evaluator did not answer question 1 through 8 for precinct 4-13.
Evaluator did not answer question 5 for precincts 1-5/20, 2-3, and 7-4/8.

Voting Units

- All voting units (including accessible voting units) were not set up so that voters have privacy while voting at the Edgewater Library on 10/31 (question 1).
- All voting units were not working at four precincts and at the West County Library on 11/2 (question 2).
- Accessible voting units were not easy for voters to get to at precincts 4-10, 7-15/16 (question 3).
- Tamper tape was not intact on all voting units at precinct 2-2 (question 5).
- Voting unit judges did not wait until the ballot instruction screen loaded before leaving the voter at precinct 4-22 (question 6).

Evaluator did not answer questions 1 through 5 for precinct 4-13.

Voting Unit Judges

- Voting unit judges did not insert the voter authority card into the designated envelope at precinct 2-22 (question 5).
• Voting unit judges did not wait until the ballot instruction screen loaded before leaving the voter at precincts 2-22 and 6-2 (question 6).

Evaluator did not answer questions 1 through 8 for precinct 4-13.
Evaluator did not answer question 8 for precinct 5-26.

**Provisional Voting**

• Provisional ballots were not kept in a secure location at four precincts (question 2).
• The provisional ballot bag was not kept in a secure location at precincts 3-6, 4-10, 7-15/16, and 5-26 (question 3).

Evaluator did not answer question 4b and 4c for precinct 5-15/25.

**Field Support**

No issues reported.

If you have any questions about information contained in this summary, please contact me at (410) 269-2868 or at urps@maryland.gov.

cc: Linda Lamone  
    Ross Goldstein  
    Nikki Charlson