

State of Maryland

State Administrator's Report – July 2009

1. Announcements

Victorica (Vicki) Smith has been hired to serve as the new front desk receptionist. Ms. Smith worked as a voter registration clerk for the Baltimore County Board of Elections prior to coming to SBE. Ms. Smith started on June 24, 2009.

At least once every three years, the Office of Legislative Audits conducts fiscal and compliance audits of each unit of State government. This year the Auditor has begun its audit of SBE. A team of two general auditors and two information technology auditors will be spending the next 3 months reviewing records and interviewing staff regarding activities occurring between in March 2006 through June 2009.

2. Meetings and Important Dates

U.S. Election Assistance Commission (EAC)

As a member of the EAC's Board of Advisors, I attended the Board's meeting in Washington, D.C. from June 2 – 4, 2009. The focus of the meeting was the proposed updates and improvements to the 2005 Voluntary Voting System Guidelines. The Board of Advisors' Voting System Standards Committee, of which I am a member, presented its recommendations to the full board on the upcoming revisions to the guidelines.

Similarly, Nikki Trella attended a meeting of the EAC's Standards Board's Ad Hoc Voting System Standards Committee to prepare for the Standards Board's meeting in early August. The Committee reviewed the proposed changes to the 2005 Voluntary Voting System Guidelines and will be making recommendations to the full Standards Board on the upcoming revisions to the guidelines.

Maryland Association of Election Officials' Annual Meeting

The Maryland Association of Election Officials' annual meeting was held from June 7 – 9, 2009, at Rocky Gap Resort in Allegany, County. Ross Goldstein, Donna Duncan, Mary Wagner, Nikki Trella and I attended the conference. The theme of the meeting is "Protecting the Integrity of Elections" and most of the discussion focused on early voting. One of the presenters was Connie Schmidt, a former election official from Kansas who had implemented early voting. She presented very useful information for election officials. Other presentations included an overview of a recent General Accounting Office report summarizing its findings from a local election official survey, thoughts on the Minnesota recount for U.S. Senate by Minnesota Secretary of State Mark Ritchie, and breakout discussions for local board members and board counsel. MAEO should be commended on hosting such a productive and informative meeting.

Election Directors' Conference Call

SBE hosted an election directors' conference call on Tuesday, June 2nd and Tuesday, July 14th. At the June 2nd meeting the election directors were updated on the status of the voting system procurement and the contract dispute with Premier and the impact of this dispute on the amount they were billed. In response to a question about the number of touchscreens to be retained, election directors were informed that a standard would be developed and included in upcoming regulations. Questions about electronic pollbook battery management and early voting site selection were also addressed. Minutes from the June 2nd meeting will be included in the meeting folder.

At the July 14th meeting, the election directors were updated on the status of the voting system solicitation, testing of electronic pollbook testing, and the status of regulations related to selecting early voting centers. Additionally, the election directors were advised that local laws authorizing speed cameras in school zones cannot be petitioned to referendum and were briefed on SBE's draft certification program for election directors, deputy directors, and staff of the local boards. See information under Election Management and Reform for more information. Minutes from the July 14th meeting will be included in the meeting folder.

3. Election Management and Reform

Federal Legislation

There are a number of election-related bills introduced in the 111th Session of the U.S. Congress. The legislation that is currently moving through the process is S. 1415 – Military and Overseas Voter Empowerment Act introduced by Senator Schumer. The goal of this legislation is to simplify the voter registration and voting process for military and overseas voters, and many of the provisions will benefit Maryland registered voters living or working overseas or in the military. Prior to the Committee considering the bill, election officials

expressed concerns with several provisions of the bill as originally introduced. Last week, the Senate Committee on Rules and Administration amended S. 1415 to address these concerns and unanimously passed the bill out of Committee. The provisions of the bill as amended were recently introduced as an amendment to the National Defense Authorization Act for FY2010. The Senate is expected to vote on the Act next week, and upon approval, the Act will be sent to conference committee for reconciliation with the version passed by the House of Representatives.

I also provided comments on Representative Maloney's legislation (H.R. 1739 – Overseas Voting Practical Amendments Act of 2009), which attempts to streamline the voter registration process and ensure that absentee ballots are not rejected for non-essential reasons. (Letters are included in meeting folder.)

Election Official Preparedness and Professional Development Program

Over the last several months, 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. An overview of the program will be included in the meeting folder. The program was presented at July 14th Election Directors' meeting and was very well received. After the meeting, several election directors expressed their support for this effort and the value of this type of certification program.

Election Judges' Manual Committee

The committee is continuing its work and has reviewed and provided feedback on many chapters of the election judges' manual. The committee is attempting to streamline the manual and the forms completed by the election judges. At its last meeting, the committee also considered redesigned polling place signs based on templates provided by Design for Democracy. Samples of the redesigned polling place signs will be available at the board meeting.

4. Voter Registration

Early Voting:

From June 22 to June 24, the Voter Registration Division hosted members from eleven local boards and Saber Consulting in an Early Voting JAD session to identify the changes needed in MDVOTERS prior to the 2010 elections. The three Saber participants (including Rex Brown of our Field Support Program) who attended the design session had worked together to implement early voting in Colorado, which uses the same basic voter registration system as Maryland. During the meeting, every aspect of MDVOTERS was reviewed and the changes needed for early voting were discussed and documented. These changes will be implemented over the next year. Stacey Johnson was key in preparing both Saber and the local board participants for the three day workshop, and she later wrote an article for The Registrar which thanked the local members by name for their participation.

Election Director Audits:

Each month, as part of SBEs auditing of local boards, election directors are required to submit a report on their oversight of changes made to the critical data in MDVOTERS. In each of the 24 LBEs, this oversight looks at:

- a. *Cancellations* of registered voters from the system;
- b. *Additions* of registered voters to the system;
- c. The processing of **absentee ballot applications**; and
- d. *Party changes* made to voter records prior to a Primary election.

Montgomery Co. owes April report

Although most LBEs submit the oversight reports timely (by the 12th of each month), a few local boards have not kept up with the reporting deadlines. John Clark reports that, as of July 6, the following counties have not submitted reports for the following months.

- January – Talbot
- March – Frederick
- - April – Dorchester, Frederick and Montgomery
- May – Dorchester, Frederick and Saint Mary's

The above listed counties have been notified repeatedly of the need to submit their reports on time as they are an item of interest to the Legislative Auditors.

Go-To Meeting Attendance

Attached to this report is a list of important Go-To meetings conducted by SBE. These instructional meetings were conducted when there were new software releases, as well as a refresher training course on the petition

module in MDVOTERS. SBE conducts these "Go-To" meetings over a two day period to accommodate the LBE's busy schedules.

5. Candidacy and Campaign Finance

Candidate Filings

As per Board policy, candidate filing may not occur until one year prior to the candidate filing deadline for that election. For the 2010 Gubernatorial Primary Election, the candidate filing beginning date arrived on July 6, 2009. As of July 27, 2009, 20 candidates have officially filed for the 2010 Gubernatorial Election.

Auditing

The audit the 2008 Annual and the 2008 election related reports is ongoing. Staff hopes to have the 2008 Annual audit completed by mid-August. After the completion of the audit, deficiency notices to the appropriate committees will be sent.

Software Update

ELECTrack Agency 9.1 was placed into production on July 8, 2009. New features include the ability to view amended campaign finance reports, installment plans for late fees, and a communication log field.

6. Voting Systems

Municipal and Special Elections

SBE prepared a training database for the Frederick City Primary election scheduled for September 15th.

SBE has begun invoicing municipalities for the data and related electronic pollbook services that are being provided. The rate depends on the number of voters and ranges from \$500 to \$1,250.

Early Voting ExpressPoll Software

A functional requirements document covering early voting requirements for the ExpressPoll software, the EPIC server, and the pollbook wide area network has been prepared. SBE conducted scripted testing using Premier's Early Voting version of the ExpressPoll software. The system generally performed as expected, but some issues were noted that are likely to require further revisions to the ExpressPoll software.

Early Voting Site Selection

SBE has completed the geo-coding (assigning latitude and longitude) of residential addresses for all 3.6 million registered voters. This data is now being used to help set guidelines for early voting site selection.

Procurement

In the past SBE has solicited services and hardware under one Request for Proposals (RFP). However, staff has developed two separate RFPs would be in the best interest of the State. The two RFPs are as follows:

- **Voting System Support Services (SBE-2010-01)** – This RFP solicits services that are necessary for implementing and managing the voting system, conducting the election, and undertaking a statewide voter outreach and education program. The services being sought are independent of the voting system selected and will not be affected by or changed based on which vendor is awarded the hardware contract. The services solicitation is open to any vendor that can supply the required services – not just voting system vendors. This RFP has been issued and you can access the RFP from the SBE website. The pre-proposal conference was held on July 29th.
- **Optical Scan Voting System (Anticipated release date is August 3, 2009)** – This RFP is for optical scan units, an election management system, high-speed central count scanners, and other necessary peripheral equipment.

Voting System Project Plan

As a result of the re-issuance of the new voting system RFPs, the voting system team has had to extensively modify the project management documents. The updated documents which include the project charter, system boundary document, project schedule and risk plan were submitted, as required, to the Department of Information Technology on July 17th.

Other preparations in anticipation of the new voting system have also been ongoing. These include changes to the Conducting the Election Guide, anticipated warehousing requirements and looking at the State certification requirements for the new system.

7. Early Voting

Drafting of regulations for early voting has begun. Structurally, we will be proposing the creation of a new subtitle in Title 33 of the Code of Maryland Regulations (COMAR) for all regulations related to early voting. This structure is preferable to reviewing all of Title 33 and inserting regulations related to early voting throughout the entire title.

At this meeting, we will be presenting proposed regulations related to early voting centers, including the process and standards for the local boards to select proposed early voting centers, how the proposed centers are reviewed and approved at SBE, and the required terms of an agreement for an early voting center.

8. Information Technology

Technical Upgrade

- Completed numerous MDVOTERS firmware upgrades
- Implemented MDVOTERS new release 2.24.22
- Completed MDVOTERS system audit (memory logs, security logs, value logs)
- Replaced two failed battery back-up devices at the SBE data center
- Updated several SBE software/application licenses and support
- Provided numerous updates and changes to the data tables for website hosted by UM
- Provided numerous technical web assist and corrections to website hosted by UM
- Provided comparison tables for MVA voter look-ups
- Completed numerous changes to historical elections tables
- Completed numerous edits to results reporting
- Provided Saber support for data center refresh plan (MDVOTERS)
- Deployed Oracle critical patches (July09)
- Implemented EMS release 9.1
- Implemented multiple Electrack patches
- Created additional campaign finance forms and reports
- Rebuilt 3 desktop computers
- Completed early voting updates to the SBE website
- Completed numerous website updates
- Reviewed and updated website accessibility standards
- Completed monthly and quarterly updates to PBX

Local Boards and Users

- SBE visited a total of 9 LBEs in the last month providing assistance on a variety of issues
- Provided service to 25 Campaign Accounts
- Uploaded 4,610 items to inventory

Network

- Developed alternate network connections with NwMD for 7 LBEs
- Completed troubleshooting and repair of network connections for 4 LBEs.
- With NwMD, conducted systems and circuit monitoring for data usage (3 LBEs)
- Provided engineering specifications to Verizon for Queen Anne's LBE's network connection and ISDN line (office relocation)

Security

- Processed 10 employee background checks and 4 contractor clearances
- Conducted safe and lock audit.
- Conducted building security log audit
- Conducted office security alarm log audit
- Conducted MDVOTERS user access audit (system update)
- Updated 37 MDVOTERS user access accounts

9. Follow-up from May 28th Meeting

At the May meeting, Mr. Walker reported he was notified by a friend that his 6 year old son received a MVA not registered letter. MVA did in fact acknowledge a letter had been sent to the child because the child had received a MVA identification card. Changes to MVA's software now prohibit anyone under the age of 16 to be asked if they would like to register to vote.

Also at the May meeting it was reported that the deadline to submit a petition to place a question on the 2010 ballot was May 31, 2009. A petition to place a question on the 2010 ballot relating to SB 277 on the use of speed cameras was anticipated. However, a petition was never filed.