

# 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.

This meeting was held by conference call. All local boards of elections, except for Dorchester, Montgomery, and St. Mary's Counties Boards of Elections, were represented during the conference call.

### **Voting System**

Update on Premier Election Solutions' Maryland team: Tom Feehan, who is now Senior Customer Service Manager, is still based in Annapolis and Maryland is still one of his primary clients. Rick Dixon replaces Randy Deabenderfer as Maryland's project manager, and the six regional representatives remain and report to Rick Dixon. Tom stated that Maryland election officials will receive the same level of support to which we have been accustomed. Tom also introduced Kathy Rogers, Vice President of Government Relations, and Matt Nelson, Senior Vice President of Sales.

In response to a question about the level of concern about the anti-trust lawsuit, Kathy responded that there is concern about the Department of Justice inquiry and the lawsuit filed by Hart InterCivic, but ES&S is working with the Department's officials and are confident that "all will be ok." In responding to a question, Kathy stated that Premier is now a wholly-owned subsidiary of ES&S but will eventually disappear. Contact information for Rick Dixon will be provided in the County Bulletin issued on October 23<sup>rd</sup>, and Matt confirmed that the Annapolis office will remain open.

RFP Status – The evaluation process is on schedule. The review and selection is expected to be completed by December, with the contract before the Board of Public Works in January or February of 2010.

Allocation of Touchscreen Units – The ratio of touchscreen voting units for election day will be as follows:

- Polling places with less than 400 active registered voters shall have one touchscreen voting unit, and this unit must be set-up as a VIBS unit.
- Polling places with 400 or more active registered voters shall have the *greater* of: (1) One touchscreen voting unit per 400 registered voters aged 65 or over (or fraction thereof); or (2) two touchscreen voting units. At least two of these voting units must be set-up as a VIBS unit.

To address anticipated concerns from voters about the voting system change, Ross explained that SBE can provide information about the change and intends to include this information in the upcoming voter education program.

Ballot on Demand Printers – Regulations will be proposed at this month's State Board meeting that establish the deployment of ballot on demand printers. The proposed regulations will state the following:

- If a county has at least five different ballot styles for an election, the local board shall provide each early voting center with one ballot printer for every 1,100 voters of the

estimated daily turnout (*i.e.*, one ballot on demand printer for every two electronic pollbooks).

- A county with five or less different ballot styles for an election may not deploy ballot on demand printers for early voting.

In response to questions, Ross stated that the deployment of ballot on demand printers is not optional and that the printers can be used in the office to print ballots before early voting. Ross stated that he would need to look at the budget to see if it included procuring a ballot on demand printer exclusively for local board office use.

Ballot Printing – SBE will be responsible for the printing of ballots. Ross acknowledged that it will be a challenge to print and deliver ballots quickly, especially for the gubernatorial general election and that SBE is moving forward with its project to use the website to deliver absentee ballots. In response to questions, Nikki provided the following information:

- UOCAVA voters are currently asked on the FPCA to select how they would like to receive their absentee ballot (by mail, by fax, or by email). A similar question will be added to the State absentee ballot application. A voter who selects “email” on the FPCA or “web delivery” on the State form will receive his or her absentee ballot via the website.
- For a voter who has requested to receive his or her absentee ballot via the website, s/he will receive an email when the ballot and other materials are available. The email will contain a link to SBE’s voter look-up site and the voter’s ballot tracking number. To access the voter look-up site, the voter will enter his or her first name, last name, date of birth, and zipcode. On the page that displays the voter’s information, there will be a button for the voter to click to obtain his or her absentee ballot. Once the voter clicks the button, the voter will be asked to enter his or her ballot tracking number (provided in the email).
- The enhancements are being developed by the University of Maryland – College Park, and SBE is researching vendors who provide email notification services.
- An absentee ballot application will still be required. The process of receiving and processing an absentee ballot application will not change. The only difference is how the voter receives the ballot. When an absentee ballot application is “accepted” in MDVOTERS and the ballots are ready, the voter’s information will be exported to College Park and the voter’s ballot and other information will be posted to the website and available to the voter.

Keypads and Headsets – In response to a survey conducted earlier this year, some local boards have excess inventory of keypads and headsets, while other local boards need more. Paul informed the local boards that some local boards will be asked to ship or facilitate getting keypads and headsets to another local board, while other local boards will receive new inventory.

Other Voting System Questions: In response to other questions about the voting system, the following information was provided:

- Extra touchscreen voting units will be removed from the local boards when SBE has found appropriate warehouse space.
- If a precinct only has one touchscreen voting unit, the local board can send a second unit to serve as a spare unit.
- A local board does not need to send a spare (*i.e.*, 3<sup>rd</sup>) set of headsets and keypads to each polling place.

### **Electronic Pollbooks**

SBE charges municipalities for using the electronic pollbooks, and the charges are based on the number of eligible registered voters. (Information about the charges is in Appendix E of the Municipal Election Information document posted on the Online Library. It is posted under "Voting System" and "Election Processes.")

### **Voter Registration**

Mary provided the following information:

- The next round of MVA letters has been sent, and there is a good response rate. SBE is forwarding to the local boards the signed letters it receives.
- On October 19<sup>th</sup>, the merge function in MDVOTERS was turned on. Mary stated that the local boards should start merging only 100% duplicates. Cheré is working on ad hoc reports to identify other potential duplicates. In response to a question, Mary stated that the date to turn off the merge function has not yet been set.

### **Miscellaneous Issues**

Certification Courses – Rick reported that the Election Preparedness and Professional Development Program is off to a good start with Keith Ross presenting a trial project management class. Rick stated that a proposed schedule will likely be forthcoming after next week's internal SBE meeting to discuss the program.

Biennial Meeting – Ross stated that the biennial meeting will be held in conjunction with MAEO's annual meeting in May 2010. For budget reasons, MAEO has proposed a one-day meeting with MAEO business being conducted in the first hour of the meeting, with the remainder of the meeting serving as the biennial meeting. In response to a question, there will be no separate board member meeting.

Translation Services - SBE does not have a contract to offer translation services to the local boards. As a result, local boards are encouraged to use any services available through the county.

Furloughs – In response to a question whether local board employees will be exempt from any furlough requirements, Ross responded that it was unlikely. For the furlough days selected by employees, supervisors should ensure that employees schedule furlough days on dates that will not affect election preparation activities.

### **Responses to Other Questions**

- The number of touchscreen voting units to be kept by the local boards includes spare units, training and demonstration units, and units used for uploading and downloading.
- Do not replace the batteries in the voting units that will be warehoused by SBE.
- New carts will be provided under the new contract. Since the new carts will be designed to transport both an optical scan voting unit and touchscreen voting units, the old carts will be sent to the warehouse. If a local board purchased extra carts, the local board can keep those carts.
- The early voting centers proposed by Allegany and Carroll Counties were approved by the State Board. Approval letters will be forthcoming.

Attendees: Robert L. Walker, Chairman  
Bobbie S. Mack, Vice Chairman  
David McManus, Member  
Rachel T. McGuckian, Member  
Charles E. Thomann, Member  
Linda Lamone, Administrator  
Ross Goldstein, Deputy Administrator  
Jeff Darsie, Assistant Attorney General  
Mary Wagner, Voter Registration Director  
Donna Duncan, Election Management Director  
Paul Aumayr, Voting System Director  
Nikki Trella, Election Reform Director  
Jared DeMarinis, Candidacy and Campaign Finance Director  
John Clark, Voter Registration System Project Manager  
Stacey Johnson, Voter Registration System Deputy Project Manager  
Keith Ross, Project Management Office  
Matt Libber, Project Management Office  
Kathy McClellan, Project Management Office

Also Present: Alisha Alexander, Election Director, Prince George's County  
Abigail Goldman, Baltimore City  
Anthony Gutierrez, Election Director, Wicomico County  
Stuart Harvey, Election Director, Frederick County  
Jerrold Garson, Board Chairman, Montgomery County  
Holly Joseph, Save Our Votes  
Stan Boyd, Save Our Votes  
Barbara Sanders, League of Women Voters Maryland  
Daneen Banks, Prince George's County

**DECLARATION OF QUORUM PRESENT**

Chairman Walker called the meeting to order at 2:35 p.m.

**APPROVAL OF THE July 30<sup>th</sup> BOARD MEETING MINUTES**

The minutes of the July 30, 2009, board meeting were presented for approval. Ms. Mack made a motion to approve the minutes, and Mr. McManus seconded the motion. The motion to approve the minutes was approved unanimously.

**ADDITIONS TO THE AGENDA**

Chairman Walker asked if there were additions to the agenda. Mr. DeMarinis stated that there was a request for a declaratory ruling for the Board's consideration. Mr. Walker stated that since all Board members were present, the bylaws would be considered under Old Business.

**ADMINISTRATOR'S REPORT**

1. **Announcements**

FY2010 Reductions in Personnel-Related Expenditures

Ms. Lamone reported that at the end of August, Governor O'Malley announced the temporary salary reductions and furloughs for State employees. The temporary salary reductions will be applied as follows: State employees making \$40,000 or more will have their salaries reduced in an amount equal to 5 days. State employees making \$39,999 or less will have their salaries reduced in an amount equal to 3 days. In compensation for the salary reduction, there will be five Service Reduction Days – all of which correspond to a State Holiday weekend. The mandatory furloughs will be applied as follows: Employees making \$40,000 to \$49,999 will be required to take 3 furlough days; employees making \$50,000 to \$99,999 will be required to take 4 furlough days; and those making \$100,000 and above will be required to take 5 furlough days. By way of example, Ms. Lamone explained that an employee whose annual salary is \$41,000 would see a \$1,731 overall reduction in his or her annual salary.

