

STATE BOARD OF ELECTIONS

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Robert L. Walker, Chairman
Bobbie S. Mack, Vice Chairman
Rachel T. McGuckian
David J. McManus, Jr.
Charles E. Thomann



Linda H. Lamone
Administrator

Ross Goldstein
Deputy Administrator



*Bobbie Mack presided
as chair.*

Agenda
State Board Meeting
May 24, 2012
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 - *none*
4. Administrator's Report
5. Assistant Attorney General's Report
6. Approval of Regulations
7. Approval of Revisions to Absentee Instructions
8. Approval of Revisions to Nursing Home and Assisted Living Facilities Manual
9. Waivers of Campaign Finance Late Fees
10. Request for Confidentiality of Personal Information
11. Old Business
12. New Business
13. Confirm Next Meeting Date *June 28 2 pm*
14. Closed Session
15. Adjournment

*discussal
first*

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 – March 29, 2012

Attendees: Robert Walker, Chair
Bobbie Mack, Vice Chair
Rachel McGuckian, Member
Chuck Thomann, Member
Linda H. Lamone, Administrator
Ross Goldstein, Deputy Administrator
Jeffrey Darsie, Assistant Attorney General
Donna Duncan, Election Management Director
Nikki Trella, Election Reform Director
Jared DeMarinis, Candidacy and Campaign Finance Director
Stacey Johnson, Project Manager, MDVOTERS
Paul Aumayr, Director, Voting Systems
Keith Ross, Assistant Deputy for Project Management

Also Present: Mary Kiraly, Montgomery County
Lynn Garland, Montgomery County
Barbara Sanders, League of Women Voters of Maryland
Holly Joseph, Montgomery County
Stan Boyd, Montgomery County

DECLARATION OF QUORUM PRESENT

Chairman Walker 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 February 23, 2012 board meeting were presented for approval. The minutes were approved unanimously.

ADMINISTRATOR'S REPORT

Ross Goldstein presented the Administrator's Report.

1. Announcements

SBE is pleased to welcome Kalaya Byrd, a new employee who is assigned to the Candidacy and Campaign Finance Division. She will be working part-time assisting the Division with its projects and filings. Currently, Kalaya is a college student at Bowie State working on her degree in Criminal Justice.

2. Meetings and Important Dates

Election Directors' Meeting

On March 13th, SBE hosted an election directors' meeting. Twenty-three local boards of elections participated in the conference call. At this meeting, there were discussions about tasks associated with the voter registration deadline, pre-election activities for the voting units and electronic pollbooks, legislation about the online absentee ballot delivery system, and upcoming inventory procedures. A summary of the meeting was provided in the board meeting folder. The next election directors' conference call is scheduled for Tuesday, April 17th.

Local Board Attorney Pre-Election Conference Calls

Before each election, SBE hosts a series of conference calls for the local boards' attorneys. To date, SBE hosted a conference call on February 29th and March 14th, and the final call was held on March 28th. During the conference calls, there were discussions about regulations, available SBE resources, the missing candidates from two congressional districts, revised petition procedures, and various election-related reminders. The conference calls have been well attended, with ten local boards represented on the first call and 17 local boards on the second call.

3. Election Reform & Management

Absentee Ballots

On March 6th, the local boards of elections began sending absentee ballots to domestic, civilian voters. The pilot project to automate the absentee ballot mailing process continues to run well. Montgomery, Anne Arundel and Kent Counties continue to use the services provided by Runbeck for the primary

election and now have access to Runbeck's customer portal that allows them to track the absentee ballots both at Runbeck during production and once the ballots enter the U.S. Postal Service system.

Congressional Districts 5 & 8 – Male Delegates to the Democratic National Convention

SBE learned that two candidates for Male Delegates to the Democratic National Convention were omitted from the ballot. One candidate was from the 5th Congressional District, and one candidate was from the 8th Congressional District. One of the candidates sued SBE, and SBE agreed to:

- Correct the affected ballots. This included re-creating the ballots for the voting units, paper ballots for absentee and provisional voting, electronic ballots for the online absentee ballot delivery system, audio ballots, and screen shots for specimen ballots.
- For Democratic voters in the affected districts who had already been sent an absentee ballot, SBE's mail house sent these voters the corrected ballot and an explanation as to why they were receiving a second ballot.
- The affected local boards cleared and re-prepared the voting units for early voting and election day.
- The affected local boards also updated their specimen ballots. For those local boards that had already mailed their specimen ballots, SBE designed a postcard for Democratic voters in the two congressional districts. The local boards will mail the postcards.
- SBE's ballot printers printed and shipped to the local boards the corrected ballots. These ballots will be used for provisional voters and absentee voters who requested an absentee ballot after the omission was found.

SBE distributed to the local boards procedures for storing, processing and canvassing ballots from Democratic voters in the 5th and 8th Congressional Districts.

Ms. Mack questioned how this error occurred. Mr. Goldstein stated that this year most candidates for Delegate to the Democratic National Convention filed as committed to Barak Obama. However, of those candidates only those selected by the Obama campaign remain on the ballot. The remaining candidates are removed. Candidate for Delegate to the Democratic National Convention who file as uncommitted to a presidential candidate automatically appear on the ballot. What happened with the missing 5th and 8th Congressional District candidate was that they were removed during the process to remove candidates who were committed to Obama, but not selected by the campaign to serve as delegates at the convention. Staff has identified a number of system and procedural changes that will ensure this issue does not happen again.

Online Absentee Ballot Delivery System – 2012 General Election Enhancements

SBE previously issued a request for resumes for a security consultant to assist with the design and development of the online ballot delivery system and the drafting of a Request for Proposal for a security audit and penetration testing. Stacey Johnson and Cheré Evans identified five qualified candidates and with Whitney Faust, conducted interviews. Stacey and Cheré are working on a Request for Proposals for an accessibility review of the website.

Election Judges' Training – Observations

During February and March, Rick Urps traveled around the state to observe election judges training. Rick visited Baltimore, Carroll, Cecil, Harford, Somerset, Talbot, Wicomico and Worcester Counties. Rick reports that the training classes he attended were generally well presented and effective. Rick will continue to work with the LBE staff to assess the training curriculum and to provide best practices information.

Polling Place Accessibility

Rick Urps continues to work with staff from the local boards of elections to identify opportunities to improve the access to the voting process for all voters. Federal accessibility grant funds are being used to purchase equipment such as handicapped parking signs and parking cones, intercom systems, and pathway lighting. Sign language interpreting services for training and election day are being purchased for elections judges who are deaf. SBE also purchased "Disability Etiquette" booklets to educate election judges on how to interact with voters with disabilities. Also, accessibility funds are being used to purchase, rent, or install wheelchair ramps at several locations.

4. Voter Registration

MVA Interface

The MVA interface has been very successful. The local boards were processing 2,500-3,000 records a day, prior to the voter registration closing (March 13th). Processing time for the majority of records is about 5 minutes per batch of 25 records. The feedback has been very positive from the local boards.

Precinct Register Generation

After the voter registration deadline and once all timely applications are entered into MDVOTERS, the voter registration staff extracts data for the electronic pollbooks. The process was very efficient and smooth, thanks in part to Andrew Johnson of the ePollbook team, who worked with the voter registration staff on this process that has improved in terms of time and quality of output. The LBEs were able to pick up the CF cards for their ePollbooks 24-48 hours sooner than in past elections.

ERIC – (Electronic Registration Information Center)

Stacey Johnson and Chere' Evans have been working with the ERIC technical committee to develop the methods of data transfer as well as the reports that will be generated. It is expected that ERIC will be up and running soon.

Audits of the Voter Registration System

The Agreed Upon Procedures Audits are ongoing on the voter registration system. This includes audits of access controls to the database as well as the physical access. They inspect business procedures, server and network security, background checks, backup procedures, system logs, and password requirements just to name a few. Reports will be completed by May 1, in advance of the legislative audit.

Petition Efforts

SBE provided Delegate Neil Parrott with advanced determinations of sufficiency for *HB 438 – Civil Marriage* and *SB1 – Congressional Districting Plan*. Advanced determination was also granted to Mr. Derek McCoy for HB 438 as well.

5. Candidacy and Campaign Finance

MD CRIS Trainings

Jared DeMarinis conducted four training classes on how to use MD CRIS. The classes on March 19, 20, and 21 were held online using WebEx. The March 22nd class was held in person at SBE. The Candidacy and Campaign Finance Division will be holding more user training sessions throughout the year.

Reporting

On March 23, 2012, the *2012 Presidential Pre-Primary Campaign Finance Report* was due for all political committees participating in that election. This is the first report that MD CRIS is the only available method to file a report. Any filings received after March 23rd are considered late and will be assessed late fees. The maximum late fee penalty is \$250.

6. Voting Systems

Electronic Pollbooks

The local boards of elections have completed the upgrade of the software on all of their pollbooks. The LBEs have also completed the Logic and Accuracy testing of the pollbooks for the election, and the bulk update process was completed on Friday March 30th. This process updates the 4,937 election day pollbooks with the early voting data. 214 pollbooks have been used for early voting. Staff has been engaged in ongoing work on evaluating the signal strength and quality for the early voting centers. SBE has continued to work with Verizon to improve signal quality where necessary.

Pre-Election Preparation

Logic & Accuracy testing on the Accuvote-TS and Optical Scan units has been completed. Approximate 16,000 voting units were tested and prepared. Due to the last minute changes to the Congressional District 5 and 8 ballots, approximately 2000 units required a second Logic and Accuracy test. LBEs were assisted by the temporary County Technicians, and Cirdan L&A technicians.

Election Night Results

There has been further testing on the new election night unofficial results reporting process. This has been tested using Logic and Accuracy results. Staff has also been refining the election night procedures for both SBE and the LBEs. A Gotomeeting with the LBEs is scheduled for March 28th to ensure LBEs are prepared, and to answer any of their questions.

7. Project Management (PM) and Information Technology (IT)

Program\Project Management Office

Keith Ross is continuing to work on the development and refinement of project management toolbox templates and other resources that are to be used by the agency. Mr. Ross also continued to work on the development and execution of the internal contract monitoring requirements.

Projects

Work continues on the Inventory Management Project. Staff is in the process of preparing for the 2012 physical inventories at both the local boards and at SBE. The inventories are expected to take place between April and June.

The 2012 Primary Election Call Center support is up and running. The Call Center is supporting SBE and four local boards (Anne Arundel, Baltimore City, Baltimore County, and Prince George's). Queen Anne's County was one local board being supported. They decided to pull out primarily due to the low number of calls, which made the call center logistically and financially infeasible. Staff is continuing to work through issues as they arise with the escalation of calls and other issues. Keith Ross is periodically listening in on the Call Center agent calls to make sure everything is being executed as expected.

Preparations are completed for the coordination of the SBE helpdesk and Command Center functions for Early Voting and Election Day.

Other

Staff completed the interviews for both the Voting System and Information Technology vacancies. There was a candidate selected for Voting Systems. No candidate was selected for the Information Technology position. As a result, the vacancy will have to be reposted for new candidates.

Emergency Generator

An emergency standby generator has been rented for the upcoming Presidential Primary Elections in the event of a power outage at SBE. The emergency standby generator has been delivered, installed and tested. Within seconds of a power outage, an automatic transfer switch senses the power loss and commands the standby generator to start and then transfers the electrical load to the generator.

Disaster Recovery Site Setup at Maryland State Archives

Kurt Snyder worked with the staff at Maryland State Archives to set up 4 client workstations that are images of a SBE workstation. In addition, an Oracle database server was also setup to host the Ballot and Electrack databases. Lastly a sealed GEMS server was relocated over to the disaster recovery site in preparedness for any emergencies on Election night. These workstations and servers can be used by staff to continue critical elections operations in the event that the office facility is inaccessible.

Backup Election Night Results Reporting

Tests on SBE's primary and backup election night results reporting systems were conducted in preparedness for the upcoming Presidential Primary Elections. This backup system will be running concurrently with SBE's primary Election night results reporting system. This time around, the Center of GIS at Towson University will be hosting the website that will be displaying the unofficial results during the Presidential Primary Election night. They have a more robust web hosting architecture than we have used in the past at SBE to better handle the load.

Retrieval of Old GEMS servers from the Local Board of Elections

Daniel O'Connell has visited 9 counties thus far to retrieve their old GEMS servers for appropriate disposal following the Department of General Services (DGS) disposal procedures and guidelines.

Other IT Related Events

The IT staff assisted several local boards of elections:

- Frederick County with resolving issues they had with printing from MDVoters to DYMO label printers.
- Ordered some equipment (workstation and monitor, Canon scanner and 2 DYMO label printers) for Worcester County.
- Assisted Wicomico County with adding a network printer back onto their Local Area Network.

Security Credentials

Janey Hegarty has created identification badges for temporary staff workers for the upcoming primary elections.

8. Legislation

The following are bills that have been introduced this year that are of particular interest:

SB 597 – Elections – Baltimore City – Election Dates – This bill changes the Baltimore City Mayoral Election from the year after the Gubernatorial Election to the same year and to be held concurrently with the Presidential Primary and General Elections.

SB 1078 Election Law – Absentee Ballots – Internet or Facsimile Transmission – This bill does three things. First, the bill amends §9-306 to require a local board of elections to **mail** an absentee ballot to a voter unless the voter is a military or overseas voter or a voter with a disability, in which case the local board may send the ballot via the Internet. Second, the bill amends §9-308 to require the State Board of Elections (SBE) to provide an ballot marking tool. A ballot marking tool will allow the voter to mark the ballot on his or her own computer using an interface that is similar to voting on the touchscreen voting unit. Once the voter is done, the ballot is printed out with the voter's selections. The voter must mail it back to the local board of elections. Section 9-308 is also amended to state that the online ballot marking tool is not subject to State voting system certification requirements unless certification is required by the U.S. Election Assistance Commission (currently the Commission has ruled that certification is not required for ballot marking tools). Finally, the bill amends §9-310 by creating an exception from the requirement to enclose a specially printed envelope with an absentee ballot. For electronically transmitted absentee ballots, the bill specifies that the local board is required provide the voter with an envelope template, the oath, and instructions for completing and mailing the ballot. As you know, SBE has received public input from a few individuals regarding the online absentee ballot delivery system and the planned implementation of a ballot marking tool within the online absentee ballot delivery system. This bill makes meaningful concessions to the critics of the system by significantly scaling back the use of the online absentee ballot delivery system.

HB 694/SB 763- Election Law- Payroll Deductions and Member Contributions- Address of Contributor- This bill requires an employer that collects voluntary political contributions through payroll deduction to transfer the address in addition to other information required by statute of each contributor to the treasurer of the political committee receiving the contribution. Currently, only the name, date, and amount are forwarded to the treasurer.

HB 791/SB 1011- Election Law- Declaration of Intent- Establishment of Campaign finance Entity- This bill requires candidates that file a Declaration of Intent to have established or cause to be established at the time of filing an authorized candidate campaign committee. Currently, the establishment of the political committee is required prior to or at the time of filing a Certificate of Candidacy.

HB 1007/SB 919- Election Law- Campaign Finance Entities- Retention of Records- This bill limits the length of time that a political committee has to retain its account books and associated records to the earlier of 10 years after the creation of an account book entry or related record or 2 years after the political committee files a final report. Currently, a political committee has to keep every record from its establishment until 2 years after it files its final report.

HB 1103/SB 918- Election Law- Campaign Contributors- Occupation and Employer- This bill requires that the treasurer report the employer and occupation information of every contributor making contributions in the amount of \$500 or more in the aggregate in the election cycle to a single political committee.

HB 1275/SB 982- Election Law – Petition Fund Reports- Available Online- This bill requires that State Board post online the petition fund reports filed.

HB 1285/SB 1033- Election Law- Campaign Finance – Requirements- This bill requires that the responsible officers keep their contact information current with the State Board 21 days prior to a campaign finance report. It also allows the responsible officers the option to receive notices by email instead of by first class mail from SBE. Finally, the bill requires campaign contribution receipts be issued within 60 days of receiving the contributions.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie reported on the following:

1. The U.S. Fourth Circuit Court of Appeals placed *Gorrell v. O'Malley* on its informal docket in response to the plaintiff's February 22nd appeal. The plaintiff is challenging the redistricting plan based on the argument that the plan dilutes the voting strength of voters in rural-agricultural areas.
2. *Doe v. Maryland State Board of Elections* (DREAM Act referendum case), has been appealed to the Court of Appeals on the issue of whether the DREAM Act makes an appropriation and is therefore excepted from referendum. The State is asking for an accelerated briefing schedule so that the case can be decided before SBE's statutory deadline to certify ballot questions (August 2012).

3. *Fletcher v. Lamone* – Plaintiffs have filed what is essentially an appeal as of right to the U.S. Supreme Court with respect to the lower court decision upholding the "No Representation Without Population Act." Under that Act, the State's Congressional redistricting plan reassigned 17,000 prisoners to the districts where they had lived before their incarceration, rather than the district in which their prison is located.

APPROVAL OF REGULATIONS

At the last meeting, Mr. McManus asked Mr. Darsie for legal advice on proposed regulations (COMAR 33.13.11.01 -.04) that would enable campaign contributions by text messaging or Common Short Codes (CSCs). Mr. Darsie presented the advice letter to the Board. The letter concludes that there is no preemption under federal law that would restrict SBE's ability to establish regulations that would instruct campaign finance officers and the wireless industry on the requirements that must be met to permissibly utilize CSC electronic contributions. Mr. Darsie noted that the letter sent by industry representative CTIA-The Wireless Association, does point out practical concerns that may make compliance difficult for the wireless providers. Nonetheless, the regulations provide a target that the industry can choose to work towards if they want to support electronic contributions. Ms. Mack asked whether the regulations may cause treasurers to mistakenly believe that they can accept electronic contributions even though there may be procedural and technical limitations that make complying with the regulations not possible at this time. Mr. DeMarinis replied that committee treasurers already want to utilize electronic contributions so regulations are needed to establish the parameters for doing so and to give the industry a target. Further, SBE's compliance materials will clarify the current limitations. Ms. McGuckian made a motion for final adoption of proposed regulations COMAR 33.13.11.01 -.04, which was seconded by Ms. Mack. The motion was unanimously approved.

Ms. Trella presented several proposed additions and changes.

- COMAR 33.07.07.01. & .02 – The proposed changes, recommended by staff at the Administrative, Executive and Legislative Review Committee of the General Assembly, correct a typo and clarify that if SBE or an LBE is a designating entity for challengers and watchers, the instruction manual they provide to the challenger or watcher is not subject to review.
- COMAR 33.08.04.02 and .05-.08. – The proposed additions establish a requirement for the canvassing board to manually verify each ballot that is duplicated using the barcode created by the ballot marking wizard. The regulations specify that if the team finds the ballot generated from the barcode matches the ballot returned by the voter, the voter verified ballot is tabulated. If the team finds that the ballots do not match, the team must manually duplicate a ballot using the ballot returned by the voter and immediately notify the State Administrator.

Ms. Mack made a motion to approve the proposed regulations, which was seconded by Mr. Thomann. The motion was unanimously approved.

WAIVERS OF CAMPAIGN FINANCE LATE FEES

Jared DeMarinis presented the State Administrator's recommendations for waivers of campaign finance late fees for the following committees.

1. Caldwell, (Robert) for County Council
2. Caldwell, Van Citizens for
3. Educators for Progress in District 10
4. Glass, Glen Friends of
5. Hadfield, Jordan Friends of
6. Herbst, Jon for Baltimore County
7. Love, Dayvon Friends of
8. Norris, Linda Friends of
9. Smigiel, Mike Friends of
10. Van Rossum, Marcel J. for County Commissioner
11. Vote Frederick First PAC
12. Vricella, Rob Friends of

Mr. Thomann made a motion to approve the State Administrator's recommendations, which was seconded by Ms. Mack. The motion passed unanimously.

PETITION FOR DECLARATORY RULING

A petition for a Declaratory Ruling was received from Mr. Kristin Aleshire. Mr. Aleshire was a candidate for the Washington County Council. Robocalls opposing his candidacy were made during the election. The robocalls had the authority line of the Washington County Republican Central Committee. However, the Central

Committee did not pay for or report an expenditure for the calls. Mr. Aleshire posed the following questions to the Board regarding this occurrence:

1. Is the robocall that was placed on October 31 and November 1, 2010 by Conquest Communication considered by the Board to be an expenditure and/or contribution?
2. If the campaign activity is deemed an expenditure and/or contribution, should it be reported on a campaign finance report?
3. If the intended recipient was not the Washington County Republican Central Committee and more than one individual participated in the procurement of the robocalls, should those participants have formed a political committee?
4. If the campaign material is not reported and invoice not submitted, what responsibilities does Conquest Communications have to report the expenditure and/or contribution?

Mr. DeMarinis made a recommendation that the Board should decline to issue a declaratory ruling. A declaratory ruling is for a petitioner to know how the Board would apply a regulation, order or a statute to the petitioner. However, this issue pertains to past actions and does not seek to clarify or establish the rights of the petitioner. Instead the petition seeks to address a past issue and establish the rights or obligations of entities who are not a party to the petition.

Mr. DeMarinis also noted that the issue has been investigated by the State Prosecutor. To date, no action has been taken by them. Ms. Mack noted that the State Prosecutor should not drop this issue as that would set a bad precedent. Ms. McGuckian made a motion to approve the recommendation not to issue a ruling, which was seconded by Ms. Macke. The motion was unanimously approved.

NEW BUSINESS

Mr. Goldstein presented the bylaws of the Anne Arundel County Board of Elections for approval. The bylaws are consistent with the State's model bylaws and do not make significant changes from the prior version submitted by Anne Arundel County. Ms. Mack made a motion to approve the Anne Arundel County Board of Elections Bylaws, which was seconded by Ms. McGuckian. The motion was unanimously approved.

Ross read the report
even though Linda Lamme
was present, listening.

1. Announcements

SBE is pleased to welcome Brandon Mulvey. Mr. Mulvey has joined the voting system team as an IT technical Specialist. Brandon has a degree in Computer Science from Emory University and has a broad technical background. Brandon's most recent position was that of a technical support supervisor for Gateway Communications Inc. Brandon's experience has already made a welcome contribution to the teams activities.

2. Meetings and Important Dates

MAEO Meeting

I, along with several SBE staff members and Jeffrey Darsie will be attending the 2012 annual meeting of the Maryland Association of Election Officials (MAEO). The conference will be held on June 4th and 5th in Garrett County. Staff has been asked to lead or take part in the Attorney Breakout Sessions, Local Board Member Session, and a Presidential Primary Election Lessons Learned session. In addition two Election Preparedness and Professional Development (EPPD) Program classes will be presented during one full day of the MAEO Conference. One class will focus on adult learning and teaching techniques as it relates to training election judges, and the other class will be about preparing for legislative reapportionment.

Maryland Archives – Records Management

Keith Ross and Vincent Omenka attended a two day training session in Baltimore presented by Maryland Archives on the subject of Agency Records Management and Emergency Planning. The training session was useful and the attendees came away with several ideas for improving the agency's records management and emergency planning. We will share appropriate information with the local boards of elections.

3. Election Reform & Management

Polling Place Accessibility

Rick Urps reports that 99.3% (1,576 of 1,587) of polling places in Maryland are compliant with applicable Americans with Disabilities Act (ADA) standards for accessibility, and 100% of early voting centers are fully accessible. SBE continues to work with the local boards to mitigate existing accessibility issues.xxx

Polling Place Evaluation Program – 2012 Primary Election

Rick Urps is reviewing the Polling Place Evaluation Program forms completed by the local boards during the primary election. The forms provide valuable information about the operations of individual polling places and early voting centers during the election. The local boards are instructed to use the information from the forms to identify and address those issues. Rick sends a summary report to the local boards and when necessary, requests a corrective action plan.

2012 Primary Election Voting Statistics

Turnout statistics from the 2012 Primary Election will be included in the board meeting folder. More detailed data will be shared with the local boards of elections and will be used to generate the post-election data report required by the Federal Voting Assistance Program.

Grants to Improve Access by Voters with Disabilities

Under the Help America Vote Act, states can receive funding to improve access to the electoral process by individuals with disabilities. SBE has received funds for this purpose in every year in which the federal budget included funds for this purpose. The federal FY2012 budget did not include any funds for this grant program, so Rick Urps continues to spend prior years' funds. If federal funds are not provided in future fiscal years, the remaining balance should be sufficient for the next couple of years.

For the primary election, SBE used federal funds to pay for the installation ADA-compliant temporary wheelchair ramps for polling places in six counties and Baltimore City. SBE also purchased parking cones and signs to create handicapped parking spots or drop-off zones closer to the polling places, small suitcase-size temporary wheelchair ramps to assist where curbs or small stairs may be an obstacle, and purchased the services of sign-language interpreting services so that citizens who are deaf can serve as election judges.

Bobbe
~~Carole~~ Mack mentioned she received a 71 page document on internet voting. She said she will read it before next board meeting.

Online Voter Services Project Update

Work on SBE's voter services website is on-going. The voter look-up, polling place locator, and online voter registration are on track to be ready in July 2012. Test scripts have been developed, and working with a contractor, Cheré Evans recently moved the websites to a test server so testing can begin shortly.

Development on the online absentee ballot delivery system is also progressing. The project team will form a working group to develop canvassing procedures for duplicating and verifying electronically delivered absentee ballots. The project team also scheduled a mock canvass for the local boards to test the working group's procedures this summer.

Request from Jon Kasomeyer to AG - we're waiting for AG's decision

A security consultant began work this month and is currently reviewing documentation and system architecture. We expect to receive his recommendations as he identifies them, with a final report due this summer. After a competitive procurement, Whitney Faust recently issued an award to DeQue Systems to review the voter services website and election results web pages for accessibility. This review will begin in July.

4. Voter Registration

New Party Recognition

On May 15, 2012, Americans Elect became a recognized party in Maryland. While it is not expected that the party will have a Presidential candidate on the 2012 ballot, they are hopeful to have candidates for local contests in 2014.

Voter Registration Applications

Customarily voter registration applications are printed once per year after the legislative session. We will be going to print in the coming weeks and the only change will be political parties. LBEs have been instructed to continue to use the last of their supplies as the anticipated delivery date is mid July.

Referendum Petitions

A conference call was held Monday, May 21st with the sponsors of the Civil Marriage petition effort. The Civil Marriage petition pages are expected to be delivered to the Secretary of State's office on Tuesday, May 29th. The Congressional re-districting petition will be delivered by 11:59 p.m. on Friday, May 31st.

Electronic Registration Information Center

Maryland was the first state to sign the membership agreement entering into the partnership to share information for voter registration purposes. Delaware followed suit. Once a third state signs the agreement Pew will turn over control of ERIC to the initial board which will be comprised of the those first three founding states. The transfer is likely to take place next week. The first meeting of the board is to take place June 25th - 26th in Denver Colorado. Stacey Johnson and Chere' Evans have played an integral part in structuring the technical requirements. *Virginia has now signed it.*

Maryland has been chosen to participate in an ERIC voter registration test mailing project. This is a pilot program Pew is funding to identify the most effective method of getting people to register to vote. The mailing will consist of 8 different types of letter/postcards with various messages ranging from utilizing online registration, election websites and obtaining paper applications.

5. Candidacy and Campaign Finance

Commission to Study Campaign Finance Law

The General Assembly's *Commission to Study Campaign Finance Law* held its first meeting of 2012 to lay out its agenda for the upcoming year. The Commission is going to hold two all day meetings for testimony on June 12th and 13th followed by a discussion meeting on June 25th. Other Commission meeting dates have not yet been determined. The following are the major topics of consideration that the Commission will review:

- a. Contribution limits;
- b. Contributions by business entities other than corporations;
- c. Independent expenditures;
- d. Public Financing;
- e. Slates;
- f. Enforcement of election laws;
- g. Campaign finance reporting schedule; and
- h. Disclosure of small contributions.

Complaints

Below is a summary of the complaints received by this office and actions taken:

AG will also attend to discussion in legal aspects.

- *Cecil County Republican Central Committee* - The complaint alleges numerous anonymous contributions were received by the committee. An audit letter was sent to the committee requesting an amended filing. The committee has 30 days to respond.
- *Steve England*- This complaint alleges that Mr. England distributed campaign literature without an authority line. After review, Mr. DeMarinis concluded that no violation occurred because it was a parody on authorized campaign material and sent personally to only a few people
- *Friends of E.J. Pipkin*- The complaint alleges an improper expenditure. After the review, no violation occurred. The political committee may engage in an election that the candidate does not appear on the ballot if the expenditure is in the furtherance of the candidate's candidacy.

6. Voting Systems

Post Election Maintenance

The Voting Units and Pollbooks used for the 2012 Primary Election were released on April 26, and since then the LBEs have been performing the post election maintenance on the voting units. Post Election Maintenance is conducted after every election on all pieces of equipment used in the election. Any pieces of equipment requiring repair is dealt with at this time to ensure readiness for the Presidential General Election in November.

Post Election Analysis

SBE has been collecting and reviewing logs and records of Election Day issues. There were no major issues with the voting units.

Pollbook Software

Over the last month, the voting systems team has been working closely with ES&S for a new release of Electronic Pollbook software. ES&S has been implementing changes to the software as requested by SBE. SBE has been testing the beta versions and last week conducted a large scale test with multiple LBEs and with the assistance of the regional managers. The results are promising.

ready by end of June for 2012 election.

7. Project Management (PM) and Information Technology (IT)

Program\Project Management Office

Keith Ross continues to work on the development and refinement of project management toolbox templates and other resources for the agency. Mr. Ross is also in the process of developing a *Project Tracking Master List* that will help SBE prioritize existing projects and forecast future projects;

Projects

Mr. Ross is also continuing to work on the Inventory Management Project. Currently SBE staff and LBE staff are in the midst of completing the 2012 physical inventories at both the local boards and at SBE. The entire 2012 inventory is expected to be completed by the end of June.

Mr. Ross is also continuing to work with the call center vendor, CR Dynamics, in preparation for the general election and the support that will be provided. A lessons learned session was conducted with CR Dynamics, local boards, and SBE. The session was very productive and identified several process improvements.

64bit Oracle Test Environment

SBE has setup a 64bit test Oracle server to serve as a test infrastructure to SBE's 64bit Oracle production server environment. This test Oracle server will be utilized to test new releases of applications before they are allowed to be implemented in the production environment.

Removal of old servers from SBE for Disposal

Unused old servers were removed from the server racks in the server room and transferred to the warehouse for disposal. Hard drives in the servers were removed and were disposed according to DGS' guidelines for disposal of such sensitive items.

Other IT Related Events

- Assisted Worcester County with obtaining and installing a DYMO label printer;
- Successfully applied Microsoft Security updates for the month of April and May 2012 on SBE Server Systems;
- Renewed various computer hardware and software support warranties; and
- Four new workstations have been ordered for Dorchester county (to be delivered in the next few weeks).

8. Legislation

The following are bills that have been introduced this year that are of particular interest:

SB 597 – Elections – Baltimore City – Election Dates – This bill changes the Baltimore City Mayoral Election from the year after the gubernatorial election to the same year and to be held concurrently with the Presidential Primary and General Elections. **Passed** – Note that the bill only change the primary election date, the City Charter will still have to be amended and approved by the voters.

only 4
votes
against
it in
Senate,
ran out
of time.

SB 1078 Election Law – Absentee Ballots – Internet or Facsimile Transmission – This bill does three things. First, the bill amends §9-306 to require a local board of elections to **mail** an absentee ballot to a voter unless the voter is a military or overseas voter or a voter with a disability, in which case the local board may send the ballot via the Internet. Second, the bill amends §9-308 to require the State Board of Elections (SBE) to provide an ballot marking tool. A ballot marking tool will allow the voter to mark the ballot on his or her own computer using an interface that is similar to voting on the touchscreen voting unit. Once the voter is done, the ballot is printed out with the voter's selections. The voter must mail it back to the local board of elections. Section 9-308 is also amended to state that the online ballot marking tool is not subject to State voting system certification requirements unless certification is required by the U.S. Election Assistance Commission (currently the Commission has ruled that certification is not required for ballot marking tools). Finally, the bill amends §9-310 by creating an exception from the requirement to enclose a specially printed envelope with an absentee ballot. For electronically transmitted absentee ballots, the bill specifies that the local board is required provide the voter with an envelope template, the oath, and instructions for completing and mailing the ballot. As you know, SBE has received public input from a few individuals regarding the online absentee ballot delivery system and the planned implementation of a ballot marking tool within the online absentee ballot delivery system. This bill makes meaningful concessions to the critics of the system by significantly scaling back the use of the online absentee ballot delivery system. **Failed**

HB 138 Carroll County – Polling Places – Electioneering Boundaries – This bill restores the 100 foot the no-electioneering zone boundary in Carroll County. Last year the boundary had been changed to 25 feet.

HB 694/SB 763- Election Law- Payroll Deductions and Member Contributions- Address of Contributor- This bill requires an employer that collects voluntary political contributions through payroll deduction to transfer the address in addition to other information required by statute of each contributor to the treasurer of the political committee receiving the contribution. Currently, only the name, date, and amount are forwarded to the treasurer. **Passed**

HB 725 – Montgomery County – County Council Special Elections – Voting by Mail – This bill permits the Montgomery County Council to conduct by mail a special election to fill a vacancy in a County Council seat. **Passed**

HB 791/SB 1011- Election Law- Declaration of Intent- Establishment of Campaign finance Entity- This bill requires candidates that file a Declaration of Intent to have established or cause to be established at the time of filing an authorized candidate campaign committee. Currently, the establishment of the political committee is required prior to or at the time of filing a Certificate of Candidacy. **Failed**

HB 1007/SB 919- Election Law- Campaign Finance Entities- Retention of Records- This bill limits the length of time that a political committee has to retain its account books and associated records to the earlier of 10 years after the creation of an account book entry or related record or 2 years after the political committee files a final report. Currently, a political committee has to keep every record from its establishment until 2 years after it files its final report. **Passed**

HB 1103/SB 918- Election Law- Campaign Contributors- Occupation and Employer- This bill requires that the treasurer report the employer and occupation information of every contributor making contributions in the amount of \$500 or more in the aggregate in the election cycle to a single political committee. **Passed**

HB 1275/SB 982- Election Law – Petition Fund Reports- Available Online- This bill requires that State Board post online the petition fund reports filed. **Failed**

HB 1285/SB 1033- Election Law- Campaign Finance – Requirements- This bill requires that the responsible officers keep their contact information current with the State Board 21 days prior to a campaign finance report. It also allows the responsible officers the option to receive notices by email instead of by first class mail from SBE. Finally, the bill requires campaign contribution receipts be issued within 60 days of receiving the contributions. **Passed**

Ballot Questions

A list of ballot questions is provided in the meeting folder.

ASSISTANT ATTORNEY GENERAL'S REPORT

May 24, 2012

1. The Court of Appeals this week ruled in favor of the State Board of Elections' petition verification guidelines by vacating a circuit court decision that had declared those guidelines to be contrary to State law. *Maryland State Board of Elections v. Libertarian Party, et al.*, Court of Appeals No. 79, Sept. Term 2011, (slip op. May 21, 2012). The Court of Appeals also clarified that the signature standards and other petition requirements applied to candidate and new party petitions to the same extent as to referendum petitions, rejecting appellees' arguments that signatures on non-referendum petitions must be evaluated under a more liberal standard. The effect of the decision is to restore SBE's 2011 determination that the new party petitions submitted by the Green and Libertarian parties were insufficient, so that neither organization is currently an officially recognized Maryland political party with the right to nominate candidates for the 2012 general election ballot. To regain political party status before the November 2012 elections, both organizations must submit sufficient qualifying signatures on or before August 6, 2012.

2. *Doe v. Maryland State Bd. of Elections*, No. 02-c-011163050 (Cir. Ct., Anne Arundel County, Md.), the DREAM Act referendum case, is scheduled for argument before the Maryland Court of Special Appeals on June 12. The State's brief is due May 30. The issue on appeal is whether the Maryland DREAM Act makes an appropriation that would exempt it from referendum under § 2, Article XVI of the Maryland Constitution. *State's position*

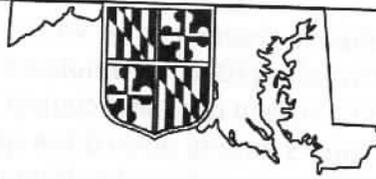
3. Four lawsuits have been filed to contest the State's legislative redistricting plan. *In the Matter of 2012 Legislative Districting of the State*, Court of Appeals of Maryland, Misc. Nos. 1, 2, 3, 4, 5 (September Term, 2012). Judge Wilner has been assigned to serve as Special Master and held a status conference with the parties May 23 to agree on discovery and a schedule for the litigation. Discovery is expected to be largely informal and hearings before the Special Master will probably occur during the first full week of September. *not an appropriation*

4. A *pro se* litigant has filed a lawsuit in the Circuit Court for Carroll County alleging, among other things, that the Secretary of State and members and officials of the State Board of Elections acted contrary to law by certifying President Obama as a presidential candidate for the 2012 Democratic Party primary and the 2012 general elections without determining his citizenship status or other qualification for the office of President of the United States. *Fair v. Obama*, Civ. No. 06-C-12-060692-DJ (Cir. Ct., Carroll Co., Md.). A hearing on the State's motion to dismiss or, in the alternative, to change venue, has been set for August 17.

STATE BOARD OF ELECTIONS

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 Rachel T. McGuckian
 David J. McManus, Jr.
 Charles E. Thomann



Linda H. Lamone
 Administrator
 Ross Goldstein
 Deputy Administrator

Memorandum

To: State Board Members
From: Nikki Trella
Date: May 9, 2012
Re: Final Adoption of Regulations

At the upcoming board meeting, I will present for final adoption proposed changes to various regulations in Title 33 of COMAR. These changes were adopted at the January 26th meeting as proposed and amend:

1. 33.04.02.01 - .03 (Inspection and Copying of Public Records - Confidentiality of Certain Information)
2. 33.04.03.01 (Inspection and Copying of Public Records - Requests from Correctional Facilities)
3. 33.08.04.05 (Canvassing - Central Count Procedures)
4. 33.11.02.01 (Absentee Ballots - Applications)
5. 33.13.08.02 (Campaign Financing - Independent Expenditure Requirements)
6. 33.13.09.02 (Campaign Financing - Electioneering Communication Requirements)
7. 33.15.03.06 (Precincts, Polling Places, and Facilities - Polling Places)
8. 33.16.02.01 (Provisional Voting - Provisional Voting Documents and Supplies)
9. 33.16.05.03 & .05 (Provisional Voting - Canvass of Ballots - Procedures)

You may wish to reference my memo dated January 10th for more information about these proposed changes.

The proposed changes were published in the April 6, 2012, edition of the *Maryland Register* (Vol. 39, Issue 7). The public comment period closed on May 7th, and no public comments were received.

Before proposed regulations are published, the General Assembly's Administrative, Executive, and Legislative Review Committee reviews the proposed changes. During the Committee's review of these proposed changes, a staff attorney suggested a technical, clarifying change to 33.15.03.06B. In §B, the phrase "spouse or helper" is used except for the last reference (when only "helper" is referenced). As a result, I ask that the Board consider during final adoption one additional change to §B (highlighted):

Memo to State Board members

Page 2

May 9, 2012

B. Right to Reassignment. [If an elderly voter or voter with a disability is reassigned to a new polling place under Election Law Article, §10-102, Annotated Code of Maryland, the] A voter's spouse or helper[, if registered to vote in the same county as the voter, is entitled to] *may be reassigned to the [same new] voter's polling place if the spouse or helper is registered to vote in the same county as the voter and the voter's [new] polling place [has the same] will have available the spouse's or helper's ballot style [as the polling place originally assigned to the spouse or helper].*

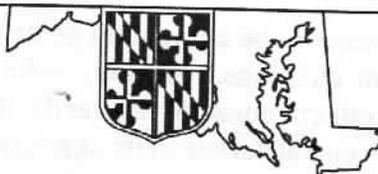
Jeff Darsie reviewed the change suggested by the Committee and determined that the change does not differ substantively from the text published in the *Maryland Register*. As a result, the Board can consider this change during final adoption.

If you have any questions before the next meeting, please contact me. I will, of course, be available at the board meeting to answer any questions.

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Linda H. Lamone
 Administrator

Ross Goldstein
 Deputy Administrator

Memorandum

To: State Board Members
From: Ross Goldstein
Date: May 18, 2012
Subject: Proposed Changes to Regulations

At the next board meeting, I will propose the repeal and addition of several COMAR provisions:

1. 33.08.01.10 (Post-Election Audit)
2. 33.08.05.01 - .04 (Reports and Accounting)
3. 33.10.02.38 (System Verification)
4. 33.10.11.38 (System Verification)
5. 33.08.05.01 - .07 (Post Election Verification and Audit)

The proposed changes to COMAR all relate to post-election verification and audit requirements. The regulations consolidate the requirements to one chapter under **Subtitle 8 - Canvassing**, make changes that will be discussed below, and repeal audit and verification provisions that are being moved or are no longer relevant.

Verification

Currently COMAR 33.10.02.38 requires each LBE to conduct a voting system verification after election day and prior to the certification of election results. Each LBE is required to randomly select at least 10% of the precincts for verification. The verification process is conducted either manually or on a server running the election management system (GEMS) different from the one used for the official tabulation. If the verification is conducted manually, the LBE adds the vote totals from the totals tapes for each voting unit and compares them to the totals generated by GEMS. For the automated process, the results are loaded into a different GEMS server and those results are compared to the results generated by the first GEMS server. The same verification process is required under COMAR 33.10.11.38 for optical scan results.

The proposed regulations move the verification provisions to the new Post Election Verification and Audit chapter in Subtitle 8. The proposed regulations also make the following changes:

- The option of using the automated process is removed since it would not detect an election management system software issue. Accordingly, only the manual verification process is permitted.
- The percentage of precincts to be verified is reduced from 10% to 5%. However, the minimum number of precincts is increased from two to three. The reduction is

necessary to ensure the process can be completed prior to the certification of election results by the local boards of elections. Further, reducing the number of precincts verified does not reduce the effectiveness of the verification process. The verification is testing the accuracy of the central server in its aggregation of election results. Since the server will use the same logic for every precinct, the number of precincts tested is not significant. Finally, it is important to remember that the post-election verification is not the only test conducted on the voting system. Pre-election logic and accuracy testing provides the verification testing for 100% of the precincts in the election.

- The verification process for the optical scan voting system is conducted by manually tallying the totals reports for the optical scan units used for the first absentee canvass and comparing the tally to the report from the election management system.
- If a discrepancy is discovered, the discrepancy must be resolved, and the resolution must be approved by the State Administrator, prior to the certification of the election.

Auditing

Currently COMAR 33.08.01.10 requires a post election audit. The audit, which must begin the day after the election, requires the election director to review signed voter authority cards, precinct register data, voted ballots, and official returns. Prior to certification, the audit must be completed for the same precincts for which the system verification is conducted. The audit ultimately must be completed for all precincts. The purpose of the post election audit is to confirm the accuracy of the election judges' statements. Specifically, the focus of the audit is to confirm that the number of ballots cast equals the number of voters that were checked-in to vote.

The proposed regulations move the audit provisions to the new Post Election Verification and Audit chapter in Subtitle 8. The proposed regulations also make the following changes:

- The manual audit process will only be conducted on the 5% of the precincts selected for the verification. The manual process requires the election director to count signed voter authority cards and compare the number counted against the number of ballots cast as reported in GEMS.
- An automated audit process is established in addition to the manual process. First, the State Administrator will produce a report for 100% of the precincts that compares the number of voters checked-in to vote by the electronic pollbooks against the number of ballots cast on the voting system. Then, using this report, the election director will be required to conduct the manual audit process on any precinct in which a discrepancy, greater than five, exists between the number of voter check-ins and ballots cast. Accordingly, while the number of manual audits decreases, the total scope of what is being audited remains the same and is required to be completed prior to certification of the election results by the local board of canvassers.
- The proposed regulations specify that if the number of signed voter authority cards does not match the number of ballots cast, the election director is required to review other election materials from the precinct (such as the chief judge's log, provisional materials, etc.) in order to determine the cause of the discrepancy. If the discrepancy cannot be explained, but is less than the vote margin of any contest on the ballot in that precinct, the local board shall accept the audit results and certify the election. If the discrepancy is greater than the vote margin of any contest on the ballot in that

precinct, the local board of canvassers may not certify the election until any corrective actions required by the State Administrator are completed.

- The audit requirements are also established for absentee and provisional ballots. Prior to the audit, the State Administrator is required to establish the number of absentee and provisional ballots to be audited. The election director then randomly selects the required number of absentee and provisional ballots and makes a determination whether they were properly accepted or rejected based on the applicable criteria. If the audit demonstrates that a ballot was improperly rejected, the canvassing board is required to accept and count the ballot prior to the certification of the election. If the audit demonstrates that ballots were improperly accepted, but in a quantity that is less than the vote margin of any contest on the ballot in that county, the local board shall accept the audit results and certify the election. If the discrepancy is greater than the vote margin of any contest on the ballot in that county, the local board of canvassers may not certify the election until any corrective actions required by the State Administrator are completed.

Ballot Accounting

Currently, COMAR 33.08.05.02 - .04 requires the election director to make a full accounting of all optical scan (absentee and provisional) ballots following the tabulation of all votes. The proposed regulations repeal this requirement. Given the comprehensive auditing that is conducted prior to certification of election results, ballot accounting adds no additional security or accountability to the process. If there was no comprehensive audit, ballot accounting may be an important indicator of a problem. For example, missing ballots may lead to concerns of improperly cast ballots. However, the audit process provides meaningful assurance that every ballot was cast by a qualified voter. In other words, the post election audit procedures will focus on accounting for voted ballots - not counting and reporting unused or spoiled ballots.

Post Election Reporting

The provisions in COMAR 33.08.05.01 are moved to COMAR 33.08.01.01.

Title 33 STATE BOARD OF ELECTIONS
Subtitle 08 CANVASSING

33.08.01 Definitions; General Provisions (5/15)

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), [11-201,] and 11-201, Annotated Code of Maryland

.01 Definitions.

A. In this subtitle, the following [term has] *terms have* the meaning indicated.

B. [Term] *Terms Defined.*

(1) "Counting center" means the central location designated by the local board for the canvass of ballots.

(2) "Election Management System" has the meaning stated in COMAR 33.10.02.01B(10).

(3) "Precinct" includes an early voting center.

(4) "Totals tape" means the report of result totals that is generated by an optical scan or touchscreen voting unit.

.10 Report of Votes Cast.

At times and in the format required by the State Administrator, the election director shall produce:

A. *The total votes cast for all offices and on all questions:*

(1) *By precinct for votes cast on election day in a polling; or*

(2) *By county, for votes cast during early voting or by absentee or provisional voting; and*

B. *In a primary election:*

(1) *The number of ballots voted in each party's primary; and*

(2) *The number of ballots voted in any nonpartisan ballot election.*

33.08.05 [Reports and Accounting] Post-Election Verification and Audit

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, and 11-201, Annotated Code of Maryland

.01 Purpose.

The purpose of the:

A. *Verification is to demonstrate and confirm the accuracy of the voting system's tabulation logic.*

B. Precinct audit is to confirm that the number of ballots cast equals the number of voters who checked-in to vote at a polling place.

C. Absentee and provisional ballot audit is to ensure that each accepted ballot met the application and acceptance criteria and conversely that rejected ballots did not meet the criteria.

.02 Verification and Audit Required.

A. A local board of canvassers may not certify the results of an election until the verification and audit procedures required in this chapter have been completed for that election.

B. The State Administrator shall establish procedures and reporting formats to guide the verification and audit process.

.03 Selection of Precincts.

A. During the preelection public demonstration required by COMAR 33.10.02.16, each local board shall randomly select for post-election verification and auditing, the greater of:

- (1) Three precincts; or
- (2) 5 percent of all precincts used in the election.

B. Within three days of the public demonstration, the election director shall forward to the State Administrator a list of the selected precincts.

C. The State Administrator may require the local board to conduct the audit and verification procedures on additional precincts.

➤ **.04 Post-Election Verification.**

A. Touchscreen Voting Unit. For each precinct selected under Regulation .03, the election director shall:

- (1) Obtain the totals tapes from each touchscreen voting unit deployed to the precinct;
- (2) Aggregate for each precinct the results reported on the totals tapes; and
- (3) Compare those aggregated precinct results against the results for that precinct as reported by the Election Management System.

➤ B. Optical Scan Voting Unit. The election director shall:

- (1) Obtain the totals tapes from each optical scan voting unit used for the first absentee ballot canvass;
- (2) In a manner and format specified by the State Administrator, aggregate the results reported on the totals tapes; and
- (3) Compare those aggregated results against the results for the first absentee ballot canvass as reported by the Election Management System.

C. Notification.

(1) If the verification results and the Election Management System results agree, the election director shall report to the local board of canvassers and the State Administrator accordingly.

(2) If the verification results and the Election Management System results do not agree:

(a) The election director shall notify the State Administrator immediately; and

(b) The local board of canvassers may not certify the election until the cause of the discrepancy is discovered, resolved, and the State Administrator has approved the resolution.

→ .05 Post-Election Audit – Precincts.

A. Automated.

(1) For every precinct in an election, the State Administrator shall produce a report with the following information:

(a) The number of voters who were checked-in to vote as reported by the electronic pollbooks;

(b) The number of ballots cast as reported in the Election Management System; and

(c) The difference, if any, between the number of voters checked-in to vote and ballots cast.

(2) The election director shall conduct the audit procedures under §B of this regulation if the State Administrator's report indicates that the difference between the number of voters checked-in to vote and the number of ballots cast is five or more.

→ B. Manual.

(1) The election director shall conduct the audit procedures under this section for each precinct:

(a) Selected under Regulation .03 of this chapter; and

(b) Identified under §A of this regulation.

(2) For each precinct being audited, the election director shall:

(a) Hand count the signed voter authority cards associated with each touchscreen voting unit in the precinct; and

(b) Compare the number of signed voter authority cards against the number of ballots cast as reported in the Election Management System.

(3) If the number of signed voter authority cards does not match the number of ballots cast, the election director shall:

(a) Review other election materials from the precinct to determine the cause of the difference; and

(b) Report to the State Administrator the explanation for the difference.

C. Notification. The election director shall report to the local board and the State Administrator the results of the audit.

D. Certifying the Election. If the audit demonstrates an unexplained discrepancy between the number of signed voter authority cards and the number of ballots cast and that discrepancy is:

(1) Less than the vote margin of any contest on the ballot in that precinct, the local board of canvassers shall accept the audit results and certify the election; or

(2) Greater than the vote margin of any contest on the ballot in that precinct, the local board of canvassers may not certify the election until any corrective actions required by the State Administrator are completed.

→ **.06 Post-Election Audit – Absentee and Provisional Voting.**

A. The State Administrator shall establish the number of absentee and provisional ballots to be audited.

B. The election director shall randomly select and review:

(1) Accepted absentee ballots to determine whether each ballot was properly accepted by confirming that:

(a) A timely absentee ballot request was received from the voter; and

(b) The absentee ballot was timely received as provided under COMAR 33.11.03.08;

(2) Rejected absentee ballots to determine whether each ballot was properly rejected by confirming that:

(a) The absentee ballot was not timely received as provided under COMAR 33.11.03.08; or

(b) The absentee ballot was rejected for another valid reason;

(3) Accepted provisional ballots to determine whether each ballot was properly accepted by confirming that:

(a) At the time of the election, the voter was registered to vote and voted the ballot for the precinct in which the voter resides; and

(b) All other applicable acceptance criteria were met;

(4) *Partially accepted provisional ballots to determine whether each ballot was properly partially accepted by confirming that;*

(a) *At the time of the election, the voter was registered to vote but did not vote the ballot for the precinct in which the voter resides; and*

(b) *All other applicable acceptance criteria were met; and*

(5) *Rejected provisional ballots to determine whether each ballot was properly rejected by confirming that:*

(a) *At the time of the election, the voter was not registered to vote; or*

(b) *The voter's ballot was rejected for another valid reason.*

C. *Notification. The election director shall provide a copy of the materials reviewed under §B of this regulation to:*

(1) *The local board of canvassers at the time of certification; and*

(2) *The State Administrator after certification.*

D. *Certifying the election.*

(1) *If the audit demonstrates that an absentee or provisional ballot was improperly rejected, the local board of canvassers shall accept and count the absentee or provisional ballot prior to the certification of the election.*

(2) *If the audit demonstrates that absentee and provisional ballots were improperly accepted and that discrepancy is:*

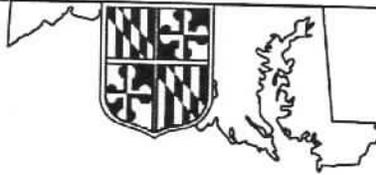
(a) *Less than the vote margin of any contest on the ballot in that county, the local board of canvassers shall accept the audit results and certify the election; or*

(b) *Greater than the vote margin of any contest on the ballot, the local board of canvassers may not certify until any corrective actions required by the State Administrator are completed.*

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Linda H. Lamone
Administrator

Ross Goldstein
Deputy Administrator

Memorandum

To: State Board Members
From: Nikki Baines Trella
Date: May 14, 2012
Re: Proposed Changes to 2012 Absentee Voting Instructions

For the 2012 Primary Election, three local boards of elections used Runbeck Election Services to print, insert, and mail absentee voting packets. Runbeck's automated process included printing on the return envelope a message that the local boards previously stamped, and we redesigned the return envelope in such a way that it did not have any adhesive strips. The stamped message and the adhesive strips were both referenced in the instructions.

Now that all 24 local boards of elections will be using Runbeck Election Services for the 2012 General Election, I propose minor changes to the instructions. Attached to this memo are the revised instructions, and the following paragraphs describe the proposed changes.

1. The instructions state that, if "ID Required" is stamped on the return envelope, the voter must submit ID with his or her voted ballot. Since Runbeck will print - not stamp - "ID Required" on the return envelope, the two references to the *stamped* message are changed to *printed*. The references are in the opening sentence of the ID Information section ("If 'ID Required' is ~~stamped~~ *printed* on your envelope...") and 2(c) of the After Voting section ("A copy of ID information if 'ID Required' is ~~stamped~~ *printed* on your envelope.").
2. The instructions tell the voter to "[r]emove the two adhesive covers..." on the return envelope. See 4 of After Voting. Since Runbeck's envelopes do not have adhesive strips, this instruction is no longer necessary. This instruction has been deleted.
3. Since these instructions will only be used in the 2012 General Election, references to the 2012 Primary Election are not needed. I deleted the dates relating to the 2012 Primary Election in the Returning your absentee ballot section.
4. Updated revision date of 5/2012.

If you have any questions about the proposed changes before the board meeting, please do not hesitate to contact me. I will, of course, be available at the board meeting to answer any questions.

State of Maryland Absentee Instructions

Voting with assistance

If you have a disability or are unable to read or write, you may have help. Any person can help you, except a candidate on your ballot, your employer or agent of your employer, or an officer or agent of your union. The person helping you:

1. Can mark the ballot according to your wishes.
2. Can print your name, followed by his or her initials, if you cannot sign the oath.
3. Cannot make any effort to influence your vote.
4. Must complete the Certification of Person Assisting Absentee Voter included in these materials.

ID Information

If "ID Required" is printed on your envelope, you must send ID information with your voted ballot. The acceptable forms of ID are:

1. A copy of a current and valid photo ID; or
2. A copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows your name and address. Current means that the document is dated within 3 months of the election.

If you received a Request for Maryland Driver's License or Social Security Number form, please complete the form, put it in a separate envelope, and return it immediately to your county board of elections. Your county board of elections needs to process this form **before** processing your voted ballot.

State of Maryland Absentee Instructions

After voting

1. Refold the ballot as it was folded.
2. Put in the envelope:
 - a. Your voted ballot;
 - b. A completed Certification of Person Assisting Absentee Voter if someone helped you vote this ballot; and
 - c. A copy of ID information if "ID Required" is printed on your envelope.
3. Read the Oath of Absentee Voter, and print, sign, and date the oath. (You may use a pen to sign and date the oath.) If you cannot sign your name, see "Voting with assistance" section of these instructions. You must sign the oath or your ballot will not count.
4. Seal the envelope.

Returning your absentee ballot

You must mail or hand deliver your absentee ballot to your county board of elections. You cannot email or fax a voted absentee ballot or take your voted ballot to an early voting center or a polling place.

1. If you hand deliver your ballot, you must deliver it to your county board of elections by 8 pm on election day.
2. If you mail your ballot, you must mail it on or before November 6, 2012, **and** it must be received by your county board of elections by 10 am November 16, 2012.

Note: If you mail your ballot via a foreign mail system, affix the proper postage to get the ballot into the U.S. postal system. If you mail your ballot from a military post office (APO/FPO) or U.S. embassy or consulate, postage is not required.

State of Maryland Absentee Instructions

Verifying the status of your absentee ballot

You can visit www.elections.state.md.us to verify that your absentee ballot was received and after the election, whether it was counted. You can also obtain this information by calling 1-800-222-8683.

Contact Information

Maryland State Board of Elections

Website: elections.state.md.us

E-mail: info@elections.state.md.us

Phone: 1-800-222-8683

Fax: 1-410-974-2019

Final checklist

- ❖ Check that you have voted all of the contests for which you want to vote.
- ❖ Do not sign your name or make any other mark on the ballot.
- ❖ Write-in votes are only allowed in general elections. Do not write in votes in a primary election.
- ❖ Check that your oath is signed and dated. Your ballot will not count if your oath is not signed.
- ❖ In your envelope, put only your voted ballot and if applicable, ID information and the signed Certification of Person Assisting Absentee Voter.
- ❖ Seal the envelope and mail it promptly to your county board of elections.

State of Maryland Absentee Instructions

Introduction

At your request, these absentee voting materials have been sent to you. The materials include: (1) an absentee ballot; (2) a return envelope with the Oath of Absentee Voter printed on the back; and (3) a Certification of Person Assisting Absentee Voter. Please read these instructions before voting your ballot.

Voting your absentee ballot

1. Find a place where you can vote your ballot in private.
2. Use only a No. 2 pencil. Pens and other pencils may not be read by the voting unit.
3. Review your ballot before voting. Your ballot may be multiple pages.
4. Completely fill in the oval to the left of your choice.
5. Do not vote for more candidates than the number specified in the contest heading. If you wish, you may vote for fewer candidates than specified.
6. If you made a mistake or changed your mind after filling in the oval, do not erase the mark. Call your county board of elections to receive a new ballot. You may be required to submit your spoiled ballot before getting a new one.
7. Do not sign your name or make any other mark on your ballot.
8. Write-in voting is only allowed in general elections. A general election ballot has spaces for write-in votes. To cast a write-in vote:
 - (a) fill in the oval to the left of the space for the write-in vote; and
 - (b) write the last name and first name (or first initial) of the person in the appropriate space.

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

Robert L. Walker, Chairman
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Linda H. Lamone
 Administrator

Ross Goldstein
 Deputy Administrator

Memorandum

To: State Board Members

From: Nikki Baines Trella

Date: May 14, 2012

Re: Proposed Changes to *Licensed Nursing Homes and Assisted Living Facilities: Absentee Ballot and Voter Registration Procedures*

At the next board meeting, I will propose two changes to the *Licensed Nursing Homes and Assisted Living Facilities: Absentee Ballot and Voter Registration Procedures*. A local board of elections recently asked about providing assistance to a resident of a nursing home or assisted living facility who is unable to sign a document, and our subsequent discussions identified two changes to the procedures.

The table below shows the current and proposed instructions when representatives of a local board of elections are assisting an individual who is unable to sign an election form. The proposed instruction is based on COMAR 33.07.05.01, which establishes a standard for a voter is unable to sign a document at an early voting center or polling place.

Current Instruction	Proposed Instruction
If the applicant is unable to sign the [voter registration] application, guide the applicant's pen to make a mark on the signature line, write "as witnessed by," and sign your name. (page 3.2)	If the applicant is: <ol style="list-style-type: none"> i. Unable to sign the [voter registration] application, ask the applicant to make an "X" or other mark on the signature line ii. Unable to make a mark, write on the signature line that the voter is unable to sign his or her name and sign your name after the statement
Ask the voter to sign the absentee ballot application and the oath on the absentee ballot envelope. If the voter cannot sign his or her name, guide the voter's pen to make a mark on the signature line, write "as witnessed by," and sign your name. (page 4.4)	Ask the voter to sign the absentee ballot application and the oath on the absentee ballot envelope. If the voter cannot: <ol style="list-style-type: none"> a. Sign his or her name, ask the voter to make an "X" or other mark on the signature line b. Make a mark, write on the signature line that the voter is unable to sign his or her name and sign your name after the statement

If you have any questions about the proposed changes before the board meeting, please do not hesitate to contact me. I will, of course, be available at the board meeting to answer any questions.

MARYLAND STATE BOARD OF ELECTIONS
Number of Non-Accessible Precincts and Polling Places By County

County	Non-accessible polling places	Total Polling places	Percentage Accessible
Allegany County	1	36	97.2%
Anne Arundel County	1	156	99.4%
Baltimore City	0	213	100.0%
Baltimore County	0	192	100.0%
Calvert County	0	23	100.0%
Caroline County	0	8	100.0%
Carroll County	0	32	100.0%
Cecil County	0	17	100.0%
Charles County	0	43	100.0%
Dorchester County	1	20	95.0%
Frederick County	1	65	98.5%
Garrett County	0	18	100.0%
Harford County	0	67	100.0%
Howard County	0	82	100.0%
Kent County	0	9	100.0%
Montgomery County	0	229	100.0%
Prince George's County	5	217	97.7%
Queen Anne's County	0	16	100.0%
St. Mary's County	2	27	92.6%
Somerset County	0	12	100.0%
Talbot County	0	9	100.0%
Washington County	0	48	100.0%
Wicomico County	0	30	100.0%
Worcester County	0	18	100.0%
State Combined	11	1587	99.3%

Parallel Testing Report: April 3, 2012.

On Tuesday, April 3, 2012, staff from the Maryland State Board of Elections (SBE) and other volunteers conducted "parallel testing" of a touchscreen voting unit. During voting hours, testers (SBE staff and volunteers) entered a total of 350 ballots into the voting unit. After the voting ended, the testers confirmed that the voting unit accurately accounted for all votes for all candidates in all contests.

The voting unit was tested for logic and accuracy and randomly selected for use in parallel testing by the Talbot County Board of Elections. The voting unit was sealed and delivered to SBE prior to Election Day. SBE secured the voting unit in a locked room until the morning of April 3. The voting unit was brought to the main lobby of SBE where testers confirmed that the voting unit's outer seal was intact. Testers opened the voting unit in accordance with procedures contained in the Election Judges' Manual. Testers confirmed that the tamper tape applied to the voting unit's side compartment was intact.

At 6:33 a.m. "zero reports" were printed from the voting unit and testers confirmed that ballots had not been cast for any candidates, that the "ballots total" on the voting unit's screen was zero, and the "system total" on the zero report matched the information on the voting unit's screen. The top and side compartments were locked and new tamper tape was applied to the side compartment.

Testers were supplied with pre-voted paper ballots (in packs of 10) to enter into the voting unit. One tester read aloud the votes from the ballots, saying the contest and then saying the candidate(s) for which votes were indicated on the ballot. Another tester would repeat the contest and candidates' names while touching the candidate(s) name on the touchscreen of the voting unit. Two other testers repeated the candidates' names and tallied the votes on tally sheets. After all of the contests for each ballot were entered into the voting unit, the votes for each contest were verified by reading aloud the votes indicated on the voting unit's summary screen as compared to the votes indicated on the ballot. The ballot was cast on the voting unit after the testers confirmed that the votes on the voting unit matched the votes on the paper ballot.

After ten ballots had been cast into the voting unit, two testers compared their tallies to confirm the accuracy of the tallies. If the tallies did not match, the ballots in that pack of 10 would be reviewed and adjustments made to the tallies.

Ballots were cast on the voting unit throughout the day. Shortly after 8:00 p.m. testers "ended the election" on the voting unit in accordance with procedures in the Election Judges' Manual. The Election Results Report was printed from the voting unit at 8:04 p.m. The side compartment was locked and new tamper tape applied. The voting unit was closed, sealed, and returned to the locked room.

Testers compared the totals for each candidate on the Election Results Report to the totals from the tally sheets. Testers confirmed that the totals from the Election Results Report matched the totals from the tally sheets.

The following volunteers participated in the parallel testing: Mike Baines, Connie Urps, Bettie McCaffrey, and Savannah Molina.

The following SBE staff participated in the parallel testing: Jackie Bryley, Valerie O'Connor, Erin Dennis, Whitney Faust, Nikki Trella, Keith Ross, and Rick Urps.

2012 Primary Election
Total Voter Turnout

County	Early Voting		Polling Place (Election Day)		Absentee		Provisional		Total
Allegany	570	5.3%	9,579	89.4%	492	4.6%	68	0.6%	10,709
Anne Arundel	8,577	15.1%	45,730	80.6%	1,388	2.4%	1,054	1.9%	56,749
Baltimore City	7,507	15.7%	37,925	79.2%	1,518	3.2%	911	1.9%	47,861
Baltimore	11,944	14.6%	66,396	81.4%	2,422	3.0%	812	1.0%	81,574
Calvert	1,104	11.7%	7,892	83.5%	353	3.7%	101	1.1%	9,450
Caroline	494	14.7%	2,757	81.8%	93	2.8%	27	0.8%	3,371
Carroll	1,894	10.1%	16,258	86.5%	578	3.1%	75	0.4%	18,805
Cecil	1,387	12.1%	9,608	84.1%	290	2.5%	145	1.3%	11,430
Charles	1,645	11.8%	11,658	84.0%	333	2.4%	249	1.8%	13,885
Dorchester	476	12.2%	3,204	82.3%	184	4.7%	28	0.7%	3,892
Frederick	2,848	8.6%	29,060	87.9%	956	2.9%	197	0.6%	33,061
Garrett	422	9.0%	3,994	85.4%	234	5.0%	25	0.5%	4,675
Harford	3,246	11.3%	24,422	85.2%	747	2.6%	265	0.9%	28,680
Howard	5,950	16.6%	28,865	80.4%	665	1.9%	439	1.2%	35,919
Kent	694	21.4%	2,403	74.2%	130	4.0%	10	0.3%	3,237
Montgomery	10,037	10.9%	76,093	82.7%	4,766	5.2%	1,101	1.2%	91,997
Prince George's	9,666	12.5%	63,998	82.8%	1,856	2.4%	1,796	2.3%	77,316
Queen Anne's	683	10.4%	5,601	85.4%	182	2.8%	91	1.4%	6,557
St. Mary's	1,578	11.7%	11,179	83.1%	600	4.5%	98	0.7%	13,455
Somerset	277	12.6%	1,799	81.8%	99	4.5%	23	1.0%	2,198
Talbot	1,537	25.6%	4,248	70.8%	183	3.0%	33	0.5%	6,001
Washington	1,374	7.0%	17,402	88.4%	760	3.9%	142	0.7%	19,678
Wicomico	1,350	14.4%	7,443	79.1%	519	5.5%	95	1.0%	9,407
Worcester	859	12.6%	5,494	80.6%	412	6.0%	51	0.7%	6,816
State Totals	76,119	12.8%	493,008	82.6%	19,760	3.3%	7,836	1.3%	596,723

Turnout includes all voters who voted in the 2012 Primary Election, regardless of whether their absentee or provisional ballots were counted and included in the election results.

Source: Statewide voter registration system

2012 Primary Election
Total Votes Counted

County	Early Voting		Polling Place (Election Day)		Absentee		Provisional		Total
Allegany	570	5.3%	9,579	89.8%	469	4.4%	51	0.5%	10,669
Anne Arundel	8,577	15.3%	45,730	81.3%	1,351	2.4%	570	1.0%	56,228
Baltimore City	7,507	15.8%	37,925	79.7%	1,496	3.1%	665	1.4%	47,593
Baltimore	11,944	14.7%	66,396	81.7%	2,368	2.9%	531	0.7%	81,239
Calvert	1,104	11.8%	7,892	84.0%	338	3.6%	58	0.6%	9,392
Caroline	494	14.7%	2,757	82.1%	93	2.8%	15	0.4%	3,359
Carroll	1,894	10.1%	16,258	86.6%	571	3.0%	42	0.2%	18,765
Cecil	1,387	12.2%	9,608	84.7%	289	2.5%	63	0.6%	11,347
Charles	1,645	12.0%	11,658	84.8%	320	2.3%	129	0.9%	13,752
Dorchester	476	12.2%	3,204	82.4%	182	4.7%	25	0.6%	3,887
Frederick	2,848	8.6%	29,060	88.1%	935	2.8%	127	0.4%	32,970
Garrett	422	9.0%	3,994	85.6%	232	5.0%	17	0.4%	4,665
Harford	3,246	11.4%	24,422	85.5%	740	2.6%	151	0.5%	28,559
Howard	5,950	16.6%	28,865	80.7%	652	1.8%	307	0.9%	35,774
Kent	694	21.5%	2,403	74.4%	129	4.0%	5	0.2%	3,231
Montgomery	10,037	11.0%	76,093	83.1%	4,633	5.1%	857	0.9%	91,620
Prince George's	9,666	12.6%	63,998	83.4%	1,802	2.3%	1,255	1.6%	76,721
Queen Anne's	683	10.5%	5,601	86.2%	175	2.7%	40	0.6%	6,499
St. Mary's	1,578	11.8%	11,179	83.4%	583	4.3%	68	0.5%	13,408
Somerset	277	12.7%	1,799	82.2%	96	4.4%	16	0.7%	2,188
Talbot	1,537	25.7%	4,248	70.9%	183	3.1%	22	0.4%	5,990
Washington	1,374	7.0%	17,402	88.9%	753	3.8%	49	0.3%	19,578
Wicomico	1,350	14.5%	7,443	79.7%	498	5.3%	49	0.5%	9,340
Worcester	859	12.7%	5,494	81.0%	407	6.0%	25	0.4%	6,785
State Totals	76,119	12.8%	493,008	83.1%	19,295	3.3%	5,137	0.9%	593,559

This table includes voters who voted in the 2012 Primary Election and whose ballots were counted. It does not include voters whose absentee or provisional ballots were rejected.

Source: Statewide voter registration system

2012 Primary Election
Absentee Voting

County	Ballots Sent	Ballots Received	Ballots Accepted	Ballots Rejected
Allegany	560	492	87.86%	469 95.33% 23 4.67%
Anne Arundel	1,787	1,388	77.67%	1,351 97.33% 38 2.74%
Baltimore City	1,832	1,518	82.86%	1,496 98.55% 22 1.45%
Baltimore County	3,099	2,422	78.15%	2,368 97.77% 54 2.23%
Calvert	421	353	83.85%	338 95.75% 15 4.25%
Caroline	107	93	86.92%	93 100.00% 0 0.00%
Carroll	710	578	81.41%	571 98.79% 7 1.21%
Cecil	345	290	84.06%	289 99.66% 1 0.34%
Charles	400	333	83.25%	320 96.10% 13 3.90%
Dorchester	205	184	89.76%	182 98.91% 2 1.09%
Frederick	1,225	956	78.04%	935 97.80% 21 2.20%
Garrett	276	234	84.78%	232 99.15% 2 0.85%
Harford	869	747	85.96%	740 99.06% 7 0.94%
Howard	849	665	78.33%	652 98.05% 13 1.95%
Kent	157	130	82.80%	129 99.23% 1 0.77%
Montgomery	6,388	4,766	74.61%	4,633 97.21% 133 2.79%
Prince George's	2,295	1,856	80.87%	1,802 97.09% 54 2.91%
Queen Anne's	223	182	81.61%	175 96.15% 7 3.85%
St. Mary's	725	600	82.76%	583 97.17% 17 2.83%
Somerset	114	99	86.84%	96 96.97% 3 3.03%
Talbot	223	183	82.06%	183 100.00% 0 0.00%
Washington	863	760	88.06%	753 99.08% 7 0.92%
Wicomico	627	519	82.78%	498 95.95% 21 4.05%
Worcester	473	412	87.10%	407 98.79% 5 1.21%
Statewide	24,773	19,760	79.76%	19,295 97.65% 466 2.36%

1. This table includes Federal Write-in Absentee Ballots (FWABs) received by the local boards of elections but does not include absentee ballots that were undeliverable to the voter and returned to the local board of elections.

Reasons for Rejecting Absentee Ballots

1 - Used agent & ballot envelope not sealed	0	0.00%
2 - Board action	85	18.24%
3 - Voter cancelled	1	0.21%
4 - Voter deceased	4	0.86%
5 - Voter is convicted felon	0	0.00%
6 - Identifying mark on the ballot	7	1.50%
7 - ID was received but did not satisfy requirements	3	0.64%
8 - ID or DL# or SS# was not timely received	1	0.21%
9 - Late for election	255	54.72%
10 - Voted more than one ballot	16	3.43%
11 - No signature	69	14.81%
12 - No absentee ballot application	9	1.93%
13 - Not a registered voter	0	0.00%
14 - Surrendered absentee ballot at polls	11	2.36%
15 - Original State absentee ballot received (FWAB rejected)	5	1.07%
Total	466	

2012 Primary Election

County	Absentee Ballot Rejection Reasons															Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Allegany	0	15	0	1	0	0	1	0	2	0	4	0	0	0	0	23
Anne Arundel	0	3	1	0	0	1	0	0	29	0	3	0	0	0	1	38
Baltimore City	0	2	0	0	0	1	1	0	13	1	4	0	0	0	0	22
Baltimore County	0	1	0	0	0	1	1	0	36	3	11	1	0	0	0	54
Calvert	0	9	0	0	0	0	0	0	3	0	2	0	0	0	1	15
Caroline	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Carroll	0	1	0	0	0	0	0	0	1	0	2	3	0	0	0	7
Cecil	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Charles	0	6	0	0	0	1	0	0	3	1	2	0	0	0	0	13
Dorchester	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	2
Frederick	0	4	0	1	0	2	0	0	9	0	1	0	0	4	0	21
Garrett	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	2
Harford	0	6	0	0	0	0	0	0	1	0	0	0	0	0	0	7
Howard	0	0	0	0	0	0	0	0	10	0	2	0	0	0	1	13
Kent	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Montgomery	0	3	0	0	0	1	0	0	88	6	21	5	0	7	2	133
Prince George's	0	17	0	0	0	0	0	1	28	1	7	0	0	0	0	54
Queen Anne's	0	0	0	0	0	0	0	0	5	2	0	0	0	0	0	7
St. Mary's	0	9	0	0	0	0	0	0	6	2	0	0	0	0	0	17
Somerset	0	1	0	0	0	0	0	0	2	0	0	0	0	0	0	3
Talbot	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Washington	0	0	0	1	0	0	0	0	2	0	4	0	0	0	0	7
Wicomico	0	8	0	0	0	0	0	0	12	0	1	0	0	0	0	21
Worcester	0	0	0	0	0	0	0	0	3	0	2	0	0	0	0	5
State Totals	0	85	1	4	0	7	3	1	255	16	69	9	0	11	5	466

Absentee Ballot Rejection Reasons

- 1 - Used agent & ballot envelope not sealed
- 2 - Board action
- 3 - Voter cancelled
- 4 - Voter deceased
- 5 - Voter is convicted felon
- 6 - Identifying mark on the ballot
- 7 - ID was received but did not satisfy requirements
- 8 - ID or DL# or SS# was not timely received
- 9 - Late for election
- 10 - Voted more than one ballot
- 11 - No signature
- 12 - No absentee ballot application
- 13 - Not a registered voter
- 14 - Surrendered absentee ballot at polls
- 15 - Original State absentee ballot received (FWAB rejected)

2012 Primary Election
Provisional Voting - Rejection Reasons

County	Provisional Ballot Rejection Reasons														Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Allegany	0	1	14	2	0	0	0	0	0	0	0	0	0	0	17
Anne Arundel	24	9	70	4	370	0	6	1	0	0	0	0	0	0	484
Baltimore City	33	5	17	7	184	0	0	0	0	0	0	0	0	0	246
Baltimore County	27	2	44	13	189	0	0	1	0	5	0	0	0	0	281
Calvert	7	1	4	0	31	0	0	0	0	0	0	0	0	0	43
Caroline	0	0	1	0	11	0	0	0	0	0	0	0	0	0	12
Carroll	3	1	25	0	4	0	0	0	0	0	0	0	0	0	33
Cecil	6	0	15	0	61	0	0	0	0	0	0	0	0	0	82
Charles	14	1	105	0	0	0	0	0	0	0	0	0	0	0	120
Dorchester	0	0	2	0	1	0	0	0	0	0	0	0	0	0	3
Frederick	23	1	36	6	0	0	4	0	0	0	0	0	0	0	70
Garrett	0	0	1	0	7	0	0	0	0	0	0	0	0	0	8
Harford	13	2	13	1	76	0	9	0	0	0	0	0	0	0	114
Howard	28	4	89	8	1	1	1	0	0	0	0	0	0	0	132
Kent	0	0	4	0	0	0	0	0	0	0	1	0	0	0	5
Montgomery	56	11	163	10	0	1	2	0	0	0	0	0	0	1	244
Prince George's	86	4	105	31	297	1	0	1	0	14	0	0	2	0	541
Queen Anne's	4	1	46	0	0	0	0	0	0	0	0	0	0	0	51
St. Mary's	17	1	12	0	0	0	0	0	0	0	0	0	0	0	30
Somerset	0	0	0	0	6	0	0	0	0	0	1	0	0	0	7
Talbot	0	0	10	1	0	0	0	0	0	0	0	0	0	0	11
Washington	6	1	15	3	59	1	0	0	0	8	0	0	0	0	93
Wicomico	3	0	7	0	36	0	0	0	0	0	0	0	0	0	46
Worcester	1	0	25	0	0	0	0	0	0	0	0	0	0	0	26
State Totals	351	45	823	86	1,333	4	22	3	0	27	2	0	2	1	2,699

Provisional Ballot Rejection Reasons	
1 - Not registered to vote	8 - DL# or SS# received but not verified
2 - Returned voted absentee ballot or already voted	9 - ID received but not acceptable
3 - Voted wrong primary ballot	10 - No ballot or more than one ballot in envelope
4 - No signature on application	11 - No evidence to support voting unit malfunction
5 - Not eligible to receive a provisional ballot	12 - Identity challenge upheld
6 - ID or DL# or SS# not timely received	13 - Order extending voting hours invalidated
7 - Incomplete information on application	14 - Identifying mark on ballot

2012 Primary Election
Provisional Voting

County	Provisional Ballots Cast	# Accepted In Full		# Accepted In Part		# Rejected	
Allegany	68	51	75.0%	0	0.0%	17	25.0%
Anne Arundel	1,054	426	40.4%	144	13.7%	484	45.9%
Baltimore City	911	520	57.1%	145	15.9%	246	27.0%
Baltimore County	812	386	47.5%	145	17.9%	281	34.6%
Calvert	101	53	52.5%	5	5.0%	43	42.6%
Caroline	27	14	51.9%	1	3.7%	12	44.4%
Carroll	75	39	52.0%	3	4.0%	33	44.0%
Cecil	145	62	42.8%	1	0.7%	82	56.6%
Charles	249	125	50.2%	4	1.6%	120	48.2%
Dorchester	28	24	85.7%	1	3.6%	3	10.7%
Frederick	197	118	59.9%	9	4.6%	70	35.5%
Garrett	25	17	68.0%	0	0.0%	8	32.0%
Harford	265	127	47.9%	24	9.1%	114	43.0%
Howard	439	267	60.8%	40	9.1%	132	30.1%
Kent	10	5	50.0%	0	0.0%	5	50.0%
Montgomery	1,101	753	68.4%	104	9.4%	244	22.2%
Prince George's	1,796	857	47.7%	398	22.2%	541	30.1%
Queen Anne's	91	37	40.7%	3	3.3%	51	56.0%
St. Mary's	98	68	69.4%	0	0.0%	30	30.6%
Somerset	23	16	69.6%	0	0.0%	7	30.4%
Talbot	33	22	66.7%	0	0.0%	11	33.3%
Washington	142	49	34.5%	0	0.0%	93	65.5%
Wicomico	95	42	44.2%	7	7.4%	46	48.4%
Worcester	51	25	49.0%	0	0.0%	26	51.0%
State Totals	7,836	4,103	52.4%	1,034	13.2%	2,699	34.4%

Reasons for Rejecting Provisional Ballots

1 - Not registered to vote	351	13.0%
2 - Voted absentee or already voted	45	1.7%
3 - Voted wrong primary ballot	823	30.5%
4 - No signature on application	86	3.2%
5 - Not eligible to receive provisional ballot	1,333	49.4%
6 - ID or DL# or SS# not timely received	4	0.1%
7 - Incomplete information on application	22	0.8%
8 - DL# or SS# received but not verified	3	0.1%
9 - ID received but not acceptable	0	0.0%
10 - No ballot or more than one ballot	27	1.0%
11 - No evidence to support unit malfunction	2	0.1%
12 - Identity challenge upheld	0	0.0%
13 - Order extending voting hours invalidated	2	0.1%
14 - Identifying mark on ballot	1	0.0%
Total	2,699	