

1. **Announcements**

Sue Holloway, who serves as the agency's fiscal officer responsible for accounts receivable and payable, is retiring on April 29<sup>th</sup> after nine years of State service – two of which has been with the State Board of Elections. Sue's hard work and dedication will be missed. Sue's departure has opened the door for two current staff members to advance. Christine Oswald, who has been serving as an office secretary with the Campaign Finance Division has been learning Sue's duties and is ready to take over when Sue leaves. In turn, Ebony Parran, who is the receptionist in a contractual capacity, will advance to the permanent position being vacated by Christine. This agency has a great tradition of promoting within and I am confident that both Christine and Ebony will excel at their new positions. *Grade 19 position available*

2. **Meetings and Important Dates**

Election Directors' Conference Call

An election directors' conference call was held on Tuesday, April 14<sup>th</sup>. During the meeting, staff briefed the election directors on the final status of several election bills, including the voting system and early voting legislation. There was a discussion about responding to a public information request and upcoming special elections. A summary of the election directors' meeting will be included in the folder.

Democrats Abroad Symposium

On Friday, April 24<sup>th</sup>, Nikki Trella will be a panelist at the Democrats Abroad's Symposium on Overseas Voting. Also on the panel will be Scott Wiedmann, Deputy Director of the U.S. Department of Defense's Federal Voting Assistance Program, and Elizabeth Gracon, Chief Voting Action Office with the U.S. Department of State. Ms. Trella was asked to highlight any consistent problems with forms received from military and overseas voters that prevent them from being processed and provide information about Maryland's efforts relating to these voters.

3. **Election Management and Reform**

Federal Financial Reports

Each year, states receiving federal funds under the Help America Vote Act are required to submit financial reports showing how federal funds granted under the HAVA and other funds (State and local) used to meet the requirements of HAVA have been spent. On March 31<sup>st</sup>, three financial reports – one for each of the three categories of funds – were submitted to the U.S. Election Assistance Commission (EAC). During the preparation of these reports, errors were identified in previously filed reports, and amended reports for prior fiscal years will be submitted within in the next month.

EAC's Voter Registration and Election Day Survey

Staff was provided the opportunity to verify the 2008 Voter Registration and Election Day Survey data before the EAC's contractor submitted the data to the EAC. This verification occurred earlier this month, and the spreadsheet containing the data has been posted on the SBE website.

→ <http://www.elections.state.md.us/elections/2008/turnout/index.html> (Additional General Election Related Reports)

Maryland State Plan Revision

EAC policy require a state to revise its State Plan if: (1) state legislation is enacted that alters how the state is meeting the requirements of HAVA; and (2) additional federal funds are available and the state's initial State Plan did not contemplate the full funding of HAVA. As a result, Ms. Trella is in the process of updating Maryland's State Plan to reflect the voting system legislation enacted by the Maryland General Assembly and the full funding of HAVA. Once updated, the proposed revisions will be considered by the HAVA State Planning Committee, presented to this board, and submitted for publication in the *Maryland Register*. At the end of the public comment period, any comments will be reviewed and if necessary, updates to the State Plan will be made, and the State Plan will be submitted to the EAC for publication in the Federal Register.

Regulatory Review Process

As part of the agency's regulatory review process, staff members have reviewed and are drafting proposed changes to the fourth (of five) set of COMAR subtitles. The subtitles include 33.13 (Campaign Financing), 33.14 (Administration of Public Financing Act), 33.15 (Precincts, Polling Places, and Facilities), and 33.16

(Provisional Voting). The proposed regulations to these subtitles will be presented for approval at the next board meeting.

#### Election Judges' Manual Committee

Rick Urps has established a committee to review and update the election judges' manual, training materials, and other issues relating to election judges for the 2010 election. The first committee meeting will be held on Wednesday, April 22<sup>nd</sup>, and at this meeting, the members will discuss their roles and responsibilities, establish a timeline for its efforts, and identify updates to existing documents and additional documents due to the new requirements for early voting and the voting system. *procurement late this year*

#### Survey of Voters with Disabilities

One of the agency's Managing for Results' objectives is to survey voters with disabilities to evaluate their satisfaction with the State's voting system. In February 2009, Mr. Urps mailed 426 surveys to voters who voted using the audio ballot in the 2008 General Election. (The electronic pollbooks capture the names of voters for whom an election judge encodes a voter access card for an audio ballot.) The deadline to respond to the survey has passed, and his final summary of the survey results will be included in the folder. The majority of respondents had a positive response to the State's voting system and the assistance provided by election judges. Specifically, they appreciate the opportunity to vote independently and raised concerns about the change in the voting system.

### **4. Voter Registration**

#### Field Support

Rex Brown has joined the Voter Registration Division as a Field Support Representative. Rex is an EDS consultant who comes to us from Colorado, where he recently completed a two-year assignment with the Secretary of State. In Colorado, Rex provided training and on-site support to local boards of elections on SCORE, the state's voter registration system. Colorado and Maryland use the same basic registration system developed by Saber, so we look forward to Rex using his experience in assisting our local boards with their work in MDVOTERS.

#### User Testing

User testing of the next release of the statewide voter registration system (MDVOTERS) begins on April 27. SBE has asked expert users from our local boards to participate in testing the new software, which includes high priority bugs and enhancements.

#### System Updates

Members from local boards of elections will come to SBE on May 11 and 12 to review and prioritize the trouble tickets and requests for changes to the MDVOTERS system. In these interactive sessions, Stacey Johnson will lead the group in setting the priorities for developing future improvements to MDVOTERS. Much of this year's development will focus on accommodating the new early voting process.

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

#### Report

On April 10, 2009, the Montgomery County Special Election Pre-Primary 2 campaign finance report was due for participating political committees. The transaction period cover from March 18 to April 5, 2009.

#### Online Filing

On April 9, 2009, CCF launched new method of filing the Affidavit of Limited Contributions and Expenditures. Political committees may file an E-Affidavit via SBE's website. The online filing is the first step towards total online filing for campaign finance reports. The E-Affidavit was successfully filed by one candidate for the Montgomery County Special Election.

#### Training

Starting April 21, 2009, Jared DeMarinis and Ruth Maynard will travel to the counties to begin training them on ELECTrack and candidate entry. Candidate filing for the Gubernatorial election opens on July 6, 2009 but many of the LBEs have been receiving calls.

#### Enforcement Actions

On April 2, 2009, SBE finally received a payment of \$10,887 from the State's Central Collections Unit via the Office of the State Prosecutor. We have applied the late fee payments to the appropriate accounts. CCU has begun the process of garnishing tax refunds so we expect more payments soon. However, since CCU does not have the ability to link responsible officers, double payments for the same debt are commonplace. In those cases, SBE will direct CCU to make a refund payment to the individuals.

On March 31, 2009, the Office of State Prosecutor charged 41 committees for failure to file from the July 2, 2008 referral for the 2007 Pre-General and Post-General campaign finance reports. Jared DeMarinis has been working with numerous committees to bring them back into compliance.

## 6. Voting Systems

### Special Election

Montgomery County had their County Council District 4 primary election on Tuesday. The voting units are also being used in a number of special municipal elections taking place next month, including the Montgomery County district 4 general, Easton, Havre de Grace and Hagerstown, as well as the Montgomery County Student member of the Board of Education, which uses some 500 units.

### Voting System Procurement

The General Assembly passed HB 893 which provides that if a determination is made that there is no voting system commercially available that meets all of the requirements of §9-102 of the Election Law Article, SBE shall procure an optical scan voting system, but continue to deploy the current touch screen voting units in order to ensure that voters with disabilities can vote independently. (The touch screens would be used in lieu of procuring ballot marking devices required by §9-102.) Staff's initial analysis is that there is no system commercially available to meet the State's standard. The basis for this conclusion is that there is no optical scan voting system with a ballot marking device that has been shown by an independent testing laboratory to meet the EAC's 2005 Voluntary Voting System Guidelines. The Attorney General's Office is reviewing this issue and will provide an opinion as soon as HB 893 is signed by the Governor.

In the meantime, all planned activities relating to the current voting system solicitation have been put on hold (i.e., evaluation committee meetings and vendor demonstrations). Depending on the advice from the Attorney General's Office, SBE will either amend the current solicitation or cancel it and issue a new RFP. The advantage of the latter approach is that more vendors will be able to participate.

### Project Planning

The voting systems team has submitted project planning documents for the new voting system to DoIT. These included the project charter, the system boundary document, the communication management plan, Risk management plan and a high level schedule. These are 'living documents' and given the changes to the voting system requirements discussed above, these plans themselves will obviously need some substantial changes.

## 7. Early Voting

In addition to the voting system bill (HB 893) the other significant piece of election legislation was the passage of HB 1179 establishing early voting requirements. The highlights of that bill are as follows.

- a. Early voting applies only during regularly scheduled elections;
- b. Permits a voter to vote in an early voting center in his or her county of residence
- c. Each county must have the following number of sites:
  - i. More than 300,000 registered voters – 5 centers (Anne Arundel, Baltimore City, Baltimore County, Prince George's County, and Montgomery County)
  - ii. Between 150,000 and 300,000 registered voters –3 centers (Howard County)
  - iii. Less than 150,000 registered voters –1 centers (All other counties – although Harford and Frederick are close to the three center requirement)
- d. Days
  - i. 2010- 2<sup>nd</sup> Friday before the election through the Thursday – excluding Sundays
  - ii. 2012 – Second Saturday through the Thursday and including Sundays – Sunday hours 12 p.m. -6 p.m.
- e. Hours – 10 a.m. through 8 p.m.
- f. Early voting sites must:
  - i. Be selected 6 months in advance
  - ii. Meet the general polling place requirements
- g. Public outreach must begin 30 days prior to each early voting period. Inform the public about early voting and the locations of the centers. Public outreach must include
  - i. Public service media announcements
  - ii. Mailings to all registered voters in each county
  - iii. Other measures as appropriate
- h. Provisions that apply to election day also apply to early voting
- i. SBE to adopt regulations and guidelines.

In preparation for early voting, bi-weekly project team meetings are being conducted to establish the scope of the project, required deliverables, and assignment and tracking of tasks, development of a master schedule and identifying priorities. The project team consists of members of each division within SBE and a representative from MAEO. \$ 3 million

## 8. Information Technology

### Technical Upgrade

- Completed final changes and testing for E-Affidavit
- Completed numerous MDVOTERS firmware upgrades
- Installed upgrades to data center tape drive unit (COOP)
- Updated several SBE software/application licenses and support
- Installed new battery back-up supply for VROC data center
- Completed five of the remaining six Citrix Assessment upgrade tasks for the MDVOTERS data centers
- Provided design support for BIG-IP implementation plan to MDVOTERS
- Implemented Red Hat and Linux upgrades
- Deployed Oracle critical patches
- Isolated and corrected faults in Oracle Enterprise Manager effecting the finance management application
- Rebuilt five desktop computers
- Provided initial application testing of new GIS application for future voter results display
- Completed numerous updates and improvements to the SBE and UM websites
- Completed Voter turn-out calculations and posted to the website
- Provided improvements and upgrades to the SBE data warehouse and on-line library

### Local Boards and Users

SBE visited a total of 9 LBEs in the last month providing assists that included:

- Install and set-up new equipments
- Troubleshooting and repair of peripheral devices
- Security and Disaster Recovery
- Network and office move
- Service to 17 Campaign Accounts
- Completed make-up, equipment inventory for Anne Arundel
- Processed excess equipment for disposal to DGS

### Network

- Developed alternate network connections with NwMD for three LBEs
- Completed troubleshooting and repair of network connections for six LBEs.
- Conducted systems and circuit monitoring for data usage
- Provided engineering specifications and submitted requests for Montgomery LBE's network connection move.

### Security

- Processed 7 employee background checks and 4 contractor clearances
- Developed additional protocol for SBE firewall security

## 9. Legislation

Despite the fact that a lot of election legislation was introduced, very few bills were passed. Of the five departmental bills that were introduced, only one passed. That bill was *HB 1395 – Reports and Affidavits – Failure to File*, which allows the Affidavit of Limited Contributions and Expenditures to be filed late, subject to penalties. Prior to this change, if the affidavit was not filed on time, the only recourse for the committee officers was to file a full campaign finance report.

The departmental bills that did not pass included a bill to make changes to election judge hiring requirements (HB 1394), bills to make technical and clarifying changes to general elections administration issues (HB 1392) and campaign finance issues (HB 1398), and a bill to establish a deadline for when a challenge to a candidate's eligibility can be filed.

Other significant failures include:

- Election Audits (SB 595 and HB 665) – This bill, as filed, required SBE to provide additional information to the public and allow the public to testify at all meetings. The bill also established a requirement to hand count voted ballots in certain precincts. The precincts are chosen based on a formula that is contingent on the margin of victory in certain races.
- Public Campaign Financing Act for Candidates for the General Assembly – (SB 663 and HB 1353) – This bill established a public funding system for candidates for the General Assembly. Candidates would have

to meet certain qualification requirements to receive the money. Once qualified, they would receive a statutory prescribed amount of money depending on the race and the amount of competition faced. The bill as amended would have also raised the campaign finance contribution limits.

- Access to Voting Room by Minors (HB 3) – This bill changed, from 12 to 17, the age requirement for a minor to be allowed access to the voting room and voting booth with his or her parents.
- Change of Party Affiliation Deadline (HB 589) This bill made the deadline to change party affiliation before a primary election the same as the deadline to register to vote.
- Gubernatorial Primary Election Date (HB 1352) – This bill moved the date of the Gubernatorial Primary Election to June.