

**1. Announcements**

Please welcome Valerie O'Connor who began on May 13<sup>th</sup> as the new budget officer. Valerie comes to us from the Charles County Social Services office where she served as budget officer. Her State experience, strong organizational skills and professional and friendly demeanor have already made her a big asset here.

The last week in April, Stacey Johnson sat for the IT Project Management Professional (PMP) certification examination. We congratulate Stacey on earning this nationally-recognized, IT industry credential that will contribute directly to her work here at SBE.

**2. Meetings and Important Dates**

HAVA State Plan Committee

The HAVA State Plan Committee met on May 18, 2009, to discuss proposed changes to the State Plan. The U.S. Election Assistance Commission (EAC) has adopted a policy requiring 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. The Committee (comprised of the State Administrator, three election directors, and representatives from the Maryland Association of Counties, the National Federation of the Blind, and the League of Women Voters) suggested minor changes to the proposed changes. The revised State Plan will be provided to the 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*.

U.S. Election Assistance Commission's Board of Advisors Meeting

As a member of the EAC's Board of Advisors, I will be attending the Board's meeting in Washington, D.C. from June 2 – 4, 2009. Although the Board of Advisors will be updated on the EAC's various work and projects, the focus of the meeting is the proposed updates and improvements to the 2005 Voluntary Voting System Guidelines. As a member of the Board of Advisors' Voting System Standards Committee, I attended an all-day meeting on May 21, 2009, in Washington, D.C. to prepare for the full Board of Advisors' meeting. This Committee is expected to provide assistance and information to other members of the Board of Advisors on voting system related projects and documents.

The EAC also hosted a virtual meeting room for the members of the Board of Advisors to provide comment on Phase I of the EAC's Election Operation Assessment project. Although primary purpose of the project was to assist with the development of future versions of the Voluntary Voting System Guidelines and testing protocols by the National Institute of Standards and Technology, the project appears to have transitioned into an elections operational assessment. Phase I documentation uses flowcharts and diagrams to demonstrate the variety of election preparation, election day, and post-election procedures used to conduct an election using a variety of different voting system technologies. In addition to individual board members' comments, the Voting System Standards Committee generally expressed its concern about the scope of the project and its expected use to assess the operations of current voting systems (instead of future voting systems).

Maryland Association of Election Officials' Annual Meeting

The Maryland Association of Election Officials' annual meeting is scheduled for June 7 – 9, 2009, at Rocky Gap Resort in Allegany, County. Ross Goldstein, Donna Duncan, Mary Wagner, Nikki Trella and I will be attending the entire conference, and Rick Urps will likely be attending for one day. The theme of the meeting is "Protecting the Integrity of Elections" and there will be a lot of topics covering early voting.

Orphans' Court Judges' Conference

On May 20, 2009, Jared DeMarinis spoke at the Maryland Association of Orphan's Court Judges Conference regarding campaign finance and candidacy issues. Over 60 judges attended the conference.

**3. Election Management and Reform**

Regulatory Review Process

As part of the agency's regulatory review process, staff members have starting reviewing and are drafting proposed changes to the fourth (of five) set of COMAR subtitles. The subtitles include 33.06 (Petitions), 33.07

(Election Day Activities), and 33.08 (Canvassing). Several local boards of elections provided comments on these subtitles and public notice will be provided in the Maryland Register and on the Division of State Documents' website about the opportunity to review these subtitles. Evaluation reports (which identify whether amendments are needed and if so, a summary of the anticipated changes) are due to the Maryland General Assembly's Administrative, Executive, and Legislative Review Committee by July 1, 2009. Proposed changes to these regulations will be presented to the Board for adoption in fall 2009.

#### Election Judges' Manual Committee

The committee is continuing its work and has reviewed and provided feedback on initial chapters of the election judges' manual. The committee anticipates meeting in the near future to continue its work.

#### **4. Voter Registration**

##### MDVOTERS

The User Acceptance Testing for MDVOTERS software release 2.24 has been completed and the Mock Election began Friday, May 22<sup>nd</sup>. The Mock Election is expected to take approximately 2 weeks.

May 11-12, Stacey Johnson led a MAEO committee of voter registration experts in our annual review of the MDVOTERS issues reported to the Helpdesk. During this two-day review, the committee reviewed in detail 376 issues. Of these, 234 were closed, 102 were given priority for future work and the rest were left open for further testing. We thank the following for their participation in this review: Guy Mickley and Walter Maddox from Howard; Abigail Goldman from Baltimore City; Tracey Dickerson from Charles; Paula Troxell from Carroll; Anthony Gutierrez from Wicomico; Steve Fratz from Garrett; Kim Jones from Dorchester; and, Noreen Schultz from Frederick county

##### Confirmation Mailing to MVA Clients

MVA and SBE collaborated on another mailing to those individuals who had a transaction at the MVA that is not reflected in the statewide voter registration database. This includes new registrations, name changes and address changes. *40,000 mailed out.*

- As of Friday, May 22<sup>nd</sup> it appears we have about a 15.5% rate of return on new registrations and address and/or name changes not presently captured in MDVOTERS.
- Discussions continue with our software vendor to develop an automated approach to import into MDVOTERS the voter registration data that is collected by MVA's driver's license and titling systems.

##### Petitions

Currently we know of one petition circulating. The petition is to place a question on the 2010 ballot relating to SB 277 and the use of speed cameras. The deadline for the sponsor to file the petition pages with the Secretary of State is Sunday, May 31<sup>st</sup> by 11:59 p.m. We have been in contact with the sponsors to make sure they know the procedures and have all the appropriate contact information. On Monday, June 1<sup>st</sup> SBE will numerically stamp each page and send out to the LBEs the petition pages for verification. Under Election law, the verification must be completed within 20 days.

A petition refresher "Go-To" meeting took place on Wednesday May 27<sup>th</sup> and Thursday, May 28<sup>th</sup>. This meeting not only covered the functionality of the petition portion of the MDVOTERS software, but business processes as well. In the case Doe vs. Montgomery County Board of Elections, the Court of Appeals stated that the Election Law §6-203 (1) "sign the individual's name as it appears on the statewide voter registration list or the individual's surname of registration and at least one full given name and the initials of any other names" is very explicit, and any variance is unacceptable. In the past it has been our practice to err on the side of the petition signer. If an election official could identify the voter, and all other criteria were correct, the signature would be accepted.

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

On May 8, 2009, the Montgomery Pre-General campaign finance report was due for participating political committees. The transaction period cover from April 6 to May 3, 2009.

#### **6. Voting Systems**

##### Procurement of New System

House Bill 893 (Chapter 428 of 2009), which the Governor signed on May 7<sup>th</sup>, provides alternative accessibility standards to be used "if, at the time of the procurement of a voting system, there is not a commercially available system that satisfies all the requirements" of § 9-102 of the Election Law Article of the *Annotated Code of Maryland*. If this contingency is met, House Bill 893 directs SBE to implement an optical scan voting system but

authorizes the agency to forgo procuring ballot marking devices and instead deploy the existing touchscreen voting units to provide access for voters with disabilities.

Staff, in consultation with the Office of the Attorney General, concluded that there is not a commercially available system that satisfies all of the requirements of § 9-102. Accordingly, ballot marking devices will not be procured and deployed at this time. Instead, the touchscreen voting units will be used to provide access to voters with disabilities. Due to this change, staff determined that it was in the best interest of the State to cancel the RFP and reissue it. Since ballot marking devices are no longer a requirement, SBE determined that additional vendors can bid on the contract – which in turn would create more competition and in turn a more favorable price for the State. Copies of the commercial availability analysis and cancellation determination are available in your folders and online. Staff anticipates having the new solicitation back out by mid-June.

#### Electronic Pollbooks

SBE performed data preparation and log file processing for the Montgomery County student board member election on April 29, plus 9 municipal and special elections in May. There were no significant problems experienced with the electronic pollbooks. Turnout was generally light, ranging from 3.3% in the Manchester (Carroll County) town election, up to 23.7% in Easton. As usual, turnout for the Montgomery student election was excellent, with several middle schools exceeding 95% turnout.

### **7. Early Voting**

#### LBE Communication

In an attempt to communicate information about early voting with the local boards of elections, we have started including information about early voting in the County Bulletin and added to the Online Library the ability for the local boards of elections to post and review previously asked and answered questions about early voting. To date, several counties have posted questions, and all have been answered. We hope that these efforts will result in all local boards having the same information about early voting and will reduce the amount of duplicative information being distributed.

#### Early Voting

Work continues on defining the functional requirements for the ExpressPoll and EPIC server software necessary to implement early voting, and testing the current applications to determine additional program modifications that may be required. SBE is geo-coding the voter registration database and plotting the results on county maps to assist the LBE's with early voting site selection. This effort is scheduled for completion by the end of May.

*30 members apptd to MAEB Committee on Early Voting.*

### **8. Information Technology**

#### Technical Upgrade

- Completed numerous MDVOTERS firmware upgrades
- Installed battery back-up to data storage devices at the data center tape drive unit (COOP) – 8
- Updated several SBE software/application licenses and support
- Provided more changes to the data tables for the University of Maryland – CP
- Provided comparison tables for MVA voter look-ups
- Provided Saber design support for Data Center Refresh plan (MDVOTERS)
- Deployed Oracle critical patches (April 09)
- Created additional Campaign Finance forms and reports
- Rebuilt 1 desktop computer
- Completed Early Voting Q & A updates to the SBE web sites

#### Local Boards and Users

- SBE visited a total of 4 LBEs in the last month providing assists that included:
  - 2 assists to install and set-up new equipments
  - 10 assists with Network issues
  - 1 assist to provide trouble shoot and repair of peripheral devices
  - 2 assists for Security and Disaster Recovery
  - 1 assist for network and office move
- Provided service to nine campaign committees
- Validated six LBE equipment inventories
- Uploaded 1042 items to inventory
- Processed 102 pieces of excess IT equipment and removed them from SBE warehouse

#### Network

- Developed alternate network connections with NwMD for three LBEs

- Completed troubleshooting and repair of network connections for 6 LBEs.
- With NwMD conducted systems and circuit monitoring for data usage (2 LBEs)
- Provided engineering specifications to Verizon for Montgomery BOE's network connection and ISDN line

Miscellaneous

- Processed 3 employee background checks and 2 contractor clearances
- Conducted security log audit
- Conducted MDVOTERS user access audit
- Updated 28 MDVOTERS user access accounts