

MAY 27, 2004

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

Attendees: Gilles Burger, Chairman
Joan Beck, Member
Susan Widerman, Member
Bobbie Mack, Member
Linda Lamone, Administrator
Judy Arnold, Assistant Attorney General
Donna Duncan, Director of Elections Management
Mary Cramer Wagner, Deputy Director of Elections Management
Pam Woodside, Director of Information Technology
Ross Goldstein, Director of Campaign Finance
Terry Harris, Deputy Director of Campaign Finance
Joe Torre, Procurement Officer
Jan Hejl, Director of Voter Registration
Beth Buck, Agency Budget Specialist
Jaimie Jacobs, Election Reform Deputy Director
Mary Dewar, Communications Director

Also Present: Guy L. Harriman, President, Howard County Board of Elections
Evelyn M. Purcell, Acting Election Director, Howard County
Paul Valette, Manager of Elections Operations, Montgomery County
Jackie McDaniel, Election Director, Baltimore County
Darlene Anderson, Election Deputy Director, Baltimore County
Robin Downs Colbert, Election Director, Prince George's County
Molly Neal, Election Director, Harford County
Katie Brown, Election Deputy Director, Harford County
Barbara Jackson, Election Director, Baltimore City
Michele Davis, Department of Legislative Services
Mike Curtis, Accenture
Courtney Keith, Accenture
Henry C. Marshall, Howard County citizen
Helen K. Kolbe, Howard County citizen
Roger Pierce, Howard County citizen
Lola Pierce, Howard County citizen
Dawn Popp, Howard County citizen
Elaine Andrews, Howard County citizen
Dale Jones, Howard County citizen
David A. Laning, Baltimore County citizen
Robin L. Pickering, Baltimore County citizen
Robert Ferraro, Montgomery County citizen

MAY 27, 2004

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

DECLARATION OF QUORUM PRESENT

After establishing the presence of a quorum, Mr. Burger called the meeting to order at 1:33 p.m.

APPROVAL OF MINUTES OF MEETING OF APRIL 26, 2004

On a motion by Ms. Widerman, seconded by Ms. Mack, the minutes of the April 26, 2004 meeting were approved with amendments.

ADMINISTRATOR'S UPDATE

OFFICE SPACE

Expansion of the office space is extremely critical, due to the current staff already sharing offices and the necessary addition of new staff in the next few weeks. The Accenture team will no longer be able to rent a room in a vacant suite in this building. Diebold will have at least two programmers working here this summer. Ms. Lamone has not received approval from the Governor's Office on the office space expansion. Ms. Mack asked Ms. Lamone how the Board could assist. Ms. Lamone indicated that Ms. Wagner had already sent the Board members an email requesting phone calls or letters on behalf of the staff. A plan is being developed to temporarily deal with the cramped conditions, but additional office space is a top priority. Office furniture needs to be purchased for the additional staff.

WEBMASTER

The recently hired webmaster is leaving for a higher-paying position. The hiring process needs to be restarted.

SALARY INCREASES FOR LOCAL ELECTION OFFICE PERSONNEL

Ms. Lamone has signed the necessary paperwork for the salary increases for the local election office personnel. The paperwork has been submitted to DBM (Department of Budget and Management) for processing.

NEW POLITICAL PARTIES

We are expecting petition filings from two new political parties in Maryland: the Libertarian Party and the Populist Party.

SCHOOL VISIT

Ms. Lamone recently visited a school on the Eastern Shore to speak to forty eighth grade students about Maryland's voting system. The Speaker of the House also attended. Ms. Lamone reported that the students asked thought-provoking questions and enthusiastically voted on the demonstration voting units under the supervision of Lucien Jacquet, Diebold's Regional Manager for the Eastern Shore.

MAY 27, 2004

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

ADMINISTRATOR'S UPDATE (continued)

KOLBE ADMINISTRATIVE COMPLAINT HEARING

Ms. Arnold stated that Ms. Nikki Trella had been the hearing officer for the Kolbe Administrative Complaint Hearing on May 19, 2004. Ms. Helen Kolbe presented her case with several witnesses. Ms. Mary Reese represented the Howard County Board of Elections. The complainant's case focused on SBE policies disallowing provisional voting by protesters of the Diebold machines, rather than on the facts of Ms. Kolbe's situation.

Ms. Beck indicated that the Board members should be notified of cases such as these when they are scheduled. Ms. Lamone noted that a public notice had been posted on the State Board of Elections' website and that the hearing had been mentioned at the last Board meeting. Ms. Beck requested notification by email in the future.

DIEBOLD

Tim Cheater, the Project Manager for Diebold, is leaving tomorrow. During this morning's Election Directors' meeting, Ms. Lamone thanked Mr. Cheater for his services and presented him with a token of our appreciation. Diebold is interviewing to fill the position.

VOTER OUTREACH

The process of Voter Outreach is being restructured so that the staff of the State Board of Elections has more managerial control.

BROCHURES

Board members were provided with a new "Myth vs. Fact" brochure and an "Accessibility" brochure that are being produced for distribution to the public as part of voter education for Maryland's voting system. These brochures will be posted on the State Board of Elections' website.

VOTING SYSTEM WORKPLAN

Accenture has almost completed the workplan for the November election. The workplan incorporates issues from the Lessons Learned workshops and various planning meetings.

JUDGES' MANUAL

The final version of Calvert County's judges' manual has been received. Talbot County is the last county that needs to send in the final version of its judges' manual. Ms. Lamone clarified that the counties are allowed to make some county-specific revisions to the judges' manual, but that an SBE staff member checks and approves these revisions.

ELECTION DIRECTORS' MEETING

An Election Directors' meeting was held at SBE this morning. The meeting was well attended by staff members from the local election offices and SBE. Topics of discussion included a revised format for the provisional ballot application and envelope, procedures for removing tamper tape residue, voting equipment inventory, ballot preparation, ID

MAY 27, 2004

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

ADMINISTRATOR'S UPDATE (continued)

ELECTION DIRECTORS' MEETING (continued)

requirements and verification procedures, the effects of the Green Party order on the local election offices, and the departure of Tim Cheater, Project Manager from Diebold.

PARALLEL TESTING

Ms. Widerman requested that a description of California's parallel testing procedure be attached to the minutes from the April 26th Board meeting. Ms. Lamone stated that SBE staff members were developing a parallel testing procedure for Maryland. Mr. Burger requested that the Board be kept updated.

PAPER TRAIL

Ms. Lamone displayed a paper receipt printed out from a Diebold voting unit for one actual ballot from the March Primary Election in Baltimore County. The paper receipt could be generated only after closing the machine for the election. The paper receipt measured ten feet in length. Ms. Woodside is in the process of calculating the amount of paper needed if the ballot receipt were printed on standard 8.5" by 11" paper.

Ms. Lamone stated that while there are no federal standards in place for printing paper ballot receipts for voters at the polling place, Maryland does comply with federal standards and Maryland law for printing related to auditing. Ms. Duncan and Mr. Torre explained that the auditing process involves printing ballot images from the voting unit's database that are similar in appearance to absentee ballots. Ms. Wagner provided the Board members with a sample of a printed ballot image.

Ms. Widerman asked about proactive measures in response to the paper trail advocates. Ms. Lamone directed attention to the "Myth vs. Fact" brochure. Mr. Burger praised a document that includes testimony by the National League of Women Voters to the EAC (Election Assistance Commission). The testimony, which includes twenty-five points of advantages, disadvantages, and hidden dangers of a paper trail, is available on the EAC's website.

TAMPER TAPE

Mr. Cravatta is exploring options to replace the use of tamper tape. Ms. Beck noted that the removal of tamper tape residue was a burden for the local election offices.

ASSISTANT ATTORNEY GENERAL'S UPDATE

Ms. Judy Arnold had submitted her written outline report to the Board before the meeting.

GREEN PARTY

Ms. Arnold summarized the Green Party case and noted that on May 11th she had submitted to the Circuit Court for Anne Arundel County affidavits from Ms. Hejl and a

MAY 27, 2004

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

ASSISTANT ATTORNEY GENERAL'S UPDATE (continued)

GREEN PARTY (continued)

number of local election directors regarding voter registration procedures. On May 14th, the Circuit Court signed an order giving SBE flexibility to manage voter registration in accordance with how SBE interprets federal law. The Green Party has submitted some objections to this order.

LAWSUIT

SBE has filed a motion to dismiss the lawsuit filed on April 21st by Linda Schade, *et al.* Further action is on hold until a judge decides on the motion. In May, the National Federation of the Blind filed a motion to intervene on behalf of SBE. The plaintiffs are opposing this intervention. The court has not yet scheduled any hearings or appointed a judge.

VOTING SYSTEM CHART

In response to a question from Mr. Burger, Ms. Arnold stated that she had recommended against releasing a document to address the situation in California. Ms. Arnold did not want Maryland voters to be confused and incorrectly think that Maryland's voting system needed to comply with the conditions set by California's Secretary of State. Mr. Burger noted that those conditions in California are currently in legal dispute.

REQUEST TO CHANGE POLLING PLACE

Ms. Duncan informed the Board members that their formal approval of Cecil County's request to change the location of a polling place was needed. Ms. Lamone supported the request by noting that the current location was crowded and had bad parking. Ms. Beck requested that there be a strong effort to inform voters of the new location. Ms. Lamone assured the Board that there were regulations about proper notification. Ms. Duncan added that plenty of signs would be posted at the old location on Election Day to direct voters to the new location in case they missed prior notification. Ms. Duncan also noted that a polling place in Wicomico County would also need to be relocated due to a school building being gutted. Ms. Beck moved that both counties be allowed to move the specified polling places. Ms. Mack seconded the motion. The Board voted unanimously in favor of the motion.

WAIVERS

Ms. Harris noted that this month's packet of waiver requests recommended for approval had been sent to the Board members by regular mail and also as a scanned email attachment. The Board members indicated a preference for a mailed hard copy of the packet.

MAY 27, 2004

STATE BOARD MEETING
151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

WAIVERS (continued)

(#1) FRIENDS OF DATON A. LYNCH, (#2) CITIZENS SUPPORTING (DANA) DEMBROW, (#3) FRIENDS OF TOM KELLEY, AND (#4) FRIENDS OF LEON F. PINKETT, III

Ms. Widerman moved to accept the Administrator's recommendation to grant the waivers. Ms. Beck seconded the motion. The Board voted unanimously in favor of the motion.

(#5) CITIZENS FOR LINDA SCHADE

Ms. Beck moved to accept the Administrator's recommendation to grant the waiver. Ms. Mack seconded the motion. The Board passed the motion, although Mr. Burger abstained from voting on this motion by personal choice.

(#6) FRIENDS OF SHAWN TARRENT

Ms. Widerman and Mr. Burger did not receive an attachment for this waiver request. Ms. Beck did not wish to accept the account holders' excuse that their campaign manager had been out of the country and noted that the account holders had a responsibility to make sure that reports were filed on time. Mr. Burger agreed with Ms. Beck. A reduction in the fine was discussed but not accepted. Ms. Widerman made a motion to decline the waiver request and impose the original fine. Mr. Burger seconded the motion. The Board voted unanimously to deny the request for the waiver and impose the original fee.

(#7) (DUCHY) TRACHTENBERG FOR COUNTY COUNCIL, (#8) ROBERT WACK FOR DELEGATE, (#9) MARYLAND MATTERS PAC, AND (#10) FRIENDS OF LISA GLADDEN

Ms. Harris confirmed that although the January report was not required for account #9, all of the other reports listed were outstanding. Board members expressed concern that some account holders may close an account that has outstanding fees to avoid payment and then open a new account without penalty. Ms. Harris informed the Board that she would look into SBE's authority on tracking the history of account holders. Mr. Burger moved to accept the Administrator's recommendation to grant the waivers. Ms. Beck seconded the motion. The Board voted unanimously in favor of the motion.

(#11) FRIENDS OF TIM McCRONE

Mr. Burger moved to grant a partial reduction of the fee on the condition that the January 21st report is filed within thirty days. Ms. Widerman seconded the motion. The Board voted unanimously in favor of the motion.

(#12) CITIZENS FOR (RAFAEL) VALLEY

Ms. Widerman and Ms. Beck agreed that this waiver request should be denied due to the account's history of waiver requests. Mr. Burger said that a motion was not needed if the request was being denied. Ms. Lamone stated that this account would be referred to the State Prosecutor. Mr. Burger requested that the account holders' previous requests be brought to the attention of the State Prosecutor as well.

MAY 27, 2004

STATE BOARD MEETING
151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

OLD BUSINESS

LEGISLATION

Ms. Duncan noted that a final tracking chart for 2004 legislation in the Senate and the House was included in the folders of the Board members. The last bill signing occurred yesterday.

Ms. Duncan also noted that there are no statewide ballot questions for November's General Election. Ms. Lamone pointed out that the General Assembly is aware of deadlines for submitting ballot questions in case a special session does occur before November's election.

Ms. Wagner clarified that Delegate Cryor's bill was signed. Maryland law now allows a voter to bring no more than 2 children under the age of thirteen into the polling place, so long as the children do not disrupt polling place procedures. Posters at the polling places in November must include the changes.

HAVA (Help America Vote Act) ACCESSIBILITY GRANT

In response to a question from Mr. Burger, Ms. Jacobs noted that the detailed list of accessibility items to procure is still being compiled. The list will be made available to the Board when completed.

VOTING SYSTEM STEERING COMMITTEE

Mr. Torre explained that the committee was getting ready to reorganize. A list of new members will be sent to the Board once it is completed.

AUDIO BALLOT FOCUS GROUP

Ms. Arnold informed the Board that Ms. Jacobs would be chairing the Audio Ballot Focus Group.

TECHNICAL MAINTENANCE

Ms. Pam Woodside informed the Board that the scheduled technical maintenance at the county election offices would be completed by the end of June.

VACANT POSITIONS

Ms. Lamone informed the Board that references are being checked for a potential candidate for the vacant Voting System Project Manager position. Ms. Lamone is scheduled to interview this candidate next week.

There are two potential candidates for the vacant Deputy Administrator position.

RFP (REQUEST FOR PROPOSALS) FOR THE VOTER REGISTRATION SYSTEM

Ms. Woodside told the Board that the draft of the RFP for the Voter Registration System is in the final approval phase with DBM (Department of Budget and Management).

MAY 27, 2004

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

OLD BUSINESS (continued)

RFP FOR THE VOTER REGISTRATION SYSTEM (continued)

Representatives from the local election offices have already had a chance to review the draft. Mr. Burger asked if lessons learned from previous RFPs had been taken into account to create a more comprehensive list of requirements, including security issues. The Board was informed that this RFP does have a comprehensive list of requirements.

VOTERSUNITE

Ms. Widerman brought up the VotersUnite organization mentioned at the last Board meeting. Ms. Lamone noted that the group had not delivered any documents to Carroll County's election office.

FIREWALL

Ms. Woodside noted that the firewall has been installed.

HAVA FUNDS

Ms. Arnold explained that state plans had to be published in the Federal Register for forty-five days before HAVA requirements payments could be distributed. Maryland's plan has now been published, and Ms. Lamone stated that the required certification letter, signed by the Governor, had been submitted. The Election Assistance Commission now needs to send the money to the states.

MR. JOSEPH COLLINS

Mr. Burger's response letter to Mr. Collins on behalf of the Board is signed and ready to be mailed.

COUNTY IT POSITION

Ms. Widerman asked about the status of the letter from the Board to county executives to endorse an IT position at the local election offices. Ms. Woodside noted that MAEO (Maryland Association of Election Officials) had not yet supplied the Board with wording for the letter to be drafted on its behalf, as it had agreed to do.

MS. DONNA DUNCAN

Mr. Burger welcomed Ms. Duncan's return to the office.

NEW BUSINESS

MAEO

Ms. Wagner informed the Board members that information for the MAEO conference was in their folders. Ms. Robyn Terry has sent information on accommodations.

MAY 27, 2004

STATE BOARD MEETING

151 WEST STREET, SUITE 200, ANNAPOLIS, MARYLAND 21401

SCHEDULING OF JUNE MEETING

The next meeting of the State Board will be held on Tuesday, June 22, 2004, at 1:30 p.m.

ADJOURNMENT

Mr. Burger read and signed a statement allowing for the Board members to meet in a closed session. A closed session is permitted under State Government Article, section 10-508(a)(1), (7), and (8).

On a motion by Ms. Widerman, seconded by Ms. Mack, the open session of the Board meeting adjourned at 2:43 p.m.

Gilles W. Burger, Chairman