

State of Maryland 

State Board of Elections – September 29, 2016 Meeting

Attendees: David McManus, Chair
Patrick J. Hogan, Vice Chair
Michael R. Cogan, Member
Kelley A. Howells, Member
Gloria Lawlah, Member
Linda H. Lamone, Administrator
Jeff Darsie, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy for Election Policy
Shelly Holland, Director of Budget/Finance
Erin Perrone, Director, Election Reform and Management
Mary Cramer Wagner, Director, Voter Registration and Petitions
Stacey Johnson, MDVOTERS Project Manager
Vincent Omenka, IT Director
Sylvia Brown, Human Resources Division
Cortnee Bryant, Deputy Director, Election Reform and Management
Janey Hegarty, IT Division
Shahab Toobaie, AEMS Project Manager

Also Present: Ralph Watkins, League of Women Voters
Eric Britton, Senator Cheryl Kagan's office
L. Rosenman
Justin Fier, Darktrace
Mary Ann Keefe, Montgomery County Board of Elections
Josh Hicks, *Washington Post*

DECLARATION OF QUORUM PRESENT

Mr. McManus called the meeting to order at 2:00 pm and confirmed that a quorum was present. He stated that the meeting was being recorded and that the State Board would be meeting in closed session at the end of the open meeting.

Mr. McManus welcomed Gloria Lawlah, the newest member of the State Board of Elections.

RATIFICATION OF MINUTES FROM AUGUST 25, 2016, AND SEPTEMBER 8, 2016, MEETINGS

Ms. Howells made a motion to ratify the minutes of the August 25, 2016, and September 8, 2016, meetings, and Mr. Hogan seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

All SBE staff members at the meeting introduced themselves and explained their job duties.

1. Announcements & Important Meetings

New SBE Employees

Caryn Getsinger joined the Finance/Human Resources Division and will be primarily responsible for accounts payable and receivables and assisting with recruitments. Ms. Getsinger came to SBE from Maryland Public Television and has a background in publishing and non-profit bookkeeping.

Briana Wilkerson joined the Voter Registration Division as the State UOCAVA Voter Liaison from the Prince George's County Board of Elections. In this job, she is primary point of contact for Maryland's military voters and civilian voters who live overseas.

In their short time with SBE, both Ms. Getsinger and Ms. Wilkerson have demonstrated strong knowledge in their areas of expertise, and we look forward to working with them.

Election Directors' Meeting

On September 20, 2016, we hosted an Election Directors' meeting. The primary purpose of the meeting was a cyber security presentation by an agent with the Federal Bureau of Investigation' Baltimore office. The agent discussed how to protect information systems, and the information was very relevant and useful. Other topics discussed related to election preparation activities. A summary of the meeting will be distributed when it its complete.

2. Election Reform and Management

Election Judges' Training Evaluations

Ms. Perrone and Ms. Bryant have observed election judges' training classes. So far, they have evaluated three classes in Baltimore City, one class in Baltimore County, and one class in Prince George's County. Training classes in Montgomery, Kent, and Frederick Counties will be evaluated in the coming weeks.

Election Supplies

The local boards of elections are now receiving their "I Voted" stickers, various envelopes, and other accessibility and general election supplies.

Local Boards of Elections - Implementation of Optional Provisional Voting Actions

As requested at the August 25th meeting, a report detailing which optional provisional actions each local board of elections is implementing was provided in the meeting folder.

Provisional Voting Video

Ms. Bryant has finished the video explaining to voters and election judges the provisional voting process. She showed the board members the video, and they complimented her efforts. It will be posted to our website shortly and be available for the local boards.

Absentee Ballot Delivery

The first transmission of absentee ballots to requesting domestic, civilian voters will occur September 28, 2016. Runbeck Election Services handles the printing, collating, and mailing of ballots, and SBE handles web delivery.

Under the federal Military and Overseas Empowerment Act, states must transmit absentee ballots to requesting uniformed and overseas voters at least 45 days prior to an election. Maryland made the deadline by transmitting a total of 13,519 mailed and web delivery ballots by the September 24th deadline.

Ms. Lamone recognized the SBE staff members that ensured that absentee ballots for military and overseas voters were transmitted by the deadline. They are Ms. Wagner, Ms. Johnson, Janet Smith, Ms. Wilkerson, Soo Kang, and Kenway Chen.

Post-Election Ballot Tabulation Audit

The report of SBE's experience with the ballot tabulation audit of the 2016 Primary Election is almost complete. Based on the experiences from the primary election, we decided to continue the pilot program and use an independent audit software to tabulate ballot images statewide for the 2016 General Election. As there is only one software vendor that can perform these services, we entered into a sole source procurement with Clear Ballot. The Board of Public Works will consider this contract on October 19th.

3. **Voter Registration**

Voter Registration Deadline

The deadline to register to vote or make any changes to existing registration records is 9 pm on Tuesday, October 18th. Individuals can still make changes or register during early voting. Ms. Wagner noted that SBE and the local boards of elections will be open until 9 pm that night.

MDVOTERS

The Voter Registration Division is working on data quality checks in MDVOTERS. This includes reviewing "pending – ID not verified" records, death records, absentee information, and other details. SBE is conducting for each local board of elections individual refresher trainings on how to process in MDVOTERS same day registration, same day address change, and provisional voting transactions. The training sessions will be complete this week.

MVA Statistics

The number of voter registrations received from the MVA for the month of August 2016 were:

- New Registrations: 15,445
- Address Changes: 33,147
- Last Name Changes: 3,291
- Political Party Changes: 6,286

4. **Candidacy and Campaign Finance (CCF) Division**

Candidacy

The deadline to file as a write-in candidate for the 2016 General Election is October 20th at 5pm. As of September 26th, SBE has received filings from 35 write-in Presidential tickets.

October 7th is the deadline for the political parties to submit the names of the Presidential electors. SBE has received the names of the Presidential electors from all of the recognized political parties in Maryland.

Mr. DeMarinis is nearly finished updating a book entitled *The History of Presidential Electors Meetings in Maryland*. He would like to thank Owen Lourie at State Archives for assistance with the project. The book was last updated in 1988. It should be ready for the Presidential Electors' meeting on December 19th.

Enforcement

On September 16th, the Friends of Bob Porter and the Citizens to Elect Clarence Bell Sheriff failed to appear in court for a failure to file matter. The court issued a judgment on the affidavit. The total late fees due are \$1,450.00 for Robert Porter and \$250.00 for Clarence Bell.

In the last month, civil citations were issued to the following committees:

- Friends of (Darren) DM Swain – Disbursements by unauthorized method. Between January 1, 2014, and November 30, 2014, the committee had 21 cash disbursements greater than \$25.00 totaling \$10,530.72.

- Citizens for A Safe Baltimore – Failure to file an independent expenditure report timely. The civil penalty assessed for the late filing of report is \$8,300.00.

In response to a question, Mr. DeMarinis explained that civil penalties are based on the greater of 10% of the expenditure or \$1,000 a day. The civil penalty for Citizens for a Safe Baltimore was 10% of the expenditure.

As part of the agreement with the Office of the State Prosecutor, Total Wine and More made a \$90,000 contribution to the Fair Campaign Financing Fund on September 26th. This action is in response to a complaint SBE received regarding over the limit political contributions made by Total Wine and More and its corporate subsidiaries.

5. **Project Management Office (PMO)**

Inventory

We continue to work on the inventory reconciliation of the legacy equipment. Because of the amount of remaining work, SBE requested and Department of General Services (DGS) approved an extension to file the September 15th annual inventory report.

Baltimore City Warehouse Support

During this reporting period, SBE developed and delivered a corrective action plan to the Election Director for the Baltimore City Board of Elections. On September 22nd, there was a meeting to discuss the plan and identify any final changes. During this meeting, it was agreed that SBE's Warehouse Manager would work with the Baltimore City Board of Elections' contractor on warehouse planning and logistics for the 2016 General Election.

Field Support

Recruitment and onboarding of the election field support resources continues. To date, approximately 70 trainers, voter outreach resources, and county technicians have been hired under the State's staffing contract and are supporting the upcoming election. In addition, recruitment efforts are ongoing for the remaining field support roles, including Logic & Accuracy testers, early voting and election day technicians, and early voting and election day greeters. In total, more than 400 individuals are expected to be hired and trained under the staffing contract.

In response to a question, Ms. Charlson explained that greeters are required for early voting and are used by some local boards on election day for busy precincts. These individuals help manage lines, provide information, and generally assist with the flow of the voting location.

NVSR Project Support

Additional carts that were ordered after the primary election are being delivered to the eight requesting local boards of elections. Additional voting booths requested by the local boards were delivered last week.

The testing team continues to perform user acceptance testing on the rental ballot scanners and the new electronic pollbooks and to monitor and track voting system hardware and equipment issues.

The training team is leading training efforts for all the field support resources and in some local boards participating in the election judges' training. The voter outreach team is conducting numerous voter outreach events each week throughout the State.

The NVSR team continues to work with ES&S and the local boards of elections on the updates to the Statewide Election Management Network.

AEMS Modernization Project Support

Work on this project has now started with the onboarding of the contract Project Manager, Shahab Toobaie. Mr. Toobaie comes to SBE after over 14 years at Amtrak. We are looking forward to his work and Agile project management leadership. This system will be implemented for the 2018 election cycle.

Other

The local boards of elections are receiving the newly ordered privacy sleeves for regular voting and provisional voting. Delivery is expected to be complete by October 14th.

Minimum insurance requirements for the new voting system were sent to the local boards of elections. Further details are being worked on by SBE and its AAG.

This past weekend, there was a flooding in part of the SBE offices. The flood was caused by a water expansion unit in one kitchen. We are working with the landlord, DGS, and the Insurance Division of the Treasurer's Office to complete all the tasks to resolve this incident.

6. Voting Systems

Ballot Printing

After ballot artwork and order forms were delivered to the printer, ballot printing of almost 8.5 million ballot cards began. This quantity was considerably more than initially estimated, because six jurisdictions - including the five largest - have two card ballots for this election. Initial printing should be complete by the week of the October 10th. Requests for additional ballots will be delivered later. All test decks have been delivered, meaning the local boards of elections can begin logic and accuracy testing.

Pollbook Updates

Software for pollbooks assigned to early voting and same day registration will be delivered to the local boards of elections starting October 4, 2016, after we perform end-to-end testing. This testing for same day registration and address change takes data from initial scanning of a voter's driver's license or manual entry into the pollbooks all the way to the voter registration system.

Documentation

As a result of lessons learned from the 2016 Primary Election, we updated sections of the *Conducting the Election Guide* and the accompanying checklists. Updates include additional reports for auditing, updates to exporting of results, and the option to count absentee ballots on the same day but separately from provisional ballots. These updates have been distributed to the local boards of elections.

Voting System Supplies

The team has been procuring and the local boards of elections are receiving various ancillary items for the election. This includes tamper evident tape, paper rolls, activation cards for the ExpressVote units, and additional memory devices. For the new early voting centers in Frederick and Prince George's Counties, new network hardware has been procured, configured, and tested.

Logic and Accuracy

Logic and Accuracy testing will begin this week for a few local boards of elections, with most local boards of elections starting next week. Testing of all early voting equipment must be complete by October 24th, and testing of election day equipment must be complete by October 28th.

7. **Information Technology**

New WAN Circuit for Talbot County LBE Warehouse

The Talbot County Board of Elections requested a new WAN circuit for its warehouse location which is at 28712 Glebe Road, Easton, MD 21601. The new WAN circuit has been installed, and SBE's IT Division configured the network device for that circuit and installed it successfully at the site.

Emergency Generator

An emergency standby generator has been rented for the 2016 General Election in the rare occurrence of a power outage at SBE. The emergency standby generator will be delivered, installed and tested on October 21st. 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. The emergency standby generator is scheduled to be returned on November 18th.

8. **Online Ballot Delivery System**

Ms. Charlson stated that the online ballot delivery system was available for use by military and overseas voters. Since September 23, 2016, SBE has sent to military and overseas voters over 10,000 emails with information on how to access their ballots online. 4,200 accounts have been accessed, and there have been almost 2,500 attempts to use blank ballot delivery and almost 1,800 attempts to use the online ballot marking tool. The first round of emails to domestic, civilian voters will be sent September 29, 2016. Ms. Charlson reported that the project team is continuously monitoring the system and more information can be provided in a closed meeting.

Ms. Charlson reviewed other documents in the meeting folder. They were a one-page summary of security practices related to the voting system, an updated table showing Baltimore City Board of Elections' election judge recruitment status, and a printed copy of a letter from the National Federation of the Blind that the members had previously received via email.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie presented his report.

1. The three-judge federal district court that is hearing the redistricting challenges to the State's congressional and State legislative districting plans ruled on the defendants' motions to dismiss that had been filed in all three cases. On August 24, 2016, the court denied the defendants' motion to dismiss in *Shapiro v. McManus, et al.*, No. 1:13-cv-03233-JKB (D. Md., Aug. 24, 2016), meaning that the parties will have to conduct discovery. Defendants filed their Answer to the Second Amended Complaint on September 7 and a scheduling conference as to discovery will be held in mid-October.

On the same date as the *Shapiro* order, the three-judge court granted the defendants' motion in *Parrott v. Lamone*, No. 1:15-cv-01849-GLR (D. Md. Aug. 24, 2016), dismissing the lawsuit for lack of standing. The plaintiffs have noted an appeal. On September 7, a slightly different

three-judge court dismissed, for failure to state a claim, the amended complaint in *Bouchat v. Maryland*, No. 1:15-cv-02417-ELH (D. Md. Sept. 7, 2016), which closes that case. Assistant Attorneys General Jennifer Katz, Jeffrey Darsie, and Sarah Rice are representing the State Administrator and members of the State Board in the *Shapiro* litigation.

2. On September 1, 2016, Charles Long, the treasurer of the Baltimore City Republican Central Committee, filed a motion for a temporary restraining order against the State Board and the Baltimore City Board of Elections to require the City Board to accept Mr. Long's certificate of candidacy as the Republican Party's replacement nominee for the 14th Councilmanic District seat in Baltimore. *Long v. State Board of Elections, et al.*, No. 24-C-16-486 (Cir. Ct. for Baltimore City). At issue in the case was whether the treasurer of a party central committee could also be regarded as the treasurer of a campaign finance entity under Title 13 of the Election Law Article. Under 13-215(b) of the Election Law Article, an individual is ineligible to serve as treasurer of a campaign finance entity while also running for public office. Defendants filed an opposition and motion for summary judgment on September 2 and a hearing was held September 6, at which Judge Philp Jackson denied the motion for temporary restraining order and declared that Mr. Long was ineligible to serve as treasurer and be a candidate for public office. AAGs Ann MacNeille and Jeffrey Darsie represented the City and State Boards, respectively.
3. The State Board and Baltimore City Board are also co-defendants in *Voters Organized for the Integrity of City Elections ("VOICE"), et al. v. Baltimore City Bd. of Elections, et al.*, No. 1:16-CV-01788-JKB (U.S.D.C., D. Md), a lawsuit seeking injunctive relief for various alleged irregularities with respect to the primary elections in Baltimore City. The defendants moved to dismiss the lawsuit August 5, 2016, and filed a Reply to the plaintiffs' August 22 opposition on September 9, 2016. AAG Ann MacNeille, representing the City Board, did the bulk of the work in briefing that case.
4. A lawsuit challenging the sufficiency of a charter amendment petition in Montgomery County was filed September 2, 2016, against the Montgomery County Board of Elections and the State Board. *Moore v. Montgomery County Bd. of Elections, et al.*, Case No. 424497-V (Cir. Ct. for Montgomery County, filed Sept. 2, 2016). The proposed amendment to the County charter would impose term limits on the members of the county council. Defendants filed a motion for summary judgment on September 6 and an evidentiary hearing was conducted September 15. On September 21, the Court granted the defendants' motion for summary judgment and on September 27 issued an amended opinion to the same effect. The plaintiffs are appealing the decision. Counsel to the Montgomery County Board of Elections, Kevin Karpinski, did all of the work in this case, though AAG Darsie appeared on behalf of the State Board.
5. Two candidates for the 12th Councilmanic District seat in Baltimore City, Ian Schlakman (Green Party) and Frank Richardson (Unaffiliated), have filed actions in federal and State court to exclude another unaffiliated candidate, Dan Sparaco, from the general election ballot, alleging that he is ineligible because he did not file a declaration of intent to seek nomination by petition on or before February 3, 2016. The federal lawsuit was filed August 25, but not served until September 14, 2016, when the plaintiffs' moved for emergency relief in the form of a temporary restraining order against the printing of the ballot. *Schlakman v. Maryland State Bd. of Elections*, No. 1:16-cv-02968-GLR (D. Md. Aug. 25, 2016). On September 20, Judge Russell ordered that all papers filed by the plaintiffs in that case be stricken and the case dismissed, due to plaintiffs' failure to comply with the local rules of the federal court.

Prior to the dismissal of the federal complaint, State court actions were filed on September 16 and September 19 in the Circuit Court for Anne Arundel County, seeking to enjoin the printing or distribution of ballots including Mr. Sparaco's name. See, e.g., Schlakman et al. v. Lamone, et al., No. C-02-cv-002906 (Cir. Ct. for Anne Arundel County). On the afternoon of September 22, 2016, the plaintiffs obtained an ex parte order granting their motion for temporary restraining order. The following day, defendants filed an Answer and a motion to dissolve the temporary restraining order with the circuit court, an interlocutory appeal to the Court of Special Appeals, a petition for certiorari with the Court of Appeals, and motions for an immediate stay of the Circuit Court's order with both appellate courts. The Court of Appeals granted the defendants' motion on September 23 and stayed all further proceedings before the Circuit Court. The plaintiffs' opposition to the petition for certiorari is due October 4, 2016. AAGs Darsie and MacNeille are representing the State and City Boards in the trial courts, federal and State, and AAG Julia Bernhardt is appearing before the Court of Appeals.

REQUEST TO DEPLOY ADDITIONAL BALLOT MARKING DEVICES

Ms. Perrone presented requests from four local boards of elections to deploy additional ballot marking devices.

1. Caroline County requested one additional ballot marking device at the county's one early voting center. The request is based on the location of the early voting center in the same building as a senior center and adult day program.
2. Montgomery County requested one additional ballot marking device at each of the ten early voting centers and at seven precincts on election day. The request is based on the expected population of senior citizens voting in this election.
3. Prince George's County requested two additional ballot marking devices at four early voting centers. The State Board previously approved two additional devices at the county's five other early voting centers.
4. St. Mary's County requested one additional ballot marking device at the county's one early voting center. This request is based on a concern of lines due to the requirement to inform each voter about the availability of an accessible way of marking a ballot.

In response to a question, Ms. Perrone stated there would be no fiscal impact with approving these requests. The local boards of elections have the equipment and transporting additional units should not be an issue.

Mary Ann Keeffe, a member of the Montgomery County Board of Elections, explained that the voting locations covered by the request are located in senior centers and the local board of elections is concerned about the demand for the equipment and the time it will take voters to make selections. There was a discussion about whether creating a line at a single ballot marking device would mean that only voters that need to use it would use it and whether election officials expect a surge in turnout of voters with disabilities.

Mr. Darsie recommended that the State Board conduct a closed meeting to consult with counsel to obtain legal advice on this matter. Mr. McManus tabled this agenda item until after the board holds a closed meeting on this matter.

APPROVAL OF PROPOSED REGULATIONS

1. Campaign Financing (Subtitle 13)

The proposed regulations add "person" to the enforcement provisions of authority line requirements. Independent expenditures are conducted by a person, not a political committee, and are subject to the same penalties for lack of authority line on campaign material. The

proposed regulations detail the procedures for an independent expenditure entity to request a waiver of late fees and the issuance of the civil citation.

In 2016, the General Assembly amended the prohibition on fundraising during session law. The proposed regulations reflect the legislative changes and provide specific activities that would constitute soliciting contributions by a legislator.

The proposed additions to the prohibited expenditures by a political committee codify prior policy and advice. The proposed regulations add a new section regarding coordinated expenditures. This is a proactive measure before the 2018 election cycle to clarify activities that constitute coordination between persons making independent expenditures, candidates, and political parties. Lastly, the proposed regulations clarify the requirements of a legislative communication paid with administrative funds. Since administrative funds may not be used for electoral purposes, the communication may not contain any references to an election or political slogans.

2. Administration of Public Financing Act (Subtitle 14)

The proposed regulation clarifies the deadlines for private eligible contributions used for seed money certification. The use of a specific date for contribution mirrors the statute language for when contributions begin to be eligible for matching. A report deadline may be confusing due to different transaction period end dates.

3. Disclosure by Persons Doing Public Business (Subtitle 20)

The proposed regulations codify State Board of Elections policy that contributions made by a political action committee sponsored by or identified with a person doing public business are made at the direction of the business entity.

Mr. Hogan made a motion to adopt the proposed regulations and submit for publication, and Ms. Howells seconded the motion. The motion passed unanimously.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Mr. DeMarinis presented requests from seven committees to waive late fees incurred by the committees. The requesting committees are:

1. Bengali, Zakir Dr. Citizens for BOE
2. Conaway, Belinda K. Friends of
3. Conaway, (Frank) Friends of
4. Frick, Bill Friends of
5. Ivey, Jolene Friends of
6. Tiedemann, Steven Committee to Elect
7. Women for Suzanne Hogan PAC

Mr. DeMarinis noted that the Administrator denied waiver requests from five committees and the total amount of late fees collected in 2016 is \$146,029.35. There was a discussion about the filing and waiver request history of one of the committees requesting a waiver.

Ms. Howells made a motion to grant the requests for waivers of late fees, and Mr. Cogan seconded the motion. The motion passed unanimously.

APPROVAL OF TITLE 14 WAIVER REQUESTS – LATE FEES

Mr. DeMarinis presented a request from Children’s National Medical Center to waive late fees. In response to questions, Mr. DeMarinis explained the recommendation to reduce the late fees amount.

Mr. Hogan made a motion to accept Mr. DeMarinis' recommendation to reduce the waiver, and Ms. Howells seconded the motion. The motion passed unanimously.

OLD BUSINESS

Ms. Howells asked for an update on the following:

1. Previously proposed regulations and the use of "election cycle" and "reporting period." Mr. Darsie explained that he had previously provided information on these phrases and believes that their use is appropriate. Other committees file information for both the election cycle and reporting period.
2. Prince George's County Board of Election's canvassing of electronically delivered absentee ballot in the 2016 Primary Election. Ms. Charlson stated that she discussed this report with the Election Director for the Prince George's County Board of Elections. The Election Director recalled the report from a board member but did not have any additional information. Ms. Charlson explained that SBE tested all of Prince George's County's ballot styles before the online ballot delivery system was made available. For each ballot style, the voter received the correct ballot style, and the ballot duplication software used by the local boards of elections issued the correct ballot style.
3. Spanish translation of the privacy sleeve for provisional voters. Ms. Duncan reported that a different translation will be used in the general election and all of the privacy sleeves were reprinted. Ms. Howells requested an explanation of the translation process and a copy of the glossary produced by the Montgomery County Board of Elections.

NEW BUSINESS

Justin Fier of Darktrace explained the Darktrace's corporate background and their corporate assumption that every system has already been breached. He stated that Maryland and Virginia are high value threats and offered Darktrace's services. These services include deploying a network monitoring tool, training network staff on how to think about security threats, and providing weekly reports.

In response to questions, Mr. Fier stated that Darktrace does not have any experience with election systems but it is concerned with the central infrastructure and insider threats. He explained that most attacks are not for financial gain or defacement, but instead for changing public perception. Mr. Fier responded that Darktrace was not offering its services for free, and Mr. McManus suggested that the company contact the State's procurement office.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Hogan reported a \$500 contribution to Van Hollen for Senate, \$250 contribution to Senator Raskin, \$100 to Senator Manno's committee, and \$50 to Delegate Kaiser's committees.

Ms. Lawlah reported a \$100 contribution to Ingrid Turner for Circuit Court.

CONFIRM NEXT MEETING

The next meeting is scheduled for Friday, October 28, 2016, at 2 pm.

CLOSED MEETING

Mr. McManus requested a motion to close the board meeting under General Provisions Article, §3-305(b)(7) and (13), which permits closing a meeting to consult with counsel to obtain legal advice on a legal matter and comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public discussions about a particular proceeding or matter. These

exemptions apply to receiving legal advice to preserve the attorney-client privilege and an information briefing as to non-public security measures implemented to protect the security of an information system, the detail of which may not be publicly disclosed as provided in General Provisions Article, §4-338.

Mr. Hogan made a motion to convene in closed session, and Mr. Cogan seconded the motion. The motion passed unanimously. The open meeting recessed at 3:47 pm.

The motion having passed, the Board met in closed session in accordance with exemptions (b)(7) and (13) of Section 3-305 of the Open Meetings Act to consult with legal counsel to obtain legal advice and prevent the disclosure of information about the security of the online ballot marking tool. The closed session began at 3:50 pm.

In addition to the board members present at the open meeting, Ms. Lamone, Mr. Darsie, Ms. Charlson, Ms. Perrone, Ms. Johnson, Mr. Omenka, Mr. Chen, and Ms. Keeffe were present. During the closed session, Mr. Darsie provided legal advice on the allocation of ballot marking devices at voting locations. After Mr. Darsie provided this advice, Ms. Keeffe left the closed session.

Mr. Omenka and Ms. Johnson presented the findings from the most recent security scans and analysis and other security monitoring options.

No action was taken. The closed meeting adjourned at 4:15 pm.

The open meeting reconvened at 4:16 pm.

REQUESTS TO DEPLOY ADDITIONAL BALLOT MARKING DEVICES

Mr. McManus stated that he does not want to create the perception of lines and if election judges follow prior policies of the State Board of Elections, the ballot marking devices will not be overused.

Mr. Hogan made a motion to allow the requesting local boards of elections to deploy the additional ballot marking devices, and Ms. Lawlah seconded the motion. The motion passed unanimously,

ADJOURNMENT

Mr. Hogan made a motion to adjourn the meeting, and Ms. Howells seconded the motion. The motion passed unanimously. Mr. McManus adjourned the open meeting at 4:19 pm.