Attendees: Robert Walker, Chair
Bobbie Mack, Vice Chair
Rachel McGuckian, Member
David McManus, Member
Chuck Thomann, Member
Linda Lamone, Administrator
Ross Goldstein, Deputy Administrator
Jeffrey Darsie, Assistant Attorney General
Donna Duncan, Election Management Director
Nikki Charlson, Election Reform Manager
Paul Aumayr, Director, Voting Systems
Keith Ross, Assistant Deputy for Project Management
Mary Wagner, Voter Registration Director
Michelle Holland, Chief Financial Officer

Also Present: Barbara Sanders, League of Women Voters of Maryland
Rebecca Wilson, SaveOurVotes
Holly Joseph

DECLARATION OF QUORUM PRESENT
Chairman Walker called the meeting to order at 2:02 pm and declared that a quorum was present.

APPROVAL OF THE PRIOR BOARD MEETING MINUTES
The minutes of the June 28, 2012, board meeting were presented for approval. The minutes were approved unanimously.

ADMINISTRATOR'S REPORT
Ross Goldstein presented the Administrator's Report.
1. **Announcements**
Valerie O'Connor, who has served as the State Board's chief budget and fiscal officer, is retiring next month. Valerie has been with the State since 2001 and with SBE for a little over three years. During that time Valerie has made a tremendous contribution to the overall management of SBE's finances and accounting practices. We are grateful for her hard-work and wish her a happy retirement.

Michelle (Shelly) Holland has been hired to fill the position created by Valerie's retirement. Shelly has been employed by the State for 10 years. Her last agency was the Maryland Transportation Authority where she was the Director of Revenue. She cites as one of her major accomplishments interfacing the MDTA accounting system with the EZPass database and accounting systems. Shelly has also served as an election judge in Kent County for several elections.

2. **Meetings and Important Dates**
<u>National Association of State Election Directors</u>
The National Association of State Election Directors met in Boston for its Summer Meeting from August 17th through August 19th. Topics included a briefing from the U.S. Election Assistance Commission, the introduction of the Acting Director of the Federal Voting Assistance Program, a session on benchmarking, a discussion of new technology in elections (online voter registration, online ballot delivery, and electronic poll books), best practices in state and local election official cooperation, a review of current and recent lawsuits, and a discussion of federal and state legislation.

<u>Maryland Association of Counties (MACo) Annual Conference</u>
Ross Goldstein and Mary Wagner attended a lunch-time session at the MACo conference on Wednesday August 15, 2012. The session was hosted by Delegate Jon Cardin and included a panel of election officials. The panel covered the following topics: Stuart Harvey (Frederick) spoke about early voting, David Garreis (Anne Arundel) spoke about the process of automating the delivery of absentee ballots, Margaret Jurgensen (Montgomery) spoke about the recent legislation that permits Montgomery

County to conduct certain special election by mail, and Ross spoke about the Electronic Registration Information Center (ERIC), and plans for a new voting system.

Equal Employment Opportunity Commission (EEOC)
On July 31, 2012, Jared DeMarinis, in his capacity as SBE's EEOC officer, attended the first meeting of Employee Complaint Assistance Program (ECAP). The program allows interested agencies to share investigative responsibilities with other agency officers. This is particularly beneficial in cases where there are conflicts of interest that may occur in a small agency. This will allow the agencies to avoid compromising the integrity and fairness of the investigative process. The program is in the developmental phase.

3. **Election Reform & Management**
Online Voter Services Project Update
The online voter registration application (OLVR) went live with a soft launch on Monday, July 9th. After several weeks of use and continued analysis, the link was prominently displayed on the front page of the website and a press release was issued on August 7th. A complete project update is a specific agenda item.

Polling Place Accessibility
For the 2012 General Election, 99.66% of the State's polling places and early voting centers are accessible. The six polling places that are not accessible are typically older buildings, and the reasons they are not accessible generally pertain to the building's structure. Examples include buildings with corridors or doorways that are too narrow to meet ADA specifications, buildings with gravel parking lots, and buildings where the walkway slope is too steep. Rick Urps will continue to work with the local boards in the counties with inaccessible polling places to find a solution to make the polling places accessible.

4. **Voter Registration**
Petitions
Currently, staff from the State Board and the local boards of elections are verifying three petitions – one U.S. Senate candidate petition, with a deadline of August 23rd and two party petitions, Libertarian and Green party, with a deadline of August 26th.

MDVOTERS
A new software release was placed into production on August 6th. Enhancements for election judges, absentee processing and report modifications were included.

The ELECTrack agency system used by the Candidacy and Campaign Finance Division has been substantially replaced by the new online system campaign finance reporting and management system (MD CRIS). However, the new online system does not address candidate filing. To efficiently meet this need, it has been determined that the candidate filing piece will be taken over by MDVOTERS. This is a logical fit, because, except for presidential candidates, all candidates have to be registered voters. Further, the candidate filing application has to be accessible for use by all local boards. The first step in developing this functionality for MDVOTERS was the conduct of a Joint Application Design (JAD) session, which was held August 7-9th. The focus was creating candidacy filing within MDVOTERS as well as new designs for enhancing polling place data, petition updates, voter search and absentee search improvement. Participation included staff from the Candidacy and Campaign Finance, Election Management Division, and Information Technology Divisions as well as representatives from 13 local boards.

5. **Candidacy and Campaign Finance**
Commission to Study Campaign Finance Laws:
The Commission held a meeting on July 16th to discuss slates and reforms to the rules regarding attribution of contributions by business entities. Currently, the attribution rules only apply to corporations, but the Commission is considering applying the attribution rules to limited liability companies and other business entities. The Commission has scheduled its next meeting on August 27th. Topics will include a review of the attribution discussion, public financing and independent expenditures.

Seminars/Trainings
The Maryland Republican Party has contacted Jared DeMarinis to have him conduct a series of trainings on the new online campaign finance reporting system (MD CRIS). The first scheduled training was scheduled for August 7th but was postponed to a later date.

Filings

On August 6, 2012, the semi-annual Contribution Disclosure Form, a required filing by either a person who does business with the State involving consideration of $100,000 or more and makes campaign contributions of $500 or more or a person who provides lobbyist compensation and makes campaign contribution greater than $500, was due. The Candidacy and Campaign Finance Division received over 260 disclosure forms from qualifying persons.

The deadline for a non-principal political party and petition candidates to submit their additional documents was August 6, 2012. We had six candidates for federal office who filed a Declaration of Intent to seek nomination by petition. Only one of those candidates, Rob Sobhani, filed a qualifying petition to appear on the ballot (for United States Senate).

Gaming Expansion

The Maryland Constitution, Article XIX, § 1(e) provides that the "General Assembly may only authorize additional forms or expansion of commercial gaming if approval is granted through a referendum, authorized by an act of the General Assembly, in a general election by a majority of the qualified voters in the State." During the 2nd Special Session of 2012, the General Assembly passed SB 1, an act establishing additional forms and expansion of commercial gaming. The Governor signed SB 1 on August 15, 2012. The bill provides the specific question to be referred to the voters on the 2012 Presidential Election ballot.

The bill also establishes additional campaign finance reporting requirements for persons who are supporting or opposing the question. Specifically, the bill requires persons supporting or opposing the question to file a statement within 48 hours of reaching certain contribution and expenditure amounts. In addition to the requirement to file the campaign finance statements, persons supporting or opposing the question are also required to file the regularly scheduled campaign finance reports. The fine for failure to report is $1,000 per day or 10% of the expenditure or contribution.

Since the bill and the reporting requirements went into effect on August 15th (the date it was signed), the Campaign Finance Division developed and issued instructions on and a form for this new reporting requirement. The 48 hour reporting period will continue until November 9, 2012.

6. **Voting Systems**
   Electronic Pollbook Software Update.
   SBE concluded the testing of the latest release of the electronic pollbook software and has provided this release to the local boards. The local boards are currently installing the software on their pollbooks and it is anticipated that installation will be complete by the first week of September. Currently, close to half of the local boards have already completed the update of their pollbooks.

   Election Night Reporting
   Following the successful migration of the Election Night Reporting system to a new server, the building of the website has begun. After some initial testing at SBE, there will be a test of the exporting functionality utilizing test results from the local boards to SBE within the next couple of weeks. Additional testing closer to the November election will also take place.

   Staffing
   The voting system team has also been working with Cirdan, the voting system services vendor, as well as the local boards to bring on the 24 Temporary County Support Technicians. Each local board is assigned a technician for 10 weeks (eight weeks prior to the election, and two weeks after). These technicians will start training shortly. In addition there will be technicians hired to assist in performing Logic and Accuracy testing, as well as election day support.

   Conducting the Election Guide
   Updated sections of the Conducting the Election (CTE) Guide will be released very shortly. This document details the processes for preparing for the election, conducting it, and reporting of results using the voting system and the electronic pollbook. Minor revisions were made from the 2012 Primary, as well as revamped section on post election auditing and verification.

Election Supplies
The voting system team has also been ensuring that all local boards have the supplies and consumables necessary for the use of the equipment for the election. To this end the team has obtained paper rolls, batteries, printer ribbons, tamper tape and other items.

Voting System Security
In accordance with SBE policy, the voting system team has been changing the system's cryptographic keys prior to the election. It is anticipated that this will be complete by the end of August. In response to a question by Chairman Walker, Paul Aumayr explained that this process was a security measure taken to ensure that if a supervisor card from an old election was retained by an election judge, it would be unusable for the next election.

New Voting System Review
Dominion Voting Systems provided a demonstration of their new ImageCast Evolution voting system. The system is newly certified to the U.S. Election Assistance Commission's 2005 Voluntary Voting System Standards. Dominion also provided a demonstration for organizations representing voters with disabilities.

7. **Project Management (PM) and Information Technology (IT)**
Facebook and Twitter
A new Facebook and Twitter account have been established for SBE. The social media sites will offer a new way to keep the voters, the press, and other key stakeholders up-to-date with important issues surrounding the 2012 Presidential Election.

Project Management Office
Keith Ross published the *SBE Contract\Project Manager's Contract Compliance Guidelines.* The document establishes standardized procedures for SBE project and contract managers to follow, especially as it relates to payment of invoices and changes to contracts. The Guidelines also specify a schedule for internal review of contract management practices that will be conducted by Mr. Ross.

Inventory
Mr. Ross continues to work on the detailed reconciliation of the 2012 inventory between SBE and the local boards. SBE is on track to complete the inventory on-time to submit the annual inventory reports to the Department of General Services. Mr. Ross is also leading efforts to review potential election based inventory systems that are on the market.

Help Desk
During each election period, staff uses a help desk application to manage calls and ensure that issues are being addressed or are properly escalated. The current help desk application is several years old, very cumbersome, and part of the ELECTRack system that is slowly being phased out due to the migration to the online campaign finance system.

Accordingly, staff has been working to identify a new product for use during the 2012 Presidential General Election. Currently, staff has identified DynamicPath, a company that provides a cloud based election specific help desk (Election Ally). Staff is in the process of working with the vendor to incorporate some of the changes into their software that SBE will need. Staff will perform a test of the updated software, and if successful, SBE will enter into an agreement with DynamicPath to use its system during the general election.

Frederick County Warehouse Relocation
The Frederick County Board of Elections changed its warehouse location. SBE IT and Network Maryland (NwMD) worked closely together to install a new data communication circuit at this new warehouse location. This connection will help the county improve certain business processes, by allowing them to accomplish several tasks at the warehouse instead of having to go back to the local board office.

Service Renewal with Maryland Archives
SBE recently renewed the Memorandum of Understanding (MOU) agreement with the Maryland State Archives for Internet services, co-location services and disaster recovery site services. The MOU period began on July 1, 2012, and lasts until June 30, 2013.

MDCRIS File Format

Kurt Snyder is still working with PCC (MDCRIS Vendor) on new file format requirements. The file format allows a filer who is using another software program to upload campaign finance report information directly into MDCRIS. There have been new requirements for the file format after errors were discovered during testing. PCC is working to correct problems and issues that have been identified.

Call Center Setup

In preparation for the 2012 Presidential General Elections, SBE IT has worked closely with Verizon to have Harford County Board of Elections added to the list of counties that will be utilizing the call center during the election. Verizon offers a Customer Redirect Service (CRS) which basically forwards all incoming calls meant for the county to a number at the call center. SBE IT will be conducting a test next month to test this service for all counties affected.

Other IT Related Events

- Successfully applied Microsoft Security updates for the month of August 2012 on SBE Server Systems
- Renewed various computer hardware support warranties.
- Renewed several software support warranties.
- Conducted CJIS background check procedures for new hires across the State.
- Completed several website updates as requested.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie reported that on August 17, 2012, the Court of Appeals upheld the State Board's decision to approve as sufficient a referendum petition seeking referral of last fall's congressional legislation. *Whitley v. Maryland State Board of Elections.* The lawsuit claimed that election officials should not have counted petition signatures of voters who attested as circulator to their own signatures and voters who completed a signature page with information printed on the form using a website. The Circuit Court for Anne Arundel County ruled in favor of the defendants, and that ruling was affirmed by a majority of the Court in a *per curiam* decision. As a result of the lawsuit, "self-circulated" signatures and "computer-generated" signature pages will continue to be accepted on referendum and other petitions.

Mr. Darsie also informed the Board that the Attorney General issued an opinion today regarding the Board's proposed "ballot wizard" and whether the wizard requires certification under §9-102 of the Election Law Article. The opinion concludes that the wizard is neither a voting system nor a modification to a voting system and that SBE's interpretation of §9-102 not to require voting system certification of the ballot wizard is reasonable and entitled to deference.

In the case of *Fair v. Obama*, the Circuit Court held a hearing August 17th on the State's (which is the defendant) motion to dismiss. The lawsuit challenges the decision by State election officials to include President Obama on the ballot for the 2012 Democratic Party primary and enjoining those officials from certifying the President for the general election without first determining his citizenship status or other qualification for the office of President. The State's motion to dismiss argues that plaintiffs had not satisfied the requirements for judicial review under the Election Law Article and lacked standing otherwise to maintain a declaratory judgment action.

WAIVERS OF CAMPAIGN FINANCE LATE FEES

Mr. DeMarinis presented the following recommendations for approval of waivers of late fees.
1. Baltimore County Fire Fighters PAC
2. Barnes, Robert Citizens for
3. Brightman, Donna Citizens for
4. Osei, Christine Friends of
5. Smith, Derrick Citizens to Elect
6. Worcester County Republican Central Committee
7. Young Democrats of Maryland

Ms. Lamone noted that the Baltimore County Fire Fighters has prior late fees and did not provide a sufficient justification for a waiver and therefore asked the Board to table its decision on that request until Mr. DeMarinis could make additional inquiries. Mr. Thomann made a motion to approve the remaining recommended late fee waivers, which was seconded by Ms. McGuckian. The motion was unanimously approved.

REQUESTS FOR PRECINCT CHANGES

Donna Duncan stated that in July she had polled the Board and received their approval on precinct changes for Montgomery, Garrett, and Frederick Counties. Two additional polling place change requests were presented.

First, St. Mary's County is seeking to change the polling place for precinct 06-02 back to Oakville Elementary School. It was temporarily moved to Hollywood Elementary School for one election due to construction. The second change is for Baltimore County. The polling place for precincts 09-13 and 09-14 are both located in Stoneleigh Elementary School. The school is under construction and polling places are being moved to Towson High School and Dumbarton Elementary School, respectively. Ms. Mack made a motion to approve the polling place changes, which was seconded by Mr. McManus. The motion was unanimously approved.

DEMONSTRATION OF NEW ONLINE VOTER SERVICES

Nikki Charlson began the demonstration of the new online voter services by providing an overview of the four components of the system. They include: voter look up; polling place locator; online voter registration system; and online ballot delivery system (which includes the ballot marking wizard). Ms. Charlson noted that all of the components were developed in house. The voter look-up and polling place locator were transitioned from the University of Maryland, College Park at the end of June. The same information is being provided, but is presented differently and includes more information. The online voter registration was funded in part by the FVAP grant and went live in July. Finally, the online ballot delivery system was also funded by the FVAP grant. The system gives the voter options on how to mark his or her ballot. One option is to download and print a blank ballot, mark that ballot by hand, and then return the voted ballot by mail. The second option is to mark the ballot using the wizard, then print the ballot with the voter's selections filled-in, review the selections, and then return the ballot by mail. The website provides an explanation of the two options, including warnings that using the wizard in an insecure environment may compromise the secrecy of the voter's ballot. The delivery system and the wizard are on schedule to be ready for use by the 45th day before the general election (requirement of the federal MOVE Act).

Next, Ms. Charlson provided an overview of the different procurement opportunities conducted under State procurement laws that were part of the project. They included: an accessibility review, the hiring of a security consultant, penetration testing, various hardware and software products, and hiring a developer to assist with some of the development work.

Chere' Evans provided a demonstration of the different tools.

Mary Wagner noted that the General Assembly specifically authorized the use of such a system during the 2011 Legislative Session. The legislation specifically requires that non-UOCAVA voters must provide their driver's license number – which must be verified by the MVA. Ms. Wagner also noted that testing was conducted at both SBE and by the local boards.

Ms. Charlson noted that all of the components were designed and tested to ensure that they are fully accessible and that the wizard will enable a voter with disabilities to mark his or her ballot independently. Similar to the online voter registration component, testing has been extensive and has included both SBE and local board staff and included a mock canvass using the ballot duplicated using the produced barcode.

Ms. Charlson provided an overview of the security design and testing of the online voter services components. The security design was guided by the *Federal Information Processing Standards* and the Maryland Department of Information Technology's security standards. The security consultant identified potential issues with the system and staff has or will be implementing mitigating strategies for each of them. For example, one security finding was that the surveillance camera for servers did not provide coverage over entire caged area. Accordingly, the camera was re-positioned to cover the whole cage. Another security finding was that SBE's existing disaster recovery plan did not include recovery plans for voter services website. In response, the disaster recovery plan is drafted and will be incorporated into SBE's master disaster recovery plan this month.

Ms. Charlson also provided an overview of the penetration testing conducted on the online system. The purpose of this test was for an outsider to try to penetrate the system. The testing was conducted by a team from the University of Maryland, Baltimore County. The lead investigator is a doctoral candidate studying digital forensics for cloud computing. He is currently a NSA employee (8 years) (Global Network Exploitation and Vulnerability Analyst) who has conducted penetration testing of US government networks. He is also a member of the winning team at the DEFCON Capture the Flag competition. The project director is a Cybersecurity Graduate Program Director & Lecturer at UMBC. He is the Co-Founder & Co-Chair, Maryland Cyber Challenge & Conference and Faculty Co-Advisor, UMBC Cyber Defense Team. The preliminary findings were that the team was not able to penetrate the voter services website. They tried to access the database were unable to do so and could not even find out what kind of database was used. They also attempted to read another user's record, but could not. They also confirmed that the system performed well during load testing. A final report is due on August 27th.

Finally, Ms. Charlson asked the Board to formally approve the use of the online ballot delivery system and online ballot marking tool (wizard). While it is the position of staff – supported by an Opinion of the Attorney General – that this system is not a voting system or component of the voting system requiring certification, staff has reviewed this system against the applicable State certification standards and considerations in § 9-102 of the Election Law Article.

1. *Protect ballot secrecy & security of the voting process* – Penetration testing demonstrated that the system protects ballot secrecy and the security of the voting process. This analysis can only state that our system protects the ballot secrecy and security. SBE cannot make representations about the secrecy of the system the voter is using. Accordingly, voters are expressly informed of this fact prior to making a determination of which ballot marking method to use. This does not represent a limitation of this system – this is a limitation of all absentee voting – once the ballot is taken out of the polling place no system can guarantee its secrecy or security.
2. *Count and record ballots accurately* – While the system does not count or record ballots, testing demonstrated that the selections the voter made in the wizard were accurately printed on the ballot and accurately duplicated using the barcode. It is expected that the ballots marked using the wizard will be more accurate than ballots marked by hand and duplicated manually.
3. *Accommodate any ballot* – Testing demonstrated that the correct ballot style was provided to each voter.
4. *Protect all other rights of voters* – No other voter rights are applicable to this system.
5. *Be capable of creating a paper record of all votes cast in order that an audit trail is available* – The process relies on paper records and is fully auditable using those records. The ballot that the voter votes and the duplicated ballot created by the barcode will be stored together to ensure a fully auditable process.
6. *Commercial availability of the system and its replacement parts and components* – Since this system was developed in house with off-the-shelf hardware, this system can be sustained in the long term.
7. *Availability of continuing service for the system* – Since this system was developed in house, continuing service is available.
8. *Cost of implementing the system* – This system was less expensive because we used in-house resources and the fiscal impact was reduced by the federal grant.
9. *Efficiency of the system* – The use of the barcode improves the efficiency and accuracy of the canvassing process.
10. *Likelihood that system will malfunction* – Testing demonstrated that the system performed as expected. Plans have been developed if the system becomes unavailable.
11. *System's ease of understanding for the voter* – In post-testing surveys, testers were almost unanimous that the system was easy to use.
12. *Convenience of voting afforded by the system* – Surveys conducted after prior elections demonstrate that voters like the convenience of getting their ballots electronically.
13. *Accessibility for voters with disabilities* – Voters with disabilities can use their personal assistive devices to make selections on the wizard. This option brings accessibility to a process that was previously inaccessible.

Because the online ballot marking wizard meets all of the applicable standards and considerations, Ms. Charlson recommend that this system be used in the 2012 General Election. Based on advice of counsel, Ms. Charlson also recommended that the use of the system be limited to only military and overseas voters. Ms. Mack made a motion to accept Ms. Charlson's recommendation, which was seconded by Ms. McGuckian. The motion was unanimously approved.

Ms. Lamone acknowledged the hard work and dedication of the staff who initiated and completed this project.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Chairman Walker noted that Rebecca Wilson asked to address the Board. Ms. Wilson stated that she had discovered a major vulnerability in MD's online voter registration system. The system requires voters who want to register or change their existing registration to enter their driver's license number as their "signature" since there is no way to submit their signature online. That means the system is only as secure as a MD driver's license number. A quick Google search for "MD driver's license number" brings up a website that allows anyone to enter someone's first, middle, and last name and birthday (no year required) and it will calculate the individual's driver's license number.

Ms. Wilson noted that voter registration information, including address and birthday, is available to a registered

voter for campaign purposes. That information could be easily be used to tamper with the voter registration database. The perpetrator could be anywhere in the world, far beyond the jurisdiction of state or US laws. Ms. Wilson also cited a news account of a voter registration tampering incident in another state.

Mr. Goldstein stated that if a vulnerability exists, it is not as a result of the online voter registration database. The same vulnerability would exist with the current paper application which also requires the voter to provide a driver's license number.

Regarding the online ballot delivery and marking system, Ms. Wilson also asked whether staff intended to invite a public hack. She also asked Mr. Darsie to explain why the polling place ballot marking device requires certification but the online system does not.

SCHEDULING OF NEXT MEETING
The next meeting is scheduled for September 27th at 2:00p.m.

ADJOURNMENT
Mr. Walker adjourned the meeting at 3:40 pm.