

State of Maryland 

State Board of Elections' Meeting – May 19, 2016

Attendees: David McManus, Chair
Patrick J. Hogan, Vice Chair
Michael R. Cogan, Member
Kelley A. Howells, Member
Bobbie S. Mack, Member
Linda H. Lamone, State Administrator
Jeff Darsie, Assistant Attorney General
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy for Election Policy
Keith Ross, Assistant Deputy for Project Management
Paul Aumayr, Director, Voting Systems
Mary Cramer Wagner, Director, Voter Registration and Petitions
Victorica Smith, Candidacy and Campaign Finance Division
Stacey Johnson, MDVOTERS Project Manager
Sylvia Brown, Human Resources Director
Janey Hegarty, Voting System and Information Technology Divisions

Also Present: David A. Bishop, Anne Arundel County citizen
Mary Ann Keeffe, Member, Montgomery County Board of Elections
Jackie Phillips, Member, Montgomery County Board of Elections
Jayne Miller, WBAL-TV
Jim Cassini, WBAL-TV
Jaheem Thomas, WJZ TV
Linda Eberhart, Baltimore City voter
Ralph Watkins, League of Women Voters
Pat Warren, WJZ TV
Holly Joseph
Luke Broadwater, Baltimore Sun
Fenit Nirappil, Washington Post
Rebecca Wilson, SAVE Our Votes
Lynn Garland, Montgomery County voter
Elder and Min Withery, VOICE

DECLARATION OF QUORUM PRESENT

Mr. McManus called the meeting to order at 2:18 pm and confirmed that a quorum was present. He stated that the meeting was being recorded.

RATIFICATION OF MINUTES FROM MARCH 24, 2016, MEETING

Ms. Howells made a motion to ratify the approval of minutes from the March 24, 2016, meeting, and Ms. Mack seconded the motion. The motion passed unanimously.

ADDITIONS TO THE AGENDA – CARROLL COUNTY'S REQUEST TO CHANGE POLLING PLACES

Ms. Duncan stated that three Carroll County schools that are closing at the end of this school also serve as polling places. Because of the closure, the facilities cannot be used as polling places in the 2016 General Election. Two of the three proposed locations are within the same election district as the current polling place, but one proposed location is located outside of the election district because there was no other suitable location within the district lines.

In response to a question, Ms. Lamone stated that the local boards conduct an accessibility survey of each voting location and provide SBE with the completed survey form. For the few voting locations that are not accessible, SBE and the local boards determine if the voting location can be made accessible while it is serving as a voting location. This includes using federal funds to purchase or rent equipment or supplies to make it temporarily accessible.

Mr. Hogan made a motion to approve the three proposed polling places in Carroll County, and Ms. Mack seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

1. Post-Election Reconciliation of Baltimore City's 2016 Primary Election

Ms. Lamone reported that SBE, with the assistance of the Baltimore City and Anne Arundel, Baltimore, Calvert, Frederick, Harford, Howard, Montgomery, and Prince George's County Boards of Elections, performed a post-election reconciliation of each voting location in Baltimore City. This reconciliation reviewed the number of ballots scanned in each voting location and the number of voters who checked in to vote at that location. The process began with two days of collecting and organizing election documents (except voted ballots) by precinct. Once the documents were organized, the precinct level reconciliation began. It included the review of regular and provisional voter authority cards, provisional ballot applications, and other relevant documents. Ms. Lamone stated that the process would be completed today but cautioned that the information is fluid as documents continue to be found.

Ms. Lamone reported that preliminary data shows that over 700 provisional ballots were scanned at voting locations and approximately 500 more provisional ballot applications will be presented at Baltimore City's final canvass. She noted that some precincts will not be reconciled because the reason for the discrepancy cannot be determined. The process identified some possible corrective actions, which could include improvements to the management and organization of the Baltimore City Board of Election's warehouse, re-evaluation of election judges' training and materials, and review of the provisional voting process.

Mr. McManus stated that he visited the Baltimore City Board of Elections' warehouse on May 18, 2016, and commended Ms. Lamone for allowing representatives of the media and candidates to observe the reconciliation process. Ms. Lamone explained that there were competing interests of transparency and the need to maintain order and protect the integrity of election documents.

There was a discussion about whether the Baltimore City Board of Elections will reach out to election judges who worked in precincts where there were discrepancies, and Ms. Lamone reported that Margaret Jurgensen, the Election Director for the Montgomery County Board of Elections, has agreed to lead a committee of local boards to identify strategies to prevent provisional ballots from being scanned. There have been preliminary discussions with ES&S, the voting system vendor, about whether the precinct tabulator can reject a provisional ballot during early voting or on election day but later allow it to be scanned and tabulated if the local board of canvassers determines the provisional ballot should be accepted and tabulated. Making a provisional ballot distinctive in appearance may jeopardize the secrecy of the voter's ballot if it is the only provisional ballot in that ballot style.

Ms. Charlson explained the precinct report provided in the meeting folder. This report shows for each precinct in Baltimore City the number of check-ins and the number of ballots cast, explains the results of each precinct's reconciliation, and shows the number of provisional ballots that

were scanned at the voting location and the number of provisional ballot applications that will be presented at Baltimore City's final canvass.

Ms. Lamone noted that the 2016 Primary Election was a very successful election and recognized the efforts of SBE and local board staff members. The Board seconded Ms. Lamone's statement.

2. Announcements & Important Meetings

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

On May 4th and 5th, the U.S. Election Assistance Commission's (EAC) Board of Advisors met for its annual meeting. Under the Help America Vote Act, this board reviews the voluntary voting system guidelines, the EAC's voluntary guidance, and best practices. Ms. Lamone serves on this board and completed her term as Chair. At this meeting, the board members received briefings on the development of the new Voluntary Voting System Guidelines and the EAC's new website, recent activities of the Federal Voting Assistance Program and the Department of Justice, and took a tour of the Chicago Board of Elections Commission's warehouse. The board elected its new executive board and passed two resolutions related to the Commission's policy making process.

2. Election Reform and Management

Voter Services Website

The various components of the voter services website – voter look-up, polling place locator, online voter registration and absentee ballot application system, and online ballot delivery system – performed well in the 2016 Primary Election. Over 30,000 voters requested their ballots from the online ballot delivery system. The voter services project team is scheduled to meet later this month to identify lessons learned and plan for the 2016 General Election.

Same Day Registration and Address Changes

Same day registration and address changes were offered at all of the early voting centers. During the early voting period, over 1,900 individuals registered to vote and over 2,000 voters changed their address using this process. A table showing the county breakdown was provided in the meeting folder.

Using the electronic pollbooks to facilitate this process worked very well. We experienced some issues transferring the data into the voter registration system and implemented some workarounds to address these issues. We have identified the cause and are working with the pollbook vendor to fix the software before the general election. The project team will meet on May 31, 2016, to identify other lessons learned and plan for the 2016 General Election.

Comprehensive Audit

After each election, SBE conducts a comprehensive audit of each local board of elections. The audit guidelines for the 2016 Primary Election were provided with the meeting materials. The local boards have been submitting the polling place evaluations and ballot tracking forms as part of the comprehensive audit.

In response to a question, Ms. Charlson explained that SBE and two local boards – Carroll and Montgomery Counties – will conduct in three different ways a post-election audit of the voted ballots. The three audit methods will be: (1) manually tallying a random sample of digital images of voted ballots; (2) manually tallying a digital images of voted ballots from a random sample of precincts; and (3) using independent software to re-tally all of a county's digital images. The goal is to present at the upcoming Maryland Association of Election Officials' conference and the next

State Board meeting the findings of the various audit methods. The recommended audit method will be incorporated into the comprehensive audit guidelines for the 2016 General Election.

3. Voter Registration

In General

Voter registration closed at 9 pm on April 5th and remained closed for 10 days after the election. The online voter registration system is now available, and the local boards are receiving voter registration applications.

Electronic Registration Information Center (ERIC)

Later this month, reports will be distributed to the local boards for processing. The local boards will have three weeks to process them and submit their results.

Under the National Voter Registration Act, certain record list maintenance cannot be performed 90 days prior to an election. In March, two of the four ERIC reports – In State Duplicate Records and Social Security Death Records – were sent to the local boards for processing. In these reports, 129 duplicate records were identified, and 1,724 records were flagged for possible removal from the Social Security death records.

Motor Vehicle Administration (MVA)

For April 2016, MVA provided the following voter registration numbers. Ms. Wagner noted that these figures are lower than normal because voter registration was closed starting April 5, 2016.

- New Registrations: 3,992
- Address Changes: 7,640
- Last Name Changes: 629
- Political Party Changes: 1,975

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

The deadline for petition candidates and candidates of non-principal parties to file a Certificate of Candidacy and either the petition or a Certificate of Nomination is August 1, 2016. Except for judicial candidates, a candidate who appeared on the ballot for the 2016 Primary Election and lost may run in the 2016 General Election *only* as a write-in candidate or a replacement candidate if the winner of the primary election declines the nomination.

Campaign Finance

On May 31st, persons doing public business and/or employing a lobbyist are required to file the Contribution Disclosure Statement. The entity must disclose cumulative contributions of \$500 or more to a single candidate or officeholder in the reporting period. The CCF Division has over 635 persons registered in the system. This represents the highest total number of filings so far. Since the new provisions of the law went into effect in February 2015, the number of registered entities and filings has increased by nearly 100%.

In our continuing efforts to inform businesses of the disclosure requirement, the CCF Division receives quarterly updates from the Secretary of State's Office of any new registered businesses. Outside of the initial data transfer, no new businesses have registered with the Secretary of State's Office.

Included in the meeting folder were requests for waivers of late fees from entities required under Title 14 of the Election Law Article to file disclosures. Since these requests were denied, no board action is required.

Enforcement Actions

In April, SBE issued the following fines:

- a. April 19, 2016 – Clean Slate Baltimore PAC was fined over \$55,000 for failing to timely file an independent expenditure report. This is the largest fine issued by the State Board of Elections.
- b. April 22, 2016 – Citizens for a Safe Baltimore was fined \$8,300 for failing to timely file an independent expenditure report.
- c. April 26, 2016 – SEIU Maryland & DC State Council American Dream was fined \$3,368.29 for failing to timely file an independent expenditure report.

All have indicated that they would seek a waiver of the penalty. In response to a question, Ms. Duncan explained that the amount of the fine is based on the amount of independent expenditures spent and the amount of time between when the entity was required to file and when the entity submitted its report.

On April 22, 2016, the CCF Division, in conjunction with the Office of the State Prosecutor, closed the case against the Liberty PAC. The PAC failed to report on a campaign finance report more than 20 contributions and more than 12 expenditures, used unauthorized bank accounts, made cash disbursements in an unauthorized manner, failed to manage campaign finance through a properly established political committee, and filed numerous campaign finance reports late. The fines against the committee and its responsible officers totaled \$2,700.

On April 15th, Mary Murphy, Chairperson of the Friends of Michael A. Jackson Committee, and her daughter Damiana Murphy, Treasurer of the same committee, were charged in the Circuit Court for Anne Arundel County with six counts of felony theft, one count of conspiracy to commit theft, one count of misappropriation by a fiduciary, and an election law violation. The charges allege that, between April 29, 2014 and September 27, 2015, the two individuals used campaign funds for personal expenses. The amount of the alleged theft is over \$22,000.00. The CCF Division referred this matter to the Office of the State Prosecutor in 2015.

5. Project Management Office (PMO)

2016 Annual Inventory

As required by the Department of General Services (DGS), SBE is currently conducting the 2016 annual inventory of equipment and supplies. There are three inventory phases – SBE, the legacy equipment located in SBE's central warehouse, and the equipment and supplies located in the local boards. When the three phases are complete, SBE reconciles and resolves any issues found. The annual reports to DGS are due in August and September.

Contract Management

The PMO continues to manage five major contracts. These activities include reconciling timesheets and deliverables with invoices and other administrative matters for each contract.

Under the election staffing contract for the Primary Election, there were over 300 resources deployed at different times over the last three to four months. SBE will have several post-election meetings with the contractor to discuss changes that are needed prior to the 2016 General Election.

Call Center Support

Call Center support started on April 4, 2016, and ended on April 27, 2016. The call center provided phone support for SBE and the Baltimore City and Anne Arundel, Baltimore County, and Prince George's Counties Board of Elections and answered 28,444 calls during this period. This compares to 17,847 calls – or a 62% increase - from the 2012 Presidential Primary.

SBE Command Center and Helpdesk Support

During early voting and on election day, SBE activated the SBE Command Center. The Command Center was staffed by SBE contractors (Netorian and ES&S) to address issues that arose. The Command Center included an all-day open call-in option for the local boards to report issues and served as a central source for the many individuals that were out in the field supporting the election.

In addition to the Call Center, the PMO deployed the Election Ally helpdesk system that was used by both the Command Center and SBE to record issues that were reported from the field or escalated by the Call Center.

Other

Mr. Ross attended the Department of Information Technology-led Information Technology Advisory Committee (ITAC) meeting in April. The agenda included an update on the Governor's phased-in Enterprise IT Plan and the plan for Enterprise Applications and other initiatives.

Mr. Ross recently participated in a webinar that covered the legal requirements for handling travel pay and other work time requirements for employees and contractors. Understanding these type of requirements will help SBE manage the contractor's work time and pay in a more effective manner.

6. Voting Systems

2016 Primary Election

The new voting system was used in its first statewide election on April 26th, following early voting from April 14th to April 21st. For early voting, 420 pollbooks and 168 ballot scanners were deployed.

On election day, 5,496 electronic pollbooks, 2,207 ballot scanners, and almost 2,000 ballot marking devices (one per precinct) were deployed. Although thirteen ballot scanners and four ballot marking devices were replaced, it is widely thought that the new equipment performed very well. On election night, the upload and reporting of unofficial election night results typically took an hour less to complete than the results process with the previous system.

Electronic Pollbooks

SBE is working with ES&S, the vendor for the electronic pollbook, to make a few minor software changes before the 2016 General Election. It is anticipated that changes will be made by the end of July to allow SBE to test the software during the month of August. It is likely that the updated software would only be applied to pollbooks used for early voting.

SBE is also purchasing additional pollbooks for use in Prince George's County for the general election.

Post-Election Audit and Verification

As with previous elections, the team has been working with the local boards to complete their post-election audit and verification. SBE supplies each LBE with a worksheet to compare the number of ballots cast with the number of voter authority cards signed by voters who checked in to vote. The audit is conducted on randomly selected precincts as well as any precinct where a variance of greater than five has been identified by SBE. This variance must be investigated and finding reported by the LBE.

For the verification, the ballots cast for each candidate, as displayed on the totals tapes, is compared with the precinct results reported by the Election Management System.

Post-Election Maintenance

The team is reviewing and updating the post-election maintenance procedures to reflect the new system. Post-election maintenance will commence when the State Administrator releases the voting equipment. This takes place once the election is certified by the State Board of Canvassers and the deadline for any challenge to the election has passed.

7. Information Technology

Election Night Web Results Reporting

SBE and two vendors – CSC, the vendor for SBE’s internal election management system, and SIDUS, SBE’s web hosting vendor – conducted extensive load and stress tests on the web servers in preparation for the high traffic expected election night. We also utilized a Content Distribution Network (CDN) service by Edgecast to help with the smooth delivery of content from our results’ web pages. CDN is a large distributed system of servers deployed in multiple data centers across the Internet.

Emergency Generator

An emergency standby generator was rented for the 2016 Primary Election in the rare occurrence of a power outage at SBE. 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 was delivered, installed and tested on April 13, 2016, and was returned on May 13, 2016.

Office Phones Setup

In preparation for the 2016 Primary Election, SBE’s IT Division set up phone groups to handle efficiently and dynamically transferred calls from the call center. Staff members in a group were instructed to sign in on their phones when they are present at their desks to receive calls and sign-out from the group when they plan to be away from their desks.

8. New Voting System Replacement Project

Administrative

SBE continued weekly GoToWebinars with the local boards. This forum enabled SBE to provide project statuses and address any questions or issues. The scheduled GoToWebinars ended on May 2, 2016, and will resume closer to the general election.

SBE continues to manage and monitor contracts related to this project, including addressing issues (*e.g.*, equipment defects, temporary resource requirements) as they arise.

Statewide Election Management (SWEM) Network

Background: This network includes: (1) Certified Network which tabulates and reports official election results; (2) Election Night Results Network which tabulates and reports unofficial election results on election night; and (3) Regional Collection Networks to collect unofficial results from regional locations and transmit to a local board office on election night. The Regional Collection Networks are only used in Baltimore County (5 locations), Montgomery County (7 locations) & Prince George’s County (6 locations).

Status: Just before the primary election, teams of SBE’s Regional Managers and ES&S representatives conducted a final check of the networks in each local board. The three counties

using the regional collection networks tested each of the regional locations before the election, and all locations connected and transmitted data.

On election night, the Election Night Results Network and regional collection networks worked well. Unofficial election results were transmitted and promptly posted on SBE's website. SBE's team reported that the results reporting process was quicker than in prior elections, with the team leaving the office about 1:30 am (instead of 2:30 am or later).

The local boards began using the Certified Network the day after the election when they re-loaded results and transferred ballot images from the thumb drives removed from the scanning units. (This process is called 100% verification and is the first step in generating official election results.) In some counties, this two-step process took longer than expected, and SBE and ES&S are reviewing network set-ups to identify the cause of the different experiences. This network was used through the absentee and provisional canvassing process, and some of issues reported the day after the election did not recur.

Agency Election Management System (AEMS)

Background: AEMS is the system that ensures that all other systems (e.g., MDVOTERS, the voting system, the pollbooks) can interface and generates the lists of candidates for office and defines the contests. The ballots are then created for the election. After the election, post-election reports are produced. This system needed to be updated to reflect the new voting system and tested.

Status:

1. The AEMS software updates worked as expected.
2. SBE and the vendor are preparing a list of items to address before the general election. SBE will establish priorities for each item and schedule them.
3. A Joint Application Design session is scheduled for later this month to finalize the requirements for the 2016 General Election.

Equipment Logistics/Delivery Status

Background: Voting system equipment is comprised of: (1) ExpressVote units (ballot marking devices); (2) DS200 scanners; (3) thumb drives; (4) ballot boxes; (5) ExpressPass printers (ballot activation card printers); and (6) DS850 high speed scanners. Ancillary equipment includes precinct voting booths and carts, hard cases & stands for ExpressVote units for early voting, soft cases for storing and transporting ExpressVote units, accessible tables for ExpressVote units on election day, and ballot transfer bins.

Status:

1. All equipment was delivered before the primary election.
2. SBE expects to rent additional equipment for the general election for any local board adding an additional early voting center.

Issue Tracking Process

Status: SBE continues to track issues related to voting equipment. The voting equipment is currently under "lock down" and cannot be repaired until after the election results are certified and the time for contesting an election has lapsed. Once the equipment has been released from lock down, post-election maintenance will begin, and SBE and ES&S will resume the issue tracking process.

Documentation

Status:

1. SBE and the local boards collected comments on documents and expect that more comments will be collected during the post-election lessons learned process.
2. SBE will update these documents before the general election.

Testing

Status:

1. User acceptance testing was performed on all equipment used in the election.
2. Equipment needing repair after the voting equipment is released will be re-tested before it is re-introduced into the State's inventory.

Training

Status:

1. ES&S offered "just in time" training on the various networks and for those counties with high speed scanners, this equipment.
2. Part of the post-election lessons learned process will capture positive training experiences and areas where State and local election officials need more training. SBE will work with ES&S to coordinate future trainings.

SBE's Central Warehouse

Status:

1. The effort to reduce the size of the central warehouse has begun. By June 30, 2016, SBE will turn back over to the landlord approximately 50% of the currently occupied space. This reduction was planned, as the local boards are storing the current voting system. At this time, the warehouse is primarily used to house the legacy voting system equipment.
2. The facility's main conference/training room continues to be used for conducting training classes and other meetings.

ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Darsie provided the following report.

1. Three motions for temporary restraining orders were filed during the primary election season. Prior to early voting, the David Trone campaign filed, but declined to pursue, a suit for injunctive relief grounded on the state's use of a ballot-marking device that did not evenly divide candidates' names across multiple screens in contests featuring more than seven candidates.

On election day, April 26, a lawsuit was filed against the Baltimore City Board of Elections, purportedly on behalf of the Donna Edwards campaign, the Catherine Pugh campaign, and the sitting judges. Plaintiffs in that case sought an order to extend voting hours for multiple polling places in Baltimore City because of delays in opening the polls. Judge Handy entered an order granting partial relief, extending voting hours by one hour in six Baltimore City precincts where the polling places at issue were delayed in opening for 45 minutes or more.

On May 17, the Sheila Dixon campaign sued the State Board and the Baltimore City Board seeking an order granting public access to the reconciliation work of election officials being conducted at the Baltimore City warehouse, to include an opportunity for

“meaningful inspection of the canvassing process.” After the State Administrator and Baltimore City Election Director voluntarily offered to provide limited public access to the warehouse building while the reconciliation work was being done, plaintiffs decided not to pursue the further public access they had originally sought and no order was entered in the case.

2. The Circuit Court for Talbot County dismissed, for lack of standing, John Hall’s petition for declaratory judgment as to the validity of the State Board’s minimum staffing policy. *Hall v. Maryland State Board of Elections*, Civ. No. 20-C-15-009298 (Cir. Ct., Talbot County, Md., May 9, 2016). The court held that the minimum staffing policy was not required to be enacted as a regulation and therefore Mr. Hall lacked taxpayer standing, which requires that a plaintiff allege an act that is illegal or beyond the agency’s authority.
3. On April 19th, the In Banc review panel in *Newton v Lamone*, No. 02-C-14-191218 (Cir. Ct., Anne Arundel Co., Md.) affirmed the trial court’s decision dismissing the mandamus action against the State Board. That lawsuit contested the right of Hassan “Jay” Jalisi to appear on the ballot for District 10 in the House of Delegates due to his alleged lack of residency in that district. In May 2015, the Circuit Court for Anne Arundel County dismissed the lawsuit as moot.
4. Plaintiff Eric Bouchat is filing an amended complaint in his federal court challenge to Maryland’s state legislative districting plan. *Bouchat v. Maryland*, No. 1:15-cv-02417-ELH (D. Md. Aug. 31, 2015). The State will move to dismiss the case, as it has in two other lawsuits challenging the congressional districting plan (*Shapiro v McManus* and *Parrott v Lamone*). All three cases are set for oral argument in federal court before a three-judge panel in Baltimore on July 12. Lawyers from the AG’s civil division are working with me in all three cases. AAG Jennifer Katz is lead counsel in *Shapiro* and Julia Bernhardt, Deputy Chief of Litigation, is lead counsel in *Parrott* and *Bouchat*.
5. Last fall, Barbara Kreamer filed a petition for judicial review of SBE’s decision not to hear her July 20, 2015 complaint on the voter registration address of Arthur and Ann Helton. In the *Matter of Barbara Kreamer*, Case No. C-02-CV-15-003024 (Anne Arundel County, MD., Cir. Ct.). SBE has held three administrative hearings on this issue since 2007. Most recently, in October 2014, the State Board had issued a final decision in which it found that Ann Helton was properly registered in Aberdeen. That decision was not appealed. The July 20, 2015 complaint repeated Ms. Kreamer’s previous allegations and so the State Administrator declined to hold another hearing. The State Board did not receive the notice of petition for judicial review from the Anne Arundel Circuit Court Clerk’s office, nor the February 2016 “show cause” order from the circuit court as to the agency’s failure to respond to the petition or to file an administrative record. Despite the lack of mailed notice required under the Maryland Rules, the agency plans to proceed with the judicial review action.

FEDERAL JURY – DECLINATION OF SERVICE – NON-CITIZENS

Prior to the meeting, Mr. Darsie distributed an advice memorandum concerning the use of federal jury information on citizenship status to remove voters from the statewide voter registration list. He noted that it was the decision of the State Board members to discuss this advice memorandum in an open meeting, and the board members agreed that it was not necessary to conduct a closed meeting to discuss this memorandum.

Mr. Darsie advised the State Board members that legislative authority would likely be needed to use citizenship information from federal jury commissioners and that the agency's rulemaking authority would not likely allow this type of program because there is no statutory authority authorizing it. Ms. Wagner shared the Baltimore City Board of Elections' experience with using the State jury list and noted that while the list is extensive, most of the individuals on the list are not registered to vote. In response to a question, Ms. Duncan explained that there is a process for State agencies to propose legislation. At the request of the State Board members, Ms. Wagner will contact the federal jury commissioner and discuss whether the commissioner could provide this information.

APPROVAL OF CAMPAIGN FINANCE WAIVER REQUESTS

Ms. Smith presented requests from 23 committees to waive late fees incurred by the committees. The requesting committees are:

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|---|--|
| 1. Anderson, John Friends of | 13. Nurse Anesthetists PAC, Maryland Association of |
| 2. Anker, John for School Board | 14. Pascarella, Melissa for School Board |
| 3. Associaton For Justice PAC, The Maryland | 15. Pepco PAC, Maryland |
| 4. Beard, Dave Committee to Re- Elect | 16. Reaves, Terri Friends of |
| 5. Hamilton, Kerry Eugene, Citizens for | 17. Rolley, Otis Friends of |
| 6. Iliff, (Nicholas) for Judge | 18. Slaughenhaupt, Evan Citizens To Elect |
| 7. Ironworkers Political Action League PAC | 19. Thompson, Sara Re Elect |
| 8. Joseph, Denise District 9 Citizens for | 20. Van Bavel, Adam Friends of |
| 9. Lane, Bonnie, for Baltimore 2016 | 21. Walden, Alan 2016 |
| 10. Liberty PAC, Maryland | 22. Woods-Jones, Jamila Friends of |
| 11. Marylanders for Progressive Agenda PAC | 23. Working Together Works For The 41st District Slate |
| 12. National Black Police Association- Baltimore Chapter Inc. PAC | |

In response to a question from Ms. Howells, Ms. Smith explained why some requests were denied by the Administrator.

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

SBE BY-LAWS & DELEGATION OF DUTIES

Ms. Charlson stated that the amendment to §2.1 of the by-laws was ready for consideration and requested that two statutory duties in the *Duties of the State Board and State Administrator* document be discussed.

Ms. Charlson requested that the citation to Election Law Article, § 9-308.1 be amended to include a reference to subsection (b) of § 9-308.1. Mr. Hogan made a motion to add (b) to § 9-308.1 in the document, and Ms. Mack seconded the motion. The motion passed unanimously.

Ms. Charlson stated that the duty associated with Election Law Article, § 13-235 was tabled until after the 2016 Legislative Session since there was legislation pending that impacted this duty. Senate Bill 408 of the 2016 Legislative Session added fundraising during legislative session as one of the eight enumerated offenses for which the State Board is authorized to issue a civil citation. The State Board has delegated to the State Administrator and staff all other

administrative functions with penalties, and delegating the duties in § 13-235 would be consistent with prior delegations. Issuing a civil citation is a fact based investigation.

Mr. Hogan made a motion to delegate to the State Administrator and staff this authority, and Ms. Mack seconded the motion. The motion passed unanimously.

Mr. Hogan made a motion to adopt the amendments to §2.1 of the by-laws, and Ms. Howells seconded the motion. The motion passed unanimously.

APPROVAL OF LBE BY-LAWS

Ms. Charlson presented by-laws for the Anne Arundel County and Baltimore City Boards of Elections. She recommended approving the by-laws for these local boards as the local board adopted the requested changes.

Mr. Hogan made a motion to approve the by-laws for the Anne Arundel and Baltimore City Boards of Elections, and Ms. Mack seconded the motion. The motion passed unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Ms. Lamone shared with the State Board members a card from a thankful voter. She noted that this is the first card like this that she has received.

Mary Ann Keeffe, a member of the Montgomery County Board of Elections, stated that the Maryland Association of County Officials is looking to consolidate lessons learned and assist with Montgomery County's desire for more precinct tabulators. She asked the State Board for assistance with this effort. In response to a question, Ms. Keeffe stated that the Montgomery County Board of Elections expects there to be lines at the precinct tabulator for a large turnout election. Ms. Keeffe reported that a few provisional ballots were scanned.

Rebecca Wilson of SAVE Our Votes and an election judge in Prince George's County stated that the 2016 Primary Election was the smoothest election that she recalls. The opening and closing process was easy, and voters loved the voting system. She noted that election judges needed additional training on ballot reconciliation and the use of the ballot marking device and shared voter concerns with ballot secrecy. Ms. Wilson recommended that each local board provide election judges with the opportunity to share their experiences.

Mr. Hogan shared one voter's concerns about the secrecy of the voted ballot when the voter scans the ballot into the precinct tabulator. Ms. Duncan responded that this has always been the biggest complaint with paper ballots because election judges need to be near the precinct tabulator to facilitate the process and explain any errors.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Cogan reported that he gave \$100 to the Queen Anne County's Republican Central Committee.

Ms. Howells reported that she gave \$15 for a ticket to a dinner hosted by the Southern Prince George's County Republican Club, \$65 for a ticket to a luncheon hosted by the Maryland Federation of Republican Women, and \$100 to the Prince George's County Republican Central Committee.

CONFIRM NEXT MEETING

The next meeting is scheduled for Thursday, June 30, 2016, at 2 pm.

ADJOURNMENT

Mr. Hogan made a motion to adjourn the meeting, and Ms. Mack seconded the motion. The motion passed unanimously. Mr. McManus adjourned the meeting at 4:30 pm.