

State of Maryland 

State Board of Elections – October 26, 2017 Meeting

Attendees: David McManus, Chair
Patrick J. Hogan, Vice Chair
Michael R. Cogan, Member
Kelley A. Howells, Member
Gloria Lawlah, Member
Linda Lamone, State Administrator
Nikki Charlson, Deputy Administrator
Donna Duncan, Assistant Deputy, Election Policy
Keith Ross, Assistant Deputy, Project Management
Paul Aumayr, Director, Voting System
Jared DeMarinis, Director, Candidacy and Campaign Finance
Erin Perrone, Director, Election Reform and Management
Mary Cramer Wagner, Director, Voter Registration
Janet Smith, Voter Registration
Natasha Walker, Project Manager, Election Management System
Janey Hegarty, IT Division
Brett Mitchell, NVSR Project Team

Also Present: Katie Berry, Election Director, Carroll County Board of Elections
Jeri Cook, Election Director, Talbot County Board of Elections
Anthony Gutierrez, Election Director, Wicomico County Board of Elections
Kevin Keene, Election Director, Harford County Board of Elections
Dale Livingston, Deputy Director, Harford County Board of Elections
Rosalyn Evans, Wicomico County Board of Elections
Sarah Mohan, Harford County Board of Elections
Leah Mooney, Harford County Board of Elections
Jessica Noranbrock, Dorchester County Board of Elections
Paul Noranbrock, Queen Anne's County Board of Elections
Ralph Watkins, League of Women Voters
Ralph Tyler, Venable LLP
Larry Moore, The Clear Ballot Group
Bill Murphy, The Clear Ballot Group
Dennis McGrath, University of Baltimore
Holly Joseph, Montgomery County citizen
Mary Kiraly, Montgomery County citizen
Rebecca Wilson, SAVE Our Votes

DECLARATION OF QUORUM PRESENT

Mr. McManus called the meeting to order at 2:00 pm and stated that there was a quorum present. He stated that the meeting was being recorded and an audio file will be posted on SBE's website.

RATIFICATION OF MINUTES FROM SEPTEMBER 29, 2017, MEETING

Ms. Howells requested that additional language be added on page 4 of the September 29, 2017, minutes to correct a typographical error. Ms. Howells made a motion to amend the approved minutes from the September 29, 2017, meeting, and Mr. Hogan seconded the motion. The motion passed unanimously.

ADDITIONS TO THE AGENDA

Ms. Charlson stated that a representative from the Montgomery County Board of Elections had requested to address the board members concerning the use of ballot stubs. Mr. McManus added this topic under “New Business.”

ADMINISTRATOR’S REPORT

1. Announcements & Important Meetings

Welcome

We have recently hired a new staff member in our Information Technology Division. Ray Reyes is our new IT Systems Technical Specialist. He has a bachelor's degree from the University of Florida and a master's degree from Boston University. He relocated here to Maryland after living in New Jersey. Mr. Reyes’ responsibilities include technical support of SBE’s IT infrastructure.

Electronic Registration Information Center (ERIC)

Ms. Wagner attended an ERIC conference, hosted by the Bipartisan Policy Center, in Denver, Colorado on October 1st and 2nd. The theme was “Five Years Later - Where Does ERIC Go From Here?” Member states shared best practices when processing ERIC reports. Maryland and Minnesota are the only two member states that have an electronic ERIC interface. Other topics of discussion were increasing the frequency of the reports, designing ERIC postcards, and building relationships with Motor Vehicle Administration (MVA). Maryland has a very good working relationship with our MVA.

Hagerstown Tea Party

On October 4, 2017, Ms. Wagner, Washington County Election Director Kaye Robucci, and Deputy Director Barry Jackson were invited to address the Hagerstown Tea Party. Topics of discussion included voter registration list maintenance, voter confidence in the process and the upcoming 2018 Gubernatorial election. President Donny Ravas made the introductions and encouraged members to reach out with any questions or concerns.

Biennial Information

Election Law Article, § 2-104 requires SBE to hold a mandatory pre-election conference. On October 23, 2017, I welcomed approximately 325 election officials to Annapolis and introduced Senator Joan Carter Conway, Chair of the Education, Health and Environmental Affairs Committee. The conference included cyber security and disaster recovery training, an overview for creating useable forms and materials, and highlights on what’s new for the 2018 Gubernatorial Election. After lunch, Matthew Masterson, Chairman of the U.S. Election Assistance Commission, provided enlightening remarks and presented to Allison Murphy, Election Director for the Caroline County Board of Elections, with a Governor’s Proclamation designating her as Maryland’s “Election Official of the Year.” An afternoon board attorney breakout session addressed personnel disciplinary procedures. While organizing a conference of this size takes many hands, special thanks to Ms. Wagner, Ms. Hegarty, and Jessica Perkins for leading the planning and coordination effort.

2. Election Reform and Management

Spanish Translation Committee

The Spanish Translation Committee met on October 4th and had multiple meaningful discussions on the translation of various words and phrases on the ballot. If the group could not come to a decision on the proper translation, several third party entities were contacted. In our case, the group could not come to a consensus on the proper translation of

the word “sheriff.” Three outside entities were contacted to assist the committee and a decision was made. The next project for this committee will be the proper translation of polling place signs.

In response to a question by Ms. Howells, Ms. Duncan verified that SBE will generally use the State’s translation company to translate language not included in the glossary. The exception to this process is the translation of county ballot questions, as SBE receives from the county an English and a Spanish version of each county ballot question. Ms. Duncan will ask the Prince George’s County Board of Elections who provides the translation of county ballot questions.

Election Judge Manual

The Election Judge Manual is very close to being finalized after a few processes are finalized. The goal is to have the manual posted to our online library by December 1st so that local boards can begin customizing it.

Voter Privacy at the Scanning Unit

On October 13th, I issued to all Election Directors and Deputy Directors a memo detailing mandatory and optional actions to ensure voter privacy at the scanning unit. Ms. Perrone is in the process of collecting the local boards’ optional actions for next year’s elections. A copy of the memo was included in the board meeting folder.

Ballot Duplication Software

The Request for Proposal for software to duplicate during canvassing ballots that cannot be read by the scanning unit is in the process of being awarded to a bidder. The vendor proposed to offer the software to the five largest counties (Anne Arundel, Baltimore, Montgomery and Prince George’s Counties and Baltimore City). This solution is not mandatory for these local boards but is optional if they are interested in the software.

3. Voter Registration

Electronic Registration Information Center (ERIC)

The next series of ERIC reports will be produced at the end of October.

MDVOTERS

Release 6.6 was installed over the weekend of September 29th. It includes minor changes and fixes in voter registration, candidacy, election workers, ERIC, and reports.

Non-Citizens

Removal of non-citizens – 0

Removal of non-citizens who voted – 0

Removal of non-citizens who voted multiple times – 0

Non-citizens forwarded to the Office of the State Prosecutor – 3 in process from last month

Federal Jury Commission

In response to a request from board members, Ms. Wagner contacted the federal jury commissioners to obtain the names of individuals who reported themselves as non-U.S. citizens. Catherine Stavlas, Chief Deputy Clerk of Operations of the U.S. District Court (Northern District), responded that she was uncertain that the requested information was available in a searchable form or that the information could be provided. She referenced 28 U.S.C. §1868, which allows for juror records to be available only (1) after the master wheel is

emptied (*i.e.*, no one who is currently in the wheel even if they have already been selected or determined ineligible) and then (2) only available to the public “for the purpose of determining the validity of the selection of any juror.” A copy of the response was included in the board meeting folder.

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

As of October 24, 2017, 240 candidates have filed a certificate of candidacy at SBE for the 2018 General Election.

Campaign Finance

On October 17, 2017, Ed Amatetti 4 County Council qualified for public matching funds under the Montgomery County public finance program. The committee submitted 153 individual qualifying contributions with a monetary aggregate of \$10,870.00 on October 3, 2017. The committee received \$37,190.00 in public matching funds.

On October 3, 2017, George Leventhal for Montgomery County submitted a supplemental request for public matching funds. The committee submitted 71 qualifying contributions with a monetary aggregate of \$5,120.00 and received \$23,430.00 in public matching.

To date, 31 candidates have filed a notice of intent to participate in the Montgomery County program, and seven candidates have qualified for public funds. Over \$825,000 in public funds have been disbursed. The county budgeted \$11 million for the program.

As of October 18, 2017, the Fair Campaign Financing Fund, the State’s public financing fund for gubernatorial elections, has \$2,916,973.47. Of this amount, \$1,458,486.73 is eligible for the 2018 Primary Election matching fund program. Based upon current information and data:

- The expenditure limit for the 2018 Election is projected to be \$2,823,008.47.
- The projected seed money qualifying threshold would be \$282,300.48 in eligible private contributions.
- The maximum that a candidate could receive in matching funds for the 2018 Primary Election is \$1,411,504.24.

The fund can fully fund one primary candidate or one general election candidate.

The Contribution Disclosure Statement is due on November 30, 2017, for persons doing public business and persons who employ a lobbyists and make applicable contributions. Over 700 statements were filed in May. Since the last report was due, 31 new businesses have registered.

Holistic Industries, LLC was denied a waiver for a \$500 late fee penalty. The business had failed to file the May Contribution Disclosure Statement for employing a lobbyist. The email address the Principal officer and filer changed since registration and the business failed to update the registration information.

On October 1, 2017, HB 529 went into effect requiring governmental entities to forward on a quarterly basis contact information on any vendors with contracts of \$200,000 or more to SBE. So far, a few governmental entities in Montgomery County and the Stadium Authority have contact SBE regarding the new legislative mandate.

Instructional Information

Cortnee Bryant, Deputy Director of the Election Reform Division, and Vicki Molina of the Campaign Finance Division have been developing informational videos for using MD CRIS. These videos will include the proper way to enter a contribution or expenditure and the steps to file a report. Once completed, the videos will be posted on our YouTube channel with links on SBE's and MD CRIS' websites. Ms. Bryant has previously worked with CCF Division on an informational video for the Montgomery County public financing program.

Seminars

On October 11, 2017, Mr. DeMarinis spoke at candidate training at the Maryland Farm Bureau. It was attended by over 20 potential candidates. He explained the requirements for filing for office and campaign finance obligations.

On the same day, Mr. DeMarinis presented at lobbyist training class at State Ethics Commission. He explained the requirements of the employers of the lobbyists if they make contributions.

5. Project Management Office (PMO)

Inventory: Excess Equipment Disposal

SBE continued to work with the Department of General Services (DGS) and the State's contract recycler to dispose of the TS-R6 voting system. To date, 5,217 TS-R6 units have been picked up by the recycler.

On October 30, 2017, Mr. Ross will meet with DGS to work out the updated approach and schedule for the three types of equipment already submitted for disposal (which account for the greatest number of items (e.g. 18,943 TS-R6 units)) and the remaining 46 equipment types that have not yet been submitted. Examples of the remaining legacy equipment types include servers, workstations, and printers.

Inventory System Updates

SBE continued to make in the new inventory system corrections and other updates to the equipment and supply items.

In November, the "accountable officers" in each local board will be granted "view-only" access to their equipment in the new inventory production system. In December, the accountable officers will receive training on updating the system and transferring equipment, with the end result of each local board being responsible for the update and transfer of their equipment and supplies.

Staffing

The PMO is currently in the planning stages for the statewide staffing of temporary election support resources for the 2018 Primary Election as the procurement and approval phases come to a close sometime in December for a new staffing contractor.

Other

SBE continued to work with the Worcester County Board of Elections and the Worcester County administration to resolve the issues with the mold in the Worcester County Local Board of Elections' warehouse. SBE hired an Industrial Hygienist to perform an assessment of the equipment and supplies in the Worcester warehouse location. The next step is to perform the remediation steps on the equipment and supplies.

6. Voting Systems

Electronic Pollbooks

SBE has received from ES&S the final prototype for the new pollbook hardware, which will be used by two counties – Caroline and Charles – in the 2018 Primary Election. The first production units are to be received in November or December, and acceptance testing will take place at SBE's central warehouse.

Limited software testing has been taking place with a few local boards, and assuming testing is successful, this effort will expand next month. We are anticipating having the final software release in the first week of December.

Server Updates

Voting system server updates have been taking place and are due to be complete by November 21, 2017. The updates optimize the hard drive space on the servers and install new hardware drivers to stabilize the speed of loading of data from the ballot scanners. These updates have been approved by the U.S. Election Assistance Commission.

Municipal Elections

A number of municipal elections are coming up shortly. The Town of Thurmont is on October 31, 2017. The Town of Hurlock is on November 4, 2017. On November 7, 2017, elections are taking place in Annapolis, Bel Air, Chestertown and Frederick.

All these elections will use the State's voting system and electronic pollbooks. The database programming for both the voting system and the pollbooks has been carried out by SBE staff, primarily the regional managers. Logic and Accuracy testing has been taking place this and last week.

7. Information Technology

Computer Systems and Software Security Updates

We have successfully applied Microsoft Security updates for the month of October 2017 on SBE workstations and servers. We have also updated other third party software applications to their latest versions on all the workstations and servers.

In response a question from Mr. Hogan, Ms. Lamone explained that patches are installed as soon as they are distributed. Patches are typically distributed monthly.

Ms. Charlson referred to a table in the board meeting folder showing the number of registered voters by county as of October 24, 2017, and the number of required and optional early voting centers by county for the 2018 elections. She explained that SBE expects Carroll, Charles, Garrett and Queen Anne's Counties to provide an optional early voting center for the 2018 elections.

ASSISTANT ATTORNEY GENERAL'S REPORT

There was no Assistant Attorney General's report.

APPROVAL OF FINAL REGULATIONS & ADOPTION OF PROPOSED REGULATIONS

Ms. Perrone presented for final adoption proposed changes to COMAR 33.16 – Provisional Voting. The proposed changes were published in the September 15, 2017, edition of the *Maryland Register* (Vol. 44, Issue 19). The public comment period closed on October 16, 2017, and SBE received one comment from the Montgomery County Board of Elections and two comments from

individuals. A summary of the comments and copies of the three comments were provided in the board meeting folder.

In response to a question from Mr. McManus, Ms. Perrone stated that no other local boards of elections provided comments on the proposed regulations. Mr. Cogan stated his preference to accept the response from SBE staff members that implementing the Montgomery County Board of Elections' recommendation would result in a loss of uniformity in canvassing.

There was a discussion about the substance of the remaining comments and whether the local boards of canvassers should reject an absentee and a provisional ballot cast by the same voter (as required by current regulations) or accept the provisional ballot and reject the absentee ballot cast by the same voter (as proposed by two individuals providing comment). Ms. Perrone offered proposed changes to regulations 33.11.05.04C and 33.16.06.04B to allow the local boards of canvassers to count the provisional ballot and reject the absentee ballot.

Mr. Cogan made a motion to adopt as final all of the published changes to 33.16 except the changes to 33.16.06.04, and Mr. Hogan seconded the motion. The motion passed unanimously.

Mr. Cogan made a motion to approve the proposed changes to 33.11.05.04C and 33.16.06.04B and publish them for public comment, and Mr. Hogan seconded the motion. The motion passed unanimously.

APPROVAL OF REQUESTS FOR WAIVERS OF CAMPAIGN FINANCE LATE FEES

Mr. DeMarinis presented requests from five committees to waive late fees incurred by the committees. The requesting committees are: (1) Davis, Shelia L. Friends; (2) Washington, Nakia Friends; (3) Robertson, Travis J. Friends of; (4) Shelton-Martin, Wanda Friends of; and (5) LifeBridge Health PAC Friends of.

Mr. McManus and Mr. Hogan stated that they were recusing themselves from voting on the request submitted by Friends of LifeBridge Health PAC as they have a conflict of interest with the firm representing the committee.

Mr. Hogan made a motion to grant four of the requests for waivers of late fees and table the request submitted by the Friends of LifeBridge Health PAC, and Mr. Hogan seconded the motion. The motion passed unanimously.

APPROVAL OF REQUESTS FOR ADMINISTRATIVE CLOSURE

Mr. DeMarinis presented requests for administrative closure for three campaign committees. The committees are: (1) Committee to Elect Phil Bissett, (2) Friends of Sheila Davis, and (3) Ralph Pritchett for the Youth of Johnston Square.

Mr. Cogan disclosed that he had been an active contributor to the Committee to Elect Phil Bissett when it had been active but did not feel it was necessary to recuse himself from considering this matter.

Mr. Hogan made a motion to close administratively these committees, and Ms. Howells seconded the motion. The motion passed unanimously.

APPROVAL OF REQUESTS FOR CONFIDENTIALITY

Mr. DeMarinis presented two requests to designate certain information confidential and protected from public disclosure. Mr. McManus confirmed that the first requesting voter is a sitting judge. Mr. DeMarinis withdrew the second request.

Mr. Hogan made a motion to grant the request of the sitting judge, and Mr. Cogan seconded the motion. The motion passed unanimously.

USE OF EXPRESSVOTE BALLOT MARKING DEVICE – 2018 ELECTIONS

Ms. Charlson stated that the board meeting folder included a joint statement from Disability Rights Maryland and the National Federation of the Blind, an email from the Election Director for the Montgomery County Board of Elections stating that the local board does not want to expand the use of the ballot marking device, and the 2016 policy on the deployment and use of the ballot marking device.

Ralph Tyler, Counsel for Jim Shea Governor, recommended that the State Board extend to the 2018 elections its 2016 policy on the use of the ExpressVote ballot marking device. Mr. Tyler stated this policy is fair to voters and candidates and should be uniform throughout the State.

Ms. Howells asked whether voters understood what “accessible” means, and Ms. Perrone stated that no local boards provided feedback that the use of this word in the required statement was of concern. Ms. Charlson stated that the only part of the 2016 policy on which the local boards of elections commented was the restriction to one ballot marking device per voting location. Several local boards had requested flexibility on how many to deploy. Mr. Gutierrez, Election Director for the Wicomico County Board of Elections, explained that there were many ballot questions in Wicomico County for the 2016 General Election, and there were lines at the ballot marking devices but not for the paper ballot process.

Mr. Hogan stated that, since there have not been any changes to the navigation features of the ballot marking device, he does not believe that any changes are needed to the 2016 policy. Mr. McManus and Mr. Cogan agreed. Mr. Cogan suggested that election judges inform voters in line for the ballot marking device that they can leave the line and obtain a paper ballot.

Mr. Hogan made a motion to adopt the 2016 policy for the 2018 elections, and Mr. Cogan seconded the motion. The motion passed unanimously.

POST-ELECTION BALLOT TABULATION AUDIT DISCUSSION

Micah Sherr, an Associate Professor in Georgetown University’s Department of Computer Science and a Maryland voter, read his written testimony on post-election audits. A copy of his statement was provided in the board meeting folder. Dr. Sherr stated that audits can substantially reduce the risk of a compromised election and provide strong assurances to the public that election results are accurate. He advocated for transparent and independent audits and the use of risk-limiting audits.

In response to questions from Mr. Hogan, Dr. Sherr stated that he has not participated in research on Maryland’s current voting system or software and did not mean to say that Maryland’s systems have not been tested. Ms. Howells stated her dislike of Maryland’s prior electronic voting system and that Maryland voters continue to rely on computers to count ballots. She advocated for an audit that a voter can watch and does not want to rely on another computer to

verify election results. Dr. Sherr stated if election officials do not have enough resources to perform a risk-limiting audit, the audit could be conducted with the resources and time available.

Larry Moore, President of The Clear Ballot Group, stated that there is no evidence to support the position that it is trivial to hack voting system software and move, without detection, an oval to another location on a ballot the software has never seen. Mr. Moore explained that to conduct a risk-limiting audit, you must be able to match the voted ballot with the Cast Vote Record associated with that ballot (i.e., an electronic report showing how the voting system counted the voted ballot), and this cannot be done with a precinct-based voting system, like Maryland uses.

He defined an audit as a “comparison of two results independently derived from the same data” and explained that 32 states have audit requirements, but there are many different types of audits. He explained the three general types of audits:

1. Precinct Audit: Election officials pick precincts, manually retabulate the ballots from that precinct, and compare the results from the hand tally to the voting systems’ results for that precinct.
2. Tabulator Audit: Election officials pick a tabulator, manually retabulate the ballots from that tabulator, and compare results from the hand tally to the voting system’s results for that tabulator. Generally, high speed scanners that count absentee and provisional ballots are excluded from the audit.
3. Risk-Limiting Audit: Election officials compare the Cast Vote Record to the voted ballot. If this comparison cannot be made, perform the precinct audit.

Mr. Moore stated that one of the primary complaints about audits is that there is no forensic ability to say something is wrong with the voting system. According to Mr. Moore, this forensic ability is valuable to election officials, as it enables them to find and fix problems. He asserted that, while risk-limiting audits can be observed, it assumes that the observer understands the statistics behind how the sample of ballots is determined.

Mr. Moore stated that transparency is provided by Clear Ballot’s audit solution features and demonstrated how quickly the software confirmed the outcome of the City of Hagerstown’s recount in the 2016 General Election. He offered that Clear Ballot’s audit solution is uniform, fast, and transparent as the audit database can be posted online and accessed by the public.

Ms. Howells stated that the audit is comparing a secondary data source, to which Mr. Moore stated that election officials could compare a statistically significant sample of test ballots and the resulting ballot images before the election to validate that the ballot image creation process is accurate. In response to Ms. Howell’s statement that a system can know when it is being tested and when it is election day, Mr. Moore stated a voting system cannot be federally certified if it has two modes – testing and election day. In response to a question from Mr. McManus on how the lines on the ballot images were discovered, Mr. Moore explained that it was discovered during the comparison between the voting system’s results and Clear Ballot’s results. Ms. Howells suggested that the initial report Clear Ballot provided after retabulating ballot images could be posted online, to which Ms. Charlson agreed.

APPROVAL OF EARLY VOTING SITES FOR 2018 ELECTIONS

Ms. Perrone presented four local boards’ proposed early voting centers for the 2018 elections.

Carroll County

The Carroll County Board of Elections proposed the same early voting center used in the 2016 elections and one additional center. The proposed new center is the South Carroll Swim Club, which meets the applicable requirements for early voting centers. Ms. Perrone recommended accepting the two proposed early voting centers in Carroll County.

Dorchester County

The Dorchester County Board of Elections proposed a new early voting center, as its prior location is no longer available for the 2018 elections. The proposed center is The Dorchester Center for the Arts, which meets the applicable requirements for early voting centers. Ms. Perrone recommended accepting the proposed early voting center in Dorchester County.

Howard County

The Howard County Board of Elections proposed the same three early voting centers used in the 2016 elections and one additional center. The proposed new center is the Howard County Fairgrounds, which meets the applicable requirements for early voting centers. Ms. Perrone recommended accepting the proposed early voting centers in Howard County.

Washington County

The Washington County Board of Elections proposed a new early voting center, as its prior location is no longer available for the 2018 elections. The proposed center is Hager Hall Conference and Event Center, which meets all applicable requirements for early voting centers. Ms. Perrone recommended accepting the proposed early voting center in Washington County.

Mr. Hogan made a motion to approve the proposed early voting centers for Carroll, Dorchester, Howard and Washington Counties, and Ms. Howells seconded the motion. The motion passed unanimously.

OLD BUSINESS

Proposed Motion: Security Awareness

This agenda item was tabled until the next meeting.

Potential Campaign Finance Enforcement Action

Mr. McManus referred to a memorandum dated October 25, 2017, from Jeff Darsie, Assistant Attorney General and explained that the memorandum is currently protected by attorney-client privilege. He stated that Mr. Darsie had no objections to waiving privilege on this memo. Mr. Cogan made a motion to waive attorney-client privilege on the October 25th memo, and Mr. Hogan seconded the motion. The motion passed unanimously.

Mr. Hogan asked for information on how many violations of Election Law Article, §13-253 have occurred since 1997, when the law was first enacted. Mr. DeMarinis explained that there have only been a handful of violations, in part because there were questions as to whether SBE or the State Prosecutor had enforcement authority. The question of enforcement authority was clarified in 2015, and since then, one gubernatorial committee and several other committees have been fined. Committees that have not been fined were because the violation was not clear. In response to a follow-up question, Mr. DeMarinis responded that SBE staff members have issued all of the citations since the General Assembly delegated this authority to SBE.

Mr. McManus expressed his concern that campaigns could be punished if a volunteer does not follow clear instructions but acknowledged that the General Assembly likely understood what it

was sanctioning when they decided to govern themselves. He stated that he was not sure if the circumstances rise to the level of an enforcement action and if it does, he believes that the campaign's instruction mitigates the fine.

Mr. McManus stated that asking for funds and depositing funds are clearly recognized categories, but he was not sure whether recruiting host committee members was understood to be covered. In response, Ms. Lawlah stated recruiting host committee members is about raising funds, to which Mr. Hogan agreed. Mr. Hogan also stated that the statute is very unambiguous – no fundraising during session. Although he is sensitive that the volunteer did not follow the campaign's instruction, SBE only has authority over the campaign and suggested that, if the volunteer was struggling with the meaning of the law, he should have called SBE and would have learned that recruiting host committee members for a gubernatorial campaign fundraising event is not permitted during session.

In response to a question from Mr. McManus about how much weight should be given to the fact that the campaign clearly told the volunteer "don't do this," Ms. Howells stated that it would be an injustice to fine the campaign when it was trying to do the right thing. Ms. Lawlah suggested that not holding the campaign responsible would mean that a campaign could always blame a volunteer. Mr. Cogan stated that the statute in question is a strict liability violation and the campaign has no defense if a volunteer does not follow the campaign's instructions. There was a discussion of the applicability of agency law and what the statutory phrase "on behalf of" means in this case.

Mr. McManus confirmed that this decision has been delegated to SBE staff and the discussion was to provide SBE staff with the thoughts of the members of the State Board. Mr. Cogan recommended no fine but if one was mandated, assess a fine of less than \$1.00. Mr. Hogan recommended a fine of \$100. There was a discussion of the range of what a fine could be.

NEW BUSINESS

Alysoun McLaughlin, Deputy Director of the Montgomery County Board of Elections, and Kevin Keene, Director of the Harford County Board of Elections, presented a letter signed by five election directors requesting that the State Board allow the local boards of elections to replace the use of perforated, numbered stubs on ballots. Ms. McLaughlin stated that the process of removing the ballot from the stub is inefficient and caused ballot jams and that the value of the numbered ballot stubs is irrelevant once the ballots are deployed to the voting location. Mr. Keene shared that ballots are spoiled because of the bad tears and that the Harford County Board of Elections does not have the ability to have election judges dedicated to tearing ballots and does not reconcile ballot stubs.

Ms. Charlson explained that it is premature to provide a recommendation on this issue. She explained that SBE staff met with the ballot printer and discussed some options and the Election Judges' Committee will be meeting next week to discuss this topic. The membership of this committee includes other local boards of elections, and SBE staff wanted to hear from other local boards before making a recommendation. In response to a question from Ms. Howells, Ms. Charlson explained that SBE staff is aware of the upcoming regulation deadlines and what needs to occur for any proposed regulations to be in place for the 2018 Primary Election.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Mr. Cogan reported that he contributed \$100 to Friends of Steve Hershey. Ms. Howells reported that she contributed \$50 to Citizens for Jesse A Peed for State Senate, \$50 for Havis for Senate, and \$15 for tickets to an event hosted by the Southern Prince George’s County Republican Club.

CONFIRM NEXT MEETING

The next meeting is scheduled for Thursday, December 7, 2017, at 2 pm.

ADJOURNMENT

Mr. Hogan made a motion to adjourn the meeting, and Ms. Howells seconded the motion. The motion passed unanimously. Mr. McManus adjourned the meeting at 5:05 pm.