

1. Announcements & Important Meetings

Personnel Changes

Sylvia Brown, Director of Human Resources for SBE and 20 LBE's has returned to her home state of South Carolina. Sylvia served Maryland's election personnel for close to four years. We wish her the best with her new position as Human Resources Director for the South Carolina State Board of Education.

Mequanenet T. Abaineh has accepted the position of Internal Auditor Program Supervisor for the Audit and Enforcement Unit of the Candidacy and Campaign Finance Division. Meq has been with the Audit Unit of the Division since early 2018 and has served as Acting Supervisor since the position became vacant in October. Congratulations Meq.

Maryland Association of Election Officials (MAEO) - 2019 Annual Meeting

MAEO's 2019 Annual Meeting is scheduled for May 22nd and May 23rd in Ocean City. A draft agenda will be in the meeting folder. Please let Nikki know if you would like to attend this meeting.

U.S. Election Assistance Commission's (EAC) Standards Board - 2019 Meeting

The Standards Board was created by the Help America Vote Act to advise the EAC on voting system standards and is comprised of one state and one local election official from each state. Nikki Charlson and Guy Mickley, the Election Director for the Howard County Board of Elections, are Maryland's representatives on the Standards Board. The EAC hosted its annual meeting of the Standards Board on April 11th and 12th in Memphis. At the meeting, the representatives of the EAC updated the members on the EAC's 2018 work and the current status of the voting system standards. A summary of the meeting will be included in the meeting folder.

EAC's Board of Advisors - 2019 Meeting

The Help America Vote Act also created a Board of Advisors to the EAC. This board has 37 members appointed by various entities, including the National Association of State Election Directors (NASSED) and the National Association of Counties. Linda Lamone is NASSED's appointment to the Board of Advisors and Alysoun McLoughlin, the Deputy Director for the Montgomery County Board of Elections, is the National Association of Counties' appointee. The Board of Advisors is meeting on April 24th and 25th in Salt Lake City. Linda will provide at next month's meeting a report of this meeting.

2. Election Reform and Management

Sexual Harassment Prevention Training

Sylvia Brown, Chris Lohr, and Erin Perrone completed sexual harassment prevention training for the majority of our agency's State employees. A total of ten classes were held (five classes at the SBE warehouse in Glen Burnie, one class at the Frederick County Board of Elections, one class at the Queen Anne's County Board of Elections, and three classes at the SBE main office). Approximately 220 employees were trained.

3. Voter Registration

MDVOTERS

On April 25th and 26th, a Joint Application Design session will take place at SBE to prioritize current MDVOTERS enhancement request as well as discuss MDVOTERS issues reported by local boards.

MVA Transactions

During the month of March, MVA collected the following voter registration transactions:

New Registration – 18,969	Residential Address Changes – 20,538
Last name changes – 2,217	Political Party Changes – 6,290

Non-Citizens

Combined February and March numbers

Total submitted to the Office of the State Prosecutor - 32

Removal of non-citizens - 32

Removal of non-citizens who voted - 1

Removal of non-citizens who voted multiple times - 0

Non-citizens reported by Immigration & Customs Enforcement - 0

Change in status from Office of the State Prosecutor - 0

4. Candidacy and Campaign Finance (CCF) Division

Candidacy

The 2020 candidate filing season has officially opened. Currently, 13 candidates have filed at SBE for the 2020 election cycle.

Enforcement Actions

The CCF Division received the payments for the following civil penalties:

1. DeCarlo, Diane Voter's Committee to Elect made a cash disbursement greater than \$25.00 and paid a civil penalty of \$100.00 on 3/25/2019.
2. Robertson, Allen E. Friends of failed to maintain account books and records and paid a civil penalty of \$ 150.00 on 03/27/2019.
3. Bradley, Shawn Friends Of failed to maintain account books and records and paid a civil penalty of \$ 100.00 on 04/01/2019.
4. Lane, Bonnie People for made a cash disbursement greater than \$25.00 and paid a civil penalty of \$ 61.00 on 04/08/2019.
5. Cager, Chezia Friends of made a cash disbursement greater than \$25.00 and paid a civil penalty of \$ 100.00 on 04/10/2019.
6. Kathuria, Raj Friends of made a cash disbursement greater than \$25.00 and paid a civil penalty of \$100.00 on 4/23/2019.
7. Spruill, Melody Friends of made a cash disbursement greater than \$25.00 and paid a civil penalty of \$100.00 on 4/5/2019.
8. Bartz, Norman for Commissioner made a cash disbursement greater than \$25.00 and paid a civil penalty of \$100.00 on 4/16/2019.
9. Purnell, (Tamara) for 7th District made a cash disbursement greater than \$25.00 and paid a civil penalty of \$100.00 on 4/23/2019.
10. Woodruff, Maureen Friends to Elect made a cash disbursement greater than \$25.00 and paid a civil penalty of \$100.00 on 4/18/2019.
11. Bishop, Dante Vote made a cash disbursement greater than \$25.00 and paid a civil penalty of \$100.00 on 4/18/2019.
12. White, Kathleen Friends of Dr. made a cash disbursement greater than \$25.00 and paid a civil penalty of \$100.00 on 04/18/2019.

5. Project Management office (PMO)

Inventory: Excess Equipment Disposal

SBE continued to work with the Department of General Services (DGS) to auction off, recycle, or send to trash the equipment and supply items located in the central warehouse.

After making several attempts to sell the TS-R6 black cases. SBE is using the DGS trash contractor for the disposal of the black cases. All 17,386 black cases have been picked up by the trash contractor.

Inventory Management

The FY2019 Annual Inventory Audit for equipment and supplies started on April 1 at SBE and at the local boards. June 30 is the deadline for everyone to complete their inventory audit. At present, across the state 35.98% of equipment and supplies have been inventoried. This includes the 10 local boards that are 100% compliant with their inventory audits.

Additional Space

The PMO continued its coordination and scheduling work with the additional office space in addition to the work that is required in the existing office space per the newly signed lease.

Permits are now being secured by the landlord which when received will lead to the actual construction work in the additional space. Painting of all walls in the existing office space is currently scheduled to begin in early June.

Other work includes identifying the furniture and equipment needs, working with the Department of General Services and the landlord on the numerous tasks, moving unused furniture and equipment to the central warehouse, and ensuring that everyone impacted is aware of what is happening and what they must do when the work being performed impacts them directly.

6. Voting System

Post-Election Maintenance

As with every election, post-election maintenance was performed on the equipment. The local boards are required to complete this within 120 days of the release of the equipment following the election. About 2.5% of the total pieces of equipment required some sort of attention or repair from the local board, SBE or ES&S.

Electronic Pollbooks.

With the passage of HB286/SB449 requiring same day registration on Election Day, SBE has drawn up specifications and requirements for changes required in the pollbook software to enable this change. With a couple of other minor changes to the software, it is anticipated that SBE will have a testable version of the updated software in late summer.

Electionware Update

SBE has been planning for a possible upgrade to the Electionware software as well as firmware for the ballot scanners and ballot marking devices. SBE is due to receive a beta version of the software on May 1st for review and familiarization. ES&S also expects this software to be submitted to the voting system testing lab in May for examination for federal certification.

7. Legislation

The following is a list of election-related bills that passed the General Assembly.

1. HB 71/SB184 - Video Streaming and Recording State Board of Elections Meetings: Requires DoIT assistance with requirement. Effective 10/1/19.
2. HB 172 - Departmental - Voter Registration Deadlines: With the majority of voter registration transactions submitted electronically, this legislation alters the hours that SBE and the local boards must be open on the voter registration deadline. Effective 10/1/19.
3. HB174 - Departmental - Absentee Ballot Requests - Last Four Digits of Social Security Number: Conforms law with practice of only requesting the last four digits of a Social Security number on an absentee ballot application. Effective 7/1/19.
4. HB176 - Departmental - Candidates - Revisions: Allows a new political party to file paperwork for the nomination of candidates by the new party. Effective 10/1/19
5. HB177 - Departmental - Judicial Proceedings Involving Local Board Notice: Allows a local board to notify SBE of judicial proceedings by email instead of by certified mail. Effective 10/1/19.
6. HB237 - Early Voting Centers - Establishment: Allows every county the option of having one additional early voting center. This legislation was amended from its original introduction that altered the time of early voting. Effective 10/1/19
7. HB286/SB449 (Not crossfiled but same topic) - Registration and Voting at Precinct Polling Places: Provides that, if an individual provides proof of residency, the individual may register and vote on election day at the polling place. Effective 10/1/19.
8. HB830 - County Public Campaign Financing - Administration: Requires a county government to provide funding and staff for the operation, administration and auditing of a county public financing system. Effective 10/1/19.
9. HB878 - Campaign Finance - Late Fees and Certificates of Nomination: Alters the fees that are due for failure to file a campaign finance report, an affidavit, or an amended report and prohibits issuing a certificate of nomination if a candidate owes late fees. Provides a scale for late fees, increases the fines up to \$1,000. Effective 10/1/19.
10. HB1025/SB123 - Coordinated Expenditures and Donations - Investigation: As previously designated, alters the duty to investigate potential coordinated expenditure violations to the State Administrator or designee and allows the issuance of a subpoena for records or testimony. Effective 10/1/19.
11. SB230 - Canvassing of Absentee Ballots - Reporting Unofficial Results: Requires local boards to release unofficial absentee results at the end of each day of canvassing. Effective 10/1/19.
12. SB364 - Election Day Page Program - Establishment: Requires SBE develop an Election Day Page Program and requires the local boards, in collaboration with the local school systems, to establish a procedure for selecting pages and authorizing community service hours for service as an Election Day Page. Effective 10/1/19.
13. SB651 - Local Boards of Elections - Membership: Except for Montgomery and Prince George's Counties, alters the membership of all local boards from 3 full members and 2 substitute members to 5 full members effective June 1, 2019. (Impacts Anne Arundel, Baltimore County, Calvert, Dorchester, Howard, and St. Mary's Counties)
14. SB743 - Election Service Providers - Contract Clauses and Termination of Contract: Mandates that certain contracts for election service or support include a clause requiring notice of ownership or investment by a foreign national at the time of award or anytime for the duration of the contract. The contract must also contain language for termination of the contract in whole or in part under certain conditions. Requires that within 7 days of contract termination, State Administrator provide notification to appropriate persons including State Board members. Effective 10/1/19.

15. SB950 - Campaign Finance - Termination of Campaign Finance Entities: As amended, following the death of a candidate, authorizes the remaining balance in a campaign finance entity may be paid to a legislative party caucus. Within 1 year after the death of a candidate it mandates the entity pay outstanding obligations, dispose of remaining funds in accordance with any expressed wishes by the candidate, and file a final report. Emergency legislation.
16. SB1004 - Election Calendar and Processes: Alters the election calendar to better accommodate the requirements of the MOVE Act. The 2018 Primary Election demonstrated the need to clarify language and change deadlines regarding the preparation of ballots. The date of an election should be considered the 45th day prior to the actual date of the election. Deadlines for candidates and ballot questions are altered recognizing potential for judicial challenge. Effective 6/1/19.

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Malcolm L. Funn
Kelley Howells



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

TO: State Board Members
FROM: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
DATE: April 24,, 2019
SUBJECT: Waiver of late filing fees standards

Enclosed are the waiver requests, which were submitted by campaign committees that have been assessed late filing fees. The attached Waiver Request Information Page contains an overview of each committee as well as the Administrator's recommendation for Board approval on granting a waiver request.

In the past the Board has considered the following facts in determining whether just cause exists to grant a waiver.

- Administrative error of any kind on the part of the Division.
- The lateness is due to extenuating circumstances, i.e. physical illness or death in the family.
- The late report is the first late report and allows the committee to close, or contains minimal financial activity.
- The fee will cause undue financial hardship, if the liability of the fine is the personal responsibility of the officers.
- Computer problems occurred which made timely filing impossible. However, the filer still must have demonstrated a good faith effort to timely file.

Prior to the meeting please review each waiver request. Note the recommendations that you may disagree with or have questions on that you would like to discuss.

Pursuant to Election Law Article §13-337 (b) (3), the State Administrator has denied one waiver request, for the month of April. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$19,215.50.

Please feel free to contact me at 410-269-2853 if you have any questions.

Wavier Request

1. City Union of Baltimore - Comm. On Political Education PAC
2. Ferrar, Chuck Friends For
3. Grimmel, Johnathan Friends of
4. Hunter, Cordell Friends of
5. McGee, Jim Friends of
6. Mincey Thompson, Rochelle Citizens for

Denied

1. Bagley Jr., Charles D. Friends of

Waiver Request Information Page

General

Account Name	City Union Of Baltimore - Comm. On Political Education PAC	
CCF ID:	03007944	Status: Active
Date Established	9/20/89	
Date Waiver Requested	3/28	
Account Type	PAC Account	

Officers

Current Treasurer	Kedrick McIntye	Start Date: 1/23/19
Responsible Treasurer		
Current Chairman	Sadikia Calsarazzo	1/17/18
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waiver and fees
11/20/18			\$500	\$500	
			\$	\$	
					Waived
					Reduced
				\$Total \$500	Referred OSP

All required notices were sent to this campaign account for the above listed report(s).

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
11/20/18	\$0	\$250	\$22,729	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Our committee was going thur a transition of officer at the time and this report was overlooked.

Division Comments

Grant

Administrator's Decision



City Union of Baltimore

Local 800, AFT, AFL-CIO

March 13, 2019

RECEIVED

MAR 28 2019

STATE BOARD OF ELECTIONS

President

Antoinette Ryan-Johnson

Executive Vice President

Donna Price

Treasurer

Kedrick McIntye

Secretary

Gaye Mattison

Executive Board

Olivia Baker

Tara Belisle

Craig Ewell

Pauline Fayall

Lizy Jackson

Dax Johnson

Sadakia Thomas-Caldarazzo

State Board of Elections

Attn: Linda H. Lamone, Administrator

P.O. Box 6486

Annapolis, Maryland 21401-0486

RE: Waiver Request

Ms. Lamone,

The City Union of Baltimore COPE Committee is requesting a waiver for the delinquent fee of \$500.00. At the time the 2018 Post-General Gubernatorial report was due, 11/20/2018, our union was going through a transition of treasurers and this report was overlooked, although not intentionally.

Please accept this letter of explanation and grant our request for a waiver of the delinquent fee.

Warmest Regards and Solidarity,

The City Union of Baltimore

COPE Committee

"Strength in Unity"

2117 North Howard Street * Baltimore, Maryland 21218-5063 * 410.962.1492 * www.cub-aft.org

Waiver Request Information Page

General

Account Name	Ferrar, Chuck Friends For	
CCF ID:	01005480	Status: Active
Date Established	1/14/10	
Date Waiver Requested	12/19/18	
Account Type	Candidate Account	

Officers

Current Treasurer	Ruth Hyatt	Start Date: 1/14/10
Responsible Treasurer		
Current Chairman	Charles Ferrar	1/14/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
10/26/18		10/28/18	\$40	\$40
			\$	\$
				\$40.00

All required notices were sent to this campaign account for the above listed report(s).

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

I file the report on 10/26/18 not sure how your system identified it as 10/28/18

Division Comments

Grant

Administrator's Decision

To: Jared DeMarinis, Director
Division of Candidacy and Campaign Finance
MD State Board of Elections

From: Chuck Ferrar

Re: Friends for Chuck Ferrar #01005480

Date: December 19, 2018

I received a Late Fee Bill for the "late filing" of the Pre-General Report 2, which was due 10/26/2018. Your notice indicates your receipt on 10/28/2018, a Sunday. I do not have any proof other than the knowledge that the report was filed Friday night, 10/26/2018 around 9:30pm. Not sure how the system identified 10/28/2018 as the received date.

Please consider waiving the \$40 late fee.

Thank you.


Chuck Ferrar

Waiver Request Information Page

General

Account Name	Grimmel, Johnathan Friends of	
CCF ID:	01009305	Status: InActive
Date Established	6/27/13	
Date Waiver Requested	3/24/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Pat Potler	Start Date: 6/27/13
Responsible Treasurer		
Current Chairman	John Grimmel	6/27/13
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waiver and fees
6/13/14			\$170	\$170	
			\$	\$	
					Waived
					Reduced
				\$	Referred OSP

All required notices were sent to this campaign account for the above listed report(s).

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

We were never notified about the late fee.

Division Comments

Grant

Administrator's Decision

State of Maryland



Late Fee Waiver Request Form

Instructions: Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. **Requests may only be made by the committee chairman, treasurer or candidate.*

Campaign Account Name: Friends of Johnathan Grimmel Account Number: CCF ID: 01009305

Date of Request: 3/24/19 Total Amount of late fees: \$ \$170.00

Name of the Requestor(s)*: Johnathan Grimmel

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2014 Gubernatorial Pre-Primary2

The basis for the request: We are requesting this fee to be waived as we were
never notified back in 2014 about it let alone when we
filed our final report to close the account it did not tell us
about it. With it being so far back we ask that it be
waived. Thank you for your consideration.

Johnathan Grimmel
(Signature)

3/24/19

(Date)

For Board Use Only	
Date Rcvd: _____	Date Heard: _____
Verification: _____	
Bd. Decision. _____	

Maryland State Board of Elections
Division of Candidacy and Campaign Finance
P.O. Box 6486 ● 151 West Street, Suite 200 ● Annapolis, MD 21401-0486
410-269-2880 ● 800-222-8683 ● MD Relay 800-735-2258 ● www.elections.state.md.us

Waiver Request Information Page

General

Account Name	Hunter, Cordell Friends of	
CCF ID:	01006906	Status: Active
Date Established	6/18/10	
Date Waiver Requested	4/01/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Joan Hunter	Start Date: 6/18/10
Responsible Treasurer		
Current Chairman	Cordell hunter	6/18/10
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waiver and fees
1/16/19		1/31/19	\$150	\$150	
			\$	\$	
					Waived
					Reduced
				\$Total: 150	Referred OSP

All required notices were sent to this campaign account for the above listed report(s).

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Several attempts were made to comply even in my lack of clarity: inability to login, password had to be modified

Division Comments

Grant

Administrator's Decision

To: Linda H. Lamone
Administrator
State Board of Elections
P.O. Box 6486
Annapolis, MD 21401

RECEIVED
APR 01 2019
STATE BOARD OF ELECTIONS

Jared DeMarinis, Director
Division of Candidacy and Campaign Finance

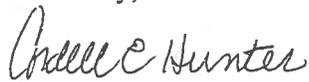
Re: CCF ID: 01006906 Account: Hunter, Cordell Friends of

This is a request to wavier the \$150.00 charge for filing the 2019 Annual Report in an untimely manner. Please be advised and consider abnormal circumstances. I received a letter and green card notification indicating that I was to file a report as Chairman, Harford County Democratic Committee. When I had filed previously but had not served in that capacity since August 2018. That report was filed. With the assistance of Jared De Marinis, this issue was clarified by January 29,2019.

Further, several attempts were made to comply even in my lack of clarity: inability to login; passwords had to be modified, correlation of Policy as Chairman and "personal account" and changing of report system.

I thank you for your assistance in this matter.

Sincerely,


Cordell E. Hunter

Waiver Request Information Page

General

Account Name	McGee, Jim Friends of	
CCF ID:	15011819	Status: Inactive
Date Established	7/27/17	
Date Waiver Requested	3/08/19	
Account Type	Public Financing	

Officers

Current Treasurer	David Wallace	Start Date: 7/27/17
Responsible Treasurer		
Current Chairman	James McGee	7/27/17
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waiver and fees
11/20/18			\$500	\$500	
10/26/18			\$500	\$500	
					Waived
					Reduced
				\$Total:1,000	Referred OSP

All required notices were sent to this campaign account for the above listed report(s).

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
11/20/18	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

If I had been able to submit a close out report the 2 reports would not have been required.

Division Comments

Grant

Administrator's Decision

RECEIVED

MAR 08 2019

STATE BOARD OF ELECTIONS

David J. Wallace, Treasurer
Friends of Jim McGee
9133 McDonald Drive
Bethesda, MD 20817-1941
March 5, 2019

Linda H. Lamone
Administrator
State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

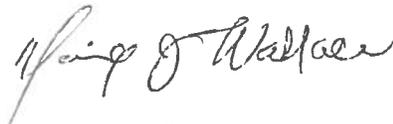
Dear Ms. Lamone:

In my January 28, 2019 letter to you I explained why I did not believe the Friends of Jim McGee was responsible for submitting the following reports: the 2018 Pre-General² Report Gubernatorial, the 2018 Post-General Gubernatorial, and the 2019 Annual Report. I reasoned that, if I had been able to submit a closeout report as I had planned to do at the end of August 2018, these reports would not have been required.

Subsequent to my letter of January 28th, I received a call from Meku Abaiheh, a State auditor. With considerable help from him, I was able to submit all the "outstanding" reports and to amend the closeout report to show the payment of a single outstanding obligation. This turned out to be a long and laborious process—something I could not have done without Mr. Abaiheh's assistance.

I write now to request the waiver of the late fees for the Pre- and Post-Gubernatorial Reports. Jim McGee and I had worked diligently to submit the closeout report on time, but we were not able to amend the MDCRIS record and, hence, could not submit the report. When I informed the SBE of this problem, I was told to file the report to State and wait on a notice that the problem had been resolved. It turns out that the call from Mr. Abaiheh was the answer to my request.

Sincerely,



David J. Wallace

cc: Jared DeMarinis

Waiver Request Information Page

General

Account Name	Mincey Thompson, Rochelle Citizens for	
CCF ID:	01011990	Status: Active
Date Established	10/26/17	
Date Waiver Requested	4/03/19	
Account Type	Candidate Account	

Officers

Current Treasurer	Kay Mincey	Start Date: 10/26/17
Responsible Treasurer		
Current Chairman	Rochelle Thompson	10/26/17
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waiver and fees
10/26/18			\$20	\$20	
			\$	\$	
					Waived
					Reduced
				\$Total:\$20	Referred OSP

All required notices were sent to this campaign account for the above listed report(s).

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Per OSP

Division Comments

Grant

Administrator's Decision

STATE OF MARYLAND



Emmet C. Davitt
STATE PROSECUTOR

OFFICE OF
THE STATE PROSECUTOR

Hampton Plaza
Suite 410
300 East Joppa Road
Towson, MD 21286-3152
Telephone (410) 321-4067
Fax (410) 321-3851

April 3, 2019

Jared DeMarinis
Director - Division of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Re: Citizens for Rochelle Mincey, CCF ID: 01011990
OSP File No.: 19-5578

Dear Mr. DeMarinis:

Based on our review of the file, we have determined that prosecution is not warranted for the failure to timely and accurately file campaign finance report(s) and pay the associated late fee(s) as the 2018 Gubernatorial Pre-General 2 campaign finance report has been filed and the late fee amount of \$20.00 for said violation is *de minimis*.

Please feel free to contact me with any questions.

Sincerely,

Stephannie Krulevitz
Stephannie Krulevitz
Assistant State Prosecutor

Waiver Request Information Page

General

Account Name	Bagley Jr., Charles D. Friends of	
CCF ID:	01012492	Status: Active
Date Established	2/23/18	
Date Waiver Requested	3/18/19	
Account Type	Candidate Account	

Officers

Current Treasurer		Start Date: 2/23/18
Responsible Treasurer	Ralph Lusk	
Current Chairman	Roger Olsen	2/23/18
Responsible Chairman		

Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees	Prior Waiver and fees
1/16/19			\$90	\$90	
11/20/18			\$400	\$400	
					Waived: 10/26/18
					Reduced
				\$Total:490	Referred OSP

All required notices were sent to this campaign account for the above listed report(s).

Recent Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Outstanding/ Loans/ Obligations
1/16/19	\$0	\$0	\$265	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

Reason for Waiver

Officers misfiled the 11/20/18 report and filed the 1/16/19 late.

Division Comments

Denied

Administrator's Decision

State of Maryland



Late Fee Waiver Request Form

Instructions: Please print clearly or type. If you assert as the basis for the request that you were personally unable to file the report, please explain why the other responsible parties could not file the report. Please limit your request to this document only. *Requests may only be made by the committee chairman, treasurer or candidate.

Campaign Account Name: Friends of Charles D Bagley Jr Account Number: 0012492

Date of Request: 3/18/19 Total Amount of late fees: \$ 490.00

Name of the Requestor(s)*: Charles D Bagley Jr

The Requestor is the: Chairman Treasurer Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2019 Annual
2018 Post General Report

The basis for the request: my Chairman & Treasurer. Mis-filed
2018 Post General Report. and. They Filed
late for. 2019. Annual Report.

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STATE BOARD OF ELECTIONS

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Maryland State Board of Elections
Division of Candidacy and Campaign Finance

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Deputy Administrator

Memorandum

To: State Board Members
From: Nikki Charlson
Date: April 8, 2019
Re: Final Adoption of Various Regulations

At the upcoming board meeting, I will present for final adoption the regulations approved for publication at the October 2018 meeting and some of the regulations approved for publication at the November meeting¹. These proposed regulations were published in the March 1, 2019, edition of the *Maryland Register* (Vol. 46, Issue 5). The public comment period closed on April 1, 2019, and we received two sets of comments. All of the comments related to the post-election audit (COMAR 33.08.05.01 and .08 – .10). The comments we received accompany this memo and are summarized in the attached table.

The specific regulations ready for final adoption at the April 2019 meeting are:

1. 33.08.05.01, .08, .09, and .10 – Post-Election Verification and Audit (as presented at the October 2018 meeting): The comments received relate to these regulations, and responses to the comments and recommended actions are noted in the attached table.
2. 33.16.07.02 – Provisional Voting – Post-Election Procedures – 33.09.06.03: No comments were received. *Recommend adopting as published.*
3. 33.10.02 – Voting Systems – AccuVote-TS – repeal of Chapter .02: No comments were received. *Recommend adopting as published.*
4. 33.10.03 – Voting Systems – Model ES-2000 – repeal of Chapter .03: No comments were received. *Recommend adopting as published.*
5. 33.12.06 – Recounts – Recount Procedures – Direct Recording Equipment – repeal of Chapter .06: No comments were received. *Recommend adopting as published.*

¹ You may recall that I presented at the November 2018 meeting some changes to 33.08.05.01, .09, and .10. These proposed regulations changed or supplemented the regulations approved for publication at the October 2018 meeting and cannot be published until the regulations approved for publication at the October meeting are final. As a result, some of the proposed changes adopted for publication at the November meeting are not ready for final adoption and are not included in this memo.

April 8, 2019

6. 33.17.01.02 – Early Voting – Definitions; General Provisions: No comments were received. *Recommend adopting as published.*
7. 33.17.05.02 – Early Voting – Number of Election Judges: No comments were received. *Recommend adopting as published.*

If you have any questions about the published regulations or comments before the meeting, please do not hesitate to contact me. I will, of course, be at the next meeting to answer any questions.

State Board of Elections' April 24, 2019 Meeting
Proposed Regulations Ready for Final Adoption

33.08.05 Post-Election Verification and Audit

.01 Definition.

A. In this chapter, the following [term has] *terms have* the [meaning] *meanings* indicated.

B. [Term] *Terms Defined.*

(1) *“Discrepancy” means the difference between the voting system results and the results of an automated or manual audit.*

(2) *“Manual audit” has the meaning stated in Election Law Article, §11-309, Annotated Code of Maryland.*

(3) *“Precinct” includes an early voting center.*

(4) *“Previous comparable general election” has the meaning stated in Election Law Article, §11-309, Annotated Code of Maryland.*

(5) *“Voter-verifiable paper record” has the meaning stated in Election Law Article, §9-102, Annotated Code of Maryland.*

.08 Post-Election Audit—Ballot Tabulation Audit—In General.

A. *Audits Conducted by the State Administrator. The State Administrator shall conduct an automated software audit of the electronic images of all ballots cast:*

(1) *After each Statewide primary election; and*

(2) *After each Statewide general election.*

B. *Audit Conducted by the Local Boards. Each local board shall conduct a manual audit of voter-verifiable paper records:*

(1) *After each Statewide general election; and*

(2) *After a Statewide primary election at the direction of the State Administrator.*

C. *Reporting of Audit Results.*

(1) *Within 14 days after the conclusion of the manual audit, the State Administrator shall post on the website a report that describes:*

(a) *The precincts and number of votes selected for the manual audit in each county and the manner in which the precincts and votes were selected;*

(b) *The results of the manual audit; and*

(c) *Any discrepancy shown by the manual audit and how the discrepancy was resolved.*

(2) *Before the State Board of Canvassers certifies the results of an election, the State Administrator shall post on the website information about the automated audit, including:*

(a) *An overview of the automated audit process;*

(b) *The audit reports generated for each county; and*

(c) *An explanation of any discrepancy greater than 0.5 percent of total votes cast in any given contest; and*

(d) *Any additional steps taken to resolve any discrepancy.*

.09 Post-Election Audit—Ballot Tabulation Audit—Manual Audit.

A. *In General.*

(1) *A local board shall allow, to the extent practicable, for public observation of each part of the manual audit process.*

(2) *If there is a discrepancy greater than 0.5 percent, the State Administrator:*

(a) *Shall require the local board to resolve or explain the discrepancy;*

(b) *Shall compare the manual audit results to the automated audit results;*

(c) *May expand the manual audit; and*

(d) *May take any other actions it considers necessary to resolve the discrepancy.*

State Board of Elections' April 24, 2019 Meeting
Proposed Regulations Ready for Final Adoption

B. Primary Election Audit.

(1) The State Administrator shall require a local board to conduct a manual audit of voter-verifiable paper records if the automated audit shows a discrepancy in any precinct of greater than 0.5 percent of total votes cast in any contest and the discrepancy cannot be resolved or explained.

(2) The local board shall conduct the manual audit of the precinct in accordance with instructions issued by the State Administrator.

(3) If a local board is directed to conduct a manual audit, the local board of canvassers may not certify the results of the primary election until:

(a) The manual audit of the precinct with the unresolved or unexplained discrepancy is complete;

(b) The local board provides the State Administrator with a written report and findings of the manual audit; and

(c) The State Administrator concurs with the report and findings.

C. General Election Audit.

(1) At least 60 days before the election, the State Administrator shall instruct each local board as to the minimum number of voter-verifiable paper records from early voting and the absentee and provisional canvasses to audit manually.

(2) Within 15 days after the election, the State Board shall select the contest to be manually audited and randomly select the precincts to be manually audited, and may exclude certain precincts based on the number of registered voters in that county before randomly selecting precincts.

(3) A local board shall conduct a manual audit of voter-verifiable paper records cast during the election, as follows:

(a) For voter-verifiable paper records cast during early voting, the local board shall manually audit a number equal to at least 1 percent of votes cast in the previous comparable election;

(b) For voter-verifiable paper records cast on election day, the local board shall manually audit at least one randomly chosen precinct in the county and any other precinct selected by the State Board;

(c) For voter-verifiable paper records canvassed during the absentee canvasses, the local board shall audit a number equal to at least 1 percent of the Statewide total of absentee ballots from the previous comparable general election; and

(d) For voter-verifiable paper records canvassed during the provisional canvasses, the local board shall audit a number equal to at least 1 percent of the Statewide total of provisional ballots from the previous comparable general election.

(4) A local board shall complete the manual audit within 120 days after a general election.

.10 Post-Election Audit—Ballot Tabulation Audit—Automated Audit.

The State Administrator shall complete the automated audit of:

A. Early voting and election day results before the local boards of canvassers certify the election results; and

B. Absentee and provisional results before the State Board of Canvassers certifies the election results.

State Board of Elections' April 24, 2019 Meeting
Proposed Regulations Ready for Final Adoption

33.16.07 Post-Election Procedures

.02 Public Information.

A. Access to Provisional Ballot Applications.

(1) [Public] *Except as provided in §A(2) of this regulation, public access to provisional ballot applications prior to the completion of the canvass is prohibited.*

(2) *Members of the public attending a canvass shall be provided visual access to the provisional ballot applications presented at that canvass.*

[B.] (3) (text unchanged)

[C.] *B.* (text unchanged)

33.10.02 AccuVote-TS [Voting Systems]

Repeal Chapter 02 AccuVote-TS

33.10.03 Model ES- 2000 [Voting Systems]

Repeal Chapter 03 Model TS- 2000

33.12.06 Recount Procedures – Direct Recording Equipment

Repeal Chapter 06 Chapter 06 Recount Procedures – Direct Recording Equipment

33.12 RECOUNTS

Chapter [07] 06 Challenges

Chapter [08] 07 Payment of Costs

33.17.01 Definitions; General Provisions [Early Voting]

.02 Applicability to Elections.

A. [text unchanged]

B. Early voting is not applicable for special primary and general elections, unless the special election is conducted by mail.

33.17.05 Election Judges [Early Voting]

.02 Number of Election Judges.

A. – C. [text unchanged]

D. At least two election judges [for the touchscreen voting units] to facilitate voting at the voting booths and ballot marking devices; and

E. [text unchanged]

Regulation	Comment	Agency Response	Recommendation
33.08.05.01B(2)	Define “manual audit”	When drafting regulations, agencies refer to the code section when defining a word or phrase defined in the Annotated Code of Maryland.	Adopt as published
33.08.05.01B(3)	Do not include early voting center in the definition of “precinct”	Subsequently proposed regulations address this comment. “Precinct” does not include early voting centers in the regulations governing the post-election audit. The revised 33.08.05.01B(3) will be published once these regulations are final. ¹	Adopt as published
33.08.05.01B(4)	Define “previous comparable general election”	When drafting regulations, agencies refer to the code section when defining a word or phrase defined in the Annotated Code of Maryland.	Adopt as published
33.08.05.01B(6)	Define “automated software audit” and proposed a definition for “automated software audit”	Subsequently proposed regulations define this term. The commentator may comment on the proposed definition when these proposed regulations are published.	Adopt as published
33.08.05.08B(2)	Law states that SBE directs a manual audit after a primary election	<p>Election Law Article, §11-309(c) establishes the audit requirements for a primary election. Subsection (c)(2) authorizes – but does not require – the State Board to complete a manual audit in a manner prescribed by the “State Board.”</p> <p>It was never the intention of the General Assembly that the State Board, State Administrator, or staff of the State Board actually conduct the manual audit. The published regulation makes clear that the local boards of elections are the entities conducting the audit and must follow the instructions issued by the State Administrator. The “at the direction of the State Administrator” ensures that all manual audits are conducted the same way.</p> <p>Also, this provision must be read in conjunction with the published regulation 33.08.05.09B(1), which</p>	Adopt as published

¹ Since an agency cannot amend a regulation before it is final, the subsequently revised regulation cannot be published in the *Maryland Register* until the section it is amending is final.

Regulation	Comment	Agency Response	Recommendation
		establishes the circumstances when the State Administrator must direct a local board to conduct a manual audit after a primary election. The State Administrator does not have discretion in this task.	
33.08.05.08C(1)(a)	Provide guidance on how the precincts and votes were selected	<p>The published regulation defines what must be included in the report SBE is required to provide. The report from the 2018 General Election manual audit included how the precincts and votes were selected.</p> <p>It would not be appropriate in the section defining the content of the report to provide instructions on how to select the precincts and ballots.</p>	Adopt as published
33.08.05.08C(1)(c)	Include in online report the source of any discrepancy	If there was a discrepancy, we would explain the discrepancy and, if known, the source of it.	Adopt as published If desired, amend in future revision
33.08.05.08C(1)(d) – <u>Commentator’s proposed (d)</u>	Include in online report of the post-election manual audit any recommended improvements to the election process and audit process	As part of our lessons learned process with the local boards, we ask for ways to improve processes, and the lessons learned process for the 2018 General Election was no exception. While we collect this information, it is unlikely that we would have this information by the statutory deadline to post this report (within 14 days of the conclusion of the manual audit). The lessons learned process for the 2018 General Election post-election audits started after all of the local boards had completed their audits and more than 14 days after the last audit was performed.	Adopt as published Do not adopt proposed recommendation
33.08.05.08C(2) – <u>Commentator’s proposed (aa)</u>	Proposed new subsection requiring that online report of the post-election automated audit the number of ballots by precinct that could not be validated during the audit because: (a) the voter’s original ballot was duplicated	(a) The purpose of the automated audit is to verify the accuracy of the voting system and validate that the voting system accurately counted the duplicated ballots. The process of duplicating the ballots is “audited” a different way – that is, ballot duplication occurs in a public canvass by a bipartisan of election officials. Public observation and the supervision by	Adopt as published Do not adopt proposed recommendation

Regulation	Comment	Agency Response	Recommendation
	during a canvass; or (b) the voter used the ballot marking device and the automated audit used the QR barcode to audit the ballot	the bipartisan local board of elections – not the automated audit – validates the accuracy of the ballot duplication process. The number of duplicated ballots is not currently reported by the local boards to SBE. (b) During the automated audit, ballots marked by the ballot marking device are manually reviewed. The QR barcodes printed on ballots marked by the ballot marking device are not used.	
33.08.05.08C(2)(d)	Include in the online report information about the automated audit any suggested changes to processes to avoid discrepancies in the future	If a county has a discrepancy greater than 0.5% of the total votes cast in any given contest, the local board must conduct a manual audit before certifying election results. <i>See</i> COMAR 33.08.05.09B(3). If a manual audit is conducted at the conclusion of the automated audit, the report of the manual audit would be posted online under COMAR 33.08.05.08C(1). SBE would explain why the manual audit had to be conducted, the cause of the discrepancy, and how to prevent it in future elections.	Adopt as published
33.08.05.09A – Commentator’s proposed A & B	Provided comments and additional language on subsequently proposed text	Subsequently proposed regulations include generally the commentator’s proposed §§A and B. The commentator may provide comments on this text once it has been published for public comment.	Not applicable
33.08.05.09 – Commentator’s proposed C	Require initial results for each precinct or set of selected ballots be publicly posted before precincts are selected	SBE and the local boards of elections have precinct level results, and they are posted online once the Board of State Canvassers certifies the results. The local boards of elections have reports from the scanning unit of the results from the absentee and provisional ballots to be audited. The results are securely stored with the ballots to be audited.	Do not adopt proposed recommendation
33.08.05.09 – Commentator’s proposed D	Require selection of precincts and ballots be “truly random and publicly observable.”	The method of selection is not currently defined in the regulations and therefore can be changed. The process used for the manual audit of the 2018	Do not adopt proposed recommendation

Regulation	Comment	Agency Response	Recommendation
	One commentator suggested rolling 10-sided dice, and while the group commentators suggested a “well vetted method” but did not recommend a specific type.	General Election was random and publicly observable.	
33.08.05.09 – Commentator’s proposed E	Require staff conducting the audit cannot know the results for the ballots they are auditing	This requirement is not practical. The individuals conducting the audit are generally employees of the local boards of elections and most likely supported the absentee and provisional canvasses. When the manual audit is performed, the precinct level results are posted online. ²	Do not adopt proposed recommendation
33.08.05.09A(1)	(a) Require selection of provisional and absentee ballots in public (b) Allow public to view paper ballots and tallies made by the audit teams	(a) The current instructions allow the local board to select the absentee and provisional ballots as they prepare for the respective canvasses. (b) The local boards understand that observers must be able to see the ballots and the tally sheets. This is similar to the observation requirements for absentee and provisional canvasses – that is, observers must be able to see the return envelopes and voted ballots.	Adopt as published If desired, change in a future revision how the local boards select absentee and provisional ballots.
33.08.05.09A(2)	Law says SBE	Election Law Article, §11-309 does not address the process of resolving a discrepancy in the audit. If there is a discrepancy, it is appropriate that the State Administrator determine the next steps to determine the cause of the discrepancy and resolve it.	Adopt as published
33.08.05.09B	Suggest adding sentence authorizing the State Board to conduct a manual audit after a primary election and in the same manner as a manual audit after a general election.	The authority to conduct a manual audit after a primary election is already captured in COMAR 33.08.05.08B(2). The specific circumstances that would trigger a manual audit after a primary election are described in 33.09.08.05.09B(1).	Adopt as published

² The commentator previously recommended that the precinct level results should be posted online before the precincts to be audited are selected. These two recommendations cannot both be implemented – either the precinct level results are posted and anyone can see them or they are not posted and it becomes possible – although not practical – that the individuals performing the audit do not know the results.

Regulation	Comment	Agency Response	Recommendation
33.08.05.09C(2)(a)	<p>(a) Method for providing public notice and selecting precincts should be specified</p> <p>(b) Random drawing should be shortly before audit starts</p> <p>(c) Require initial results for each audit unit to be publicly posted before the random drawing of precincts and contest</p>	<p>(a) The selection of precincts and contest occurs at a public meeting of the State Board of Elections. Notice of these meetings is governed by General Provisions Article, § 3-302. Subsequently proposed regulations define the notice requirements for the manual audit. The commentators may comment on the proposed definition when these proposed regulations are published.</p> <p>(b) The precinct and contest selection process can be delayed. Although the members of the State Board selected in November the precinct and contests for the 2018 General Election audit, SBE did not notify a local board of its selected precincts until approximately 2-3 weeks before the local board conducted the audit.</p> <p>(c) SBE and the local boards of elections have precinct level results, and they are posted online once the Board of State Canvassers certifies the results.</p> <p>The local boards of elections have reports from the scanning unit of the results from the absentee and provisional ballots to be audited. The results are securely stored with the ballots to be audited.</p>	<p>Adopt as published</p> <p>If desired, change in a future revision the timing of the precinct and contest selection.</p>
33.08.05.09C(2)(b)	No precincts should be excluded from being selected	The published language gives the State Board the option to exclude certain precincts. It is not required.	<p>Adopt as published</p> <p>If desired, remove in a future revision.</p>
33.08.05.09C(3)(a)	Provide more instructions on which ballots from an early voting center are audited	This level of detail is more appropriate for instructions than regulations. SBE's audit instructions state that ballots from 1 scanner at the end of day 1 are audited.	Adopt as published
33.08.05.09C(3)(b)	(a) Gives too much latitude for SBE to pick precincts without requiring	(a) The published language gives the State Board the discretion to pick – randomly or otherwise – the “other precincts.” As written, the State Board could	Adopt as published

Regulation	Comment	Agency Response	Recommendation
	random samples or distribution across all counties (b) Added total number of precincts to be audited	select a specific precinct with reported issues. Requiring a random selection of the “other precincts” would make it unlikely that the precinct with reported issues would be selected. During discussions with legislative staff during the 2018 Legislative Session, they wanted to give the State Board the flexibility to pick a precinct with reported issues as one of the “other precincts.” (b) If desired, can add the total number of precincts to be audited. Already required by Election Law Article, §11-309(d)(1)(i).	If desired, add in a future revision the total number of precincts to be audited (<i>i.e.</i> , 2% of the precincts statewide).
33.08.05.09C(3)(c) 33.08.05.09C(3)(d)	(a) Provide more detail on how the absentee ballots are selected and counted and suggested method of selecting absentee and provisional ballots (b) If a voter’s ballot is duplicated, require the voter’s original ballot to be audited	(a) The requested level of detail is more appropriate for instructions than regulations. SBE’s instructions address the suggested information. (b) The purpose of the automated audit is to verify the accuracy of the voting system and validates that the voting system accurately counted the duplicated ballots. As explained above, public observation and the supervision by the bipartisan local board of elections – not the automated audit – validates the accuracy of the ballot duplication process. As a result, it would not be appropriate to include in this audit the voter’s original ballot.	Adopt as published
33.08.05.09C(4)	Random drawing should be conducted soon after election, and the manual audit should start hours after the random drawing Audit should be performed before the election is certified.	Election Law Article, §11-309(d)(2) requires that the manual audit be complete within 120 days after the general election. Other rows in this summary table address the timing of the random drawing.	Adopt as published
33.08.05.10	Prohibit the vendor performing the automated audit from knowing the election results	Subsequently proposed regulations include this requirement. The commentator may comment on the proposed definition when these proposed regulations are published.	Adopt as published

Summary of Comments Received

In addition to the comments in the summary table, the commentators also asked questions. The questions and answers are provided below.

1. *What audit reports are expected [from the automated audit]? (33.08.05.08C(2)(b))*

We receive for each county four reports:

- a. Comparison of Cards Cast for each canvass: This report compares the number of ballots counted during early voting, on election day, during both absentee canvasses, and during the provisional canvass against the number of ballots tabulated by the vendor. This ensures that the same number of ballots were tabulated by both systems.
- b. Comparison of Ballots Cast by Precinct: This report compares the number of ballots cast in each precinct against the number of ballots tabulated during the audit. This is another way to ensure that the same number of ballots are tabulated by both systems.
- c. Comparison of Votes Cast: This report compares the results from the voting system against the audit results and identifies possible discrepancies by candidate or choice.
- d. Contest Vote Discrepancy Threshold Report: This report shows - by contest - the number of vote differences between the two systems and the vote difference as a percentage. Before the audit was performed, SBE determined that a percentage of 0.5% or higher would trigger an additional review, which could include a manual review of voted paper ballots.

These descriptions and the 2018 General Election reports for each county are posted online³.

2. *Where is [the selection of one contest] in the law? (33.08.09.05.09C(2))*

The definition of “manual audit” in Election Law Article, §11-309(a)(2) refers to “a contest.” If multiple contests were to be included, “all contests” or some other similar wording would have been included. During the 2018 Legislative Session, I confirmed with legislative staff that the General Assembly’s intent was to perform the manual audit on one contest.

3. *Shouldn't [manual audit] instructions comply with the regulations for manual audits after the general election? (33.08.09.05.09B(2))*

Yes, and they will. The manual audit instructions apply to any manual audit – either after a primary or general election.

4. *What happens if the manual audit finds large discrepancies? How is the audit expanded? What algorithm is used? Are the results posted on the website? (33.08.09.05.09C(4))*

It is most unlikely that the manual audit would identify a previously unknown discrepancy. A discrepancy would have been discovered during the pre- and post-election verifications conducted by SBE and the local boards. In the unlikely event of this occurring, we would expand the audit, request information from the voting system vendor, and take appropriate steps. The specific steps taken would vary by discrepancy. The results of a manual audit must be posted under COMAR 33.09.05.08C(1).

³ See https://elections.maryland.gov/voting_system/ballot_audit_plan_automated.html

Title 33 State Board of Elections
Subtitle 08 Canvassing
Chapter 05 Post Election Verification and Audit

Authority Line: Election Law Article, §§2-102(b)(4), 2-202(b), 9-403, [and] 11-201, and 11-309(f), Annotated Code of Maryland

.01 Definition.

A. In this chapter, the following [term has] *terms have* the [meaning] *meanings* indicated.

B. [Term] *Terms Defined.*

(1) "Discrepancy" means the difference between the voting system results and the results of an automated or manual audit.

(2) "Manual audit" has the meaning stated in Election Law Article, §11-309, Annotated Code of Maryland.

(3) "Precinct" includes an early voting center.

(4) "Previous comparable general election" has the meaning stated in Election Law Article, §11-309, Annotated Code of Maryland.

(5) "Voter-verifiable paper record" has the meaning stated in Election Law Article, §9-102, Annotated Code of Maryland.

(6) "Automated software audit" is based on an independent system's retabulation of the election based on the images produced by the voting system. The independent system must not share any hardware or software with the voting system used to initially tabulate the votes.

Comment: "Manual audit" means inspection of voter-verifiable paper records by hand and eye to obtain vote totals that are compared to the vote totals produced for that contest by the electronic voting system.

Comment: Precincts and Early voting centers must be treated differently in the audit procedures. The terms should be used as they are commonly used.

Comment: "Previous comparable general election" means:
(i) in a presidential election year, the presidential election held 4 years earlier; and
(ii) in a gubernatorial election year, the gubernatorial election held 4 years earlier.

.08 Post-Election Audit – Ballot Tabulation Audit – In General.

A. Audits Conducted by the State Administrator. The State Administrator shall conduct an automated software audit of the electronic images of all ballots cast:

(1) After each statewide primary election; and

(2) After each statewide general election.

B. Audit Conducted by the Local Boards. Each local board shall conduct a manual audit of voter-verifiable paper records:

(1) After each statewide general election; and

(2) After a statewide primary election at the direction of the State Administrator.

C. Reporting of Audit Results.

(1) Within 14 days after the conclusion of the manual audit, the State

Administrator shall post on the website a report that describes:

(a) The precincts and number of votes selected for the manual audit in each county and the manner in which the precincts and votes were selected;

(b) The results of the manual audit; and

(c) Any discrepancy shown by the manual audit, its source, if it can be determined, and how the discrepancy was resolved.

(d) Recommended improvements to the election process and the audit process.

Comment: law says SBE

Comment: This is verbatim from the statute. The regulation should add guidance. How will the precinct and votes be selected? What will be the method for random picks? Dice are recommended. There should be a public ceremony, with sufficient notice so the public can observe.

(2) Before the State Board of Canvassers certifies the results of an election, the State Administrator shall post on the website information about the automated audit, including:

(a) An overview of the automated audit process;

(aa) The number of ballots by precinct that could not be validated by the automated audit process, either because the voter's ballot had been duplicated so the image did not represent the ballot that the voter had verified, or because the ballot was an ExpressVote summary ballot and the automated software audit did not independently evaluate the text of the summary ballot that the voter could verify, but instead used the QR code (based on the voting system's proprietary software) that the voter could not verify.

(b) The audit reports generated for each county; and

(c) An explanation of any discrepancy greater than 0.5% of total votes cast in any given contest; and

(d) Any additional steps taken to resolve any discrepancy and suggested changes to processes to avoid such discrepancies in the future.

Comment: More specifically, what audit reports are expected?

.09 Post-Election Audit - Ballot Tabulation Audit - Manual Audit.

A. In General.

A. At least 10 days before the manual audit starts, provide notice of the random drawing and the manual audit by:

(1) Posting the notice on the SBE and LBEs websites; and ...

B. Allow, to the extent practicable, for public observation of each part of the manual audit process.

C. Prior to the selection of the precincts to be audited, the initial results for each precinct and each other audit unit, such as each batch of absentee and provisional ballots and each early voting site machine results, must be publicly posted.

D. The random drawing of the precincts and other audit units should be done in a process that is truly random and publicly observable, such as by rolling ten-sided dice.

E. The staff conducting the audit cannot know the results for the ballots they are auditing.

(1) A local board shall allow, to the extent practicable, for public observation of each part of the manual audit process.

(a) The random drawing should be part of a public ceremony.

(b) The public should be able to actually view the paper ballots and audit process close enough to see the markings on the ballots and the recording of the votes as interpreted by the auditors.

Comment: Rolling dice is better than drawing slips of paper from a hat : slips of paper in a hat may not be adequately mixed and it must be observable that all of the possible samples are represented by the slips once and only once.

Comment: This is the exact same wording as the law D5. A regulation should more specifically define how the law will be carried out. For instance, how specifically will the precincts be randomly chosen?

(2) If there is a discrepancy greater than 0.5%, the State Administrator:

(a) Shall require the local board to resolve or explain the discrepancy;

(b) Shall compare the manual audit results to the automated audit results;

(c) May expand the manual audit; and

(d) May take any other actions it considers necessary to resolve the

discrepancy.

Comment: The law says the SBE.

B. **Primary Election Audit.**

The State Board may complete a manual audit of the voter verifiable paper records in the same manner as specified for a general election.

(1) The State Administrator shall require a local board to conduct a manual audit of voter-verifiable paper records if the automated audit shows a discrepancy in any precinct of greater than 0.5% of total votes cast in any contest and the discrepancy cannot be resolved or explained.

(2) The local board shall conduct the manual audit of the precinct in accordance with instructions issued by the State Administrator.

(3) If a local board is directed to conduct a manual audit, the local board of canvassers shall not certify the results of the primary election until:

(a) The manual audit of the precinct with the unresolved or unexplained discrepancy is complete;

(b) The local board provides the State Administrator with a written report and findings of the manual audit; and

(c) The State Administrator concurs with the report and findings.

C. **General Election Audit.**

(1) At least 60 days before the election, the State Administrator shall instruct each local board as to the minimum number of voter-verifiable paper records from early voting and the absentee and provisional canvasses to audit manually.

(2) The State Board shall select the contest to be manually audited and randomly select the precincts to be manually audited.

(a) The State Board shall select the precincts and contest to be manually audited within 15 days after the election. The initial results for each audit unit must be publicly posted prior to the random drawing.

(b) The State Board may exclude certain precincts based on the number of registered voters in that precinct in each county before randomly selecting precincts.

(3) A local board shall conduct a manual audit of voter-verifiable paper records cast during the election as follows:

(a) For voter-verifiable paper records cast during early voting, the local board shall manually audit a number equal to at least 1% of votes cast in the previous comparable election.

(b) For voter-verifiable paper records cast on election day, the local board shall manually audit at least one randomly chosen precinct in the county and any other precincts selected by the State Board, for a total of at least 2% of the precincts state wide.

(c) For voter-verifiable paper records canvassed during the absentee canvasses, the local board shall audit a number equal to at least 1% of the statewide total of absentee ballots from the previous comparable general election. If the voter's original ballot was transcribed onto a new ballot, it is the original that must be audited.

(d) For voter-verifiable paper records canvassed during the provisional canvasses, the local board shall audit a number equal to at least 1% of the statewide total of provisional ballots from the previous comparable general election.

(4) A local board shall complete the manual audit within 120 days after a general election.

Comment: The law says: **Statewide primary election.** -- Following each statewide primary election, the State Board: (1) shall complete an automated software audit of the electronic images of all ballots cast in the election; and (2) may complete a manual audit of voter-verifiable paper records in a manner prescribed by the State Board.

Comment: Shouldn't these instructions comply with the regulations for manual audits after the general election?

Comment: Where is this in the law? The law seems to presume that all contests are audited.

Comment: The method for providing public notice and the method for selecting the random precincts should be specified. The random drawing should be shortly before the audit starts.

Comment: NO!! For an audit to be valid, no samples may be excluded. Otherwise, an attacker could focus on those samples.

Comment: There needs to be more detail regarding how this is done. If an early voting site is chosen, are all the ballots audited? The ballots from one machine? The ballots from one machine on one day? ...

Comment: This leaves too much latitude to the SBE to pick precincts without requiring random samples or a distribution of samples across all counties.

Deleted:

Comment: There should be more detail about how this will be done. The absentee ballots are run in batches. The initial counts for each batch should be posted, and the batches to be sampled must be randomly selected in a public ceremony. The same applies to provisional ballots.

Comment: What happens if the manual audit finds large discrepancies? How is the audit expanded? What algorithm is used? Are the results posted on the website?

.10 Post-Election Audit – Ballot Tabulation Audit – Automated Audit.

The State Administrator shall complete the automated audit of:

A. Early voting and election day results before the local boards of canvassers certify the election results; and

B. Absentee and provisional results before the State Board of Canvassers certifies the election results.

The vendor performing the automated audit must be blind to the initial results.

Comment: The SBE should work out specific procedures for keeping the vendor blind as to the initial results because the results will be posted on the website. The regulations should specify the chain of custody procedures for providing the election results to the vendor.

Comments on proposed Maryland Audit Regulation 33.08.05, **Post-Election Verification and Audit**, published in the Maryland Register Volume 46, Issue 5. Comments are due April 1 to Tracey Hartman, Director of Special Projects, traceye.hartman@maryland.gov.

The document, *Principles and Best Practices for Post-Election Tabulation Audits*, (https://electionaudits.org/files/bestpracticesfinal_0.pdf) provides guidance for designing post election audits that protect against a wide variety of risks and provide evidence about the accuracy of the tabulation. Our suggestions regarding Maryland's audit regulations are based on the guidance in this document. In the boxes below are selected portions of the Principles document most relevant to Maryland's proposed regulations with associated suggestions for Maryland's regulation.

1. EXAMINATION OF VOTER-VERIFIABLE PAPER BALLOTS

Audits require human examination of voter-marked paper ballots — the ground truth of the election. Voter-marked paper ballots may be marked by hand or by ballot marking device. Audits cannot rely on scanned images or machine interpretations of the ballots to accurately reflect voter intent.

c. The audit treats as authoritative only marks on paper that the voter could verify. It does not rely upon the accuracy of barcodes (including QR codes), images of ballots, electronically transmitted ballots, remade ballots or other unverified products of the election system.

d. The auditors do not know the machine interpretations or counts of the ballots they are auditing.

Maryland regulations include both an "automated audit" (a retabulation of images created by the original voting system) and a "manual audit". The "automated audit" does not access the voter-verified evidence (the paper ballots) at all. It hence does not satisfy the requirements of this principle. The automated audit is not even based solely on images of the voter-verified ballots. For ExpressVote machines, it relies on the QR code that voters cannot verify. For remade ballots, it is based on images of the transcriptions that were not verified by voters. The automated audit reports should disclose the number of both ExpressVote Ballots and remade ballots, as these pose yet another level of indirection from voter-verified evidence.

The manual audit does access paper ballots, but, in the case of remade ballots, relies on the transcriptions not viewed by voters, and not on the original voter-verified ballots. Maryland's manual audit regulations should specify that only the original, voter-verified ballot be audited for any remade ballot.

(d) For both the "automated audit" and the manual audit, the regulations should be amended to include procedures to ensure that "the auditors do not know the machine interpretations or counts of the ballots they are auditing."

2. TRANSPARENCY

Elections belong to the public. The public must be able to observe the audit and verify that it has been conducted correctly, without interfering with the process.

a. Detailed auditing procedures are developed and published well in advance of elections, with reasonable opportunities for public comment. These include procedures for selecting contests and audit units, cataloguing the paper records and counting the votes. Similarly, algorithms used to determine when more units need to be audited and when the audit can end are published and subject to public comment.

b. The public is given sufficient notice and access to observe key parts of the audit. The public is offered access to evaluate evidence of ballot protection, from ballot retrieval through manual examination, with reasonable opportunities for public comment. The public has sufficient access to witness the random drawing, ballot retrieval, and other audit procedures, and to verify that voter marks are interpreted correctly on the audited ballots. Election officials have the authority to prevent the public from hampering the proceedings.

c. The public is provided with all necessary information to replicate all decisions and calculations made in support of the audit. The tabulated vote subtotals by audit unit (if such subtotals are used in the audit) and overall totals are published (presumably on the official elections website) or committed, before the random selection of audit units, as is the ballot manifest that details how the ballots are stored. Other necessary information includes, when applicable, the random seed(s), and the auditors' interpretations recorded during the audit.

(a) The Maryland manual audit regulations are lacking the detail needed to ensure transparency. The method for randomly selecting samples must be specified. We recommend dice rolls during a public ceremony as a best practice for transparency. The rules for public observation of the audit itself should be included to ensure that "the public has sufficient access to verify that voter marks are interpreted correctly on the audited ballots." The algorithm for expanding the manual audit, if significant discrepancies are found, should be included in the regulation.

(b) The regulations should specify how and when the SBE and LBEs notify the public about key audit steps such as the random drawing and the examination and interpretation of the paper ballots that the public may observe.

(c) The regulations must specify that all the tabulated vote subtotals by audit unit are published prior to the random drawing. For instance if a precinct has two scanners and each scanner is treated as an audit unit, then the subtotals for each scanner must be published. For absentee voting, if each batch is an audit unit, then the subtotals by batch must be published. For early voting, the results of each machine can be treated as a subtotal and published prior to the random drawing.

3. SEPARATION OF RESPONSIBILITIES

Neither the policy and regulation setting for the audit, nor the authority to judge whether an audit has satisfied those regulations, shall be solely in the hands of any entity directly involved with the tabulation of the ballots or the examination of ballots during the audit.

a. Where state or local election officials are directly involved in ballot tabulation or handling ballots during an audit, some other entity or entities establishes the high-level audit policies – such as how to determine the contests and number of audit units to be audited, and how to select the particular audit units. This entity might be the legislature, an existing state agency (e.g., the Department of State or the Auditor’s Office), or a new independent commission.

The law seems to indicate that all contests on the ballot are audited while the regulation stipulates: "*The State Board shall select the contest to be manually audited.*" The State Board has the responsibility for carrying out the elections. Granting it the power to select the one and only contest does not sufficiently separate the responsibilities.

4. BALLOT PROTECTION

All the ballots being tabulated and audited must be verifiably protected from loss, substitution, alteration or addition.

c. The audit begins as soon as possible after the random selection of audit units, which commences as soon as feasible after election officials provide the data needed for the audit. Timely auditing reduces concerns about ballot tampering.

The regulation should detail the exact timing of the random drawing, as well as the actual audit. The audit should start hours, not months, after the random drawing, which, itself, should begin soon after the election.

5. COMPREHENSIVENESS

All jurisdictions and all validly cast ballots, including absentee, mail-in and accepted provisional ballots, must be taken into account. No

contest should be excluded *a priori* from auditing, although some contests may be prioritized.

The regulation fails this Principle by saying: "*The State Board may exclude certain precincts based on the number of registered voters in that precinct in each county before randomly selecting precincts.*" Excluding any precinct *a priori* leaves that precinct's votes at increased risk. Also, auditing just one contest, as is specified in the proposed regulation, excludes all other contests *a priori* from auditing, and provides no evidence that the outcomes of any other contests were correct.

6. APPROPRIATE STATISTICAL DESIGN

Audits should produce and scientifically assess evidence about tabulation accuracy while making efficient use of available resources...

- b. Statistical experts knowledgeable about post-election audits participate alongside stakeholders in designing the audit process.
- c. Audit units are selected using appropriate publicly verifiable random sampling methods. (One sound approach is to have many stakeholders and observers make a total of 20 rolls of ten-sided dice to generate a random "seed" for a well-designed pseudo-random number generator (PRNG). Statistical experts should be consulted on the specifics of mapping the sequence(s) of random numbers to particular audit units.)
- f. If audits that are not risk-limiting are combined with, or used instead of, RLAs, they use valid risk-measuring designs, in order to assess the strength of the audit evidence that the reported outcomes are correct.
- g. ... audit units are defined to be as small as the voting equipment supports: single ballots (or cards) are most efficient; smaller batches are preferable to larger batches; individual voting machines are preferable to entire precincts; and individual early voting machines daily totals are preferable to entire early voting sites.
- i. Criteria are specified for the circumstances under which additional audit units should be audited, and how many — or, if applicable, under what circumstances a full hand count should be conducted.

(b) The regulation should specify the source of statistical expertise for supporting the audit.

(c) The regulation should specify the method for random sampling. True random sampling is trickier than it sounds. Picking every *n*th ballot may sound random, but is not. Picking slips of paper out of a hat may not be uniformly random either, favoring clusters of related slips. The method should be well vetted as being truly random. The method must also ensure that all possible samples have a chance to be selected.

(f) After the audit, a report should include the measured risk to convey the strength of the audit. The measured risk for each contest will primarily depend on the number of audit samples and the margin of victory.

(g) The regulation should specify the audit units for each method of voting. The audit should be as efficient as possible (i.e. having as strong evidence as possible given the work done or number of ballots examined). Ideally, the audit units for precinct voting would be each scanner at each precinct, but the law does not seem to allow for that since the law says: "the State Board shall complete a manual audit of: at least 2% of precincts statewide." The law, however, seems to allow audit units to be defined as small as practical for early voting, absentee voting and provisional voting: *"a number of votes equal to at least 1% of the statewide total in the previous comparable general election of each of the following, including at least a minimum number of each of the following in each county, as prescribed by the State Board:*

1. *early votes;*
2. *absentee votes; and*
3. *provisional votes."*

For early voting, we recommend each voting machine of early voting be a separate audit unit. For early voting, such an audit unit is the smallest unit that is practical to both subtotal the results and separately store the associated ballots. For absentee ballots and provisional ballots, we recommend one of two methods. Either Maryland could collect and publish the subtotals by batch, making each batch an audit unit. Or, for those counties with DS850s, Maryland could imprint each ballot sheet with a unique number and then perform an audit at the ballot sheet level because for each ballot sheet the machine would have the cast vote record stored (the cast vote record is the machine's interpretation of that ballot sheet) and it would be possible to compare the cast vote record with the hard copy of the ballot sheet. Ballot-level comparison audits, if the voting system can support them, are the most efficient method.

7. RESPONSIVENESS TO PARTICULAR CIRCUMSTANCES

Audit processes must include a way to respond to circumstances that come to light affecting particular devices, ballots or contests.

- a. Factors such as major election-day problems or preliminary results that deviate significantly from historical voting patterns might focus interest in particular sets of ballots, "targeted samples." Such targeted samples may be selected by candidates, issue committees, parties, election administrators, or others as provided by regulation.
- b. A requested targeted sample may be used either in conjunction with a random audit, or by itself for a contest not selected for audit.

Maryland's law mandates that minimum amount of the auditing be based on random sampling, but it leaves room for additional auditing as warranted. The regulation should include the process and authority for responding to particular

circumstances. Maryland has a law that allows a candidate to petition for a partial recount (12-101), but under that law only the candidate can ask for it. The State Board of Elections, Local Boards of Elections as well as issue committees and political parties should be able to request auditing of a targeted sample based on particular circumstances.

8. BINDING ON OFFICIAL OUTCOMES

Audits, including any full hand counts that result, must be completed in time to change official outcomes if hand counts so indicate.

- a. Because audits can lead to 100% hand counts, audit and recount provisions should be appropriately harmonized.
- b. The election calendar may have to be adjusted to provide time to complete the audit before results are finalized.

The audit should happen before certification.

9. INVESTIGATING DISCREPANCIES AND PROMOTING CONTINUOUS IMPROVEMENT

The data gathered from post-election audits should be analyzed and used to continuously improve voting processes.

- a. All discrepancies are recorded, their causes are investigated, and they are categorized by apparent cause — regardless of whether they raise doubts about outcomes. The broad categories include: (1) Machine and election process errors (e.g. ballot programming error, lens scratch, ballot crease interpreted as a mark); (2) Audit errors (e.g. wrong ballot retrieved, miscount in audit); (3) Computer misinterpretations of voter intent (e.g., mark in target area not intended as vote, overvote intended as a correction).
- b. The discrepancies found are compared to historical results. Recommendations to reduce future discrepancies are developed and implemented.
- c. Suggestions and action plans are developed for reducing future discrepancies, including better ballot design and instructions, improved training for officials conducting the initial tabulation or the audit, etc.

The wording of the reporting required in the regulation is taken directly from the law: *"the State Board shall post on its website a report that describes:*

- (i) the precincts and number of votes selected for the manual audit in each county and the manner in which the precincts and votes were selected;*
- (ii) (b) The results of the manual audit; and*
- (iii) any discrepancy shown by the manual audit and how the discrepancy was resolved."*

It would be helpful if the regulation included both quantitative and qualitative results of the manual audit as well as recommendations for election process improvements.



Comments on proposed Maryland Audit Regulation 33.08.05, Post-Election Verification and Audit

1 message

Luther@ctvoterscount.org <Luther@ctvoterscount.org>
To: traceye.hartman@maryland.gov

Mon, Apr 1, 2019 at 4:19 PM

Tracey Hartman, Director of Special Projects
traceye.hartman@maryland.gov

RE: Comments on proposed Maryland Audit Regulation 33.08.05, Post-Election Verification and Audit

We the undersigned are all members of State Audit Working Group (SAWG). SAWG has been meeting weekly since 2008 to improve post-election audits. We also contributed to the Principles and Best Practices for Post-Election Tabulation Audits and its predecessor document.

We submit the attached comments.

Luther Weeks, State Audit Working Group, Moderator
Luther@CTVotersCount.org

Harvie Branscomb, Colorado Election Quality Advocate*

Neil McBurnett, Election Audits*

John McCarthy, Computer Scientist (retired), Lawrence Berkeley National Laboratory and voting integrity volunteer advocate since 2004.*

Stephanie Singer, Data Scientist, Former Chair, Philadelphia County Board of Elections*

Poorvi Vora, Professor of Computer Science, George Washington University*

Luther Weeks, CTVotersCount, CT Citizen Election Audit*

* Affiliations for identification only

 **MD33-08-05Comments.pdf**
252K

Md. Election Law Code Ann. § 11-309

Copy Citation

Current through 2018 Regular Session and legislation effective January 1, 2019.

- [Annotated Code of Maryland](#)
- [ELECTION LAW](#)
- [TITLE 11. CANVASSING](#)
- [SUBTITLE 3. VOTE CANVASSING BY LOCAL BOARD](#)

§ 11-309. Postelection tabulation audit

(a) Definitions. --

- (1) In this section the following words have the meanings indicated.
- (2) "Manual audit" means inspection of voter-verifiable paper records by hand and eye to obtain vote totals in a contest that are compared to the vote totals produced for that contest by the electronic voting system.
- (3) "Previous comparable general election" means:
 - (i) in a presidential election year, the presidential election held 4 years earlier; and
 - (ii) in a gubernatorial election year, the gubernatorial election held 4 years earlier.
- (4) "Voter-verifiable paper record" has the meaning stated in § 9-102 of this article.

(b) Statewide general election. -- Following each statewide general election, the State Board shall conduct an audit of the accuracy of the voting system's tabulation of votes by completing:

- (1) an automated software audit of the electronic images of all ballots cast in the election; and
- (2) a manual audit of voter-verifiable paper records in accordance with subsection (d) of this section.

(c) Statewide primary election. -- Following each statewide primary election, the State Board:

- (1) shall complete an automated software audit of the electronic images of all ballots cast in the election; and
- (2) may complete a manual audit of voter-verifiable paper records in a manner prescribed by the State Board.

(d) Manual audit. --

- (1) Following each statewide general election, the State Board shall complete a manual audit of:
 - (i) at least 2% of precincts statewide, including:
 1. at least one randomly chosen precinct in each county; and
 2. additional precincts selected by the State Board; and
 - (ii) a number of votes equal to at least 1% of the statewide total in the previous comparable general election of each of the following, including at least a minimum number of each of the following in each county, as prescribed by the State Board:
 1. early votes;
 2. absentee votes; and

3. provisional votes.

- (2) The manual audit shall be completed within 120 days after the general election.
 - (3) If the manual audit shows a discrepancy, the State Board may:
 - (i) expand the manual audit; and
 - (ii) take any other actions it considers necessary to resolve the discrepancy.
 - (4) Within 14 days after the conclusion of the audit, the State Board shall post on its website a report that describes:
 - (i) the precincts and number of votes selected for the manual audit in each county and the manner in which the precincts and votes were selected;
 - (ii) the results of the manual audit; and
 - (iii) any discrepancy shown by the manual audit and how the discrepancy was resolved.
 - (5) The State Board shall allow for public observation of each part of the manual audit process to the extent practicable.
- (e) **Effect and purpose of audit.** -- An audit under this section:
- (1) may not have any effect on the certified election results; and
 - (2) shall be used to improve the voting system and voting process for future elections.
- (f) **Regulations.** -- The State Board shall adopt regulations to carry out this section.

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

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Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

MEMORANDUM

DATE: March 15, 2019
TO: State Board Members
FROM: Paul Aumayr, Voting System Director
SUBJECT: 2018 General Election Bulk Update Issue

At the close of early voting for each election, the log files (electronic records of transactions) from the electronic pollbooks are collected and transmitted to SBE. The EPIC (Electronic Pollbook Interface and Control) system processes these files, and passes the data on voters who checked in during early voting to the MDVOTERS system. The MDVOTERS system changes the status of these voters to 'voted early'. Throughout the early voting period, those voters who requested an absentee ballot have their status updated to 'Absentee requested' in MDVOTERS too. This data is then passed to EPIC for processing so that it may be applied to the pollbooks used on election day. The process of updating voter information on the electronic pollbooks used on election day is called the bulk update. This bulk update changes the status of these voters in the electronic pollbooks, so that they can only be offered a provisional ballot on election day.

For the 2018 General Election, approximately 7,300 voters who had either registered during early voting and voted in the early voting center or requested an absentee ballot did not have their statuses updated via the bulk update. Of the 7,300 voters who were affected, approximately 50% were voters who requested an absentee ballot and the other 50% were voters who had registered and voted at an early voting center.

This issue was noticed as the local boards applied the bulk update to the electronic pollbooks, and some noticed that during testing that the status updates were not applied. SBE investigated and issued correct update files, as well as lists of the affected voters and instructions on how to proceed for the local boards and the election judges.

Since then, SBE has been working on updating its bulk update procedures and will be adding additional 'checkpoints' during the process to verify data is correct prior to being forwarded to the local boards. These updates procedures will be in place in time for the 2020 election cycle.

Some transactions that occurred during the early voting period may not have been recorded on the electronic pollbooks. Voters who requested an absentee ballot or participated in same day registration/address change and voted during early voting must be issued a provisional ballot.

Chief Judge Instructions: Distribute these instructions to each check-in judge. Make sure the check-in judges know to refer to the list of voters when they process a voter with “Record Updated” in the Comments section. If a voter appears on the attached list, issue a provisional ballot using Reason Code 9 – Other.

Distribute these instructions to each provisional judge. Make sure the provisional judge(s) are using Reason Code 9 – Other and writing “State List” on the provisional ballot application and reading the statement below to the voter.

Check-in Judge Instructions: As you process a voter on the electronic pollbook, check the Comments section at the bottom of the Voter Record screen.

If “Record Updated: 11/02/2018” or “Record Updated: 11/03/2018” appears in the Comments section, check the attached list for the voter’s name. If the voter’s name is listed, the voter must be issued a provisional ballot. Call a chief judge to issue a provisional ballot to the voter. Use Reason Code 9 - Other.

DO NOT ISSUE A STANDARD BALLOT.

If no text stating “Record Updated:” appears in the Comments section, proceed to check in the voter as normal.

Provisional Judge Instructions: If a voter needs to vote a provisional ballot because the voter appeared on the State list, use Reason Code 9 – Other and write “State List” on the explanation line on the provisional ballot application. Read the following statement to the voter:

“You are voting a provisional ballot today because your name appeared on a list issued by the State Board of Elections as potentially voted during early voting or requested an absentee ballot between Saturday, October 20th and Thursday, November 1st. If you have any questions, you may contact 1-800-222-8683 printed on the bottom of the provisional instruction page.”

Local Board Salary Approval

<u>LOCAL BOARD</u>	<u>RESPONDED</u>	<u>APPROVE</u>	<u>OPPOSE</u>
<i>Anne Arundel County</i>	No Response		
<i>Baltimore City</i>	No Response		
<i>Baltimore County</i>	No Response		
<i>Caroline County</i>	No Response		
<i>Carroll County</i>	No Response		
<i>Cecil County</i>	Responded	Approved – County Executive 4/5/19	Member, Maryland Rural Counties Coalition - See 4/22/2019 Letter
<i>Charles County</i>	Responded	Approved 4/4/19	Member, Maryland Rural Counties Coalition - See 4/22/2019 Letter
<i>Dorchester County</i>	Responded	Approved 4/19/19	Member, Maryland Rural Counties Coalition - See 4/22/2019 Letter
<i>Frederick County</i>	No Response		
<i>Garrett County</i>	No Response		
<i>Harford County</i>	Responded	Approved – County Executive 4/5/19	
<i>Howard County</i>	No Response		
<i>Kent County</i>	No Response		
<i>Queen Anne’s County</i>	No Response		Oppose 4/23/19- County Admin, Member, Maryland Rural Counties Coalition - See 4/22/2019 Letter
<i>St. Mary’s County</i>	Responded	Approved 4/17/19	Member, Maryland Rural Counties Coalition - See 4/22/2019 Letter
<i>Somerset County</i>	No Response		
<i>Talbot County</i>	No Response		

Local Board Salary Approval

<i>Washington County</i>	Responded	Approved 4/18/19	Member, Maryland Rural Counties Coalition - See 4/22/2019 Letter
<i>Wicomico County</i>	No Response		
<i>Worcester County</i>	No Response		



April 22, 2019

David J. McManus
Chairman, State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486
VIA EMAIL

Re: Local Board of Elections – Salary Proposal

Dear Chairman McManus:

Thank you for the opportunity to weigh in on the salary proposal the State Board of Elections is contemplating for local Board of Elections employees. I am providing a response to the proposal on behalf of the Maryland Rural Counties Coalition. The Coalition is a Chapter Organization of the Maryland Association of Counties (MACo) and takes positions on more regional or localized issues where not all counties are similarly impacted. The salary proposal would apply to all of our member counties except Allegany and Calvert Counties. Therefore, the MRCC strongly opposes the salary proposal under consideration.

First, let me say that as elected officials, our members have all interacted with the staff at our local Board of Elections offices. We have found them competent, professional, and helpful. We respect and value the work they do and the vital role they play in ensuring a well-run election process.

However, these valued employees are not uniquely different than any other sector of our public workforce, in whom we also need a high degree of knowledge and experience. Whether it is the police, firefighters, or correctional employees who ensure public safety, or the public works employees who keep our roads and bridges safe and open for travel, each public employee plays a necessary and important role in serving our citizens.

The proposed 9% increase for FY20 and 8% increase for FY21 far outpaces the raises we are able to afford to give to our own workforces. We understand that certain positions are also being reclassified, so individual salary increases may be even higher. In contrast, our members are currently proposing salary increases closer to 3%, with many counties not able to do even that much. Additionally, current salaries of Elections employees are within or above the salary range of other public sector employees in their respective counties. For example, in Caroline County, the average salary of Elections employees is \$52,333 – well above the \$47,123 average salary of County government employees. We would request the State Board undertake a market salary analysis by county and share the results prior to contemplating such substantial salary increases.

MARYLAND RURAL COUNTIES COALITION

ALLEGANY | CALVERT | CAROLINE | CARROLL | CECIL | DORCHESTER | FREDERICK | GARRETT | KENT
QUEEN ANNE'S | SOMERSET | ST. MARY'S | TALBOT | WASHINGTON | WICOMICO | WORCESTER

Our members do not begrudge local Elections employees fair salary increases. However, if you approve this salary proposal, you place each of us in the untenable position of having to explain why we are funding huge salary increases for your employees, while providing raises for our own people that could only be characterized as paltry by comparison. We strongly oppose the State Board of Elections using its authority to create such a disparate system of winners and losers among local public employees.

Further, the State Board has provided no data to demonstrate the “extreme difficulty” local Boards are having in hiring and retaining qualified employees. Turnover of talented and experienced employees is a concern we share. However, we have departments where recruitment and retention are notoriously difficult, including police, corrections, and EMS. We have member counties that experienced turnover of more than 10% for sworn officers last year alone. The burden on public safety created by this kind turnover is difficult to overstate. Anecdotally, staff from our member counties believe that the staffing in our local Boards of Elections has actually been more stable than the general county workforce, not less stable.

Before the State Board contemplates such a large salary increase, county governments request data on annual voluntary turnover by county, for the last five years. We cannot be expected to reasonably evaluate such a strong characterization of your hiring and retention difficulties, and therefore the reasonableness of your salary proposal, without such data.

For the reasons outlined above, our member counties opposed this salary proposal. We simply cannot justify its additional cost with the limited data provided or afford it in our current limited budgets. Such large increases in the face of our “new normal” budget realities, while we are also facing the unknown future burden of the Kirwan Commission recommendations, are irresponsible and unsustainable. Additionally, they send the message that we value one small and narrow group of public employees more than the thousands of other workers we have that also provide important, necessary services to the public. That is not a message we support.

We suggest that instead of treating every county the same, that the State Board of Elections determine annual salary increases for each local Board of Elections based on the salary increase the county government is providing to its workforce. This would treat the employees under your control the same way we treat ours – no better, no worse. That is a proposal that is fair and sustainable, and that would have our support.

Sincerely,



Jack Wilson, RCC Chairman
Queen Anne’s County

MARYLAND RURAL COUNTIES COALITION

ALLEGANY | CALVERT | CAROLINE | CARROLL | CECIL | DORCHESTER | FREDERICK | GARRETT | KENT
QUEEN ANNE’S | SOMERSET | ST. MARY’S | TALBOT | WASHINGTON | WICOMICO | WORCESTER

U.S. Election Assistance Commission
 2019 Standards Board Meeting
 April 11 - 12, 2019 - Memphis, TN

The draft agenda (adopted at the meeting) is available at <https://www.eac.gov/events/2019/04/11/standards-board-meeting-standards-board/>.

Welcoming Messages

EAC Commissioner Donald Palmer welcomed the members of the Standards Board. Secretary of State Tre Hargatt and U.S. Senator Marsha Blackburn gave via video welcoming remarks.

Federal Advisory Committee Act (FACA) Responsibilities and Role under HAVA

Cliff Tatum, EAC's Counsel, gave the presentation (available at <https://www.eac.gov/events/2019/04/11/standards-board-meeting-standards-board/>). The Standards Board's Designated Federal Officer (DFO) is EAC Commissioner Donald Palmer, and the DFO approves all meetings of the committees and subcommittees. Standards Board meetings are public meetings, but meetings of the Standards Board's subcommittees are not. Standards Board members serve until replaced.

Office of the Director of National Intelligence (ODNI) - Unclassified Intel Briefing

Joe Morosco, Assistant Director of ODNI, and Manager for Counterintelligence for the National Counterintelligence and Security Center (NCSC), offered strategic insights of threat landscape through 2020 and beyond and associated challenges. The threats are more dangerous and damaging than ever before and include election administration, campaigns, and public information. Intelligence community expects that the 2020 elections will be targeted.

- Future targeting won't look like what was seen in 2016 and 2018. Bad actors are learning and adapting to the measures we have put in place. Expected activities include gaining control of supply chains, mergers/acquisitions that give bad actors access to election industry, insider threats, "deep fakes," etc.
 - Russia likely to exploit social media to aggravate - disinformation, manipulate data, etc.
 - China likely to censor viewpoints that are counter to China's interests
 - Non-government threats now have cyber capabilities that previously were only available to government actors
- Suggestions to protect election systems and processes
 - Establish and maintain partnerships with intelligence community and U.S. Department of Homeland Security (DHS) - Engagements with election officials have helped DHS learn about the election process
 - Identify weaknesses and mitigate those weaknesses
 - Know vendors and subcontractors
 - Identify key indicators of compromise

Spencer Fisher, Chief Counsel for NCSC and former attorney in the U.S. Department of Justice's (DOJ) Civil Rights Division, shared that the intelligence community and counter threat community takes threats to election community very seriously. He uses his knowledge from his time in the DOJ to educate colleagues in the federal government.

- Leading up to the 2018 elections, federal officials issued alerts and warnings related to election systems and processes.

- The Director of National Intelligence has reported that Russia, China and Iran tried to impact the 2018 elections.
- Federal agencies are working together to protect elections.

Christopher Wright, Cyber Infrastructure Security Agency (CISA), DHS

- CISA is the lead federal agency responsible for securing election infrastructure and prioritizes elections on a daily basis.
 - Priority is expanding services to election officials and campaigns
 - Currently working with election officials from all 50 states and hundreds of local election officials but want to expand services to smaller and mid-sized counties
 - Expand security clearances to local election officials
 - Conduct another national table top exercise in June 2019
- CISA's 2020 Goals
 - 100% auditability
 - Incentivizing patching election systems
 - Implement NIST framework
 - Educating funders on election risk environment and importance of on-going funding to protect election systems
 - Educate local election officials of DHS' services
- CISA's 2020 Approach - Preach, Plan & Participate
 - Preach - educate
 - Plan - know about election process
 - Participate - vote
- Questions
 - Presume that the federal government wants to be involved in response to cyber incident but not clear about to whom to report information. Generally, EI-ISAC reporting structure is the best way to notify federal agencies quickly. On Election Day, use the national reporting structure. DHS intends to continue this structure for future election days.

EAC Update - Brian Newby, Executive Director, Election Assistance Commission, reviewed the 2018 Annual Report (distributed at the meeting). His presentation is available at <https://www.eac.gov/events/2019/04/11/standards-board-meeting-standards-board/>.

- New mission statement: "...helps election officials improve the administration of elections and helps Americans participate in the voting process." The most visited page of EAC's website is its voter registration page with links to state's online voter registration page and federal voter registration form.
- EAC's budget has significantly declined over the last 9 years, and the number of EAC staff has decreased from 45 people in 2010 to 22 in 2019. Staff and operating costs are \$2.8 million, and the remainder of the budget is allocated to NIST (\$1.25 million), Inspector General (\$1 million), Commissioners (\$875,000), EAVS (\$460,000), Testing & Certification (\$539,000), advisory boards (\$550,000), Bureau of Financial Services (\$575,000), statutory provisions (\$585,000), etc.
- Roles of EAC's Advisory Boards
 - TGDC "assist the Executive Director of the Commission in the development of the voluntary voting system guidelines"
 - Standards Board and Board of Advisors - In preparing the program goals, long-term plans, mission statements, etc., the EAC's Executive Director shall consult with the advisory boards.

- Government Coordinating Council includes representatives of the EAC and members of the Board of Advisors and Standards Board.
- HAVA Election Security Funds: Initial plans showed voting equipment was priority for funding, but recent spending reports show that 58% of the funds spent to date have been spent on cyber security. Rhode Island used funds to invest in technology to monitor for malware. EAC created an “Election Security” video, and several states customized the video with their state-specific measures.
- Testing & Certification: Certified 55 voting systems or modifications from 7 vendors, including 13 systems in 2018. 2 voting systems have been certified in 2019. The voting system labs expect to test 5 systems from each vendor in 2019. Conducted 11 “Election Official as a Manager” trainings in different states and provided assistance and training on risk-limiting audits. (Jerome Lovato of the EAC was a former election official in Colorado.)
- VVSG 2.0 - Vote to move forward on VVSG 2.0 was first action of the full complement of EAC Commissioners. First of 3 public hearings was held on April 10th.
- Election Administration & Voting Survey (EAVS): Released series of election data issue briefs (“EAC Deep Dives”). Report of 2018 EAVS will be issued in June 2019 at its data summit.
- Providing Assistance: Focus on accessibility for individuals with disabilities, individuals for whom English is a second language (Language Access Summit), and overseas and military voters. Exploring regional Language Access summits and summit focused on Native American voters.
- Highlighting Best Practices: 2018 “Clearies” competition to identify and share best practices in election administration. Hoping to expand categories in 2019 and in the future. In 2018, EAC formed Disaster Preparedness and Recovery Working Group and in 2019, will focus on developing resources to assist in recovery and partner with federal aid agencies.

Luncheon Keynote Speaker: Eric Dreiband, Assistant Attorney General & Chief, Civil Rights Division, U.S. Department of Justice, summarized the various federal laws related to elections (e.g., UOCAVA, NVRA, HAVA) and other civil rights laws that impact elections (e.g., ADA) and election-related roles of various DOJ divisions. Various guidance on federal laws is available on DOJ’s website.

Lunch Panel - Disaster Management & Recovery

Candace Grubbs, Clerk/Recorder and Registrar of Voter, Butte County, California. Her presentation (videos of the Camp Fire) is available at <https://www.eac.gov/events/2019/04/11/standards-board-meeting-standards-board/>.

- Paradise, the center of the recent Camp Fire in California, is in Butte County
- Election office was not at risk because located in building with a concrete parking lot.
- FEMA data shows where evacuees from the Camp Fire relocated - across the country. About 17,000 residents displaced by fire.
- No immediate elections scheduled but possible that there will be a recall election. Question about residency of displaced incumbents in current office and residency of displaced candidates in upcoming elections. State law uses language of “intention to reside.”
- Used press releases, social media, and mass mailings to communicate with voters

Roberto Benitez, CIO, Puerto Rico State Elections Commission. His presentation is available at <https://www.eac.gov/events/2019/04/11/standards-board-meeting-standards-board/>.

- Headquarters, 88 satellite facilities, and 110 precincts

- Preparing for Hurricane Maria - moved voter registration data cloud, identified assets and protected them as best they could, multiple back-ups distributed to multiple locations, moved computers to high ground and cover in plastic (about 20% of equipment survived).
- Hurricane Maria damaged election facilities.
- After Hurricane Maria - Within 1 week, 20% of HQ was operational and 15 satellite facilities. Used satellite facilities to operate. Started distributing emergency supplies (e.g., water, food) for community. Took 4-5 months for power to be stabilized. Challenge to keep equipment cool and correct humidity - lost some hardware as a result.
- Recommendations - document and review documents, train, implement best practices

Maria Matthews, Director of Elections, Florida Department of State. Her presentation is available at <https://www.eac.gov/events/2019/04/11/standards-board-meeting-standards-board/>.

- Complex and high interest election - Governor, U.S. Senate, 11 constitutional amendments with expected recounts
- Timing - UOCAVA ballots just sent, county election officials performing L&A.
- Preparing for Hurricane Michael - Learned about Hurricane Michael week of October 2nd and impacting 35 counties (panhandle and central to north counties on Gulf Coast). State offices closed October 9-12 and 14 counties. Staff provided from home bilingual support for hotline.
- After Hurricane Michael - Talk with local election officials and assess communication methods, ability to host early voting, status of facilities, etc. Displaced voters and voters from other counties supporting the counties need election access. Competing with other facilities (e.g., hospitals) for resources. Laws not updated to address disaster
- Lessons Learned - Look at COOP plan even though it may not be workable for particular disasters. Review documents and checklists. Document and understand process to obtaining services.
- 5 of 8 counties impacted by hurricane are conducting special elections.

VVSG & Requirements; Consideration of Resolution

Ryan Macris, Testing & Certification, EAC, provided a history of the VVSG 2.0 and potential timeframe for implementing VVSG 2.0. His presentation is available at <https://www.eac.gov/events/2019/04/11/standards-board-meeting-standards-board/>.

- History of VVSG 2.0:
 - TGDC approved structure of VVSG 2.0 in September 2016.
 - In September 2017, TGDC adopted VVSG 2.0.
 - TGDC, though NIST Director, presented recommendations to EAC's Executive Director in October 2017.
 - Standards Board and Board of Advisors adopted VVSG 2.0 in April 2018.
 - VVSG 2.0 was released for public comment on February 28, 2019.
 - Public comment period closes on May 29, 2019. 19 comments have been received to date; 10 comments were informational and not related to VVSG specifically, 8 comments were general in nature, 1 comment with comments to specific provisions.
 - TGDC meeting will be scheduled to review any changes to the VVSG 2.0 based on the comments.
 - Mid-July 2019 is the earliest date the EAC Commissioners could adopt VVSG 2.0.
- Implementation of VVSG 2.0 if test assertions are a "stand alone" documents
 - NIST and EAC finalize test assertions in September 2019
 - Draft Testing and Certification Program policies in October 2019

- Draft Testing and Certification Program processes and procedures from October - December 2019
- November 2020 - earliest EAC could start testing systems against VVSG 2.0
- Implementation of VVSG 2.0 if test assertions are included in requirements document
 - NIST and EAC finalize test assertions in September 2020
 - EAC vote on Testing and Certification Program policies in October 2020
 - September 2021 - earliest EAC could start testing systems against VVSG 2.0

Mary Brady, NIST Manager, reviewed the process for developing VVSG 2.0, including the public working groups, and the various parties involved. NIST's presentation is available at <https://www.eac.gov/events/2019/04/11/standards-board-meeting-standards-board/>.

- Principles and Guidelines: VVSG 2.0 has 18 principles and 53 guidelines compared to version 1.0's 221 pages.
- Requirements (low level guidance for manufacturers and labs) are not part of the principles and guidelines.
 - Considering removing overlapping requirements (e.g., temperature and humidity, programming language and coding standards, testing techniques) and referring to external standards where applicable and moving some requirements to external guidance or EAC certification manuals. External standards offer more flexibility when it comes to updates.
 - Reviewed categories of requirements and status of drafting requirements
 - There are several open issues (e.g., use of barcodes, audits), and NIST is requesting feedback on these open issues.
- Test methods/assertions (guidance to ensure necessary breadth/depth when testing systems) are not part of the principles and guidelines.
 - Over 1,200 test assertions developed for VVSG 1.0 and 1.1
 - In process

Sharon Laskowski, Human Factors, NIST

- Principle 2 - Guideline 2 and Principles 5-8 cover usability and accessibility.
- Human Factor Requirements
 - Assumption: All electronic interfaces meet all accessibility and usability requirements
 - Version 2.0 is updated and less prescriptive than prior version
 - Harmonized with current federal accessibility standards (e.g., Section 508)
 - Organized according to widely-accepted accessibility POUR - Perceivable, Operable, Understandable, and Robust - principles
 - Addresses all modes of interaction (e.g., visual, enhanced visual, audio, non-manual)
- Draft requirements, explanatory/guidance documents, and report templates and guidance are complete.
- Next Steps: Ensure that accessibility and usability is supported in other parts of the VVSG 2.0, update test methods, hold webinars to explain the updated and new requirements related to human factors (likely August 2019), research into verification of ballot selections by voters, and provide other guidance as needed (e.g., dual switch navigation)
 - January 2020: Expect to complete test methods and materials

Jemma Howell, IT Security Engineer at NIST and pollworker in Baltimore City

- Principles 9 -15 cover security
- Draft requirements complete

- New requirements
 - Auditability Requirements (Principle 9): machine support for post-election audits, support for risk-limiting audits and paper-based and end to end systems
 - Ballot Secrecy Requirements
 - Access Control Requirements: Logging can't be disabled, access control based on voting stage, role-based access control is not required, and require multi-factor authentication for critical operations
 - Physical Control Requirements: Mostly unchanged but exposed physical must be essential to voting operations, ports must be logically disabled, and all new connections and disconnections are logged
 - Data Protection Requirements: No hardware security requirements, require FIPS 140-2 validated cryptographic modules, encrypted with end to end authentication when transferred data
 - System Integrity Requirements (New area): Require risk assessment and supply chain risk management, removing non-essential services, security configurations and system hardening, etc.
 - Detection and Monitoring Requirements: Updates to list of log types, firewalls and intrusion detection systems, malware detection
- Open Issues
 - Indirect Voter Associations: Concerns about ballot secrecy for absentee and provisional ballots and ability to remove ballots from ineligible voters
 - Internet Connectivity for online voter, remote access software, and transmitting election results.
 - Cryptographic End-to-End Systems: If excluded, may limit innovation and eliminate a system that allows voters to verify that ballot is tabulated correctly
- Wireless Technology
 - Barcode and Encoding Schemes
- Next Steps: Finish discussions of "open issues," present to TGDC, and update based on TGDC comments, develop list of test strategies.

VVSG Questions & Answers

- Robert Dezmelyk, New Hampshire - Local Election Official
 - When will the Standards Board provide comments on and approve the requirements? The Standards Board previously approved the VVSG as "principles and guidelines." The Commissioners are not required to (because they are not part of the VVSG) but will likely do so.
 - Recommend that TGDC open up process and hear more from Standards Board members
- Dwight Sheldon, Colorado - State Election Official: Why are we considering requirements related to Internet connectivity and not requiring air gaps? "Open" because still deciding how to address in requirements (whether to prohibit Internet use or require air gap) and understanding impact on election administration if it is prohibited.
- Bob Gilles, New Jersey - State Election Official: What is the status of the Standards Board's recommendation from its 2018 resolution related to a process to update requirements in absence of a quorum of Commissioners? Version reviewed at the April 2018 Standards Board meeting (presentation is available on Standards Board's section of eac.gov) has not been updated.

- Bob recommended that Commissioners adopt - sooner rather than later - language defining the update process if there is an absence of a quorum and be adopted before the Commissioners vote on VVSG. Brian Newby explained that the plan was to present this language when the Commissioners vote on the VVSG after the public comment period.
- Commissioners are aware of the advisory board's recommendations
- Doug Kellner, New York - State Election Official: Recommend that the next Standards Board's meeting agenda include soliciting feedback from members (rather than the members "passively receiving" information) and provide in the meeting folder the VVSG 2.0.
 - Greg Riddlemoser explained that the TGDC, not the Standards Board, performs the bulk of the VVSG work and the work of the Standards Board comes from the TGDC.
 - Ryan Macris welcomes from the Standards Board feedback on the "open" issues.
 - Doug Kellner provided specific comments on Internet connectivity (wireless connection not needed for transmitting election results) and barcodes on ballots.
 - Existing, non-compliant systems should not lower standards. Standards are "voluntary," and states make decisions about whether to comply with new standards and get a new voting system.
 - No election integrity activist has convinced him that a system that reads the barcode violates election integrity principles. Programming to read the barcode is the same "black box" as the software that counts hand-marked ballots. Audits can confirm the accuracy of the system's reading of the barcode.
 - Brian Newby acknowledged a desire that "faster is better" but waiting to next year's Standards Board meeting does not satisfy that desire. He suggested that the Standards Board develop a process to provide comments between meetings.
- Paul Lux, Florida - Local Election Official: Explained that a blind voter can verify his or her ballot by re-inserting ballot for selections to be read back, and stated that requiring machine-marked ballots to list all candidates (not just the candidates selected by the voter) would stifle innovation.

No resolutions were presented.

Summary of Executive Board Meeting

- The Executive Board selected Brad King as Chairman, Ray Valenzuela as Vice-Chairman, and Steve Trout as Secretary
- Motion to create an ad hoc Disaster Preparedness and Recovery Committee was unanimously approved. I volunteered to be a member of this committee.
- I will continue to serve on the EAVS Committee, and Guy Mickey was assigned to the VVSG Committee and the Clearinghouse (?) Committee.
- Bob Gilles of New Jersey (State) and Paul Lux of Florida (Local) will be the Standards Board's representatives on the TGDC.
- Mark Goins of Tennessee (State) and Neal Kelley of California (Local) will be the Standards Board's representatives on the GCC.

Election Administration and Voting Survey (EAVS)

Dr. Nichelle Williams, EAC's Director of Research, thanked election officials for completing the 2018 EAVS survey. The EAVS most comprehensive nationwide data about election administration in the US. Data can be used to improve processes and identify where more research is needed. The 2018 EAVS survey was the EAC's eighth time of conducting the survey.

David Kuennen, Senior Research Program Specialist and EAC's lead on EAVS

- Academics, advocacy groups, litigants, and journalists use the data. Nine of the Election Performance Index's categories rely on EAVS data. Individuals interested in election security are now using EAVS data.
- Shows trends of online voter registration, expansion of electronic pollbooks, the phase out of lever machines (2008) and punch card ballots (2014), and growth of alternatives to in-person Election Day voting.
- Improving EAVS to make it easier to complete, improve data quality and completeness, and make data more accessible and easier to use.
- Changes to the 2016 EAVS instrument and data analysis include:
 - Section B (UOCAVA) working group to improve questions
 - Created call center to support election officials
 - Interactive online data presentation (including the ability to compare data from similarly sized jurisdictions)
 - Using 2016 data, issued "deep dive" white papers on: (1) voter registration; (2) early, absentee and by mail voting; (3) poll workers and polling places; (4) election technology; and (5) provisional ballots.
- Changes to the 2018 EAVS survey included a policy survey (replacing the statutory overview), embedding instructions into the survey, option to submit data online (as opposed to Excel spreadsheet), and improved questions about voting technology
 - Online data submission used mostly by local election officials, while most state election officials submitted the data via Excel spreadsheet
- Timeline of 2018 EAVS data reporting
 - Data "locked" and distributed to FVAP on April 1st
 - Submit data to Congress in June 2019
 - Election Data Summit in June 2019
 - Release of interactive data in August 2019
- Beyond 2018 EAVS
 - Section A Working Group reviewing and improving voter registration questions
 - Enhanced questions to collect data on election security
 - Public comment on the 2020 EAVS and Policy Survey will start in the 3rd quarter of 2019

Michelle Shafer, Senior Research Advisor on Elections Technology to Overseas Voting Initiative and CEO of Magenta Sage Strategies LLC. With funding from the Democracy Fund, reviewed UOCAVA ballot delivery and return rates with the goal of improving voting transaction success for UOCAVA voters

- Obtained data from survey of election officials. Careful to obtain information without jeopardizing security of systems and anonymised data.
- Securing voters' environments: Because election officials are unable to secure voters' physical and electronic environment, warn voters about risks of using electronic systems (e.g., shoulder surfing, monitored systems and networks, cameras in public areas). Highlighted Minnesota's guidance.
- Securing fax transmissions: Recommend that fax machines be dedicated to election activities in secure room disconnected from Internet or local WiFi network; update and patch any "all in one" devices, avoid Cloud faxing, iFaxing, and other similar services, and authenticate and encrypt transmissions.

- Securing emails: Recommend email system configured for encryption, use DMARC to prevent fake emails and message spoofing, use email providers that support encrypted connections between email servers (e.g., STARTTLS), disable loading of certain email content, use PGP or GPG to encrypt and sign emails, explore end-to-end messages platforms
- Securing online portals: Undergo rigorous analysis, use multi factor authentication, enlist outside experts to review systems and mitigate vulnerabilities, use trusted digital certificates, and audit.
- Presentation posted on the Standards Board's webpage on eac.gov.

Department of Justice - Election Offenses

Michael Dunavant, U.S. Attorney, Western District of Tennessee (22 counties)

- DOJ has a book/manual on prosecuting federal election cases
- When receive election-related complaint, work with DOJ headquarters and law enforcement but will not send law enforcement to voting locations or obtain documents during an election. Investigation can typically rely on historical records
- Types of election-related complaints
 - Election fraud - illegal registration or voting by ineligible voters, people who submit false information, misrepresentation of address, voting more than once in one election, bribing voters, impersonating voters, altering vote tallies, etc.
 - Patronage (Hatch Act) - use federal offices to conduct campaign activities, threatening or bribing employees to perform campaign work, etc.
 - Campaign finance - misrepresentations of funds, embezzlement, etc.
 - Civil rights - voter intimidation, interrupt voting, etc.
- Questions
 - Steve Trout, Oregon - State Election Official: Who is the appropriate entity to pursue cases of voters who vote in more than one state? Federal prosecution because of the interstate component but still need to establish criminal intent. Mistake or confusion will not meet the standard of criminal intent.
 - Ohio: Do you have any advice on how to reduce the rhetoric? Recommended getting DOJ book on prosecuting federal election cases and obtain historical data from DOJ to show how "widespread" (or not) the problem is.
 - John Merrill, Alabama - State Election Official: Is there a better source for identifying non-citizens than jury lists? Non-citizen data is closed guarded by DHS but can use publicly available information (e.g., convictions for individuals who have illegally entered the US) to verify. No single list of non-citizens

Various committees of the Standards Board meet and reported to the full Standards Board meeting. Resolutions related to the inclusion of VVSG requirements and test assertions and process considering changes to VVSG in the absence of a quorum were unanimously adopted.¹

¹ I left the meeting for the airport before the various committees reported on their discussions. (I attended the EAVS Committee meeting.) The information about the resolutions came from a NASED email dated 4/12.

Maryland Association of Election Officials

2019 Annual Meeting of the Membership

Clarion Resort Fontainebleau Hotel
10100 Coastal Hwy, Ocean City, Maryland 21842
Phone: 410.524.3535

AGENDA

Revised: 3/14/2019 3:25:51 PM
Draft - Subject to Change

Tuesday, May 21, 2019

Terrace Lobby
Vendor Set-Up

2:00 pm

Conference Room 3
MAEO Board of Directors' Meeting

3:00 pm -- 5:00 pm

Conference Room 6
Conference Registration – Hosts: Allegany, Garrett and Washington Counties
Door Prize Drop-Off (Each County/SBE to donate 2 door prizes)
MAEO Feud Signup

4:00 pm

Hotel Check-In

5:00 pm

Crystal Ballroom
MAEO Business Meeting
Call to Order and Introductions – David Garreis, President (Anne Arundel County)
Roll Call, Establish Quorum – Ruie Marie Lavoie, Secretary (Baltimore County)
Welcome Address – Thomas Hicks, Commissioner, US Elections Assistance Commission
Approval of Minutes – Ruie Marie Lavoie
Guest Speaker: Celebrating 100th Anniversary of Woman's Suffrage – The Honorable Mary Washington, Maryland State Senate
Theme Winner Announcement – Catherine "Maggie" Mundle, Awards Committee Chair (Harford County)
General Information and Housekeeping – David Garreis
Adjournment

6:00 pm – 8:00 pm

Terrace Lobby
Trade Show and Reception
Vendor Introductions, Gail Hatfield, Vendor Coordinator (Calvert County)
Appetizers and Hors d'oeuvres
Vendor Scavenger Hunt – Instructions in Attendee Folders

Dinner & Entertainment on Your Own – Information in Attendee Folders



Wednesday, May 22, 2019

Terrace Lobby

Vendor Display – Vendor Scavenger Hunt – Instructions in Attendee Folders

7:00 am – 8:30 am

Horizons Restaurant

Breakfast Buffet

Must Display MAEO Name Badge and Buffet Ticket

7:30 am – 8:45 am

Conference Room 6

Conference Registration – Hosts: Allegany, Garrett and Washington Counties

Door Prize Drop-Off (Each County/SBE to donate 2 door prizes)

MAEO Feud Sign Up

9:00 am

Crystal Ballroom

2019 Annual Meeting of the Membership, Opening Ceremony

Call to Order & Welcome – David Garreis, President

Roll Call, Establish Quorum – Ruie Lavoie, MAEO Secretary

Prayer for Deceased Members – Bruce Field, Board President (Washington County)

Pledge of Allegiance – Garrett County

Welcome Address – The Honorable Brandon Butler, Allegany County Executive

Guest Speaker: Celebrating 100th Anniversary of Woman's Suffrage – The

Honorable Kathy Szeliga, Maryland House of Delegates

Approval of 2018 Annual Meeting Minutes – Ruie Marie Lavoie, Secretary

Treasurer's Report (Included in Attendee Folder) – Danna Archie-Williams, Treasurer

Committee Reports (Included in Attendee Folders) – Committee Chair listed below

*Absentee Voting – Alysoun McLaughlin (Montgomery County) and Barry Jackson (Washington County)

*Audit – Gail Hatfield (Calvert County)

*Awards & Recognition – Catherine "Maggie" Mundle (Harford County)

*Conference Planning – Ruie Lavoie (Baltimore County) and Abigail Goldman (Baltimore City)

*Constitution & Bylaws – Alisha Alexander (Prince George's County)

*Educational Grant/Continuing Education – Armstead B. Jones, Sr. (Baltimore City)

*Elections – Stephanie Taylor (Harford County)

*Election Judges/Early Voting – Daneen Banks (Prince George's County)

*Election Technology – Garrick Hendricks (Calvert County)

*Legislative – Stuart Harvey (Frederick County) and Katherine Berry (Carroll County)

*Newsletter – Ben Frey (Somerset County)

*Outreach – Joshua Ramos (Anne Arundel)

*Parliamentarian – Richard Siejack (Harford County)

*Personnel – Katherine Berry (Carroll County)

*State Regulations Review – Jessica Newby (Montgomery County)

*Voter Registration – Kimberly Phillips (Howard County)

*Website – Hassan Aslam (Anne Arundel County)

9:15 am

Opening Remarks

Linda Lamone, Administrator, State Board of Elections (SBE)

9:25 am

2019 MAEO Bylaws Election Information

Stephanie Taylor, Election Committee Chair (Harford County)



Wednesday, May 22, 2019, continued

- 9:30 am **General Information and Reminders**
David Garreis, President
- 9:45 am – 10:45 am **Crystal Ballroom**
Be Recount Ready
Andrew Bailey Board Counsel, Baltimore County
Katie A. Brown, Director, Baltimore County
Guy Mickley, Director, Howard County
Kaye Robucci, Director, Washington County
Moderator: Tucker Cavanaugh, Deputy Director of Government Reform and Strategic Initiatives at Baltimore County
- 10:45 am – 11:00 am **Terrace Lobby**
BREAK Coffee, Tea and Water
Vendor Scavenger Hunt
- 11:00 am – 12:00 pm **Crystal Ballroom**
Same Day Registration (SDR) and Address Change
Amber MacReynolds, Former Elections Director, City/County of Denver, Colorado
Policy Advocate, National Vote at Home Institute
Moderator: Armstead B. Jones, Sr., Director, Baltimore City
- 12:00 pm **Grand Ballroom** – *Please arrive promptly at 12 Noon*
Lunch Buffet – Pizza Shop
Must Display MAEO Name Badge
Sit at Table Number Printed on Back of Name Badge***
Door Prizes – Must be present to win
Vendor Scavenger Hunt
- 12:30 pm – 1:25 pm **Grand Ballroom**
Team MAEO: Preparedness Challenge
Moderator: Christine Jones, Director, Queen Anne’s County

Breakout Sessions: 6 Sessions, Each Offered Twice at Different Times

- 1:30 pm – 2:25 pm **Conference Room 6**
Complying with Maryland’s Open Meeting Act
Ann MacNeille, Esq. Attorney General’s Office
Mike Molinaro, Esq. Board Attorney, Howard County
Andrea Trento, Esq., Assistant Attorney General for State Board of Elections
Moderator: Nikki Charlson, Esq., Deputy Administrator, State Board of Elections
- Conference Room 2**
2019 Legislation Update – What’s New and Coming for 2020 Elections
Jared DeMarinis, Director, Candidacy & Campaign Finance Division, State Board of Elections
Stuart Harvey, Co-Chair, Legislative Committee (Frederick County)
The Honorable Anne R. Kaiser, Chair, Ways and Means Committee, Maryland House of Delegates
Mary Cramer Wagner, Voter Registration Division Director, State Board of Elections



Wednesday, May 22, 2019, continued

Conference Room 1

Hands Only CPR Certification Training – “Stayin Alive”

Gregory Wm. Branch, M.D., MBA, CPE, FACP

Director of Health and Human Services and Health Officer for Baltimore County

Moderator: Cathy Quesenberry, Administrative Assistant, Queen Anne’s County

Crystal Ballroom, Hall 2A

#SocialMedia4Elections: Mastering the Art of Social Media and Communication

Sarah Mohan, Social Media & Outreach Program Manager (Harford County)

Moderator: The Honorable Kathy Szeliga, Maryland House of Delegates

Crystal Ballroom, Hall 1 – Directors, Deputy Directors, Administrators, Supervisors

5 Stages of Rock Solid Leadership in Elections

Liz Weber, CMC, CSP, Weber Business Services, LLC

Moderator: The Honorable Mary Washington, Maryland State Senate

Crystal Ballroom, Hall 2B

Personnel Power Hour

Katherine Berry, Personnel Committee Chair (Carroll County)

Sylvia Brown, Human Resources Director, State Board of Elections

Christina Lohr, Human Resources Officer, State Board of Elections

Moderator: Danna Archie-Williams, Supervisor, Baltimore County

Breakout Sessions: 6 Sessions, Each Offered Twice at Different Times

2:30 pm – 3:30 pm

Conference Room 3

Complying with Maryland’s Open Meeting Act

Ann MacNeille, Esq. Attorney General’s Office

Mike Molinara, Esq. Board Attorney, Howard County

Andrea Trento, Esq., Assistant Attorney General for State Board of Elections

Moderator: Nikki Charlson, Esq., Deputy Administrator, State Board of Elections

Conference Room 2

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Wednesday, May 22, 2019, continued

Crystal Ballroom, Hall 1 - Directors, Deputy Directors, Administrators, Supervisors
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3:30 pm – 3:45 pm

Grand Ballroom Lobby

BREAK – OC Boardwalk

Vendor Scavenger Hunt

3:45 pm – 4:15 pm

Crystal Ballroom

How Secure is Maryland's Election System?

Nikki Charlson, Esq., Deputy Administrator, State Board of Elections

4:15 pm – 5:00 pm

Crystal Ballroom

Innovations in Elections – Be 2020 Ready

Moderator: Steve Fratz, Director, Garrett County

Best Practice: TBD

Sabrina Graves, Election Supervisor II, Baltimore City

Cross Training: Same Day Registration and Provisional Election Judges

Katherine Berry, Director, Carroll County

Ruie Lavoie, Administrator, Baltimore County

Best Practice: Part-Time Election Judges

Jessica Jones, Lead Election Judge Recruiter, Montgomery County

Best Practice:

Zach , Frederick County

Conference Room 1 & 2 – Directors, Deputy Directors and Administrators

Build Depth and Plan for Succession in 8 Easy Steps

Liz Weber, CMC, CSP, Weber Business Services, LLC

Moderator: Alisha Alexander, Director, Prince George's County

5:00 pm

Crystal Ballroom

2019 Annual Meeting of the Membership

Announcements, Election Results, Reminders and Recess, David Garreis

5:30 pm – 7:00 pm

Grand Ballroom

Dinner Buffet – OC Boardwalk

Must Display MAEO Name Badge

Door Prizes – Must be present to win

6:00 pm

Grand Ballroom



MAEO Shining Star Awards

Catherine "Maggie" Mundle, Awards Committee Chair (Harford County)

Katie Brown, Awards Committee Member (Baltimore County)

Wednesday, May 22, 2019, continued

6:30 pm – 10:30 pm **Grand Ballroom Lobby**
Cash Bar

7:00 pm – 10:30 pm **Grand Ballroom**
MAEO FEUD
Host: Guy Mickley, Director, Howard County
DJ: The Sound Booth
Music and Dancing

Thursday, May 23, 2019

7:00 am – 8:30 am **Horizons Restaurant**
Breakfast Buffet
Must Display MAEO Name Badge and Buffet Ticket

8:00 am – 8:45 am **Conference Room 6**
Conference Registration – Hosts: Allegany, Garrett and Washington Counties
Door Prize Drop-Off (Each County/SBE to donate 2 door prizes)

9:00 am – 9:30 am **Crystal Ballroom**
2019 Annual Meeting of the Membership, Day 2
Reconvene, Welcome & Introductions – David Garreis, President
Roll Call – Ruie Marie Lavoie, Secretary
Guest Speaker: Celebrating 100th Anniversary of Woman's Suffrage – The Honorable Julia Gouge, Former Commissioner, Carroll County
Opening Remarks – Nikki Charlson, Deputy Administrator, State Board of Elections

9:30 am – 10:30 am **Crystal Ballroom** – Directors, Deputy Directors, Administration and Staff
Table Top Exercise (TTX) – Ready for Anything – Phase 1

Conference Room 1 & 2 – By Invitation Only
How to Conduct a Table Top Exercise – Phase 1

9:30 am – 10:30 am **Conference Room 4 & 5** – Board Member and Attorney Breakout Session
Must Haves in Polling Place Surveys & Electioneering Do's and Don'ts
Cortnee Bryant, Deputy Director of Election Reform, State Board of Elections
Jared DeMarinis, Director, Candidacy & Campaign Finance Division, SBE
Moderator: Bruce Harris, Board Secretary, Baltimore County

10:30 am – 10:45 am **Terrace Lobby**
BREAK Coffee, Tea and Water
Vendor Scavenger Hunt

10:45 am – 12:15 pm **Crystal Ballroom** – Directors, Deputy Directors, Administration and Staff
Table Top Exercise (TTX) – Ready for Anything – Phase 2



Conference Room 1, 2 – By Invitation Only
How to Conduct a Table Top Exercise – Phase 2

Thursday, May 23, 2019, continued

10:45 am – 12:15 pm **Conference Room 4 & 5** – Board Member and Attorney Breakout Session
Jurisdictions, Large and Small; Differences and Similarities in Administration
Wendy Adkins, Director, St. Mary's County
Tracy Dickerson, Director, Charles County
Alysoun McLaughlin, Deputy Director, Montgomery County

12:15 pm – 1:30 pm **Conference Room 6**
MAEO Election Canvass
Stephanie Taylor, Election Committee Chair (Harford County)

12:15 pm – 1:30 pm **Grand Ballroom**
Lunch Buffet – Harvest Table
Must Display MAEO Name Badge
Vendor Scavenger Hunt

1:30 pm – 3:30 pm **Crystal Ballroom** – Directors, Deputy Directors, Administration and Staff
Table Top Exercise (TTX) – Ready for Anything – Phase 3 and 4

Conference Room 1 & 2 – By Invitation Only
How to Conduct a Table Top Exercise – Phase 3 and 4

1:30 pm – 3:30 pm **Conference Room 4 & 5** – Board Member and Attorney Breakout Session
Roundtable Discussion: 2020 Election Ready
Dorothy C. Duffield, Board Member, Charles County
Ben Frey, Election Information System Specialist, Somerset County
Moderator: Bill Voelp, Board President, Anne Arundel County

3:30 pm – 3:45 pm **Grand Ballroom Lobby**
BREAK – Sweet Break
Vendor Scavenger Hunt

3:45 pm – 5:00 pm **Crystal Ballroom** – Directors, Deputy Directors, Administration and Staff
Table Top Exercises – Ready for Anything – After Action Review

Conference Room 1 & 2 – By Invitation Only
How to Conduct a Table Top Exercise – After Action Review

3:45 pm – 5:15 pm **Conference Room 4 & 5**
Board Member and Attorney Breakout Session
Canvass: Absentee, Provisional and Early Voting Results
Manual Audit of Election Results: Basic Outline of Staff Procedures
Cindy (Allred) Remmey, Acting Director, Harford County
Bruce Robinson, Board Vice President, Baltimore County
Andrea Trento, Esq., Assistant Attorney General for State Board of Elections

5:15 pm – 5:30 pm **Crystal Ballroom**



MAEO Election Results and Announcements
2019 Annual Meeting Adjournment
David Garreis, President

Thursday, May 23, 2019, continued

- 6:00 pm **Grand Ballroom**
Vendor Scavenger Hunt Deadline to Enter
- 6:00 pm – 7:30 pm **Grand Ballroom**
Dinner Buffet - Little Italy
Must Display MAEO Name Badge
Vendor Scavenger Hunt Winner – Must be present to win
Door Prizes – Must be present to win
Grand Prize Drawing, 2 Night Stay in Ocean City – Must be present to win
- 6:30 pm **Grand Ballroom**
MAEO Awards and Retirement Presentations
Catherine “Maggie” Mundle, Awards Committee Chair (Harford County)
Katie Brown, Awards Committee (Baltimore County)
- 7:00 pm – 11:00 pm **Grand Ballroom Lobby**
Cash Bar
- 7:30 pm – 11:00 pm **Grand Ballroom**
MAEO FEUD Playoffs
Host: Guy Mickley, Director, Howard County
Futuristic Theme Dance – Dress to Impress and Win!
DJ: The Sound Booth, Music, Dancing, Karaoke, Photo Booth, Prizes

Friday, May 24, 2019

Breakfast on Your Own

- 10:00 am **Conference Room 6**
MAEO Board of Directors’ Meeting
- 11:00 am Hotel Checkout – Safe Travels





Board of Directors

David Garreis, President (Anne Arundel County)
Alisha Alexander, Vice President (Prince George's County)
Ruie Marie Lavoie, Secretary (Baltimore County)
Danna Archie-Williams, Treasurer (Baltimore County)
Ben Frey, Board Member (Somerset County)
Abigail Goldman, Board Member (Baltimore City)
Armstead B. Jones, Sr., Board Member (Baltimore City)
Kimberly Phillips, Board Member (Howard County)
Joshua Ramos, Board Member (Anne Arundel County)

Host Counties

Allegany County Board of Elections
Garrett County Board of Election
Washington County Board of Elections

Conference Planners

Ruie Marie Lavoie, Chair (Baltimore County)
Abigail Goldman, Vice Chair (Baltimore City)



James F. Shalleck
President
Nahid Khozeimeh
Vice President
Mary Ann Keffe
Secretary
Alexander C. Vincent
Member
David Naimon
Member
Jacqueline Phillips
Substitute Member
Alan Banov
Substitute Member



**Montgomery County
Board of Elections**
Post Office Box 4333
Rockville, Maryland 20849-4333

Margaret A. Jurgensen
Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
*Information Technology
Manager*
Jessica White
Voter Services Manager
Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

April 16, 2019

David J. McManus, Jr., Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Malcolm L. Funn
Kelley A. Howells
Maryland State Board of Elections
151 West Street, Suite 200
P.O. Box 6486
Annapolis, Maryland 21401

Linda H. Lamone
State Administrator
Maryland State Board of Elections
151 West Street, Suite 200
P.O. Box 6486
Annapolis, Maryland 21401-0486

RE: Implementation of Upgrade/Replacement of Voting Equipment

Dear Chairman McManus, Vice Chairman Hogan, Board members Cogan, Funn and Howells and State Administrator Lamone:

The Montgomery County Board of Elections ("MCBOE") is writing to request that the State Board of Elections provide a schedule for when voting equipment is going to be upgraded and/or replaced. MCBOE has many questions and concerns regarding our current voting equipment. Simply by way of example, the Ballot Marking Device ("BMD") was purchased for the 2016 election cycle. Due to concerns regarding the BMDs as delivered (*i.e.*, all candidates not appearing on the same page and difficulty navigating between pages), they were sparingly used in the 2016 election cycle. Our Board members attended State Board meetings wherein the BMDs were discussed. It was stated during

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those meetings that the problems with the BMDs would be corrected for implementation in the 2018 election cycle. Inexplicably, the necessary upgrades were not made. The local boards were thereafter required to use paper ballots at all early voting locations¹ and the BMDs were limited to one or two at each polling location on Election Day.

The electronic poll books are more than ten (10) years old. Due to their functional obsolescence, the poll book problems continue to increase with every election cycle. They are in need of replacement, particularly in light of the advent of same day voter registration. As far as we know, no definitive plans have been reached by the State Board of Elections regarding the timetable for the replacement of the poll books. In addition, as far as MCBOE is aware, no definitive plans have been made as to how same day voter registration will be implemented.

The three examples above are indicative of a more global problem. Montgomery County is the largest end user of the voting equipment used in the State of Maryland. Ultimately, each local board of elections in Maryland is required to use the equipment selected by the State of Maryland to serve our voters. Yet, MCBOE (and we presume other local boards) has no voice in the selection process. In addition, the local boards are not provided clear, definitive dates when equipment will be upgraded and/or replaced. This serves as a significant impediment to our planning processes to best serve our voters.

MCBOE would propose a more collaborative approach moving forward. MCBOE respectfully requests that the State Board provide an outline of dates when equipment will be upgraded and/or replaced. For instance, have the necessary upgrades been made to the BMDs so that they can be used for early voting and Election Day voting in 2020? If not, what is the expected timeframe? Is the State pursuing procurement of new electronic poll books for use in 2020 and, if so, when will those poll books be delivered to the local boards for testing and implementation? If not, what is the expected timeframe and does the State envision any upgrades to the current poll books to enhance their functionality until a new solution is implemented? Has a plan been developed for implementation of same day voter registration? When will the final plan for implementation of same day voter registration be shared with the local boards?²

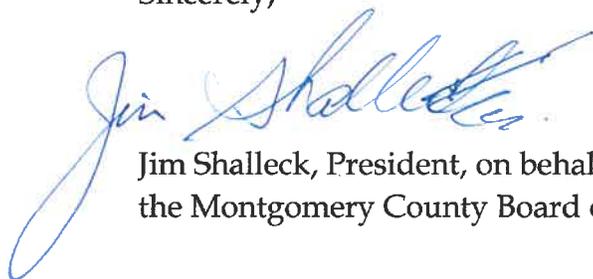
¹ It is an incredible burden for the MCBOE to have every ballot style at every one of our eleven (11) early voting sites. The ability to use the BMDs would have allowed us to simply program the various ballot styles onto the BMDs without having millions of paper ballots on hand.

² It is MCBOE's understanding that the State Board is considering requiring an antenna be installed at each polling place for connectivity with the State server and that one or more additional personnel will be needed at each polling place. In a jurisdiction the size of Montgomery County, this could be an unexpected expenditure of close to \$250,000.00. During these tight financial times when Montgomery County government is requesting

In sum, the local boards of elections need to be kept informed so that we can properly prepare for the election and advise the County's elected body regarding the cost of the implementation of various voting equipment for the upcoming 2020 election period. MCBOE looks forward to hearing from the State Board regarding its current plans for replacement and upgrading our election equipment. MCBOE also looks forward to receiving the State's plan of action for implementing same day registration. Finally, MCBOE respectfully submits that moving forward the local boards should be included in discussions regarding the above, as well as the implementation of any other significant programs (whether it be the purchase of equipment or otherwise), that will need to be implemented by the local boards to best serve our voters.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Jim Shalleck". The signature is written in a cursive style with a large, looping initial "J".

Jim Shalleck, President, on behalf of
the Montgomery County Board of Elections

JS:bjap

that MCBOE cut its existing budget, it is critical that the State promptly develop a plan regarding implementation of same day voter registration that will inform our staff regarding the potential additional cost of its implementation.