

**1. Announcements & Important Meetings**

Maryland Cybersecurity Council

On January 25, 2018, Nikki Charlson briefed the Maryland Cybersecurity Council on how election officials in Maryland protect critical election systems, provided an overview of suspicious activities in 2016, and the readiness of these systems for the 2018 elections. Nikki summarized how the critical IT systems are protected, monitored and restored.

House Ways and Means Briefing

On January 26, 2018, we provided our usual briefing on the state of election preparations. At this briefing, we shared with the committee members information about candidate and campaign finance filings, the January pre-primary election training exercise, voter registration activities, and how election officials protect information systems. After my briefing, representatives of State agencies who are required to provide voter registration information or facilitate voter registration transactions updated the committee members on the status of their efforts.

Election Directors' Meeting

On February 1st, SBE hosted an Election Directors' meeting. The meeting was held via conference call, and all local boards were represented on the call. During the meeting, we updated the Election Directors and other participants on the transportation, staffing and absentee ballot printing and mailing contracts, pollbooks and other equipment, and the status of the election judges' manual and other supply ordering. A copy of the meeting summary will be included in the meeting folder. The next Election Directors' meeting is scheduled for March 8, 2018.

Department of Homeland Security's Government Coordinating Council for the Election Critical Infrastructure

The Council met on February 15th in Washington DC. The Department of Homeland Security (DHS) provided updates on:

DHS Cyber Security Service

Federal legislation

Lessons learned from completed assessments

Information was provided on the benefits and service of the Multi-State Information Sharing and Analysis Center (MS-ISAC.) The Council finalized its strategic goals and objectives and discussed its information sharing protocols.

Securing Voter Registration Databases

On February 16th, the Center for Election Innovation and Research hosted a meeting for election officials on security voter registration databases. The meeting focused on sharing best practices on protecting, detecting, and restoring voter registration databases. Nikki Charlson and Kenway Chen, SBE's IT Programmer, attended this meeting and identified additional security practices to implement.

National Association of State Election Directors' (NASED) Winter Meeting

NASED hosted its winter meeting in Washington, DC from February 17th - 19th. Most of the agenda focused on cybersecurity and included a classified briefing by various federal agencies. Other topics included updates from the U.S. Election Assistance Commission and

congressional staff members, post-election audits, and election night reporting by the Associated Press. I attended this meeting, and Nikki joined me for the classified briefing and provided information on Maryland's 2016 post-election audit process.

#### Fiscal Year 2019 Budget Analysis

The Department of Legislative Services (DLS) recently released its analysis of SBE's FY19 budget, and a copy of this analysis will be provided in the meeting folder. DLS proposed reducing SBE's budget for the new electronic pollbooks and asking SBE to provide an update on the voting system vendor's development of a solution to the navigation issues related to the ballot marking device. DLS also asked SBE to comment on why the voting system vendor did not resolve the navigation issues on the ballot marking device and provide an update on the status of cybersecurity efforts.

On February 20th and 22nd, the respective budget committees held hearings on SBE's FY19 budget. At these hearings, we agreed with DLS' recommendations and provided the requested information on the ballot marking devices and cybersecurity efforts. A copy of our written response to DLS' analysis will be included in the board meeting folder.

#### Maryland Association of Election Officials' Annual Meeting

The annual meeting of the Maryland Association of Election Officials will be held March 13 - 15, 2018, in Ocean City. The most current agenda and conference registration form are included in the meeting folder.

## **2. Election Reform and Management**

#### Election Judges' Manual

The local boards continue to submit their customized chapters of the *Election Judges' Manual*. The Early Voting Supplement was made available to the local boards for their customization earlier this week.

#### Printing, Inserting & Mailing of Absentee Ballots

The election calendar detailing the deadlines for mailing absentee ballots has been made for distribution to staff at SBE, the local boards, and the vendor. Weekly conference calls between SBE staff members and the vendor are held to ensure all supplies, documentation and processes are completed before important deadlines.

## **3. Voter Registration**

After 12 years with SBE, Stacey Johnson is leaving to pursue another career. Stacey has been an integral part of the development and maintenance of MDVOTERS. She will be missed, but we wish her well.

#### MDVOTERS

SBE conducted refresher training on processing same day registration and provisional transitions in the statewide voter registration database.

#### Electronic Registration Information Center (ERIC)

Since joining ERIC in 2012, the total number of voter registration records impacted is:

- Cross State Report (another member state has newer information than MD): 258,484
  - Potential Duplicates: 7,671
  - In-State Updates (more recent information at MVA): 188,880
  - Deceased (according to the Social Security Administration): 46,164

- NCOA (USPS National Change of Address program): 439,757

#### MVA Transactions

During the month of January 2018, MVA collected the following voter registration transactions:

New Registration - 8,135	Residential Address Changes - 11,964
Last name changes - 1,828	Political Party Changes - 2,522

#### Non-Citizens

Removal of non-citizens - 8  
Removal of non-citizens who voted - 1  
Removal of non-citizens who voted multiple times - 2  
Non-citizens forwarded to the Office of the State Prosecutor - 8

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

#### Candidacy

As of February 19th, 523 candidates have filed at SBE for the 2018 Gubernatorial Election. The deadline to file for office is 9pm on February 27, 2018.

The CCF Division is sending to all candidates for State office who filed a certificate of candidacy in 2017 letters stating the need to file a financial disclosure statement by March 1, 2018. Additionally, State Ethics is sending out notices to these candidates. Failure to file a financial disclosure statement in the year of the election may result in the candidate not appearing on the ballot.

#### State Gubernatorial Fair Campaign Financing Program

State Senator Richard Madaleno and his running mate, Luwanda Jenkins, have publicly declared their intention to participate in the gubernatorial public financing program. This marks the first time in the history of the program that public financing of a gubernatorial election is being used in successive elections.

#### County Public Financing Programs

As of January 31, 2018, the Montgomery County Public Election Funds has made \$1,809,535 in disbursements to certified candidates. January had the biggest aggregate disbursement to date of \$796,948. So far, 15 out of 33 participating candidates have qualified for the program. Committees may file matching fund requests on the first and third Tuesday of every month.

#### Campaign Finance Enforcement

The following committees paid civil penalties:

1. Employees Action Movement-Maryland Classified Employees Association PAC paid a \$850 civil penalty on January 24, 2018, for failing to maintain account book and records; failing to report all contributions received and expenditures made on a campaign finance report(s).
2. Friends of Elect Rita Weaver paid a \$150 civil penalty on January 25, 2018, for disbursements by unauthorized method and failing to report all expenditures made on a campaign finance report.
3. Friend of Johnny Mautz paid a \$50.00 civil penalty on February 2, 2018, for a self-reported authority line violation.

4. Citizens for Cyriacus Okoro paid a \$150.00 civil penalty on February 5, 2018, for making disbursements by an unauthorized method and failing to maintain account books and records.
5. Friends of Liz Copeland was referred to the Office of the State Prosecutor for making non-check disbursements for walk-around services. The committee paid a civil penalty of \$95.00 on February 1, 2018.

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

Inventory: Excess Equipment Disposal

SBE continues to work with the Department of General Services (DGS) and the State's contract recycler to dispose of the TS-R6 voting system and other legacy equipment and supplies. To date, 10,004 TS-R6 units have been picked up by the recycler. During this reporting period, SBE sold to jurisdictions in the State of Connecticut 60 Accuvote Optical Scan units. In addition, SBE sold 2,000 voter access cards, the cards used with the legacy touchscreen voting system.

Inventory System Updates

SBE continues to work with the local boards to ensure that each office's Accountable Officer understands the fundamentals of the inventory system in order for them to update information and fulfill their responsibilities in the inventory production system. To help the Accountable Officers stay up-to-date on the inventory system requirements, SBE developed a weekly inventory communication vehicle. This weekly communication supplements the existing Inventory Dashboard, and both are used to provide information, documents, and videos.

Staffing

SBE's PMO is working with others at SBE to ramp-up the 2018 Primary Election statewide staffing efforts. SBE's Training Coordinator, Sharon Tolson-Feemster, started work on February 1st, and she is working to onboard the trainers who will be training throughout the State. The expectation at peak is to have between 400 - 450 temporary resources in varying capacities supporting the upcoming primary election.

Other

SBE continued to work with the Worcester County Board of Elections and the Worcester County administration to find and finalize a new local board office and warehouse. Most of the Worcester equipment and supplies are stored at SBE's Central Warehouse. When the Worcester County Board of Elections has a new facility, the equipment and supplies will be transported back to Worcester County. The uncleaned equipment will be disposed of as per DGS' disposal requirements.

On February 20th, the Worcester County Board of Commissioners approved the move forward to sign a lease for 5,000 square feet for the office and warehouse at the Royal Plus facility.

The PMO is actively working on additional efforts in support of the 2018 Primary Election. These efforts include the setup and support of the helpdesk system and the implementation of the temporary resource time-tracking application.

## 6. **Voting Systems**

### Pre Primary Testing & Training Exercise

A statewide pre-primary testing and training exercise was conducted last month. This testing included updated pollbook software for all the local boards, new pollbook hardware for Charles and Caroline Counties, and refresher training on the voting system, including updated procedures for the DS850 high-speed central scanner for those local boards that use them.

### Electronic Pollbooks

Testing during the pre-primary testing and training exercise uncovered a bug in the pollbook software. Following discussions with ES&S, this bug is being investigated. Once fixed, the software will be re-tested prior to being installed statewide.

SBE and ES&S are also looking to make changes to the prototype tablet pollbooks tested in Charles and Caroline Counties, and as such, these tablets will not be used in the 2018 Primary Election in those two counties.

### Additional Voting Equipment

For the 2018 Elections, SBE is leasing additional voting equipment from ES&S. This includes 465 precinct-based scanners, 6 additional DS850 high-speed central scanners, and associated ballot boxes, bins and memory drives. Deliveries to SBE's Central Warehouse commenced last week, where they will undergo acceptance testing prior to delivery to the local boards. All of this equipment will be delivered to the local boards by March 16th

SBE is also procuring ancillary items, including paper rolls for scanners and pollbooks, seals, ballot on demand printers and additional network equipment and barcode scanners for the ten new early voting sites.

### Transportation

The transportation vendor, Interstate, is scheduling planning meetings with all the local boards in preparation of delivery and pickup of equipment for the primary and general elections. They have also submitted their training guide for their staff, and this has been approved by SBE.

## 7. **Legislation - 2018**

A chart of the legislation we are tracking is provided. To date, most legislation has only had a committee hearing with no further action. We provided written testimony in support of SB 333, a copy of which will be provided in the meeting folder. Noted below is the one bill that has been approved by a committee and is moving through the process.

SB 281 - Altering the membership of the Maryland Cybersecurity Council to include the State Administrator of Elections or the State Administrator's designee and other various changes to the Council. This bill is scheduled for final passage in the Senate on 2/23.

## 8. **Information Security & Technology**

### Department of Homeland Security (DHS) - Physical Assessments

DHS offers physical assessments of facilities to identify improvements to a facility's physical security. DHS has performed this assessment at three local boards' facilities - Anne Arundel County, Baltimore County, and Carroll County, and assessments for several more local boards have been scheduled or are being scheduled. The physical security of

these facilities is critical, as critical voting processes are performed and critical voting equipment are stored at these facilities.

Department of Homeland Security (DHS) - Cyber Assessments

Over two days this month, representatives of DHS conducted several assessments of MDVOTERS, the State's voter registration, candidate, and election management system, and the suite of online services SBE offers (e.g., voter look-up, online voter registration, etc.) These assessments are not customized for election systems or Maryland's systems, but they can help with prioritizing resources and identifying where improvements can be made. A summary of the assessments DHS conducted will be included in the board meeting folder. DHS will conduct similar assessments on MD CRIS, the State's online campaign finance system, in April.

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  
Kelley Howells  
Gloria Lawlah



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

**Memorandum**

**TO:** State Board Members  
**FROM:** Jared DeMarinis, Director  
Division of Candidacy and Campaign Finance  
**DATE:** February 22, 2018  
**SUBJECT:** Waiver of late filing fees

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 four waiver request, for the month of February. No Board action is required on the denials. Late fees collected year to date for Late Fee Waivers are \$9945.00

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

Waiver Request 2/22/18

1. Bishop, John, Committee to Elect
2. Daras, Mike Friends of (Michael Daras)
3. Davis, Richard Vision
4. Gilford, Amy Friends of
5. Khorakiwala, Almina Friends of
6. Montgomery County NOW PAC
7. Pauler, Viki Citizens for
8. Womer, Scott Citizens for
9. Young, Brad Friends of

Denied

1. Camp, Marva Jo Friends of
2. Okoro, Cyriacus Citizens for
3. Wildoner, James A. Proficient Alternative Community for
4. Boardman, Chris Friends of

## Waiver Request Information Page

### General

<b>Account Name</b>	Bishop, John, Committee to Elect	
<b>CCF ID:</b>	01010539	<b>Status:</b> Active
<b>Date Established</b>	2/25/14	
<b>Date Waiver Requested</b>	1/22/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Sally Bishop	<b>Start Date:</b> 2/25/14
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	John Bishop	2/25/14
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/18/18	\$10	\$10
			\$	\$
			Total	\$10

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

### Prior Waiver and Fees

1/18/17 late fee \$80 paid

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

The candidate had a heart attack as the treasurer is his wife they weren't focus on the report.

### Division Comments

Grant

### Administrator's Decision

**John J. Bishop & Sally K. Bishop**  
**7917 McNeal Farm Circle**  
**Baltimore, Maryland 21237**  
**Home: 410-661-5401 Cell: 443-799-9971**  
**E mail: johnbishop23@yahoo.com**

**RECEIVED**  
**JAN 22 2018**  
STATE BOARD OF ELECTIONS

January 18, 2018

State Board of Elections  
Division of Candidacy and Campaign Finance  
151 West Street, Suite 200/P.O. Box 6486  
Annapolis, MD 21401 -0486

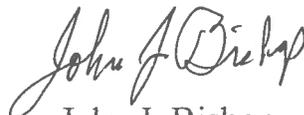
Re: Committee to Elect John Bishop  
CCF ID: 01010539  
2018 Annual Report  
Late Fees

Please waive the late fees associated with the late filing of this report. On January 7th John had a heart attack and we were not as focused on the report dates as we should have been.

We apologies for the delay.

Thank You.

Sincerely,



John J. Bishop  
Candidate & Chairman



Sally K. Bishop  
Treasurer

## Waiver Request Information Page

### General

Account Name	Daras, Mike Friends of (Michael Daras)	
CCF ID:	01011777	Status: Active
Date Established	6/30/17	
Date Waiver Requested	1/26/18	
Account Type	Campaign Account	

### Officers

Current Treasurer	Alice Daras	Start Date:6/30/17
Responsible Treasurer		
Current Chairman	Mike Daras	6/30/17
Responsible Chairman		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/25/18	\$80	\$80
			\$	\$
			Total	\$80

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

### Prior Waiver and Fees

No Prior late fees

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/17/18	\$450	\$1,139	(\$689)	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

We thought we had submitted our report January 15, 2018

### Division Comments

Grant

### Administrator's Decision

Forwarded message -----

From: **Lady A on-the-Bay** <ladyaonthebay@md.metrocast.net>

Date: Fri, Jan 26, 2018 at 3:41 PM

Subject: Letter of Explanation for late filing of 2018 annual report. Attention Jared DeMarinis

To: "erin.dennis@maryland.gov" <erin.dennis@maryland.gov>

"Friends of Mike Daras" Campaign

Box 12 Scotland, MD 20687

Director of Campaign Finance

Jared DeMarinis

January 26,2018

The purpose of this letter is to render an explanation of the filing date of January 25, 2018 for the annual Campaign Finance Report. This report was submitted on January 15,2018 at 1:00pm to the Campaign finance.maryland.gov site. At the time of submission, the dialogue box stated "successful confirmation" of the document. An email was sent informing the committee of "Friends of Mike Daras" that the report has been submitted to the Maryland State Board of Elections for approval.

Several days later another correspondence via email stated that the report was not filed. A Victoria Smith was contacted, and subsequently, another report was filed; this time the file date was the above stated January 25,2018.

There was some trouble with Verification, but again, helpful people in the Campaign Finance Department have worked through the trouble.

The fine is \$80.00 for not filing, and through the difficulty experienced and the confusion on our part, consideration is being requested to forgive this fine.

Any consideration to this matter is very greatly appreciated.

Respectfully,

Alice Daras, Treasurer, "Friends of Mike Daras" Campaign (Michael John Daras) Candidate

Sent from Mail for Windows 10

## Waiver Request Information Page

### General

<b>Account Name</b>	Davis, Richard Vision	
<b>CCF ID:</b>	01011719	<b>Status:</b> Active
<b>Date Established</b>	5/15/17	
<b>Date Waiver Requested</b>	2/02/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Bonnie Ulmer	<b>Start Date:</b> 5/15/17
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Rich Davis	5/15/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/24/18	\$70	\$70
			\$	\$
			Total	\$70

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

### Prior Waiver and Fees

No prior late fees
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### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/17/18	\$3,785	\$3,497	\$287	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Computer was hacked
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### Division Comments

Grant
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### Administrator's Decision

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Ebony Parran -SBE- <ebony.parran@maryland.gov>

# Re: Campaign Reporting information System Basic Overview - Video and User Manual

bonnie r <bobojar@hotmail.com>  
To: "EBONY.PARRAN@maryland.gov" <EBONY.PARRAN@maryland.gov>

Mon, Jan 29, 2018 at 9:52 PM

I Bonnie Ulmer am requesting fees waived for Richard Davis vision. We are not computer savvy and I thought I sent the report in but never got a confirmation. Please accept my apologies and waive these fees. thank you

bonnie

RECEIVED  
JAN 30 2018  
STATE BOARD OF ELECTIONS

**From:** info.sbe@maryland.gov <info.sbe@maryland.gov>  
**Sent:** Thursday, December 28, 2017 10:51 AM  
**To:** BOBOJAR@HOTMAIL.COM  
**Subject:** Campaign Reporting information System Basic Overview - Video and User Manual

We are happy to announce and share with you a video and a user manual that SBE has created to help in the basic understanding of using the Maryland Campaign Reporting Information System known as "MDCRIS".

This video/manual will go over the basic administration of your political committee including topics such as logging in, removing and adding a new officer, entering in transactions for a report and then filing of the report and more. Here is a link to the video for you to watch on YouTube:

<https://www.youtube.com/watch?v=YcbNIJCo-i8>



## MDCRIS: An Overview

[www.youtube.com](http://www.youtube.com)

This video provides a basic overview of using Maryland's Campaign Reporting Information System - (CRIS). You can watch the video all of the way through or navigate to ...

If the link does not take you directly to the video, you can always search by typing in MDCRIS Overview

## Waiver Request Information Page

### General

<b>Account Name</b>	Gilford, Amy Friends of	
<b>CCF ID:</b>	01010888	<b>Status:</b> Active
<b>Date Established</b>	2/25/14	
<b>Date Waiver Requested</b>	1/31/17	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Kelly Welker	<b>Start Date:</b> 2/25/14
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	James Gilford	2/25/14
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/29/18	\$120	\$120
			\$	\$
			Total	\$120

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

### Prior Waiver and Fees

No prior late fee
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### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

The husband of the treasurer passed away, she has since relocated and is no longer involved in the campaign.
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### Division Comments

Grant first request.
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### Administrator's Decision

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January 29, 2018

Maryland State Board of Elections  
Campaign Finance Department  
151 West Street, Suite 200  
Annapolis, MD 21401  
Fax: 410-974-5415 / 410-386-9004

RECEIVED

JAN 31 2018

STATE BOARD OF ELECTIONS

To Whom it May Concern,

I am writing to respectfully request a waiver on fees accrued by my campaign due to not filing an affidavit by the required dates.

The husband of my campaign treasurer, Kelly Welker, passed away a few months ago and she has since relocated and is no longer involved in the campaign. I didn't realize that we were not filing our reports as usual and my husband Jim had not previously set up his account. He logged in over the weekend and this morning we filed an affidavit with the assistance of Jessica in your office. Additionally, my campaign has no funds in the account nor have we ever raised funds during my time in office.

Please accept my apologies for dropping the ball on this.

If you have any questions, please don't hesitate to contact me at 410-259-2913 or by email at [jim.amygilford@gmail.com](mailto:jim.amygilford@gmail.com)

Respectfully,



Amy Gilford  
CCF ID: 01010888  
Carroll County, MD Central Committee

## Waiver Request Information Page

### General

<b>Account Name</b>	Khorakiwala, Almina Friends of	
<b>CCF ID:</b>	01006152	<b>Status:</b> Active
<b>Date Established</b>	6/21/10	
<b>Date Waiver Requested</b>	2/08/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Matthew Herrmann	<b>Start Date:</b> 6/21/10
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Almina Khorakiwala	6/21/10
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/18/18	\$10	\$10
			\$	\$
			Total	\$10

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

### Prior Waiver and Fees

No prior late fees
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### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Despite careful attention to the system the treasurer filed the wrong report.
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### Division Comments

Grant, first request.
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### Administrator's Decision

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**FRIENDS OF ALMINA KHORAKIWALA**  
**CANDIDATE FOR MONTOMGERY COUNTY DEMOCRATIC CENTRAL COMMITTEE**

11005 Lamplighter Lane, Potomac, MD 20854 | 703.346.5477 | [matt@herrmannconsulting.com](mailto:matt@herrmannconsulting.com)

January 19, 2018

Maryland State Board of Elections  
151 West Street, Suite 200  
Annapolis MD 21401

**RECEIVED**  
**FEB 08 2018**

STATE BOARD OF ELECTIONS

To Whom It May Concern:

We are writing on behalf of the Friends of Almina Khorakiwala Committee (CCF ID – **01006152**) requesting that \$10 late fee be waived due to mitigating circumstances.

It came to our attention, a day after the January 17, 2018 annual filing deadline, that our campaign was fined \$10 for a late annual submission, however we believed that we had filed our report several days before the deadline. It seems that despite close attention to the system, the Treasurer actually filed an old 2014 Post-General Gubernatorial report that is not required by Central Committee candidates. It is unclear why this report showed up in the system but the filing of that report thus did not record our filing of an annual 2018 report even though that was our intent. The Treasurer also noted that prior to filing the report in January 2018, the system had fined our campaign \$250 for not filing the 2014 Post-General Gubernatorial report. The Treasurer had called the SBE on January 15<sup>th</sup> and 16<sup>th</sup> and left messages that were not returned.

However, on January 18<sup>th</sup>, after noticing the new fine, called the State Board of Elections (SBE) staff to have the matter rectified. The problems were identified and explained to the Treasurer. The staff was able to rectify the matter regarding the 2014 Post-General Gubernatorial. Subsequent to the call, the Treasurer filed the ALCE since the campaign did not and does not intend to spend or receive more than \$1,000. As instructed by SBE staff we are now writing to have the \$10 late fee associated with the 2018 annual filing be waived given these mitigating circumstances.

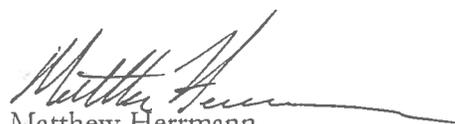
Additionally, Almina did not win her re-election to the Montgomery County Democratic Central Committee in 2014. Given this fact, we have been seeking an appropriate and qualified non-profit in which to donate the remaining balance of the campaign account within the next year.

We apologize for the troubles that this oversight has caused and to take the SBE's time to have to consider this request. However, we appreciate your favorably consideration and resolution of this matter. Should you require any additional information or need additional information please do not hesitate to contact me at [matt@herrmannconsulting.com](mailto:matt@herrmannconsulting.com) or at 703-346-5477.

Regards,



Almina Khorakiwala  
Candidate



Matthew Herrmann  
Treasurer

## Waiver Request Information Page

### General

<b>Account Name</b>	Montgomery County NOW PAC	
<b>CCF ID:</b>	03007931	<b>Status:</b> Active
<b>Date Established</b>	11/25/85	
<b>Date Waiver Requested</b>	2/07/18	
<b>Account Type</b>	PAC Account	

### Officers

<b>Current Treasurer</b>	Edith Miller	<b>Start Date:</b> 6/18/10
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Molly Immingbalangero	8/25/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/29/18	\$120	\$120
			\$	\$
			Total	\$120

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

### Prior Waiver and Fees

1/17/07 late fee \$10.00 paid

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Report was filed late due to the death of the treasurer.

### Division Comments

Grant

### Administrator's Decision

Molly Imming Balangero  
Chairperson Montgomery County NOW PAC, CCF ID: 05007586  
16004 Finegan Dr  
Darnestown, MD 20874

January 28, 2018

RECEIVED

FEB 07 2018

STATE BOARD OF ELECTIONS

Maryland Board of Elections  
Division of Candidacy and Campaign Finance  
PO Box 6486  
Annapolis, MD 21401-0486

RE: Montgomery County NOW PAC 2018 Annual Report, Late Fee Appeal

Members of the Board:

We are requesting a waiver of the late fees due to the missed deadline for the 2018 Annual Report/Affidavit. The deadline was missed to the death of our treasurer, Edith Miller, a lifelong advocate and active member in our community. She passed away in January after a battle with cancer.

I am a newly appointed chairperson of this PAC, and was unaware of the financial reporting requirements. At the time of my initial transition, Edith was not yet aware of her illness and agreed to manage these components of the PAC. Naturally, once she fell ill, these responsibilities were overlooked.

We are deeply apologetic for the inconvenience our delay has caused. We ask that you consider the circumstances and grant us a waiver of the late fees. We are a small PAC that does not raise money or transfer money to candidates in any way, so any late fee is a considerable burden for us. We are grateful for your consideration.

Please feel free to contact me with any questions.

Regards,



Molly Imming Balangero  
Chairperson  
Cell: 301-452-5799

## Waiver Request Information Page

### General

<b>Account Name</b>	Pauler, Viki Citizens for	
<b>CCF ID:</b>	01011242	<b>Status:</b> Active
<b>Date Established</b>	11/30/15	
<b>Date Waiver Requested</b>	1/30/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Andrew Lobley	<b>Start Date:</b> 11/30/15
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Viki Pauler	11/30/15
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/30/18	\$130	\$130
			\$	\$
			Total	\$130

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

### Prior Waiver and Fees

No prior late fees

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/17/18	\$0	\$0	\$25	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I thought my account was closed.

### Division Comments

Grant, this closes the account.

### 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: Citizens for Vik. Paulus Account Number: 01011242

Date of Request: 1/30/18 Total Amount of late fees: \$ 130

Name of the Requestor(s)\*: Andrew Lobsley

The Requestor is the:  Chairman  Treasurer  Candidate

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

The basis for the request: This is the first time I have served  
as treasurer of a campaign. The election was in 2016  
and I believed I had used the final \$25.37  
to repay a candidate loan and close out the account  
I also thought I had submitted a final report  
showing that but obviously I had not I apologize  
as this is all new to me! Thank you for  
considering waiving the late fees.

(Signature)

1/30/18  
(Date)

### For Board Use Only

Date Rcvd: \_\_\_\_\_ Date Heard: \_\_\_\_\_

Verification: \_\_\_\_\_

Bd. Decision. \_\_\_\_\_

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance

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## Waiver Request Information Page

### General

Account Name	Womer, Scott Citizens for	
CCF ID:	01011651	Status: Active
Date Established	4/05/17	
Date Waiver Requested	1/31/18	
Account Type	Campaign Account	

### Officers

Current Treasurer	Maura "Regan"	Start Date:4/05/17
Responsible Treasurer		
Current Chairman	Scott Womer	4/05/17
Responsible Chairman		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/07/18		1/31/18	\$140	\$140
			\$	\$
			Total	\$140

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

### Prior Waiver and Fees

No prior late fees
--------------------

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I withdrew my candidacy, I have since left for Puerto Rico for work.
--

### Division Comments

Grant first request, close account.
-------------------------------------

### 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: Citizens for Scott Womer Account Number: 01011651

Date of Request: 1/31/18 Total Amount of late fees: \$ 140

Name of the Requestor(s)\*: Scott Womer

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The basis for the request: I withdrew my candidacy and left to Puerto Rico for work and was unable to come in.

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JAN 31 2018

STATE BOARD OF ELECTIONS

[Signature]  
(Signature)

1/31/2018  
(Date)

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

Maryland State Board of Elections  
Division of Candidacy and Campaign Finance  
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## Waiver Request Information Page

### General

<b>Account Name</b>	Young, Brad Friends of	
<b>CCF ID:</b>	01012118	<b>Status:</b> Active
<b>Date Established</b>	12/27/17	
<b>Date Waiver Requested</b>	1/29/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Cheryl Young	<b>Start Date:</b> 12/27/17
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Brad Young	12/27/17
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/24/18	\$70	\$70
			\$	\$
			Total	\$70

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

### Prior Waiver and Fees

No priors new committee
-------------------------

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
1/17/18	\$0	\$0	\$0	\$0
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I was unaware I had to file a report as I opened my account in late Dec.
--

### Division Comments

Grant first request.
----------------------

### Administrator's Decision

--

RECEIVED

JAN 29 2018

STATE BOARD OF ELECTIONS

January 24, 2018

Maryland State Board of Elections

ATTN: Campaign Finance

151 West Street

Suite 200

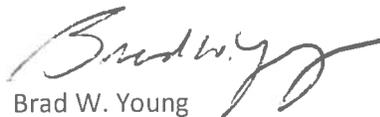
Annapolis, Maryland 21401

Dear Board of Election Supervisors:

In late December 2017 I opened my account to run again for the Frederick County Board of Education as Friends of Brad Young. At the time I did call down to your office to see if I needed to fill out the report due for January 10, 2018. I thought that I was told no. As I had no transaction for either contributions or disbursements, I did not file the report. Today I receive an email that I was late in filing the report and would receive a fine. I immediately filed the report which has all zeroes on it.

I am requesting a waiver of the \$70.00 fine for late filing. Please let me know the status of my request. Thank you for your consideration in this matter.

Sincerely,



Brad W. Young

205 Braeburn Drive

Walkersville, MD 21793

## Waiver Request Information Page

### General

<b>Account Name</b>	Camp, Marva Jo, Friends of	
<b>CCF ID:</b>	01010534	<b>Status: Active</b>
<b>Date Established</b>	2/25/14	
<b>Date Waiver Requested</b>	2/2/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	N/A	<b>Start Date:</b>
<b>Responsible Treasurer</b>	N/A	
<b>Current Chairman</b>	Marva Camp	2/25/14
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		2/02/18	\$160	\$160
			\$	\$
			Total	\$160

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

### Prior Waiver and Fees

1/21/15 late fee \$500 waived  
 11/18/14 late fee \$250 waived  
 10/24/14 late fee \$250 waived

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

My treasurer had all the information, was trying to close but account was unreconciled. Because of death in the family I completely forgot about it.

### Division Comments

Deny, committee has a history of non-compliance.

### Administrator's Decision

### Late Fee Waiver Request Form

Maryland State Board of Elections – Division of Candidacy and Campaign Finance  
P.O. Box 6486 • Annapolis, MD 21401-0486  
410-269-2880 • 800-222-8683

Campaign Account Name: Friends of Marva Jo Camp

Account Number: 0101053A Date of Request: January 30, 2018

Name of the Requestor(s)\*: Marva Jo Camp

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Fund Report(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Amount of late fees: \$ \_\_\_\_\_

The basis for the request: My Treasurer had all information and I wanted to close the account but it was evidently unreconciled. Was in the process of trying to figure out what to do when my Children's father was killed in fatal car crash. Totally forgot until received a letter today. Called to see what I needed to do. Representative very helpful and I am sending the required documents. The account is dormant. Thank you

RECEIVED

FEB 02 2018

STATE BOARD OF ELECTIONS

(Signature)

(Date)

Instructions	For Board Use Only
<ul style="list-style-type: none"><li>- Please print clearly or type.</li><li>- 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.</li><li>- Please limit your request to this document only.</li><li>- <i>*Requests may only be made by the committee chairman, treasurer or candidate.</i></li></ul>	Date Rcvd: _____ Date Heard: _____ Verification: _____ Bd. Decision. _____

## Waiver Request Information Page

### General

<b>Account Name</b>	Okoro, Cyriacus Citizens for	
<b>CCF ID:</b>	01010870	<b>Status:</b> Active
<b>Date Established</b>	2/10/14	
<b>Date Waiver Requested</b>	1/25/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Ofobuile Okeh	<b>Start Date:</b> 2/10/14
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Cyriacus Okoro	2/10/14
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		1/25/18	\$80	\$80
			\$	\$
			Total	\$80

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

### Prior Waiver and Fees

1/18/17 late fee \$500 waived  
4/15/14 late fee \$10 paid

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

I thought my account was closed as of Oct 2017.

### Division Comments

Deny, committee has a history of non-compliance.

### 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: CITIZENS FOR CYRIACUS OKORO Account Number: \_\_\_\_\_

Date of Request: 1-25-18 Total Amount of late fees: \$ 80.00

Name of the Requestor(s)\*: OKORO, CYRIACUS

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 1-17-18

The basis for the request: PLEASE FORGIVE ME FOR NOT FILING THIS STATEMENT WHEN DUE. I THOUGHT THAT MY ACCOUNT HAS BEEN CLOSED AS AT OCTOBER 31ST, 2017. I AM REQUESTING FOR LATE FEE WAIVER AS NOT BEING AWARE THAT MY ACCOUNT IS STILL OPEN. THANKS FOR YOUR UNDERSTANDING.

[Signature]  
(Signature)

1/25/18  
(Date)

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

RECEIVED

JAN 25 2018

STATE BOARD OF ELECTIONS

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## Waiver Request Information Page

### General

<b>Account Name</b>	Wildoner, James A. Proficient Alternative Community For	
<b>CCF ID:</b>	01004835	<b>Status: Inactive</b>
<b>Date Established</b>	07/03/06	
<b>Date Waiver Requested</b>	02/05/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Diana Wildoner	<b>Start Date: 1/26/07</b>
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Jack Jones	7/03/06
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		2/04/18	\$180	\$180
			\$	\$
			<b>Total</b>	<b>\$180</b>

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

### Prior Waiver and Fees

1/21/09 late fee \$30.00 paid  
7/23/10 late fee \$220.00 waived

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

The chairman couldn't find the link to log into the account we sent a letter certified asking the account to be closed and a letter with 0 balance.

### Division Comments

Deny this is not a first request, committee's inability to find link is not a valid excuse.

### 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: Proficient Alternative<sup>A community</sup> for Account Number: 01004835

Date of Request: 2/7/2018 Total Amount of late fees: \$ All  
JAMES A. WILDONER

Name of the Requestor(s)\*: JAMES A. WILDONER

The Requestor is the:  Chairman  Treasurer  Candidate

Waiver of late fees for the following Campaign Finance Report(s): 2018 ANNUAL

The basis for the request: The chairman did not locate or could not find the link therefore we wrote a letter certified mailed on 1/11/2018 #7017268000066157581 and received at your PO Box on 1/13/2018. The letter had attached to it a (zero) balance campaign account and all members of the committee asking to close the campaign account. Our campaigns were fully funded by the candidate. In addition, I forgive the loan to PAC for JAW in the amount of \$10,000

James A. Wildoner  
(Signature)

2/5/2018  
(Date)

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

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## Waiver Request Information Page

### General

<b>Account Name</b>	Boardman, Chris Friends of	
<b>CCF ID:</b>	01009892	<b>Status:</b> Active
<b>Date Established</b>	02/10/14	
<b>Date Waiver Requested</b>	2/21/18	
<b>Account Type</b>	Campaign Account	

### Officers

<b>Current Treasurer</b>	Donald Filar	<b>Start Date:</b> 2/10/14
<b>Responsible Treasurer</b>		
<b>Current Chairman</b>	Chris Boardman	2/10/14
<b>Responsible Chairman</b>		

### Waiver Request Dates

Late Report	Affidavit	Date Received	Fees	Total Fees
1/17/18		2/21/18	\$350	\$350
			\$	\$
			Total	\$350

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

### Prior Waiver and Fees

1/20/16 late fee \$500 paid
11/18/14 late fee \$50 paid
8/26/14 late fee \$250 waived
6/13/14 late fee \$250 waived

### Financial Activity History

Report	Contributions	Expenditures	Cash Balance	Debt
Affidavit	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

### Reason for Waiver

Filed the report it said it was successful, we then received a green card in the mail stating report was never filed.
---

### Division Comments

Deny, The committee has a late history of filing and previously received two waivers. Additionally the committee failed to provide any evidence or document to support the claim that the report was filed.
---

### 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: Boardman, Chris Friends of Account Number: 01009892

Date of Request: 2/2/18 Total Amount of late fees: \$ 350.00

Name of the Requestor(s)\*: Christopher Boardman

The Requestor is the: [X] Chairman [ ] Treasurer [ ] Candidate

Waiver of late fees for the following Campaign Finance Report(s): Jan. 17, 2018

The basis for the request: I received the green card notice for the annual report and went to the web site and logged in. There was no financial activity, either contributions or expenditures for the period. There was no text to enter. I checked the box indicating there was no activity. Below the text box was a box to check if the report was complete and that I was submitting it. I checked it. There was a pop up message that said I had successfully filed the report. Later on 2/20/18 the Howard Election Board and the state office said no report had been filed and

Signature: Christopher Boardman

(Date) 2/2/18

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

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FEB 21 2018
STATE BOARD OF ELECTIONS

I wrote emails to Ms. Kaman about this. I cannot explain why it was not received when the computer program said it was successfully filed.

Absentee Voting - Ballots Delivered by Mail and via Online Delivery  
2012 - 2016

	2012 Primary	2012 General	2014 Primary	2014 General	2016 Primary	2016 General
<i>Domestic, Civilian Voters</i>						
Ballot sent by mail	73.7%	88.2%	66.0%	67.7%	59.4%	59.4%
Ballot delivered online	6.8%	0.6%	17.7%	21.3%	32.9%	34.3%
<i>Military &amp; Overseas Voters</i>						
Ballot sent by mail	31.1%	26.1%	32.7%	28.2%	25.8%	23.6%
Ballot delivered online	68.6%	73.8%	67.2%	71.6%	74.1%	76.3%
<i>All Voters</i>						
Ballot sent by mail	71.5%	82.3%	65.2%	66.4%	56.9%	55.9%
Ballot delivered online	10.0%	7.7%	18.9%	23.1%	35.9%	38.4%

Note:

This table does not include ballots delivered by other means (e.g., picked up by voter). As a result, the percentages do not total 100%.

## ASSISTANT ATTORNEY GENERAL'S REPORT

February 22, 2018

1. *Benisek v. Lamone*, No. 17-333, October 2017 Term (Supreme Court). This case involves claims that the State's congressional districting map is an unconstitutional political gerrymander. Certiorari was granted in December. On February 21, 2018, the State defendants filed its response brief, and oral argument has been scheduled for March 28. Assistant Attorneys General Sarah Wright and Jen Katz have been representing the State Board in this litigation, and Solicitor General Stephen M. Sullivan will argue the case in the Supreme Court.

2. *In the Appeal of Kennedy Services, LLC*, MSBCA 3064 (Md. State Bd. of Contract Appeals). This matter involved the bid protest of Kennedy Services challenging the State Administrator's award of a staffing contract to another vendor. After a Second Amended Order was issued January 5, 2018, remanding the case to the Procurement Officer for award of the contract to Kennedy Services, Kennedy Services ultimately withdrew their bid. The contract has since been awarded to the other vendor. Assistant Attorney General Douglas Carrey-Beaver, Principal Counsel for the Contract Litigation Unit, represented the State Board in this matter.

3. *In re Petition of the Maryland State Board of Elections*, No. 24-C-17-005677 (Cir. Ct., Baltimore City). This matter relates to a petition for judicial review of a decision of the Board of Contract Appeals holding that SBE had breached its contract with Star Computer Supply ("Star") when it sought to recover money it had paid Star through an offset against other amounts payable to Star by the State of Maryland under unrelated contracts. On February 12, Star filed its response to the petition for review as well as a cross-petition for attorneys' fees. Assistant Attorney General Jonathan Pomerance is representing the State Board, and is preparing a reply memorandum in support of the petition as well as a motion to dismiss the cross-petition for attorneys' fees. The matter is scheduled to be heard in the Circuit Court on March 13.

4. *Fusaro v. Davitt et al.* (U.S. District Court, D. Md.). Plaintiff Dennis Fusaro has brought a complaint in federal court alleging that Maryland violates the First and Fourteenth Amendments by limiting access to the voter list to Maryland voters and only for purposes related to the electoral process. The State defendants filed their motion to dismiss the complaint on January 26, arguing that the statute governing access to Maryland's voter registration list is constitutional, and will file a reply brief in support of the motion tomorrow, February 23. Assistant Attorney General John Grimm is representing the State Board in this litigation.

5. *Claudia Barber v. Maryland Board of Elections*, No. C-02-CV-17-001691 (Cir. Ct. Anne Arundel Cnty.) On January 25, Ms. Barber appealed from the Circuit Court's January 11 dismissal of her complaint. Ms. Barber sought damages and judicial review of, among other things, the State Board's decision not to issue a declaratory ruling permitting her to use campaign funds to pay for litigation costs she incurred in her unsuccessful attempt to retain her position as an administrative law judge in the District of Columbia. Ms. Barber was ruled ineligible for that position due to her candidacy in 2016 for Judge of the Circuit Court for Prince George's County, Maryland. Assistant Attorney General Jen Katz represented the State Board in this litigation, and Assistant Attorney General Andrea Trento will represent the State Board in the appeal.

6. *Krishanti Vignarajah v. Larry Hogan for Governor, et al.*, No. C-02-CV-17-002883 (Cir. Ct. Anne Arundel Cnty.) On October 7, 2017, Ms. Vignarajah filed a complaint for declaratory relief, seeking a declaratory judgment that she meets the statutory eligibility requirements to be a candidate for Governor in the 2018 election. On November 27, 2017, the State defendants moved to dismiss, and argument had been scheduled to be heard on that motion in early February. Shortly before oral argument, Ms. Vignarajah voluntarily dismissed her complaint.

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  
Kelley Howells  
Gloria Lawlah



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

Memorandum

**TO:** State Board Members  
**FROM:** Jared DeMarinis, Director  
Division Candidacy and Campaign Finance  
**SUBJECT:** Administrative Closure of Campaign Accounts  
**DATE:** February 22, 2018

Pursuant to §13-313 of the Election Law Article, the State Board has the authority to administratively close a political committee upon determination that good cause exists and when other criteria are met:

1. The campaign finance entity could be terminated under §13-309 (b) (4) of this subtitle except for the existence of one or more outstanding obligations and each of those obligations is more than 5 years old;
2. No responsible officer currently is appointed and serving; or
3. Other extenuating circumstances exist to justify terminating the campaign finance entity.

(b.) The termination of a campaign finance entity under this section does not limit the right of:

- (1) The State Board, or the State Prosecutor or the State's Attorney, to pursue an enforcement action against the former responsible officers of, or any candidate formerly affiliated with, the campaign finance entity; or
- (2) A creditor to bring an action against the former responsible officers of, or any candidate affiliated with, the campaign finance entity

Attached are forms, which have been prepared for the Board's review of accounts that meet the requirements for administrative closure.

If you have any questions, please do not hesitate to contact me at 410-269-2853.

## Administrative Closure

1. Melissa Bagley
2. Jonathan Shurberg

**REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT**

<b>Account Name</b>	Melissa A. Bagley for A Greater Baltimore
<b>CCF ID Number</b>	01011392
<b>Account Established Date</b>	2/2/2016
<b>Outstanding Debts/Loans</b>	\$0.00
<b>Cash Balance</b>	\$0.00
<b>Last Filed Campaign Finance Report (CFR)</b>	2016 Pre-Primary1 (ALCE) (marked as Final Report) (This is the only report filed. The candidate run for City Council for Baltimore City in the 2016 Primary Elections but did not won)
<b>Outstanding Late Fees *</b>	\$2,630.00

**Office of the State Prosecutor (OSP) Action/s Taken:**

The OSP determined that prosecution is not warranted and will not be pursuing the outstanding violations. The OSP has made multiple attempts to locate and contact the Chairperson/Candidate and the Treasurer. However, they were not only unresponsive, but have continuously evaded service. All attempts made (e-mail and letters) but correspondence were subsequently returned and unable to forward. Also, all attempts made by the Baltimore City Sheriff's Office to locate and/or obtain effective service have been unsuccessful.

**List name and address of last known officers:**

<b>Candidate</b> Melissa Bagley P.O. Box 21358 Pikesville, MD 21282	<b>Chairman</b> Same as the candidate
<b>Treasurer</b> Bessie M. Roberson 3820 Byfield Rd. Baltimore, MD 21207	

**Briefly describe why this committee should be closed:**

This committee should be closed due to the following:

1. The OSP made multiple attempts to locate and contact the Chairperson/Candidate and the Treasurer, but they were unresponsive and continuously evaded service. All correspondence made were returned and unable to forward.
2. The Treasurer resigned on 8/24/2016.

Election Law Article § 13-313 (a) (3) requires the termination of campaign finance entity by the State Board when other extenuating circumstances exist to justify terminating the campaign finance entity.

\*If additional space is required, attach a breakdown of outstanding late fees, include report due dates and outstanding late fees.

**REQUEST TO ADMINISTRATIVELY CLOSE CAMPAIGN ACCOUNT**

<b>Account Name</b>	Friends of Jonathan Shurberg
<b>CCF ID Number</b>	01009496
<b>Account Established Date</b>	10/28/2013
<b>Outstanding Debts/Loans</b>	\$366,200.00 (candidate loan)
<b>Cash Balance</b>	\$250.41
<b>Last Filed Campaign Finance Report (CFR)</b>	2017 Annual (ALCE) (no final report has been filed)
<b>Outstanding Late Fees *</b>	\$0.00
<b>Office of the State Prosecutor (OSP) Action/s Taken:</b>	
<b>List name and address of last known officers:</b>	
<b>Candidate</b> Jonathan Seth Shurberg 305 Hamilton Ave. Silver Spring, MD 20918	<b>Chairman</b> Kevin Travis Ballie 1220 Blair Mill Rd. Apt. 502 Silver Spring, MD 20910
<b>Treasurer</b> Samuel Jason Agger 9418 Wire Avenue Silver Spring, MD 20901	
<b>Briefly describe why this committee should be closed:</b>	
This committee should be closed due to the following: <ol style="list-style-type: none"> <li>1. The candidate passed away on 7/20/2017.</li> <li>2. The campaign bank account was closed since 2015.</li> </ol> <p>Election Law Article § 13-313 (a) (3) requires the termination of campaign finance entity by the State Board when other extenuating circumstances exist to justify terminating the campaign finance entity.</p>	

\*If additional space is required, attach a breakdown of outstanding late fees, include report due dates and outstanding late fees.

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**State Board of Elections**

***Operating Budget Data***

(\$ in Thousands)

	<u>FY 17</u> <u>Actual</u>	<u>FY 18</u> <u>Working</u>	<u>FY 19</u> <u>Allowance</u>	<u>FY 18-19</u> <u>Change</u>	<u>% Change</u> <u>Prior Year</u>
General Fund	\$9,261	\$8,191	\$12,168	\$3,977	48.6%
Adjustments	0	440	30	-410	
<b>Adjusted General Fund</b>	<b>\$9,261</b>	<b>\$8,632</b>	<b>\$12,199</b>	<b>\$3,567</b>	<b>41.3%</b>
Special Fund	13,231	12,041	21,144	9,103	75.6%
Adjustments	0	484	3	-481	
<b>Adjusted Special Fund</b>	<b>\$13,231</b>	<b>\$12,525</b>	<b>\$21,147</b>	<b>\$8,623</b>	<b>68.8%</b>
Federal Fund	123	85	0	-85	-100.0%
Adjustments	0	0	0	0	
<b>Adjusted Federal Fund</b>	<b>\$123</b>	<b>\$85</b>	<b>\$0</b>	<b>-\$85</b>	<b>-100.0%</b>
Reimbursable Fund	5,149	3,537	0	-3,537	-100.0%
Adjustments	0	0	0	0	
<b>Adjusted Reimbursable Fund</b>	<b>\$5,149</b>	<b>\$3,537</b>	<b>\$0</b>	<b>-\$3,537</b>	<b>-100.0%</b>
<b>Adjusted Grand Total</b>	<b>\$27,764</b>	<b>\$24,779</b>	<b>\$33,346</b>	<b>\$8,567</b>	<b>34.6%</b>

Note: FY 18 Working includes targeted reversions, deficiencies, and across-the-board reductions. FY 19 Allowance includes contingent reductions and cost-of-living adjustments.

- The Governor's budget plan includes deficiencies totaling \$978,013 for the State Board of Elections (SBE) for fiscal 2018. This total is divided evenly between general and special funds – \$478,602 will be used to acquire additional voting equipment for the 2018 election, and \$499,411 is to supplement the agency's appropriation for software licenses.

Note: Numbers may not sum to total due to rounding.

For further information contact: Benjamin B. Wilhelm

Phone: (410) 946-5530

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- The fiscal 2019 allowance increases by a total of \$8.6 million, or 34.6%, above the fiscal 2018 working appropriation after accounting for fiscal 2018 deficiencies and across-the-board adjustments. This increase is largely attributable to expenses for the 2018 election, including \$8 million in special funds for new pollbooks.

***Personnel Data***

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	<b><u>FY 17</u></b> <b><u>Actual</u></b>	<b><u>FY 18</u></b> <b><u>Working</u></b>	<b><u>FY 19</u></b> <b><u>Allowance</u></b>	<b><u>FY 18-19</u></b> <b><u>Change</u></b>
Regular Positions	41.80	41.80	41.80	0.00
Contractual FTEs	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>0.00</u>
<b>Total Personnel</b>	<b>42.80</b>	<b>42.80</b>	<b>42.80</b>	<b>0.00</b>

***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	0.85	2.04%
Positions and Percentage Vacant as of 12/31/17	3.00	7.18%

- The fiscal 2019 working appropriation includes 41.8 regular positions and 1 contractual full-time equivalent, the same as the fiscal 2018 working appropriation.
- Turnover expectancy for SBE is 2.04%, which requires 0.85 vacancies. As of December 31, 2017, the agency had 3 vacancies, for a vacancy rate of 7.18%.

## *Analysis in Brief*

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### Major Trends

**Early Data on the 2018 Election:** While it is still early in the 2018 election cycle, SBE reports that, to date, 1,266 candidates have filed for office, and SBE anticipates that the 2018 election will be similar in size to the 2014 election.

**Campaign Finance Reporting Update:** The first campaign finance reporting deadline of 2018 was January 17. SBE reports that 91% of candidates required to file did so in a timely manner. SBE has increased its outreach and education on campaign financing rules for the 2018 election and expects that compliance rates will increase.

**Resolution of Voter Registration System Concerns Raised in Legislative Audit:** The Office of Legislative Audits issued a fiscal compliance audit for SBE in April 2017. The audit identified a number of deficiencies including several issues related to the personally identifiable data maintained in the voter registration system. SBE has taken remedial action to ensure the accuracy of information entered into the system by local boards of elections, increase security, and eliminate nine-digit Social Security numbers from the system.

### Issues

**Preparations for the 2018 Election:** The Department of Legislative Services (DLS) has identified two items of interest for the 2018 election. First, there will be a total of 78 early voting sites for the primary election (10 more than in 2016) and 79 for the general election (1 more). In addition to the new sites, 9 existing sites are being relocated. Second, a problem with the State’s Ballot Marking Devices that limits the on-screen display to no more than seven candidates at one time was not resolved for the 2018 election. SBE reports that the vendor was not able to resolve the problem and that the board has voted to continue a workaround plan from the 2016 election that makes the machines available, but not mandatory, for early voting. **SBE should comment on why the vendor was not able to resolve the software issue for the 2018 election and how it plans to resolve the problem for the future. DLS also recommends that narrative be adopted requiring SBE to submit a status update to the committees before the start of the 2019 session.**

**Election Security:** Reports of attempted interference by the Russian government in the 2016 presidential election have placed increased emphasis on election security going into the 2018 election. The U.S. Department of Homeland Security has reported to the State that Maryland was 1 of 21 states targeted in 2016, but SBE reports that its voter registration system was not compromised. The State has a number of security protections in place that limit the risk of interference with election systems, but continuing vigilance is warranted. **DLS recommends that SBE update the committees on the status of its cybersecurity operations and how it will ensure the integrity of the 2018 election before, during, and after voting.**

## Operating Budget Recommended Actions

	<u>Funds</u>
1. Reduce funding for the acquisition of new pollbooks based on the plan to finance the purchase over three years.	\$ 5,363,547
2. Adopt committee narrative to request a report on the resolution of problems with ballot marking devices.	
<b>Total Reductions</b>	<b>\$ 5,363,547</b>

## Updates

***Fair Campaign Finance Fund:*** There was \$3.0 million in the Fair Campaign Finance Fund as of February 9, 2018. SBE reports that this amount is sufficient to fully fund one candidate in either the primary or general election but not both.

***Expansion of the Election Registration Information Center Should Improve Accuracy of Voter Rolls:*** The Election Registration Information Center (ERIC) is a consortium of 22 states and the District of Columbia that collects and promulgates voter information among the members to improve the accuracy of voter rolls in each participating jurisdiction. It is expected that California and Florida will join ERIC in the near future, which would significantly increase the amount of data available to the consortium.

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***Operating Budget Analysis***

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**Program Description**

The State Board of Elections (SBE) is a five-member board charged with managing and supervising elections in the State; ensuring compliance with State and federal election laws, including the federal Help America Vote Act; assisting citizens in exercising their voting rights; and providing access to candidacy for individuals seeking elected office.

Individuals from both major parties are appointed to SBE by the Governor, with the advice and consent of the Senate, for staggered, four-year terms. The board appoints a State Administrator, also with the advice and consent of the Senate, who is charged with oversight of the board's functions and supervising the operations of the local boards of elections (LBE). LBEs process voter registration records for the statewide voter registration database, establish election precincts, staff polling places, provide and process absentee and provisional ballots, and certify local election results.

The mission of SBE is to administer the process of holding democratic elections in a manner that inspires public confidence and trust. SBE's key goals are:

- to ensure that all eligible Maryland citizens have the opportunity to register to vote; and
- to provide a voting process that is convenient and accessible.

**Performance Analysis: Managing for Results**

**1. Early Data on the 2018 Election**

The performance of SBE is ultimately measured by how well the last election went. While there were municipal elections in some jurisdictions in 2017, there has not been a statewide election since the Department of Legislative Services (DLS) last reported on SBE's performance. The filing deadline for the November 6, 2018 general election is Tuesday, February 27. SBE reports that as of February 8, a total of 1,266 candidates have filed for the 2018 election cycle. SBE's early reporting also indicates that this election is likely to be more complicated logistically than the 2014 election. SBE is estimating that there will be about 1,100 unique ballot styles across the State (there were 986 for the 2014 election) and that 2,700 scanning machines and 6,100 pollbooks will be deployed statewide.

SBE reported to the House Ways and Means Committee on January 26, 2018, that the agency conducted a week-long simulated election in January 2018 in which SBE and all LBEs participated. This simulation included early voting, Election Day, and post-election activities including regular and absentee ballot systems. While the results of the simulation were generally positive according to the agency, SBE reports that it will be working with LBEs to further refine processes.

## **2. Campaign Finance Reporting Update**

The first campaign finance reporting deadline of 2018 was January 17, 2018. SBE has reported that 91% of candidates required to file campaign finance reports did so by the filing deadline. SBE used an online system for campaign finance disclosures and created an instructional video to assist campaign treasurers and, ideally, to reduce the number of deficiencies that need to be remedied as SBE audits these reports. Reporting deadlines for the coming year can be found in **Exhibit 1**.

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### **Exhibit 1 2018 Campaign Finance Reporting Schedule**

<b><u>Report</u></b>	<b><u>Due Date</u></b>	<b><u>Beginning Date</u></b>	<b><u>End Date</u></b>
2018 Annual Report	January 17		January 10
Spring Report <sup>1</sup>	April 17		April 10
Pre-primary Report 1	May 22	January 11	May 15
Pre-primary Report 2	June 15	May 16	June 10
Pre-general Report 1	August 28	June 11	August 21
Ballot Issue Report	October 12	August 22	October 7
Pre-general Report 2	October 26	August 22	October 21
Post-general Report	November 18	October 22	November 13

<sup>1</sup> Only new campaign committees that were not required to file a 2018 annual report must file the Spring Report.

Source: State Board of Elections

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SBE's most recent Managing for Results submission also shows that the agency is making progress on metrics associated with the effective management of the campaign finance system. As shown in **Exhibit 2**, SBE improved its campaign finance administration and anticipates the highest success rate for various metrics related to filing since the State moved to entirely online reporting by campaigns. First, SBE is greatly expanding the number of campaign finance classes for treasurers and intends to hold 60 such classes for the 2018 election, compared to only 8 for the 2014 cycle.

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**Exhibit 2**  
**Campaign Finance Measures**  
**2010-2018 Elections**

	<u>2010</u>	<u>2012</u>	<u>2014</u>	<u>2016</u>	<u>2018</u>
Campaign Finance Classes	15	12	8	10	60
Total Campaign Finance Committees	2,571	2,173	2,709	2,076	2,700
Campaign Finance Reports Filed	10,717	8,291	14,709	4,585	15,000
Percent of Campaign Finance Reports Submitted on Time	85%	84%	72%	77%	85%
Percent of Campaign Finance Reports with Deficiencies	26%	37%	35%	36%	32%

Source: Department of Budget and Management

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SBE projects that there will be about 15,000 campaign finance reports filed and 2,700 campaign finance committees established for the 2018 election, both of which are similar to the 2014 election cycle. Of these filings, SBE estimates that 85% will be filled on time, an increase of 13 percentage points over 2014, and that the percent with deficiencies that need to be remedied will decline from 35% to 32%.

### **3. Resolution of Voter Registration System Concerns Raised in Legislative Audit**

The Office of Legislative Audits (OLA) issued a fiscal audit of SBE on April 24, 2017. Among the eight findings in the audit were three related to data verification and security within the State’s voter registration system (MDVOTERS). As SBE reported, both in its response to OLA and in testimony before the General Assembly, remedial action has been taken to resolve these issues. Specifically, OLA raised, and SBE corrected, the following four specific concerns:

- ***SBE Did Not Have Sufficient Checks in Place to Verify the Accuracy of MDVOTERS Data:*** Beginning in January 2017, SBE now audits how local LBEs process information they receive from the Electronic Registration Information Center (ERIC). Data from ERIC is central to how SBE ensures that the State’s voter rolls are accurate and up to date;
- ***SBE Did Not Have Strong Enough Procedures to Control the Number of Authorized Users for the System:*** LBEs determine who within their offices will have access to the MDVOTERS system. However, SBE itself is ultimately responsible for ensuring that access is only available to those who need it. SBE and LBEs review accounts with access to the system regularly and make changes as necessary;

- ***There Were Insufficient Protections for Voters’ Personally Identifiable Information:*** OLA noted that ERIC, which receives a large share of the personally identifiable information collected by SBE, does not conduct a Service Organization Controls 2 Type 2 audit, which OLA considers necessary to ensure that the data provided by SBE is sufficiently safeguarded. SBE reported that ERIC is a multi-state consortium controlled by a board of directors and that the State cannot require such an audit of the organization. However, SBE also reported that ERIC has a variety of security measures in place to protect data as well as other audit requirements that verify that its databases are properly maintained; and
- ***MDVOTERS Contained Full Social Security Numbers (SSN) for Nearly 600,000 Voters When Only the Last Four Digits Are Necessary:*** OLA discovered that about 14% of the voter registrations held in MDVOTERS contained full nine-digit SSNs. While submission and retention of the last four digits of the SSN are necessary, there is no reason for SBE to keep records that include the full SSN. SBE has reported that this occurred when voters provided the full number with their registration, and the information was then entered into the system as submitted. SBE resolved this issue by shortening all records in the MDVOTERS system to include only the last four digits and adjusting the interface and system so that it allows for the entry of only four digits.

## **Fiscal 2018 Actions**

### **Proposed Deficiency**

The Governor’s budget plan includes two fiscal 2018 deficiency appropriations for SBE totaling \$978,013. Each deficiency is for an expenditure that is subject to local cost sharing; therefore, \$489,006 of the deficiency appropriation is general funds, and \$489,007 is special funds from local jurisdictions. The first deficiency provides \$478,602 to purchase additional voting equipment for the 2018 election, and the second adds \$499,411 to fund software licenses. This second deficiency represents the first appropriation for what will be an ongoing expense for SBE. An account audit by the licensor, Oracle, determined that SBE was using more copies of the software than it had authorized licenses to use under its contract. This additional expenditure is necessary for SBE to maintain operations.

### **Across-the-board Employee and Retiree Health Insurance Reduction**

The budget bill includes an across-the-board reduction for employee and retiree health insurance in fiscal 2018 to reflect two additional payroll health insurance deduction holidays. This agency’s share of this reduction is \$48,630 in general funds and \$5,247 in special funds.

**Proposed Budget**

As shown in **Exhibit 3**, the fiscal 2019 allowance increases by \$8.6 million, or 34.6%, over the fiscal 2018 working appropriation. The general fund appropriation increases by \$3.6 million, or 41.3%, due to the removal of the New Voting System Replacement (NVSR) project from the Department of Information Technology’s (DoIT) Major Information Technology (IT) Project portfolio, which changes how these funds are appropriated but not the overall cost of the project. There is also a special fund increase of \$8 million for new pollbooks.

**Exhibit 3**  
**Proposed Budget**  
**State Board of Elections**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Special Fund</b>	<b>Federal Fund</b>	<b>Reimb. Fund</b>	<b>Total</b>
Fiscal 2017 Actual	\$9,261	\$13,231	\$123	\$5,149	\$27,764
Fiscal 2018 Working Appropriation	8,632	12,525	85	3,537	24,779
Fiscal 2019 Allowance	<u>12,199</u>	<u>21,147</u>	<u>0</u>	<u>0</u>	<u>33,346</u>
Fiscal 2018-2019 Amount Change	\$3,567	\$8,623	-\$85	-\$3,537	\$8,567
Fiscal 2018-2019 Percent Change	41.3%	68.8%	-100.0%	-100.0%	34.6%
 <b>Where It Goes:</b>					
<b>Personnel Expenses</b>					
Employee and retiree health insurance .....					\$54
Cost-of-living adjustment .....					33
Workers’ compensation premium assessment .....					21
Turnover adjustments .....					-12
Other fringe benefit adjustments.....					21
<b>Election Operations</b>					
New pollbooks and printers .....					8,046
Ballots .....					1,000
MDVOTERS maintenance contract .....					162
Mailing of absentee ballots .....					46
Post-election audit contract.....					27
Election staffing contract .....					-83
Maintenance of legacy agency election management system.....					-60
Agency Election Management System Modernization Project .....					-105
New Voting System Replacement .....					-105
End of fiscal 2018 deficiency for voting equipment.....					-479
<b>Other Agency Expenditures</b>					
Rent.....					87
Other .....					-86
<b>Total</b>					<b>\$8,567</b>

Note: Numbers may not sum to total due to rounding.

## **General Salary Increase**

The fiscal 2019 allowance includes funds for a 2% general salary increase for all State employees, effective January 1, 2019. These funds are budgeted in the Department of Budget and Management's (DBM) statewide program and will be distributed to agencies during the fiscal year. This agency's share of the general salary increase is \$30,042 in general funds and \$3,099 in special funds. In addition, employees will receive another 0.5% increase and a \$500 bonus effective April 1, 2019, if actual fiscal 2018 general fund revenues exceed the December 2017 estimate by \$75 million. These funds have not been budgeted. The Administration will need to process a deficiency appropriation if revenues are \$75 million more than projected.

## **Personnel**

Personnel expenditures increase by \$116,926. The increase is attributable to the cost-of-living adjustment for fiscal 2019 (\$33,141), restoration of health insurance savings in fiscal 2018 (\$53,877), and workers' compensation premiums (\$21,109). These increases are offset by an increase in turnover expectancy (\$12,443).

## **Election Operations**

SBE's budget is cyclical and depends largely on both the election cycle and whether any major election systems are being replaced. Therefore, there are several large changes between the fiscal 2018 working appropriation and the fiscal 2019 allowance. They include increases for ballot printing (\$1 million) and mailing (\$45,400), for the maintenance of the voter registration system (\$161,398), and for the contract for the post-election audit (\$27,000). In addition, there are changes for the IT systems and equipment discussed below:

- ***Agency Election Management System:*** SBE expenditures for the planning and implementation of the Agency Election Management System (AEMS) Modernization project decrease by \$104,920, and expenditures to maintain the legacy system in fiscal 2019 decrease by \$60,142. A provision in Chapter 23 of 2017 (the Budget Reconciliation and Financing Act (BRFA)) authorized DBM to transfer funds within SBE and from DoIT's Major Information Technology Development Project Fund (MITDPF) to support the operations of the legacy AEMS that were not budgeted in the fiscal 2018 budget. For this project, \$251,155 in general funds and \$483,765 in reimbursable funds were transferred from DoIT to SBE in fiscal 2018.
- ***NVSR:*** The NVSR project was part of DoIT's Major IT project portfolio until early fiscal 2018. The BRFA of 2017 authorized the transfer of funds from the MITDPF to support the operations and maintenance of the new system in fiscal 2018, and a total of \$3.5 million was transferred for this purpose. Total expenditures for NVSR decrease by \$105,051 to \$6.2 million in fiscal 2019.
- ***New Pollbooks:*** The fiscal 2019 allowance includes an increase of \$8 million in special funds from local jurisdictions for the acquisition of new pollbooks. SBE has used the same pollbooks

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since the 2006 election and is preparing to switch to modern tablet computers. This equipment will be piloted in Caroline and Charles counties in the June 2018 primary election. At the time that the fiscal 2019 budget was submitted, SBE believed that its local partners would be purchasing the equipment outright, with the entire cost being reflected in the fiscal 2019 allowance. However, SBE now reports that the local governments have decided to take advantage of the State Treasurer’s Office’s Equipment Lease-Purchase program to finance the acquisition over a three-year period. While the exact annual cost will not be determined until later in the process, the fiscal 2019 budget should be adjusted to reflect the impact of this change. **DLS recommends that the fiscal 2019 appropriation for the acquisition of new pollbooks be reduced to account for the fact that the purchase will now be financed over three years through the Equipment Lease-Purchase program.**

**Other Changes**

Finally, for SBE’s general operations, there is an increase for rent (\$87,097).

## ***Issues***

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### **1. Preparations for the 2018 Election**

Preparations are well underway for the 2018 election. While it is too early to fully anticipate all of the issues that are likely to arise this election cycle or to predict which will be the most important over the course of the coming year, there are at least two areas of emphasis worthy of consideration at this point.

#### **Changes for Early Voting Sites**

SBE has announced that there will be 78 early voting sites for the primary election and 79 for the general election. This is an increase of 10 sites for the primary election and 1 more for the general election over the 2016 election. In addition, SBE reports that a total of 9 sites are moving to new locations because the prior site was unavailable, or LBE determined that an alternative site is preferable. A list of new early voting sites is provided for informational purposes in **Appendix 4**.

#### **Ballot Marking Devices**

Since the State reintroduced paper ballots in 2015 and 2016, SBE has offered ballot-marking devices (BMD) for voters with disabilities. As the name suggests, these machines assist voters by marking a paper ballot based on entries recorded with a touchscreen. The return to hand-marked, paper ballots necessitate that each early voting site and Election Day polling place have a BMD available for voters. In addition, SBE has developed procedures to ensure that the devices are used by enough voters to maintain the secrecy of each vote cast.

While providing this service to support voting is essential, the BMDs currently being used across the State are not perfect. In particular, a navigation problem has persisted since the machines debuted: only seven candidates can be displayed on the screen at any given time. For any contest with more than seven candidates, the voter is required to advance to a second screen to see additional candidates and has no ability to view all candidates at the same time. The on-screen navigation buttons to move through the full list of candidates, to vote in the contest, and to move to the next or prior contest are confusing for voters and can lead to errors. The problem is severe enough that the board voted to abandon a plan to use only BMDs for early voting for the 2016 election.

SBE had been working with the BMD vendor to eliminate these navigation problems in a recent software update before the 2018 election. However, because the problem could not be resolved, SBE held public meetings and met with stakeholders. It voted unanimously to continue the mitigation plan used for the 2016 election and make the devices available at each early voting center, but not mandatory for all early voters. **SBE should comment on why the vendor was not able to resolve the software issue for the 2018 election and how it plans to resolve the problem for the future. DLS also recommends that narrative be adopted requiring SBE to submit a status update to the committees before the start of the 2019 session.**

## **2. Election Security**

One additional area of ongoing concern following the 2016 election is election security. As has been widely reported over the last year, there were attempts by the Russian government in the lead up to the 2016 election to compromise state election systems via online attacks against public-facing electoral websites. Maryland has been informed by the U.S. Department of Homeland Security (DHS) that it was 1 of 21 states that were targeted during the 2016 election cycle.

While SBE does not publically disclose all of the details about its systems or its security, with good reason, there are some basic facts about SBE's structure and the attempted interference in the 2016 election that should provide some reassurance as the 2018 election approaches.

SBE has reported that attempts to penetrate the Online Voter Registration System (OLVR), were not successful, and the system was not compromised. The OLVR is a public-facing website and, as with all such websites, it is exposed to intrusion and other disruptions (such as distributed denial of service attacks) merely because it is a public access point.

Even if the OLVR could be successfully targeted, this does not necessarily mean that the MDVOTERS database could be easily manipulated. The systems are separate, and the MDVOTERS database does not pull information directly from the OLVR. When an individual registers to vote or changes their vote information in the OLVR, that information is only transferred into MDVOTERS by LBE employees. In addition, SBE carefully monitors both systems and maintains backups of both, if needed. SBE works with DoIT, DHS, and private cybersecurity firms to protect its systems.

Further, the voting systems themselves (pollbooks, BMDs, and ballot scanners) are not connected to the Internet during early voting or on Election Day and have a variety of physical and software protections in place to ensure their integrity. Each machine is reset and checked for accuracy before each election by LBE staff, and a formal chain of custody of the physical machines is also established that lasts through the election. Even if a machine malfunctioned or was compromised, the State has returned to voting with paper ballots. For the 2018 election, SBE will be able to provide a scan of each ballot cast in the State to an audit firm to verify the accuracy of the scanning machines used by the State to tabulate votes. In addition, because there are actual paper ballots generated by voters, a hand recount or audit of those ballots can be conducted.

While it is important that SBE and the State remain vigilant in order to ensure the integrity of elections and maintain public confidence, it does appear that SBE has been proactive and has put protections in place that will make it difficult to materially undermine an election. **DLS recommends that SBE update the committees on the status of its cybersecurity operations and how it will ensure the integrity of the 2018 election before, during, and after voting.**

## Operating Budget Recommended Actions

- |  | <b><u>Amount<br/>Reduction</u></b> |
|--|------------------------------------|
| 1. The allowance includes \$8 million in special funds from local governments to purchase new pollbooks across the State. This acquisition will be financed through the Equipment Lease-Purchase program of the State Treasurer’s Office over a three-year period. This action reduces the allowance to reflect this financing plan. | \$ 5,363,547 SF                    |

2. Adopt the following narrative:

**Unresolved Ballot Marking Device Problems:** The committees are concerned that problems with ballot marking devices identified before the 2016 election have not been resolved for the 2018 election. These problems make voting more difficult by creating confusion for voters and limiting the number of candidates that can be displayed on screen at one time. The committees express the intent that these issues should be resolved before the 2020 election and request an update before the start of next session on the remedial actions being taken by the State Board of Elections (SBE).

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Unresolved ballot marking device problems	SBE	January 14, 2019
<b>Total Special Fund Reductions</b>		<b>\$ 5,363,547</b>

## ***Updates***

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### **1. Fair Campaign Finance Fund**

The Fair Campaign Finance Fund had a balance of \$2,964,571 as of February 9, 2018. SBE has calculated that the expenditure limit for the 2018 gubernatorial election is \$2,798,370 based on the formula established in Election Law Article § 15-105. SBE reports that the balance in the fund is sufficient to fully fund one candidate in the primary election or one in the general election but not both. To the extent that there is not sufficient funding available to fully fund each candidate requesting public financing, SBE is required to provide funds to all qualified candidates on a proportional basis. As of this writing, one candidate has qualified to receive public funds for the primary election in June.

### **2. Expansion of the Election Registration Information Center Should Improve Accuracy of Voter Rolls**

ERIC is a national consortium currently composed of 22 states, including Maryland and the District of Columbia. ERIC was founded by Maryland and six other states in 2012 to share information on registered voters in order to improve the accuracy of voter rolls. The collection and comparison of records allows participants to identify errors in registration information and more readily determine when a registrant has had a status change that would affect their eligibility to vote (*i.e.*, moving to another state).

The organization has added 16 participating jurisdictions since 2014, including Arizona in December 2017 and Missouri in January 2018. Each new jurisdiction provides additional benefits for all participating states. It is anticipated that ERIC will grow significantly in the near future, as it is now likely that California and Florida will join the consortium.

**Appendix 1**  
**Current and Prior Year Budgets**  
**State Board of Elections**  
**(\$ in Thousands)**

	<b><u>General</u></b> <b><u>Fund</u></b>	<b><u>Special</u></b> <b><u>Fund</u></b>	<b><u>Federal</u></b> <b><u>Fund</u></b>	<b><u>Reimb.</u></b> <b><u>Fund</u></b>	<b><u>Total</u></b>
<b>Fiscal 2017</b>					
Legislative Appropriation	\$8,393	\$13,677	\$204	\$0	\$22,274
Deficiency Appropriation	823	0	0	0	823
Cost Containment	0	0	0	0	0
Budget Amendments	45	527	0	5,342	5,914
Reversions and Cancellations	0	-972	-81	-194	-1,247
<b>Actual</b> <b>Expenditures</b>	<b>\$9,261</b>	<b>\$13,231</b>	<b>\$123</b>	<b>\$5,149</b>	<b>\$27,764</b>
<b>Fiscal 2018</b>					
Legislative Appropriation	\$7,488	\$12,041	\$85	\$0	\$19,613
Cost Containment	0	0	0	0	0
Budget Amendments	704	0	0	3,537	4,241
<b>Working</b> <b>Appropriation</b>	<b>\$8,191</b>	<b>\$12,041</b>	<b>\$85</b>	<b>\$3,537</b>	<b>\$23,855</b>

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. Numbers may not sum to total due to rounding.

## **Fiscal 2017**

The State Board of Elections (SBE) finished fiscal 2017 with actual expenditures \$5.5 million above the legislative appropriation. This increase is attributable to the allocation of reimbursable funds from the Department of Information Technology (DoIT) for Major Information Technology (IT) Projects, deficiencies for costs associated with the 2016 election, and additional special funds for voting equipment requested by local boards.

### **General Fund**

General fund expenditures were \$868,119 above the legislative appropriation. Two deficiency appropriations added a total of \$823,200. The first provided an additional \$571,812 for costs related to the 2016 election, and the second added \$251,388 to cover legal fees accrued by the board. In addition, a budget amendment added \$44,919 for employee increments.

### **Special Fund**

Special fund expenditures were \$445,109 below the legislative appropriation. This decrease is attributable to the cancellation of \$971,894 in unspent funds, which was partially offset by the impact of budget amendments that added \$524,080 for election equipment requested by local boards and \$2,705 for employee increments.

### **Federal Fund**

Federal fund expenditures fell \$81,288 below the appropriation due to the cancellation of unspent funds.

### **Reimbursable Fund**

There was no reimbursable fund appropriation included in the approved budget. Two budget amendments added \$5.3 million in reimbursable funds from DoIT to support SBE's two Major IT Projects. Of these funds \$193,559 was canceled at the end of the fiscal year.

## **Fiscal 2018**

To date, there have been two actions that have adjusted the fiscal 2018 legislative appropriation. Two budget amendments added \$703,727 in general funds and \$3.5 million in reimbursable funds for the New Voting System Replacement and Agency Election Management System IT projects. These funds were transferred from DoIT as authorized by Chapter 23 of 2017 (Budget Reconciliation and Financing Act).

**Appendix 2  
Audit Findings**

Audit Period for Last Audit:	August 23, 2012 – October 22, 2015
Issue Date:	April 2017
Number of Findings:	8
Number of Repeat Findings:	0
% of Repeat Findings:	0%
Rating: (if applicable)	n/a

**Finding 1:** The State Board of Elections (SBE) did not ensure the accuracy of the data recorded in the voter registration system (MDVOTERS) or whether related user access was appropriate.

**Finding 2:** SBE did not ensure that personally identifiable information from the MDVOTERS database provided to an external third party was properly safeguarded.

**Finding 3:** SBE unnecessarily retained personally identifiable information within the MDVOTERS database.

**Finding 4:** SBE did not adequately authenticate certain voters who requested absentee ballots.

**Finding 5:** A critical voting system was not backed up offsite and was not properly addressed in the SBE Disaster Recovery Plan.

**Finding 6:** Controls were not in place over the receipt and opening of certain bids, and SBE could not support that two single-source contract awards were in the State’s best interest. Additionally, SBE did not publish certain contract awards in eMaryland Marketplace.

**Finding 7:** SBE did not have a comprehensive process in place to ensure that certain billed work was in accordance with approved contract terms or was adequately documented.

**Finding 8:** At the 2015 fiscal year-end, SBE had an unexplained deficit fund balance and had recorded certain unsupported revenues to eliminate deficits.

\*Bold denotes item repeated in full or part from preceding audit report.

**Appendix 3**  
**Major Information Technology Projects**  
**State Board of Elections**  
**Agency Election Management System Modernization**

<b>Project Status</b>	Implementation.	<b>New/Ongoing Project:</b>	Ongoing.					
<b>Project Description:</b>	The State Board of Elections (SBE) has set out to redevelop the ballot functionality of the current legacy Agency Election Management System (AEMS) on a new platform. The AEMS Modernization project will provide all existing capabilities of the legacy system, add new capabilities, and ensure more user friendliness and flexibility. Some new potential features of the new AEMS will include enhanced reporting, the ability to consolidate precincts, ballot definition prior to candidate filing, and multilanguage translation. Additionally, the upgraded AEMS system will provide a more economical and sustainable platform and reduce risk due to better management control. It will also offer control over the changes to the application functionality and the system data.							
<b>Project Business Goals:</b>	The AEMS Modernization project will preserve the ability of SBE to meet several elements of its stated mission. It will ensure uniformity of election practices, promote fair and equitable elections, and report election-related data accurately, in a form that is accessible to the public.							
<b>Estimated Total Project Cost:</b>	\$5,492,652	<b>Estimated Planning Project Cost:</b>	\$1,157,812					
<b>Project Start Date:</b>	May 2017	<b>Projected Completion Date:</b>	December 2018					
<b>Schedule Status:</b>	Planning was completed in the first quarter of fiscal 2018. The project entered the planning phase approximately seven months behind schedule and is currently scheduled for completion in December 2018.							
<b>Cost Status:</b>	The cost estimate has increased by \$447,500 to reflect an additional year of operating expenditures (fiscal 2022).							
<b>Scope Status:</b>	Due to project delays in fiscal 2017 and the necessity of having the AEMS operational for the 2018 election, the legacy system will be maintained. Funding for this purpose is included in the fiscal 2019 allowance.							
<b>Project Management Oversight Status:</b>	The fiscal 2019 allowance includes \$80,000 for Department of Information Technology oversight.							
<b>Identifiable Risks:</b>	The project request identifies funding, resource availability, supportability, and flexibility as high risks; objectives, interdependencies, and organizational culture as medium risks; and sponsorship, technical, and user interface as low risks.							
<b>Additional Comments:</b>	n/a.							
<b>Fiscal Year Funding (\$ in Thousands)</b>	<b>Prior Years</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Balance to Complete</b>	<b>Total</b>
Personnel Services	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Professional and Outside Services	2,667.7	1,300.0	525.0	500.0	500.0	0.0	2,825.0	5,492.6
Other Expenditures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total Funding</b>	<b>2,667.7</b>	<b>1,300.0</b>	<b>525.0</b>	<b>500.0</b>	<b>500.0</b>	<b>0.0</b>	<b>2,825.0</b>	<b>5,492.7</b>

**Appendix 4**  
**New and Relocated Early Voting Sites for 2018 Election**

**Anne Arundel County**

Roger “Pip” Moyer Recreation Center, 273 Hilltop Lane, Annapolis, MD 21403  
Crofton Community Library, 1681 Riedel Road, Crofton, MD 21114  
Anne Arundel County Board of Elections, 6740 Baymeadow Drive, Glen Burnie, MD 21060

**Baltimore City**

Mount Pleasant Church & Ministries, 6000 Radecke Avenue, Baltimore, MD 21206  
Dr. Carter G. Woodson Modular Building School #160, 2501 Seabury Road, Baltimore, MD 21225

**Baltimore County**

Jacksonville Recreation Center at Sweet Air Park, 3065 B Sweet Air Road, Jacksonville, MD 21131  
County Campus Metro Centre at Owings Mills, 10302 Grand Central Avenue, Owings Mills, MD 21117

**Carroll County**

South Carroll Swim Club, 1900 W. Liberty Road, Westminster, MD 21157

**Dorchester County**

Dorchester Center for the Arts, 321 High Street, Cambridge, MD 21613

**Howard County**

Howard County Fairgrounds, 2210 Fairgrounds Road, West Friendship, MD 21794

**Montgomery County**

St. Catherine Laboure Catholic Church, 11801 Claridge Road, Wheaton, MD 20902  
Sandy Spring Volunteer Fire Department, 17921 Brooke Road, Sandy Spring, MD 20860

**Prince George’s County**

Kentland Community Center, 2413 Pinebrook Avenue, Hyattsville, MD 20785  
VFW Post 8950, Hansen Hall, 9800 Good Luck Road, Lanham, MD 20706

**Queen Anne’s County**

Kent Island Library, 200 Library Circle, Stevensville, MD 21666

*D38I01 – State Board of Elections*

**St. Mary's County**

Hollywood Firehouse Main Building, 24801 Three Notch Road, Hollywood, MD 20636

**Washington County**

Hager Hall Conference and Event Center, 901 Dual Highway, Hagerstown, MD 21740

MD: Maryland

Source: State Board of Elections

**Appendix 5  
Object/Fund Difference Report  
State Board of Elections**

<u>Object/Fund</u>	<u>FY 17 Actual</u>	<u>FY 18 Working Appropriation</u>	<u>FY 19 Allowance</u>	<u>FY 18 - FY 19 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	41.80	41.80	41.80	0.00	0%
02 Contractual	1.00	1.00	1.00	0.00	0%
<b>Total Positions</b>	<b>42.80</b>	<b>42.80</b>	<b>42.80</b>	<b>0.00</b>	<b>0%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 4,053,796	\$ 4,108,664	\$ 4,138,572	\$ 29,908	0.7%
02 Technical and Spec. Fees	76,898	133,510	134,274	764	0.6%
03 Communication	799,184	459,107	467,315	8,208	1.8%
04 Travel	94,395	156,255	135,925	-20,330	-13.0%
07 Motor Vehicles	1,375	2,030	1,430	-600	-29.6%
08 Contractual Services	13,167,157	13,277,460	13,203,299	-74,161	-0.6%
09 Supplies and Materials	178,400	177,081	185,195	8,114	4.6%
10 Equipment – Replacement	7,084,982	4,715,064	14,375,887	9,660,823	204.9%
11 Equipment – Additional	466,084	232,709	0	-232,709	-100.0%
12 Grants, Subsidies, and Contributions	1,032,852	0	0	0	0.0%
13 Fixed Charges	809,229	592,739	670,982	78,243	13.2%
<b>Total Objects</b>	<b>\$ 27,764,352</b>	<b>\$ 23,854,619</b>	<b>\$ 33,312,879</b>	<b>\$ 9,458,260</b>	<b>39.6%</b>
<b>Funds</b>					
01 General Fund	\$ 9,261,209	\$ 8,191,244	\$ 12,168,495	\$ 3,977,251	48.6%
03 Special Fund	13,231,439	12,040,974	21,144,384	9,103,410	75.6%
05 Federal Fund	122,968	85,000	0	-85,000	-100.0%
09 Reimbursable Fund	5,148,736	3,537,401	0	-3,537,401	-100.0%
<b>Total Funds</b>	<b>\$ 27,764,352</b>	<b>\$ 23,854,619</b>	<b>\$ 33,312,879</b>	<b>\$ 9,458,260</b>	<b>39.6%</b>

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. The fiscal 2019 allowance does not include contingent reductions or cost-of-living adjustments.

**Appendix 6  
Fiscal Summary  
State Board of Elections**

<u>Program/Unit</u>	<u>FY 17 Actual</u>	<u>FY 18 Wrk Approp</u>	<u>FY 19 Allowance</u>	<u>Change</u>	<u>FY 18 - FY 19 % Change</u>
01 General Administration	\$ 4,430,699	\$ 4,581,264	\$ 4,532,358	-\$ 48,906	-1.1%
02 Help America Vote Act	11,980,016	11,984,160	28,130,521	16,146,361	134.7%
03 Major IT Development Projects	10,320,785	7,289,195	650,000	-6,639,195	-91.1%
04 Campaign Finance Fund	1,032,852	0	0	0	0%
<b>Total Expenditures</b>	<b>\$ 27,764,352</b>	<b>\$ 23,854,619</b>	<b>\$ 33,312,879</b>	<b>\$ 9,458,260</b>	<b>39.6%</b>
General Fund	\$ 9,261,209	\$ 8,191,244	\$ 12,168,495	\$ 3,977,251	48.6%
Special Fund	13,231,439	12,040,974	21,144,384	9,103,410	75.6%
Federal Fund	122,968	85,000	0	-85,000	-100.0%
<b>Total Appropriations</b>	<b>\$ 22,615,616</b>	<b>\$ 20,317,218</b>	<b>\$ 33,312,879</b>	<b>\$ 12,995,661</b>	<b>64.0%</b>
Reimbursable Fund	\$ 5,148,736	\$ 3,537,401	\$ 0	-\$ 3,537,401	-100.0%
<b>Total Funds</b>	<b>\$ 27,764,352</b>	<b>\$ 23,854,619</b>	<b>\$ 33,312,879</b>	<b>\$ 9,458,260</b>	<b>39.6%</b>

Note: The fiscal 2018 appropriation does not include deficiencies, targeted reversions, or across-the-board reductions. The fiscal 2019 allowance does not include contingent reductions or cost-of-living adjustments.

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  
Kelley Howells  
Gloria Lawlah



Linda H. Lamone  
Administrator  
  
Nikki Charlson  
Deputy Administrator

## Memorandum

**To:** Senate Budget and Taxation Committee  
February 20, 2018  
  
House Appropriations Committee  
Subcommittee on Public Safety and Administration  
February 22, 2018

**From:** Linda H. Lamone, State Administrator of Elections

**Subject:** Response to Department of Legislative Services' FY 2019 Budget Analysis

Thank you for the opportunity to respond to the Department of Legislative Services' (DLS) analysis of the State Board of Elections' (SBE) Fiscal Year 2019 budget. Before responding to specific questions raised in the analysis, I would like to provide a brief overview of the preparations for the 2018 Primary Election.

### Preparation Highlights from the 2016 General Election

As of today, over 1,550 individuals have filed for public office, and the deadline to file for office is February 27, 2018, at 9pm. All candidates that filed a certificate of candidacy in 2017 **must** a 2017 financial disclosure statement with State Ethics Commission by March 1, 2018, to be included on the ballot.

There will be additional early voting centers for the 2018 elections. As noted in the analysis, there will be 78 early voting centers for the 2018 Primary Election with one additional center for the 2018 General Election. Seven counties - Anne Arundel, Baltimore City, Baltimore County, Carroll County, Howard County, Montgomery County, and Prince George's County - will have additional early voting centers in 2018, and Frederick County will have an additional center for the 2018 General Election only. Because of the additional early voting centers, SBE and the local boards of elections acquired additional voting units and pollbooks to equip these new locations.

In January 2018, SBE and all of the local boards of elections held a simulated election. This exercise included testing and preparing the equipment for an election, checking in voters and scanning ballots for three "days" of early voting and "election day," generating and uploading results, and "post-election" activities included 100% verification of results and scanning absentee ballots to generate and update absentee results. This exercise was very successful, and we are using it to identify where additional training is needed.

SBE is evaluating and testing new hardware for electronic pollbooks. Election judges in two counties - Caroline and Charles Counties - are expected to use a tablet for the electronic pollbooks during the 2018 General Election, with the other counties transitioning to the table for the 2020 elections.

All political committees' 2018 Annual Report was due January 17, 2018. SBE received nearly 1,900 reports, and over 91% of the political committees filed timely reports. Last month, SBE posted on YouTube a "how to use MD CRIS" video to help treasurers with filing the annual report, and on the filing deadline alone, the video received almost 500 hits. SBE audits every report and sends a deficiency notice if an issue is discovered. In prior audits, the most frequent deficiency was missing employer/occupation information. The ban on fundraising during the legislative session extends to soliciting contributions for federal, State or local candidates and sending "Save the Date" notices for future events.

The State's Fair Campaign Financing Fund has over \$2.9 million, and the certified expenditure limit for each election is a little under \$2.8 million. This amount can fully fund one candidate in the primary election **or** in the general election **but** not both. Montgomery County has a county public financing program for County Executive and County Council offices. SBE is working closely with the Montgomery County to administer the program, and 34 candidates are participating in the program. Howard County will have a similar program for the 2024 elections, and Prince George's County is considering a public financing program for county offices.

Since its introduction in July 2012, SBE's online voter registration system has processed almost 142,000 new registrations and almost 468,000 updates to existing registrations. The integrity of voter registration data continues to be improve as more states join the Electronic Registration Information Center (ERIC). ERIC is a voluntary program for states to ensure unregistered individuals are getting registered and ensure voter rolls are accurate. 23 states are now members<sup>1</sup>, and participating states regularly share data from voter registration and driver's license data and compare this data against the Social Security Death index. SBE receives reports every two months, and these reports identify voters who have died, moved within Maryland, moved out of Maryland, and have duplicate registrations within Maryland. Since August 2013, ERIC has generated for Maryland over 395,000 updates to voter records and over 545,000 mailings to confirm voters' addresses.

### **Recommended Actions**

SBE agrees with the recommended action to reduce funding for the acquisition of new pollbooks. These funds are not necessary since SBE, on behalf of the local boards of elections, will finance the purchase of the new pollbooks through the State Treasurer's Office.

SBE is willing before the 2019 Legislative Session to provide a report on the status of the software changes for the accessible ballot marking device.

### **Issues Raised in the Department of Legislative Services' Analysis**

- 1. *Ballot Marking Devices: SBE should comment on why the vendor was not able to resolve the software issue for the 2018 election and how it plans to resolve the problem for the future.*** (page 12)

The current voting system includes a ballot marking device (also called the ExpressVote unit). A voter using the ballot marking devices makes and reviews selections using a touchscreen

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<sup>1</sup> Participating states are: Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, Illinois, Louisiana, Maryland, Minnesota, Missouri, Montana, Nevada, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Virginia, Washington DC, and Washington State.

interface. When the voter is satisfied with his or her selections, the device prints a ballot with the voter's selections, and the voter feeds into the scanning unit the ballot produced by the ballot marking device. This device was designed to provide most voters with disabilities with a way to mark a paper ballot secretly and independently, and it allows a voter to listen to the ballot sections and can be used with other accessibility tools (e.g., sip and puff).

The plan for the 2016 elections was for all voters during early voting to use the ballot marking device to make selections. This plan was adopted to eliminate the risk that an election judge would issue the wrong paper ballot, allow voters to be alerted of undervotes, prevent voters from overvoting a contest, and provide voters with a summary screen to confirm selections before printing the ballot.

Several months before the 2016 Primary Election, however, SBE received from candidates complaints about how names were displayed in contests with more than seven candidates. Specifically, because the software for the ballot marking device only allowed for the display of seven names at a time on the screen, contests involving more than seven candidates had candidate names displayed on two or more screens. Although a voter was not able to move to the next contest until all of the candidates' names in a given contest had been displayed, navigation within a contest and between contests was confusing. The "Previous" and "Next" buttons moved voters *between contests*, and the "More" buttons moved voters to additional screens in the *same contest*. Because of the limited number of candidates that could be displayed on one screen and the confusing navigation, the State Board of Elections decided to limit the use of the ballot marking devices for the 2016 elections.

For the 2016 elections, the local boards of elections were instructed to deploy one ballot marking device to each early voting center and polling place<sup>2</sup>. This deployment meant that most voters made selections by hand on pre-printed ballots, but voters who wanted to use or required the use of the ballot marking device could use the device to make selections. The policy required that *at least* two voters per day use the ballot marking device to ensure that the secrecy of ballots cast by voters with disabilities was preserved.

The plan for the 2018 elections was to use the ballot marking devices as originally intended, that is, all voters during early voting would use the devices to make selections. While software changes were made to address the number of candidate names that could be displayed at a time (up to 14 candidate names), no changes were made to improve the navigation logic. Although the State Board of Elections believed that navigation improvements would be in place for the 2018 elections, the voting system vendor advised in spring 2017 that changing the navigation logic required substantial resources and could not be completed and federally certified before the 2018 elections.

Prior to deciding on a policy for the 2018 elections, the State Board of Elections invited candidates, advocates for individuals with disabilities, local election officials, and other interested individuals to comment on how the ballot marking device should be used for the 2018 elections. Comments were provided at the August, September and October meetings of

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<sup>2</sup> A few local boards requested and received approval to deploy more units if there was a need for more accessible devices at specific locations. The policy also included an instruction that check-in judges inform voters of the accessible way to read or mark a ballot and a requirement that a sign be displayed at each ballot marking device with instructions on how to navigate within and between contests.

the State Board of Elections and were also submitted in writing. After considering the comments, the members of the State Board of Elections decided to continue the 2016 policy for the 2018 elections.

As the vendor has committed to addressing the navigation issues before the 2020 elections, the limited use of the ballot marking device will not be needed after the 2018 elections. At a national conference this past weekend, the vendor demonstrated the new navigation logic and it appear to resolve the navigation issues previously identified. This software has not yet been federally certified and will not be ready for the 2018 elections. In the meantime, however, the 2016 and 2018 policy aims to strike a balance between the rights of candidates to have their names be viewed and considered by all voters, the ability of voters to make selections without confusion, and the requirement to ensure ballot secrecy.

**2. *Election Security: SBE should update on the status of its cybersecurity operations and how it will ensure the integrity of the 2018 election before, during and after voting.*** (page 13)

Each election system has a different design and therefore is protected differently. For example, the certified voting system is never connected to the Internet. This mitigates risks related to the Internet, but because election officials use thumb drives to transfer election results, risks associated with removable memory devices exist. SBE's online registration and ballot request system is connected to the Internet. As a result, we manage the risks associated with Internet.

For each system, we identify risks and identify ways to mitigate those risks and use a multilayer approach – or “defense in depth” – to protect the systems. We use vendors and consultants to host, maintain, and protect systems. For example, several systems are hosted by a web hosting company in Annapolis that uses analytics tools and artificial intelligence to monitor websites and SBE network traffic. Before the 2016 Primary Election, we used a cybersecurity firm to analyze the voting systems' election night results network.

The different structure of the various systems demands that we use different ways to protect the systems. Since pollworkers drive election results to the local boards of elections, we focus on preserving the integrity of the data. We use special thumb drives, and the data is encrypted on the thumb drives. Pollworkers also return printed results from each voting unit and the voted paper ballots, which can be rescanned to generate another set of results.

For the online voter registration and ballot request system, we must work to ensure that the system is available and maintain integrity of the data. We use an experienced web hosting firm to manage infrastructure and monitor traffic 24/7, the data is encrypted, transactions are reviewed by local election officials, and we use automated log reviews to identify suspicious transactions.

We also take advantage of the various services offered by the Department of Homeland Security (DHS). In addition to DHS' weekly vulnerability scans of several websites, DHS recently performed a Risk and Vulnerability Assessment and an in-depth cyber assessment on several election systems. DHS is also reviewing local election facilities and identifying where improvements to the physical security of the facilities can be made.

We follow the State of Maryland's IT practices and regularly perform software updates and verify that local election officials' computers are updated. We own vulnerability scanning and

penetration testing software and regularly run scans, analyze results, and mitigate findings. We look for patterns in voter registration and absentee voting behavior and conduct post-election audits to verify the integrity of the process. These post-election audits are heavily focused on voting system custody, voter transactions and the accuracy of tabulation.

We timely receive and share cybersecurity information. We receive alerts from the federal government – including DHS and the U.S. Election Assistance Commission – and the Multi-State Information Sharing and Analysis Center (MS-ISAC), share this information with local election officials, and take action based on these alerts. I am a member of DHS' Government Coordinating Council, which was created after DHS designated elections as a "critical infrastructure" in January 2017. The council's initial effort is focused on improving the sharing of information (e.g., allowing certain election officials to receive security clearances).

Although we rigorously and continuously protect and monitor our systems, we also have equally rigorous plans to restore systems and return to "business as usual" if any of the systems become unavailable. Both State and local election officials have disaster recovery plans, and these plans are tested. SBE will conduct table top exercises before both the 2018 Primary and General Elections. Systems are frequently backed up, and we can restore and process data from the back-up data.

Contingency plans for early voting and election day are in place. Replacement equipment must be deployed within 2 hours of the equipment ceasing to operate as expected, but during this time, voting will continue. If the electronic pollbooks cannot be used, each voting location has either a back-up electronic or paper list of registered voters. If the scanning unit will not accept voted ballots, each unit has an emergency ballot bin where voters can deposit voted ballots for counting later.

Although much of the work of election officials ebbs and flows, our cybersecurity work does not – it is continuous. We welcome the additional resources DHS has made available to election officials. These are free services and help us confirm other findings and identify areas of improvement. We have mature IT systems that are protected and monitored in multiple ways and are reviewing and testing our disaster recovery efforts. We are reminding the election community of the need for vigilance to protect the systems from phishing attacks, malware, ransomware, and other methods of attacks, make sure our vendors are installing updates, have adequate disaster recovery plans, and are evaluating how to build cybersecurity measures into contracts. I hope that this information assures you that Maryland's election systems are well protected and managed and the cybersecurity is a top priority of Maryland's elections officials.

## I. Welcome

Nikki welcomed all the participants. All local boards participated by conference call.

## II. Administrative

- A. *Netorian Contract – Brett Mitchell and Monica Bramlish* – Nikki informed everyone that Brett and Monica's last day of employment at SBE was Friday, January 26<sup>th</sup>. Brett and Monica were contractors for Netorian who assisted the Project Management Office on several projects. We are all grateful for their help and wish them all the best.
- B. *Disaster Recovery Plans – Review & Feedback* – Nikki thanked all the local boards who submitted their disaster recovery plans. The plans are being reviewed and feedback will be provided by the end of February and the beginning of March. Nikki reminded everyone of the 5 topics covered at the Election Directors' Meeting held in December.

## III. Voter Registration

- A. *Stacey Johnson Departure* – Mary asked the local boards to join us in congratulating Stacey on her new career opportunity. Stacey has been with SBE for 12 years and has been an integral part of MDVOTERS, ERIC, and security surrounding our systems. Her last day is Friday, February 9<sup>th</sup>. Mary also thanked the local boards in advance for their patience as job responsibilities are transitioned to other staff.

## IV. Voting System and Pollbook

- A. *PPTP Followup* – Paul thanked everyone for their hard work and preparation for the PPTP. A few issues with the electronic pollbook software were discovered
- B. *Pollbook Updates* – Paul stated that because of the PPTP, ES&S is working on some minor software issues. Brandon will be retesting the software during the week of February 5<sup>th</sup> and some of the local boards will be retesting the software during the week of February 12<sup>th</sup>. If a local board is willing to volunteer to help with testing, send Brandon an email. In response to a question, Paul stated that the majority of tablets were returned to ES&S for additional testing. Currently, the development team at ES&S participates in daily phone calls to report the progress. Paul will update Caroline and Charles Counties as the progress continues.
- C. *Transportation Update* – Paul stated that the kickoff meeting with the new transportation vendor, Interstate, was Monday, January 26<sup>th</sup>. While the vendor may be new, Paul stated that a lot of familiar faces will be working with us again, including Ron Granville, Lead Project Manager, and Geneva Green of Signature Space. They will be contacting the local boards in the coming week to setup kickoff meetings.
- D. *DS200 Training* – Paul explained that several staff members have been involved in testing multiple DS200s that reported a high ballot rejection rate from the 2016 elections. During some of the testing, it was discovered that the Mylar strip on the read-head was too thick. ES&S will be examining units and replacing the part on those units affected by the end of next week.
- E. *BOD Printers* – Paul stated that the current warranty for the ballot on demand printers will expire on March 3<sup>rd</sup>. If a local board needs the ballot on demand printer to be serviced, contact support. A new warranty is in the process of being renewed.
- F. *Ballot Production* – Donna stated that ballot production will begin during the week of March 5<sup>th</sup>. She encouraged everyone to continue proofing on a daily basis to make sure that data is clean and correct so the candidate information can be pulled into the ballot system. Donna

reminded everyone that a polling place list containing any changes must be sent to Natasha as soon as possible.

- G. *Training* – Shafiq thanked all the local boards who have responded to the voting system training survey. Sheldon Walter of ES&S is currently reviewing the feedback and will be sending a request form to those local boards who requested training. The request form will be due by Thursday, February 22<sup>nd</sup> and Sheldon will begin training in March.

## V. Project Management Office

### A. *Temporary Staffing*

1. *Budget Constraints* – Shelly reported that \$1.7 million was budgeted for the staffing contract for the 2018 Primary Election and the same amount for the 2018 General Election. These amounts were based on the 2016 contract with Adecco. In light of these budget constraints, the requested staffing quantities were revised.

- a) The LBE Technician (formerly the County Tech position) is now an optional position to the local boards. There is a 60 hour overtime cap for the LBE Technician and this position will be utilized for a total of 9 weeks instead of 11 weeks. The 9 weeks consists of 1 week of training and 8 weeks of working in the office or warehouse. In response to a question, Shelly reiterated that the limit of 60 overtime hours is directed toward the LBE Technician, not the LBE Support Tech (formerly the County Tech 2 position). In response to a question, Keith stated that training can be modified for those local boards who use a staff person as the LBE Technician.
- b) The number of trainers was reduced. In response to a question, Shelly confirmed that trainers are included in the staffing contract.
- c) Greeters will be procured through another source.

2. *Procurement/Contract Status* – Nikki stated that the staffing procurement process has been a roller coaster, but the contract award will be presented to the Board of Public Works on Wednesday, February 7<sup>th</sup>.

3. *Training Coordinator – Sharon Tolson-Feemster* – Keith stated that because the finalization of the staffing contract has been longer than anticipated, the Training Coordinator was hired through Netorian. Keith introduced Sharon Tolson-Feemster as the new Training Coordinator and stated that Sharon will be contacting the local boards that need assistance with training.

### B. *Inventory*

1. *Inventory Understanding Requirements Reminder* – Keith stated that access has been updated for those who needed to fulfill the understanding requirements.

2. *Next Q&A GoToWebinar* – Keith reminded everyone that the next GoToWebinar is scheduled for Monday, February 5<sup>th</sup> and invites will be sent.

- C. *Removal of Shelves* – Keith reported that he is waiting for a quote from Interstate, the new transportation vendor, to pick up from the local boards the cart shelves to be delivered to the central warehouse. Keith will provide an update when it is received. He also reminded everyone that the shelves must be placed on pallets and shrink wrapped.

### D. *Privacy Sleeves for 2018 Primary*

1. *Current Status of Procurement* – Keith reminded everyone that the request to the local boards for additional privacy sleeves was sent last week.

2. *Additional Sleeves Needed as a Result of Additional EV Centers* – Keith stated that local boards who have additional early voting centers should check the initial request of privacy sleeves. He asked everyone to send an email indicating the additional number of regular and provisional privacy sleeves needed to reflect the additional early voting centers.

## VI. Election Reform

- A. *Election Judge Manual Submissions* – Erin thanked the local boards who have submitted their election judge chapters for review and approval for their patience. She reminded everyone that the parts of the chapters highlighted in yellow are the parts that local boards are permitted to change. Anything in black font should not be changed. The chapters have been approved by the Assistant Attorney General, so any changes to the black font may put the local boards and SBE at a liability. If a local board adds information, highlight the additions in green. The chapter that is submitted for review is the final version that is submitted to be printed.
- B. *Early Voting Supplement* – Erin stated that the Early Voting Supplement has been revised and is currently out for peer review by the Election Judge Workgroup. The deadline for the peer review is Wednesday, February 7<sup>th</sup>. Erin hopes to get the supplement posted on Friday, February 9<sup>th</sup>.
- C. *Absentee Ballot Printing & Mailing* – Erin reported that the kickoff meeting with ES&S was Monday, January 22<sup>nd</sup>. The artwork for the instructions, envelopes and inserts is being revised and will be submitted when revisions are complete. The project is moving along smoothly. In response to a question, Erin stated that there will be no process change for the local boards. Stacey reiterated that the process will become easier for the local boards because SBE will be able to submit absentees through MDVOTERS. There will be training on the ES&S portal that will allow users to track a voter's ballot.
- D. *Supply Ordering* – Erin stated that supply ordering will begin shortly, so keep an eye open for various spreadsheets for "I Voted" stickers, provisional envelopes and applications, and other supplies. She also reminded everyone that when a delivery is received, be sure to sign the packing slip and email that signed packing slip to the SBE staff person who ordered the supplies and copy Whitney on the email. If there is no packing slip, an email confirming the quantity and receipt will suffice. For instance, when a local board receives the shipment for privacy sleeves, the local board should email Keith and copy Whitney. When a local board receives the shipment for the pouches on the front of the privacy sleeves, send an email to Erin P and copy Whitney. In response to a question, Erin P will produce a list of supplies and the point of contact for those supplies to confirm deliveries.
- E. *Behind the Scenes Video* – Cortnee reported that the *Behind the Scenes* video has been made public. She stated that the video will be promoted via SBE's Twitter and Facebook accounts and encouraged the local boards to promote it through their social media accounts. Nikki stated that the genesis of the video occurred at a meeting with elected officials from Baltimore County who never realized the amount of space, time and work needed to hold an election.

## VII. Legislation

- A. *Ways & Means Briefing Overview* – Nikki reported that Linda updated the members on the preparations for the 2018 elections, and Nikki updated the members on cybersecurity. After the briefing, State agencies that are required to provide voter registration information or registration opportunities were asked to give a briefing on their efforts. Nikki thanked the local boards that attended the briefing and may have answered any questions.
- B. *Other Legislation* – Mary thanked the members of MAEO for working with us on the legislation. Mary discussed HB152 -Secure and Accessible Registration Act (SARA) sponsored by Delegate Eric Luedtke. After a meeting with Delegate Luedtke, Mary stated that the requirement to mail a paper voter registration application prior to each election was considered to be duplicative and would not be included in the bill. In response to a question, Mary stated that the State Board does not take a position on the bill, but is working with the legislature answering any questions.

### **VIII. LBE Questions**

There were no additional LBE questions.

### **IX. Future Election Directors' Meetings**

- A. Thursday, March 8<sup>th</sup> at 10 am – This meeting is scheduled to be an in-person meeting, however depending on the agenda, it may be changed to a conference call. Notice of the change will be given in advance of the meeting.

Nikki stated that SBE has a new Assistant Attorney General. His name is Andrea Trento, and he will be attending the MAEO Conference in March.



# Maryland State Board of Elections

## SB 333 – Voting – Ballot Request and Canvassing Procedures Senator Simonaire *et al*

1. The State Board of Elections supports SB 333.
2. This legislation alters 2 parts of voting by absentee ballot.
  - a. Some voters will be required to provide more information with their requests for an absentee ballot. (See §9-305(b))
    - i. If a voter uses SBE’s online ballot request system to request an absentee ballot, the voter must provide additional information.
    - ii. If a voter uses the paper request process to request an absentee ballot delivered via the Internet, the voter must provide additional information.
    - iii. The additional information the voter must provide depends on the type of voter.
      1. Most voters must provide a Maryland driver’s license or MVA-issued ID card, the last four digits of the voter’s Social Security Number, and other information identified by the State Board that is not generally available to the public but is readily available to the voter.
      2. If the voter is in the military, lives outside of the United States, or has a disability and does not have a Maryland driver’s license or MVA-issued ID card, the voter must provide the last four digits of his or her Social Security Number.
    - iv. The effective date for this change is July 1, 2018. This change will be in effect for the 2018 General Elections.
  - b. It changes how the local boards of canvassers canvass multiple ballots from the same voter.
    - i. Requires the local board of canvassers to reject a provisional ballot if the voter casts more than one provisional ballot in the same election. (See §11-303(d)(2)(iii))
    - ii. Requires the local board of canvassers to count a provisional ballot and reject an absentee ballot if both ballots are cast by the same voter. (See §11-303.2)
      1. This codifies the preference to count a ballot cast in a voting location under the supervision of an election judge over a ballot cast remotely.
      2. Sometimes, a local board of elections can’t confirm to a voter that his or her absentee ballot has been received. If it’s election day, the voter wants to know how he or she can vote in case the absentee ballot doesn’t arrive on time. This change will allow this voter to vote a provisional ballot and ensure his or her participation in the election.
    - iii. The effective date for these changes is June 1, 2018. These changes will be in effect for the 2018 Primary Election.

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**LINDA H. LAMONE, ADMINISTRATOR  
STATE BOARD OF ELECTIONS**

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