

MARYLAND

STATE BOARD OF ELECTIONS

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August 29, 2019

Via Electronic Mail Only

The Honorable Benjamin L. Cardin
United States Senator

The Honorable Chris Van Hollen
United States Senator

The Honorable Elijah E. Cummings
Member of Congress

The Honorable Steny Hoyer
Member of Congress

The Honorable C.A. Dutch Ruppersberger
Member of Congress

The Honorable John P. Sarbanes
Member of Congress

The Honorable Jamie Raskin
Member of Congress

The Honorable Anthony Brown
Member of Congress

The Honorable David Trone
Member of Congress

Dear Senators and Congressmen:

Thank you for your letter dated August 15, 2019, requesting information about Maryland's efforts to prepare for the upcoming 2020 elections. Governor Hogan received the letter and asked that the Maryland State Board of Elections to provide a response.

In Maryland, the State Board of Elections has no higher priority, working with our local partners, than protecting the integrity of our elections. We have and will continue to take every appropriate action and utilize all available resources to ensure Marylanders can vote securely.

Turnout in the 2018 General Election was exceptionally high for a gubernatorial election - in fact, some precincts exceeded turnout for a presidential election. Maryland's voting equipment is new¹, and on election day, the 2,508 deployed ballot scanners had a 99.48% success rate and our 1,865 deployed ballot marking devices had 99.67% success rate. The small number of devices (less than one percent of each) that required attention were replaced. While the electronic pollbooks² have been used for over ten years, they continue to perform well.

¹ Maryland's paper-based voting system was acquired in 2015 and first used in the 2016 elections.

² Electronic pollbooks are the tablet-like devices pollworkers use to check in voters.

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As you know, State and local election officials do not control when news outlets decide to announce election results. That being said, it is the policy of this office and election officials across the country to refrain from releasing election night results until all voters are inside their voting location³. The purpose of this policy is to avoid influencing voters who remain in line waiting to vote. Because of the lines at a handful of precincts across the State, election night results for the 2018 General Election were not released until 10:13 pm.

Based on information we received in 2018 about the data center we use to host several critical election systems, we asked the U.S. Department of Homeland Security (DHS) to conduct an independent, exhaustive, and on-site assessment of State systems hosted by the data center. DHS' November 2018 report states that DHS's Hunt and Incident Response Team "did **not** identify any indications that a compromise had occurred on [our] network or [the election systems hosted by ByteGrid]." (Emphasis added.) In other words, DHS did not find any evidence that our main network or the systems hosted by ByteGrid have been compromised. The report included some recommendations, and we have implemented those recommendations.

Each of your questions is restated or summarized and answered below.

1. *Please describe the State's efforts to improve election security since the 2018 election, including a current accounting of how Maryland has spent federal funds on election security, equipment and services, and provide information on the State's oversight mechanisms for election security.*

State and local election officials continue to implement and follow best practices for managing and securing information systems. In preparation for the 2020 elections, election officials in Maryland have upgraded to more secure and robust platforms and equipment, selected a Chief Information Security Officer and will supplement his expertise with up to three other information security experts to lead the effort to protect election systems and data, and continued to audit computers accessing State election systems. Critical election systems continue to be monitored by security experts, and DHS performed a vulnerability assessment on several systems.

Since the 2018 elections, State and local election officials have participated in several table top exercises. These exercises give election officials the opportunity to practice responding to cyber and non-cyber incidents before they happen. This office hosted for local election officials an interactive table top exercise in May 2019 and another one is scheduled for October 2019. State and local election officials also participated in DHS' national table top exercise, and this office will participate in a DHS-led table top exercise in October 2019. State and local election officials also participate in monthly cyber hygiene trainings.

We have used federal election security funds to implement and maintain two-factor authentication on a critical election system, train State and local election officials on best cybersecurity practices, and conduct table top exercises. In the current fiscal year, we have or

³ Voters are not allowed to use electronic devices once they enter the voting room. This means that once voters are inside the voting room, they are unable to obtain information from outside sources, including election results from the media.

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will use the federal funds for the new Chief Information Security Officer and up to three additional information security experts, upgrading equipment and software, maintaining two-factor authentication, on-going security training, and table top exercises.

State law gives this office the authority to oversee all federal, State, and local elections in Maryland and select and implement a statewide voting system and a statewide voter registration database. Because of this authority, this office has the ability to implement best practices for information systems and audit user transactions. Our oversight and control is limited, however, by the fact that local election officials use computers and networks maintained by local jurisdictions to access election systems. To mitigate the risks associated with equipment and networks outside of the control of this office, we regularly audit all computers that access election systems to ensure that the computers have the most recent software updates.

- 2. Since the 2018 elections, what specific steps has Maryland taken to ensure that any new systems related to election management will properly process and count ballots ahead of the 2020 Primary and General Elections?*

The system that will process and count ballots in the 2020 Primary and General Elections - the State's paper-based voting system - is the same system that processed and counted ballots in the 2016 and 2018 Primary and General Elections. This voting system has accurately counted over 7.3 million ballots since the 2016 Primary Election.

The accuracy of the voting system has been established by a post-election audits. After the 2016 General Election and the 2018 Primary and General Elections, an independent software audit program retabulated all of the ballot images from each election and confirmed the accuracy of the election results for these elections. The results of the 2018 General Election were also confirmed by a manual audit of voted ballots.

- 3. Since the 2018 elections, what specific steps has Maryland taken to ensure that absentee ballots will be delivered securely to its eligible voters during the 2020 Primary and General Elections?*

Ballots were securely delivered in the 2018 elections and will continue to be securely delivered in the 2020 elections. Most absentee ballots are delivered by the USPS. If a voter requests an electronically delivered absentee ballot, the ballot is delivered via a secure website. On the website, a voter can choose to print a blank ballot and mark the ballot by hand or mark his or her ballot using an online tool and print the ballot. All voted absentee ballots must be returned by mail and personally delivered to an election official.

- 4. Since the 2018 elections, what specific steps has Maryland taken to ensure every area of the State will have a sufficient number of voting locations in the 2020 Primary and General Elections to ensure access for every voter in that area?*

The number of early voting centers in each county is defined by State law. A recent change to State law requires additional early voting centers in two counties and allows local governments to increase by one the number of early voting centers. We expect that there will

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be two additional early voting centers - one in Carroll County and one in Montgomery County - for the 2020 elections. State regulations also require that 80% of registered voters in a county with more than three early voting centers live within 5 miles of an early voting centers.

The local boards of elections are responsible for providing a voting location for each precinct in its county. There are over 1,900 precincts across the State and each precinct has a facility sufficient to accommodate voters assigned to that precinct.

5. *Since the 2018 elections, what specific steps has Maryland taken to ensure every voting location will have a sufficient number of fully working voting machines in the 2020 Primary and General Elections, including any backup plans if voting machines fail?*

State regulations establish the minimum number of ballot scanners to deploy, and this office and the local boards of elections work together to determine the appropriate number of ballot scanners to deploy. This determination is based on the number of registered voters in the precinct, the turnout history of the precinct, the precinct's expected turnout for the upcoming election, and how many pages are in each ballot set. Due to the expected increase of voter registration growth before a presidential general election, the implementation of same day registration on election day, and additional early voting centers, many of the local boards of elections will be receiving additional ballot scanners.

Each ballot scanner has a locked emergency bin for voters to insert voted ballots if the scanner is not working as expected. Once the scanner is working as expected, pollworkers will remove the voted ballots from the emergency bin and scan the voted ballots. This contingency plan is included in pollworker training.

6. *Since the 2018 elections, what specific steps has Maryland taken to ensure every voting location will have a sufficient number of printed ballots and printed informational materials during the 2020 Primary and General Elections.*

This office and the local boards of elections work together to determine the number of ballots to print. This process will continue for the 2020 elections.

For several of the largest local jurisdictions, this office will be establishing a real-time network of voting locations. This network is required in these jurisdictions to facilitate same day registration for election day and will allow this office to monitor hourly voter check-in rates. With this information, we will work with these local boards of elections to ensure that the polling places have enough ballots to support the hourly voter check-in rates.

7. *Since the 2018 elections, what specific steps has Maryland taken to ensure that eligible voters with disabilities will have equal access to voting systems with anonymous ballots during the 2020 Primary and General Elections?*

At its June meeting, the members of the State Board of Elections unanimously agreed to expand the use of the ballot marking devices for the 2020 elections. The approved motion:

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1. Allows each local board of elections to deploy up to two ballot marking device per polling place
2. Allows each local board of elections to deploy up to four ballot marking devices per early voting center
3. Requires that a minimum of five voters use the ballot marking devices at each voting location
4. Requires that pollworkers ensure that the minimum of five voters is met by 1 pm
5. Requires each local board of elections to emphasize in pollworker training the importance of informing voters about the option to use the ballot marking device
6. Requires that pollworkers give all voters the same statement about the availability of the ballot marking device

If a local board of elections would like to change any of these requirements, a representative of a local board of elections must request from the members of the State Board of Elections a waiver of the requirement.

As you likely know, the State Board of Elections' policy on the use of the ballot marking device in the 2020 elections is now the subject of federal litigation.

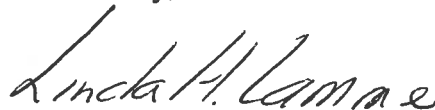
8. *Since the 2018 elections, what specific steps has Maryland taken to ensure that voters will be able to vote without long wait times during the 2020 Primary and General elections? Please provide information on how the State will ensure that all voters who are in line before polls close will be able to cast their vote.*

As noted above, most of the local boards of elections requested additional ballot scanners in response to expected voter registration growth and voter turnout for the 2020 General Election. Because we expect turnout to be high for the upcoming election, we will inform voters about their voting options, when they can expect to vote most quickly, and how to prepare to vote.

Pollworkers are trained that voters in line at 8 pm can vote even if it means that voters are voting after 8 pm, and this information is included in the sample ballots mailed to each registered voters and other election information. Prior elections have shown that pollworkers understand this requirement, as voters have cast ballots after 8 pm.

Thank you for the opportunity to share our efforts to conduct a fair and secure elections in 2020. I hope this information is useful to you, and if you would like more information or would like to schedule a briefing, please do not hesitate to ask.

Sincerely,



Linda H. Lamone
State Administrator

