

MEMORANDUM

February 10, 2015

TO: Government Operations and Fiscal Policy Committee
FROM: Amanda Mihill, Legislative Attorney *A. Mihill*
SUBJECT: **Update:** Board of Elections activities

The following are expected to attend today's worksession:

- Mary Ann Keeffe, President, Board of Elections
- Nahid Khozeimeh, Member, Board of Elections
- Margaret Jurgensen, Election Director
- Alysoun McLaughlin, Deputy Election Director
- Marjorie Roher, Management and Budget Specialist

2014 Elections

On November 4, 2014, the Board of Elections conducted the 2014 General Election. Two issues arose during this election season and are addressed below.

Reporting of election results After the 2014 General Election, both the *Gazette* and *Washington Post* newspapers ran stories reporting that the County was the slowest to report election results (see news articles on ©5 and 7 and a *Washington Post* opinion piece on ©10). The Board of Elections provided information about the steps necessary to report election results on ©1 and a comparison between the 2014 elections and the 2012 and 2010 general elections on ©4. Of particular note from this material:

- The earliest election results are sent to the Board by modem.
- The first polling place to successfully transmit their results by modem occurred at 8:40 p.m.
- 192 of the County's 227 polling places have an analog telephone line and modem card; only 74 polling places transmitted preliminary results by modem.
- Reasons election judges did not transmit results by modem: several unsuccessful attempts to connect (the Board only has 32 telephone lines to accept results); difficulty moving the

voting unit to the designated telephone jack or other operation problems; some judges did not want to delay closing further.

- 93% of polling place materials were returned by the Board by midnight.
- When election results are driven in, it takes longer for reasons including: the drive time from the polling place to the Board of Elections and the line of cards leading to the Board's parking lot where materials are dropped off and chain of custody paperwork is completed.
- The State will be implementing a new voting system for the 2016 elections that should permit a faster turn-around time to report results.

Voter registration issues at the Motor Vehicle Administration In November, the Board of Elections sent a letter to the Joint Audit Committee seeking to have an audit performed of the policies and procedures for registering voters at the MVA (see ©13). The letter raised the following issues:

- Voters political party affiliation being changed without their knowledge from a political party to "other parties" or "unaffiliated" or between parties;
- A resident was not presented with voter registration information during their transactions with MVA;
- A resident attempted to register at MVA, but records indicate that the person declined to register;
- A U.S. National was registered to vote;
- Lack of chain of custody documentation for paper copies of voter registration applications;

According to the attached *Gazette* article, MVA employees are no longer able to select or change a voter's political affiliation (the resident must do so) and residents seeking to register to vote will declare that they are United States citizens if they select "yes" to register to vote (©26).

2016 Elections

As Committee members already know, there will be a new voting system in place for the 2016 Presidential Election cycle. The State Board of Elections approved a contract award to Election Systems and Software for the new machines. In December 2014, the Board of Public Works approved the contract (©28). State law requires the voting system to produce a "voter-verifiable paper record" of a persons' votes.

Committee members may wish to discuss with Board of Elections members and staff any operational or cost issues that are already known about the new voting equipment.

<u>This packet contains:</u>	<u>Circle</u>
Board of Election materials on election results	1
Comparison chart for reporting times	4
<i>Gazette</i> article, "Montgomery slowest in state to report Election Day results"	5
<i>Washington Post</i> article, "Montgomery officials concerned about slow vote tally"	7
<i>Washington Post</i> editorial	10
Letter from Board of Elections to Joint Audit Committee	13
<i>Gazette</i> article, "MVA to tweak parts of voter registration process"	26
Board of Public Works Action Agenda re voting machines	28

F:\Mihill\Board Of Elections\2015\Feb 2015 Update\Update - Feb 2015.Doc

Questions and Answers About Election Night Reporting in Montgomery County Why Does It Take So Long? What Are We Doing About It?

When do the polls close?

On Election night, the polls close at 8 p.m. The door to the voting room closes at that time, and the last voter waiting in line gets to cast their ballot.

What happens next?

Upon the close of the polls, the Board of Elections releases the first results for votes cast during early voting. This is possible because the necessary reports from those machines have been run during Election Day.

In the meantime, the teams of voters hired for the day to manage each of 227 polling places across the county have work to do. Two voters of different political parties, who are recruited to serve as the Chief Election Judges for each site, are responsible for managing their team and are trained to split the closing tasks and responsibilities among bipartisan teams. Ideally, there are four teams working simultaneously to:

1. Run the reports from the electronic pollbooks and dismantle and pack the equipment. The checklist for these steps includes 22 steps. A Chief Judge is required to review and sign the completed reports.

Elapsed time: 30 to 40 minutes

2. Complete the necessary reports for provisional voting, secure the voted ballots and, once that is completed, count and tally the completed Voter Authority cards that serve as the paper record of who voted for recordkeeping and audit purposes. These tasks may take between 15 and 30 minutes, depending on the number of votes cast. This group will also need the input of a Chief Judge.

Elapsed time: 15 to 30 minutes

3. Take down signs and pack general supplies, tables and chairs, remove tape from the walls and floors, and return the voting room to its original condition. This can take 20 to 40 minutes to complete.

Elapsed time: 20 to 40 minutes

4. Run reports of election results, shut down the voting equipment, and transmit results. Using an assembly line method to run reports and shut down an average of 12 voting machines in each polling place, it takes about 20 minutes to follow each of the 47 steps. Accumulating the results onto the last unit takes 35 more steps and can be expected to take another 5 to 10 minutes. Transmitting results by modem takes another 7 steps and 5 to 15 minutes. Once these steps are completed and other personnel are available to help, the machines can be physically packed up and stored on their carts.

Elapsed time: 30 to 50 minutes

When are the earliest results received from polling places?

The earliest results are received by modem. Analog telephone lines are used to transmit preliminary data, which is displayed as unofficial precinct results on the Board of Elections website. For the 2014 general gubernatorial election, the first polling place – a small precinct with only two voting machines – successfully transmitted their results via modem at 8:40 p.m.

Although 192 of the county's 227 polling places are equipped with an analog telephone line and modem card, only 74 polling places transmitted preliminary results by modem for the 2014 gubernatorial general election. The vast majority of those precincts' results were received by 10:00 p.m.

Election Judges who did not transmit results by modem reported several reasons, including:

1. Made several unsuccessful attempts. The Board of Elections only has 32 telephone lines to accept results; connecting via the analog line and transmitting the data can take several minutes, and every polling place cannot connect at once. Election Judges who have received a busy signal in the past will also sometimes not attempt to transmit.
2. Difficulty moving the voting unit to the designated telephone jack or performing the transmission. Some precincts must move their voting equipment across the room, or to another room, to access the telephone jack. Only one designated voting machine in each precinct has the capability to transmit; some polling place teams started their closing process with that unit and had already taken it down and packed it on the bottom of the cart by the time they were ready to transmit. Some forgot which unit to use and failed while attempting to transmit on other units. Some polling places also reported that they could not find the modem cable or had difficulty operating the equipment, such as an inoperable card slot or wall outlet.
3. Did not want to delay closing further. Some reported that they felt under pressure from other Election Judges to finish quickly and transport their materials to the Board of Elections and skip the step of sending preliminary results via modem.

What else does a polling place have to do before they drive their results in?

Paperwork. How many voters cast ballots on each machine? Does that equal the number of voters who signed their oath? How many provisional ballots were received, and how many were cast? Why are the numbers off? Did someone walk away with their ballot, or sign in and then end up casting a provisional ballot instead of using the touch screen? Were there issues with the voting equipment or the electronic pollbooks? Were voter complaints received during the day and how were they handled?

For the 2014 gubernatorial general election, most Closing Judges left their precinct between 10:00 p.m. and 11:00 p.m. to drive to the Board of Elections, and 93% of all polling place materials were returned to the Board of Elections by midnight. An experienced team that has been well-organized during the day and that works quickly and as a team may be able to pack up a precinct in an hour; some precincts take two or three times that long.

Teams that take the longest may be less experienced, or they may simply be cautious in reviewing their work and providing comprehensive notes while the day's events are fresh in their mind. Even experienced Election Judges only perform the tasks rarely and are exhausted from a 17-hour day. For new Chief Judges, the number and complexity of the tasks that they are responsible for performing and that they have only ever performed in a training environment can feel overwhelming. However, often the materials that are returned the latest to the Board of Elections are from the most meticulous Election Judges, whose reports are most thorough and who took the longest to check their work and make sure that they have done everything properly.

How much longer does it take to get results when they drive their results in?

In addition to the drive time from neighborhood polling locations, which can be as much as an hour, there is typically a line from Route 355 to the parking lot of the Board of Elections, where materials must be delivered and logged. That wait time can range from 5 minutes to 20 minutes, with most reporting that it took about 10 minutes to reach the front of the line.

Once precinct materials reach the Board of Elections, cars drive through stations where their materials are dropped off and chain of custody paperwork is completed. Electronic pollbooks are logged and their data files uploaded to a state server at one location; provisional ballot bags are unsealed and their contents logged at another station while the memory cards for voting equipment are removed from their storage container, logged and prepared for upload to state servers.

The lag can be estimated by examining the timestamps on materials received from polling places that were successful in sending their results by modem, then physically transported their materials to the Board of Elections. The average time it took for the precinct materials to be packed up and delivered to the Board of Elections once a modem transmission was completed was 69 minutes; actual times ranged from 24 minutes to 2 hours and 8 minutes.

How does the Board of Elections handle situations where Election Judges do not perform their duties properly?

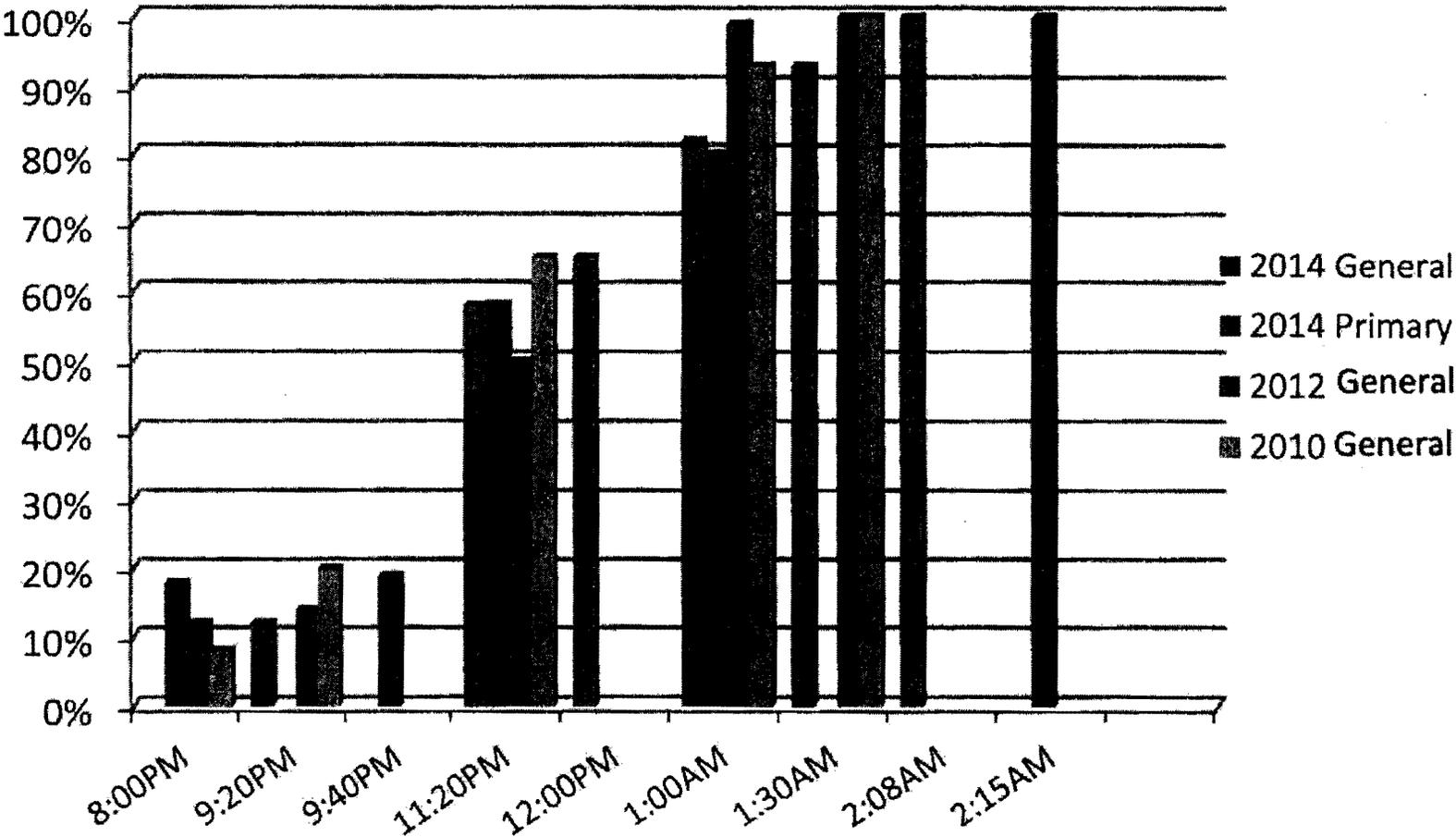
The Montgomery County Board of Elections has a nationally recognized Election Judge evaluation process that includes a thorough review of the comprehensiveness and accuracy of paperwork received from the precinct and other documents including a peer-to-peer evaluation. Chief Judges are not eligible for rehire if their precinct receives an unsatisfactory rating. The 2014 general election was a success and Election Judges performed admirably based on the objective criteria that are measured in this evaluation, including that only 1 memory card out of 2,622 was not returned on Election night. Speed is not a factor in that evaluation process. Speed is not a factor for the State Board of Elections and the Election laws the Election Judges are required to adhere

What can be done to speed up the process?

The State of Maryland will be implementing an entirely new voting system for the 2016 presidential election that will be a significant change using the newest technology to permit a faster turn-around time to report results.

The State Board of Elections will receive the new equipment within the next 60 day then the local boards of elections will provide greater information on the new system based upon facts.

Comparison of Time Results Posted for the Gubernatorial Election



Gazette.Net

Maryland Community News

Published: Monday, November 10, 2014

Montgomery slowest in state to report Election Day results *by Kate S. Alexander Staff writer*

Montgomery County's final Election Day results rolled into the state at about 2:25 a.m. on Nov. 5, and local elections officials are expected to discuss the timing of its reporting at the next board meeting.

Montgomery County has 250 Election Day precincts, less than only Baltimore city and Prince George's County which have 296 and 274 precincts respectively.

Yet both Baltimore city and Prince George's County, along with every other county in the state counted ballots faster than Montgomery County after the polls closed on Nov. 4.

Nikki Charlson, deputy administrator of the State Board of Elections, said Montgomery County was the last jurisdiction to report results to the state.

"It's a long process," she said. "Montgomery is a big county."

Working into the wee hours of the morning on Nov. 5 was on par with past elections, county Board of Elections spokeswoman Margie Roher said.

"I can't remember a time when I have been out of here earlier than 1:30 or 2 a.m.," she said. "Really, it was pretty typical."

But Roher said the Board of Elections does plan to discuss the "lateness" of the results at its Nov. 17 meeting.

She said the board will look at best practices and discuss the new voting system the state will use for the 2016 election to see how both could impact the timing of reporting.

Charlson said the state will move to a paper-based voting system starting with the 2016 primary, but exactly what effect that could have on how fast results are reported remains to be seen.

With the current electronic system, uploading election results through multiple security levels that protect the information takes time, Roher said.

5

"We are the largest jurisdiction in the state," she added, saying that why the county was the last to report results also could be extrapolated from that fact.

Montgomery County is about 500 square miles and of its more than 1 million residents, about 635,000 are registered to vote.

Of the county's 250 Election Day precincts, 177 upload their results from the polling place via a modem, Roher said.

The other 73 precincts close up shop and drive the results to the Board of Elections in Gaithersburg where the results are then uploaded from a memory card, she said. Those 73 precincts are located all across the county.

Charlson said results sent by modem are to satisfy candidates, press and "junkies" who want results fast, but that all memory cards are driven to the Board of Elections that night and that those cards are what supply official election results.

kalexander@gazette.net

© 2014 Post Community Media, LLC/Gazette.Net

6

Maryland Politics

Montgomery officials concerned about slow vote tally

By Bill Turque November 27, 2014

Montgomery County, Maryland's most populous jurisdiction, lagged hours behind other parts of the state in tallying ballots on election night. Officials in the county want to know why.

When Gov.-elect Larry Hogan (R) announced that he had scored an upset victory over Lt. Gov. Anthony G. Brown (D) at 12:09 a.m. on Nov. 5, scores of Montgomery's 259 precincts still had not reported returns. Final results were not available until after 2 a.m., long after the state's other large jurisdictions — Baltimore and Prince George's counties and Baltimore City — had called it a night.

The laggard performance triggered widespread frustration and calls for steps to head off another long evening in 2016, when there will be the higher turnout of a presidential election to contend with.

"Obviously, we have a lot of questions," said County Council member Nancy Navarro (D-Mid-County), chairwoman of the council's government operations committee, which has scheduled a hearing in February to review what happened.

owed tabulation of
l modems, delays

in closing polling places and preparing returns for transmission to board offices in Gaithersburg, and antiquated technology.

“We are going to be reviewing the entirety of the election process. What worked, what didn’t, what we can do better,” Election Director Margaret Jurgensen told the Board of Elections at its Nov. 17 meeting.

Navarro called the late returns “absolutely not” acceptable and said she is particularly unhappy about assurances from election officials earlier in the fall that all was in order. “We asked about issues around the [phone] lines and their capacity to forward returns,” Navarro said. “And everything they expressed was that they were fine.”

Elections Board employees say the problems began with delays in closing polling places and preparing returns for transmission to board offices in Gaithersburg.

At each polling location, a chief election judge and an assistant are charged with securing supplies, shutting down machines and printing out a series of hard copies with the results from each unit. They also must verify that the number of people who voted and the number of ballots cast match up. The totals from all machines are then loaded onto a single memory card.

Janet Ross, the Elections Board’s information technology specialist, said at the board meeting that she can close down a polling location in 20 minutes. But, for reasons not completely clear, some poll workers took far longer — up to four hours. Ross said the delays could be due to inexperience, poor communication or conflict among election judges, and perhaps fatigue. The polls are staffed by multiple volunteers, and some spend the whole day there.

“It’s lots of things going on in the precincts,” Ross said.

⑧

About 180 of the county’s polling locations use dial-up modems to send the returns. The

board has 32 lines available to receive data, and there are logjams when multiple precincts try to transmit at the same time. Judges at polls where modems can't be used — often churches or other non-public buildings — must drive the results to Gaithersburg, a trip of up to 20 miles.

Judges using modems are instructed to make three attempts to connect. If they receive error messages or busy signals they, too, are told to drive the results to Gaithersburg.

“This is the issue that just drives me crazy,” said Mary Ann Keeffe, president of the Elections Board.

Officials said they could add lines. They also plan to ask the county to make IT personnel available to troubleshoot transmission problems at polls after closing. That would require additional funding from next year's county budget, officials said.

Board members also discussed adopting election night procedures used elsewhere in the state. Baltimore County has satellite centers set up where poll judges can deliver memory cards. Baltimore City uses police to transport results directly to a central tallying location.

Board member David Naimon urged elections officials to look closely at how these localities get the job done.

“These are all large jurisdictions,” he said. “One would think they would be having similar issues to ours.”

Bill Turque, who covers Montgomery County government and politics, has spent more than thirty years as a reporter and editor for The Washington Post, Newsweek, the Dallas Times Herald and The Kansas City Star.

The Washington Post

The Post's View

When reporting election results, Montgomery County often finishes last

By Editorial Board December 28, 2014

MONTGOMERY COUNTY, the largest and by some measures the wealthiest county in Maryland, prides itself as a leader. So why is it a perennial laggard when it comes to reporting election results?

Most election years, most of the state's tally has been more or less wrapped up before the count in Montgomery. That was the case again last month, when the county didn't get around to posting its returns for more than two hours after the winner of the gubernatorial contest, Republican Larry Hogan, had declared victory.

Results are results, and the state doesn't issue official ones until the morning after Election Day, so it's possible to dismiss as irrelevant Montgomery's slowest-in-class performance. But when one jurisdiction — in this case, the most populous — is consistently the slowpoke, people may start to wonder, and maybe grow suspicious — especially when no one can provide an explanation.

10

It has nothing to do with Montgomery's population or voter turnout, as state and local election officials acknowledge. While there are more precincts and polling places in Montgomery than in other counties, a polling station is a polling station — that is, one in Montgomery shouldn't take longer to close down and render results than one in another county. Yet scores of Montgomery's stations report results later than their counterparts elsewhere.

It doesn't seem to have much to do with Montgomery's geographic size, either. Results from most polling stations are reported by computers using modems; WiFi is deemed insecure. If that doesn't work, election officials can hand-deliver the tally to the county's central election office in Gaithersburg, which, being centrally located, is not a very long drive at night — 30 minutes at most — from most of the county's 259 precincts.

A few places, such as Baltimore County, have satellite electoral offices where results can be hand-delivered, perhaps a little more quickly than they can be to the central office in Montgomery.

Still, procedures for closing polling stations and counting and reporting ballots are standard across the state. No one — neither local nor state elections officials — understands what the problem is in Montgomery.

More worrisome is the fact that it may get worse rather than better for the election in 2016. The state is introducing new election equipment, including an optical scan system and paper ballots to replace touch screens. Although the system hasn't been tested, the paper ballots may delay reporting, officials acknowledge. And if they're delayed across the state, will they be delayed even more in Montgomery?

①

The County Council is looking into the matter, with a hearing scheduled for February. It needs answers to why Montgomery trails the pack, and it needs solutions, whether it's better training for election judges assigned to each polling place or better leadership atop the county's election board.

The public's confidence is critical to any electoral system. When one county lags all others, confidence is subverted.

Read more about this topic:

[The Post's View: The Maryland elections board shouldn't create an unfair competition](#)

[The Post's View: A messy situation in Montgomery may prod Maryland to reform how judges are selected](#)

[The Post's View: Montgomery County's perverse politics](#)

[Phil Andrews: Public financing of elections can revitalize democracy](#)

Get Opinions

Daily updates delivered just for you.

Mary Ann Keeffe
President
Donice Jeter
Vice President
Nancy H. Dacek
Secretary
Nahid Khozeimeh
Member
Graciela Rivera-Oven
Member
David Naamon
Substitute Member
Jacqueline Phillips
Substitute Member



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

Margaret A. Jurgensen
Election Director
Alysoun McLaughlin
Deputy Election Director
Janet A. Ross
*Senior Information
Technology Specialist*
Betty Ann Lucey
Voter Registration Manager
N. Christine Rzeszut
Operations Manager
Kevin Karpinski
Counsel

November 20, 2014

via email jim.rosapepe@senate.state.md.us and U.S. Mail
The Honorable James C. Rosapepe
Senate Chair
James Senate Office Building, Room 314
11 Bladen Street
Annapolis, Maryland 21401

via email guy.guzzone@house.state.md.us and U.S. Mail
The Honorable Guy J. Guzzone
House Chair
House Office Building, Room 206
6 Bladen Street
Annapolis, Maryland 21401

RE: Request for an Audit of the policies and procedures for registering voters at
the Motor Vehicle Administration

Dear Senator Rosapepe and Delegate Guzzone:

The Montgomery County Board of Elections (hereinafter referred to sometimes as "the Montgomery Board") is requesting that the Joint Audit Committee direct the Legislative Auditor, Thomas J. Barnickel, III, to have an audit performed of the policies and procedures for registering voters at the Motor Vehicle Administration (hereinafter "MVA"). The Montgomery Board is requesting a comprehensive audit of the systems utilized to register voters, as well as the information that is provided to the State Board of Elections and the local boards.

Located at: 18753 North Frederick Avenue, Suite 210 • Gaithersburg, Maryland 20879
240-777-8500 • MD Relay 1-800-735-2258 • FAX 240-777-8505
E-mail: elections@montgomerycountymd.gov • Web Site: www.777vote.org

montgomerycountymd.gov/311



301-251-4850 TTY

13

The Honorable James C. Rosapepe
The Honorable Guy J. Guzzone
November 20, 2014
Page 2

Set forth below are issues that have recently come to our attention and we respectfully submit warrant an evaluation of the current policies and practices for registering voters at MVA.

1. **Voters being changed without their knowledge from a political party to "other parties" or "unaffiliated."**

On Thursday, June 26, 2014 (two days after the Primary), Messrs. Robert Debernardis and Carl Mauri came to the Board of Elections to complain that their party affiliation had been changed to "other parties." (I am enclosing a copy of their redacted electronic voter registration application for your review). As you will see from the enclosed documentation, these two (2) gentlemen live next to one another. They went to MVA to obtain a new driver's license. One of the gentlemen went to MVA on January 22, 2014 and the other went to MVA on March 25, 2014. Both gentlemen informed our Board staff that they were asked whether they wished to register to vote and both advised the employee at MVA that they were already registered to vote and they did not wish to be registered.

A review of their voter registration history reflects that both individuals have been registered to vote for a number of years and both individuals were registered as Democrats. However, their party affiliation was changed to "other parties" as a result of their interaction with MVA staff. Obviously, changing a person's party affiliation has serious consequences, particularly as it relates to the person's eligibility to vote in a Primary Election. While these two gentlemen were given Provisional ballots and the Board ultimately voted to accept in full their Democratic Primary ballot, if they would not have insisted on voting provisionally and would not have brought it to the Board's attention, these two individuals would have been deprived of their right to vote in the Democratic Primary.

Our Election Director, Margaret Jurgensen, and Board Counsel, Kevin Karpinski, Esquire, spoke to Messrs. Debernardis and Mauri. Both individuals claimed they never saw the electronic voter application and that neither signed the application. If that is correct, the signature on the application must have been taken from the screen where they each signed to obtain their new driver's licenses. If this is the current procedure, individuals are never given the opportunity to review the electronic voter registration application to ensure its accuracy. Furthermore, if their signatures are obtained from

The Honorable James C. Rosapepe
The Honorable Guy J. Guzzone
November 20, 2014
Page 3

where they signed for their driver's licenses, individuals are also never given the opportunity to review section 12 of the application, wherein they are affirming under the penalties of perjury that they are a United States citizen, a Maryland resident, at least 16 years of age, as well as other items.

2. **An individual claims her party affiliation was changed from Republican to Democrat.**

One of our Boardmembers received a telephone call from an individual named Anne Dickey claiming she has been a "lifelong" Republican. However, before the Primary, she discovered that her party affiliation had been changed to Democrat shortly after visiting an MVA. Obviously, having an individual's party affiliation changed from Democrat to "other parties" or from Republican to Democrat without the person's knowledge and consent is extremely troubling. The individuals making the complaints noted above have had a long and continuous party affiliation with either the Republican or Democratic Party and it does not make any sense that they would willingly alter their party affiliations.

3. **A member of our own staff was not presented with voter registration information in multiple transactions with the MVA.**

On September 11, 2014, Alysoun McLaughlin visited the MVA (Walnut Hill branch) in Gaithersburg to obtain a copy of her driver's license and was not presented with the Motor Voter application questions on the computerized touch screen. After completing her transaction, she was asked verbally, "Have there been any changes to your voting status." Although she answered that verbal question in the negative, an electronic voter registration bearing her signature was received by the Montgomery Board. On October 6, 2014, Ms. McLaughlin subsequently changed her address using the MVA website and completed the transaction without being presented with any information on voter registration. Ms. McLaughlin is the Deputy Election Director for Montgomery County and her transaction at the MVA in Gaithersburg was personally witnessed by Margaret Jurgensen, the Election Director for Montgomery County

4. **Another individual claims to have registered to vote at MVA but MVA's records indicate that he declined to register.**

Mr. Tefere Gebre claimed to our staff that he went to the MVA in Silver Spring and

The Honorable James C. Rosapepe
The Honorable Guy J. Guzzone
November 20, 2014
Page 4

requested to register to vote. Board staff researched why his name was not in the Statewide voter registration database. Board staff requested information from MVA. Board staff was provided the enclosed computer printout. It indicates that the individual declined to register to vote. However, once again, there does not appear to be any affirmative act by the individual that he or she wishes to not register to vote. The Board respectfully submits that in the future individuals should have to perform some affirmative act (*i.e.*, a signature) to indicate whether or not he or she wishes to register to vote. Based upon our limited knowledge of the system, it appears that employees at MVA simply ask the individual questions without the voter having the opportunity to confirm that the employee accurately describes the individual's decision whether or not to register to vote.

5. **A United States National was registered to vote.**

One of our Boardmembers was recently contacted by an individual who is a permanent resident. He is not a United States citizen and therefore not eligible to vote. However, he claims that he was unknowingly registered to vote at MVA. He is concerned that this may affect his eligibility to remain within the United States. The individual has provided the Board staff with information to have his registration canceled. However, it is disconcerting that this individual could become registered. If indeed signatures are being transferred from driver's licenses or identification cards, then individuals are not seeing section 12 of the voter registration application, setting forth the requirements to become eligible to vote and are not realizing that they are attesting under the penalties of perjury as to their qualifications.

On Monday, November 17, 2014, a number of Montgomery County residents appeared at our Board meeting to express concerns that non-citizens in Maryland were being registered to vote. While we were not provided at the meeting with specific facts documenting that non-citizens in Montgomery County were being registered to vote, the Montgomery Board respectfully suggests that the current system may not adequately emphasize the requirements that a person must satisfy (including citizenship) to become a registered voter in Maryland. An evaluation of the current system should be undertaken to ensure that there is a summary screen and that it requires the voter to confirm that all the information set forth on the summary screen is correct (*i.e.*, name, date of birth, address, party affiliation, etc.) and that the oath clearly and conspicuously sets forth the requirements for becoming a registered voter.

The Honorable James C. Rosapepe
The Honorable Guy J. Guzzone
November 20, 2014
Page 5

In addition, the Montgomery Board respectfully submits that the current policies for cross checking registered voters with other State agencies should be evaluated. In other words, if for any reason a State agency (such as the Circuit Court for jury duty purposes) becomes aware that an individual is not a United States citizen and thus is not eligible to vote, there should be a mechanism to convey that information to the Maryland State Board of Elections and local boards to ensure that only eligible individuals remain on the voter rolls.

6. **Hard copy voter registration applications.**

The Board was advised that Jennifer Badgley claims to have filled out a paper copy of a voter registration application. She claims that she dropped it off at MVA. The Board understands that there is a box at MVA where an individual can drop off a paper application. The Board of Elections staff thereafter goes to the various MVA locations and picks them up. However, there does not appear to be any chain of custody documentation whatsoever reflecting who dropped off a voter registration application at MVA, the number of applications received, and when they are picked up by the Board of Elections staff. As a consequence, we have an individual who claims she registered to vote and dropped off the application at an MVA office. However, there does not appear to be any mechanism in place to document that it occurred and whether it was ever provided to Board staff. As a result, this individual was not able to vote in the 2014 Primary because there was no evidence whatsoever that she actually registered to vote beyond her claiming that she did so.

In sum, it is essential that our voters have confidence in the integrity of the process for registering to vote and that their registration is and remains accurate. As noted above, the Board has been advised of individuals who have had their party affiliation changed, individuals who claimed they have registered to vote but there is no documentation that they did, individuals who are not eligible to vote but have been registered to vote and an individual who claims to have filled out and delivered a voter registration application at MVA but there is no evidence that either MVA or the Board of Elections received it. All of these issues raise serious concerns regarding the current policies and procedures for registering individuals to vote at MVA and we respectfully request that the Audit Committee direct Mr. Barnickel's office to undertake an extensive investigation and audit of the current processes in place.

The Honorable James C. Rosapepe
The Honorable Guy J. Guzzone
November 20, 2014
Page 6

There have recently been news articles about the Montgomery Board's concerns regarding the processes of voter registration at MVA. Some of our Boardmembers have been contacted by elected officials regarding the potential problems with the current system. Our Board stands prepared to provide the Committee and Mr. Barnickel's office with whatever information and documentation is necessary to allow for a comprehensive review of the current policies, practices and procedures for registering voters at MVA, as well as what information is provided to the local boards when an individual in fact registers at MVA.

Thank you for your time and consideration.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary Ann Keefe". To the right of the signature, there is a small, stylized handwritten mark that appears to be "bow".

Mary Ann Keefe, President
On behalf of the members of the Montgomery
County Board of Elections

KK:bjap

Enclosures

cc: Bobbie S. Mack, Chairman
David J. McManus, Jr., Vice Chairman
Patrick J. Hogan
Janet S. Owens
Charles E. Thomann
Linda H. Lamone, Esquire
The Honorable Nancy Navarro, Montgomery County Council President
The Honorable Isiah Leggett, Montgomery County Executive
Montgomery County Delegation

CONFIRMATION NUMBER: DEBEROB-22-JAN-2014-1557

Electronic Voter Registration Application

1	Are you at least 16 years old? YES	Are you a U.S. citizen? YES
2	Is this a New Registration or an Update? NEW REGISTRATION	Source of Registration MVA
3	Voter Name: DEBERNARDIS, ROBERT ALLAN	
4	Sex: Male	Date of Birth [REDACTED]
6a	Maryland Driver's License or MVA ID Number [REDACTED]	
6b	Social Security Number	
7	Residential Address and County 8424 BELLS RIDGE TER POTOMAC 20854-2791 Montgomery	
8	Mailing Address (if different from item 7) SAME AS RESIDENTIAL	
9	Party OTHER PARTIES -	
10	Daytime Phone	Email
11	<ul style="list-style-type: none"> Do you want information on polling place assistance for the elderly, disabled or voters unable write or read the ballot? NO Would you like information on working as an election judge for your County Board of Elections? NO 	
12	Under penalty of perjury, I hereby swear or affirm that : I am a U.S. Citizen. I am a Maryland reside I am at least 16 years old. I have not been convicted of buying or selling votes. I have not been convicted of a felony, or if I have, I have completed serving a court-ordered sentence of imprisonment including any term of parole or probation for the conviction. The information in this application is to the best of my knowledge, information and belief.	
	Signature <i>Robert A. DeBernardis</i>	Date: 1/22/2014 12:00:00 AM

PREVIOUS VOTER REGISTRATION INFORMATION (if applicable)

A	Previous Voter Name and Date of Birth	
B	Previous Address	
C	Previous Mailing Address	Previous Party

CONFIRMATION NUMBER: MAURCAR-25-MAR-2014-7987

Electronic Voter Registration Application

1	Are you at least 16 years old? YES	Are you a U.S. citizen? YES
2	Is this a New Registration or an Update? NEW REGISTRATION	Source of Registration MVA
3	Voter Name: MAURI, CARL ROSS	
4	Sex: Male	Date of Birth [REDACTED]
6a	Maryland Driver's License or MVA ID Number [REDACTED]	
6b	Social Security Number	
7	Residential Address and County 8426 BELLS RIDGE TER POTOMAC 20854-2791 Montgomery	
8	Mailing Address (if different from item 7) SAME AS RESIDENTIAL	
9	Party OTHER PARTIES -	
10	Daytime Phone	Email
11	<input type="checkbox"/> Do you want information on polling place assistance for the elderly, disabled or voters unable write or read the ballot? NO <input type="checkbox"/> Would you like information on working as an election judge for your County Board of Elections? NO	
12	Under penalty of perjury, I hereby swear or affirm that : I am a U.S. Citizen. I am a Maryland reside I am at least 16 years old. I have not been convicted of buying or selling votes. I have not been convicted of a felony, or if I have, I have completed serving a court-ordered sentence of imprisonment including any term of parole or probation for the conviction. The information in this application is to the best of my knowledge, information and belief.	
	Signature <i>Carl Ross Mauri</i>	Date: 3/25/2014 12:00:00 AM

PREVIOUS VOTER REGISTRATION INFORMATION (if applicable)

A	Previous Voter Name and Date of Birth	
B	Previous Address	
C	Previous Mailing Address	Previous Party

(20)

Jurgensen, Margaret

From: Thomas Surock <tsurock@mdot.state.md.us>
Sent: Tuesday, October 28, 2014 11:40 AM
To: Jurgensen, Margaret
Subject: RE: Tefere Gebre Voter Registration

Vote checks I am declining to apply to register to vote today

Tom Surock
Project/Program Manager
Maryland Motor Vehicle Administration
Central Operations and Safety Programs
tsurock@mva.maryland.gov
410-762-5143

Anywhere, Anytime, MVA Online!

----- Original Message -----

From: Jurgensen, Margaret
[mailto:Margaret.Jurgensen@montgomerycountymd.gov]
Sent: Tuesday, October 28, 2014 11:14 AM
To: Thomas Surock; Dorsey, Laletta
Cc: McLaughlin, Alysoun N; Kevin Karpinski
Subject: RE: Tefere Gebre Voter Registration

Tom is there any step in the declination process that the voter signs off?

When you say face to face, this is the process that the voter sits and reviews the screen when the questions are asked to receive a driver's license?

Margaret Jurgensen
Election Director
18753 N. Frederick Ave

Gaithersburg MD 20879
240.777.8523

----- Original Message -----

From: Thomas Surock [mailto:tsurock@mdot.state.md.us]
Sent: Tuesday, October 28, 2014 8:44 AM
To: Dorsey, Laletta
Cc: Jurgensen, Margaret; McLaughlin, Alysoun N
Subject: RE: Tefere Gebre Voter Registration

According to our records "NO" was selected to the voter registration question.

Tom Surock
Project/Program Manager
Maryland Motor Vehicle Administration
Central Operations and Safety Programs
tsurock@mva.maryland.gov
410-762-5143

Anywhere, Anytime, MVA Online!

----- Original Message -----

From: Dorsey, Laletta
[mailto:Laletta.Dorsey@montgomerycountymd.gov]
Sent: Monday, October 27, 2014 5:56 PM
To: Thomas Surock
Cc: Jurgensen, Margaret; McLaughlin, Alysoun N
Subject: FW: Tefere Gebre Voter Registration
Importance: High

Hi Tom,

Mr. Gebre did a face to face on 9/15/14 at the MVA in Silver Spring. He was getting his driver's license. He asked several times about registering and is not in MDV database. Would you please check?

Name: Teferre Gebre
DOB: 10 -15 -1966
DL: G1607890447 92

Thank you!
Laletta

Nora L. Dorsey
Acting Program Specialist II - Voter Services Montgomery
County Board of Elections
18753 North Frederick Avenue, Suite 210
Gaithersburg, MD 20879
240-777-8509 (Direct Line)
240-777-8600 (Fax)
laletta.dorsey@montgomer ycountymd.gov

-----Original Message -----
From: Dorsey, Laletta
Sent: Monday, October 27, 2014 9:16 AM
To: 'jenbadge@gmail.com'
Subject: RE: Tefere Gebre Voter Registration

Good Morning Ms. Badgley,

I am glad to check but need additional information to check? When was Mr. Gebre at MVA and what was he doing? Which MVA did he go to and how did he register, i.e. face to face, at the kiosk, on paper? What is his driver's license number?

Best Regards,

Nora L. Dorsey

Acting Program Specialist II - Voter Services Montgomery
County Board of Elections
18753 North Frederick Avenue, Suite 210
Gaithersburg, MD 20879
240-777-8509 (Direct Line)
240-777-8600 (Fax)
laletta.dorsey@montgomerycountymd.gov

----- Original Message -----

From: Jennifer Badgley [mailto:jenbadge@gmail.com]
Sent: Friday, October 24, 2014 7:18 PM
To: Elections, Board -Of
Cc: Tefere Gebre
Subject: Tefere Gebre Voter Registration

Hello,

My husband, Tefere Gebre, registered to vote at the MVA.
When I check at the State website it does not show him
as being registered. Can you check and see if he is
registered and if it just has not been updated at the
State yet?

Here is his info

Tefere Gebre
10412 Mountain Quail Rd
Silver Spring MD 20901
dob: 10/15/66
Pty: Dem

Tefere is cc'd in this email.

Thank you.

Jennifer Badgley

[http://www.roads.maryland.gov/OCImages/511_logo_sm.JPG]
Maryland now features 511 traveler information!
Call 511 or visit: www.md511.org<<http://www.md511.org/>>

P Please consider the environment before printing this email LEGAL DISCLAIMER - The information contained in this communication (including any attachments) may be confidential and legally privileged. This email may not serve as a contractual agreement unless explicit written agreement for this purpose has been made. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please re -send this communication to the sender indicating that it was received in error and delete the original message and any copy of it from your computer system.

[http://www.roads.maryland.gov/OCImages/511_logo_sm.JPG]
Maryland now features 511 traveler information!
Call 511 or visit: www.md511.org<<http://www.md511.org/>>

P Please consider the environment before printing this email LEGAL DISCLAIMER - The information contained in this communication (including any attachments) may be confidential and legally privileged. This email may not serve as a contractual agreement unless explicit written agreement for this purpose has been made. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or any of its contents is strictly prohibited. If you have received this communication in error, please re -send this communication to the sender indicating that it was received in error and delete the original message and any copy of it from your computer system.

Gazette.Net

Maryland Community News

Published: Friday, December 19, 2014

MVA to tweak parts of voter registration process *by Kate S. Alexander Staff writer*

Starting in January, Maryland Motor Vehicle Administration employees will no longer be able to select or change a voter's political party when handling voter registrations.

The change comes in response to reports of Montgomery County voters' political party affiliations being changed, without their knowledge or consent, following a trip to the MVA.

The Gazette first reported the registration problem when voters came forward after the June 24 primary saying they faced obstacles to voting because their party affiliation was changed to "other" without their consent.

The Montgomery County Board of Elections estimates that several hundred of its approximately 635,000 voters could have had their registrations affected. The board is seeking an audit of the MVA, in part, to determine the cause.

In response to the issue, MVA, starting in January, will make two changes to how it handles voter registrations, said Phil Dacey, director of external affairs.

"When anybody raises issues with us — be it citizens, the Montgomery County Board of Elections, the State Board of Elections — we make changes as needed," Dacey said. "We are very responsive."

Most notably, employees of the MVA won't be able to input or change a voter's political affiliation. Only the person registering to vote can make that selection, Dacey said.

"That way, if a change is made, unequivocally, it was not a mistake by the [employee]," he said.

Currently, both the voter and the employee can make the political party choice, he said.

In another MVA change, people will declare that they are citizens of the United States if they select "yes" when they register to vote.

By law, MVA cannot directly ask if someone is a U.S. citizen, Dacey said.

The MVA is adding a citizenship clause where a voter selects "yes," adding a layer of verification.

Starting in January, when the question "Do you wish to apply to register to vote?" appears on a screen, an option will say: "Yes. I am a U.S. Citizen and want to apply to register to vote," Dacey said.

It is required, when someone completes a voter registration, to certify citizenship under penalty of perjury, as well as other qualifying statements, with a signature.

Robert Debemardis, one of the Montgomery County residents whose voter registration was switched, said previously that he was most concerned about the state using the signature he provided for his driver's license to certify, in his case, an unauthorized voter registration change.

MVA does not collect a dedicated signature for the electronic voter registration forms it generates, Dacey said.

Dacey said MVA collects only one digital signature for a customer's entire transaction that day, which could include a voter registration or registration change. Dacey said the signature screen will display the voter registration certification statement when a registration is done, so it should be clear what is being signed.

MVA also accepts paper voter registration forms, which must be signed.

Despite the voluntary changes coming from MVA, the Montgomery County Board of Elections agreed Monday to still pursue an audit.

The board has asked the Joint Audit Committee of the Maryland General Assembly to direct the state's Office of Legislative Audits to investigate the MVA's handling of voter registrations.

Among the issues the county board wants explored are voter registrations switched or initiated without authorization, noncitizens registering to vote, failed registrations, the custody of paper registrations and the automatic use of a citizen's driver's license or ID signature on an electronic voter registration form.

kalexander@gazette.net

Supplement D
Department of Information Technology
ACTION AGENDA
December 17, 2014

Contact: Linda Lamone (410) 269-2852
Linda.Lamone@maryland.gov

7-IT. STATE BOARD OF ELECTIONS

Contract ID: Voting System Solution
ADPICS No.: D38B4400019

Description: Acquire a new statewide voting system: primarily for necessary hardware as well as services such as equipment repair and maintenance. The voting system solution will produce a voter-verifiable paper record of each voter's selections.

Award: Elections Systems and Software, LLC, Chicago, IL
(Local office in Bowie, MD)

Term: 1/1/2015 – 3/31/2017 (with two 2-year options)
4/1/2017 – 3/31/2019 (Option 1)
4/1/2019 – 3/31/2021 (Option 2)

Amount: \$28,142,662

Procurement Method: Competitive Sealed Proposals

Proposals:

<i>Company Name</i>	<i>Technical Ranking</i>	<i>Financial Ranking</i>	<i>BAFO Ranking</i>	<i>BAFO Price</i>
<i>Elections Systems and Software, LLC</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>\$28,142,662</i>
<i>Dominion Voting</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>\$34,929,258</i>

MBE Participation: None

Remarks: The 2007 General Assembly requires the Elections Board to select, certify, and implement a new Statewide paper-based voting system to replace the current Direct Recording Electronic voting system. See Election Law Article, §9-102, Annotated Code of Maryland. The system will be used in all counties and Baltimore City. The new Statewide system must produce a voter-verifiable paper record of each voter's selections. A "voter-verifiable paper record" is defined by law as a paper ballot prepared by the voter. The Elections Board has created the New Voting System Replacement Project to satisfy the 2007 Law. This RFP for a new voting system solution is a sub-project in which the new voting system (hardware component) was selected and will be implemented throughout the State. The new voting system solution will be in place and ready for use during the 2016 Presidential Election Cycle.

Supplement D
Department of Information Technology
ACTION AGENDA
December 17, 2014

7-IT. STATE BOARD OF ELECTIONS (cont'd)

In response to its solicitation, the Elections Board received four proposals; two were deemed not reasonably susceptible for award and therefore only the two remaining proposals were evaluated. The Elections Board received a protest from one of the offerors deemed not reasonably susceptible for award; in that protest, SBE's non-susceptibility determination was challenged. The Elections Board denied that protest. The deadline for appealing the agency denial to the Board of Contract Appeals has passed without an appeal.

The evaluation committee ranked the voting system solution proposed by Election Systems and Software (ES&S) first technically, then financially. The committee deemed that the ES&S system was the better system proposed because: (1) easiest transition for Maryland voters from the current system to a paper-based system; (2) significant reduction in estimated paper costs due to the system's ability to produce smaller versions of the ballot; (3) accessibility features for voters with disabilities based on an independent accessibility and usability reviews by the University of Baltimore; and (4) the outstanding capabilities of the high speed scanner and tabulator for absentee and provisional ballots. ES&S already has a facility that is centrally located in Maryland, and they will provide on-site repair for the high speed scanner units. ES&S' financial proposal was lower by a significant margin than the other proposal. This financial proposal confers an economic benefit to the State in terms of cost.

Under State law, a voting system must be tested and shown to meet the standards in the federal Voluntary Voting System Guidelines issued by the U.S. Election Assistance Commission (EAC). The EAC certified the ES&S solution in July 2014, as meeting the federal Voluntary Voting System Guidelines. State law also requires a public demonstration of the system and an evaluation by individuals representing a cross-section of voters with disabilities. In September 2014, the Elections Board hosted a public demonstration of the ES&S system; feedback from the individuals who attended the public demonstration was positive. The University of Baltimore's Schaefer Center for Public Policy conducted the usability and accessibility review and found that ES&S system could be deployed as proposed with customized instructions.

There is no MBE participation goal for this procurement because the Elections Board is primarily procuring proprietary hardware from a pre-certified vendor. Only the prime contractor has the necessary access rights to manufacture and support the system. MBE goals will be set for future procurements relating to the new voting system for non-proprietary equipment, such as ancillary supplies including carts, voting booths, and services. ES&S proposal has a positive economic impact on Maryland's economy. ES&S will rent office space and will employ several full-time employees in the State for the duration of this project. These employees include one project manager, one ballot programmer, one subject matter expert, one trainer, and a repair technician. ES&S will expand their Bowie facility to house maintenance operations for the new voting equipment; this will also result in employment opportunities for Maryland citizens at the repair facility.

Supplement D
Department of Information Technology
ACTION AGENDA
December 17, 2014

7-IT. STATE BOARD OF ELECTIONS (cont'd)

Fund Source: 50 % General, 50% Special (local jurisdictions)
Approp. Code: D38I0103
Resident Business: Yes
MD Tax Clearance: 14-1664-0011

BOARD OF PUBLIC WORKS

THIS ITEM WAS:

APPROVED

DISAPPROVED

DEFERRED

WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION