

James F. Shalleck
President
Nahid Khozeimih
Vice President
David A. Naimon
Secretary
Diane Nash Dillon
Member
Elisse W. Barnes
Member
Jacqueline L. Phillips
Substitute Member
Alan Banov
Substitute Member



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

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

October 21, 2019

Michael R. Cogan, Chairman
Patrick J. Hogan, Vice Chairman
Malcolm L. Funn, Boardmember
Kelley A. Howells, Boardmember
William G. Voelp, Boardmember
donna.duncan@maryland.gov

Ms. Linda H. Lamone
State Election Administrator
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401-0486
linda.lamone@maryland.gov

Ms. Nikki Charlson
Deputy Administrator
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401
nikki.charlson@maryland.gov

RE: Implementing electronic pollbook networking on Election Day in the
2020 Presidential Election

Dear Chairman Cogan, Vice Chairman Hogan, Board Members Funn, Howells,
Voelp, Ms. Lamone & Ms. Charlson:

The Montgomery County Board of Elections ("MCBOE") is writing to
request that the State Board of Elections ("SBE") reconsider the decision to
implement wireless electronic pollbook networking on Primary and General
Election Day in the 2020 Presidential Election.

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

MCBOE understands from discussions between your staff and ours that establishing such a network is not required for the implementation of same-day voter registration and, in fact, that only the largest counties have been required to participate. MCBOE also understands that the cost of the network currently will be borne entirely by the county governments. Montgomery County does not have funds budgeted to implement this costly mandate, and MCBOE is not persuaded that there would be a sufficient benefit gained by Montgomery County taxpayers in the 2020 Presidential Election to justify our requesting from the Montgomery County Executive and County Council a supplemental appropriation for this purpose in FY 2020.

MCBOE understands that the justification for implementing this system at this time is for same-day transmission of voter check-in data in preparation for the Provisional Canvass and the Absentee Canvass. We are not aware of any intended use of this data other than to improve the likelihood that one hundred percent (100%) of the data will be successfully uploaded prior to the existing deadline. Currently, this data is extracted and uploaded manually on election night to the State server, after all electronic pollbooks are returned to the county board. It is our understanding that this expectation would not change with this new network and that staff would still be required to upload the log files on election night and complete the process prior to the nightly deadline to ensure SBE receives all the transactions via the network. This would be a costly duplication of effort.

As Montgomery County is large and does have volumes of data that need to be passed to SBE, the desire for real-time transmission is somewhat understandable. However, MCBOE suggests that less costly alternatives be considered, or, at the very least, all counties be required to participate, and that the costs be shared 50/50 between the State and all local Boards of Elections.

While many states are moving toward Election Day networking and there are potential benefits in the long term, it is our understanding that there is no guarantee, after an investment of more than \$365,000 by the County government, that this network will even be compatible with the expected purchase of the new pollbooks after the 2020 Presidential Election. Prudent stewardship of County dollars at the local level is a concern for our Board

We also are concerned about analyzing election security issues whenever wireless communication is proposed to be used at the polls. Would you please let us know what analysis has been done to determine the risk of interception of the wireless signal or other security issues? If data being wirelessly transmitted were

somehow blocked or changed, what are the possible effects on the absentee and provisional canvasses? For instance, if data being transmitted was maliciously changed and gave voting credit for people that, in reality, did not show up at the polls, while removing voting credit for some who did show up at the polls (so the total number of people who showed up at the polls remained the same), what could be the consequence?

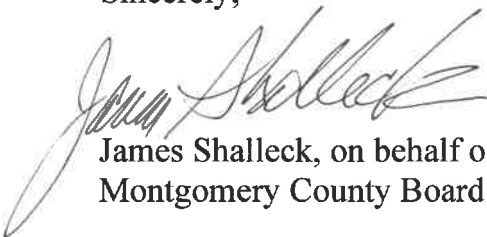
Finally, we're concerned that requiring wireless networking in six jurisdictions while not requiring it in the other 18 jurisdictions undermines the longstanding Maryland tradition, supported by law, of having a uniform system of elections across the state. Obviously, any problem with this system would only affect those jurisdictions that have it, which means it would not be felt equally across the state.

We realize procurement decisions must be made soon. However, MCBOE requests reconsideration of the decision to move forward at this time. At a minimum, a review should be conducted of the level of expenditures targeted for only the largest counties, along with a more in-depth explanation of the value to be gained by undertaking this project at this time. Also, what other alternatives have been considered? Why couldn't, for instance, the batch processing be just pushed back a few hours, giving the largest jurisdictions more time to get the data loaded without wireless networking? It would appear to us that such an alternative should be considered before requiring such a significant expenditure, entirely at the six jurisdictions' expense.

The 2020 Elections will require thousands of election judges and related costs to train these judges and assign them to polling places at a time when county budgets are already absorbing the costs of unfunded state mandates to implement both automatic registration and same-day registration. MCBOE is therefore not persuaded at this time that there is a sufficient justification for only a few counties to conduct this experiment for the State Board.

Thank you for your time and consideration

Sincerely,

A handwritten signature in dark ink, appearing to read "James Shalleck", written in a cursive style.

James Shalleck, on behalf of
Montgomery County Board of Elections