

HB1331/765867/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1331

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Kaiser” and substitute “, Kaiser, Rose, C. Howard, Ebersole, Tarlau, and M. Washington”; strike beginning with “requiring” in line 3 down through “system;” in line 10 and substitute “requiring the State Administrator of Elections, under certain circumstances, to submit a written report to certain persons within a certain period of time after becoming aware of a certain security violation involving an election system; requiring that the report include certain information and be updated continuously as new information becomes available; requiring the State Administrator to submit a written report to certain persons on a certain date each year that describes any significant attempted security violations involving an election system in the previous year; requiring that the annual report include certain information and be updated continuously as new information becomes available; authorizing the Secretary of Information Technology to require that information contained in a certain report be withheld from the general public if the Secretary makes a certain determination; requiring an election service provider, under certain circumstances, to take certain actions within a certain period of time after becoming aware of a security violation or significant attempted security violation involving an election system;”; strike beginning with “before” in line 17 down through “tool” in line 18; and in line 18, after “paper” insert “or electronic backup”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 7 on page 2 through line 13 on page 4, inclusive, and substitute:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(Over)

(2) “APPROPRIATE PERSONS” MEANS:

(I) THE STATE BOARD;

(II) THE GOVERNOR;

(III) THE PRESIDENT OF THE SENATE OF MARYLAND; AND

(IV) THE SPEAKER OF THE HOUSE OF DELEGATES.

(3) “ELECTION SERVICE PROVIDER” MEANS ANY PERSON PROVIDING, SUPPORTING, OR MAINTAINING AN ELECTION SYSTEM ON BEHALF OF THE STATE BOARD OR A LOCAL BOARD, INCLUDING A CONTRACTOR OR VENDOR.

(4) “ELECTION SYSTEM” MEANS ANY INFORMATION SYSTEM USED FOR THE MANAGEMENT, SUPPORT, OR ADMINISTRATION OF AN ELECTION, INCLUDING:

(I) THE VOTING SYSTEM;

(II) THE ONLINE VOTER REGISTRATION SYSTEM;

(III) THE VOTER REGISTRATION DATABASE;

(IV) THE ONLINE BALLOT REQUEST, DELIVERY, OR MARKING SYSTEMS;

(V) THE ELECTRONIC POLLBOOKS;

(VI) THE SYSTEM FOR TABULATING OR REPORTING ELECTION RESULTS; AND

(VII) THE STATE BOARD OR LOCAL BOARD E-MAIL SYSTEM.

(5) "SECURITY VIOLATION" MEANS ANY OF THE FOLLOWING INCIDENTS:

(I) A PERSON GAINING LOGICAL OR PHYSICAL ACCESS TO AN ELECTION SYSTEM WITHOUT AUTHORIZATION;

(II) A DENIAL OF SERVICE ATTACK THAT SUCCESSFULLY PREVENTS OR IMPAIRS THE NORMAL AUTHORIZED FUNCTIONALITY OF AN ELECTION SYSTEM BY EXHAUSTING RESOURCES;

(III) A SUCCESSFUL INSTALLATION OF MALICIOUS SOFTWARE THAT INFECTS AN ELECTION SYSTEM; OR

(IV) A VIOLATION OF ACCEPTABLE USE POLICIES RELATING TO AN ELECTION SYSTEM, AS SPECIFIED IN THE STATE INFORMATION SECURITY POLICY.

(6) "SIGNIFICANT ATTEMPTED SECURITY VIOLATION" MEANS AN ATTEMPT TO COMMIT A SECURITY VIOLATION THAT:

(I) IS KNOWN OR REASONABLY SUSPECTED TO HAVE BEEN COMMITTED BY A FOREIGN GOVERNMENT OR AGENTS OF A FOREIGN GOVERNMENT; OR

(Over)

(II) THE STATE ADMINISTRATOR CONSIDERS TO BE OF PARTICULAR SIGNIFICANCE OR CONCERN.

(B) (1) NOTWITHSTANDING ANY OTHER LAW, IF THE STATE ADMINISTRATOR KNOWS OR REASONABLY SUSPECTS THAT A SECURITY VIOLATION INVOLVING AN ELECTION SYSTEM OWNED, OPERATED, OR MAINTAINED BY THE STATE BOARD OR A LOCAL BOARD OR AN ELECTION SYSTEM PROVIDED, SUPPORTED, OR MAINTAINED BY AN ELECTION SERVICE PROVIDER HAS OCCURRED, THE STATE ADMINISTRATOR SHALL SUBMIT A WRITTEN REPORT TO THE APPROPRIATE PERSONS WITHIN 7 DAYS AFTER BECOMING AWARE OF THE SECURITY VIOLATION.

(2) A REPORT UNDER THIS SUBSECTION SHALL:

(I) PROVIDE THE DATE AND DURATION OF THE SECURITY VIOLATION;

(II) DESCRIBE THE NATURE OF THE SECURITY VIOLATION AND THE SPECIFIC ELECTION SYSTEMS AFFECTED;

(III) LIST SPECIFIC ACTIONS TAKEN TO RECOVER FROM THE SECURITY VIOLATION AND PREVENT SIMILAR FUTURE SECURITY VIOLATIONS; AND

(IV) BE UPDATED CONTINUOUSLY AS NEW INFORMATION BECOMES AVAILABLE.

(C) (1) NOTWITHSTANDING ANY OTHER LAW, ON JANUARY 1 EACH YEAR THE STATE ADMINISTRATOR SHALL SUBMIT A WRITTEN REPORT TO THE

APPROPRIATE PERSONS THAT DESCRIBES ANY SIGNIFICANT ATTEMPTED SECURITY VIOLATION INVOLVING AN ELECTION SYSTEM OWNED, OPERATED, OR MAINTAINED BY THE STATE BOARD OR A LOCAL BOARD OR AN ELECTION SYSTEM PROVIDED, SUPPORTED, OR MAINTAINED BY AN ELECTION SERVICE PROVIDER THAT THE STATE ADMINISTRATOR KNOWS OR REASONABLY SUSPECTS OCCURRED IN THE PREVIOUS YEAR.

(2) THE REPORT UNDER THIS SUBSECTION SHALL:

(I) PROVIDE THE DATE AND DURATION OF THE SIGNIFICANT ATTEMPTED SECURITY VIOLATION;

(II) DESCRIBE THE NATURE OF THE SIGNIFICANT ATTEMPTED SECURITY VIOLATION AND THE SPECIFIC ELECTION SYSTEM TARGETED;

(III) DESCRIBE HOW THE TARGETED ELECTION SYSTEM WAS PROTECTED AND WHETHER ANY ADDITIONAL MEASURES TO PROTECT THE ELECTION SYSTEM ARE WARRANTED; AND

(IV) BE UPDATED CONTINUOUSLY AS NEW INFORMATION BECOMES AVAILABLE.

(D) NOTWITHSTANDING ANY OTHER LAW, THE SECRETARY OF INFORMATION TECHNOLOGY MAY REQUIRE THAT THE INFORMATION CONTAINED IN A REPORT SUBMITTED UNDER SUBSECTION (B) OR (C) OF THIS SECTION BE WITHHELD FROM THE GENERAL PUBLIC IF THE SECRETARY DETERMINES THAT THE PUBLIC INTEREST IS SERVED BY WITHHOLDING THE INFORMATION.

(E) IF AN ELECTION SERVICE PROVIDER KNOWS OR REASONABLY SUSPECTS THAT A SECURITY VIOLATION OR SIGNIFICANT ATTEMPTED SECURITY VIOLATION HAS OCCURRED INVOLVING AN ELECTION SYSTEM PROVIDED, SUPPORTED, OR MAINTAINED BY THE ELECTION SERVICE PROVIDER, THE ELECTION SERVICE PROVIDER SHALL:

(1) NOTIFY THE STATE ADMINISTRATOR IN WRITING WITHIN 4 DAYS AFTER BECOMING AWARE OF THE SECURITY VIOLATION OR SIGNIFICANT ATTEMPTED SECURITY VIOLATION; AND

(2) COOPERATE WITH THE STATE ADMINISTRATOR IN SUBMITTING THE REPORT REQUIRED UNDER SUBSECTION (B) OR (C) OF THIS SECTION.”.

AMENDMENT NO. 3

On page 4, in line 31, strike “ANY”.

On page 5, strike in their entirety lines 9 through 15, inclusive, and substitute “CHECK A BOX ACKNOWLEDGING A STATEMENT THAT, IF THE VOTER REQUESTS TO RECEIVE AN ABSENTEE BALLOT ONLINE OR BY FAX, THE BALLOT THE VOTER RETURNS WILL HAVE TO BE DUPLICATED BY ELECTION OFFICIALS ONTO AN OFFICIAL BALLOT THAT IS MACHINE READABLE TO BE COUNTED.”.

On page 6, strike in their entirety lines 25 through 30, inclusive, and substitute “A STATEMENT THAT, IF THE VOTER CHOOSES TO MARK THE VOTER’S BALLOT ON THE VOTER’S COMPUTER USING THE INTERNET, THE VOTER’S CHOICES COULD BE VIEWED BY OTHERS WITHOUT THE VOTER’S KNOWLEDGE.”.

AMENDMENT NO. 4

HB1331/765867/1 Committee on Ways and Means
Amendments to HB 1331
Page 7 of 7

On page 7, in line 15, after “PAPER” insert “OR ELECTRONIC BACKUP”.