



Montgomery County

Office of Intergovernmental Relations

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SB 362

DATE: February 6, 2020

SPONSOR: Senator Kagan

ASSIGNED TO: Education, Health, and Environmental Affairs

CONTACT PERSON: Kathleen Boucher (kathleen.boucher@montgomerycountymd.gov)

POSITION: SUPPORT WITH AMENDMENTS

Election Law – Absentee Ballots – Timing of Canvass

Montgomery County supports Senate Bill 362 with amendments that have been proposed by the Montgomery County Board of Elections (County Board) and the Maryland Association of Counties (MACo). As amended, the bill would provide that a local board of elections may start the canvass of absentee ballots no earlier than 10:00 a.m. on the Thursday following Election Day and no later than 10:00 a.m. on the Friday following Election day.

In a joint letter to the State Board of Elections (State Board) dated January 15, 2020, the Montgomery County Executive joined with the Montgomery County Council to request that the State Board stop the implementation of wireless electronic pollbook networking on the Primary and General Election Days in the 2020 Presidential Election. In that letter (see attached) the County expressed its belief that implementation of the wireless system is unnecessary and potentially vulnerable to cybersecurity attacks and malfunction on Election Day. At the State Board's monthly meeting on January 16, 2020, County representatives requested that the State Board allow Montgomery County to opt out of implementation of the wireless networking system.

The State Board has articulated that the business need for implementing the wireless networking system in the six counties that are mandated to use the system (Baltimore City and Montgomery, Prince George's, Howard, Baltimore, and Anne Arundel counties) is to identify any absentee ballots that have been submitted by voters who also have submitted a provisional ballot in time to start the absentee ballot canvass at 10:00 a.m. on the Thursday following the Election, as required by current law. However, the County Board believes that Senate Bill 362 eliminates the need for wireless networking for this stated purpose because it allows the absentee ballot canvass to start up to 24 hours later than current law. This additional flexibility provides the State Board and County Board with more time for the necessary preparatory work before the canvass.

OVER

In response to the concerns raised by Montgomery County regarding the risks associated with the wireless networking system, the State Board scheduled a technical briefing on January 23, 2020 for the six counties that are mandated to use the system. On January 30, 2020, the County's representatives submitted a letter to the Deputy State Elections Administrator (see attached) outlining remaining issues and identifying specific materials that State Elections staff and vendor representatives had agreed to provide in order to allow the County to complete its own risk assessment. Without the requested materials and time to properly evaluate them, it is impossible for the County to develop any level of confidence in the wireless networking system.

Given the uncertainty regarding the risks associated with the wireless networking system and the absence of a need for it, there is no reason to make a hasty attempt to use it for imminent elections and risk the integrity of our election system and the privacy of voters.

Montgomery County urges the Senate Education, Health, and Environmental Affairs Committee to vote favorable on the bill with the requested amendments.



January 15, 2020

Maryland State Board of Elections
151 West St. No. 200
Annapolis, MD 21401

Dear Chair Cogan and Members of the Board:

We are writing this joint letter to ask the Maryland State Board of Elections (Board) to stop the implementation of wireless electronic pollbook networking on the Primary and General Election Days in the 2020 Presidential Election. **We believe that this implementation is unnecessary and potentially vulnerable to cybersecurity attacks, and we do not think that it is an appropriate use of County funds. We do not support funding this project.**

The Board's staff have stated that the wireless network is needed to speed up data processing. However, Montgomery County Election Director Margaret Jurgensen has testified that "the Montgomery County Board of Elections generally does not have an issue getting its data from the pollbooks uploaded by the 3 a.m. deadline." We expect this to be true for the 2020 Presidential Election cycle and believe that the risks and costs of implementing wireless pollbooks may far outweigh any presumed benefit. We share the perspective of the Montgomery County Board of Elections that same-day registration can be implemented using our existing systems via provisional ballots; this is a process that is known to our election workers and we would expect it to generally work well as a mechanism to implement same-day registration. While we realize that no votes will be transmitted using the proposed wireless electronic pollbook system and the paper back-up pollbooks are in place, we are concerned about the possible disclosure of voters' personal identifying information and the likely return of long lines at the polls if the system fails and back-up measures need to be used.

Wireless networks are generally less secure than wired networks because the communication signals are transmitted through the air and can be intercepted. Site security largely depends on the skill of those setting up and monitoring the wireless system. Beyond the hardware costs, having skilled technicians to correctly set up and support wireless networks at 11 or 12 early voting sites is much easier, and significantly less costly, than providing skilled technicians for each of Montgomery County's 258 precincts on Election Day. Any vulnerabilities in this network could pose a threat to the integrity of election data.

Lastly, hardware costs have been estimated to be \$1,400 per precinct, with a minimum of \$365,000 needed for Montgomery County alone. These costs do not include the extra technicians and poll workers that must be hired to deploy and support this system. Mandating that the six largest county governments fund this initiative with local dollars would also set an extremely worrisome precedent.

Voting is our precious and hard-won right and responsibility as Americans. We hope the Board will listen to our request and stop the mandatory implementation of wireless electronic pollbook networking.

Sincerely,

Marc Elrich
County Executive

Sidney Katz
Council President

Tom Hucker
Council Vice President



MONTGOMERY COUNTY, MARYLAND

January 30, 2020

Nikki Charlson, Esq.
Deputy State Administrator of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Dear Deputy Administrator Charlson:

This letter is to follow up on the January 16, 2020, request of State Board of Elections member P.J. Hogan for a list of specific technical concerns about the electronic pollbook network that is intended for use on Election Day for the 2020 Presidential Primary Election on April 28, 2020.

As was discussed in that meeting, a technical briefing was to be conducted on Thursday, January 23, 2020, to address concerns voiced by elected officials from Montgomery County. At the end of the meeting, there remained open issues with specific materials to be provided to us. As of yet, we have not received any information.

Specifically, we requested copies of the following:

- Results of a recent third-party information security risk assessment of Cradlepoint's NetCloud site, preferably as a SOC 2 or a FedRAMP certification;
- Results of a third-party information security risk assessment of the State's implementation of the proposed technology, preferably following the NIST Risk Management Framework;
- Confirmation that the State's contract with Verizon includes language on breach notification that would apply to the subcontractor, namely Cradlepoint; and
- Specific instructions for incident reporting and breach mitigation in the event that anomalies are discovered or suspected in the data that appears in electronic pollbooks at polling places during voting hours on Election Day.

We respectfully request that this information be provided to us by February 7, 2020, so that we can provide a response to State Board of Elections member Hogan.

Sincerely,

Handwritten signature of Keith Young in black ink.

Keith Young, Enterprise Information Security Official
Department of Technology Services
Montgomery County, Maryland

Handwritten signature of Janet A. Ross in black ink.

Janet Ross, Information Technology Manager
Board of Elections
Montgomery County, Maryland