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**STATEMENT TO THE WAYS AND MEANS COMMITTEE – HOUSE BILL 392 –
ELECTION LAW – SECURITY OF ELECTION SYSTEMS**

SUPPORT WITH AMENDMENT

February 6, 2020

Get Money Out (GMOM) is an all-volunteer organization that was established just over six years ago. We now have more than 8,400 citizen supporters. We work in Maryland toward the goals that all citizens should have equal access to the ballot and an equal say in governance.

The integrity of elections must be of paramount concern to State government. Attempts to influence our elections by foreign state or non-state actors were concerns of the Founders and remain concerns today. News of foreign actors' directly suppressing votes, creating false votes, or altering voting tallies would be a serious blow in Maryland and would exacerbate cynical attitudes that are poisonous to the functioning of a democratic republic. Last year we were faced with news that a foreign investor had purchased a private company that managed key functions of Maryland's election infrastructure, focusing our attention on certain risks. With this bill, Del. Rosenberg has taken a more general approach, knowing that malicious actors could use a variety of hardware and software technologies to attack our election infrastructure.

We support HB 392 because we believe it is a reasonable step to catalog the sources of election system components. As this strategy has been put forward by the House of Representatives, states following suit could create a very useful catalog of election system hardware and software components that would have great forensic value. The more states that adhere to the voluntary voting systems guidelines issued by the federal government, the stronger we will be collectively.

When it comes to software components, we are offering an amendment to study the feasibility of the State building its own election software, eliminating all contracting of critical election infrastructure. We do not wish to appear to be critical of the Board of Elections or its staff or the contractors in our remarks or recommendations. We need to study the assertions of some observers that a major barrier seems to be that State salary scales for IT staff are not attractive enough to the type of personnel needed to successfully create and maintain a project of this size and complexity.

We hope the Committee will take a serious look at our proposed amendment, which is attached to this testimony. We ask for a favorable report on HB 392 with an amendment to continue to study our critical election infrastructure and to pursue a solution that reduces the chance of manipulation by foreign actors in the future.

PROPOSED AMENDMENT TO HOUSE BILL 392

Page 10, line 29, insert:

SECTION 3. AND BE IT FURTHER ENACTED,

(A) THAT THE DEPARTMENT OF LEGISLATIVE SERVICES, IN CONSULTATION WITH THE STATE BOARD OF ELECTIONS AND THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL CONDUCT A STUDY OF THE FEASIBILITY OF PERFORMING ALL CRITICAL ELECTION INFRASTRUCTURE INFORMATION TECHNOLOGY WITHIN STATE GOVERNMENT.

(B) THAT THE STUDY AND RECOMMENDATIONS SHALL BE PRESENTED TO THE SENATE EDUCATION, HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE BY DECEMBER 31, 2019.

(C) THAT CRITICAL ELECTION INFRASTRUCTURE INFORMATION TECHNOLOGY SHALL COMPRISE ANY ELECTRONIC OR INFORMATION TECHNOLOGY SYSTEM, INCLUDING, AT A MINIMUM:

- (1) A VOTING SYSTEM;
- (2) AN ELECTION MANAGEMENT SYSTEM;
- (3) A VOTER REGISTRATION WEBSITE OR DATABASE;
- (4) AN ELECTRONIC POLLBOOK;
- (5) A SYSTEM FOR TABULATING OR REPORTING ELECTION RESULTS; AND
- (6) ANY OTHER INFORMATION SYSTEM THAT IS DETERMINED TO BE CENTRAL TO THE MANAGEMENT, SUPPORT OR ADMINISTRATION OF AN ELECTION.

(D) THE STUDY SHALL SEEK TO ANSWER AT LEAST THE FOLLOWING QUESTIONS:

(1) ARE THERE ANY DESIGNATED HIGH-SECURITY INFORMATION TECHNOLOGY SYSTEMS THAT ARE TOTALLY MANAGED AND MAINTAINED WITH 100% STATE-EMPLOYED PERMANENT PERSONNEL AND STATE-OWNED COMPUTERS, INCLUDING OFF-SITE BACKUP?

(2) DO OTHER DEPARTMENTS OF STATE GOVERNMENT, INCLUDING THE UNIVERSITY OF MARYLAND, HAVE SOFTWARE OR HARDWARE CAPACITY TO MANAGE A PROJECT WITH COMPARABLE COMPLEXITY TO CRITICAL ELECTION INFRASTRUCTURE, INCLUDING OFF-SITE BACKUP?

(3) IS THE STATE SALARY SCALE FOR INFORMATION TECHNOLOGY EMPLOYEES A BARRIER TO MANAGING CRITICAL ELECTION INFRASTRUCTURE WITHOUT THE USE OF OUTSIDE CONTRACTORS? IF SO, WHAT CREATIVE SOLUTIONS WOULD BE AVAILABLE TO ENABLE THE STATE TO HIRE THE NECESSARY PERMANENT EMPLOYEES?

(4) DOES THE STATE CURRENTLY HAVE ACCESS TO AND OWN THE SOFTWARE CODE THAT CONTRACTORS USE TO OPERATE CRITICAL ELECTION INFRASTRUCTURE?

(5) WHAT ARE THE NECESSARY STEPS TO IMPLEMENT THE RECOMMENDATIONS OF THE SEPTEMBER 2018 REPORT OF THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE ENTITLED, "SECURING THE VOTE: PROTECTING AMERICAN DEMOCRACY"?

SECTION [3]4. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2021.