



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

MINUTES – Board/LBE Work Session **April 1, 2015**

A Work Session of the Maryland Association of Election Officials (MAEO) Board of Directors and the local Board Directors and Deputy Directors was held on April 1, 2015 in the Anne Arundel County Board of Elections office located at 7320 Ritchie Highway in Glen Burnie, Maryland.

Board Members Present:

Gail Hatfield, President (Calvert County)
Guy Mickley, Vice President (Howard County)
Ruie Marie Lavoie, Secretary (Baltimore County)
Allison Murphy, Treasurer (Caroline County)
Alisha Alexander, Board Member (Prince George's County)
Katherine Berry, Board Member (Carroll County)
Katie A. Brown, Board Member (Baltimore County)
Tracy Dickerson, Board Member (Charles County)
David Garreis, Board Member (Anne Arundel County)
Abigail Goldman, Board Member (Baltimore City)

Directors, Deputy Directors and Guests Present:

Wendy Adkins, St. Mary's County
Daneen Banks, Prince George's County
Cheemoandia Blake, Kent County
Gail Carter, Carroll County
Gwendolyn Dales, Dorchester County
Steve Fratz, Garrett County
Desvin Gabbidon, State Board of Elections
Dale Godfrey, Worcester County
Anthony Gutierrez, Wicomico County
Stuart Harvey, Frederick County
Garrick Hendricks, Calvert County
Armstead Jones, Sr., Baltimore City
Christine Jones, Queen Anne's County
Kim Jones, Dorchester County
Margaret Jurgensen, Montgomery County
Kevin Keene, Harford County
D. Shawn Larson, Baltimore City
Dale Livingston, Harford County
Diane Loibel, Allegany County
Jeffrey Lomite, Howard County
Walter Maddox, Howard County
Kay Robucci, Washington County
Noreen Schultz, Frederick County

Directors, Deputy Directors and Guests Present, continued:

Brittani Thomas, Queen Anne's County
Joe Torre, Anne Arundel County
William West, Howard County

CALL TO ORDER

The session was called to order by President Gail Hatfield at 9:21 am. Quorum was met with nine (9) Board members present and twenty-four (24) local jurisdictions were represented.

AGENDA

Ms. Hatfield outlined the specific purpose of the meeting to be to develop a list of concerns and issues regarding the new voting system which will be presented to State Board of Elections (SBE).

All Directors and Deputy Directors were asked to submit a list a specific items of concern prior to the meeting. Comments and additions were received and noted. One complete list was developed and presented during the meeting for review and discussion.

Guy Mickley will finalize the list and Ruie Lavoie will draft a letter to be presented to SBE. The letter will be signed by Gail Hatfield on behalf of the MAEO Board and Membership.

Copies of all documents and other pertinent information will be provided to all Directors and Deputy Directors via email. A follow-up work session will be scheduled if needed.

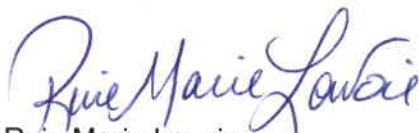
NEXT MEETING DATES

The next Board Meeting will be held on April 23, 2015 at 10:00 am in the Charles County Board of Elections located at 201 East Charles Street in La Plata, Maryland. Ruie Lavoie will provide notice and the agenda for the meeting.

ADJOURNMENT

There being no further business, on a motion made by Tracy Dickerson and a second by Abigail Goldman, the Meeting was adjourned at 12:17 pm.

Respectfully submitted,



Ruie Marie Lavoie
Secretary

Approved this 17th day of October 2015

April 1, 2015

NVSR System Notes
MAEO Directors' Meeting

The following represents a collection of issues and concerns raised by the local boards of elections regarding the NVSR project. Responses are grouped into seven categories as follows:

- 1) Communications
- 2) Project Management
- 3) Financial
- 4) Software
- 5) Equipment
- 6) Processes and Procedures
- 7) Regulations

In addition to the above issues, Attachment A addresses concerns related to Provisional voting during Early Voting.

Communications

Communication between SBE, the Project Team, and LBEs has been extremely limited. We are in the dark, or worse, getting conflicting information from different groups.

- **There must be a single repository for project information which must be updated and communicated daily to ALL stakeholders in this project.**
- **The current Monday weekly update is written at the “state project level”.** Because of breakdowns in communication as noted above, the information disseminated is not useful to the local election offices.
- **Each week, the weekly update often seems to contradict what had been written the week before!** Confusion has been the result.
- **LBE’s need effective communication of completed milestones** (i.e. a regularly updated project lifecycle chart), **and what the milestones are.** To this end, the LBE’s need an overall project status conveyed to them on a regular basis. Although there is currently a weekly update, the update does **NOT** provide a current timeline for project tracking.
- **Critical information needed to accomplish their mission is not being disseminated to the workgroups by the project management team.**
- **Critical information is NOT being disseminated in a timely and orderly fashion between the workgroups.** As a result, communication about the project to stakeholders, including directors, has been ineffective, inefficient and inadequate.

- There appears to be a duplication of efforts across the workgroups due to this lack of communication.
- We have heard there are “higher level” Parking Lots and Risk Registers, which are NOT available to LBE’s. *Why?* Planning and implementation of the new voting system project should be a completely transparent process for ALL stakeholders.
- The NVSR website is a wonderful idea and should continue to be utilized, but in a more effective way. Examples include:
 - 1) **RUMOR CONTROL**
 - 2) When decisions are made in the project that impacts the LBE’s, which by the way is ANYTHING AND EVERYTHING, it should be posted to the website.
 - 3) Everyone in the LBE’s should not only have access to input information in both the Parking Lot and the Risk Register, but all should be able to view it as well.

Project Management

- **While there may be some plans, there does not appear to be a *Master Plan*.** I know many people do not want to hear this, but a master SmartSheet or Microsoft Project with projected target dates, tasks, dependencies, resource allocation, and tracking should be in place and at least shared with each Director. This project is exactly what SmartSheet and or Microsoft Project was created to manage. Every aspect of the project should be captured, tasked, and tracked.
- **It is time to take a step back, assess the project and make adjustments to bring it home successfully.** Review the workgroups to ensure you have the necessary skillsets tasked to accomplish the goals. You have to ensure that you have the right skillsets on the team, not just the people that you want. *Making adjustments is just as critical as making the plan.* Leaders recognize when they need to adjust.
- **Practical solutions to problems and issues** that SBE staff and contractors are confronted with **will most likely come from the LBEs because they work with the process.** Some bottom up rather than top down resolution.

Following are key questions in this area:

- **What parts of this project are completed and what are the remaining tasks and their status?**

- **Is the project behind schedule?**
 - 1) If so, how far behind is it?
- **Is ES&S currently meeting all requirements of the contract?**
 - 1) If no, what are the deficient areas and what is the impact of each?
 - 2) Is SBE currently holding/ subtracting the 10% retainage fee as per the contract terms?
 - 3) If ES&S does *not* meet deliverables, is there a contingency plan?
- **The roles of the work groups need to be clearly defined and effectively communicated to the LBEs.**
- The workgroups are tasked with certain specific issues to address. Since the **input of the workgroups is limited**, they are not able to help the project get on a schedule to “catch up” if needed and ensure a successful outcome.
- **Some workgroups have met infrequently -- why is this?**
 - 1) Who is the person in charge of the workgroups?
- **Where is the culmination of the workgroups efforts sent and why are their recommendations being questioned?** There is a perception that workgroup participants are only involved to have a “sense of inclusion” and the work they do has no real impact on the project.
- **Directors and Deputy Directors should have decision making input at all points in this project.**
- **WHO ARE THE STAKEHOLDERS?**
- **Who is the contract compliance officer at the SBE?**

Financial

- **What is the breakdown of the \$2.7 million dollars we are paying for project management? Where is the money going?**
- **What is the cost breakdown for each piece of equipment in the contract?**
- **Is the potential lack of funding in the current budget the reason for continued equipment allocation meetings?**

- **Is the State Board of Public Works likely to approve additional supplemental budget requests presented to them?**
- **Does SBE have a contingency plan defined and in place in the event the additional funds are NOT approved or available when needed? If SBE has a contingency plan, when will it be shared with the LBEs?**
- **What is the State's "best guess" estimate concerning how much additional funding will be required for the project in its' entirety?**
- **Are LBEs going to get the equipment that they "need to succeed" as defined in their locally modified equipment allocation spreadsheets?**
 - 1) **If SBE can't procure equipment because of budgetary constraints, what is the contingency plan? When will the LBEs be able to review the plan?**
 - 2) **MAEO suggests that implementation of this new voting system project should be delayed or introduced as a Pilot program (with a few counties participating) if funding is unavailable to procure the adequate equipment needed by all local boards.**
- **The local boards recently received a memo from Linda Lamone stating that additional funds would be required. What should LBEs be communicating to their county budget staff concerning additional funding requirements for the new voting system?**
 - 1) **It would be best to inform our counties as soon as possible so that funding can be encumbered rather than an "Oh, by the way, we also need to purchase items that cost in the hundreds of thousands" after budgets have been approved.**
- **Voting systems are a mandate to be paid, but if the county doesn't have money, what happens then?**
- **Has MACO been alerted as to the probability of additional funding requests for ALL Maryland jurisdictions?**
 - 1) **If yes, what was their response?**
- **If any legacy equipment is returned (including Ballot on Demand printers), will we get any money back? Do we sell them?**

Software

- It is our understanding that the EMS and Electionware software interface used for this new voting system has significant problems that currently make it unusable or difficult to use.
- If we can't get the software to work the way it must, what is the next step? *This is potentially a deal breaker.*
 - 1) IS SBE looking to engage external resources in order to correct the software problems?
 - 2) If so, who, and what is the status of that engagement?
 - 3) How will this affect the LBE's funding requirements?
 - 4) What is the vendor's response in the RFP regarding this issue?
 - 5) If the State has brought in a Deputy Project Manager to address this problem, who is this person and what tasks have they been assigned?
- When will the interface software be created? Why is this taking so long?
- Electionware training – Who will do the training? Is there a schedule? Will there be software to purchase?
- What are the networking needs for communication between the SBE and our Servers?

If we cannot convey election results out to a single database for compilation in a timely manner, WE FAILED!

Equipment

Allocation numbers are not going to work – SBE knows they are not going to work. Rather than jeopardize an election by inadequate allocation, bite the bullet and determine what equipment is needed from each LBE so we can administer the election in 2016 and not struggle with a hodge-podge process that will be confusing to voters and judges.

Also, these numbers translate into possible additional equipment requirements (power strips, extension cords, etc...) for our polling places.

- **How much equipment are we getting?** Are we getting what we want allocated per polling location or what we are allowed by the State? Who is making this decision and what date will the decision be made?

- **What size flash drive are we receiving with the DS200?**
- **What are the delivery dates to our local offices for each of the following items?**
 - 1) BMDs
 - 2) DS200s
 - 3) DS850s
 - 4) Booths
 - 5) Carts
 - 6) Privacy Sleeves
 - 7) Ballot Bins
 - 8) Extra Flash Drives
 - 9) ExpressPass Printers
 - 10) Any other item(s) that need to be purchased and distributed
 - 11) Ballots/Demo Ballots/Bilingual Demo Ballots
 - 12) Activator Cards for Early Voting
 - 13) Voter Outreach Guidelines

Is all equipment to be delivered to the State first, then the LBEs?

- **Once equipment has been shipped to LBEs, it is our understanding that the modems will be installed at a later date.**
 - 1) Is this correct and, if so, what is that date? There must be a final "cutoff date" for anyone else to touch our voting equipment so that we can proceed with "business as usual" before an election.
 - 2) Can we get at least three or four units RIGHT NOW that have modems?
 - 3) Are we required to modem the results in on election night?
- **Ballot boxes and bins/Carts/Booths/Privacy Sleeves?** – Where are we on these items? The weight, of course, is an issue.
- **The ExpressPass printer has no battery backup or case.**
 - 1) Who is responsible for resolving this issue?
 - 2) What are the additional costs?
 - 3) Is a change in election procedures required to correct this issue?
 - a) If yes, what is the expected impact?
- **An acceptable equipment failure rate of 1% was written into the contract, but when assessing and evaluating equipment from Acceptance testing, training classes and acclimation units at the local boards, the facts show that the failure rate is much higher than this and well above acceptable levels stated in the contract terms.**

- 1) **What is being done to resolve this?** (We heard through the "grapevine" that Rick Dixon of ES&S came back to SBE and said that the failure rate was "actually only 1% and the rest of the problems were "user error". Since Mr. Dixon works for the vendor, he would have a reason to deem the failure rate as 1% or less, as this would meet the contract requirements.
 - 2) **Who determines what the REAL failure rate is...the state or the vendor? *It should be the purchaser (SBE & LBEs), NOT the vendor.***
We believe the failure rate should be determined as any piece of equipment that is found not to be usable by LBEs in an election, not by the vendor's "interpretation". This must be clearly delineated-- what does a failure really mean?
- **ES&S states in the contract that the 4GB memory stick captures 12,000 images of complex, two-sided ballots during an election. Recent response from ES&S states this number could actually be as low as 1300 images.**
 - 1) Is this a "breach of contract" issue?
 - 2) Who is responsible for validating the numbers and fixing this problem?
 - 3) What is the current status of this fix? If the current information is correct, ***the number of DS200 units needed for each polling place would have to be increased by the number of images that the storage unit can hold. This would essentially double how many DS200s are needed across the State of Maryland.*** Otherwise, there is no question/discussion about leaving the ballots at the polling place, because if you have no ballot images, then the ballots MUST be returned to the LBE offices on election night.
 - 4) What is the maximum capacity, in terms of gigabytes, of the flash drive that can be used in the DS200 scanner?
 - 5) How do we prevent the maximum capacity from being reached and what is the impact if it happens?
 - 6) How long has the technology associated with the DS200 devices to be delivered to the State of Maryland been available?
 - **Will there be extra USB's to replace ones that are lost or damaged during the Election?**
 - **The contract states that the batteries for all equipment will last 2.5 hours. Acclimation equipment batteries in the DS200 have failed to last for this period of time.**
 - 1) What is being done to resolve this problem?
 - 2) Would this issue not being resolved be considered a breach of contract?

- **Are LBE's getting ExpressPass Printers for Election Day?** If so, how many? What is the cutoff date for a decision to be made?

If there is a piece of technology that ensures that a voter gets the right ballot, why are we not using it?

- 1) Assigning this part of the election responsibility to Election Judges-- to select the correct ballot style on behalf of the voter-- needlessly introduces the opportunity for human error into the process. If this is the case, the cost of the election for the LBEs WILL increase dramatically, because at that point, it is dangerous to keep consolidated polling places due to concerns that voters could continuously receive the wrong ballot on the BMD. Cutting corners in costs "up front" will only lead to higher costs and potential disaster at the back end of the project. ***What is the cost of a lawsuit when a voter receives the wrong ballot?***
- 2) What is the process if we ***don't*** have Express Pass printers on Election Day?
- 3) Does the ExpressPass printer have a case? If so, what is the size?

- **What are we using as battery backup for the ExpressPass printer?**

- 1) If it is UPS units, who pays for them?

- **Ballot on Demand Printer? – Are these being scrapped?** If not, will there be new software to purchase in order to use these machines with the new system?
- **Pollbook Batteries – We have heard that these are no longer available so what is the back-up plan?**
- **DS200's – are these to be stored on the ballot box? On shelves?** We need to know so we can design how our warehouse space will be used for this voting system.
- **We may need more CF cards** – one for each Adapter/1 for pollbooks. Can we order more if we need them? What is the cost?
- **Ballot Marking Devices** – "Official mode" and "Voter Mode" could cause a problem for the judges and then in turn for the voters if the judges fail to return to "voter" mode.