



## **Maryland Association of Election Officials**

**Representing the Local Election Boards of the State of Maryland**

September 5, 2018

Linda H. Lamone, State Administrator  
Maryland State Board of Elections  
151 West Street, Suite 200  
Annapolis, MD 21401

Dear Mrs. Lamone:

As you may be aware, the Maryland Association of Elections Officials Personnel Committee (the Committee), with the assistance of Sylvia Brown, Director, Maryland State Board of Elections Personnel Services Division, has revised and updated several position descriptions in the Election Management Series and devised a Program Management structure reflecting current and actual duties and responsibilities pursuant to the Constitution, Laws, and Regulations of the State of Maryland and the United States. The purpose of this correspondence and attachments is to give the Maryland State Board of Elections (SBE) an opportunity to review and approve the revised classification and compensation system (the System) for the Local Boards of Elections (LBEs) proposed by the Maryland Association of Election Officials (MAEO).

The Committee consulted with Steve Vasbinder, Director, and Cynthia Tucker, Specification Administrator, of the Classification and Salary Division (CAS) of the Office of Personnel Services and Benefits in order to receive general guidance with the revision process. The Committee, and Mrs. Brown, updated the current classification specifications to incorporate the Election Program Management Series (Program Series), which is included in Exhibit 1 with the cover letter to Mr. Vasbinder presenting the Election Program Management Series to CAS.

The Program Series' design is flexible and scalable in that it can fit any size, configuration, or unique LBE requirements. It is designed to be enduring as the election administration process changes, while ensuring LBE appointing authorities are positioned to administer the election process, in an increasingly dynamic and complex environment by enabling them to:

- (1) recruit competent, qualified personnel;
- (2) adequately compensate employees commensurate with the effort, knowledge, responsibility, skills and working conditions for the employees in their classification; and
- (3) to provide a career ladder or opportunity for advancement to permit development and retention of personnel essential to ensure the integrity and continuity of the election process.

Elections require integrity, transparency and perfection. The LBEs need the ability to compete in the job market for competent, qualified personnel. To compete, LBEs need to be able to offer adequate compensation to candidates in a shrinking available labor pool; and to entice a candidate to change careers to work in elections.

When the Program Series was presented to CAS, the Committee's intent was to ensure the Program Series conformed generally to the requirements of the State Personnel System (SPS). However,

the Committee's understanding of the earlier meeting differed from that of CAS as shown in the letter from Ms. Tucker to Mrs. Brown in Exhibit 2. Please note, that in her reply Ms. Tucker stated, that Election Law §2-207 "clearly defines your agency's authority to establish classes and assign a rate of pay for State positions in the Local Boards; specifically, that the State Board of Elections, by recommendation of the State Administrator of Elections."

The Committee has provided a summary of the law guiding the issue that is being presented to the SBE as follows: All local board employees not covered by a county merit system (Alleghany, Calvert, Montgomery and Prince Georges Counties) shall be in the skilled service or professional service of the State Personnel Management System (Hereinafter "SPMS"); and appointment and removal of the employees shall be in accordance with the provisions of the State Personnel and Pensions Article that govern skilled service or professional service employees. While local board employees are under the SPMS, class pay rates are not assigned by the Secretary but are determined by the State Board of Elections upon recommendation of the State Administrator. The section applies to all employees but does not apply to local board counsel or election judges.<sup>1</sup> The Local Boards of Elections appoint the LBE Election Director; and the LBE Election Director appoints the staff and employees of the LBE.

In crafting the Program Series, the Committee took into consideration the increased duties and responsibilities of LBE personnel to update the Election Series specifications, and the increasingly complex nature and level of responsibility of the essential functions of the election structure as a result of the changes and increase in duties and responsibilities since 2003. The resulting Program Series ensures that employees work within their classification and are compensated competitively for their position, responsibilities, and level of complexity. The Program Series is designed to be flexible and scalable so it works within the smallest LBE to the largest LBE. The design provides a career ladder with the potential for advancement. It takes into consideration that critical skill sets, such as technical ability, can be just as essential and valuable to success and continuity of an organization, as supervision and management.

Hiring and retaining essential employees with critical skill sets in today's election environment is paramount to ensuring that the public, elected officials, and the media are confident and trust the election processes, equipment, staff and results in Maryland. Elections is an industry where optics and trust guide the decisions, confidence, and opinions of elected officials and the public regarding the integrity of the election process and the election results. The work performed at the LBEs must be and appear to be above reproach. The duties, responsibilities, skill set requirements, and magnitude of accountability has significantly increased since the Election Series Class ("Election Series") was instituted. The majority of the Election Series that determine recruitment, selection, training, evaluation, promotion, discipline and termination have not been revised or updated since 2003.

Since 2003, some of the changes that have occurred within elections since the last revisions to the Election Series include:

- (1) Implementation of two different election systems.

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<sup>1</sup> Md. Code Ann., Election Law, §2-207 Local Board Employees

- (2) Expansion from two Election Days per election to eighteen Election Days per election with the implementation of Early Voting.
- (3) Integrating new technology such as tablets and microcomputers into Election Day processes to check-in voters, perform Same Day Voter Registration transactions, and perform up-to-the-second polling place evaluations.
- (4) Incorporating a new statewide voter registration system and dramatic changes in the voter registration process, including Online Voter Registration, performing Monthly Critical Data Audits, and processing online reports of Deceased and potential Criminal Convictions in Voter Registration.
- (5) Completing valuable new data integrity reports as part of the Electronic Registration Information Center which requires LBEs to review and determine if voter registration records across Maryland and in partnering states are duplicates.
- (6) The designation of elections as critical infrastructure by the Department of Homeland Security and the increasing cyber security requirements and responsibilities that continue to grow and develop.
- (7) Responsibility for the creation, maintenance, and implementation of risk management assessments and contingency plans for Early Voting, Election Day, and the care, custody, and control of the voting system and ballots.
- (8) Increasing voter outreach, particularly in social media.
- (9) The intense scrutiny and demands of stakeholders, including SBE, elected officials, voters, and the general public.

The designation of Elections as a component of the nation's critical infrastructure has had a significant impact upon the LBEs. No longer does the responsibility for electronic security just reside with the Election Information Systems Specialist, the Deputy Director for those LBEs who have one, and the Director. The responsibility for diligent and effective cybersecurity practices falls upon every employee in the LBE. And LBEs not only acquire and apply the knowledge regarding cyber security and its management to the Statewide System; but also, must work with their County<sup>2</sup> that supplies their office networking system, internet, computer, most peripherals and devices, programs, and supplies. The challenge of managing social media has also become intensified but it has significant value as it permits widescale communication with the public, elected officials and the press, who rely upon social media especially on Election Day and Night, about voter registration, events, actions and election results.

While the LBEs have had some rudimentary security in place mostly based upon control and access, potential threats as we now understand them need a much more detailed and sophisticated understanding to employ meaningful prevention, detection, and response protocols. The cyber security field is continually evolving and developing to prevent, identify and respond to events and issues and has become an integral component in election management. Compensation is just one of the many costs associated with instituting and managing cyber security.

The LBEs, through their representatives in MAEO, are reaching out to SBE to approve and adopt the Election Program Management Series revision of the pursuant to the authority granted to the Board under Elections Law §2-207. The MAEO Board of Directors unanimously approved the attached Program Management Series at its September 5, 2017 Meeting. Implementation of the

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<sup>2</sup> Any reference to County or Counties includes Baltimore City

Program Series will ensure that LBE staff will be equitably compensated for the increased duties and responsibilities incorporated into their jobs since 2003. The increase in compensation will enable Directors to compete in a shrinking labor market for qualified, competent employees in the increasingly complex and dynamic election environment instilling confidence in the citizens of Maryland in their election process and those who administer it. In order to ensure that these changes are timely for the LBEs FY20 budget cycle, we ask that you approve the revised classification and compensation package promptly. We would like to meet with you at your earliest possible convenience to discuss this proposal.

Personnel Committee Approval:

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Kevin Keene, Chair, MAEO Personnel Committee and Director, Harford County Board of Elections

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Guy Mickley, Director, Howard County Board of Elections

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Armstead Jones, Director, Baltimore City Board of Elections

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Allison Murphy, Director, Caroline County Board of Elections

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Christine Jones, Director, Queen Anne's County Board of Elections

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Katherine Berry, Director, Carroll County Board of Elections

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Danna Archie-Williams, Election Supervisor II, Baltimore County Board of Elections