

Howard County Elections – Behind the Scenes!

Frequently Asked Questions

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1) Question: What is the State Board of Elections?

Answer: The State Administrative Board of Election Laws was created in 1969 to ensure compliance with the requirements of Maryland and federal election laws by all persons involved in the election process. Thirty years later, under its new name of State Board of Elections (SBE) it continues its mission in collaboration with the County Boards of Election.

The State Board of Elections is made up of five members who serve four-year terms and represent both principal political parties – three of the majority and two of the minority party. The members are appointed by the Governor, with the advice and consent of the Senate of Maryland. See <https://elections.maryland.gov> > About Us– for details.¹

2) Question: How does Maryland Keep Our Election System Safe?

Answer: Each election system is designed and used differently. As a result, the risks of each system and how the Maryland SBE mitigates those risks are different.

For example, the certified voting system is never connected to the Internet. This means that the risks associated with the Internet are not present. Thumb drives, however, are used to transfer election results. This means that our election officials must address the risks associated with securing data on removable memory devices. By contrast, the online registration and ballot request system is connected to the Internet. As a result, risks associated with the Internet must be managed.

Generally, Maryland uses a multilayer defense or “defense in depth” to protect election systems and voter data. Simply put, various tools are used to protect the systems – one check verifies another check and redundancies exist to protect and restore systems and data.²
See <https://elections.maryland.gov> > Election Security – for details.

¹ Maryland – State Board of Elections, *About Us* (<https://elections.maryland.gov/about/index.html> : accessed 30 July 2019).

² Maryland – State Board of Elections, *Election Security* (https://elections.maryland.gov/about/election_security.html : accessed 30 July 2019).

3) Question: How long are paper ballots retained in Maryland post-election certification?

Answer: Ballot retention is called for in Code and COMAR, but the Maryland SBE and the Local Election Boards ultimately determine the timing for retaining and disposing of materials. Election Law 2-106 gives authority to the State Board and local boards to create a retention and disposal schedule. The SBE sets a minimum schedule; the Howard County Board may have a different schedule.

COMR 33.03.01 discusses the outline of an Election Records Management Program, which must be established and approved under COMAR 14.18.02. The actual retention schedule can be found here: <http://guide.msa.maryland.gov/pages/item.aspx?ID=SE52-3385>. This is the retention plan for the SBE, and it was last updated in 2017. To see the document, click the link in the middle of the page that says "View as Multipage PDF." The schedule for ballots is on page 8. Currently, the guidelines call for all paper ballots, paper or machine-read, including absentee ballots to be retained for 22 months, and then destroyed.³

4) Question: What steps does the Maryland Board of Elections take to remind voters of an upcoming election, explain how to register, obtain absentee ballots, etc.

Answer: Each voter is mailed a specimen, or sample ballot prior to the general election. The specimen ballot contains information about how the voter may change their registration information and how to request an absentee ballot. In addition, the SBE website at <http://www.elections.maryland.gov/> is very informative. Finally, the SBE, along with many of the local boards, have very robust and active social media accounts where messages pertaining to upcoming elections along with related issues are tweeted and posted regularly. The SBE notes that they are learning that social media is a very popular source for news. Members of the public interested in supporting the SBE's efforts are welcome to share SBE (or Howard County Board) social media posts.⁴

5) How are polling places evaluated for accessibility?

Answer: During the course of preparing for an election, a local board must perform an accessibility survey on every new early voting center, new polling place, or any existing polling place that was renovated. The survey used mirrors the ADA requirements and the checklist suggested by the Department of Justice. Their survey can be found at: <https://www.ada.gov/votingchecklist.htm>. The areas covered in the evaluation include:

- Voter accessibility inside and outside the polling place

³ Legislative Librarian, Maryland Department of Legislative Services, Office of Policy Analysis, Maryland General Assembly. See also, Maryland State Archives, *Department of General Services Records Management Division Records Retention and Disposal Schedule* (<https://msa.maryland.gov/megafile/msa/stagsere/se1/se52/003300/003385/pdf/se52-3385.pdf> : accessed 30 July 2019).

⁴ Director of Election Reform & Management, Maryland SBE e-mails, June 2019.

- Polling place signage
- Reports
- Voting procedures inside the polling place (including checking in to vote, provisional voting, and same day registration)
- Election judge practices⁵

6) How are Maryland's ballots audited?

Answer: Following the 2018 General Election, the Maryland SBE conducted an automated post-election ballot tabulation audit, while each local board conducted a manual post-election ballot tabulation audit. These tabulation audits were conducted in accordance to HB1289 of the 2018 Legislative Session, which was codified into the Election Law Article, §11-309.

The purpose of these audits is to verify and confirm the accuracy of the voting system's results. A post-election tabulation audit is not a canvass or a recount; it is used to verify that the voting system accurately tallied votes and the winners of each contest were called correctly.⁶ See <https://elections.maryland.gov> > Voting System > Ballot Audit Plan – for additional details.

7) Question: What circumstances would cause certain votes to be ineligible for counting (based on the provisions of the National Voter Registration Act of 1993, laws governing voting-age citizens convicted of felons, etc.)?

Answer: Circumstances that typically cause votes to be ineligible for counting include:

- Voter Registration list inaccurate (voters have died or are not U.S. citizens);⁷
- Voter has a felony conviction - exceptions for ex-felons who have completed their sentences; left prison, but are on supervised release; and ex-felons who have left prison, but completing probation or parole;⁸
- Voter does not meet minimum age requirement;⁹ and
- Voter made a "mis-mark" or "over voted" (the machine will return the ballot; the ballot will be voided and a new one issued).¹⁰

⁵ Director of Election Reform and Management, Maryland SBE e-mails, June 2019.

⁶ Maryland – State Board of Elections, *2018 General Election: Post-Election Ballot Tabulation Audit* (https://elections.maryland.gov/voting_system/ballot_audit_plan.html : accessed 30 July 2019).

⁷ United States Department of Justice, *About the National Voter Registration Act* (<https://www.justice.gov/crt/about-national-voter-registration-act> : accessed 30 July 2019).

⁸ Megan Morris, "Former felons in Maryland now have right to vote," *usatoday.com* (<https://www.usatoday.com/story/news/politics/elections/2016/2016/04/22/former-felons-maryland-now-have-right-vote/83400610/> (22 April 2016) : accessed 30 July 2019). See also, Brennan Center for Justice, *brennancenter.org* (<https://www.brennancenter.org/press-release/voting-rights-restored-40000-marylanders> : accessed 30 July 2019).

⁹ Ballotpedia, *Voting in Maryland* (https://ballotpedia.org/Voting_in_Maryland : accessed 30 July 2019).

¹⁰ Ben Weathers, "After decade absence, paper ballots return to Maryland," *Capital Gazette*, (<https://www.capitalgazette.com/politics/ph-ac-cn-paper-ballot-returns-0426-20160425-story.html> (25 April 2016) : accessed 30 July 2019).

In Maryland,¹¹ a provisional ballot is rejected when:

- Voter is determined not to be qualified;
- Voter failed to sign the oath on the provisional ballot application;
- The individual cast more than one ballot for the same election;
- The local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot; or
- If the intent of the voter with respect to a particular contest is not clearly demonstrated, the local board shall reject only the vote for that contest.

8) How does the Maryland BoE determine how many scanners and ballots to allocate to each polling location?

Before each election, the Maryland SBE estimates the number of ballots needed for each early voting center and election day precinct. This estimate is based on historical turnout data from that early voting center or precinct and estimated turnout for the upcoming election. They provide this estimate to the local boards of elections and work together to identify the appropriate number of ballots to order and deploy for each early voting center and election day precinct.

Regulation 33.10.01.11 of the [Code of Maryland Regulations](#) specifies the minimum number of scanners a local board of elections must deploy to an early voting center (2 scanners) and an election day precinct (1 scanner). (Since each scanner has an emergency bin to store securely voted ballots if the scanner is not working as expected, it is not necessary to have an extra scanner at every election day precinct as a back-up to the primary scanner.) The local boards can deploy more than the minimum number of scanners and generally do for precincts with a large number of registered voters and early voting centers and precincts with historically high turnout. The length of the ballot (1 page versus 2 pages) is also a consideration for deploying additional scanners.¹²

¹¹ National Conference of State Legislatures, "Provisional Ballots," *nsl.org* (<http://www.ncsl.org/research/elections-and-campaigns/provisional-ballots.aspx> : accessed 11 June 2019).

¹² Director of Election Reform and Management, Maryland SBE e-mails, July 2019.