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# **Review of Election Administration in Maryland**

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**Department of Legislative Services  
Office of Policy Analysis**

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December 5, 2001

The Honorable Thomas V. Mike Miller, Jr., President of the Senate  
The Honorable Casper R. Taylor, Jr., Speaker of the House of Delegates  
Honorable Members of the Maryland General Assembly

Ladies and Gentlemen:

Over the past several years, the State Board of Elections and the local boards of election have been required by State and federal law to implement a number of comprehensive election reforms, especially in the areas of voter registration and campaign finance. Several structural reforms in election administration also have been undertaken. In addition, the most recent presidential election has generated a high level of scrutiny on the conduct of elections nationwide. In light of the overall interest in election reform generated by these events, over the interim the Public Administration Workgroup of the Department of Legislative Services conducted an overview of election operations in Maryland. The report compiles quantitative and qualitative data to describe, assess, and provide inter-state comparative information on Maryland election practices and the State's success in implementing newly imposed requirements.

Under the leadership of Theodore E. King, Jr., Group Leader, Public Administration Workgroup, and a key contributor to the report, policy analysts Michelle Davis, Laura P. Lodge, and Doris F. Low also contributed to the report. Patrick Tracy and James Stoops provided valuable assistance in this effort as did Beverly Rebar and William Powell, two policy analysts who recently departed the department. Marilyn McManus, a librarian in the department, proved to be extremely resourceful in gathering information and keeping the workgroup abreast of the latest nationwide developments in election administration and reform. The State Board of Elections staff also provided valuable feedback and comments on the draft report. The manuscript was prepared by Mary Dwyer, Nancy M. Mihm, and E. Elaine Oaks, who expertly - and cheerfully - toiled on our behalf. The Department of Legislative Services trusts that this report will be a useful resource for individuals interested in - and impacted by - the administration of the State election law and on-going election law reforms.

Sincerely,

Karl S. Aro  
Executive Director



# Contents

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<b>Letter of Transmittal</b>	iii
<b>Chapter I. Introduction</b>	1
<b>Chapter II. Administrative Structure</b>	3
Current Structure	3
Historical Background	5
Comparison with Other States/Identification of Issues	6
Future Considerations for State and Local Election Officials	10
<b>Chapter III. Conduct of Elections</b>	13
State/Local Responsibilities	13
Local Board Resources	14
Issue Areas Identified Nationwide	15
Voter Outreach: Education/Registration	16
Training and Recruitment	19
Uniform Voting System	23
Provisional Ballots	32
Impact of Federal Reform Efforts	33
Future Considerations for State and Local Election Officials	34
<b>Chapter IV. Voter Registration</b>	37
The Transition from a Differentiated to a Statewide System	37
The Statewide Voter Registration Initiative	38
The Status of Implementation by Local Boards	39

The Status of Automated Central Voter Registration Database	43
List Maintenance Requirements	44
Motor Voter	49
Future Considerations for State and Local Election Officials	51
<b>Chapter V. Electronic Filing of Campaign Finance Reports</b>	<b>53</b>
Maryland Requirements	53
Other States' Requirements	54
How Maryland Compares to the Model Standards	55
Software Development and Implementation Issues	60
Users' Assessment of Electronic Campaign Finance Filing System	62
Cost of Implementation	63
Future Considerations for State and Local Election Officials	67
<b>Appendices</b>	<b>73</b>

# Chapter I. Introduction

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This report was prepared by the Public Administration Workgroup of the Office of Policy Analysis, Department of Legislative Services (DLS). It provides an overview of election law and processes in Maryland and contains detailed information about the organization, functions, duties, and activities of the State Board of Elections and local boards. This report compares Maryland's election practices and practices in other states, identifying practices where Maryland is in the forefront as well as areas where functional issues have been encountered.

To prepare this report, DLS' staff reviewed a vast amount of literature concerning election procedures here and in other states. (See **Appendix 1**) DLS' staff interviewed staff members of the current State Board of Elections, including State Administrator Linda Lamone and former State Administrator Marie Garber. Discussions were also held with election administrators from other states, administrators in other Maryland agencies, and federal agency representatives. In addition, informal surveys were mailed to the 24 local boards, and responses were received from 18 boards.

The State board's administrative staff of about ten election professionals and 16 support staff must plan, organize, and oversee three complex technological transformations covering the entire scope of election administration processes in Maryland. Indeed, as the State board transforms its core technology, it must grapple with the implications this will have on its administrative structure, the conduct of elections, voter registration, and campaign finance. The following report discusses election administration by the State board in the context of these four categories.





## Chapter II. Administrative Structure

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*“Good structure alone does not make good government; it only makes it possible for good people to govern well.”* Report of the Task Force to Review the State’s Election Law, 1995.

In this chapter, the Department of Legislative Services (DLS) explores the division of administrative functions between the State and local election boards and identifies areas where the department believes further study might be warranted.

### Current Structure

Elections in Maryland are primarily governed by Article 33 of the Annotated Code of Maryland. The five-member State Board of Elections is charged with managing and supervising elections in the State and ensuring compliance with election laws. Individuals from each of the principal political parties are appointed by the Governor, with the advice and consent of the Senate, to staggered four-year terms, with two members’ terms expiring at the end of the Governor’s term. No more than three, or fewer than two, members may be from the same party. No specific knowledge or training is required for board membership. The Governor may remove a member for incompetence, misconduct, or other good cause. A member of the State board may not serve more than three consecutive terms.

The State board appoints a State administrator who serves at the pleasure of the State board and may be removed for incompetence, misconduct, or other good cause by a vote of not fewer than four members. As the State’s chief election official, the State administrator is charged with oversight of the State board functions as well as with supervising the operations of the local boards. See **Appendix 2** for current staff structure.

There is a local board of elections in each county of the State that is subject to the direction and authority of the State board. Each local board consists of three regular members (except in Prince George’s County where there are five members), appointed by the Governor from a list of individuals provided by the county central committee of the two principal political parties. There is no specific knowledge or training required for local board membership. Members serve a four-year term. The Governor may remove a member for incompetence, misconduct, or other good cause. Local boards are required to maintain regular business hours. Article 33 also provides many special provisions affecting particular counties.

Each local board appoints an election director to manage its operations and supervise its staff. Employees of the local boards (not including retained counsel or election judges) must be either classified employees under the county's merit system or in the skilled service or professional service of the State personnel management system at a salary determined by the State board. Employees in Prince George's, Montgomery, Allegany, and Calvert counties belong to county merit systems. Except for Baltimore City, which is represented by the Office of the Attorney General, each local board has the right to select and retain its own counsel. The State board reserves the right to join as a party to any judicial proceeding in which a local board is a party.

Every two years, the State board conducts a meeting that members of the local boards are statutorily required to attend. The current State administrator also conducts periodic meetings with the local election directors to ascertain and address issues and concerns.

Each county must appropriate the funds necessary to meet the expenses of its local board and exercise its powers. However, the cost of acquiring and operating a statewide voting system will be shared equally between the State and the counties. **Exhibit 1** indicates the division of responsibility for election administration between the State board and the local boards. For purposes of simplicity, these lists do not differentiate between the functions of the boards and the specific responsibilities delegated to the State administrator/local director.

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### **Exhibit 1**

## **State and Local Board Responsibilities**

#### State Board/State Administrator Primary Responsibilities:

- Manage and supervise elections in the State
- Maintain central voter registration database (CVRDB)
- Oversee local election management system (LEMS)
- Maintain electronic campaign finance reporting system
- Maintain records management program for State and local election records
- Direct, support, monitor, and evaluate the activities of each local board
- Develop program of instruction for election judges and oversee its implementation locally
- Select and certify a statewide voting system, in consultation with local boards
- Adopt regulations/uniform guidelines governing voter petitions, canvassing of the vote, recount procedures, and absentee voting
- Conduct biennial meetings with local boards and staff
- Maintain website, including prompt and accurate posting of election results
- Issue declaratory rulings upon petition request

**Exhibit 1 (continued)**

- Assist the Comptroller in administering the Fair Campaign Financing Fund for public financing of gubernatorial elections

Local Board/Election Director Responsibilities:

- Maintain local voter registration database and transfer data to State board
- Recruit, train, and supervise election judges and poll workers
- Establish voting precincts and provide suitable polling places
- Provide public with information about registration and elections
- Provide and process absentee ballots
- Staff polling places and provide staff with means to contact and obtain support from local board office on election day
- Serve as the local board of canvassers and certify election results
- Hear and decide challenges and appeals concerning voter registration, challenges to the right to vote, and absentee ballots

Source: Article 33, Maryland Annotated Code and COMAR Title 33

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**Historical Background**

Prior to 1969, the conduct of elections in Maryland was almost entirely in the hands of local governments, subject to oversight by the Secretary of State. In 1965, a committee to revise the election laws was appointed by the General Assembly. In its report dated November 23, 1966, this committee determined that "... a serious fault in the election laws is the lack of any central legal source of advice, interpretation and application of the election laws" and recommended the creation of a State office of election law administration.

Over the next few years, several bills were introduced to create a central State office. In 1969, legislation creating the bipartisan State Administrative Board of Election Laws ("SABEL") was enacted. SABEL was charged with exercising *advisory* supervision over the conduct of elections in the State and authorized to adopt rules and regulations to assist the then boards of supervisors to comply with election law requirements. Then, as now, the State board served as the central depository for election records. Unlike the present board, SABEL was statutorily required to make an annual report to the General Assembly, recommending changes needed to assure the uniform administration of election practices.

Although concerns about the lack of authority SABEL had over local election practices were in evidence from the beginning, no major structural changes to election administration were made until 1995. In response to the very close 1994

gubernatorial election which raised serious questions about voting procedures, the General Assembly established a task force to review the State's election laws. That task force, chaired by George Beall, Esq., determined a need for a comprehensive revision of the election code. To that end, a nine-member bipartisan commission, chaired by former State Administrator of Election Laws, Marie M. Garber, was established and charged with the following objectives:

- to make the election code understandable and to lend itself to easy reference;
- to enhance the effectiveness of the State Board of Elections and clearly define its authority and responsibilities;
- to establish high standards of performance for all aspects of election administration and to apply the standards uniformly throughout the State to the extent practicable, feasible, and necessary, given the vast differences between and among the 24 jurisdictions of the State; and
- to maximize the use of technology in election administration by developing a total election administration system in which the variety of administrative functions in the election process are tied together in an integrated computer-based system.

As a result of the Garber commission's efforts, a revised election code was enacted in 1998 (Chapter 585, Acts of 1998). This revised code recognizes a compelling State responsibility for the organization, administration, and financing of Maryland's election systems and strengthens the rule-making authority of the State board over the conduct of elections.

Most recently, in response to Florida's difficulties in the 2000 presidential election, Governor Glendening convened a special committee in January 2001, headed by Secretary of State John T. Willis, to make recommendations concerning voting systems and election procedures in Maryland. Among its recommendations was one which resulted in the enactment of legislation requiring the State board, in consultation with the local boards, to select and certify a statewide voting system.

## **Comparison with Other States/Identification of Issues**

There is no single model for how election laws are administered throughout the 50 states. In most states, the counties are primarily responsible for the conduct of elections on election day, whereas the state, most commonly through the Secretary of State, bears overall responsibility for the effective implementation of election laws. **Exhibit 2** describes the variety of institutional arrangements among the states.

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## Exhibit 2 Administrative Structures of the States

Six states with bipartisan election boards with overall election management responsibility:

Maryland  
North Carolina  
Illinois  
New York  
Virginia  
Wisconsin

Five states with more than one state entity with overall election management responsibility:

Rhode Island (seven member board and Secretary of State)  
South Carolina (three different commissions and boards)  
South Dakota (two different boards and Secretary of State)  
Tennessee (five member commission and appointed election official)  
Oklahoma (board responsible for certifying elections and state agency)

Three states with single appointed election official with overall election management responsibility:

Delaware  
Hawaii  
Indiana (two co-directors)

Two states with Lieutenant Governor serving as chief election official:

Alaska  
Utah

34 states with Secretary of State serving as chief election official:

Remaining states

Source: Compiled from Federal Election Commission Report, *The Administrative Structure of State Election Offices*.

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While the State board has acquired supervisory authority over elections in Maryland, county governments continue to bear primary responsibility for the conduct and cost of elections. In a situation in which one level of government bears the cost of services mandated by another, there is a natural tension between the two levels of

government. This tension increases as the State board acquires additional responsibility for managing and supervising elections, and as the requirements for technology and technology-trained staff at both levels increase. This tension is inherent in the bifurcated structure of election administration and is certainly not unique to Maryland.

Conversely, the State board's greater responsibility for the administration of elections in Maryland does not bring with it control over the appointment or removal of local board members or local election directors. Local members are appointed pursuant to local procedures. Local election directors and local counsel are hired by the local boards in accordance with whatever criteria they establish. The State board, therefore, although statutorily responsible for the conduct of the local election process, has no direct authority over the people implementing it. Similarly, the State board has no direct control over local budgets. If the State board concludes, for example, that election employees would benefit from attending a certain national training program, it cannot compel local governments to fund the cost of that training.

Local boards also have the right to hear and resolve complaints concerning voter registration, absentee ballots, and voter challenges, without any right of appeal to the State board. This structure presents two concerns: (1) potential lack of objectivity when a local board hears complaints regarding its own actions; and (2) different local boards with their individual legal counsel arriving at dissimilar interpretations of similar or identical election law requirements.

**Exhibit 3** compares the states with bipartisan election boards in terms of the relationship between the State and local boards and the issues raised here. It is apparent that despite the similarity of structure in these states, the scope of state authority over local authority varies. Further evaluation of these states might provide insight into the benefits and detriments of the various levels and means of authority.

Another area that may warrant further consideration is the manner in which the State carries out its statutory responsibility to direct, support, monitor, and evaluate the activities of each local board. The election code requires the State board to hold biennial preelection meetings with the members, counsel, and election directors from each local board. Regulations require the local election directors to attend monthly training meetings and other occasional training sessions conducted by the State board. These meetings provide the principal forum for communication and feedback between the State board and local boards.

### Exhibit 3

## Comparison of States with Bipartisan State Boards

	<u>Maryland</u>	<u>North Carolina</u>	<u>New York</u>	<u>Illinois</u>	<u>Virginia</u>	<u>Wisconsin</u>
Who selects/ removes/ funds local boards?	County central committee nominates. Governor appoints and may remove for cause. County funds.	State board appoints/has power to remove county board members for cause. Locally funded.	Locally appointed/ subject to removal by Governor for cause. Locally funded.	County clerks (elected) and municipal boards subject to local control. Locally funded.	County judges appoint members. State sets and pays salary. State may remove under special circumstance.	County committees select local election inspectors - no local boards. Locally funded.
Who selects/ removes/ funds local election board directors?	Local boards hire and State board sets salary (exception - employees who are in county merit system). Governor may remove for cause. County funds.	County board re- commends director and State board appoints and can remove. Salary set and paid by county, subject to minimum.	No local director. Two member board each with own staff.	Local boards control.	Local boards appoint registrar. State sets and pays salary.	NA
Who hears complaints about voting procedures?	Local boards hear election day and registration, complaints. No right of appeal to State board.	County board hears conduct of election complaints. Right of appeal to State board.	State board hears complaints.	State board hears complaints.	Local boards hear election day and registration complaints. No right of appeal to State board.	State board hears complaints concerning acts of election inspectors.

Source: Compiled from individual state statutory codes and discussions with individual election administrators from these states.

Although there are no statutory or regulatory requirements for periodic visits by representatives of the State board and no requirements for the local boards to perform self-assessments, the DLS' Office of Legislative Audits has recommended both of these steps to enhance the State board's effectiveness in monitoring the local boards' activities. In its most recent March 2001 Audit Report, the Office of Legislative Audits recommends that the State board "... conduct periodic independent reviews of each local board's compliance with applicable election laws and regulations ... [and] that procedures be established to specify the frequency of such reviews, the applicable areas to be reviewed, and the manner for documenting and reporting on the results of the reviews." It also recommends that a follow-up procedure be established to ensure that any deficiencies noted during the reviews are promptly corrected.

The State board has indicated its willingness to undertake the recommended audit process, but it has also expressed concern with the level of staff effort that this undertaking will require. One possibility is that the State board will seek to create a new staff position that will monitor the operations of local boards as its principal function. Such staff position will, of course, require funding by the State.

An alternative model for monitoring local boards is the regional coordinator program established by the Oklahoma State Election Board in 1983. Regional coordinators are county election board personnel representing various regions in the state, selected by the state board to work on a contractual basis with the state, while maintaining their local positions. These contractual employees assume responsibility for visiting the county boards in their regions on a quarterly basis, providing information on new procedures and changes in the law, reviewing problem areas with the county personnel, and providing written reports on their visits to the Oklahoma State Board. Regional coordinators are also sometimes asked to help specific counties with specific problems in unusual circumstances. The Oklahoma State Board staff reports that regional coordinators are well received by the county election boards they visit and that many county officials feel more comfortable with a regional coordinator who is also a county official, than with a member of the state staff. The strength of the program is the opportunity it provides for two-way, on-site communication between the state and county election boards.

## **Future Considerations for State and Local Election Officials**

In summary, DLS recommends that policy makers and State and local election officials consider the following:



- *Whether the administration of elections would be improved and more uniform if the State had a role in selecting and removing local board members and local board directors.*
- *Whether the administration of elections would be improved if the State board had a direct role in hearing and resolving registration and election day complaints.*
- *Whether there are structural modifications that would better enable the State board to meet its statutory obligation to monitor the conduct and operations of the local boards.*

In posing these recommendations, DLS does not mean to suggest that the system of election administration in Maryland is defective or flawed. A system of administration that bifurcates responsibilities between multiple entities is inherently complex and subject to stresses. The questions raised here seem worthy of further reflection and study by policy makers and State and local election officials.



## **Chapter III. Conduct of Elections**

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When discussing issues involved in the conduct of elections, it is important to realize that an efficiently run election depends upon coordination and cooperation between the State board and the local boards. While the State board develops and promulgates procedures which must be uniformly effective across the State, it is the local boards that are responsible for the management of election day activities within the confines of their own resources and the unique conditions in their own jurisdiction. Thus, discussion of any proposed reforms must take into consideration the relative responsibilities of State and local authorities in implementing the reforms.

### **State/Local Responsibilities**

Elections are for the most part conducted according to standardized procedures promulgated by the State board. Local boards must adhere to detailed regulations regarding the following functions:

- absentee voting and registration;
- voter identification at the polls and voter identification challenges;
- security for election result cartridges and materials;
- canvassing and recounts;
- petitions;
- polling place accessibility; and
- polling place emergencies.

Over the last several years, a number of new initiatives were adopted by the General Assembly which require the implementation of additional standardized procedures. These include the procurement of a uniform statewide voting system, the implementation of the statewide voter registration system, and development of provisional balloting. In such instances where reforms are to be instituted statewide, the local boards are responsible for coordinating with the State board in order to ensure uniform implementation.

In other instances, local boards have some autonomy in instituting or modifying their election procedures according to the needs of their particular jurisdiction. All of the local boards conduct a polling place evaluation program, through which they make unannounced election day visits to each polling place. In addition to enabling assessment of the election judges' compliance with procedures, these visits can provide valuable insight into methods of improving the system. These evaluations are required by regulations (COMAR 33.07.03.04). Many of the local boards report that these evaluations have led to the initiation of improvements in their

operations. For instance, several local boards discovered a need to modify physical facilities to improve accessibility, and some found a need for better signage, more judges, or better directions to the polling places. Some pinpointed deficiencies in their training programs for election judges; some found a need for better communications through the use of cell phones or pagers.

Local election directors are also able to share best practices at monthly meetings. Best practices identified in these meetings may be recommended informally by the State board for statewide use.

## Local Board Resources

One of the challenges involved in requiring uniform procedures is that local election offices have varying levels of resources available to devote towards implementation of election procedures. Counties are responsible for funding their local boards of elections, and therefore each local office must compete with other county priorities such as roads, police, and jails for resources. Budget appropriations for the 24 local boards of election vary greatly according to the size of the electorate in the county. Each county's annual appropriation also varies greatly from year to year, as the allocations depend on the number of elections to be held during the year. For counties with a large electorate such as Baltimore County, the appropriation in an election year can reach \$2 or \$3 million, while a very small county in a non-election year may have an appropriation of less than \$100,000.

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### Exhibit 4 Local Boards Budget and Election Costs

	FY 2001 Election Costs	FY 2001 Total Budget	Budget Per Registered Voter
Allegany	\$27,110	\$194,347	\$4.85
Anne Arundel	\$186,190	\$1,417,550	\$5.35
Baltimore City	\$288,500	\$2,629,520	\$8.50
Baltimore County	\$366,620	\$2,028,944	\$4.96
Calvert	\$34,759	\$82,645	\$2.09
Caroline	\$30,000	\$152,126	\$11.06
Carroll	\$22,500	\$421,875	\$5.19
Cecil	\$45,710	\$205,676	\$5.06
Charles	\$62,400	\$291,350	\$4.90
Dorchester	\$3,500	\$188,082	\$11.48

Exhibit 4 (continued)

	<b>FY 2001 Election Costs</b>	<b>FY 2001 Total Budget</b>	<b>Budget Per Registered Voter</b>
Frederick	\$90,068	\$289,817	\$2.71
Garrett	\$17,662	\$226,547	\$14.68
Harford	\$57,000	\$573,424	\$4.85
Howard	\$350,000	\$923,947	\$6.11
Kent	\$15,312	\$177,580	\$17.96
Montgomery	\$427,560	\$2,282,610	\$4.93
Prince George's	\$623,247	\$1,538,830	\$3.76
Queen Anne's	\$14,055	\$49,542	\$2.29
St. Mary's	\$67,914	\$130,438	\$2.89
Somerset	\$23,102	\$253,837	\$22.28
Talbot	\$20,000	\$179,435	\$8.07
Washington	\$74,891	\$380,600	\$5.48
Wicomico	\$57,744	\$403,703	\$9.49
Worcester	\$30,200	\$347,088	\$11.41

Source: The Governor's Special Committee on Voting Systems and Election Procedures; Report and Recommendations to the Governor, February 2001.

## Issue Areas Identified Nationwide

The issues raised by the 2000 presidential election have generated substantial interest in election reform nationwide. Many states have considered significant election reform legislation affecting voting systems, standards for counting and recounting ballots, and voter registration procedures. Other bills focus on narrow topics such as absentee voting, modifying the Electoral College, and requiring voter identification at the polls. The most common subject of election bills across the country, however, has been the establishment of task forces, study commissions, and interim committees by many states. Non-state sponsored studies are also being undertaken by political organizations, national associations, and companies engaged in the election trade. Many of these committees, task forces, and organizations have already prepared and made public reports which review their findings and make recommendations as to reforms which would reduce the problems raised in Florida during the last presidential election. Cumulatively, these reports highlight these issue areas: voter education, recruitment and training of poll workers, provisional ballots, and uniform voting systems. **Appendix 1**, Chapter II, lists the reports from which the following information is drawn.

## Voter Outreach: Education/Registration

The issue of voter education and outreach generally involves the strategy goals of ensuring that citizens understand (1) how to register to vote; (2) how and where to update their registration; (3) when and where to vote; and (4) how to operate voting devices correctly. These strategic aims can be achieved using various tactical measures, some of which are designed for new voters and others for voters already registered.

Generally, registration drives and similar outreach activities are geared toward educating new registrants. Continuing education of registered voters often presents a greater challenge since this group is less likely to initiate contact with election officials until election day. Thus, procedural changes or other developments must be communicated through costly mass mailings. What follows is a summary of Maryland local board voter outreach activities and a discussion of how Maryland compares to key practices in various other states. The information contained in **Exhibit 5** below summarizes the results of written responses to a questionnaire designed by DLS and submitted to the local boards of election in Maryland's 24 jurisdictions. Sixteen of the 24 responded.

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**Exhibit 5**  
**Local Board Voter Outreach: Education /Registration Activity**

<u>County</u>	<u>Voter Outreach</u>	<u>Regularly Scheduled</u>	<u>On Request</u>
Allegany	VRD*	Monthly	
Anne Arundel	H.S.**		
Baltimore Co.	H.S.**		●
Calvert	TV Ads		
Carroll	H.S.** mock election		
Cecil	H.S.**		
Charles	VRD*	Before each election	●
Garrett	VRD*		●
Howard	H.S.**/markets/ libraries/colleges	(1) Before each election (2) During school registration	
Kent	H.S.**		●

**Exhibit 5 (continued)**

<u>County</u>	<u>Voter Outreach</u>	<u>Regularly Scheduled</u>	<u>On Request</u>
Prince George's	H.S.**		
St. Mary's	H.S.**/civic organizations		
Wicomico	VRD*		●
Worcester	H.S.		●

\*Voter registration drives.

\*\*High school.

Source: Department of Legislative Services, Local Election Board Survey, August 2001.

Of the counties reporting voter outreach activity, nine counties indicated voter education/registration activities in area high schools and six counties reported that local board staff would organize voter education/registration events upon the request of community organizations. Only three local boards reported voter education activity on a regularly scheduled basis.

Overall, the survey responses did not reveal any substantial, aggressive, broad-based voter education and registration strategy. However, select counties appear to have a more extensive voter education strategy than most others. For example, the Allegany Board of Elections conducts voter outreach on a monthly basis at local malls, senior centers, high schools, and many local events. Calvert County is the only respondent that engages in television announcements on local cable television stations in addition to registration drives. Similarly, Howard County partners with a local grocery chain and public libraries to register voters on the final day of registration.

While these three counties have a slightly more broad-based voter registration strategy, the result has not yielded any increases in voter turnout relative to other counties. Unfortunately, the success of voter registration drives does not automatically translate into turnout improvement. This is due in part to the difficulty of developing and implementing voter outreach activities that reach current registrants. Such activities generally require some form of a mass public information campaign that educates voters -- who are already registered and are not likely to initiate contact with elections officials -- on the details of an election. The type of information provided in such programs range from automatic polling place locaters to in-depth candidate and issue coverage.

## The State Board and National Best Practices

The National Council of State Legislators (NCSL) compiled a set of best practices of State boards of election subsequent to an extensive survey of states. Some of the principal practices identified for effective voter education programs are: (1) allowing minors to accompany voters in voting booths; (2) mock elections; (3) voter education at schools; (4) voting equipment demonstrations; (5) election websites; (6) voter guides; (7) sample ballot distribution; and (8) Public Service Announcements (PSAs).

Of the best practices listed, voter guides, PSAs, and sample ballot distribution are most directly focused at already registered voters who may need more information to prepare for a successful trip to the voting booth. These items can contain crucial information to a voter about when, where, and how to vote. The National Association of Secretaries of State (NASS) survey reports on eight states that publish some form of voter information guides. However, only three states mail them to all voters. The balance of states merely make the guides available either via the Internet or by request. Not surprisingly, all three of the most effective tactics of getting information to registered voters are extremely cost prohibitive and, therefore, not always feasible.

The State board publishes an informational pamphlet titled *How to Vote in Maryland*, which answers the most frequently asked questions about voting in the State and provides general information regarding election time-lines, registration deadlines, local board contact information, and offices to be elected in the upcoming election. It is not mass mailed but is available in various venues around the State.

While the State board does not publish a comprehensive voter's guide that details the candidates and issues on the ballot, it is one of five states that produces a sample ballot. However, Maryland is the only state that mails a specimen ballot to all registered voters. While it does not offer nonpartisan background on candidates and ballot questions as some states do -- it does give the voter a clear picture of what they will encounter on election day. In addition, the specimen ballot includes vital information such as an individual voters' polling place and instructions on using the voting equipment. This information is crucial to voters since studies have shown that many voters are unsure of their polling place and almost always wait until election day to try and find this information (Georgia Report). The method of mass mailing the specimen ballot, however, contributes the most to its effectiveness since it is mailed to all registered voters.

Radio or television PSAs can also be used for disseminating useful information to registered voters. However, a major limitation is the inability to communicate personalized information to voters such as the precinct and the location of their polling place. PSAs can still be a powerful tool for communicating time-line information and providing voters with contact information. The State board does run limited PSAs prior to elections as do a few of the local boards, but there is no broad-based effort to expose the majority of registered voters to PSAs.



### **School Age Children**

Many states have identified the 18-24 year old group as a special target for voter outreach and registration because of poor voter turnout in this age group. Common practices include registration drives in high schools, mock elections in schools, and laws allowing minors to accompany voters in the voting booth. Four of the 38 reporting states indicate the use of mock elections in their voter education programs. Local boards in Maryland, however, do not report any significant use of mock elections as a voter education tool with the exception of Carroll County which conducts a mock election at a high school as part of its community outreach program.

Voter registration drives in high schools and some colleges are a much more widespread practice than mock elections. In Maryland, most local boards conduct some type of voter registration or outreach at area high schools. These drives are the most popular way of targeting the 18-24 age group to increase voter participation. Youths are targeted by many community and civic organizations as well. These groups often organize registration drives of their own and most local boards in Maryland regularly provide assistance to these groups.

The National Conference of State Legislatures (NCSL) also recommends laws which allow minors to accompany voters in voting booths. Only a few states currently allow this. Maryland limits the practice to children under the age of ten. Before 1995, only children ages five and under were allowed to accompany voters. In the 2001 session, the Maryland General Assembly adopted Chapter 140, which allows 17 year-olds to serve as election judges under certain conditions. Measures such as this are also considered good practice since the experience is educational to high school-aged children.

### **Training and Recruitment**

Generally, the training and recruitment of poll workers has been the responsibility of local boards. State law requires that local boards provide a minimum of two hours of training to election judges per election. In the past, local election administrators were responsible for this task. However, with the passage of Chapter 564 of 2001, which establishes a uniform statewide voting system and a 2001 budget appropriation of \$100,000 to the State Board of Elections for the training of election workers, the State board will assume a larger role in the training of election workers.

### **Training**

The Florida Task Force study documented several common poll worker training issues. Poll workers were found to be deficient in implementing voting procedures and protocol and helping people with various disabilities.

The State board has developed detailed training manuals for each type of voting system in use by local jurisdictions. Instructions are tailored for each poll workers job function (i.e., book judges, voting unit judges, etc.) and provide step by step check-off instructions and procedures designed to ensure the integrity of election day processes. In addition, some local boards use instruction videos to train poll workers.

The requirements of the Americans with Disabilities Act (ADA) have become an important training issue for both poll workers and employees of local boards of election. This federal civil rights statute requires public entities, commercial facilities, and private businesses involved in public accommodations to remove any barriers to accessibility by persons with disabilities or make reasonable accommodations for them. Accordingly, the State board, in conjunction with local boards, must follow strict protocol regarding the oversight of polling places and assistance provided to disabled voters on election day.

The State board has given substantial attention to the accessibility of polling locations to voters with disabilities. In conjunction with local board personnel, ADA representatives, and members of the disabled community, the State board developed a "Polling Place Accessibility Survey Form," which is used to survey all polling places in the State by their respective local election personnel. This form guides its preparer in making a detailed assessment of accessibility. The survey considers the distance of available parking and existence of a proper access aisle to parking spaces as well as the architectural features of walkways, paths, ramps, and elevators inside and outside of the property. Accessibility is partially determined by measuring the slope of any angled paths into a polling place. Disabled voters who are in precincts with nonaccessible poll facilities are accommodated by reassigning them to an accessible polling location or in some instances allowing them to vote by absentee ballot.

In addition, a "Disability Etiquette Handbook" is used to train poll workers on how to tactfully interact with disabled voters at the polls.

## **Recruitment**

The recruitment of election day poll workers is perhaps the greatest challenge that local jurisdictions share in common nationwide. The major contributor to the lack of qualified poll workers is the long work hours required on election day, poor pay, and the unavailability of workers due to employee leave policies. In Maryland, polls are open from 7 a.m. to 8 p.m. on election day, and poll workers must arrive an hour early and remain after the polls closed until the entire poll closing procedure has been completed. Depending on the type of voting system used in a jurisdiction, this process may take from one additional hour to two or three.

In 1998, all 24 local boards reported using a total of nearly 16,000 election judges on election day. The task of recruiting these judges has become increasingly difficult

since a substantial portion of election judges are elderly, many of whom find it increasingly difficult to withstand the long hours required. While there has been a push in some states and by some organizations, such as the Constitution Project Election Reform Initiative, to allow split schedules for poll workers, this recommendation causes concern among some election administration professionals that this would jeopardize the integrity of the voting process and would require even more of the already scarce election workers to accomplish.

Section 10-205 of Article 33 of the Election Code allows local boards to determine the compensation of election judges within the limits prescribed by the governing body of that local jurisdiction. In addition, State law specifically provides for the compensation of election judges in select jurisdictions. See **Exhibit 6** below.

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**Exhibit 6**  
**Local Board Election Judge Compensation**

<u>County</u>	<u>Election Judge</u>	<u>Chief Judge</u>	<u>Training**</u>	<u>On Call</u>	<u>State Law</u>
Allegany	\$100	\$125			●
Anne Arundel	\$100	\$130	\$25		
Baltimore City	\$125	\$160	\$25		●
Baltimore County	\$125	\$160	\$25		●
Calvert	\$100	\$125	\$20		●
Caroline	\$100*	\$125*		\$25	
Carroll	\$125	\$150	\$10		
Cecil	\$90	\$150			
Charles	\$125 plus \$15 training	\$185*			
Dorchester <sup>1</sup>	\$100*	\$125*			

## Exhibit 6 (continued)

<u>County</u>	<u>Election Judge</u>	<u>Chief Judge</u>	<u>Training**</u>	<u>On Call</u>	<u>State Law</u>
Frederick	Book Judge \$110*	\$120*	Unit Judge \$90*		
Garrett	\$100 plus mileage <sup>2</sup>	\$110 plus mileage <sup>3</sup>	\$10		
Harford	\$130	\$160			●
Howard	\$150*	\$200*			
Kent	\$100	\$100 <sup>4</sup>	\$20		
Montgomery		\$130	\$25		
Ballot Judge: \$110 (\$10 for returning ballot box) Check In Judge: \$100 Stand By Judge: \$50 Transport Judge: \$50					
Prince George's	\$125 (includes \$25 training)	\$175 (includes \$25 training)			●
Queen Anne's	\$100	\$130	\$15		
St. Mary's	\$100	\$130 (two training sessions required)	\$25		
Somerset	\$125	\$150	\$30		
Talbot	\$100	\$125	\$25		
Washington	\$100	\$125	\$20		●
Wicomico	\$125	\$150	\$20		
Worcester <sup>5</sup>	\$120	\$150	\$50		

\*Includes training

\*\*Commencing with the 2002 elections, regulations require a \$20 minimum for training.

<sup>1</sup> Alternates: \$50 (if they serve: \$100 plus mileage).

<sup>2</sup> Next election \$10 increase.

<sup>3</sup> Next election \$10 increase.

<sup>4</sup> Next election chief to be paid more.

<sup>5</sup> Return and pick up of materials: \$15.

Source: Department of Legislative Services

Although most jurisdictions pay more than the national average of \$6 per hour, the pay is often not substantial enough for many potential workers to forgo compensation at their regular place of employment.

Despite the low pay, many voters have told election officials that the greatest barrier to participation is their unwillingness to use personal leave or vacation time to serve. A majority of local boards have responses in their surveys that point this out. Many have expressed their desire to encourage employers to allow employees a free day off to work at polls. The Kansas City Board of Elections has employed an aggressive public-private recruitment strategy since 1998, which encourages private sector employers to grant paid leave to poll workers. Other states have focused paid leave efforts on state and local government employees such as teachers. In fact, the National Commission on Federal Election Reform has vigorously championed the use of holding elections on a national holiday, in part, to solve the problem of poll worker availability.

Other practices include the “drafting” of poll workers for mandatory service (NE) and laws prohibiting employers from denying paid leave to poll workers and offering exemption from jury duty in exchange for election day work (NY).

The Maryland statewide voter registration application (VRA) includes an optional check-off for voters interested in serving as election judges. However, in 1998, only seven of 24 jurisdictions reported any measure of success with recruitment from the VRA. State law provisions have liberalized the options for recruitment by local boards. Seventeen year-olds are allowed to serve as election judges, and registered voters from any local jurisdiction can serve as a judge at a polling place. Solicitations are also distributed on State employee pay stubs.

By far, the most effective tool for recruitment by local boards has been direct personal appeals to the registered voters on their rolls. Garrett County described recruitment in its survey response as a “major problem,” but recent direct mailings to registered voters yielded an “outstanding response.” Several other counties also report using this method of recruitment. Other common methods reported are: recommendations from central committees, advertisements in specimen ballot mailings, website ads, radio, and community organizations.

## **Uniform Voting System**

There are four general types of voting equipment/systems currently in use in the United States: mechanical lever machines, punch-card, optical scan, and direct recording electronic systems.

Mechanical lever machines which record individual votes by the rotation of horizontal levers arranged across an entire ballot were widely used beginning in the early 1930s.

Punch card systems employ small cards in which holes must be punched to record a vote. The placement of a hole in the card ballot is made to correspond to the desired candidate or issue. Punch cards can be read manually or by automatic tallying machines. The two most common types of punch card systems are the “Votomatic” and the “Datavote” card system. The former only places numbers on the card that correspond to individual ballot selections. The latter type includes the entire ballot on the card. These systems were first used in the mid-1960s.

Optical Scan, or “Marksense” systems, is a more modern technology that consist of a simple paper ballot with preprinted shapes or arrows next to each ballot choice. A vote is made marking (usually with a special pen) the shape or completing an arrow next to a choice. Ballots are scanned by an optical scan machine that reads and records the marks on the ballot. This can occur at the polling place or after ballots are transported to a central election authority. Scanning machines store results on electronic memory cartridges.

The latest voting system technology is direct recording electronic (DRE) systems. These systems have been described as “electronic implementations of the old mechanical lever systems,” since there is no physical ballot used. Choices are made and recorded electronically. Early DRE voting technology involved “full faced” systems in which ballot options are presented on a large panel with push buttons adjacent to them. Newer technology relies on touch screens and keypads similar to ATM’s. These types of systems generally do not display the entire ballot on the screen at once. All DRE systems, however, allow electronic storage of recorded votes through memory cartridge, diskette, or smart card technology.

Between 1980 and 2000, Optical Scan systems replaced paper ballots and lever machines as the most widely used voting system by local jurisdictions nationwide (**Exhibit 7**).

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**Exhibit 7**  
**Usage of Voting Equipment in the 1980 and 2000 Elections**

	<u>Percent of Counties Using Technology</u>		<u>Percent of 2000 Population Covered by Technology</u>	
	<u>1980</u>	<u>2000</u>	<u>1980</u>	<u>2000</u>
Paper Ballots	40.4	12.5	9.8	1.3
Lever Machines	36.4	14.7	43.9	17.8
Punch Card "VotoMatic"	17.0	17.5	30.0	30.9
"DataVote"	2.1	1.7	2.7	3.5
Optically scanned	0.8	40.2	9.8	27.5
Electronic (DRE)	0.2	8.9	2.3	10.7
Mixed	3.0	4.4	10.4	8.1

Source: Caltech/MIT Voting Technology Project, "Voting: What Is What Could Be," pp.88

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Similarly, in Maryland the most widely used system is Optical Scan (**Exhibit 8**). Three counties use the mechanical lever machine, including the county with the third highest amount of registered voters: Prince George's. Montgomery County, which has the second highest registered voter population, uses the "DataVote" punch card system. Baltimore City is the only jurisdiction in the State that currently uses a DRE system.

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**Exhibit 8**  
**Types of Voting Systems Used in Maryland**

<u>County</u>	<u>Polling Place Voting</u>	<u>System Type</u>
Allegany	AVM	Lever
Anne Arundel	OPTECH III-P EAGLE	Optical Scan
Baltimore City	AVC ADVANTAGE	DRE
Baltimore	OPTECH III-P EAGLE	Optical Scan
Calvert	OPTECH III-P EAGLE	Optical Scan

**Exhibit 8 (continued)**

<b><u>County</u></b>	<b><u>Polling Place Voting</u></b>	<b><u>System Type</u></b>
Caroline	MODEL ES-2000	Optical Scan
Carroll	OPTECH III-P EAGLE	Optical Scan
Cecil	OPTEH III-P EAGLE	Optical Scan
Charles	OPTECH III-P EAGLE	Optical Scan
Dorchester	AVM	Lever
Frederick	OPTECH III-P EAGLE	Optical Scan
Garrett	OPTECH III-P EAGLE	Optical Scan
Harford	OPTECH III-P EAGLE	Optical Scan
Howard	OPTECH II	Optical Scan
Kent	OPTECH III-P EAGLE	Optical Scan
Montgomery	DATAVOTE	Punch Card
Prince George's	AVM	Lever
Queen Anne's	MODEL ES-2000	Optical Scan
St. Mary's	OPTECH III-P EAGLE	Optical Scan
Somerset	OPTECH III-P EAGLE	Optical Scan
Talbot	OPTECH III-P EAGLE	Optical Scan
Washington	OPTECH III-P EAGLE	Optical Scan
Wicomico	OPTECH III-P EAGLE	Optical Scan
Worcester	OPTECH III-P EAGLE	Optical Scan

Source: State Board of Elections

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In late 2000, the Governor formed the Special Committee on Voting Systems and Election Procedures, chaired by the Secretary of State, John T. Willis, to address concerns that had arisen from the 2000 presidential election in Florida. The two chief concerns of the commission were the uniformity and accuracy of voting systems in the State.



Although there is currently no uniform statewide system for voting in Maryland, the Optical Scan voting system is widely used, as noted in **Exhibit 8**. The accuracy of the Optical Scan systems has been measured as relatively superior to any other type system, including DREs. Joint review of the 2000 presidential election by the California Institute of Technology (Caltech) and the Massachusetts Institute of Technology (MIT) found that the “residual vote” in jurisdictions using Optical Scan technology was substantially lower than jurisdictions using other technologies.

The term “residual votes” refers to the total number of ballots that were either uncounted (for whatever reason), cast but unmarked, or spoiled. Optical Scan technology had the lowest percentage of residual votes in 2000 presidential, senatorial, and gubernatorial contests compared to other types of systems (**Exhibit 9**). The Caltech study hypothesizes that the higher residual votes associated with DRE systems stems from difficult to negotiate user interfaces of these systems. They also note that over two-thirds of DREs in use today are of the earlier model, full-face design as opposed to touch screen technology, which is easier to customize. Touch screen technology under development today is expected to be much easier to use than the earlier DRE models and thus produce considerably lower residual votes in jurisdictions using them.

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**Exhibit 9**  
**Residual Votes as a Percent of All Ballots Cast, 1988 to 2000**

<u><b>Machine Type</b></u>	<u><b>President</b></u>	<u><b>Governor &amp; Senator</b></u>
Paper Ballot	1.8	3.3
Punch Card	2.5	4.7
Optical Scan	1.5	3.5
Lever Machine	1.5	7.6
Electronic (DRE)	2.3	5.9

Source: Caltech/MIT Voting Technology Project, “Voting: What Is What Could Be,” pg. 21

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The Governor’s committee concluded that Maryland should have a uniform DRE type voting system for polling places and an Optical Scan system for absentee ballot canvassing. It specifically mentioned the “full-faced” type DRE system as the preferred choice. The committee also listed several criteria that the system should meet:

- Privacy: the system should have “the highest degree of secrecy as practicable,” when casting a ballot.
- Accuracy: the system must be capable of (1) preventing over voting and unintentional under voting and (2) allowing voters to review and correct any ballot errors or make changes before casting a ballot.
- Electronic Precinct and Central Counts: the system should be able to electronically tabulate and display election results at the polling place as well as at a central location.
- Persons with Disabilities: the system must allow these individuals to cast a secret ballot and verify the votes they have cast.
- Audit Trail: the system must be able to create a paper record of votes for use in any potential audit.

In response to the Governor’s Special Committee’s findings Chapter 564 was adopted in the 2001 session. This legislation directs the State board, in consultation with the local boards, to select a uniform statewide voting system for polling places on absentee ballot canvassing. The provision directs the State board to consider a list preferred features for a voting system which are similar to the Special Committee’s criteria listed above.

## **Fiscal Considerations**

Local jurisdictions are responsible for 50 percent of their share of the cost for the statewide system which is determined by the voting age population in a jurisdiction. The legislature has appropriated \$2 million toward the State’s cost of attaining the statewide system as well as \$100,000 for training and other related costs associated with the acquisition of such a system. The total cost, however, for a statewide system is unknown, since acquisition costs are affected by the type of system acquired, the requirements put upon the supplying vendor by the State board, and the general economic condition of the voting system market. This last factor could play an important role in the cost of any system only because there is an increased likelihood that jurisdictions across the country will be attempting to make similar purchases as a result of the lessons learned from the 2000 presidential election.

Indeed, only five states currently operate uniform statewide voting systems. Florida, Georgia, and Maryland have already passed legislation to adopt uniform systems. Other bills to update and standardize voting systems are pending in at least 13 other states. Any surge in demand for DRE voting systems, in particular, could substantially affect the State board’s acquisition price.

The State board, in December 2000, produced a \$6,900,000 estimate for a statewide touch-screen voting system. This figure includes both the cost to lease and the annual maintenance for the equipment. This estimate calculated the cost for all 24 jurisdictions based on the number of actual voting units needed by each local jurisdiction, which in turn was determined by the number of registered voters in that jurisdiction. However, the newly enacted Chapter 564 of 2001 requires local jurisdictions to pay 50 percent of their share of the total cost of a statewide system as determined by that jurisdiction's voting age population. **Exhibit 10** below depicts the fiscal impact of a proposed system on each jurisdiction by apportioning the \$6.9 million total price tag among them according to the 2000 census voting age population figures. It compares a jurisdiction's cost liability under the State board estimate with that jurisdiction's current annual payment for its existing polling place voting system.

**Exhibit 10**  
**State Board of Elections Estimate for a DRE, Touch-Screen Voting System**

		<b>Current Annual Payment for Voting System</b>	<b>Total Voting Age Population</b>	<b>% Share of State Voting Age Population</b>	<b>% Share of SBE Estimate Lease Cost</b>	<b>County's Portion</b>	<b>% Increase/ Decrease from Current Annual Payment</b>
Allegany	Own	N/A	59,524	1.6%	\$108,855	\$54,427	
Anne Arundel	Lease	\$256,000	366,020	9.7%	\$669,359	\$334,680	30.73%
Baltimore City	Own	\$980,000	489,801	13.0%	\$895,724	\$447,862	N/A
Baltimore County	Lease	\$401,892	408,682	10.8%	\$747,378	\$373,689	-7.02%
Calvert	Lease	\$43,200	52,507	1.4%	\$96,022	\$48,011	11.14%
Caroline	Own	\$29,368	21,794	0.6%	\$39,856	\$19,928	-32.14%
Carroll	Lease	\$94,990	109,059	2.9%	\$199,442	\$99,721	4.98%
Cecil	Lease	\$144,750	62,162	1.6%	\$113,679	\$56,839	-60.73%
Charles	Lease	\$61,500	85,895	2.3%	\$157,081	\$78,540	27.71%
Dorchester	Own	N/A	23,523	0.6%	\$43,018	\$21,509	
Frederick	Lease	\$116,523	141,390	3.7%	\$258,567	\$129,284	10.95%
Garrett	Lease	\$50,875	22,362	0.6%	\$40,895	\$20,447	-59.81%
Harford	Lease	\$120,285	157,625	4.2%	\$288,257	\$144,128	19.82%
Howard	Own	N/A	178,299	4.7%	\$326,064	\$163,032	
Kent	Lease	\$35,500	15,212	0.4%	\$27,819	\$13,909	-60.82%
Montgomery	Own	N/A	651,583	17.3%	\$1,191,583	\$595,792	
Prince George's	Own/ Lease	N/A	586,913	15.6%	\$1,073,318	\$536,659	
Queen Anne's	Lease	\$30,518	30,257	0.8%	\$55,333	\$27,666	-9.34%
St. Mary's	Lease	\$60,495	62,131	1.6%	\$113,622	\$56,811	-6.09%
Somerset	Lease	\$54,500	20,168	0.5%	\$36,882	\$18,441	-66.16%
Talbot	Lease	\$43,500	26,488	0.7%	\$48,440	\$24,220	-44.32%
Washington	Lease	\$81,400	101,009	2.7%	\$184,720	\$92,360	13.46%
Wicomico	Lease	\$79,374	63,679	1.7%	\$116,453	\$58,227	-26.64%
Worcester	Lease	\$53,000	36,984	1.0%	\$67,635	\$33,817	-36.19%
		2,643,718	3,773,067		\$6,900,000	\$3,450,000	

Source: State Board of Elections/Department of Legislative Services

Approximately half the jurisdictions would experience an increase in expenditures relative to what they currently spend, if costs are apportioned by voting age population. A county that currently owns and is not making an annual payment for its

voting system is counted as having a cost increase. However, the Eastern shore counties and Garrett county would experience a decrease in annual expenditures for their voting system. Most of these same counties would continue to benefit from the statutory cost allocation formula even if the total cost of a system were to approach \$10 million.

### Status of Procurement Process

Pursuant to Chapter 564, the SBE issued a Request for Proposal (RFP) on July 17, 2001, to solicit a contractor to provide and maintain a DRE voting system and an Optical Scan absentee voting system. The purpose of this RFP is to “commence the conversion of all Maryland jurisdictions to [the] new statewide standard ... .” (RFP, p.10). The RFP specifically requests voting systems for four counties: Allegany, Dorchester, Montgomery, and Prince George’s. These are the only four counties currently using voting systems (punch cards and lever machines) that are subject to decertification under State law after July 2002. (See Ch. 337, Acts of 1999) DRE systems for the remaining counties will be addressed in future RFPs.

Generally, the deliverables are listed in **Exhibit 11** below:

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### Exhibit 11 Jurisdiction DRE Unit Quantity Requirements

<u>County</u>	<u>Number of DRE Units</u>	<u>Number of VWD* DRE Units</u>
Allegany	181	40
Dorchester	49	40
Montgomery	2206	250
Prince George’s	1693	210

\* VWD = Voters with Disabilities

Source: Maryland State Board of Elections, Request for Proposals Direct Recording Electronic Voting System and Optical Scan Absentee Voting System for Four Counties: Project No. SBE-2002-01, July 17, 2001

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**General System Requirements/Contractor Responsibilities**

The RFP incorporates most of the criteria listed by the Special Committee and includes more detailed specifications as well. Some of the major requirements are: (1) vendor training responsibilities; (2) vendor public education program; (3) system integration with State board computer network and software; and (4) audio ballots.

The vendor is responsible for “extensive training programs on all phases of the voting system” under the RFP. This includes the training of State and local board personnel as well as election judges. Board personnel training would include audit procedures, designing custom reports, and conducting recounts on contested elections. Election judges would be taught troubleshooting strategies and how to use back-up battery packs in the case of power failure.

The vendor would also be responsible for the design and implementation of a “broad-based” voter education program, which would be conducted beginning six months prior to the 2002 primary and continue through the general election.

The education program must be a public campaign launched via mass media sources such as pamphlets, posters, television, and radio. The RFP specifically requires a vendor to provide at least two professionally produced radio announcements and one television announcement regarding the transition to the new voting system. Printed training materials for conducting voter outreach programs is also required.

The vendor is also required to ensure that the voting system is compatible with, and therefore able to be integrated with, the State board’s current computer network and election management software as is described in Chapter IV of this report. Specifically, the system must be able to receive and transmit election data electronically from and to the State board’s network. Finally, the voting system must be able to use professional “audio” ballots for use by the visually impaired. Audio ballots are required to be both in English and Spanish, with the capability of nine additional languages such as Korean, Russian, and Vietnamese.

**Provisional Ballots**

Chapter 424 of 2001 requires local boards to implement the use of provisional ballots for individuals who attempt to vote but whose registration information cannot be found on voter rolls. Specifically, prospective voters must provide identification and complete a temporary certificate of registration. The legislation also requires local boards to maintain records of voters who voted using a provisional ballot according to State board regulations. In many cases, requirements will increase the personnel costs associated with compliance to the statute’s provisions. Thus, Chapter 424 also provides for State funding on an annual basis to support these additional costs incurred by the

local boards. The State board and local board representatives are currently developing the necessary regulations for implementing these provisional voting procedures before the 2002 primary.

Provisional ballot voting procedures, which have long been adopted by a substantial number of states, usually address the common election day problem of “fail-safe voters.” These are voters who fail to notify local registrars of their address changes or who may have had incorrect information recorded in their voter registration records that would make them appear ineligible to vote at their polling place. The National Voter Registration Act of 1993 permits this category of voters to vote upon affirming their correct address information. The legislation establishing provisional ballots was largely due to the significant numbers of fail-safe voters who had been taken off local precinct registers as a result of administrative difficulties at the Motor Vehicle Administration (MVA) in handling change of address requests. (See a discussion of the MVA problem in Chapter IV.)

While provisional ballots are thought to address many of the common problems in dealing with fail-safe voters, provisional ballots, themselves, present some challenges in election administration. A Federal Election Commission survey of states indicates that many jurisdictions have experienced delays in their vote counts due to the time needed to confirm the eligibility of the provisional ballots, and many voters are uncomfortable using provisional ballots because of a sense that their vote may not be counted in the official canvass.

Some states have delayed their canvass day by 24 hours to allow more time to process provisionals and confirm eligibility. Other states have hired and trained additional staff to handle the extra administrative work. In regards to voter perceptions of provisional ballots, there is no direct solution, although any voter education campaign should probably consider this issue a key point upon which to focus.

## **Impact of Federal Reform Efforts**

While conducting elections is a state and local function in which the federal government has not traditionally interfered, some of the best practices discussed by the many reform studies have focused on needed reforms at the federal level. The August 2001 report issued by the National Commission on Federal Election Reform contains 13 recommendations for reform of the American electoral process and included both state and federal recommended actions. President Bush has endorsed the recommendations. Those recommendations requiring specific action by Congress are as follows:

- Congress should adopt legislation to hold presidential and congressional elections on a national holiday.

- Congress should adopt legislation that simplifies and facilitates absentee voting by uniformed and overseas citizens.
- The state and federal governments should take additional steps to assure the voting rights of all citizens and to enforce the principle of one person, one vote.
- The federal government should develop a comprehensive set of voting equipment system standards for the benefit of state and local election administration.
- The federal government, on a matching basis with the governments of the 50 states, should provide funds that will add another \$300 - 400 million to the level of annual spending on election administration in the United States. The federal share will require a federal contribution totaling \$1 - 2 billion spread out over two or three years to help capitalize state revolving funds that will provide long-term assistance.
- The federal responsibilities envisioned in the report shall be assigned to a new agency, an Election Administration Commission.
- Congress should adopt legislation that includes federal assistance for election administration, setting forth policy objectives for the states while leaving the choice of strategies to the discretion of the states.

While enactment of these recommendations by Congress would mean that states might begin to receive some federal funding for conducting elections, it may also require states to adopt additional procedures in order to comply with federal mandates.

## **Future Considerations for State and Local Election Officials**

Maryland is certainly at the forefront of election administration reform and is currently taking advantage of developments in technology that will allow it to build an electronic infrastructure to support its election administration activities more efficiently without massive centralization of administrative functions. The statewide voter registration database, the wide-area communication network, the electronic campaign finance filing system, and the local election management software system will replace separate local voter registries, the use of mail and facsimile to transfer voter records, paper filing of campaign finance reports, and the intensive manual labor involved in preparing for an election. However, the State board must continue to deal with the common problem of managing increased technological capability in the conduct of elections that actually outpaces the human resources available in the administration of elections.



- *The State board and the local boards should be mindful of the need for superior training of current staff and the skill requirements for new hires. As election boards move from an era of simple recordkeeping systems to information management systems, there will be a greater need for more skilled staff. Specifically, a regional technical support team should be considered as a permanent addition to the State board's staff. Such a team would be able to assist local boards with the increasing demands of technology within their local election management systems.*

While local boards vary in the level of voter outreach activities, the State board could play a more central role by providing more candidate and issue oriented educational materials as a resource for local boards.

- *The State board should consider the benefits of a more active and broad-based voter outreach effort.*

Similarly, one of the greatest challenges for local boards has always been finding enough qualified election judges for election day.

- *Future State board advocacy efforts should be aimed at the enactment of State laws that allow employees to work at the polls without having to use leave.*

While the improved technology of touch-screen DRE systems should reduce error rates vis-a-vis optical scan systems, the board must ensure that the operational error rate on these deliverables is not significantly higher than the systems they are replacing.

- *The State board should carefully monitor the quality and accuracy of the DRE voting system it will be acquiring under its latest RFP.*



## Chapter IV. Voter Registration

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It is useful to note that Maryland is currently moving from a highly differentiated statewide voter registration system to a uniform one. A statewide voter registration system generally refers to a central registry of voters in a particular state. However, the methods used for compiling statewide data can and do differ greatly among local jurisdictions. The State board previously obtained an electronic compilation of each local jurisdiction's voter registry primarily to perform duplicate checks within the entire pool of registered voters in the State, duplicate checks being the primary method of maintaining accurate voter rolls to guard against opportunities for fraud. The previous database system for creating a statewide voter registry was the result of formatting and merging various local databases into a static statewide database. A uniform system will create a more regularly updated registry that can be shared among Maryland's 24 jurisdictions at any given time.

### **The Transition from a Differentiated to a Statewide System**

Historically, local boards' means of maintaining their registries have been highly differentiated. Jurisdictions usually fell into one of three general categories: county mainframe systems; local LAN systems; and Annapolis Data Center (ADC) support systems. As of 1998, the year in which the Maryland General Assembly and the Governor enacted a mandate to the State board to "maximize the use of technology in election administration ... [to create] a comprehensive computerized election management system,"<sup>13</sup> Maryland counties and Baltimore City were using proprietary or commercial election management software operated on their own PC-based LAN systems or via terminals connected to their own county's mainframe. The remaining ten counties were connected via modem to the State's mainframe housed at the ADC.

Differentiation in the software and hardware platforms among local jurisdictions resulted in different data transfer processes used to create the central registry. The ten ADC-supported counties could directly upload their databases to the Annapolis mainframe. The remaining 14 jurisdictions were only able to transfer their local registry information to the State's mainframe by magnetic tape. This process was costly and inefficient, and thus was usually performed only once a year. Without a direct interface to a central mainframe or server, communication between the State board and among local boards was too limited to effectuate a regularly updated statewide voter registration database. The ten ADC counties account for less than 10 percent of the total registered voters in the State; thus more regular duplicate checks could only be performed on a small percent of registered voters.

Differentiation among local boards also caused a host of other problems and inefficiencies in the voter registration process. Compilation of voter registration data statistics from local boards for statewide statistical reporting was difficult without a standardized format for submission. Most local boards would submit required monthly activity reports on hard copy and compilation would require rekeying that data in a format compatible with the State's mainframe. Differentiation also prevented electronic communication between local boards regarding voter record verification and analysis.

## **The Statewide Voter Registration Initiative**

With the enactment of Article 33, § 2-102(b)(7) after the 1998 session, the State board has been in the process of implementing an "automated" centralized voter registration database, CVRDB, with the ability to interface with local boards and other voter registration reporting agencies in the State. Local boards' internal processes will be standardized through the use of common local election management software (LEMS) and a uniform hardware platform and connection to a Wide Area Network (WAN) hosted by a State board server.

Electronic standardization of data and its transmission will streamline many of the core business processes of the State and local boards. Each of the core voter registration processes involve regular transmission of voter registration data between two or more agencies as shown in **Exhibit 12**. New voter registration, updated voter registration, and jurisdiction changes originate from county government agencies and local MVA offices. These documents are either sent directly to the proper local board or to the State board as an intermediary. Ineligible voter lists are sent from the Administrative Office of the Courts pursuant to Article 33, § 3-102 disenfranchising second-time offenders of infamous crimes and from the State Department of Vital Statistics upon the death of possible registrants. The State board is responsible for sorting this statewide information and forwarding it to the appropriate local board.

A centralized, automated voter registration system will facilitate these various processes in a more efficient manner by first allowing electronic data transmission between system participants greatly reducing the use of paper and data entry at local boards. Second, a centralized statewide database could be maintained and updated on or near a real-time basis.

The main challenge in developing a statewide registration system is the decentralized administrative structure of the State's election authorities. State statute designates the local jurisdictions as the exclusive authority of their voter registries (Article 33, § 3-3101(a)(2)). Thus, just as local differentiation among local election management systems reflect county level autonomy over local voter registration, the structure of Maryland's statewide system must preserve this autonomy. To this end, the

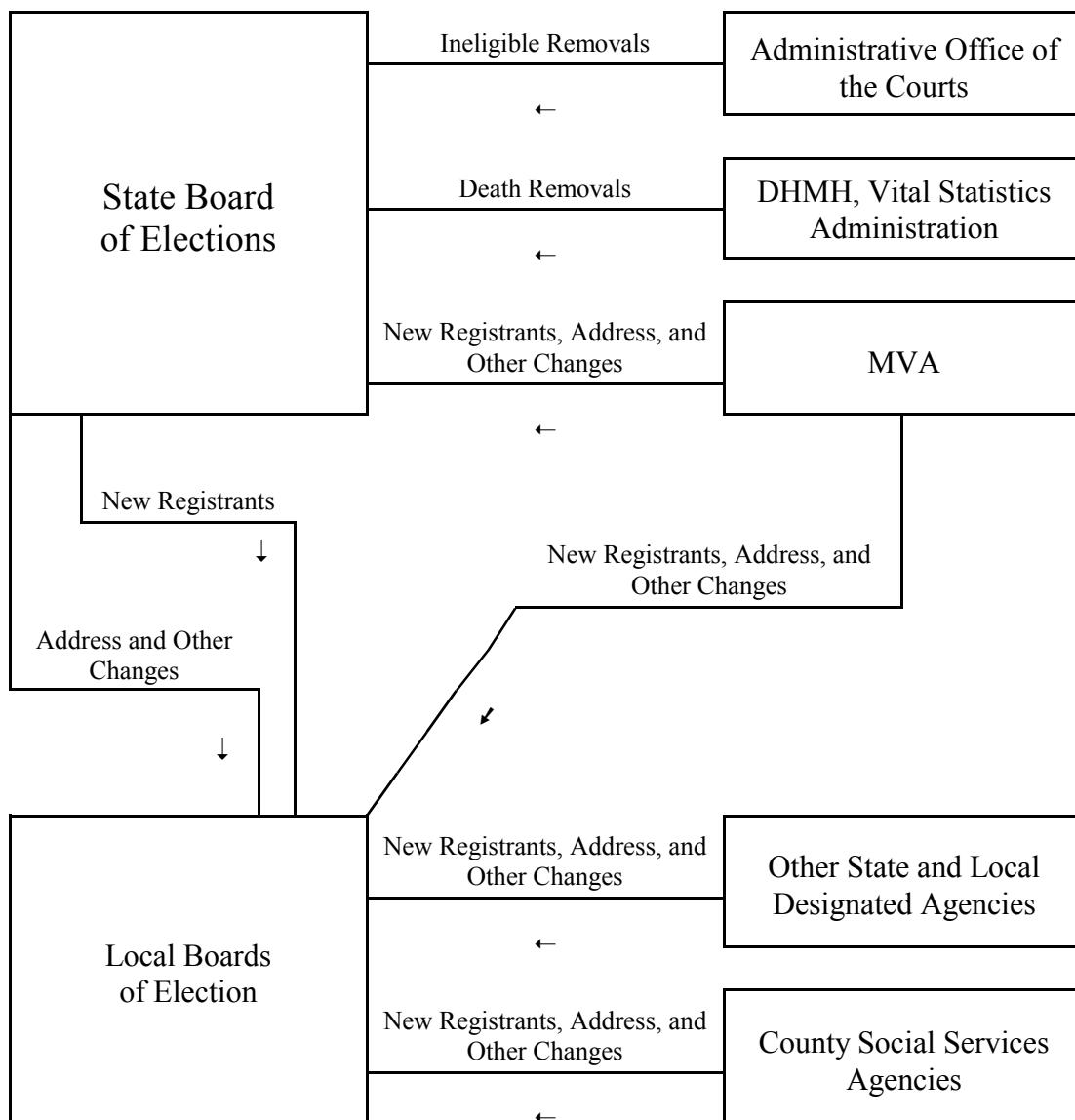
statewide system that is being implemented is designed to standardize data reporting and submission, and communication between and among local boards and the State board.

The new statewide system consists of two primary hardware and software components. First, local boards will run standardized local election management software (LEMS) and operate on PC-based local area networks that can connect to the State board WAN via modem. The central registry will be created by obtaining a mirror image of each local jurisdiction's database via regular uploads of data. Other reporting agencies such as the MVA and, perhaps, county social services offices, will be able to transmit data to the State board WAN as well. Second, the CVRDB consists of statewide voter registration and election management software and a server-based WAN connecting the State board to 24 local jurisdictions. The WAN and the statewide software are maintained and operated by the State board.

### **The Status of Implementation by Local Boards**

The LEMS consists of the standardized software that will be used by all 24 Maryland jurisdictions for all local election management functions except campaign finance activity. It will facilitate many pre-election and election day activities including mass mailings, voter lists, and registration statistics. Currently, 14 jurisdictions are operating the LEMS software on the statewide network. These local boards are in the training and implementation stage for this software. The software vendor, Nebraska-based Election Systems and Solutions (ES&S), is currently providing an older version of its election management software to statewide systems in four other states: Missouri, California, Nebraska, and New Mexico.

**Exhibit 12**  
**Flow of Core Voter Registration Processes**



Source: State Board of Elections Administrator, Linda Lamone.

Several jurisdictions are paralleling their use of the LEMS system with their existing local systems until implementation and reliability issues are resolved. Currently, online LEMS users are not regularly uploading their “copies” of local registries to the State board WAN on a nightly basis as anticipated by the LEMS system. This is because

a significant portion of their local registries must first be converted to the electronic format of the LEMS software. The vendor is in the process of data conversion.

The changeover from a local board's current voter registration system to the new Power Profile LEMS system is being conducted in three phases. The Phase I and II counties are currently fully operational on LEMS (although they may still be running parallel systems). Phase III counties are in various stages of implementation. Baltimore and Harford counties had been operational under LEMS in Phase II but have since requested to delay full implementation until further testing can be conducted. Generally, the implementation process occurs in five stages: data conversion, data conversion review, final data conversion, software/hardware installation, and on-site vendor training, as outlined in **Exhibit 13**. In the implementation process, several issues have arisen, which are discussed below.

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**Exhibit 13**  
**Snapshot of Local Boards' Progress with LEMS Implementation**

		<u>Data Conversion Review</u>	<u>Final Data Conversion</u>	<u>On-site Vendor Training</u>	<u>Complete</u>
Phase I Counties	Allegany, Caroline, Dorchester, Garrett, Kent, Queen Anne's, Somerset, Washington, Worcester				●
Phase II Counties	Baltimore*, Calvert, Carroll, Frederick, Harford*, Talbot, Wicomico				●
Phase III Counties	Anne Arundel				●
	Baltimore City	●			
	Cecil			●	
	Charles			●	
	Howard			●	
	Montgomery			●	
	Prince George's		●		
	St. Mary's				●

Source: State Board of Elections, "Information Technology Projects Update," August 2001.

Note: Local boards are becoming operational on LEMS on a continual basis. Thus, the chart above is only a snapshot of local boards' progress. Also, local boards have the option to segment their seven days of vendor training over a period of time. Some boards are doing this to extend their preparation period before going online.

\*System operational, subject to further testing.

State board officials did not learn until well into the implementation process that the vendor, ES&S, was using Maryland as its beta test site for Power Profile. Although the company has installed statewide systems in four other states, those systems operated on the DOS-based Fox-Pro database application. The latest version of the vendor's LEMS software operates in the Windows-based ORACLE database application. Maryland is the first site to operate on this version and thus has experienced the usual problems inherent in newly developed software. ES&S has been working closely with the local boards on an individual basis to remedy problems as they arise.

### **Data Conversion Issues**

Some problems have arisen in the data conversion of street files kept by the local boards. Howard County has had difficulty with this in large part because of the unusual street names used in the Columbia area. Additional corrections of the final conversion of geographic data was necessary even after training had been conducted. Charles, Cecil, and St. Mary's counties had an especially difficult conversion process due to the fact their previous software vendor, Kidd & Kidd, refused to let its street file be converted by ES&S claiming that this data was proprietary. It was necessary for ES&S to build these counties' street files from scratch. As of August 8, the State board reports that final data has been completed as well as on-site training. Baltimore City and Prince George's County are still in the process of data conversion.

### **Job Processor Testing Issues**

Implementation of LEMS in the larger jurisdictions has revealed a problem with the large job processing capability of the LEMS software. Job processing refers to the large data processing functions of the software which usually require it to perform certain functions on the entire voter registration database in a jurisdiction. Such jobs include searching, tagging, and creating mailings to all registrants in a local database that have had address change information added to their files. It also includes activities such as printing specimen ballots and other mailings to an entire local voter registry. The LEMS software has been found to encounter errors or fail completely when executing these types of tasks on the substantially larger voter registries of more populous jurisdictions. It has been observed that problems in job processing generally begin with local registries that exceed 155,000 registered voters. The local boards and ES&S have been dealing with this problem and are engaging in extensive job processor testing in the larger jurisdictions to ensure that the problem will be solved. Montgomery County had a mock election in October, and Baltimore County plans to conduct a full system software test in the near future as well.



### **Effect of 2001 Legislation**

Following the 2001 session of the Maryland General Assembly, Chapter 424 was enacted which requires that all registered voters in the State of Maryland have continuous voter registration despite changes of residence among the local jurisdictions. Thus, local boards are no longer able to drop voters from their rolls upon confirmation that a voter has moved from their jurisdiction without first notifying and verifying that the new jurisdiction has registered the relocated voter. This new requirement will increase the need for communication between local boards, which LEMS is designed to facilitate. However, because LEMS is not yet fully operational among all 24 local jurisdictions, the State board's information technology division has accelerated its development of an intranet for the communication needs of the local boards. The intranet will allow local boards to request missing voter registration information and to confirm the status of relocated voters.

### **The Status of Automated Central Voter Registration Database**

The second major element of the statewide voter registration system is the development of an automated central voter registration database. The hardware consists of a central server housed at the State board. The software called State Profile is provided by ES&S. This central server has a WAN that will connect to each of the 24 local LANS, as well as various other State agencies that provide voter registration information. Its primary function will be to transmit voter registration data to the appropriate local boards for purposes of updating their local registries and to maintain a current statewide database. The statewide database will reside on the State board's server as a mirror image of each local board's voter registry. In the implementation process several issues have arisen which are discussed below.

#### **Connection Issues**

The State board is currently connecting the statewide network through the use of a commercial dial-up (ISDN) telecommunications provider -- Verizon. This will allow local boards to have access to the statewide network via telephone modem. In 1998, a feasibility study on a statewide centralized database estimated ongoing annual telecommunication costs to be \$60,000. This figure included monthly access fees, usage rates, and long-distance charges incurred for data uploads by the State board. The State board has advised, however, that connecting charges have been substantially more than the 1998 estimate.

The State board has been considering the future use of a high speed fiber optic network which is currently being built by the State of Maryland. This network is planned to be the fiber optic backbone owned by the State, which will allow users of smaller

networks to gain access to the Internet and communicate with other networks. The State board anticipates that once this network infrastructure is in place, the statewide system may operate with fiber optic connections as opposed to the commercial dial-up connections it now uses. Operating on a fiber optic network would allow a real-time connection to the State board's central voter database as opposed to the periodic uploading of local databases under the current system. However, the Task Force on High Speed Networks, created by the General Assembly in 1998, estimates that this network will not be completed until fiscal 2005.

### **Duplicate Checking Issues**

One of the primary functions of an automated centralized voter registration database is the maintenance of the voter registry through duplicate checking. However, as local boards are in the process of implementing the new LEMS and replacing their old software, the State board is unable to perform duplicate checks on its server since all of the local boards are not online and cannot upload their databases on a regular basis. Thus, as an interim measure, the State board is periodically (about once every six months) performing duplicate checking. This is accomplished by having local boards that are fully operational on LEMS create an export file in a format readable by the CVRDB. The remaining jurisdictions export their databases into an ASCII text file, which is loaded into the CVRDB where the duplicate check is run. Once LEMS is operational in all 24 jurisdictions, the State board plans to begin monthly duplicate checks of the statewide database.

### **Effect of 2001 Legislation**

Chapter 424 requires the MVA to forward new voter registration information and change of address information to the State board within five days of receipt. Upon completion of an electronic interface between the MVA and the State board's WAN, the MVA will be able to transmit voter registration information electronically to the State board. Major design issues include the need for the State board to be able to forward this information to individual local boards without actually updating the local registry. This is necessary for the autonomous control that local boards will continue to have under the statewide model. Software vendors for the MVA and the State board are currently working with the State board's information technology division to ensure that this downloaded information is segregated from the local registry database until it can be qualified by individual local boards.

## **List Maintenance Requirements**

The National Voter Registration Act of 1993 (NVRA), commonly known as the Motor Voter Act, prescribes certain limitations on the core function of list maintenance.

It specifically prohibits states from removing names from registration lists for failure to vote or for change of residence within a local jurisdiction. These provisions create the need for local boards to maintain an inactive voter registry and to help update the voter records of voters who move within a jurisdiction. The Act also requires states to conduct uniform periodic list maintenance programs to remove ineligible voters, including: deceased voters; voters who have confirmed that they have relocated outside of a local jurisdiction; or voters who have not responded to a confirmation notice sent to their listed address after an election agency receives information that the voter may have relocated outside a local jurisdiction; and voters with certain criminal convictions where a State law prohibits them from voting.

States have wide latitude in the methods they use for performing the list maintenance function, but most use some variation and combination of confirmation mailing to voters and information from various state agencies. Maryland is noted for its use of the specimen ballot before each general election to identify voters who have relocated. Sample ballots are mailed to an entire jurisdiction's local registry using nonforwardable mail. Mailings that have been returned to local election boards trigger the confirmation mailing process in which voters are given a chance to confirm their new address and remain on voter rolls. The State board and local boards also receive information from various agencies as indicated in **Exhibit 14**.

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#### **Exhibit 14**

### **NVRA Voter Registration Agencies**

<u><b>Sending Agency</b></u>	<u><b>Receiving Election Agency</b></u>	<u><b>Type of Voter Registration Information</b></u>
MVA	State Board and Local Boards	Change of Address New Registrants
DHMH, Vital Statistics Administration	State Board	Deaths
Administrative Office of the Courts	State Board	Convictions of Infamous Crime in Maryland
Local Social Services Agencies	Local Boards	New Registrants Updated Registration

Source: State Board of Elections

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The MVA accounts for 38 percent of new voter registration applicants in 2000 and continues to be the source of a substantial amount of voter registration transactions

in Maryland. The State board is currently working on an electronic interface between the MVA and the other State agencies listed above that will allow those agencies to transmit their voter registration data electronically to the State board. The interface with the MVA will be discussed below under the section titled “Motor Voter.”

### **Death Reporting**

The State board currently receives some notifications of Maryland residents who pass away in Maryland or in other states from the Vital Statistics Administration within the Department of Health and Mental Hygiene (DHMH). However, with regard to deaths in other states, this data is incomplete due to the Vital Statistics Administration’s inability to release the names of Maryland residents who pass away in states that do not permit interagency sharing of death information.

State vital records agencies across the country share death information under the terms of an agreement for administering the vital records exchange system. See **Appendix 3**. The terms of the agreement restrict its parties from sharing reported information outside the vital records agencies, unless the releasing state agency specifically authorizes it. The agreement only allows vital records to use exchanged information to perform statistical analyses and other research and to link birth and death certificates. In the past several years, an addendum to the agreement has allowed vital statistics agencies to approve several other program uses for information shared under the exchange agreement; one being for voter registration purposes. The State board will receive information on State residents’ deaths from those states that have checked off this option on the addendum but not others. See **Appendix 4**. Even the states which do allow this information to be shared with voter registration agencies have additional requirements as a condition to sharing information. As of January 2001, 18 states will not provide basic death information for voter registration purposes. Many of these 18 states, including Maryland, are prohibited from agreeing to such an exchange due to state law or policy.

The problem of incomplete death reporting is a major list maintenance issue for the State board. The board is currently attempting to make arrangements with individual states to exchange death reports wherever possible.

### **Effects of 2001 Legislation**

**Continuous Registration:** The continuous registration requirement in State law became effective on June 1, 2001. Thus, local boards are no longer able to drop voters who have moved *outside* of their jurisdictions without first ensuring that the registration is transferred to their new jurisdiction. This State law provision is stricter than the requirement under the NVRA requiring local boards to refrain from dropping voters who change residence *within* their local jurisdiction. Without a fully operational statewide voter registration system however, local boards do not currently have an electronic means

of communicating registration transfers to one another. However, in conjunction with the local boards, the State board has formulated procedures to facilitate the transfers.

Interim continuous registration procedures have been developed by an ad hoc committee of local board election officials. This committee meets regularly at the State board office to discuss difficulties being encountered and to agree on uniform solutions to them. A representative from the State board attends these meetings to gather information and offer advice. Currently, the procedures include a system of faxes and computer screenshots to facilitate continuous registration. See **Appendix 5**.

The majority of address changes under continuous registration are received from the MVA via its newly redesigned change of address form which includes a voter registration update section. Most local jurisdictions send employees to pick up these forms from local MVA offices on a regular basis. The guidelines require the county of the voter's "new" address to receive the MVA change of address form and contact the listed previous county of residence by fax. The previous county election board must either confirm the individual's registration and provide any missing information if needed or indicate that the person is not registered. The new county will then send out a new voter registration form if the individual is not registered in the previous county, or it will register the individual upon the previous county's confirmation of registration there. The new county will subsequently notify the previous county of its new registrant and the previous county will finally drop the registrant from its rolls.

There has been some debate as to whether sending the change of address form to the new county initially is the most efficient way to accomplish transfer of registration since the previous county has all of the voter's registration information and the new county can do nothing until the previous county transmits this information to the new county. However, the State board believes that first sending the change of address form to the new county averts the possibility of voters being mistakenly dropped from the rolls, which is contrary to State law, before they are registered in the new jurisdiction.

There is a counter-argument among some local board officials that should voters be mistakenly dropped from the previous county's rolls without being added to their new county, the fail-safe voting provisions of the newly enacted Chapter 424 would afford them an opportunity to vote on election day with a provisional ballot.

***MVA Change of Address Form:*** The change of address form itself has caused difficulties in implementing the continuous registration provision of the election code. Many noncitizens are signing the voter registration portion of the change of address request which increases the workload of local election offices as well as referrals to the State prosecutor. In addition, the handling of the change of address form itself by MVA employees is inconsistent. Local election boards are receiving the wrong copies of the form and a substantial percentage of forms are being sent to the previous county of residence as opposed to the new county.

More importantly, applicants are not filling out the voter registration portion of the change of address form properly. Many applicants sign the voter registration portion without supplying any personal information. Queen Anne's County advises that only about one in ten applicants is completing the section requesting the county of their "last voter registration." Therefore, additional research is required to determine what county the previous address is located in so that the proper local board may be notified.

### **Universal Identifiers and Privacy Act**

The assignment of a unique identifier to each registered voter is noted as being crucial to the success of a statewide registration database by the NCSL Elections Reform Task Force. Unique identifiers avoid excessive duplicate registrations which can sometimes make up a substantial percentage of a state's voter registry. In Virginia, for instance, duplicate checks can be performed statewide on a constant basis each time a new application is entered into the system. Duplicate entries are almost nonexistent according to the commonwealth's board of elections. The duplicates that do occur are almost always keying errors. Virginia's virtual absence of duplicate registrations is due to its statewide use of the Social Security number as a unique identifier for voters.

Unfortunately, the Privacy Act of 1974 prohibits the required use of an individual's Social Security number for identification purposes in all but a few circumstances (e.g., tax forms, motor vehicle licenses). Some states are exempt under the act if they required the Social Security number for identification before January of 1975. Maryland is not an exempt state and therefore cannot require the Social Security number on voter registration forms although it is requested on a voluntary basis.

Federal law does not explicitly prohibit the use of a portion of the Social Security number for identification purposes however. The use of the last four digits of the Social Security number as a required identifier is recognized by the Federal Election Commission's (FEC) Office of Election Administration as an adequate substitute for the entire Social Security number since it can be used with other identifying information, such as address, last name, and date of birth to identify a substantial number of duplicate registrants.

Because of the need for a universal identifier, the State board has lobbied the Maryland General Assembly in recent years for legislation to require the use of the last four digits of the Social Security number for voter registration. However, despite strong support by State election officials and significant legislative support, the measure has failed.

### **Motor Voter**

The main provision of the NVRA requires state drivers' license agencies to provide eligible citizens an opportunity to register to vote for federal offices. This requirement extends to state and local elections for practical reasons since registration is usually good for all elections. Specifically, the Act requires that anyone applying for or renewing a driver's license be given the opportunity to vote. The Act also requires the state to designate certain agencies as voter registration agents and requires mail-in registration as well. In Maryland, between 1999 and 2000, the FEC reports that voter registration applications from NVRA sources (MVA, mail, and agencies) accounted for just over 90 percent of total voter registration applications received by election boards. Applications received from the MVA made up almost 41 percent of this total (38 percent nationwide) and is generally the largest source of VRAs in every state in which the NVRA is applicable. (Six states are exempt from the Act, five because they have same-day registration and North Dakota because it does not have voter registration.) Thus, the MVA is a major source of voter registration applications in Maryland and most other states.

### **Types of Motor Voter Systems**

The FEC identifies three types of motor voter systems as well as three types of application forms. The type of system and application form used is important since many potential voters do not know that they can apply to register to vote at an MVA office and are more likely to complete the registration process if the voter registration form is completed before leaving the office. "Passive" motor voter systems merely promote the availability of voter registration applications at an MVA office. "Active" systems require MVA customer service agents to specifically inquire of each customer whether or not they would care to register to vote. Automatic systems ask MVA customers on the license renewal application whether or not they wish to register to vote. Answering "yes" on the application prompts a customer service agent to provide the necessary form.

Application forms can be separate, combined, or computer assisted. Separate voter registration forms are completed manually, as well as the combined form which consists of a VRA attached to the driver's license or renewal form. A computer-assisted system creates and completes a voter registration application by capturing driver's license information to electronically fill out most of the information needed on a VRA.

Previously, the Maryland MVA used an active system with a combined form for driver's license applicants and renewal customers. Customer service representatives were required to ask all customers if they wanted to register to vote and a tear-off form was used for customers to fill out. There have been several problems with MVA's execution of this system. Most of the difficulties deal with the lack of training of front-line service personnel. The State board found that customer service agents were not consistently asking customers if they wanted to register.

Currently, the MVA is in the process of installing a new multi-million dollar drivers' licensing system which involves the installation of new terminal/workstations that will enable its customer service agents to perform almost any activity a particular customer may need without requiring them to stand in a different line for each transaction. Under Phase I of the new system, the voter registration process will be automatic. Using a computer-assisted form customers will be prompted by a computer screen to register or decline. Information on voters who register will be captured from MVA files and preprinted on a separate form. The customer will provide a signature and the application will be manually forwarded to the appropriate local board.

Under Phase II, the completed MVA system will interface with the State board electronically and be capable of transmitting the captured data, including a digital signature. An electronic record of declinations would also be kept to identify those individuals who may claim that they attempted to register at MVA in order to vote on election day.

### **Effect of 2001 Legislation**

Chapter 424 requires the MVA to offer clients who change their address an opportunity to register or update their voter registration. The MVA developed a new change of address (COA) form and began its use in August. However, local board members have complained that MVA did not seriously consider input on the design of the form and that this has contributed to the difficulties that they now have processing the form. Local board members are also concerned that front-line customer service employees are not being properly trained on how to process the form as is evidenced by the problems discussed above in the section titled "List Maintenance."

Recently, the MVA has considered separating the actual voting registration process from driver's license transactions. The idea of creating electronic kiosks has been mentioned by some MVA officials according to the State board. The "kiosk" would be located in local MVA offices and individuals wishing to register or update registration would electronically have their information transferred to the kiosk after finishing their transaction with a customer service registration. Customers would be given a magnetic stripped card containing personal data, which would be used by the kiosk in order to create an electronic VRA. The card would be activated by a personal identification number. The kiosk concept was not a result of consultation with State board officials. The MVA currently has a five-month consulting contract with RESI Consulting at Towson University to research this alternative.

The State board and the MVA are required by Chapter 424 to jointly establish regulations for implementing the motor voter provisions of State law. The two agencies have not yet finalized the specifics regarding the interface that will allow electronic transmission of voter registration activity at the MVA offices, but they are actively working together on preparing regulations.



Local boards are generally not involved in the decision-making process between the State board and the MVA, and although State board officials remain in constant contact with local board officials and are informed regularly about local board's issues and concerns, some local boards feel that there is no substitute for the actual experience of election officials when developing a new system from scratch. Thus, many local officials would like to be included in the decision-making process with the MVA. The MVA on the other hand, is primarily concerned with legal compliance in regards to voter registration. The MVA has indicated to the State board that it does not see itself as a voting registration agency.

There has been a history of conflict between the MVA and the State board over the details of carrying out the motor voter requirements and the planned interface between their two systems. Much of the friction stems from the conflicting strategic objectives of both organizations. The State board is most interested in reaching as much of MVA's clientele as possible and in ensuring the completeness and accuracy of VRAs. Conversely, the MVA reports that it is under considerable internal and external pressure to reduce their customer wait times. Their current goal is to reduce total customer wait-time to 30 minutes. The active involvement with the customer necessitated by the voting registration part of a transaction would make this goal more difficult to obtain.

## **Future Considerations for State and Local Election Officials**

The opportunities created by technology in reengineering election administration at the State board must be accompanied by appropriate organizational strategy to facilitate the broad-range changes that occur when implementing major technological improvements. While the core mission of the State board has not changed, the strategies and processes by which it carries out its mission is changed greatly by technological advancements.

The automation of the statewide voter registration system will change the extent of information sharing between the State board and local boards and among local boards themselves. The State and local boards will also change as automation and connectivity will give the State board better ability to access and monitor administrative processes at the local board level. Automation statewide implicates organizational issues such as the general lack of capacity of local boards in smaller jurisdictions to handle the demands of sophisticated technology. There are some counties that only recently obtained a fax machine for their board offices. Large-scale automation in their case will require substantial training as well as guidance on dealing with the attitude changes that will be necessary to work effectively in the changed technological environment. The learning curves for some jurisdictions will be much steeper than others. The challenge is to be

able to implement the demands of the new statutory environment in spite of the complexities involved with automation. Thus:

- *The State board should consider long-term strategies for ongoing training of local election officials since software training by the current vendor is only one week long. Training should focus on integrating development of efficient administrative processes with standard software training.*

The automation of statewide voter registration may also create additional information needs. The statewide network between the State board, local boards, and other State agencies create the future possibility of a real-time, dynamic central statewide registry as opposed to one that is periodically updated. Thus, duplicate checking could be performed at the time of registration. However, a unique identifier would be needed to perform real-time duplicate checks. Article 33, § 3-203 prohibits the State board from requiring any information that is not necessary “to enable election officials to determine the eligibility of [an] applicant and to administer voter registration ... .” There is a strong argument that use of the partial Social Security number is crucial to the success of a real-time, centralized voter registration database.

- *The State board should continue its campaign to require the partial Social Security number as a unique identifier.*

Statewide voter registration will also require substantial cooperation between the State board and other voter registration agencies, especially the MVA. The State board’s historical difficulties with the MVA illustrate the need for the ongoing support of the legislative and executive departments in encouraging a timely resolution of the various issues complicating full electronic integration of voter registration agencies.

- *The State board and other executive departments engaged in voter registration activities must work together in a respectful and purposeful manner to ensure that the goals of the NVRA are achieved.*

## Chapter V. Electronic Filing of Campaign Finance Reports

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Over the past decade or so, the public's increasing thirst for information about the identity of the contributors and the amount of money that flows to election campaigns, coupled with the rapid development of information technology systems, has spawned requirements in a number of states that campaign finance information be reported to election officials in an electronic format and that the public be provided ready electronic access to that campaign finance information. Maryland has emerged as one of the leading states in the deployment of information technology for these purposes.

### Maryland Requirements

As a result of legislation adopted by the General Assembly during legislative sessions in 1997 (Chapter 562) and 1998 (Chapter 339), all candidates and political committees that are required to file campaign finance reports with the State Board of Elections are required to utilize a computerized electronic storage format to do so. The electronic filing requirements governing campaign finance reports are set forth in Article 33, § 13-402(c), (d), and (e) of the Annotated Code of Maryland. As a result of the enactments:

- beginning in November 1997:
  - (1) campaign finance reports filed with the State board by *statewide* candidates (Governor, Lieutenant Governor, Attorney General, and Comptroller), and each political committee affiliated with a *statewide* candidate, are *required to be filed by computer diskette* and be maintained by the State board in an electronic storage format;
  - (2) campaign finance reports filed with the State board by any other person (e.g., nonstatewide candidates such as candidates for election to the General Assembly or local candidates such as county executive or county council candidates) that utilize continuing political committees are *authorized to be filed by computer diskette* and, if filed in that manner, be maintained by the State board in an electronic storage format; and
  - (3) campaign finance reports filed by any candidate or political committee by diskette and maintained by the State board in that electronic storage format are required to be made available to the public for duplication; and

- beginning in November 1999:
  - (1) campaign finance reports filed with the State board by *all* candidates and political committees (whether statewide or nonstatewide) and due before November 1, 2000, are *required to be filed by diskette* and maintained by the State board in that electronic storage format;
  - (2) campaign finance reports filed with the State board by *all* candidates and political committees (whether statewide or nonstatewide) and due after November 1, 2000, are *required to be filed using any electronic medium approved by the State board*;
  - (3) the State board is, upon request, required to supply to any person who is required to file campaign finance reports in an electronic medium the computer software and the disks or other media on which the campaign finance information is to be entered;
  - (4) the State board is required to make the campaign finance information filed with and maintained by it in an electronic storage format widely and easily accessible to the public “... *utilizing any existing public or private systems for data dissemination ...*,” and
  - (5) the State board is authorized to exempt candidates and political committees with *de minimis* campaign fundraising activity from the electronic reporting requirements. (The State board has adopted a policy of exempting candidates or political committees with less than \$5,000 in campaign activity from the electronic filing requirements.)

## Other States’ Requirements

Reports issued recently by the Federal Elections Commission and the National Resource Center for State and Local Campaign Finance Reform (NRC) identify Maryland as one of 16 states that has implemented laws to *require* that at least some campaign finance reports be filed and maintained in an electronic storage format. In addition, at least 19 other states have instituted *voluntary* programs that allow candidates to file campaign finance reports electronically or that allow the administrative board with which the candidate’s campaign finance report is filed to maintain and provide access to the information online through the Internet. In at least three additional states, the development of a system for electronic filing of campaign finance information currently is underway. At the present time, 15 states have no system -- mandatory or voluntary -- for the electronic filing and maintenance of campaign finance information. **Appendix 6**

provides a nationwide comparison of provisions for electronic filing of candidates' campaign finance reports.

While most of the states that have implemented systems for the electronic filing of campaign finance report information as the result of legislative action, several states (e.g., Florida, Ohio, and Oklahoma) have implemented the requirement as a result of administrative action by the election authority in that state.

Like Maryland, in several of these states, the requirement to file campaign finance reports electronically applies only to campaign finance entities that are required to file campaign finance reports with the State election agency (e.g., Louisiana, New Jersey, Virginia, and Washington). However, even in the states that require *some* candidates to file electronically (usually statewide candidates), other candidates are *strongly encouraged* to file electronically (e.g., Virginia). Moreover, in most instances if a candidate chooses not to file electronically, the candidate's campaign finance information is put online anyway by the election authority with which the information is filed (e.g., Connecticut, Virginia, New Jersey).

Similarly, like Maryland several of the states with electronic filing requirements exempt candidates and political committees that raise or spend an amount below a specified threshold from the electronic filing requirement (e.g., Louisiana law applies only to statewide candidates with over \$50,000 in campaign activity; Washington law applies only to continuing political committees with expenditures of \$10,000 or more).

## How Maryland Compares to the Model Standards

As referenced above, the NRC is a non-profit research group established to support state and local governments, academic institutions, and public interest and civic organizations with a wide range of research, technical expertise, model laws, and drafting experience in the areas of campaign finance and ethics reform. Established in 1994 as a project of the Los Angeles-based Center for Government Studies, NRC provides a central clearinghouse of state and local campaign finance laws and campaign finance reform proposals.

The NRC conducted an extensive survey and analysis of state campaign finance reporting laws covering the period 1995 - 1996. Entitled *Campaign Money on the Information Highway: Electronic Filing and Disclosure of Campaign Finance Reports*, the report identifies seven key questions that a state or local jurisdiction must consider when developing an electronic campaign finance reporting system. These questions were addressed in the January 1, 1997, report of the State Administrative Board of Election Laws (now known as the State board) concerning the Study on Electronic Format for Campaign Financing Reports to the chairmen of the Senate Budget and Taxation

Committee and the House Appropriations Committee pursuant to the 1996 *Joint Chairmen's Report*. The State board stated that “[its] staff used the guidelines and consideration in NRC’s report, information from the Federal Election Commission, along with the experience and advice from other states, to develop this study.” (State board report, pp. 6, 7.)

The NRC report also developed recommendations based on the seven questions that state and local government should utilize when implementing laws concerning electronic filing of campaign finance reports. Set forth below are the NRC questions and recommendations, as well as a comparison of the Maryland system of electronic filing of campaign finance reports, in place since November 1997.

- Question: Should the electronic filing program be voluntary or mandatory?

NRC Recommendation: In order to ensure full electronic reporting and disclosure, and to provide a comprehensive database that permits thorough auditing by elections officials, jurisdictions should work towards mandating electronic filing.

Status in Maryland: Article 33, § 13-402(c) and (d) mandate that all campaign finance reports that must be filed with the State board be submitted in an electronic storage format.

- Question: Should there be thresholds determining who shall participate in the electronic reporting program?

NRC Recommendation: Since a mandatory system could prove overly burdensome on lesser funded candidates and committees, electronic filing should be mandatory only for those campaigns that raise or spend funds at a certain minimum threshold, adjusted according to the size of jurisdiction.

Status in Maryland: Article 33, § 13-402(e)(2) authorizes the State board to exempt candidates, personal treasurer accounts, and political committees with de minimis financial activity from submitting campaign finance reports using an electronic medium. The State board has set the threshold at \$5,000 of campaign revenues or expenditures above which electronic filing is required.

In addition, since there are a number of filers who do not have access to computer equipment but also do not qualify for a waiver from the electronic filing requirement, the State board has made an arrangement with the Office of the Comptroller to enable a filer to utilize the services of one of the branch offices of the Comptroller to satisfy the electronic filing requirements.

- Question: Should the program cover all elective offices or just specified offices?

NRC Recommendation: Implementation of a comprehensive electronic reporting program should initially be imposed on statewide campaigns and then be extended to candidates for other state-level and, eventually, local elective offices and local ballot measure campaigns as the system proves effective. In addition to candidates and political committees, lobbyists should also be required to file their financial activity statements electronically.

Status in Maryland: As discussed above, Chapter 562, Acts of 1997 established a phase-in of the mandated electronic reporting requirement. Beginning in November 1997, the mandated electronic reporting requirement applied to all statewide candidates (Governor, Lt. Governor, Attorney General, and Comptroller) and each political committee affiliated with one of those candidates. Effective November 1999, the requirement applied to all candidates (both statewide and non-statewide) and all other political committees that are required to file reports with the State board. As a practical matter, the only local candidates likely to fall within the mandatory electronic filing requirement are candidates for the chief executive or legislative offices in the larger counties -- including the City of Baltimore -- in the State who utilize continuing political committees to conduct their campaign finance activity.

Since lobbyists are not regulated by the State board, but rather by the State Ethics Commission, lobbyist filing requirements are not addressed in this report. However, under the lobbyist ethics reform legislation adopted by the General Assembly in the 2001 session (Chapter 631), the Ethics Commission is required to make available to lobbyists the option to file lobbyist financial disclosure reports with the Ethics Commission electronically; moreover the Ethics Commission is required to make financial disclosure information reported by lobbyists available for public inspection electronically, regardless of the method by which it is filed.

- Question: What is the appropriate method of electronic filing?

NRC Recommendation: Candidates, committees, and lobbyists should be permitted to file through alternative electronic means. Filing by diskette is currently the most convenient and secure form, but the elections agency should develop an encryption program to make filing by modem secure.

Status in Maryland: Since November 2000, campaign finance reports may be submitted using any electronic medium approved by the State board (Article 33, § 13-402(d)(ii)). The State board makes available electronic filing software at no charge. Campaigns also have the option of using their own software or software

created by a private vendor, as long as the software meets the exact data structure requirements established by the State board. The information is sent by the filers to the State board either on a diskette or via the Internet.

According to the State board, for the 1999 post-general campaign report, the State board received campaign finance reports in the following formats: hard copy - 185; electronic filing - 674 (of which 652 use State board software). For the 2000 post general campaign report, the State board received campaign finance reports in the following formats: hard copy - 87; electronic filing - 742 (of which 645 use State board software).

- Question: How should the public access the data?

NRC Recommendation: The public should be provided access to campaign finance data via modem, preferably through a Web site on the Internet, in addition to access through public kiosks and in-house terminals.

Status in Maryland: Once the State board receives an electronic report, the campaign finance data is uploaded to the State board master database. For campaigns that are exempt from filing electronically because of falling below the de minimis amount, the data is manually entered into the database by the State board staff.

Since January 2001, the State board has made the campaign finance database available to the public on the State board's website. See **Appendix 7**. In addition, the public may go to the State board's Annapolis office and review the database at a public terminal or on a paper copy. Lastly, the public may request information concerning campaign finance reports that is more detailed than that available from the database under the Public Information Act.

At the present time, the State board website provides campaign finance data for as far back as 1999. In the near future, summary data for 1998 will be available on the website. The information for each campaign committee is accessible by contributions received, expenditures made, and summary information reported by each campaign committee.

In the near future, the State board reports that it will be adding to its website a new online database offering access to a wide range of other election data, including election results, voter turnout, and candidates lists.



- Question: How quickly should an electronic reporting program be implemented?

NRC Recommendation: A mandatory, comprehensive electronic reporting program should be implemented gradually, beginning with a voluntary program as election officials, candidates, and committees work out the “bugs” in the system.

Status in Maryland: As discussed in a prior recommendation, Maryland started with a limited mandatory program for the November 1997 filing and phased in the electronic filing mandate to apply to all candidates and political committees by November 1999.

As to the State board “ELECTrack” filing software which was first available for use for the November 1999 filing, the State board has updated the software once for the November 2000 filing and is planning to update the software again in time for the November 2001 filing. The State board also has organized an ELECTrack Users Group to discuss the electronic filing software and to determine priorities in improving its usability. The recommendations of this group have helped provide input for the 2001 upgrading of ELECTrack.

The State board has also recently started publishing the “Campaign Finance Newsletter” that contains useful updates on the status of changes to the electronic filing software, a schedule of upcoming classes and other relevant dates, and answers to electronic filing “FAQs.” See **Appendix 8**.

- Question: How much should be spent on implementing such a program?

NRC Recommendation: States and local jurisdictions planning on implementing a comprehensive electronic reporting program should budget carefully. Costs for software development can vary sharply; the more expensive option may not always be the best. Budgets, of course, must be higher for states and jurisdictions that need to purchase and install new computer hardware.

Status in Maryland: The State board estimates that the cost for the development and maintenance of the Electronic Filing Software was \$525,500. This figure represents money spent for the period July 1998 through May 25, 2001. This figure does not include other State board costs associated with the electronic filing process, such as staffing the help desk and training campaign treasurers.

## Software Development and Implementation Issues

### Software Development Process

By most standards, the State board's development of the Electronic Filing Software is a success. Success here is loosely defined as meeting the board's functional requirements on time and on budget. These criteria were attained within acceptable limits. This section of the report examines the software development process for the State's campaign finance software.

In order to facilitate the development of a State voter registration system and other technology projects, namely the Electronic Filing Software (EFS), the State board used a prime contractor to supervise and integrate all of the State board's projects and databases. The prime contractor, Computer Service Corporation (CSC), was selected on the basis of an existing State technology contract. CSC selected IDEAS International as the subcontractor to develop the State board's EFS. IDEAS International specializes in the development of accounting and campaign finance software solutions. An advantage in using this vendor is that it had developed *tested* commercial off-the-shelf (COTS) software for use in campaign finance reporting, which can be tailored to the unique needs of the State board. COTS software minimizes the risks and added costs associated with customized software.

The vendor began with a requirements analysis to determine the State board's needs. The software requirements analysis resulted in the definition of a complete set of functional, performance, interface, and qualification requirements for the computer software configuration. The vendor met with members of the State board's project management staff and other stakeholders to determine software and legislative requirements.

Through the requirement analysis process, the vendor determined what preliminary modifications were needed for ELECTrack, its COTS software. ELECTrack is a fully integrated software system for the capture, analysis, and reporting of campaign fund receipts. As shown in **Appendix 9**, modifications required reengineering of the ELECTrack software to meet the State board's requirements.

Second, a software development plan was formalized. The software development plan describes the complete plan for development of software and how the software vendor will transform the requirements for the software item into architecture. The software architecture describes the top-level structure and identifies the software components. This plan assists the State board in monitoring the procedures, management and contract work of the organization that is performing the software development within the given time and budget.

Thirdly, a software implementation and testing process is put in place. The software implementation process includes:

- writing source code, execute code, and test code for each identified item in the design phase;
- integrating software units and software components into software items; and
- conducting software units and software components testing to ensure that they satisfy the requirements.

The vendor performed these tasks using Microsoft Visual Basic programming and utilizing a Microsoft Windows computing environment. The ELECTrack software is a functional and a basic system from a programming perspective. It is designed to perform specific tasks timely, efficiently, and accurately. The campaign financing software achieves these goals.

### **Campaign Finance on the Web**

In January 2001, the online campaign finance database became operational. Expenditures and contributions reported to the State board are included in the searchable online database as they are filed by Maryland campaign accounts. Users can then filter the data looking for specific patterns and easily save and re-use the results of their searches. Sometime in the future, the next phase in the development of online access by users would permit online filing. The greatest benefit of this solution is that users are no longer burdened with updating enhancements to the software. It also streamlines the filing process. However, the State board must weigh the benefits of filing on the website against the added costs for providing this service.

### **The State Board's Assessment of Software Implementation**

In January 2000, the State board submitted a *Report on Electronic Filing* to the Commerce and Government Matters Committee of the General Assembly that provided an overview and its assessment of the implementation of the electronic filing requirement that became mandatory for all campaign finance reports filed with the State board on November 23, 1999. Among the observations noted by the State board were the following:

- As required by Chapter 562 of 1997, the State board, through its vendor, Ideas International, worked from April 1998 to September 1999 to develop EFS to enable affected candidates and political committees to file electronically; the software was delivered later than the State board had expected, but still some two

months before the due date for the first mandatory electronic filing that was required for all State board accounts.

- Approximately 1,000 campaign finance accounts were required to use the EFS to comply with the initial electronic filing that was required in November 1999.
- In preparation for the first mandatory electronic filing requirement, the State board provided public outreach and help by:

(1) holding five public training seminars (which were attended by over 200 people);

(2) establishing a “Help Desk” that was available during regular business hours and on some weekends and evenings (which handled over 1,000 calls);

(3) providing “Online Help” through EFS; and

(4) making available a public computer at the State board’s office for filers who did not have a computer or who needed additional one-on-one instruction (service utilized by 29 people).

Overall, the State board’s assessment is that the ELECTrack software achieves its objectives. Some users, however, did suggest some improvements.

## **Users’ Assessment of Electronic Campaign Finance Filing System**

While the majority of filers were successful in loading and negotiating the EFS on its initial wide-spread deployment, some filers complained that the software was not “user friendly” and too time consuming (when compared to preparing reports by hand). Among the common problems and complaints reported to the State board were the following:

- Expenditure search - Users lamented the lack of the capability to conduct an “expenditure search” by individual or entity that is similar to the “contribution search” already incorporated into the software (the State board has since added this feature).
- Reporting loan payments - Some users also discovered that the software did not easily accommodate filers who had loans that were outstanding prior to the creation of software (the State board worked with filers to get around the problem during the start-up period; the problem should occur less frequently in the future).

since campaigns will henceforth be using the software and recording loans as they are made and not after-the-fact).

- Summary page - The software presented challenges for filers who filed a “Transition Report” because for those filers the electronic filing in November 1999 was not their first report in the first year of an election cycle, since some of those filers had already filed a paper copy of a campaign finance report that was due earlier in 1999 (the State board Help Desk was able to assist those filers to work around that problem, but the State board acknowledges that it needs to study this issue further to make adjustments for the 2003 transition report, the first year of the next election cycle).
- Importing data - Some campaign accounts expressed frustration that they could not import existing data from other programs into the State board software (the State board opted to design a basic program to accommodate the electronic filing of campaign finance information required by law). The State board states that its goal was to avoid pitfalls experienced by other states whose software development suffered due to overreaching goals and that, consistent with recommendations by an independent research group, the State board consciously avoided trying to create a “total campaign management software package.”
- Incompatibility with Macintosh and Apple computers - Some users were frustrated because the State board software is only compatible with PCs (while fewer than 20 filers voiced a concern about this issue, the State board has determined that an off-the-shelf program will allow a user to use ELECTrack).
- Export problems - Users encountered several minor bugs with the export program; however these bugs are being addressed by the State board and will be fixed by the next release of the software.

## Cost of Implementation

The NRC also notes in its report that the costs to implement a system of electronic filing for campaign finance information can vary sharply and are greatly dependent on the availability of computer hardware, the necessity to alter campaign finance reporting methods, the need for staff training in the utilization of information technology, and other factors. In its study, NRC compiled data regarding the costs incurred or the estimated costs to implement electronic filing system for campaign finance reports in a number of states. A sampling of those costs is set forth in **Exhibit 15**.

**Exhibit 15**  
**Costs Incurred by Selected States to Implement**  
**Electronic Filing Requirements**  
**(Based on 1995 - 1996 Data)**

<u>State</u>	<u>Costs (Estimated or Incurred)</u>	<u>Explanation</u>
Alaska	\$35,000	
Arizona	\$5,000 - \$10,000	Consultant/diskette filing
California	\$250,000	Hardware and software (1993 Secretary of State study estimated costs to implement at \$3 - \$6 million)
Connecticut	Two lowest bids were \$38,000 and \$970,000	Selected the lowest bid and had to go to litigation to get contract fulfilled
Florida		Specified format, etc., and expects vendors to develop compatible software
Hawaii	\$50,000 budgeted	
Illinois		Intends to develop program in-house with modest outside help
Iowa	Projected at \$350,000; on-going maintenance at \$30,000/yr	Developed with Iowa State and 2 private foundation grants
Kentucky	\$40,000	Private vendor
Maine	\$5,000	
Montana	\$7,000	
Nebraska	\$40,000	
New Jersey	\$100,000	For two feasibility studies
New Mexico	\$50,000	Developed in-house - \$30,000 to purchase software

**Exhibit 15 (continued)**

<u>State</u>	<u>Costs (Estimated or Incurred)</u>	<u>Explanation</u>
North Carolina	\$70,000	Estimated
Ohio	\$10,000	In-house development - allowance for private vendors
Oklahoma	\$72,500	Estimated
Ohio	\$35,000 - \$50,000	
Washington	\$15,000	

Source: NRC Report

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**Implementation of Similar Electronic Software in Other States**

In addition to speaking to officials at the State board, staff spoke to the elections agencies in eight other states (the states are indicated in boldface in Appendix 6) in order to get a general sense of how those states each felt about the implementation of their electronic filing laws. Sample questions for this survey of states are contained in **Appendix 10**. The states were selected based on the similarity of their electronic filing laws to Maryland's laws.

Generally, it appears that the issues and concerns reported by these states are no different than the ones reported by the State board. All the states seem to be experiencing similar "growing pains" and approaching the resolution of problems as best as possible within limited budgets and time constraints. Overall, in spite of some problems and limited resources, the assessment by these states of their electronic filing requirements is that the requirements are very useful and not overly cumbersome to utilize or manage, and that prospects for the future are quite positive.

A brief summary of the survey follows:

- **Development** - The majority of states report that they developed their software through a contractor, rather than in-house. Texas and Washington report that while they initially contracted out for the development of their software, now that they have experience with the software, they have plans to take over the maintenance of the software themselves. Washington also reports that they are considering moving away from a software-based technology to an Internet-based

one, so that they would no longer be in the position of competing with private software companies.

Nearly all states report experiencing “bugs” and having to revise and update their software more than once since the initial development.

- Applicability - Of the states with mandatory electronic filing requirements, no states report considering changing to a voluntary system at this time. The states with voluntary electronic filing requirements report that they are taking things carefully and deliberately and have no plans pending to go to a mandatory system.
- Format - All states report that the electronic filing can be accomplished by diskette and nearly all by the Internet as well. Kentucky reports that it is presently developing an Internet format.

All states surveyed make the electronic filing software available for free.

Most states do not also require paper filings but do require “hard” signatures on file. Some states report that they would like to utilize digital signatures in the near future. Many states require a password to submit a report electronically.

- Usability/Support - All mandatory states report having some sort of help desk or user support group available by phone or the Internet year-round, with extra staff available to assist by phone near filing deadlines. In addition, each Web site offers some sort of manual or instructions for the electronic filing of reports. While there are no mandatory training requirements, most states report offering training classes at the elections agency’s main office and around the state.

Several states report on the revision of software to respond to concerns of user-friendliness and efficiency, as budgets permitted.

- Accessibility by the public - Of the mandatory states, the majority report that the reports received electronically are available on the Internet very promptly: “within 24 hours of receipt” (New York and Texas), or “within minutes of receipt” (Washington).

***Other Observations Concerning Other States’ Electronic Filing Requirements:***

A brief review by staff of the websites of the states surveyed reveal some noteworthy features. For example, on the sites of Washington and Virginia, there is a statement that their software is not intended to be a campaign management tool but rather is provided to satisfy the statutory campaign finance report filing requirements. Another feature on Virginia’s website is the inclusion of their privacy policy, including their policy on the utilization of “cookies.” New York’s site contains several useful links to facilitate



manipulation of the data and clearly states its policy on the accuracy and timeliness of the data available.

An August 2000 report of the NRC reviews the websites of the election agencies of approximately 25 states and other jurisdictions in order to evaluate how user-friendly the information concerning electronically-filed campaign finance reports is from a layman's perspective. High marks are given to sites that are easy to find, clearly present data from reports, contain up-to-the-minute data, and offer various options for manipulating the data. The summary of this report is available in **Appendix 11**.

## **Future Considerations for State and Local Election Officials**

While the requirements for filing and providing access to campaign finance information electronically have proceeded in Maryland in accordance with the schedule set forth in the 1997 legislation adopted by the General Assembly, a fair assessment of the process thus far suggests that the State board has faced several challenges along the way in achieving that goal. The ELECTrack software program designed by the State board and its consultant is functional and basic; it is not an extravagant system with lots of bells and whistles, but is intended to achieve its purpose by facilitating the filing of campaign finance information electronically by persons who opt to use the State board software and also to allow the public to have ready electronic access to campaign finance information. In discussing the implementation of the electronic filing requirements with the State board officials; reviewing evaluation reports and comments regarding the operation of the ELECTrack software by State board officials, affected users, and other persons; surveying officials in selected other states that have implemented electronic filing requirements in recent years; and in informal "testing" of the software ourselves, several observations regarding the implementation and continued deployment of the electronic filing requirements for campaign finance information emerge.

For years members of the General Assembly have complained about the difficulty in obtaining -- and retaining -- campaign treasurers to assist in the management of campaign finances and have been leery of placing additional burdensome requirements or duties on those individuals. However, the office of treasurer for a campaign finance entity is an extremely important and complex job that requires good accounting and financial management skills.

While the State board acknowledges that there were some "bugs" in the initial software design (which was to be expected), it reports that one of the severe challenges it experienced in implementing the electronic filing requirements for campaign finance information is the lack of information technology experience by a significant number of the filers who are required to use the ELECTrack system.

Prior to the deployment of ELECTrack in 1999 for the larger class of affected campaigns that are now governed by the law, the State board conducted a series of public training seminars throughout the State; established a “Help Desk” at its offices in Annapolis; provided “Online Help”; and provided a computer terminal at its offices that filers could use to prepare and file their reports. A majority of filers participated in these outreach efforts. However, despite these outreach efforts, the State board was overwhelmed with over 1,000 calls from campaigns for assistance with the electronic filing software. Following the example of Michigan, a mandatory training regimen on the ELECTrack software for new treasurers likely would be beneficial for the State board and the treasurer and reduce substantially the “Help Desk” calls when the treasurer actual commences the process of preparing and filing the campaign finance reports required by law.

- *The State board should consider seeking authority to permit it to require mandatory training on the ELECTrack software for individuals responsible for the electronic filing of campaign finance information.*

The State board is charged under the law to make the electronic campaign finance information filed with and maintained by it “... widely and easily accessible to the public.” The maintenance of a public Internet website by the State board for the campaign finance information filed with it is a decided plus and allows any citizen with access to a public or private computer with Internet access the opportunity to access the information. Some states that have instituted electronic filing requirements do not provide remote access but provide direct access only by modem, public kiosks, or on-site terminals. However, according to the NRC, the trend seems clearly in the direction of some form of public Internet display of the sort already in place in Maryland.

Currently, the campaign finance information on the State board website can be searched for contributions received and expenditures made. The information on the summary page can be searched as well. The State board is planning to incorporate searches on the basis of outstanding obligations incurred. The addition of this and other data manipulation features will significantly enhance the power and usefulness of the campaign finance information to the public.

The State board’s current policy is to update its website data weekly, and on a daily basis approaching a report due date. While this updating pattern is very timely, the State board may want to consider indicating on the web whether or not the information has been verified by the State board or is subject to change. These indications will provide the web site users a more complete and meaningful context in which to utilize the information taken from the website.

- *To enhance public access, awareness, and understanding of the campaign finance information that is maintained by the State board on its website, and to make the information more meaningful, the State board should work with its*

*consultant to improve the capability of the software to enhance manipulation of the data maintained on the website and to facilitate the insertion of data that is as current and complete as possible.*

All software from time to time requires updates and enhancements to improve the ease of use or to expand its performance. ELECTTrack recently introduced its second update in time for the November 2001 filing deadline. Version 2.7 of ELECTTrack filing software includes the 2001 and 2002 reporting dates which previous version did not include. The program update installs the program but does not change the master database thereby preserving previously stored campaign finance data.

ELECTTrack user group meetings held in May 2001 may result in additional enhancements to the campaign filing software. According to information reported on the State board's website, users expressed an interest in changes in the following functions:

- (1) Backups -- concern for on-call backups by users and the timing of interval backups by the system.
- (2) Defaults -- need to permit default values to speed up data entry in the form of payment and address related fields.
- (3) Data exchange -- interest in enhancing the flexibility of the import process.
- (4) Interface Concerns -- users would like to see increased AutoFill capability by creating more shortcut keys, such the use of the tab and enter key for different procedures.
- (5) Improved documentation and support.
- (6) Usability -- greater ease of use in the procedure to modify existing entries and improved error messages.

Consequently, although the electronic filing system is functioning well from the perspective of the State board and many users, other users continue to report difficulty with the system. The problem may stem, in part, from a belief by some users that the State board did not adequately involve and address user needs and concerns during the development of the system.

- *The State board's experience in implementing the EFS system suggests that the use of COTS software, good project management, and a sound software development plan all are necessary ingredients to help minimize cost overruns, missed deadlines, or unsatisfactory deliverables in the development of computer system projects.*

- *Moreover, in addition to requiring mandatory training for users of the ELECTrack software, the State board should aggressively utilize its users work group (that should include campaign treasurers and candidates) to serve as an advisory body to the State board as a vehicle to bring the concerns and issues of those users to the State board on a regular basis.*

Given that the State board uses the Internet to transfer and display campaign finance data, the issues of security and privacy are very important and warrant regular attention by the State board. Regarding network security, the State board's Web server is hosted by the Maryland State Archives and is protected by a firewall administered by the Archives. All administration functions requiring remote access to the server are conducted through secure encrypted channels only. As an additional measure of security, data displayed on the Web site are only replicated from internal servers which are not exposed to the Internet. The State board reports that to date its Web site has never been compromised or disrupted by any external attack by either worms or hackers. In coordination with the Archives, the State board should continue to monitor and assess the security of its Web site and make recommendations for improvements as appropriate. Regarding privacy concerns, the State board reports that data transferred to the State board by filers is not encrypted. The State board reports that it is currently considering changes in this area, and will regularly monitor and make improvements in this regard as well.

- *The State board should insure that it has in place policies and procedures to protect the integrity and security of the campaign finance information it maintains in an electronic format.*

To the extent that members of the public will be utilizing the State board's database more frequently, and given the recent heightened awareness by the public of privacy concerns in general, the State board may want to consider including a privacy policy on the website similar to that of Texas or Virginia. For example, a privacy policy could include statements regarding what, if any, routing information, essential technical information, or non-essential technical information about a website user is collected by the State board; whether or not "cookies" are utilized; and how collected information is managed by the State board.

- *The State board should consider adding a privacy policy to its website in order to facilitate confidence by the public in the confidentiality of using the website.*

Over the past few years, the State board has been charged with several major new responsibilities. Chief among these new responsibilities have been the implementation of the system for electronic filing of campaign finance information and the continuing implementation of a statewide voter registration system. Both tasks have consumed vast amounts of the time, energy, and resources of the agency. But, over time, a wise investment in information technology, although perhaps more costly during the time of

its development and implementation, may result in greater efficiency and provide significant fiscal savings -- with added convenience.

Even today the State board remains a relatively small State agency. It maintains a permanent staff of 27.5 and has a fiscal 2002 budget of \$6.6 million. In fiscal 1998, the State board permanent staff was 24 and its budget was \$1.9. The approximate \$4.7 million budget increase over the past three years is due primarily to the development and implementation of the electronic campaign financing reporting system, the statewide voter registration system, and issues associated with the Y2K conversion. To develop and implement the ELECTrack campaign finance information system and the statewide voter registration system, the State has engaged private consultants on the State board's behalf. The anticipated total costs of those services as well as the equipment needed for those services is estimated at almost \$9.3 million.

While it is important that the State board extol the success it has achieved in meeting the responsibilities with which it has been entrusted to implement these systems and fulfill its other duties, the State board should also ensure that appropriate State officials are informed about its need for adequate resources to meet those responsibilities and further strive to engender confidence that the public monies entrusted to it, or expended on its behalf, are efficiently spent.

- *The State board may want to redouble its efforts to ensure that it is provided with adequate resources for its operations and that the public has confidence that its resources are well-spent.*



## Appendix 1

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## Appendix 2

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 Linda H. Lamone  
Administrator

[Home:About the SBEvMSBE Staff Directory](#)
 
**Resources for**
[Citizens](#)
[Registered Voters](#)
[Candidates](#)
**Topics**
[Current Election](#)
[Past Elections](#)
[Campaign Finance](#)
[About the SBE](#)
**Shortcuts**
[Voter Registration](#)
[Counter Offices](#)
[Forms](#)
[Contact Us](#)

## State Board of Elections Staff Directory

This list details the name and function of the entire Maryland State Board of Elections staff.

**Utilities**
[Search](#)
[Print](#)
[Ee\\_e\\_d.back](#)
[New this week](#)

**Administration**

Linda H. Lamone

State Administrator

Timothy G. Augustine

Deputy State Administrator

Director

Ross Goldstein

Deputy Director

Terry Holliday

Campaign Fund Reporting

Overton Erwin

Candidacy

Ruth Maynard

Late Fee Assessment Waivers

Peggy Wilkerson

Campaign Accounts

Vicki Molina

General Inquiries

Sheela Khatri

Receptionist; General Inquiries

**Election Management Division**

Director

Donna J. Duncan

Deputy Director

Mary Wagner

Legislation Coordinator

Terri McKenzie

**Fiscal Management Division**

Budget Development

Rick Danaher

Fiscal Processing

Robyn Terry

Accounts Payable/Receivable

**Information Technology Division**

Director

Tejal Cherry

Network Administrator

Vincent Omenka

Technical Support

Thomas Queen

Web Development

Sebastien Biot

Ernestine Blake-Green

 Personnel Officer  
Health Benefits Coordinator

Sharon Proctor

**Voter Registration Division**

Voter Registration Coordinator

Kimberly Phillips

Voter Registration Coordinator

Jan Hejl

Joan Mobley

Vincent S. Slipp  
Shipping and Receiving  
Voting Systems and State Procurement  
Joseph Torre  
Director



## Appendix 3

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National Association for Public Health Statistics and Information Systems  
Agreement for Administering the Vital Records Exchange System for 2000-2002 Events

'the vital and health statistics directors of the registration areas of the United States and Canada hereby agree: To send copies, where not prohibited by statute, of birth, death, fetal death (stillbirth) and induced abortion certificates or records occurring to non-residents in their jurisdiction to the registration area where the individual usually resided and copies of death certificates for person of any age to registration area of birth. Reciprocally, for deaths under one year of age, the registration area where the birth occurred will send a copy of the birth certificate to the registration area where the infant died. Registration areas may agree to exchange information via electronic or other media on an individual basis.

2. That standard electronic formats shall be used whenever possible instead of paper copies or printouts and shall contain sufficient information to be used for statistical and administrative purposes.

3. That the name, other identifying information, and medical information shall not be deleted from birth and death certificate information provided under this agreement. It is recommended that names be obliterated on records of fetal deaths (stillbirth) and induced abortions.

4. That in no instance may a registration area issue certified copies or abstracts of vital records received from another registration area-

5.  
6. That transcripts or copies of vital records provided under this agreement may be used for:  
a. Statistical analysis

c. Research conducted or authorized by the State Registrar or other went receiving the exchanged records where the identity of the individual, names, or other personal identifiers are not released nor any release of information which would inescapably have the same result.

d. Program purposes as specified in the *Addendum to 2000-2002 Interstate Exchange Agreement*.

7. That any other use of records or information from records provided in accordance with this agreement requires the written permission of the registration area where the record is officially registered or filed. If a registration area shares exchanged data with local public health agencies for the support of public health programs, the state must have an agreement with the local agencies that parallels the conditions contained within this interstate agreement.

8. That each registration area shall establish a schedule for final disposition of the **transcripts and copies provided under this agreement** so that they will be retained only long enough to serve their purposes.

9. That all transmittals of copies of transcripts or electronic records are to be made no later than 90 days following the month of record. To ensure optimum utilization of the records, special efforts will be made at the beginning of a new calendar year to meet this

Registration Area \_\_\_\_\_ Agency \_\_\_\_\_

Specify records or fields excluded from agreement, \_\_\_\_\_  
\_\_\_\_\_

Specify whether you would prohibit release of records to private sector organizations that operate programs on behalf of the state.

Births: Yes F ] No F ]

Deaths Yes 1 - 1 No

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

CONTACT PERSON:

Name \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

MAIL RECORDS TO:

Name \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

**BIRTHS**

Authorization (see Explanation below for valid codes)

(see next page for an explanation of each of the

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 O ~ , ~ G , ~

*Comments/Definitions*  
 (e.g., report only cell size > 6,  
 report only to MCD level, no followback to

Birth defects registry  
 Child death fatality reviews  
 Child support enforcement  
 Healthy Start program eval.  
 Immunization registry  
 Infant death reviews

PRANIS  
 AIDS registry  
 Medicaid enrollment

**H T-TTI**


Enter one of the following codes into each cell. Leaving a cell blank implies no release.

Y = Yes, release

N = No release

NA = Not applicable

**Explanation:**

Infant ID Infant's identifying information (name, date of birth, time of birth)

Parent ID Parents' identifying information (names, full dates, street addresses)

Birth Info Basic birth information (gender, plurality, birth order, place of birth)

Geographic Geographic information (county, MCD, zip)

Demographic Parents' basic demographics (race, ethnicity, education, occupation code)

Infant med Infant's medical information (abnormal conditions, congenital anomalies, etc.)

Mother med Mother's medical information (physical description, pre-pregnancy conditions, during pregnancy conditions, other risk factors, etc.; excluding HIV/AIDS)

Certifier Certifier's identifying information (name, license number)

Dates Dates with only month and year .

NOTES/COMMENTS (include list of specific data items that CANNOT be shared with other programs and/or general program restrictions, such as reporting restrictions):

IN ALL CASES, AGREEING TO USE OF BIRTH RECORDS FOR PROGRAM PURPOSES IN A RECIPIENT STATE AGENCY DOES NOT IMPLY PERMISSION FOR (1) ANY SECONDARY RELEASE OF THOSE RECORDS BY THAT PROGRAM WITHOUT SPECIFIC APPROVAL FROM THE STATE

Birth defects registry-this registry is for the purpose of initiating and conducting investigations of the causes, mortality, methods of prevention, treatment, and cure of birth defects and allied diseases.

Child death fatality reviews-these are case study reviews by local cross-disciplinary teams using data already collected to establish the facts of the case and to determine if there are preventative measures that can be taken in order to prevent future deaths.

Information cannot be subpoenaed and all information is kept strictly confidential to the program.

Child support enforcement-this program utilizes vital records to determine parentage and to enforce orders for child support.

This program may reside in a separate state agency than the one administering vital records.

Healthy Start program evaluation-a study to determine the program effectiveness of providing prenatal care to low income women.

Immunization registry-A fully operational population-based registry includes capabilities to (1) protect confidential information, (2) enroll all children at the State or community level automatically at birth, (3) give providers access to complete vaccination history, (4) recommend needed vaccinations, (5) notify children who are due and overdue for vaccinations, (6) assess practice and geographic-level coverage, and (7) produce authorized immunization records. Registries may provide other important functions such as automatic reporting of adverse events. Registries may serve other purposes as well, including VPD surveillance, vaccine efficacy monitoring, and vaccine inventory management.

Infant death reviews-definition still to be determined.

PRAMS-the Pregnancy Risk Assessment Monitoring System, is a surveillance project of the Centers for **Disease Control** and Prevention (CDC) and state health departments. PRAMS collects state-specific, population-based data on maternal attitudes and experiences prior to, during, and immediately following pregnancy.

AIDS registry-these registries track AIDS patients and include identifying information.

Medicaid enrollment-the program responsible for maintaining the names of Medicaid enrollees.

rEATHS

Authorization (see Explanation below for valid codes)

(see reverse side for an  
explanation of each of the

	Decedent ID	Basic Info	Geographic	Parent/spouse	Demographic	Cause/manner	Injury	Certifier	Dates	Comments/Definitions (e.g., report only cell size > 6, report only to MCD level, r:o follow back to
Birth defects registry										
Child death fatality reviews										
Child support enforcement										
Infant death reviews										
Healthy Start program eval.										
Immunization registry										
Infant death reviews										
PRAMS										
IDS registry										
Medicaid enrollment										
Alzheimer's registry										
Cancer registry										
Parkinson's registry										
Maternal retirement										
Motor Voter registration										

Enter one of the following codes into each cell. Leaving a cell blank implies no release.

Y = Yes, release

N = No release

#### Explanation:

Dec. ID	Decedent's identifying information (names, full dates, street addresses) - Basic subject information
Basic info	(gender, plurality, birth order, place of birth) Geographic information (county, MCD, zip) Parent/spouse
Geographic	identifying information Target's basic demographics (race, ethnicity, education, occupation code, veteran
Parent/spouse	status, etc.) Decedent's cause and manner of death Injury information
Demographic	
Cause/manner	
Injury	
Certifier	Certifier's identifying information (name, license number) Dates

NOTES/COMMENTS (see Births):

IN ALL CASES, AGREEING TO USE OF DEATH RECORDS FOR PROGRAM PURPOSES IN A RECIPIENT STATE AGENCY DOES NOT IMPLY PERMISSION FOR (1) ANY SECONDARY RELEASE OF THOSE RECORDS BY THAT PROGRAM WITHOUT SPECIFIC APPROVAL FROM THE STATE

Birth defects registry-this registry is for the purpose of initiating and conducting investigations of the causes, mortality, methods of prevention, treatment, and cure of birth defects and allied diseases.

Child death fatality reviews-these are case study reviews by local cross-disciplinary teams using data already collected to establish the facts of the case and to determine if there are preventative measures that can be taken in order to prevent future deaths.

Information cannot be subpoenaed and all information is kept strictly confidential to the program.

Child support enforcement-this program utilizes vital records to determine parentage and to enforce orders for child support.

Healthy Start program evaluation-a study to determine the program effectiveness of providing prenatal care to low income women.

Immunization registry-A fully operational population-based registry includes capabilities to (1) protect confidential information, (2) enroll all children at the State or community level automatically at birth, (3) give providers access to complete vaccination history, (4) recommend needed vaccinations, (5) notify children who are due and overdue for vaccinations, (6) assess practice and geographic-level coverage, and (7) produce authorized immunization records. Registries may provide other important functions such as automatic reporting of adverse events. Registries may serve other purposes as well, including VPD surveillance, vaccine efficacy monitoring, and vaccine inventory management.

Infant death reviews- definition still to be determined.

PRAMS-the Pregnancy Risk Assessment Monitoring System, is a surveillance project of the Centers for Disease Control and Prevention (CDC) and state health departments. PRAMS collects state-specific, population-based data on maternal attitudes and experiences prior to, during, and immediately following pregnancy.

AIDS registry-these registries track AIDS patients and include identifying information.

Medicaid enrollment-the program responsible for maintaining the names of Medicaid enrollees.

Alzheimer's registry-definition still to be determined.

Cancer registry- CDC has set forth national standards for data completeness, timeliness, and quality for central registries. By these standards, 95% of expected cancer cases occurring among state residents should be reported each year, cancer cases should be reported to the central registry within 6 months of diagnosis, and central registries should incorporate standards for data quality and form. as described by the North American Association of Central Cancer Registries (NAACCR) and recommended by CDC.

Parkinson's registry-the Parkinson's Disease Registry purpose is to provide a central data bank of accurate, historical and current information for research purposes. It provides for screening and collecting patient and family data that may be useful in detecting the incidence of and possible risk factors concerning Parkinson's disease and related movement disorders. It will also aid in planning for health care requirements and education needs.

State retirement-the agency of government responsible for managing the retirement system for state and other government employees.

Voter registration-the agency of government responsible for maintaining voter rolls, generally maintained by a board of elections or county and state auditors or a state Secretary of State's office.





## Appendix 4

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	Decedent ID	Basic Info	Geographic	Parent/Spouse	Demographic	Cause/Manner	Injury	Certifier	Dates
Alabama									
Alaska									
Arizona									
Arkansas									
California									
Colorado									
Connecticut									
Delaware									
District of Columbia									
Georgia									
Hawaii									
Idaho									
Illinois									
Indiana									
Kansas									
Kentucky									
Louisiana									
Maryland									
Massachusetts									
Mississippi									
Missouri									
Montana									
Nebbraska									
Nevada									
New Hampshire									
New Jersey									
New Mexico									
New York									
North Carolina									
Ohio									
Oklahoma									
Oregon									
Pennsylvania									
Rhode Island									
South Dakota									
Tennessee									
Canadian Provinces									
Alberta									
British Columbia									
Manitoba									
New Brunswick									
Newfoundland									
Northwest Territories									
Nova Scotia									
Ontario									
Prince Edward Island									
Quebec									

Key: y = Release required; n = No release required; l = Informed consent required. Note: An r indicates that additional state requirements apply or that the state has provided additional information regarding its release procedures than could be conveyed in this table.



## Appendix 5

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**STATE BOARD OF ELECTIONS**

Linda H. Lamone, Esq.  
Administrator

Timothy G. Augustine



Ross Goldstein  
Terry Holliday  
*Candidacy and Campaign Finance*

MEMORANDUM

**DATE:** August 20, 2001

**TO:** All Local Board Election Directors

**FROM:** Linda H. Lamone, Administrator

**SUBJECT:** Continuous Registration Procedures

While the State Board and its staff appreciates the comments and concerns regarding the implementation of continuous registration made by the local boards and the Maryland Association of Election Officers (MAEO), we must move forward in order to comply with the mandates of existing law. In its meeting on August 8, 2001 the State Board members determined that continuous registration must begin immediately in all jurisdictions. Therefore, attached to this memo, you will find the preliminary procedures set forth by the Continuous Registration Committee.

As I mentioned in the Election Directors meeting, SBE will immediately begin the process to set up an intranet that will afford all 24 jurisdictions the opportunity to electronically communicate with each other and with SBE. We believe that this system will ultimately reduce the time and labor concerns with continuous registration and will provide more accessibility for all local boards through an email system. A representative from ES&S will be meeting with Ms. Joan Mobley on August 23, 2001 to ensure that the Central Voter Registration Data Base (CVRDB) system is fully prepared for the remote access that will also enhance the continuous registration process.

In the meantime, continuous registration will be carried out using the procedures designed by the Continuous Registration Committee. All members of the committee should be commended for their efforts with a special thanks to Kaye Robucci for her extraordinary efforts. While they tried ~ to create universal procedures that address the challenges presented by continuous registration, situations may still arise in your office that could not have been foreseen. The attached document is a "work *in progress*" and will serve as a basis for regulations and will need to be modified as necessary. As situations arise in your office, please forward concerns

in writing as soon as possible to Ms. Jan Hejl at SBE via fax (410) 974-2019 and/or email at [ihellections.state.md.us](mailto:ihellections.state.md.us).

Jan will meet with the Continuous Registration Committee to revise the preliminary procedures, keep track of all correspondences, and work closely with the committee to develop procedures that will work for everyone.

Enclosure/Attachment

cc: Judy Arnold, Assistant A.G.  
SBE Staff  
State Board Members



# Implementation Guidelines for Continuous Registration

As mandated by Chapter 424, 2001 Session

Proposed by the Continuous Registration Committee

Issued by the State Board of Elections

August 20, 2001

## **DEFINITIONS:**

**CURRENT COUNTY** - The new county of residence where the applicant is applying for voter registration.

**PREVIOUS COUNTY** - The old county of residence where the applicant was located.

**NEW REGISTRANT** - An applicant that is not currently **registered to vote** in Maryland.

**TRANSFER** - An applicant that is currently registered to vote in Maryland and seeks to move his/her voter registration to another county within Maryland.

**TRANSMIT** - The transfer of documentation regarding a voter. The preferred method of transfer is by fax. However, mail may be used if materials are not time sensitive. If mailing to Previous County for confirmation, Current County should maintain a copy of the request for follow-up.

**COA** - A change of address request received from an applicant.

**VRA** - Voter Registration Application.

**VNC** - Voter Notification Card.

## DEFINITIONS (continued):

REGISTRATION INFORMATION CARD (RIC) - A confirmation from Previous County that applicant is a registered voter in another Maryland county. This specific report title is produced through the LEMS system. However, local boards currently not using the LEMS system must substitute either 2 copies of a voter's screen print from your current system or 2 copies of the original VRA. 1 copy will be maintained in the Current County, the 2<sup>nd</sup> copy will be returned to the Previous County stamped "Now Registered in \_\_\_\_\_ County".

To produce a Registration Information Card (RIC) from LEMS system: a) Perform a Registrant Search function; b) When Registrant information appears on the screen, **go to Reports**; c) At the bottom of the drop screen locate "Application Receipt" report; d) Push Print to produce copy of Report.

REGISTRANT RECEIPT - The bottom portion of the RIC.

If you receive a COA wherein your county is the Previous County, please perform confirmation of registration process as described in steps II and III before forwarding to Current County.

If you receive a COA, wherein your county is not the Previous County or the Current County, please forward COA to Current County. While we recognize that the COA will have to be forwarded to the Previous County prior to adding the applicant to the registry, under provisions of Continuous Registration the applicant must be added to the registry prior to removal. It is the responsibility of the Current County to ensure completion of the process.

# CONTINUOUS REGISTRATION SCENARIOS

## THE VOTER REGISTRY IS OPEN

### **I. VRA received and al! required information is present:**

- 1) Add applicant to the registry. Use processing date as registration date.
- 2) Send VNC to applicant.
- 3) Stamp previous registration portion of the form "Now Registered in County" and mail to Previous County.
- 4) When Previous County receives stamped cancellation, remove voter from registry.
- 5) If applicant resides in a different county, send to appropriate county ASAP.

### **II. Transfer received by way of informal letter, confirmation, VAC, old MVA forms, or VRA:**

- 1) Current County will Transmit COA request to the Previous County.
- 2) Previous County will confirm registration through generation of a RIC. Previous County will Transmit RIC to Current County. If Current County mailed original COA, Previous County must return original COA by mail to Current County.
- 3) Current County will add applicant to registry as a Transfer. At this time, LEMS users will designate these transfers as "New Registrant" with agency source of registration as "Other Board". Revised coding is being developed in-order to maintain source. Use processing date as registration date. Current County may keep RIC with original COA request.
- 4) Current County will stamp The Registration Receipt from LEMS system or the 2"d copy of screen shot from other voter registration system - " Now
- 5) Current County will send VNC to .registrant.
- 6) When Previous County receives stamped Registration Receipt or 2"d copy of screen print, remove voter from registry. At this time, LEMS users will designate these transfers as "Moved outside county/State". Revised coding is being developed.
- 7) If Previous County has no record of applicant, mark COA "Not registered" and

**III. Missing information (Party Affiliation, Date of Birth, or other required information):**

- 1) Current County will Transmit a copy of the request to the Previous County with missing information circled.
- 2) Previous County will confirm registration through generation of a RIC. Previous County will Transmit RIC to Current County.
- 3) Current County will add applicant to registry as a Transfer. Use information provided by Previous County on RIC to complete missing information. Use processing date as registration date.
- 4) Current County will stamp the Registration Receipt "Now Registered in
- 5) Current County will send VNC to the registrant.
- 6) When Previous County receives. stamped Registration Receipt, remove voter registry.
- 7) If Previous County has no record of applicant, mark request "Not Registered" and return to Current County. Current County will register application if possible. If party affiliation is missing register as "unaffiliated". If date of birth missing follow

Use same coding as described in Section II.

**IV. No previous registration information is provided or registrant is not registered in Previous County:**

- 1) Treat the applicant as a "new registrant." 2) If party. affiliation is missing on application, register as "unaffiliated."

**THE VOTER REGISTRY IS CLOSED DUE TO PARTY  
AFFILIATION CHANGES**

The deadline for party affiliation change is June, 2001, therefore, detailed procedures will be provided at a later date.

## CRIMINAL CONVICTIONS

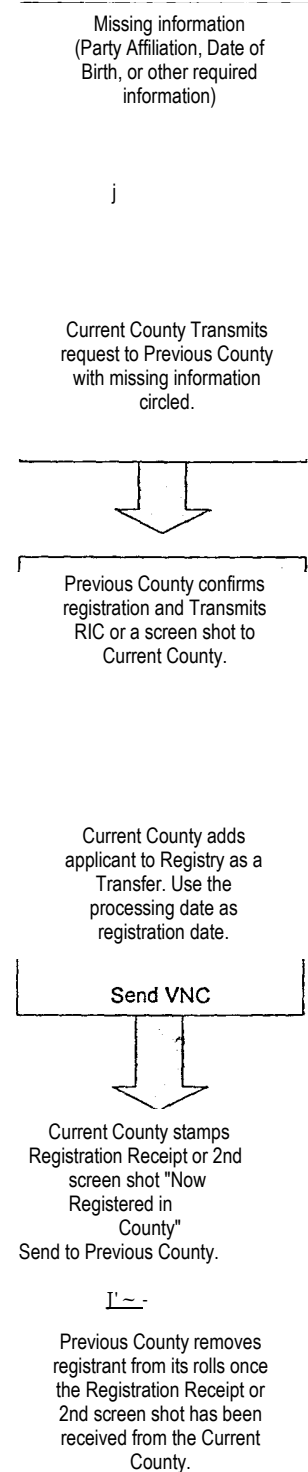
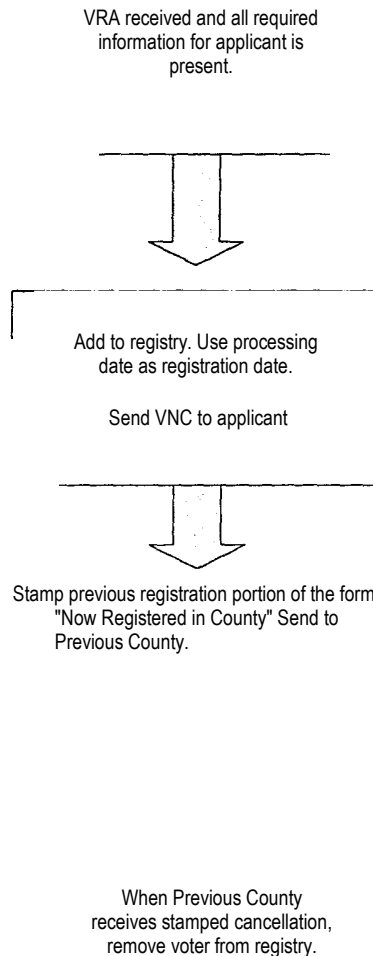
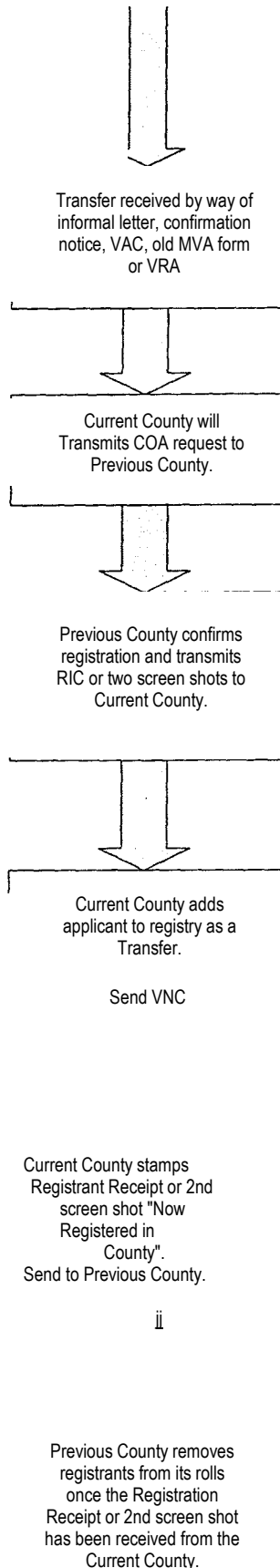
- 1) Follow the procedures for a transfer. If in the course of removing the registrant from the Previous County rolls, it is determined that the registrant was removed due to an infamous crime conviction, the Previous County has a duty to inform the Current County of this status.
- 2) The Current County will send a notice to the registrant informing them that their registration has been cancelled in the Previous County and it will be removed from

# CURRENT COUNTY RECEIVES

Procedure II

Procedure III

Procedure i



## Appendix 6

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## Nationwide Campaign Finance Reporting Requirements

None (15	All Voluntary	Mandatory/ Mixed **	Who Must File	Threshold Amount of Campaign Revenues	How Filing May Be
i	(19	(16	Electronically	or Ex enditures	Made
Alabama	Alaska	California	All statewide, legislative, & judicial candidates, incumbents & PACs	\$50,000	Diskette or Internet/ paper copy required
Arkansas	Arizona	Connecticut	All statewide campaigns	\$250,000	Diskette or Internet
Idaho	Colorado	Florida	All campaigns	None specified	Diskette
Kansas	Delaware				
	Indiana				
Maine	Iowa	Georgia	As of 6/01, all constitutional, statewide judicial and PSC offices; as of 1/03, all statewide candidates and PACs	\$20,000; as of 1/03, \$10,000 for newest offices	Diskette or Internet/ paper copy required
Montana	Kentucky				
Nevada					
	Michigan				
North Dakota	Minnesota	Hawaii	Gov, Lt Gov, mayors, county council and prosecuting attorney	None specified	Internet
	Mississippi				
Ohio					
	Missouri	Illinois	All campaigns	\$25,000; as of 7/03, \$10,000	Diskette
Oregon	Nebraska				
Rhode Island	New Hampshire		Louisiana	All statewide campaigns	\$50,000 Diskette
South Carolina	New Jersey	Maryland	All statewide and non-statewide campaigns that must file with SBE	\$5,000	Diskette or Internet
South Dakota	New Mexico				
Tennessee	Oklahoma *	Massachusetts	As of 1/02, all statewide campaigns; as of 1/04, al other campaigns	10% of expenditure limits specified in Clean Elections law	Diskette and modem/ paper copy required
Vermont	Pennsylvania				
	Utah				
	West Virginia	New York	All campaigns	\$1,000	Diskette/ paper copy required
		North Carolina	All statewide campaigns	\$5,000	Diskette or e-mail
		Texas	All campaigns	For non-statewide offices, \$20,000	Diskette, Internet and modem
		Virginia	All statewide campaigns; General Assembly candidates strongly encouraged	None specified	Disketto

<b>None (15)</b>	All Voluntary (19)	Mandatory/ Mixed	Who Must File <u>Electronically</u>	Threshold Amount of Campaign Revenues ~ How Filing May Be or Expenditures Made
		Washington	As of 1/02, all campaigns	\$25,000; as of 04, Diskette or Internet
		Wisconsin	Due to problems with the original computer system, electronic filing mandate is suspended until a new system is in place; <u>there is no funding at the present time</u>	
		Wyoming	Since funding has yet to be provided, no <u>system is in place</u>	

States listed in boldface were surveyed by phone by DLS staff for this portion of the report.

\* Oklahoma initially mandated electronic filing of campaign finance reports, but repealed the mandatory language in 1998.

\* \* Information obtained from each state's Web site and from the DLS staff phone survey.

## Appendix 7

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# State Board of Elections

Linco H. Lamm  
Administrator

Search

## Resources for

[Citizens Registered Voters](#) [Candidate:](#)

## Topics

[Current Election](#)  
[Past Elections](#)  
[Campaign Finance](#)  
[About the SBE](#)

## Shortcuts

[Voter Registration](#)  
[Counter Offices](#)  
[Forms](#)

WIN"

[Search](#)  
[Print](#)  
[Feedback](#)  
[New this week](#)



**Voting System Procurement** The Maryland State Board of Elections is seeking to procure the services of a firm or firms capable of providing, for use in Allegany, Dorchester, Montgomery, and Prince George's counties, a Direct Recording Electronic Voting System, and an Optical Scan Absentee Ballot Voting System. The [Request for Proposals and subsequent addenda](#) are available

in PDF. ([What is PDF?](#))

**Campaign Finance Database** The State Board of Elections has completed the third component of an ongoing project to provide you with online access to [campaign finance data](#). The third component allows you to search summary information reported by Maryland candidates, PACs, parties and other campaign committees.

**Special Committee** Governor Parris N. Glendening established a [Special Committee on Voting Systems and Election Procedures](#) on December 4, 2000 to review Maryland's election policies and processes. This Special Committee has released its [report on voting systems and election procedures](#) in PDF. ([What is PDF?](#))

**2000 Presidential Elections** Official results for the 2000 Presidential General and Primary elections in the state of Maryland are still kept under [Current Election](#). There you will also find additional data about the election such as candidate lists, voter

**Campaign Finance & Electronic Filing Classes** The State Board of Elections Division of Candidacy and Campaign Finance will be holding [classes](#) to provide training on the new version of the Electronic Filing Software as well as to provide information on campaign finance compliance.

**Upcoming Board Meeting** The next board meeting is scheduled to take place on September 12, 2001, at the Maryland State Board of Elections office (Direction ). (0811412001)

**Petitions Filing Update** The deadline for submitting the balance of statewide referendum petition signatures was Saturday, June 30, 2001. The status of the petition filing efforts is listed on our [petition information page](#). (0711912001)

**2001 Legislative Summary** The 415th session of the [Maryland General Assembly](#) ended on April 9th, 2001. Some of the 2300 bills enacted during the 2001 session will directly affect the State Board of Elections. (06/05/2001)

**ELECTrack Users Group Meetings** On May 2nd and 3rd, 2001, the State Board of Elections held meetings of the ELECTrack Users Group to discuss the state of Maryland's free electronic filing software and to determine priorities in [improving its usability](#)

Electronic Filing Software

turnout, and absentee voting information.

**Legislative Districts and more...**

If you're looking to identify your legislative district, researching facts and data about Maryland, or out to contact your Representative in Congress, this [collection of links](#) will point you in the right direction.

Update Campaign committees using ELECTrack Maryland version 2.7 will need to make a slight modification to their program to enter contributions and expenditures for the 11/8/2001 report. This [software update](#) is fast and easy.

# State Board of Elections

Linda H. Lammie  
Administrator

Search

Home - Campaign Finance On-line Database Querying Applications

## Resources for

[Citizens](#)  
[Registered Voters](#)

## Topics

[Current Election](#)  
[Past Elections](#)  
[Campaign Finance](#)

## Shortcuts

[Voter Registration](#)  
[County Offices](#)  
[Forms](#)

## Utilities

[Search](#)  
[Print](#)  
[Feedback](#)



## Campaign Finance Database

All campaign committees that are filed with the State Board of Elections are required to submit detailed reports disclosing all of their financial activity. This information has been compiled into a master database that is now available for your review in the following ways. You can create...

1. [searches on contributions](#) received by campaign committees.
2. [searches on expenditures](#) made by
3. [searches on summary information](#) reported by campaign committees.

### Understanding the Campaign Finance Database

1. [What is a campaign committee?](#)
2. [Which campaign committees are included in the Campaign Finance Database?](#)
3. [How is the Campaign Finance Database compiled?](#)
4. [What period of time is covered in the Campaign Finance Database?](#)
5. [What information must be reported and when?](#)
6. [Why do certain contributions and transfers seem to exceed the legal limits?](#)

What is a campaign committee? A campaign committee is one of several different types of committees that may be filed with either the State Board of Elections or a county board of elections. The different types of campaign committees include:

1. Candidate Committees (including Personal Treasurer Accounts)
2. Slates
3. Political Action Committees
4. Party Central Committees
5. Ballot Issue Committees

Which campaign committees are included in the Campaign Finance Database?  
All campaign committees that file their Campaign

## Also on our website

### Political Parties

Political groups must follow specific procedures to become officially recognized as parties in Maryland. Six have completed those steps successfully.

### Registration

[Data Complete](#) monthly registration statistics for the state of Maryland by county and/or by party.

### Campaign

[Finance Database](#) Campaign Finance contributions and expenditures are public records which you can now access online.

### Election Results

Official results for the 2000 Presidential Election were certified last December. Browse, print, or download them.

Reports with the State Board of Elections are part of the campaign finance database. The following committees file with the State Board of Elections:

1. All candidate committees for State candidates including, Governor, Lt. Governor, Comptroller, Attorney General, State Senator, House of Delegates, and Judicial candidates (except Judge of the Orphans' Court).
2. All PACs that support or oppose State candidates.
3. Ballot Issue Committees that support or oppose a statewide ballot question.
- 4 All party central committees (both State and local).
5. Candidate committees for local candidates and PACs that support or oppose local candidates (candidates for all county offices and Judge of the Orphans' Court) if the candidate committee is a continuing committee.

How is the Campaign Finance Database compiled? Campaign committees that file with the State Board of Elections are generally required to file their reports in an electronic format using software provided by SBE or by a private vendor. The information is sent by the filers to SBE either on a diskette or via the Internet. Once received by SBE, the data is uploaded to a master database.

Certain campaign accounts that have minimal financial activity are exempt from the electronic filing requirement. However, their data is manually entered into the database by the SBE staff.

What period of time is covered in the Campaign Finance Database? The database begins with data from the 11/23/1999 Baltimore City Post General Report. For the many of the campaign committees, the 11/23/1999 report covers all transaction in 1999. However, certain campaign accounts that were participating in the Baltimore City election filed reports earlier in the year and therefore their 11/23/1999 report only includes transactions beginning on 10/18/1999. It should also be noted that several campaign committees who were participating in the Baltimore City election did file some of their earlier reports electronically. What information must be reported and when? Campaign committees must report all money received, all money spent, and all unpaid loans and debt. Specifically the information must include:

- . The name and address of each contributor, the amount



contributed, and the aggregate amount of all contributions by that contributor. In addition, contributors must be classified as either an individual, business entity, federal committee, political club, candidate account, central committee or PAC.

- . The name and address of each individual who receives money from the campaign committee and the amount of money received. In addition, each expenditure must be classified by one of 13 different purposes such as salaries, rent, field expenses, post or printing.
- . The name and address of each person to whom the committee owes money. If the money owed was from a loan, the amount of interest charged and paid must also be reported along with the terms of the loan.

Reports are filed in conjunction with an election. Accordingly whenever there is a primary election, a campaign committee must file two pre-primary reports. When there is a general election, the committee must file a pre-general report and a post general report. For example, in 2000 the following reports were filed:

#### Reporting Schedule for 2000

Pre Primary Z8/2000 4th Tuesday Preceding the Primary

1

Election  
Pre Primary

2

2/25/2000 2nd Friday Preceding the Election

Pre General 10/27/2000 2nd Preceding the Election

Post General 11/28/2000 3rd Tuesday following the General

A committee can file an Affidavit stating that they are not planning on participating in the current election. If such an affidavit is filed on or before the first pre-primary report deadline, then the committee only owes the post general report.

In addition, non-continuing committees only file the entire series of reports in the year that they designate as their year of activity. After that they are expected to close their account. However, if they have outstanding obligations, they must continue to report until all of the outstanding obligations are satisfied. In such cases, they are required to file a report six months and then one year after the General Election in which they were active and then annually after that until they close their campaign account.

In 2001, since there is no election, all campaign committees will file one report on 11/8/2001.

For more information on this subject, please see later 1 [of the Summary Guide](#).

**Why do certain contributions and transfers seem to exceed the legal limits?** The amount of money given by a donor is subject to the limits specified under Maryland law (see [Chapter 7 of the Summary Guide](#) . In certain instances, the amount of money that is listed may seem to exceed these limits. However, in most instances one of the following reasons explains the apparent over-contribution:

- . Campaign committees are allowed to report contributions under \$51.00 as a lump sum. For example, Committee to Elect John Jones holds a fundraiser in which \$20 tickets are sold. If the committee sells 500 tickets, it can lump sum report the \$5,000 received from ticket sales.
- . Slates and the committees for the candidates associated with the slate are allowed to transfer unlimited sums of money between one another.
- . Pursuant to 1975 and 1978 Opinions of the Attorney General, 60 OAG 259 (1975) and 63 OAG 263 (1978), , political parties are allowed to receive administrative contributions that do not count towards the contributors' contribution limits, provided the money is used for the regular and ongoing administrative activities of the party. The same exception is applicable to corporations that make contribution to their corporate PAC.

If you have questions about a contribution or its legality, please feel free to [contact this office](#) for more information.

## Appendix 8

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# Campaign Finance Newsletter

## Electronic Filing Software (EFS) Update

In May the Maryland State Board of Elections held two EFS User Group meetings to discuss enhancements to EFS. Computer Science Corporation (CSC) is currently in the process of getting out a new version of EFS that will include an Auto-fill feature for both contributions and expenditures, as well as a simplified backup and restore process.

The Auto-fill will change the way that data goes into the system. Rather than picking a report form, you will be asked to enter the name of a contributor. A match against a lookup table will find the address and other information for anyone who has previously contributed. Using that information the software will be able to determine in which form and column the contribution should be recorded. The amount, date, and type of a contribution will be carried forward

from the previous entry rather than having to be re-keyed so that strings of similar contributions will be easier to enter. Similar functions are being added to the expense recording module.

In support of another major concern, CSC is adding a backup feature that will save the filer's entire database to a diskette. There will be both an automatic backup when exiting and a menu option to backup your work.

Finally, CSC is adding a feature that will allow filers to export their data in a simple data format. This will allow filers to use their data with other software applications such as Microsoft Excel. CSC will also provide Instructions on extracting data directly from the database for external analysis and use.

See Page 2 for answers to  
Frequently Asked Questions.

## Campaign Finance on the Web

[www.elections.state.md.us](http://www.elections.state.md.us)

Over the past year the Maryland State Board of Elections (SBE) has intensified its efforts to use the Internet as a means to give the public access to campaign finance information and to assist candidates and campaign committee staff in dealing with their administrative tasks.

Currently the SBE website holds the entire Summary Guide to *Maryland Candidacy and Campaign Finance Laws*, along with downloadable versions of all the forms in use by the Division of Candidacy and Campaign Finance. By the end of the year, the website will contain a component that will allow campaigns to check their account status in order to determine when their next report is due or whether they owe any reports or outstanding late fees. In addition, SBE is looking into the possibility of providing a method for campaigns to update their account information via the website.

Launched in January 2001, the on-line campaign finance database has been the most visited area of the SBE website for six months in a row. Expenditures and contributions reported to the Maryland State Board of Elections are included in the searchable on-line database as they are filed by Maryland campaign accounts. Users can then filter the data looking for specific patterns and easily save and re-use the results of their searches.

Building upon the success of the campaign finance database, SBE is getting ready to add to its website a new on-line database offering access to a wide range of election data including election results, voter turnout, candidate list, and campaign finance information. While this data currently exists, it will be reformatted as units linking to one another making the database particularly flexible and easy to navigate.

## Introduction

*This edition of the Campaign Finance Newsletter is the first of what we hope will be an ongoing series of communications with the Campaign Finance Community in Maryland. We intend for this Newsletter to update you on important information regarding campaign finance compliance and administration as well as keep you abreast of legislative and administrative changes. Your input and suggestions for this Newsletter and how, it can best serve your needs are welcome.*

Ross Goldstein, Director

## Important Dates

September 28, 2001- Class\*  
State Highway Administration Offices in  
Hanover from 1:00PM - 3:00PM  
October 1, 2001- Software Release  
Release of New Version of ELECTTrack  
Electronic Filing Software  
October 4, 2001- Class  
Hagerstown Community College  
1:00PM - 3:00PM  
October 9, 2001- Class\*  
Montgomery County Board of Elections  
1:00PM - 3:00PM  
October 10, 2001- Class#  
Chesapeake Community College Cambridge  
Center 1:00PM - 3:00PM  
October 11, 2001- Class;  
State Highway Administration Offices in  
Hanover from 6:30PM - 9:30PM  
November 8, 2001- **Report Due** Annual Campaign  
Finance Report due for all campaign accounts\_

Additional information on training classes will be sent to you in several weeks. In addition, information, including directions to class locations, is on the SBE website  
[www.elections.state.md.us](http://www.elections.state.md.us)

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## Electronic Filing FAQs

- Q. Do I have to wait until I receive the new version of the software to begin working on my November 8, 2001 Annual Report?
- A. *No. You can begin working on your 2001 Report using the version that you have now.*
- Q. Do I need Microsoft Access 2000 to use the new version of the software?
- A. *No. You need a Windows operating system, but no other software is necessary to support the electronic filing software.*
- Q. Will all of the data that I currently have be available after I install the new version of the software?
- A. *Yes. When you install the new version of the software you will be updating the program and reformatting the data. However, none of your data will be lost or altered.*
- Q. What do I do if the 2001 Report is not available on my current version of the software.
- A. *First, open the software and go to the report entry screen and type 2001 into the Report Year field. If you get a message telling you that the year entered is not in the system, close the program and either call the Help Desk Line or see the instructions on our website [www.k.elections.state.md.us/campaign\\_finance/electronic\\_filing/update.html](http://www.k.elections.state.md.us/campaign_finance/electronic_filing/update.html).*
- Q. Do I have to use the State's software?
- A. *No. Maryland law only requires that you file electronically in a format specified by the State Board. If you prefer, you can use your own software and format the data to meet our specifications. The file format specifications are provided either upon request or on our website [www.k.elections.state.md.us/campaign\\_finance/electronic\\_filing/index.html](http://www.k.elections.state.md.us/campaign_finance/electronic_filing/index.html).*

### Data Entry Support

There have been a number of filers who do not have access to computer equipment but also do not qualify for a waiver of the electronic filing requirement. In an effort to provide some relief to these individuals, SBE has been working with the Office of the Comptroller to arrange to have data entry support provided at the Comptroller's branch offices throughout the State. Accordingly, filers who are eligible to receive this service will be able to take a completed copy of their Campaign Fund Report to the Comptroller's branch office where a data entry specialist will enter the reporting information.

### Classes

Please make plans to attend our October training classes (see schedule on page 1). The classes will cover general campaign finance compliance as well as tips for using the new version of the electronic filing software. In addition to the scheduled classes, the staff of the Division of Candidacy and Campaign Finance is available to conduct classes for groups of candidates, central committees, or other groups who are interested in hosting a candidate workshop. Please contact the Division if you are interested in scheduling a class.

### Proposed Branch Offices

- D Baltimore City
- t Towson
- D Bel Air
- D Prince Frederick
- Easton
- D Hagerstown
- D Wheaton

If you are interested in taking advantage of this service, please contact SBE in order to determine your eligibility and to schedule an appointment. Availability may be limited so we strongly suggest you not wait to schedule your appointment. Appointments will be honored on a first come first serve basis.

The State Board of Elections wishes to publicly thank Comptroller Schaefer for generously providing this resource to the Board and its filers.

### Waiver of Electronic Filing

Recently, a member of the General Assembly asked the Division staff to review the Electronic Filing Waiver criteria. Based on its review, the Division has recommended several modifications to the waiver standards. The members of the State Board will be considering these new standards at their next meeting on August 8, 2001. In general, the proposed waiver standards provide that a campaign account that has a cash balance (minus any outstanding obligations) that is less than \$5,000 will be eligible for a waiver. The account will remain eligible for the waiver as long as the cash balance stays under \$5,000 (this means that an account can raise and spend over \$5,000 without losing the waiver). However, if there are more than 30 transactions on a given report, the account will be responsible for filing that report electronically.

The State Board welcomes your input on this topic. You can either come to the Board's August 8<sup>th</sup> meeting or send your comments prior to the meeting for their consideration.

There were several important pieces of campaign finance legislation passed by the General Assembly during the 2001 Session. The following is a

### Reimbursement for Campaign Expenditures

SB 36, Chapter 14 - Effective 4/1/112001

Under current law, an expenditure may only be made by check drawn from the campaign bank account. This bill allows a candidate, campaign treasurer, sub-treasurer or other authorized person to make an expenditure on behalf of the campaign and then be reimbursed. The reimbursement must be by check and supported by a receipt. When you report a reimbursement, the law requires that you report the nature of the expense. For example, assume Bob uses personal funds to purchase \$100 worth of paper for the campaign from Office World and then gets reimbursed. The Campaign Fund Report should reflect \$100 expenditure to Office World. The remarks section should indicate: *"Reimbursement to Bob Smith"*.

### D Timely Filing of Campaign Fund Reports

SB 63, Chapter 17 - Effective 10/1/2001

Currently, if a Campaign Fund Report is received after the report due date, it will be considered timely only if it has a timely United States Postal Service Postmark. A private meter postmark or a receipt from a private carrier is unacceptable evidence of timely filing. This bill provides that a Report received within 3 days after the filing deadline will be considered timely if a private postal meter postmark or a receipt from a private carrier verifies that the report was mailed or delivered on or before the filing deadline.

### D Copies of Campaign Fund Reports

SB 66, Q1aM 1 R -Effective 10/1/2001

Currently, certain candidate campaign accounts are required to file copies of their Campaign Finance Reports and other related documents with both the State Board and the local board where the candidate resides. This bill removes the D requirement to file copies with the local board of elections. **Loans by Candidates**

### D' Administrative Closure of Campaign Accounts

SB 67, Cha, Zer 19 - Effective 1/0/111001

This bill authorizes the Maryland State Board of Elections to administratively close a campaign account if certain criteria are met. The bill also provides that any legal obligations of the officers or the candidate affiliated with the campaign account are not affected by the administrative closure of the account

Contacting the Division of Candidacy  
and Campaign Finance  
Phone - 410-268-2880 + 800-222-8683 x 4  
Help Desk - 410-269-2840 x 6 or 800-222-8683 x 6  
E-mail - rcrank7a@elections.state.md.us  
Website - www.elections.state.md.us

### D

### Political Action Committee (PAC) Fundraising

Under current law, money raised by a PAC must generally come directly from the contributor. This bill creates two exceptions to this rule. First, if an employer collects money by payroll deduction for dues to an organization of which employees are members, the employer may also collect, in conjunction with the dues, contributions to a PAC *affiliated* with the employee organization.

*Example: ACME Shoe Company collects payroll deductions for the United Shoemakers Union. This bill allows additional money to be deducted from each consenting employee's payroll along with the dues deduction. The employer may carry the money over to the PAC itself or to the Union. If the employer turns it over to the Union, the Union must transfer the PAC portion to the PAC within 30 days.*

Second, an affiliated entity of a PAC may collect contributions for the PAC along with membership dues or along with contributions to a federal committee.

*Example: The State Lagers Association has a PAC that gives its members the bill allow the Association to collect a voluntary PAC contribution from each member. The bill allows the Association to be able to write one check to the Association with the understanding that a portion of the money will be sent to the PAC by the Association within 30 days of receipt.*

The bill also requires strict record keeping of the amounts being collected and transferred. For purposes of the Campaign Fund Report, the contributions must be *Mated* as if received directly from the employee or member. Accordingly, the name and address of each employee or member must be listed as the Report (as opposed to the name of the transferring affiliated entity)- The one exception to this is if the funds are being reported as a lump sum.



Under current law, whenever a loan is made, including a loan by a candidate to his or her own campaign committee, a loan consent form must be filed, interest must be charged or accounted for as an in-kind contribution, and the loan must be paid off before the end of the next election cycle. This bill provides that if a candidate (or the candidate's spouse) loans money to his or her own campaign committee he or she may choose to file the loan consent form, which in turn eliminates the requirement to charge or account for interest and to pay off the loan by the end of the next election cycle. The bill also provides that a candidate who already has an outstanding loan to his or her campaign committee may file a statement with the November 8, 2001 Report affirming that no interest is being charged nor will any interest be paid to the candidate for the loan- Filing this affirmation will alleviate the campaign committee from charging interest or accounting for it as an in-kind contribution and remove the necessity to pay the loan off by the end of the next election cycle. If a candidate does intend to charge interest, he or she must file the loan consent form with the November 8, 2001 Report if this has not already been filed.





## Appendix 9

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## Electronic Filing Software Development Plan Modifications to ELECTrack

<p><b>Summary Page</b> Modification #1</p>	<p>Eliminate the requirement that prior report totals be carried forward and cumulative totals be calculated. Instead, only calculate current totals and only carry forward the cash balance.</p>
<p>Explanation</p>	<p>The current method of reporting both on paper and electronically is to calculate the current contribution type and expenditure type . totals. The querying flexibility of the database at the SBE website makes this information available and easily retrievable.</p>
<p>Modification #2 Explanation</p>	<p>Eliminate the Supplemental Report and the Transition Report The Supplemental Report is not required by Maryland's Election Code.</p>
<p>Modification #3 Explanation</p>	<p>Allow a user to indicate the desired report type after contributions and expenditures are entered. Currently, before a filer can enter contribution and expenditure information the filer must indicate the report type that he or she is filing. While this is usually not a problem, there are cases where the filer may begin entering data as one report type and then need to switch the data to another report type. Currently the software will not allow this switching. One solution would be to allow the filer to enter contributions and expenditure without assigning them to a particular report. Then when the filer is ready to create a report he or she can choose the report and assign all transactions within a specified date range to that report. Another solution would be to create a method by which a filer can switch report types.</p>
<p>Contributions Modification #4</p>	<p>Provide automatic search capabilities</p>

Explanation	Several users have requested that they be allowed to enter default information. For example, a user would be able to enter a default city and zip code, which could be overwritten.
Modification #6	Automatically provide prior contribution totals for identical contributors (automatic calculation of aggregate amount).
Explanation	Currently if a user identifies that a contributor is the same as a prior contributor, they will still need to search a second time to obtain the contributor's prior aggregate amount.
<b>Expenditure</b>	
Modification #7	Provide automatic search capabilities
Explanation	See modification #4
Modification #8	Allow user to enter certain default information
Explanation	See modification #5
<b>Outstanding Obligations</b>	
Modification #9	Change the method by which loans and debt are reported.
Explanation	The current method for reporting loans and debt using ELECTrack is very complicated and cumbersome for filers.
Miscellaneous	
Modification #10	Allow users to export their data in a comma separated values (CSV) format.
Explanation	The CSV format will allow the user to import their data into a variety of different applications, which will give them a lot of flexibility.
Modification #11	Explore the possibility of providing an import function.
Explanation	Currently not possible to import data into ELECTrack from another application. Several filers have voiced concern over not having the capability creates the need for them to undertake duplicate data entry.
Modification #12	Provide an easier method for campaigns to manage two accounts on one computer.
Explanation	This will reduce the complexity of managing multiple campaign accounts.

Modification #13	Review and test the Graphical User Interface and ensure its compliance with industry standards for usability and accessibility.
Explanation	Ensures consistency throughout the application.
Modification #14	Provide a method to automatically backup and restore the database.
Explanation	While it is currently possible to backup the database, it is not a built in function for the software.

Source: State Board of Elections.



## Appendix 10

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## Sample questions for states concerning campaign finance

- A. Development - How was the electronic filing program developed? Was it developed "in house" or contracted out? Any revisions since the initial implementation?
- B. Applicability - If electronic filing is mandatory, do you contemplating any changes to the scope of applicability of the electronic filing requirement, or going to voluntary? If voluntary, do you contemplate changing to mandatory?
- C. Format - How is an electronic filing made: disk or Internet, either one, other? Does the state board make software available? Any cost or free? Are paper copies still required? Are written signatures still required or is a digital signature accepted? What kind of security measures are in place for an electronic filing?
- D. Usability by candidates/ Support- What kind of training and on-going assistance to candidates is available from the state board? Any significant problems with the user-friendliness? What improvements have been made?
- E. Accessibility by the public- How quickly is information from an electronic filing available to the public (e.g., on the Internet)? How readily can the public manipulate the data available from the Internet? What kind of features are available on the Internet?



## Appendix 11

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# Campaign Money on the Information Superhighway:

Electronic Filing and Disclosure  
of Campaign Financial Reports

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*"The irony is that all the campaigns use computers, and then they translate it to hardcopy and then they give it to us [to*

*Miles Rapoport*

It has often been said that technology has a life of its own. This observation certainly rings true in the field of electronic filing and disclosure of campaign finance reports. After decades of little change in the way candidates and political committees disclosed their finances through paper records, the last few years alone have ushered in a revolution in how candidates and committees file their reports and how state agencies disclose these reports to the public. This revolution has been technologically driven in the form of electronic filing and disclosure. "Virtual" campaign finance data base technology is changing so rapidly, that any accurate survey of state activities in this field must be continuously updated.

Campaign finance disclosure has traveled a long and slow road in most states. Originally stored as *paper* documents in filing cabinets, *automation* of campaign finance data became an exciting new procedure in campaign finance disclosure as early as 1976 when Wisconsin utilized computers to store campaign records. In more recent years, however, **many states have moved away from manually feeding campaign finance data into their computers and toward systems of electronic filing.** In an electronic system, the information is digitized by the campaign committees themselves and transferred in electronic format via either diskette or modem to the centralized computer data base.

The movement to digitize is so rapid that each state has approached the new filing and disclosure technology with different objectives, with different software and operating systems, and at different costs. This study surveys the states and selected local jurisdictions on the evolution of campaign filing and disclosure systems. Its findings are drawn from a 1995-1996 telephone survey of elections officials in every state. The survey investigates the extent to which jurisdictions have developed or are planning to develop automated or electronic reporting systems as well as the

operations and costs of these systems. The experience of three jurisdictions is scrutinized in greater detail.

The report below is based on survey findings in the 1995-1996 period and, consequently, may be outdated in some respects today. For comparison purposes, the study concludes with an updated chart of federal, state, local and Canadian activities of electronic filing and disclosure of campaign finance data as of August 2000.

Also included is "The Peter Ratings" chart, an assessment of the quality of governmental Web sites designed to disclose campaign finance data to the public. Designed by Peter Kim of the Center for Governmental Studies, this ratings chart provides the opinions of Peter of what is good and what is not-so-good about each of the rated Web sites, followed by a grading of each site from best to worst. "The Peter Ratings" constitute a subjective assessment of Web sites from a person who is not a professional in the field of campaign finance-although a fine person indeed-and thus attempt to reveal how the general public may view these sites. Peter's assessments are current as of August 2000 as well.

#### A. From Paper to Bytes: **Campaign Finance Reporting Is Moving Into the 21st Century**

The traditional method of filing, storing and disclosing campaign finance records has been through paper recordkeeping. Some states, such as Maryland, continue to maintain campaign finance records in paper form. A review of filing and disclosing procedures in Maryland highlight a few of the many problems involved in paper recordkeeping. First of all, compiling, filing and maintaining paper documents is time-consuming and requires a sizable staff. Considerable storage space is needed to keep current records and to archive old records. Preserving the integrity of the documents can be difficult when they are continually handed out for public review. The data is not easily accessible to the public and, in order to be analyzed, must be photocopied and reentered into a computer data base-a very timeconsuming process that usually will date any meaningful analysis. Finally, Maryland elections officials frequently encounter problems in monitoring and enforcing violations of campaign finance laws because of the slowness and clumsiness of tracing contributions and expenditures from paper reports.<sup>z</sup>

For two decades, government agencies responsible for administering and enforcing campaign finance laws across the nation have struggled to fulfill their mandates. Submerged in paper flows and paralyzed by legislative inertia, many agencies lobbied for funds that would allow them to automate. As it became clear that funding would not be

# The Peter Ratings

by Peter Kim

	Find site on the web	Find site on state/city home page	Site interface: User friendliness	Site interface: Options and features	Data re adabilit	Data usefulness	Data relevance			
Jurisdiction	0	0	5					Overall	%	
Canada										
Score										
United States	3	0	4.	5	5	20	3	38	84%	
Illinois	2	1	3	3	4	15	5	34	76%	
San Francisco	3	1	4	4	4	15	5	34	76%	
Pennsylvania	3	1	5	4	4	13	5	34	76%	
Indiana	3	1	4	5	4	10	5	33	73%	
Seattle	1	2		4	4	10	5	32	71 %	
Michigan	3	1			3	12	5	31	69%	
Arizona	3	2	3	2	3	13	5	30	67%	
California	3	2	4	1	5	11	4	30	67%	
138			1							
	New Jerse	1	2	4	3	3	12	5	29	64%
	Utah	0	0	4	4	4	10	4	29	64%
	New York Cit	3	1	4	3.	3	13	5	28	62%
	Minnesota	3	2	4	3	2	9	5	27	60%
	Louisiana	3	1		3	3	9	3	27	60%
	Virginia	3	1	4	3	3	9	3	26	58%
	Florida	3	0	3	3	3	8	5	26	58%
	Alaska	1	1	4	4	2	8	5	26	58%
	Hawaii	2	0	4	3	3	8	5	25	56%
	NYo	3	1	4	3	3	9	3	24	53%
	ew York									
	fv									
Texas	3	1	4	2	1	8	5	24	53%	
Kentuck	3	1	4	1	3	6	5	23	51%	
Iowa	1	1	4	1	4	5	5	23	51%	
Score Range	0-3	0-2	0-5	0-5	0-5	0-20	0-5	0-45	59%	
Avers a Score	2.21	1.13	3.83	2.79	3.13	9.13	4.54	26.75	60%	
Median Score	3	1	4	3	3	9	5	27		



## The Peter Ratings

### Explanation of the Scoring System

**Find site on the web (3 points)** With the Internet growing in size daily, it is even more important that a web site be easy to find for it to be useful.

To locate each site on the web, I performed a simple search. Using Internet Explorer 5. I entered the following text "[name of state/city] campaign finance" in the address bar. This activates the MSN search engine (the default search engine for Internet Explorer 5), telling it to bring up a List of web sites that may contain relevant data. The resulting list of sites is arranged according to which sites the search engines perceives to be the best match.

Each site was given a score based on the following criteria:

- 3 points - the site was in the top 10 sites listed 2 points - the site was in the top 11-30 sites listed OR found direct link to the site after visiting one of the first 10 listed sites 1 point - found direct link after visiting one of the first 11-30 sites listed OR found site when I followed two links after visiting one of the first 10 listed sites 0 points - failed to meet any of the above criteria
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#### **Find site on country/state/city home page (2 points)**

I wanted to see just how well each Campaign Finance site was integrated with the main web site for the

Each site was given points based on the following criteria:

- 2 points - site was reasonably easy to access by both a set of links and by a site search
- 1 points - site was somewhat hard to find OR was only accessible by links or site search
- 0 points - site was very difficult to locate OR couldn't find a central web site for the state's/country's/city's government

**Site interface: User friendliness (5 points)** Each site was given points based on how intuitive it was to extract records of campaign financial activity. I judged the search forms or menu of links used to access the data by how clear they were to use. I also looked for online help and explanations for the different features of a site.

**Site interface: Options and features (5 points)** Each site was judged by the quality and quantity of features that enhanced both the data search forms and site navigation as a whole. This includes the ability to do the following:

- select from a list of candidates/committees for a search searching
- data over any user-defined time period view summary reports
- easily navigate to the main parts of the site use wild cards as part
- of the search criteria access to more advanced and optional
- search criteria
-

## The Peter Ratings

Data readability (5 points) Each site was judged by the layout of their report data. I focused on the formatting of the data text, including font size, clarity of font, clear alignment of data values and their headers, use of tables to organize data, arrangement of reports that didn't fit within a single screen.

Data usefulness (20 points) This was clearly the most significant factor in judging each web site. I looked for the ability to "do something" with all of the data that each site provided.

I looked for the following features on each site and judged both on the quality and comprehensiveness of each feature:

- summary and overview data, including charts and graphs extensive use of links to additional
- relevant data comparing data between multiple candidates/committees sorting/resorting data
- downloadable report files that were usable in a database or spreadsheet program any other
- feature that enhanced the overall usefulness of the data
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Data relevance (5 points) Each site was given points based on how current their data was-the date of the transaction, NOT the filing date-at the time they were reviewed.

- 5 points - latest transactions were from June to July 2000
- 4 points - latest transactions were from January to May 2000
- 3 oint - latest transactions were from July to December 1999
- 2 ints - latest transactions were from January to June 1999
- 1 oint - latest transactions were from January to December 1998

	Maryland	British Columbia
(simple search	1 st listing was link to State Board of Elections. just one click away from Campaign Finance section	/not listed in the top 30: no listings had direct link to site
went to state home page and tried to find the site	followed 3 links (State Agencies. Boards and Commissions -> Elections, State Board of -> Campaign Finance); using site search, first listing was the State Board of Elections site	followed links (Legislative Assembly -> Site Map -> Elections BC); site search was unable to locate a direct or indirect link to the campaign finance site
user interface	this site is a breeze; there is just a list of links to the four available data reports on campaign finance	site interface was easy to use, but didn't have enough options and features; the advanced search option may be helpful if you don't know the name of the candidate or committee
the data	<p>data is not current (nothing more recent than the end of 1999); along with the lack of an online database to query and the complete lack of features for manipulating and analyzing data, the presentation isn't easy to read; it doesn't feel like much time was spent looking at how their data reports would look on the web</p>	<p>the data isn't very current (only up to February 2000): the only thing I could do on this site was look at scanned images of the actual filed campaign finance reports; you could also view and print the PDF-formal reports but they look worse than the images; no comparing data, no summarizing data,</p> <p>no sorting/resorting data, no downloadable data files</p>
technical issues	none	none
overall impressions Digital Sunlight _ftank (Score) review order	<p>the site is incomplete</p> <p>Tied #27 (50 pts)</p> <p>22nd site looked at 8/3/00 ~ ~</p>	<p>the site is incomplete</p> <p>Not rated</p>