

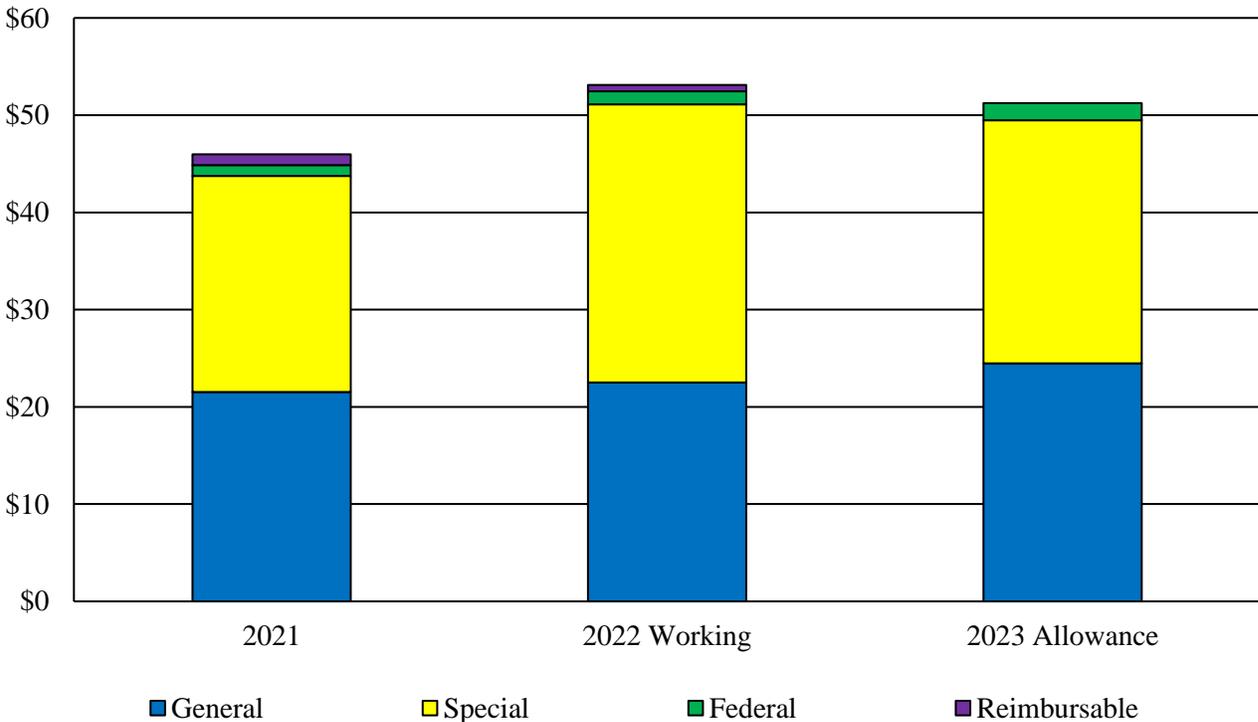
D38I01
State Board of Elections

Executive Summary

The State Board of Elections (SBE) is a five-member board charged with managing and supervising elections in the State, registering voters, and coordinating candidacy.

Operating Budget Summary

**Fiscal 2023 Budget Decreases \$1.9 Million, or 3.5%, to \$51.2 Million
(\$ in Millions)**



Note: Numbers may not sum due to rounding. The fiscal 2022 working appropriation includes deficiency appropriations. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

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- After accounting for proposed deficiency appropriations, the fiscal 2023 special fund allowance decreases \$3.6 million (13%) compared to the fiscal 2022 working appropriation. The overall decrease is partially offset by a \$2.0 million (9%) increase in general funds. Some of the larger fluctuations in the budget are due to the \$4 million general fund mandate to the Fair Campaign Finance Fund (FCFF) per Chapter 733 of 2021, shifts in costs associated with administering a primary in fiscal 2022 and a general election in fiscal 2023, the Pollbook Major Information Technology Development Project (MITDP), and other information technology (IT) costs.

Key Observations

- ***Pollbook Project Implementation Postponed to 2024 Elections:*** In accordance with the recommendation of the Pollbook Project evaluation committee, the new pollbook system is now planned to be used for the first time in the 2024 elections.

Operating Budget Recommended Actions

1. Adopt committee narrative requesting quarterly reports on Pollbook Major Information Technology Development Project activities and spending.

Updates

- Legal challenges pose risks to the redistricting implementation timeline.

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Operating Budget Analysis

Program Description

SBE is a five-member board charged with managing and supervising elections in the State; ensuring compliance with State and federal election laws, including the federal Help America Vote Act; assisting citizens in exercising their voting rights; and providing access to candidacy for individuals seeking elected office. Individuals from both major parties are appointed to SBE by the Governor with the advice and consent of the Senate for staggered four-year terms. The board appoints a State Administrator, also with the advice and consent of the Senate, who is charged with oversight of the board's functions and supervising the operations of the local boards of elections (LBE). LBEs process voter registration records for the statewide voter registration database, establish election precincts, staff polling places, provide and process absentee and provisional ballots, and certify local election results. The mission of SBE is to administer the process of holding democratic elections in a manner that inspires public confidence and trust. SBE's key goals are:

- to ensure that all eligible Maryland citizens have the opportunity to register to vote; and
- to provide a voting process that is convenient and accessible.

Fiscal 2022

Proposed Deficiencies

As shown in **Exhibit 1**, proposed deficiency appropriations for SBE total \$14.9 million, comprising a third of the fiscal 2022 working appropriation. More than half of the deficiency appropriations (\$8.1 million) support primary elections costs; the largest share is related to continued provision of robust mail voting opportunities. At the time of the fiscal 2022 budget formulation, 2022 primary election costs were particularly difficult to predict as the future trajectory of the pandemic, and thus election administration accommodations for potential public health concerns, were uncertain. Chapters 56 and 514 of 2021 required ballot applications be sent for the primary and allow individuals to choose to become permanent absentee voters. The fiscal 2022 working appropriation increases by \$288,032, enabling SBE to offer the required text and email communications to permanent absentee voters. Although enacted in 2021 and only required to be funded for the first time in fiscal 2023, funds are included in a proposed deficiency appropriation to allow for maximum voter enfranchisement as provided in the bills and consistency between the primary (in fiscal 2022) and the general (in fiscal 2023) elections.

Exhibit 1
Proposed Fiscal 2022 Deficiencies
(\$ in Thousands)

	<u>General</u>	<u>Special</u>	<u>Total</u>
Primary Election Costs			
Ballot applications and mailed ballot packets	\$2,323	\$2,266	\$4,589
Election staffing to assist with regional management, training, early voting, and pre-election testing of ballots due to the increased number of ballot styles able to report precinct-level results	415	415	829
Business reply prepaid postage for returned voted ballots	355	355	710
Election transportation contract		675	675
Expand call center services	266	239	505
Additional ballots and activation cards for ExpressVote to support in person voting	189	290	479
Implementation of Chapters 56 and 514 of 2021, requiring the availability of text and email message delivery for permanent absentee voter communications	288		288
Ballot boxes and ballot lock boxes at Baltimore City correctional facilities	30		30
Ballot boxes		14	14
Legal Settlement with National Federation of the Blind			
Legal fees	\$230		\$230
Fulfill terms of settlement	709	709	1,418
Pollbook Licenses and Printer Replacement	\$3,038	\$2,058	\$5,096
Make a 0.8 Position Full-time	\$8		\$8
Total	\$7,851	\$7,020	\$14,872

Source: Governor’s Fiscal 2023 Budget Books; State Board of Elections

Pollbook Printer Replacement

A proposed deficiency appropriation totaling \$5.1 million supports costs for pollbook printers and licenses in fiscal 2022. The prior pollbook printers had been in use for over 15 years, and some LBEs already began replacing the printers in fiscal 2021. On September 15, 2021, the Board of Public Works (BPW) approved a \$4.1 million contract to purchase pollbook printers and USB cables to replace the previous equipment used since 2006. The equipment will be delivered no later than March 1, 2022.

As proposed, the deficiency is approximately \$1 million more than the contract approved by BPW. The additional funds are needed to reimburse LBEs that purchased pollbook printers in

fiscal 2021. The additional \$1 million will support pollbook printer purchases (25%) and legacy pollbook licenses (75%). SBE indicates that none of the costs associated with the pollbook printer replacement were included in the fiscal 2022 budget because at the time, LBEs anticipated financing the replacement through the State Treasurer’s Office (STO).

This contract was originally proposed as 100% special LBE funds. Instead, BPW determined that the State should share half this contract’s cost and Pollbook MITDP costs. The decision to equally share these costs marks a notable change from prior cost sharing arrangements with LBEs. Uncodified language in Chapter 564 of 2001 has been the foundation of the State’s equal cost share for voting system expenditures including the cost of maintenance, storage, printing of ballots, technical support and programming, related supplies and materials, and software licensing fees. Although used on election day, pollbooks and pollbook printers are not involved in the casting and tabulation of ballots and thus are not considered part of the voting system.

National Federation of the Blind Settlement Agreement

A proposed deficiency appropriation totaling \$1.6 million supports legal fees and required changes to election administration practices as a result of a settlement agreement with the National Federation of the Blind (NFB). In 2019, NFB filed a lawsuit alleging that SBE violated voters with disabilities’ right to vote in person by a secret ballot. Ballots cast by hand and ballots cast with accessible ballot marking devices (BMD) are different sizes. NFB alleged that at certain polling places in prior elections, the number of ballots cast with BMDs was not sufficient to allow for a secret ballot. In July 2021, SBE and NFB finalized and executed a settlement agreement. In addition to the payment of attorney’s fees, as announced, the settlement also requires SBE to ensure that additional BMDs are available at voting locations where there have been privacy issues in prior elections; election judges are instructed to ensure at least 10 voters at each polling place use BMDs; and in each election, through 2024, data about the use of BMDs and complaints about BMDs from voters with disabilities be provided to NFB.

MITDPs

The second MITDP overseen by SBE currently is the Agency Election Management System (AEMS). Once completed, AEMS will be an application integrated with the Maryland Voter Registration, Candidacy, and Election Management System (MDVOTERS) and will offer various functionality from ballot definition to results reporting. SBE’s expenditure estimates do not align with those published in the Governor’s Fiscal 2023 Budget Books. As shown in **Exhibit 2**, SBE reports that prior year funding slightly exceeds total project expenditures. If there is a surplus upon conclusion, the general funds will remain with the Major IT Development Fund, while the unneeded special funds would be expected to cancel.

Exhibit 2
Agency Election Management System All Funds Expenditure Estimates
Prior to Fiscal 2021-2022

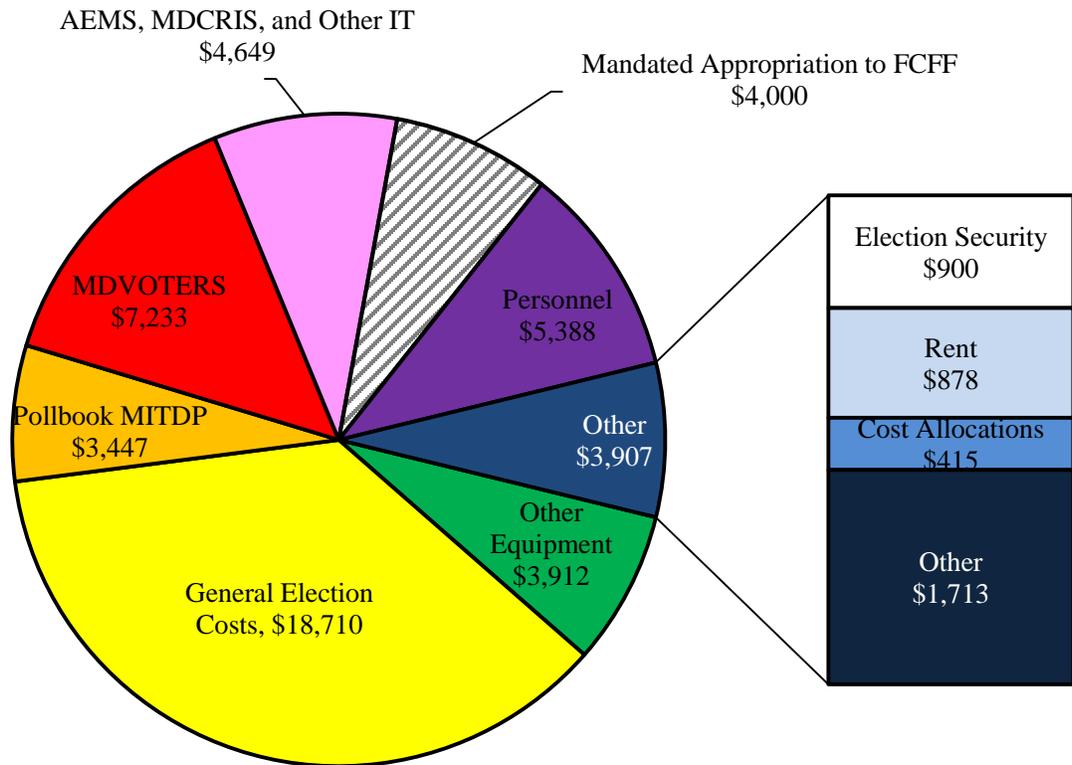
	<u>Prior to 2021</u>	<u>2021</u>	<u>2022</u>
Opening Balance		\$978,029	\$40,415
Funding	\$3,521,566	25,000	1,400,700
Expenditures	2,543,537	962,614	1,330,839
Closing Balance	\$978,029	\$40,415	\$110,276

Source: Governor’s Fiscal 2023 Budget Books; State Board of Elections

Fiscal 2023 Overview of Agency Spending

As shown in **Exhibit 3**, 37% of the allowance supports necessary equipment, supplies, temporary staffing, and voter communications for the general election. Additional detail on the election costs is shown in **Exhibit 4**. The general election is also supported by other categories of costs not represented in Exhibit 4, such as SBE’s full-time staff and various IT systems, that are retained year-round for essential election administration activities, such as pre-election planning and processing voter registrations. SBE’s multiple IT systems, software licenses, and the Pollbook MITDP make up a combined 30% of the fiscal 2023 allowance. Personnel expenditures comprise 11% of fiscal 2023 spending.

Exhibit 3
Overview of Agency Spending
Fiscal 2023 Allowance
(\$ in Thousands)

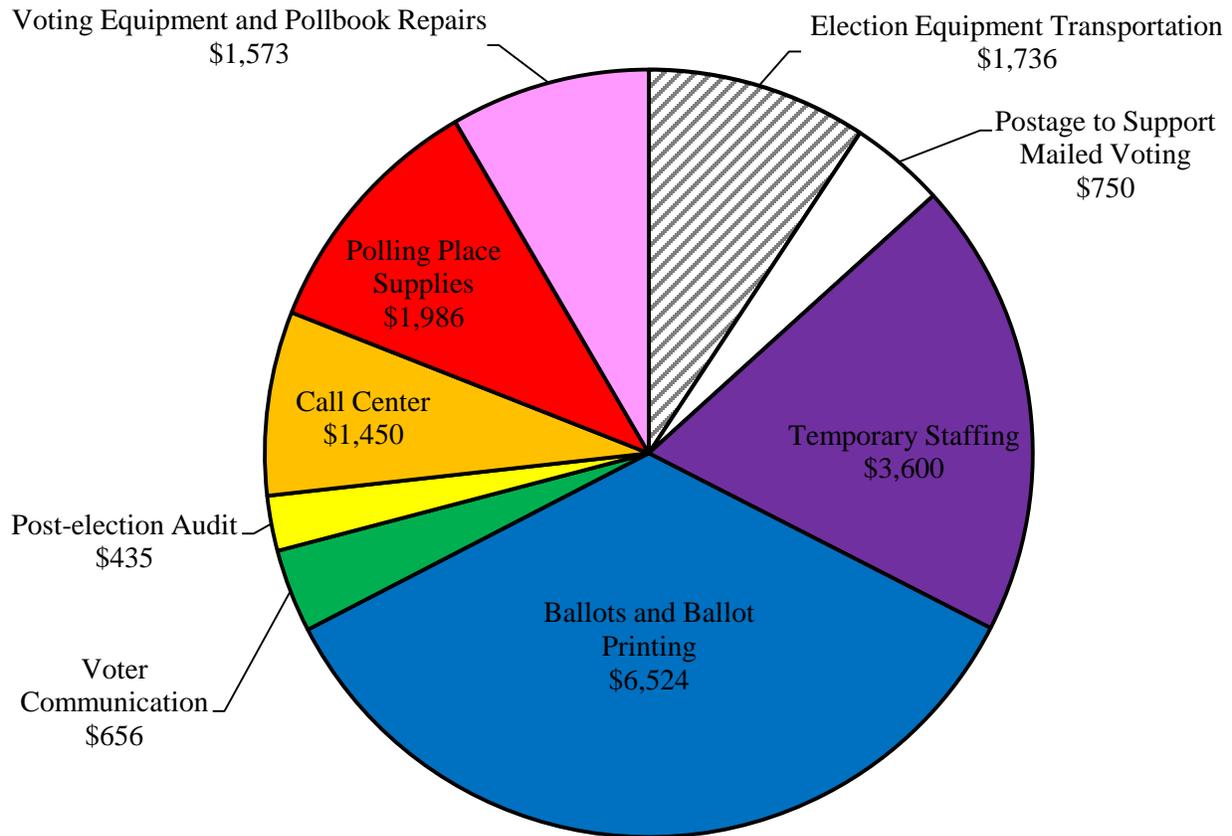


AEMS: Agency Election Management System
 FCFF: Fair Campaign Finance Fund
 IT: information technology
 MDCRIS: Maryland Campaign Reporting Information System
 MDVOTERS: Maryland Voter Registration, Candidacy and Election Management System
 MITDP: Major Information Technology Development Project

Note: The fiscal 2023 allowance does not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Source: Governor’s Fiscal 2023 Budget Books

Exhibit 4
General Election Costs
Fiscal 2023
(\$ in Thousands)



Source: Governor’s Fiscal 2023 Budget Books

Proposed Budget Change

As shown in **Exhibit 5**, the fiscal 2023 allowance decreases by \$1.9 million compared to the fiscal 2022 working appropriation after accounting for proposed deficiency appropriations. The largest expenditure changes occur in election administration and IT expenditures. A \$4 million mandated appropriation to the FCFE in fiscal 2023 and the NFB legal settlement deficiency (\$1.6 million) create notable one-time fluctuations between fiscal 2022 and 2023. In addition, fiscal 2022 represented the final payment to STO for a previously financed purchase of some polling place equipment for LBEs in fiscal 2022, resulting in a decrease of \$2.4 million in the fiscal 2023 allowance compared to fiscal 2022.

**Exhibit 5
Proposed Budget
State Board of Elections
(\$ in Thousands)**

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2021 Actual	\$21,538	\$22,227	\$1,103	\$1,101	\$45,969
Fiscal 2022 Working Appropriation	22,515	28,610	1,327	667	53,119
Fiscal 2023 Allowance	<u>24,481</u>	<u>25,011</u>	<u>1,753</u>	<u>0</u>	<u>51,245</u>
Fiscal 2022-2023 Amount Change	\$1,966	-\$3,599	\$426	-\$667	-\$1,874
Fiscal 2022-2023 Percent Change	8.7%	-12.6%	32.1%	-100.0%	-3.5%
Where It Goes:					<u>Change</u>
Personnel Expenses					
Workers’ compensation premium assessment					\$103
Regular earnings					30
Employee and retiree health insurance					29
Employees’ retirement system					12
Accrued leave payout.....					10
One-time deficiency to make an Office Secretary II full-time.....					-8
Other fringe benefit adjustments					3
Election Costs, Reflecting Expenditure Fluctuations from Primary to General Election					
Ballot printing					880
Call center expenditures to align with fiscal 2021 actuals					725
Telecommunications expenditures related to implementation of Chapters 56 and 514 of 2021 requiring the availability of text and email message delivery for permanent absentee voter communications, and Wide Area Network router costs to support same day registration.....					570
Ballot marking devices (BMD) and voter activation cards for BMDs.....					173
Outgoing and return envelopes and inserts, USBs, and other election supplies					128
Vendor estimate of election transportation services contract costs.....					64
Align Election Systems and Services project management with fiscal 2021 actuals.....					51
Align provisional ballot applications with fiscal 2021 actuals					30
Voter outreach and education.....					-505
Election staffing to assist with regional management, training, early voting, and pre-election testing of ballots due to the increased number of ballot styles able to report precinct-level results					-556
One-time expenditures related to mailed ballot applications sent to every voter in the gubernatorial primary election, per Chapters 56 and 514					-2,672

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Where It Goes:	<u>Change</u>
Pollbook Major Information Technology (IT) Development Project	
Supplies to support implementation of the new pollbook system.....	2,026
Pollbook Project personnel resources	849
Pollbook Project DoIT oversight	170
Other IT	
MDVOTERS application operational costs due to anticipated vendor hourly rate increase, partially offset by one-time implementation costs of two-factor authentication and final payment to hosting vendor	536
Software licenses, including those supporting the voting system and new licenses supporting voter services.....	124
Scanning tool and vulnerability management system.....	73
Network printer and modem replacement.....	33
Agency Election Management System project concludes, funding previously budgeted in the Major IT Fund now budgeted in SBE	30
One-time costs for uninterruptible power supply device replacements and legacy pollbook system server upgrades.....	-28
One-time costs to create online election judge training curriculum, partially offset by ongoing operational costs.....	-105
Pollbook licenses for entire 2022 election purchased in fiscal 2022	-435
One-time costs of printer replacement provided through a deficiency appropriation.....	-4,346
Other Changes	
Mandated appropriation to the Fair Campaign Finance Fund, per Chapter 733 of 2021.....	\$4,000
New contract for managed security services.....	100
Implementation of document management system.....	30
In-person training exercises and staff professional development	-67
One-time costs provided through a deficiency appropriation related to the NFB settlement.....	-1,648
Final payment, financed through State Treasurer’s Office, for LBE election carts and voting booths	-2,351
Other changes.....	67
Total	-\$1,874

DoIT: Department of Information Technology

LBEs: local boards of elections

MDVOTERS: Maryland Voter Registration, Candidacy and Election Management System

NFB: National Federation of the Blind

SBE: State Board of Elections

Note: Numbers may not sum to total due to rounding. The fiscal 2022 working appropriation includes deficiency appropriations. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.

Mandated Appropriation to the FCFF

Maryland’s Public Financing Act (PFA) provides for a system of public financing of elections for candidates for Governor and Lieutenant Governor. The PFA established the FCFF, which is administered by the Comptroller. Prior to enactment of Chapter 733, revenue to the FCFF comprised of income tax checkoffs and campaign finance penalties, fines, and fees. Among other changes to the PFA, Chapter 733 mandated that the Governor include an appropriation of \$4 million to the fund in fiscal 2023 to supplement the FCFF balance in order to provide a full public contribution to one gubernatorial ticket in the general election. Depending on the balance of the FCFF, fiscal 2026 would be the next time a general fund appropriation would be made to the FCFF for the next gubernatorial primary election.

Election Administration Expenditures

The 2022 primary election is administered in fiscal 2022, and the general election will be administered during fiscal 2023. While a primary election would typically be expected to cost less than a general election, pandemic adaptations have created unique expenditure fluctuations between the fiscal years. The largest decrease in election expenditures (\$2.7 million) is due to ballot applications sent to every voter in the primary election, as required by Chapters 56 and 514. Ballot applications will not be sent in the general election. This decrease is partially offset by increases in other categories of election cost, resulting in a net decrease for election costs of approximately \$1.1 million.

The fiscal 2023 allowance also decreases by \$500,000 for the voter education campaign contract, removing all funding for this purpose in fiscal 2023. The voter education vendor will nevertheless be retained in the general election, as a new contract was approved by BPW on January 26, 2022. SBE indicates that the general election will be supported by any of the \$500,000 that is left over from fiscal 2022. The contract is equally cost-shared between the State and LBEs.

IT Expenditures

Independent of election cost fluctuations, expenditures related to the Pollbook MITDP increase the allowance \$3.0 million. However, other IT expenditures decrease by a combined \$4.1 million, mostly driven by the proposed one-time pollbook printer deficiency in fiscal 2022. The printers will be compatible with both the legacy and new pollbooks. Although originally intended to be replaced through the Pollbook MITDP, this contract was separated from the MITDP, removing those costs from the total cost of the project. Further discussion of the Pollbook MITDP is included in Issue 1 of this analysis.

Personnel Data

	<u>FY 21</u> <u>Actual</u>	<u>FY 22</u> <u>Working</u>	<u>FY 23</u> <u>Allowance</u>	<u>FY 22-23</u> <u>Change</u>
Regular Positions	43.80	46.00	46.00	0.00
Contractual FTEs	<u>1.38</u>	<u>1.38</u>	<u>1.38</u>	<u>0.00</u>
Total Personnel	45.18	47.38	47.38	0.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	0.66	1.43%
Positions and Percentage Vacant as of 12/31/21	4.00	8.73%
Vacancies Above Turnover	3.34	

- A deficiency adds 0.2 positions to the fiscal 2022 working appropriation to bring a 0.8 office secretary II position up to full time. Funding was included in the fiscal 2021 budget for this purpose, but the associated increase to the position count was not made. The deficiency corrects SBE’s position count and adds \$8,056 to the working appropriation.
- One position, a senior program manager II, has been vacant since December 23, 2019. This position is a technical writer and creates and reviews documents prior to publication. During the 2021 session, SBE indicated that the hiring freeze prevented this position from being filled but that many of the positions’ duties were not being carried out. **SBE should indicate whether the position’s duties are currently being carried out and when it expects to fill the vacancy.**

Issues

1. Pollbook MITDP

The Pollbook MITDP will replace the legacy pollbook system with a new system. As part of the project, new hardware, software, ancillary items, maintenance, and support will be procured to support an estimated 7,800 pollbook units statewide. Although originally intended to be implemented in advance of the 2022 elections, the implementation timeline has been postponed, and the new system is now planned for first use in the 2024 elections.

Procurement Delays

In its fiscal 2021 end of year report, the Department of Information Technology (DoIT) indicated that there were delays in this project's procurement process. SBE explained that several factors contributed to the elongated procurement, including:

- the demands of SBE staff time during the 2020 elections amidst the pandemic-driven changes to election administration;
- underestimating the time needed to draft the request for proposals (RFP);
- underestimating the time needed to evaluate vendor's technical and financial proposals, and ability to comply with nonvisual accessibility requirements;
- providing additional information to vendors, amending the RFP, and allowing an extension period after amendments to the RFP; and
- postponing the deadline for RFP submissions (originally requested in November 2020) by two months and accepting bids up to January 29, 2021.

In the beginning of fiscal 2022, SBE had planned to propose the Pollbook Project contract before BPW in September 2021. However, the selected vendor was proposed for BPW approval in January 2022, a year after requests were submitted. The contract was first put forth at the January 5, 2022 meeting but later withdrawn to allow for more time to provide additional information about the contract. The contract was again submitted for the January 26, 2022 BPW meeting but deferred to the February 16, 2022 meeting over accessibility concerns for voters with disabilities. SBE indicates that it will comply with all federal and State accessibility laws and that if the vendor is found to be noncompliant, it will use the contract's enforcement mechanisms. In advance of the February 16, 2022 meeting, BPW motioned for the selected vendor to meet with disability advocacy groups to ensure that accessibility concerns will be addressed. At the time of this writing, BPW has not yet awarded the contract to the selected vendor. The contract is again proposed before BPW at the February 16, 2022 meeting.

Implementation Delays

In its first year of funding in fiscal 2020, the new pollbook system was planned to be implemented in time for the 2022 elections. Since its inception, the formerly quick timeline was a significant concern for the project. The new pollbook system cannot be used in parallel with the legacy system. To avoid voter confusion and other administrative issues, SBE would also not change the pollbook system between the primary and general elections in a single cycle. Therefore, the new pollbook system needs to be purchased, delivered, and determined reliable before it would be used in an election.

Unlike a simple commercial off-the-shelf IT purchase, the pollbook system procurement will need to be modified to be compatible with Maryland's unique election processes. Necessary preparations to determine the reliability of the new system before use in an election can take time and include extensive testing of the system and training of election judges. Given the delays, the Pollbook Project evaluation committee determined the project's implementation should be deferred to the next election cycle, in 2024. The Pollbook Project evaluation committee is comprised of both SBE and select LBE staff and advised by academic experts, the Maryland Department of Disabilities for accessibility concerns, and DoIT for IT oversight.

Under the new timeline, SBE estimates that development needed to make the pollbook system compatible with Maryland's election processes will be completed in August 2023. This timeline leaves a buffer of approximately nine months before the new pollbook system will be used in the presidential primary election (likely held on April 23, 2024). Over this period, election judges will be trained to use the new pollbook system, and a statewide mock election will be held to test it. Further development and fixes may be made after the mock election. The project is retained in the Major IT Program until fiscal 2026 to allow for a full year of oversight after its first use in the 2024 election cycle.

Cost Estimates

While delaying implementation of the Pollbook Project until the 2024 elections poses fewer implementation risks, there are still some uncertainties about this project surrounding its cost. At the time the project was first proposed in fiscal 2020, expenditure projections were largely estimates because SBE did not know which pollbook solution it would choose, the potential cost of the available solutions, whether it would purchase or lease the new pollbook system, and whether it would finance the system through STO. With a vendor selected and requested for BPW approval, several of these details have solidified.

The pollbook solution has been chosen, will be purchased, and will not be financed through STO with an option to finance the cost of the pollbook vendor's contract for LBEs that require it. As these other details have taken form, estimates of the project's cost at completion appear to vary but indicate that the project will likely exceed \$24 million but total less than \$26 million:

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- The contract as proposed before BPW is projected to cost \$24.3 million, with costs split evenly across general and special funds (\$12.2 million each). This fund split is consistent with a determination made by BPW at its September 15, 2021 meeting.
- The Governor’s Fiscal 2023 Budget Books estimate that the project will cost \$25.4 million at completion, including \$8.6 million general funds and \$16.9 million special funds; and
- DoIT’s Information Technology Project Report (ITPR) for the project anticipates the same level of funding as the Governor’s Fiscal 2023 Budget Books but expects this funding level to exceed total costs at completion by \$3.4 million with expenditures totaling \$22.1 million.

SBE indicates that the \$24.3 million contract before BPW does not include other project-related costs, accounting for the difference from the Governor’s Fiscal 2023 Budget Books estimate. The ITPR estimate appears outdated as it falls short of the value of the contract before BPW.

The Governor’s Budget Books indicate that the project is equally cost shared between the State and LBEs in fiscal 2023. However, the budget book’s outyear funding estimates project that at completion, the project will be funded with 34% general funds and 66% special funds from LBEs. This does not align with the equal cost share as requested by BPW at the September 15, 2021 meeting.

Given the uncertainties surrounding project cost estimates and that the project will continue development activities in fiscal 2023 to prepare for implementation in the 2024 elections, the Department of Legislative Services (DLS) recommends continuing to track Pollbook Project development activities and expenditures through quarterly reports.

Operating Budget Recommended Actions

1. Adopt the following narrative:

Quarterly Reports on Pollbook Major Information Technology Development Project (MITDP) Activities and Spending: The committees request that the State Board of Elections (SBE) submit quarterly reports on the Pollbook MITDP activities and expenditures. The report submitted on July 15, 2022, should include projected costs in each month of fiscal 2023, a description of project milestones and the date that each milestone is planned to be achieved, and a description of anticipated contingency planning activities throughout the year. In addition, each report should include the following:

- a description of activities undertaken in the quarter, complete with dates identifying whether project milestones were achieved or if delays were experienced, and an assessment of the resulting effect any delays experienced in the quarter have on the project’s overall timeline;
- actual project spending in each month of the quarter;
- an assessment of future risks to the project’s timeline and how SBE plans to mitigate those risks; and
- a summary of SBE’s contingency planning activities throughout the quarter.

Information Request	Author	Due Date
Quarterly reports on Pollbook MITDP activities and spending	SBE	July 15, 2022 October 15, 2022 January 15, 2023 April 15, 2023

Updates

1. Redistricting Implementation

The delivery of Census data necessary for redistricting was delayed by three to four months from the original prepandemic plan. The National Conference of State Legislatures indicates that these delays compressed the redistricting timeline for all states and especially created challenges for states with early deadlines. Like seven other states, Maryland redistricting deadlines fall relatively later, in the second year after the Census is conducted. Although this timeline afforded Maryland more time than other states to accommodate the timeline delays, legal challenges present another risk to the redistricting timeline in advance of the primary election scheduled for June 28, 2022.

As of this writing, SBE indicates that lawsuits have been filed challenging the congressional redistricting plan, the Baltimore County plan, and the Prince George’s County plan. Challenges to the legislative redistricting plan have also been filed. Should a court decision affect the approved redistricting plans, there would be very little time to implement changes. The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires ballots be sent to military and overseas voters 45 days before the election, requiring new districts, ballot styles, and other administrative decisions be finalized well in advance of May 14, 2022.

On Friday, February 11, 2022, the Court of Appeals postponed the candidate filing deadline one month (from the original date, February 22, 2022, to March 22, 2022). At the time of this writing, it is uncertain whether other deadlines may also change. Other key deadlines for the 2022 primary election include:

- March 29, 2022: deadline to notify voters of polling place changes and appointment of election judges;
- April 25, 2022: deadline to certify and display ballot styles; and
- May 14, 2022: deadline to transmit mail ballots.

Unless the federal Voting Assistance Program were to waive the UOCAVA deadline, legal challenges present a notable risk to the State’s ability to accommodate these deadlines. SBE indicates the Court of Appeals is aware of the timeline constraints and the need for expedited processing of any lawsuits pertaining to the new maps.

LBEs are currently engaged in pre-redistricting planning. Redistricting implementation typically takes three to six months. During this time, LBEs must acquire or move polling places, determine the availability of new polling places, book private facilities 6 to 18 months before election day, and hold open meetings for selection and approval of new polling places by each LBE. In an effort to reduce voter confusion, LBEs also prioritize voter communications and print and mail notification cards to voters affected by changes to district boundaries. Finally, LBEs must also proof multiple ballot styles and versions of ballots. Ballot proofing is more complicated this election cycle than in prior

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redistricting years because ballot styles must be designed to allow for precinct-level results reporting. Early voting centers will have a unique ballot style for each polling place in the county. The deadline to begin printing ballots is April 28, 2022.

Appendix 1
2021 Joint Chairmen’s Report Responses from Agency

The 2021 *Joint Chairmen’s Report* (JCR) requested that SBE prepare five reports. Electronic copies of the full JCR responses can be found on the DLS Library website.

- ***Local Cost Sharing:*** As requested, SBE submitted information on the cost-sharing structure for each category of election costs, and historical context explaining the evolution of those cost shares over time. LBEs alone pay for costs such as scannable ballot printers, the call center, local election supplies, and MDVOTERS. The State pays for expenses not attributable to any single LBE such as election judge training, election security, and mailings to unregistered but eligible voters. Costs shared by the State and LBEs include polling place supplies, the central warehouse, the post-election audit, ballots, and temporary staffing. Cost shares have recently changed for both mail ballot packets during the pandemic and the Pollbook MITDP.
- ***Quarterly Reports on MITDP Activities and Spending:*** Three of the four quarterly reports have been submitted. The fourth report is due on April 15, 2022. Further discussion of these reports is included in Issue 1 of this analysis.

Appendix 2
Agency Election Management System
Major IT Project
State Board of Elections

Further discussion of this data can be found in the fiscal 2022 discussion in this analysis.

Ongoing								
Start Date: Fiscal 2017					Est. Completion Date: Fiscal 2022			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
GF	\$1.773	\$0.700	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$2.474
SF	1.773	0.700	0.000	0.000	0.000	0.000	0.000	2.474
Total	\$3.546	\$1.401	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$4.947

- **Project Summary:** AEMS will be integrated with MDVOTERS. The AEMS application functionality will include ballot definition, election result reporting, voting system interfacing, and post-election documentation.
- **Need:** The legacy election management system has become difficult and expensive to maintain.
- **Observations and Milestones:** Development work has concluded. AEMS was retained in the Major IT Program in fiscal 2022 to allow for DoIT oversight in the first year of operations. No funds are provided within the Major IT Program for fiscal 2023 as the new system continues in operations.
- **Concerns:** SBE’s reported AEMS expenditure actuals for fiscal 2021 and 2022 substantially diverge from the figures published in the Governor’s Fiscal 2023 Budget Books.

**Appendix 3
Pollbook Project
Major IT Project
State Board of Elections**

Further discussion of this data can be found in Issue 1 of this analysis.

Ongoing								
Start Date: Fiscal 2020					Est. Completion Date: Fiscal 2026			
Implementation Strategy: Agile								
(\$ in Millions)	Prior Year	2022	2023	2024	2025	2026	Remainder	Total
GF	\$1.276	\$1.335	\$3.447	\$0.367	\$1.342	\$0.787	\$0.000	\$8.555
SF	1.276	3.785	3.447	3.848	3.107	1.425	0.000	16.888
Total	\$2.553	\$5.120	\$6.894	\$4.215	\$4.450	\$2.212	\$0.000	\$25.443

- **Project Summary:** New pollbooks and related hardware will be procured in advance of the 2024 elections. The pollbooks will have additional functionality and expanded capabilities for real-time monitoring through the use of a Wide Area Network to connect the pollbooks at each polling location.
- **Need:** The existing pollbook system has exceeded its useful life.
- **Observations and Milestones:** A vendor has been selected, and the contract is currently before BPW at its next meeting.
- **Changes:** Although originally planned to be implemented in advance of the 2022 elections, implementation has been postponed to the 2024 elections. The purchase of pollbook printers, although originally planned to be included in the MITDP, has been removed from the scope of the project.
- **Concerns:** Cost estimates vary across sources, and aside from fiscal 2023, the future funding estimated in the Governor’s Fiscal 2023 Budget Books does not indicate an equal cost share for the project as requested by BPW at the September 15, 2021 meeting.

**Appendix 4
Object/Fund Difference Report
State Board of Elections**

<u>Object/Fund</u>	<u>FY 21 Actual</u>	<u>FY 22 Working Appropriation</u>	<u>FY 23 Allowance</u>	<u>FY 22 - FY 23 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	43.80	46.00	46.00	0.00	0.0%
02 Contractual	1.38	1.38	1.38	0.00	0%
Total Positions	45.18	47.38	47.38	0.00	0.0%
Objects					
01 Salaries and Wages	\$ 4,908,783	\$ 4,940,385	\$ 5,127,895	\$ 187,510	3.8%
02 Technical and Special Fees	101,285	290,911	259,681	-31,230	-10.7%
03 Communication	584,697	208,368	1,803,252	1,594,884	765.4%
04 Travel	56,502	63,100	71,985	8,885	14.1%
07 Motor Vehicles	1,108	930	1,220	290	31.2%
08 Contractual Services	30,509,443	24,629,966	32,042,426	7,412,460	30.1%
09 Supplies and Materials	2,269,666	422,650	2,569,409	2,146,759	507.9%
10 Equipment – Replacement	5,380,529	6,766,291	4,420,622	-2,345,669	-34.7%
11 Equipment – Additional	1,294,063	0	15,000	15,000	N/A
12 Grants, Subsidies, and Contributions	0	0	4,000,000	4,000,000	N/A
13 Fixed Charges	862,996	924,309	933,056	8,747	0.9%
Total Objects	\$ 45,969,072	\$ 38,246,910	\$ 51,244,546	\$ 12,997,636	34.0%
Funds					
01 General Fund	\$ 21,538,432	\$ 14,663,152	\$ 24,480,755	\$ 9,817,603	67.0%
03 Special Fund	22,226,642	21,590,000	25,010,805	3,420,805	15.8%
05 Federal Fund	1,102,560	1,326,758	1,752,986	426,228	32.1%
09 Reimbursable Fund	1,101,438	667,000	0	-667,000	-100.0%
Total Funds	\$ 45,969,072	\$ 38,246,910	\$ 51,244,546	\$ 12,997,636	34.0%

Note: The fiscal 2022 appropriation does not include deficiency appropriations. The fiscal 2022 working appropriation and fiscal 2023 allowance do not reflect funding for statewide personnel actions budgeted in the Department of Budget and Management, which include cost-of-living adjustments, increments, bonuses, and may include annual salary review adjustments.