



MARYLAND
Association of
COUNTIES

House Bill 1331

Election Law - Cybersecurity

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: March 29, 2018

To: Education, Health, and Environmental
Affairs Committee

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1331 **WITH AMENDMENTS**.

While the bill seeks to make well-intentioned reforms to State election law, many of the bill's current provisions would result in unintended consequences for county governments.

HB 1331 makes various changes to State election law relating to reporting of election systems security violations and requirements applicable to absentee voting. The bill also requires paper or electronic backup copies of the election register be available to election judges at polling places or early voting centers.

Specifically, the bill mandates that if an election service provider knows or reasonably suspects that a security violation or significant attempted security violation perpetrated by a foreign government has occurred involving an election system provided, supported, or maintained by the election service provider, the election service provider must notify the State Administrator in writing within four days after becoming aware of the security violation or significant attempted security violation.

Because Local Boards of Election typically use county email systems, this bill seemingly applies to a wide swath of county electronic infrastructure. County governments are the target of hundreds — sometimes thousands — of attempted hacks on a daily basis. Although these attempted security violations may originate from outside of the United States, counties have no way of knowing whether the perpetrators are acting on behalf of a foreign government. Additionally, the four-day reporting requirement may hinder a county's ability to sufficiently investigate a successful security violation. The original bill language included a seven-day reporting requirement, which is far more practical.

Local governments share interest in maintaining the integrity of state and local election systems. The amendments MACo is proposing (attached) strike a reasonable balance to ensure the bill does not result in unintended consequences. Accordingly, MACo recommends the Committee issue a **FAVORABLE WITH AMENDMENTS** report on HB 1331.

Amendments

Amendment No. 1

On Page 5:

Strike in their entirety lines 26 through 28 and substitute:

“(IV) A VIOLATION OF ANY APPLICABLE ACCEPTABLE USE POLICIES RELATING TO AN ELECTION SYSTEM, SUCH AS THE STATE INFORMATION SECURITY POLICY OR A LOCAL INFORMATION SECURITY POLICY.”

Amendment No. 2

On page 6:

In line 3, strike “OR REASONABLY SUSPECTED”

Amendment No. 3

On Page 7:

In line 15, strike “OR REASONABLY SUSPECTS”

Amendment No. 4

On page 7:

In line 20, strike beginning with “WITHIN 4 DAYS” and substitute:

“AS SOON AS PRACTICABLE BUT NO LATER THAN 7 DAYS”