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Will state pull the plug on new voting machines?

System's burden on counties, merger of suppliers stoke worry

by Alan Brody | Staff Writer

ANNAPOLIS — Maryland's new voting system might be kaput long before the September primary election.

State Board of Elections members expressed concerns last week over how a merger between the two largest voting machine manufacturers, which is the subject of an ongoing antitrust probe, could have skewed the procurement process.

The board, which voted 4 to 1 to approve a pair of multimillion-dollar contracts for the optical-scan voting equipment and related services, intend to send a letter outlining their worries to the Board of Public Works, which must authorize the procurement.

"It seems we're kind of stuck in a corner because no matter the price, we're mandated by law to do this," said board vice chairwoman Bobbie S. Mack, who supported the contracts.

Counties, meanwhile, might ask the state to scrap the implementation of the new system for next year because it would put more pressure on their already-strained budgets. The cost — \$32.8 million for the voting equipment and \$44.2 million for the support services that run through 2016 — is to be evenly shared by the state and county governments.

"You can't help but feel why now and what are we accomplishing by doing this?" said Michael Sanderson, executive director of the Maryland Association of Counties, whose group is considering opposing the system's procurement before the Board of Public Works.

"It's just terrible timing to incur a new operating expense at the time when we're taking money away from local health departments, we've removed police aid, we can't pave roads and we can barely remove the snow."

The current economy is much worse now than it was in 2007, when the Legislature approved the new system, elections board member Rachel T. McGuckian said at the meeting in explaining her decision to oppose both procurement contracts.

Additionally, elections officials questioned the wisdom of installing a hybrid system next year that could undercut the effort to produce a paper trail for verifying vote counts.

Although the General Assembly mandated the switch to optical-scan machines for the 2010 elections, there is not a ballot-marking system for use by voters with disabilities that meets the strict certification standards outlined in the state law.

Instead, each polling place will have at least one touch-screen voting machine that any voter can opt to use, because election judges cannot discriminate on the basis of disability.

But if too many voters cast their ballots on the touch-screen devices, which do not produce paper receipts, the effort to validate vote totals will be ineffective in the case of equipment malfunctions or contested elections.

"Verifying 90 percent of the ballots can be useless if it's a 1 percent [margin]," said elections board member David J. McManus Jr., a Baltimore city lawyer.

On top of that, Gov. Martin O'Malley (D) said in a TV appearance last week that he has heard from numerous county governments that the state should postpone the switch to a new voting system, due to time constraints and the high price tag.

An O'Malley spokesman said the governor also has heard from constituents who are concerned about the

accuracy of the touch-screen machines and still want the state to implement the new system.

"Maintaining the integrity of the voting process is one of the most important functions government does," said O'Malley communications director Rick Abbruzzese, noting that the governor is still weighing his options.

With the primary election less than 10 months away, the state must move quickly if it is to have a new system delivered, tested and put in place, deputy elections administrator Ross Goldstein said.

"Certainly, it's a tighter-than-ideal time frame, but it's doable," he said.

If the contract receives final approval, the initial shipment of optical scanners should arrive within a few weeks, allowing testing and training to begin as soon as possible.

With the new system, which was used in 19 Maryland jurisdictions before the introduction of the touch-screen machines, voters will make their selections in a private booth and feed their ballots through an optical scanner, which will tally the results.

Two companies, Premier Election Systems and Election Systems & Software, submitted bids for 2,083 optical-scan devices, enough for at least one at every polling place in the state and spare units in case of malfunctions. In September, the two companies merged, giving ES&S a roughly 70 percent share of the voting machine market.

The Justice Department and 14 states are probing the acquisition to determine whether it violates antitrust statutes.

Elections board members expressed concern about the lack of competition in the procurement process and how the subsequent merger essentially meant only one company bid.

Still, elections officials said the company's proposal was thoroughly evaluated and deemed to be acceptable under the guidelines set forth by the board.