

# LBE Responses to Proposed Regulation Change

Use of Smartphone and Tablet  
Devices for Voter Information

# Allegany County

- In the 2012 elections, voter took a picture of his touchscreen ballot and uploaded that picture to his Facebook account.
- Hard to implement the proposed new changes regarding electronic devices in voting locations
- The chief judge is not going to know whether the voter is reviewing a sample of his ballot, taking a picture, or sending a text message

# Carroll County

- Lot of voters saw the sign outside the polling station and shut off their cell phones. Most voters were cooperative
- Feels that new regulations is not a good idea
- Let election judges decide incidents by a case-by-case basis, if an issue arises around the state
- Change would cause conflict between overzealous election judges and voters
- Discuss issue in training using a common sense approach
- If voters are causing disruption when voting, address it or leave them alone
- The changes mean more signage, which most of the time no one looks at
- Also creates potential for conflict on Election Day

# Caroline County

- Concerned about the proposed changes in COMAR allowing voters to use electronic devices in the polling places on Election Day
- Would like to know if there are a lot of voters statewide who are requesting this or if it is being proposed in case of future requests from voters
- Currently opposed to allowing the use of electronic devices on election days, they would like to hear what other counties have to say before offering official comments in opposition
- We do not offer sample ballots in digital form, they are only offered in paper form and that should be all the voter uses to refer to when voting
- Main concern is how to manage what every person might be doing with a cell phone or tablet at the voting units and that this might have the potential to impact the voter's privacy, cause uncomfortable confrontations with voters, etc.
- Have not had any voter try to use an electronic device for that purpose or ever request to use one to view a sample ballot

# Harford County

- State Election officials should be able to use a camera for various reasons
- There should be a universal exception for law enforcement and emergency response personnel in the official execution of their duties, no matter what device they are using. You can not imply it is so when you limited in another section
- Based on experience does not believe that allowing cell phones in polling areas will lead to confrontation and hostility
- No practical method for a judge to enforce this rule
- Time diverted of judges from critical election functions to regulating use of cell phones
- Prohibition on cell phones is violated in other places (courtroom, school)
- Judges do not have training and skills for confronting those violating the law by using their cell phones
- Policy designed to serve a unique sub-population is destined to cause confusion and non-uniform enforcement in the general population
- Blatant violation of the law will result in a defensive voter who will have confrontation with judges. We do not want to put our judges in that position
- This observation will appear on the LBE's audit report, we will be initiating confrontation of public with the election judges without giving the judges proper training

# Harford County: Personal Views of Deputy Director

- How will election judges monitor the use of these devices while also performing the many other duties and responsibilities they already have?
- If this proposed change is made, election judges will also be asked to make sure the voters who are using their cell phones have turned them to silent
- Unnecessary and excessive additional duty the judges will be expected to perform in an already busy and stressful day
- They know that their performance is being scrutinized through the Polling Place Evaluations. Will this be yet another performance measure for which they will be evaluated?
- If cell phones are ringing, a person is in line using their cell phone for a purpose other than looking at ballot information – will the judges receive a negative report on their evaluation?
- May cause contention within the voters themselves
- Judges will have to deal with angry voters who are being told on one hand that they can bring and use their cell phones and electronic devices in the polling place, but on the other hand they are being watched and restricted by some election judge.
- We have already experienced voters angry that people were taking pictures with their phones outside the polling room during early voting. I can only imagine the chaos this will cause inside the polling room.
- Allowing electronic devices into the polling place will put this integrity into jeopardy
- The presence and use of these devices in the polling place may cause some voters to feel their privacy, and possibly their safety are at risk.

# Somerset County

- Cell phones should not be allowed in the polling place
- The voter has already been schooled with signs and postings that cell phones and electronic devices are not allowed in the polling place
- Since posting this signage, we have not had any incidents or complaints from the voter that their privacy has been invaded
- With today's technology on electronic devices, we feel that this would raise a red flag to voters that the system and or their privacy could possibly be compromised in some way.

# Talbot County

- Voters who used ipads, laptops and cell phones in lines were either on Facebook, reading emails or playing games
- Would suggest signs that no electronic devices are permitted to be on or in view once they enter the building of the polling place
- Personally thinks the signs should be large and bold to get the voters attention
- News articles in the local papers might help raise voters awareness of this issue



# Washington County

- Surveyed 150 Election Judges, Unit Judges and Technical judges, received comments from 35% of the workers
- 3 voters used electronic devices for taking a photo while 17 used the devices for talking on the phone. 2 used it to view a specimen ballot
- “Monitor” needs to be defined in detail for the Election Judges
- “Communicate” in section B(1) needs to be defined better. Does it mean talking, texting and sending a photo by one voter to another?
- Responses from poll workers
  - Limited resources so we would not be able to regulate this rule effectively
  - Inconsistent enforcement of new policy
  - Possibility of electronic electioneering
  - Longer lines
  - Legal issues arising from the feeling that an election judge might infringe upon the rights of a voter
  - Possibility of rogue apps or malicious use of an electronic device that may affect equipment, results, turnout

# Wicomico County

- Have concerns about the security of voting units when someone has an electronic device in such close proximity to the voting unit.
- Difficult for Election Judges to discern between someone using a device to refer to their sample ballot as opposed to taking a photo or video of the voting unit/voting area, or accessing the internet, or utilizing a computer program for another purpose, all of which we believe constitute security concerns.
- Easier for the Election Judges to be consistent, not allowing any devices versus allowing some voters to use them (to access sample ballots) and cause tension with other voters who have just been told they cannot.

# Worcester County

- Encountered numerous voters with cell phones; however they were neither talking nor texting
- Would prefer that SBE not allow any electronic media inside the polling place
- The voters are mailed a sample ballot and can bring it with them to the polls on Election Day

## Other Organizations Invited to Provide Comment

- **Maryland Republican Party**
  - Appears that party believes that SBE was proposing to change the rules for challengers and watchers. The proposed changes impact only voters.
  - Concerned about restricting challengers and watchers
- **Maryland Democratic Party**
  - Supports the proposed change
  - MDP encourages voters to be informed and allowing them to use latest technology to view voter guides would result in a more healthy democracy
- **Common Cause**
  - Supports the proposed change