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NCSL Capitol Forum Pre-Conference: Legislative Lessons from Election 2016  
Elections are a Shared Responsibility: Locals, Feds and Especially States  
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Good morning. Thank you for having me here today. Wendy Underhill asked me to take a few minutes at the podium today to answer a question.

It's a question that I get a lot. Usually it’s in an elevator and I can see it coming. People work themselves up to ask it, like they’re worried that it’s rude to ask, but eventually it comes out.

“Sooo... what exactly do you do the rest of the year?”

We’re among friends. It’s OK.

So I’ll start by giving you my standard elevator answer: Voter registration.

We’re partly in the event planning business, and after the election is over, we lay off eighty percent of our staff. We have a few people who remain who do things like maintain the voting equipment and lease polling places for the next election. But mostly, our full-time staff does the year-round work of just keeping up with more than 700,000 registered voters in our county.

It’s a fair answer, but I’ve realized that I need to change it.

I need to change my answer because we have a problem. We have a crisis of confidence in the election system in this country, and it’s because most people have no idea what election officials do the rest of the year. And we’re not used to explaining it.

Let me repeat what you heard from Adam Ambrogi of the Democracy Fund earlier:

- 45% of voters are “very” or “somewhat” concerned about voter fraud
- 39% are “very” or “somewhat” concerned that a voting machine miscalculated votes
- 38% are “very” or “somewhat” concerned that an electronic security breach or hack impacted the vote counts
- 38% of voters are “very” or “somewhat” concerned that a candidate or party changed the election results to create false or inaccurate vote counts.

Think about that last one. 38% of voters are concerned that the election results were tampered with.

So between 1 in 3 and 1 in 2 people think that someone really needs to be watching out for democracy and they’re concerned that no one is watching.

It sounds like what we really need is people in every state, city and county across the nation to guard against fraud, to make sure that only eligible citizens vote, and to make sure that ballots are counted accurately and the results are not tampered with.

That’s what I do the rest of the year! That’s what tens of thousands of full-time people, from county auditors to town clerks to people like the staff in my office, 28 full-time professional staff who work for a bipartisan Board of Elections, do the rest of the year.
We go through death records to make sure that we take the dearly departed off the rolls. We get the jury commissioner to tattle on those who said they couldn’t report for jury duty because they’re not a citizen or they moved out of the county. We run every new voter registration form against Social Security or Motor Vehicle data to make sure it matches a real person, or else we put a flag in your record that you will need to show ID at the polls. We mark test ballots and make sure that our voting equipment counts them accurately. We buy tamper-evident seals by the truckload. We build in backup procedures for the fallbacks for the contingency plans.

We work to make sure that polling places are situated fairly and conveniently for voters, that they are accessible, and that they have enough parking. We recruit and train thousands of paid bipartisan volunteers to provide customer service and to comply with a host of federal laws and state laws and regulations that they must follow to perform their duties. They safeguard the integrity of the process, they watch each other, and they sign off on a lot of paperwork documenting that they have done so, and that the process has been conducted fairly and accurately. That’s what they do.

In my county, for this last election, we trained paid volunteers to fill 1,913 one-day positions for early voting in this last election, and 3,566 people to work on Election Day. We also handle the mailing and counting of absentee ballots, more than 50,000 absentee ballots in my county. And we count every provisional ballot for every eligible voter.

We do everything we can to help voters successfully register, to make sure that only eligible voters are registered, and make sure each ballot is counted once and only once. We hire thousands of people to run three simultaneous elections: one early, one by mail and one on Election Day.

And we do that in partnership with a lot of people, not just our pollworkers but also our colleagues at the state level. Commissioner Cortes will speak to the responsibilities of state officials in a moment, but I see that Linda Lamone, our State Election Administrator, is here. I get email messages from her staff at one o’clock, two o’clock in the morning. They work really hard at their duties as well, to do things like making sure that our pollbook software works properly and that we have the tools to do our job.

And we do audits. Believe you me, we all do audits. Yes, I’ve seen the charts saying that only 30 states require audits, but just because it isn’t required by state law doesn’t mean it isn’t done. We do audits of our own devising, we do audits that those of you who serve in state legislatures require, we do pre-certification audits, we do post-certification audits, we do regular audits of the voter rolls. We spend a lot of time checking our work and investigating anomalies.

In my county, we are scheduled to certify the election tomorrow, a full month after Election Day. We’ve had about a hundred people in my office for the past month working to make sure every ballot was counted accurately and that all the numbers add up.

For example, last Friday, I had a precinct that was driving me nuts. It looked like we had six more ballots cast than voters who had checked in. We couldn’t figure out why. How did six extra people get a ballot? Did one of our workers hand out extra pages of the ballot? Was the scanner jamming and did they somehow manage to scan ballots twice? Did a provisional voter manage to slip past all of our protections against it and scan their ballot at the polling place?

We checked for all of these things. And we did find a provisional voter who scanned their ballot. So that was one. But it still left five more ballots than voters checked in.

It took us another six hours to figure it out.
We counted 1,300 little slips of paper with voter signatures on them, the oaths that voters sign when they check in to vote. Then we counted them again. But we had the right number of slips of paper. So we alphabetized them. We went through every slip of paper and compared it against the electronic list of the voters who had credit for checking in at that polling place. Sure enough, we found five voters who had checked in and signed their oath, but their information had not gotten uploaded from the electronic pollbook.

The numbers matched perfectly. I think I felt more accomplished that day than I did on Election Day.

That’s what we do the rest of the year.

I’ll close with a thoughts on what election officials need from you. Because we have real problems to confront.

Some of them have to do with technology, some of them have to do with human capital, and some of them have to do with processes and efficiency, and the evolving roles of state and local governments, and how we all do our part for democracy and get the job done.

But the biggest issue that we are worried about is voter confidence. And that is not something that can be granted, it has to be earned.

When 38% to 45% of voters are saying they lack confidence in our voting process, we have a very serious problem on our hands. We need to show voters that democracy works and earn their participation in the process and confidence that the winners were fairly elected, for the long-term health and future of our system of government.

So the first thing I want to say is, choose your weapons wisely. We get it. The rules of engagement in the political process are and will continue to be a political football. And if you keep each other honest and shed light as well as heat on the areas where our democracy can improve, so much the better. But stop and think before you throw Molotov cocktails at the process.

Millions of people are not voting illegally.

The voting equipment is not rigged.

Just stop it. It’s not helpful, it’s not constructive, it’s not true and we can prove it.

If you want real reform, if you want to strengthen institutions rather than tearing them down, then work across the aisle. Avoid scoring political points and work in a bipartisan way to strengthen the infrastructure of our democracy. It is extremely frustrating for people who are trying to pursue real reforms to see them become a partisan issue.

The last thing I want to say is, let’s work on our relationship. Election officials as a rule are really terrible at bringing you our problems. To us, you are candidates first, who are to be kept at arm’s length and as far as possible from the inner workings of the process. We have trust issues. Help us find a safe space to talk constructively about what goes well and what doesn’t. Because even in the best election there are issues. There are always issues. But the process works.

There are tens of thousands of people across the country working year-round to make sure the process works. Let’s work together to figure out how to do better, to strengthen democracy in a way that counteracts the negative messages that voters are hearing. NCSL and the Democracy Fund are doing great work in this area. But we need to do more. Let’s work together to do more.