

**1. Announcements & Important Meetings**

Meeting of the Electoral College

On December 19, 2016, the members of Maryland's Electoral College met at the State House to cast votes for President and Vice President of the United States. The meeting was well organized and covered by the media. Special thanks to Jared DeMarinis and Mary Wagner for coordinating the event and various SBE staff members that prepared for and facilitated the meeting.

Department of Homeland Security - Critical Infrastructure Designation

On January 6, 2017, the U.S. Department of Homeland Security designated the nation's electoral system as a "critical infrastructure." The impact of this designation is not known at this time, as the Department of Homeland Security has not provided election officials with additional information.

General Accounting Office - Voting System Survey

On January 11, 2017, Paul Aumayr and I had a conference call with the federal General Accounting Office (GAO) to pre-test an upcoming national voting system survey. During this call, we reviewed each question and provided feedback on how to improve the question and obtain the information that they are seeking. GAO expects to distribute to state election officials this survey soon.

Senate Education, Health, and Environmental Affairs (EHEA) Briefing

On January 19, 2017, the Senate EHEA Committee held an elections briefing for committee members. At this briefing, I provided a summary of the 2016 General Election and Larry Moore, President and CEO of The Clear Ballot Group, gave an overview of the ClearAudit product and how the post-election ballot tabulation audit was performed. A copy of my talking points and Mr. Moore's presentation are included in the board meeting folder. On February 7, 2017, we will provide similar briefing for the House Ways and Means Committee.

**2. Election Reform and Management**

Post-Election Audit and Verification

Erin Perrone and Cortnee Bryant continue to collect various documentation from the local boards of elections to complete the post-election comprehensive audit tasks. The comprehensive audit results for each local board should be available by the end of March.

2016 General Election - Line Analysis

Nikki Charlson and Brett Mitchell of the New Voting System Replacement (NVSR) team continue to collect and review data from the 2016 General Election. Since the December meeting, we have gathered additional data from the voting system and pollbook systems, the local boards of elections, election judges, and voters. The data shows that some of the lines could have been alleviated with additional equipment, but lines at other precincts were caused by other factors. A summary report of the findings should be available at the February meeting.

**3. Voter Registration**

MDVOTERS

Over the weekend of December 17<sup>th</sup>, software release 6.3 was moved into production. Enhancements include several candidacy reports, polling place accessibility, the ability to accept

more information from the Electronic Registration Information Center (ERIC), and prohibiting users from entering more than just the last 4 digits of an applicant's social security number.

Release 6.4 will go into testing January 30th.

#### Electronic Registration Information Center (ERIC)

In early February, the next set of ERIC reports will be forwarded to the local boards for processing.

#### Uniformed and Overseas Voters

In March 2014, SBE was awarded a financial grant from the Federal Voting Assistance Program for a pilot project to develop a single point of contact for military, overseas voters and their families. Since that time, SBE assumed all the duties of supporting and working with these voters. One of the final actions to conclude the pilot project is the transition of duties back to the local boards. This will be effective Wednesday, February 1, 2017. Janet Smith will provide refresher training to the local boards.

### **4. Candidacy and Campaign Finance (CCF) Division**

#### Candidacy

Starting on February 28, 2017, candidates may file a certificate of candidacy for the 2018 General Election.

#### Campaign Finance

On January 18<sup>th</sup>, the 2017 Annual Report was due for all political committees. Currently, the CCF Division has over 1,600 active political committees. Over 1,400 reports have been filed. Failure to file timely will result in a fine of \$10 per day, up to \$500. The late fee must be paid with campaign funds.

The fundraising prohibition began on January 11<sup>th</sup> at 12 noon for all current State office holders. The office holders prohibited from raising or depositing funds are the Governor, Lieutenant Governor, Attorney General, Comptroller, and members of the General Assembly.

#### Enforcement

On January 20<sup>th</sup>, representatives of the Citizens for Rebecca Weir Nelson and Friends of Ramona Moore Baker failed to appear at court for a failure to file matter. Judgments on the affidavit were issued. The total late fees due are \$1,500.00 for Citizens for Rebecca Weir Nelson and \$500.00 for Friends of Ramona Moore Baker.

In the last month, the following committees paid civil penalties for violations of the Election Law Article:

- a. Committee For Frank M. Conaway, Jr.: Failure to maintain a campaign bank account, failure to maintain loan documents and authority line. The civil penalty was \$750.
- b. Friends of Belinda K. Conaway: Failure to include an authority line on campaign material. The civil penalty was \$100.
- c. Let's Put Jeanette Dixon to Work for All Students: Failure to include an authority line on campaign material. The civil penalty was \$100.
- d. Baltimore County Victory Slate: Impermissible expenditures. The committee made an unlawful \$100,000 loan to another campaign committee. The civil penalty was \$3,000

On January 13<sup>th</sup>, Marta Gates-Jones was charged with felony theft and fraudulent campaign finance reporting for the Service Station Dealers PAC. It is alleged that Ms. Gates-Jones withdrew \$42,650 in PAC funds to pay herself and falsely reported those payments on the campaign finance reports as advertising expenses.

## 5. **Project Management Office (PMO)**

### Legacy Inventory System Disposal

SBE is working with the Department of General Services (DGS) to dispose of the legacy voting system equipment and supplies. SBE will provide DGS with a list of potential bidders so that they can include them in any auction events. One significant work effort that must occur before disposing of the equipment will be to clear any election data stored on the units.

The warehouse team just completed a recheck of some voting system units as part of the reconciliation process. This effort was needed to make sure the master inventory record matched the equipment in the warehouse. The warehouse team is currently performing the periodic battery recharging of the legacy units.

### New Inventory System

SBE continues its work to prepare for the conversion of the inventory data for equipment, supplies, and furniture into the new inventory system.

### NVSR Project Team

The project team continues coordinating and working on the election close-out reporting and issue resolution requirements between SBE, the local boards, and ES&S. This includes building a test plan to compare the upload rates for Certified Network workstations with different RAM sizes. In addition, the project team continues its efforts to track and resolve outstanding issues with any of the new voting system equipment and electronic pollbooks. The project team is coordinating the 2016 General Election Lessons Learned by developing and distributing to the local boards various surveys.

### Other

SBE's PMO is in the process of refining and developing the scope of work content for the new election support resources solicitation. This solicitation is expected to be released in 2017.

## 6. **Voting Systems**

### ES&S Contract Management - Option 1

The base period for the voting system contract with ES&S ends March 31, 2017. We have notified ES&S of our intent to exercise Option 1 of the contract, which will extend the contract through March 31, 2019. The Board of Public Works is scheduled to consider this contract option at its February 8, 2017, meeting. Upon approval of this option, we will propose some modifications to the contract. These modifications will also require Board of Public Works approval.

### Post-Election Maintenance

After the Board of State Canvassers certified the election results and the Electoral College meeting, the voting equipment, including the ballot scanners, ballot marking devices and electronic pollbook, were released. The local boards have been conducting the post-election maintenance on this equipment, which includes examining the equipment and performing any required maintenance. If any unit requires repair, ES&S will perform that repair. Scanners and

ExpressVote units are repaired at the local boards' warehouses, and pollbooks are repaired by ES&S at ES&S' Bowie warehouse in Bowie. All post-election maintenance should be complete by mid-April.

#### Electronic Pollbooks

On January 14, 2017, we had a productive meeting with Adam Carbillido, ES&S' Senior Vice President of Product Development, to discuss the future development and testing of electronic pollbook software and hardware. SBE has been testing early pre-release versions on pollbook software to better understand changes and perform some initial testing. Both sides agree that this process has been beneficial and agreed that it should continue.

#### High Speed Scanners

On January 12, 2017, SBE and ES&S hosted a lessons learned meeting with the eight local boards who use the DS850 high speed scanners. Representatives of these local boards described their experiences from the 2016 General Election and shared their issues and concerns. ES&S will host a follow up meeting on February 1, 2017, and provide responses to the feedback they received and present proposals for moving forward with the DS850s.

#### Comprehensive Audit

The voting systems team continues to gather data for the 2016 General Election post-election comprehensive audit. This includes verifying the opening times for all the polling places and identifying the number of "offline" provisional ballots that were issued. This follows the post-election audit and verification that took place last month.

### **7. Information Technology**

#### Upgrade of the SBE HQ Network Switches

We plan to upgrade the office's Local Area Network switches in the next few weeks. The new switches are 1,000 megabytes and replace the old switches (100 megabytes). This upgrade will improve SBE's computer network speed and performance and offer the capability to power up future office staff desk VoIP telephones. The network switches are currently being procured, and we hope to have them installed, configured and operational by the end of February 2017.

# 2017 Senate and House Bills Report

SBE Assign	Bill	Bill Type	Sponsor	Title	Short Description	Related Bill	Prev Sub	Prev Result	Fiscal Notes Due	Note Sub	Hse Comm	Hse Hearing Date	Hse Comm Report	Pass Hse Vote	Sen Comm	Sen Hearing Date	Sen Comm Report	Pass Sen Vote	Ret Pass	Effective Date	Chpt
DeMarinis	HB0072	Camp Fin	Delegate Luedtke	Eelction Law-Fair Campaign Financing Fund						<input type="checkbox"/>	WMC	2/07 1:30 pm									
Duncan	HB0073	Elect	Delegate Luedtke	Election Law-Election Judges-Minimum Age and Minimum Compensation						<input type="checkbox"/>	WMC	2/07 1:30 pm									
Duncan	HB0084	Const Amend	Delegate Luedtke	Constitutional Convention-Approval by Majority of Voter Voting on the Question-Requirement						<input type="checkbox"/>	Rules										

SBE Assign	Bill	Bill Type	Sponsor	Title	Short Description	Related Bill	Prev Sub	Prev Result	Fiscal Notes Due	Note Sub	Hse Comm	Hse Hearing Date	Hse Comm Report	Pass Hse Vote	Sen Comm	Sen Hearing Date	Sen Comm Report	Pass Sen Vote	Ret Pass	Effective Date	Chpt
DeMarinis, Wagner	HB0087	Elect	Delegate Lafferty	Baltimore County-Elections for Judges of the Orphans Court-Procedures						<input type="checkbox"/>	WMC	2/07 1:30 pm									
Duncan	HB0088	Elect	Delegate Lafferty	Education-Selection of Members to the Baltimore County School Board						<input type="checkbox"/>	WMC	2/02 1:00 pm									
Wagner	HB0103	Vote Reg	Chair Appropriation Committee	Department of Human Resources and Child Support Enforcement Administration- Renaming						<input type="checkbox"/>	Appr	1/31 1:30 pm									
DeMarinis	HB0118	Camp Fin	Delegate Luedtke	Election-Law-Persons Doing Public Business-Reporting by Government Entities						<input type="checkbox"/>	WMC	2/07 1:30 pm									

SBE Assign	Bill	Bill Type	Sponsor	Title	Short Description	Related Bill	Prev Sub	Prev Result	Fiscal Notes Due	Note Sub	Hse Comm	Hse Hearing Date	Hse Comm Report	Pass Hse Vote	Sen Comm	Sen Hearing Date	Sen Comm Report	Pass Sen Vote	Ret Pass	Effective Date	Chpt
DeMarinis, Duncan	HB0143	Elect	Chair, Ways and Means Committee	Elections-Miscellaneous Duties and Procedures						<input type="checkbox"/>	WMC	2/07 1:30 pm									
Duncan	HB0160	Elect Other	Delegate Simonaire	Anne Arundel County-Board of Education-Selection of Members						<input type="checkbox"/>	WMC	2/09 1:00 pm									
DeMarinis	HB0165	Elect Other	Delegate Barron and Pena-Melnyk	State Government-Maryland Uniform Electronic Legal Materials Act						<input type="checkbox"/>	HGO										
Duncan	HB0168	Elect	Delegate Rosenberg and Luedtke	Election Law-Required Notifications-Voter Challenges or Intimidation						<input type="checkbox"/>	WMC	2/07 1:30 pm									

SBE Assign	Bill	Bill Type	Sponsor	Title	Short Description	Related Bill	Prev Sub	Prev Result	Fiscal Notes Due	Note Sub	Hse Comm	Hse Hearing Date	Hse Comm Report	Pass Hse Vote	Sen Comm	Sen Hearing Date	Sen Comm Report	Pass Sen Vote	Ret Pass	Effective Date	Chpt
DeMarinis, Duncan	HB0169	Elect	Delegate Korman and Buckel	State Board of Elections- Open Meetings- Video Streaming and Recording (State Board of Elections						<input type="checkbox"/>	HGO										
Wagner	HB0180	Vote Reg	Delegate Morhaim Kipke Oaks West	Department of Health and Mental Hygiene- Renaming						<input type="checkbox"/>	HGO										
DeMarinis	HB0234	Camp Fin	Delegate Rosenberg and Luedtke	Campaign Finance - Making a Contribution During General Assembly Session - Prohibition						<input type="checkbox"/>	WMC	2/07 1:30 pm									
DeMarinis	SB0044	Other	Chair EHEA Committee	Records Management and Preservation- State and Local Government Units- Responsibiliti						<input type="checkbox"/>					EHEA	2/02 1:00 pm					

SBE Assign	Bill	Bill Type	Sponsor	Title	Short Description	Related Bill	Prev Sub	Prev Result	Fiscal Notes Due	Note Sub	Hse Comm	Hse Hearing Date	Hse Comm Report	Pass Hse Vote	Sen Comm	Sen Hearing Date	Sen Comm Report	Pass Sen Vote	Ret Pass	Effective Date	Chpt
DeMarinis, Duncan	SB0058	Elect	Senator Kagan and Rosapepe	Election Law- Election Observers						<input type="checkbox"/>					EHEA	1/19 2:15 pm					
Wagner	SB0064	Vote Reg	Senator Kagan	Voter Registration- Affiliating With a Party						<input type="checkbox"/>					EHEA	1/19 2:15 pm					
DeMarinis	SB0074	Elect	Senator Kagan	Maryalnd Code- Standardizati on of Terminology- Nonprofits						<input type="checkbox"/>					Fin	1/19 2:15 pm	Favora ble				
Duncan	SB0082	Other	Senator Middleton	Department of Health and Mental Hygiene- Renaming						<input type="checkbox"/>					Fin	1/17 11:00 am	FAV				

SBE Assign	Bill	Bill Type	Sponsor	Title	Short Description	Related Bill	Prev Sub	Prev Result	Fiscal Notes Due	Note Sub	Hse Comm	Hse Hearing Date	Hse Comm Report	Pass Hse Vote	Sen Comm	Sen Hearing Date	Sen Comm Report	Pass Sen Vote	Ret Pass	Effective Date	Chpt
DeMarinis, Duncan	SB0091	Other	Senator Kagan and Waugh	State Board of Elections- Open Meetings- Video Streaming and Recording (State Board of Elections						<input type="checkbox"/>					EHEA	1/19 2:15 pm					
Duncan	SB0127	Elect	Senator Conway, Mcfadden, Nathan-Pulliam and Robinson	Baltimore City- Mayor and Memebers of the City Council- Qualifications - Residency Period						<input type="checkbox"/>					EHEA	1/26 1:00 pm					
DeMarinis	SB0130	Camp Fin	Senator Simonaire	Election Law- Ballot Issues- Contributions and Donations by Foreign Principals						<input type="checkbox"/>					EHEA	1/26 1:00 pm					
Duncan	SB0131	Elect Other	Sneator Simonaire and Astle	Anne Arundel County- Board of Education- Selection of Members						<input type="checkbox"/>					EHEA	1/25 3:00 pm					

SBE Assign	Bill	Bill Type	Sponsor	Title	Short Description	Related Bill	Prev Sub	Prev Result	Fiscal Notes Due	Note Sub	Hse Comm	Hse Hearing Date	Hse Comm Report	Pass Hse Vote	Sen Comm	Sen Hearing Date	Sen Comm Report	Pass Sen Vote	Ret Pass	Effective Date	Chpt
DeMarinis	SB0137	Elect Other	Senator Lee Feldman Smith	State Government-Maryland Uniform Electronic Legal Materials Act						<input type="checkbox"/>					Jud	1/26 1:00 pm					
Duncan	SB0141	Elect	Senator Zirkin	Election Law-Polling Place on College Campuses						<input type="checkbox"/>					EHEA	1/26 1:00 pm					
Duncan	SB0146	Elect	Senator Pinsky and Smith	Congressional Districting Process						<input type="checkbox"/>					EHEA						
DeMarinis, Wagner	SB0156	Elect	Senator Brochin and Klausmeier	Baltimore County-Elections for Judges of the Orphans' Court-Procedures						<input type="checkbox"/>					Jud	1/26 1:00 pm					

SBE Assign	Bill	Bill Type	Sponsor	Title	Short Description	Related Bill	Prev Sub	Prev Result	Fiscal Notes Due	Note Sub	Hse Comm	Hse Hearing Date	Hse Comm Report	Pass Hse Vote	Sen Comm	Sen Hearing Date	Sen Comm Report	Pass Sen Vote	Ret Pass	Effective Date	Chpt
DeMarinis	SB0164	Other	Senator Brochin and Salling	Baltimore County-Ethics-Prohibitions and Requirements Regarding Payments During Pandemic of						<input type="checkbox"/>					EHEA						
Lamone	SB0172	Budget	President	Budget Reconciliation and Financing Act of 2017						<input type="checkbox"/>					B&T						
Duncan	SB0252	Elect Other	President	Redistricting Reform Act of 2017						<input type="checkbox"/>					EHEA						
DeMarinis	SB0259	Camp Fin	ETAL	Election Laws- Loans to a Campaign Finance Entity						<input type="checkbox"/>					EHEA						

***Voters Organized for the Integrity of City Elections, et al. v. Baltimore City Elections Board, et al.***

No. 60, September Term 2016

**Election Law – Action by Registered Voter with Respect to Act or Omission in Violation of State Election Law – Mootness.** Appeal of a circuit court’s denial of motion for temporary restraining order that would have required election officials to create a special system of “inmate voting” in Baltimore City for the 2016 general election was moot when any court order granting such relief on the day before the election would have been without practical effect. Maryland Code, Election Law Article, §12-201 *et seq.*

Circuit Court for Baltimore City  
Case No. 24-C-16-005773  
Argument: November 7, 2016

IN THE COURT OF APPEALS  
OF MARYLAND

No. 60  
September Term, 2016

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VOTERS ORGANIZED FOR THE INTEGRITY OF  
CITY ELECTIONS, ET AL.

v.

BALTIMORE CITY ELECTIONS BOARD, ET AL.

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Barbera, C.J.  
Greene  
Adkins  
McDonald  
Watts  
Hotten  
Wilner, Alan M. (Senior Judge,  
Specially Assigned),

JJ.

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Opinion by McDonald, J.  
Watts, J., concurs.

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Filed: January 23, 2017

There is a medieval legend concerning a Danish king named Canute whose domain included the British Isles and Scandinavia. To his contemporaries, his authority must have seemed boundless. Canute was less impressed. To demonstrate that his power was quite finite in the grand scheme of things, Canute invited his courtiers to the seashore where he commanded the incoming tide to halt – an order that was, as Canute intended to demonstrate, without effect.<sup>1</sup>

An appellate court may sometimes find itself in a situation when, due to time or other circumstances beyond its control, it is asked to issue an order that, like King Canute's command to the sea, would be without practical effect. The appeal is said to be moot and, typically, the court dismisses it. Such is the case with this appeal.

Appellants, Voters Organized for the Integrity of City Elections (“VOICE”) and its founder Hassan Giordano, initiated this action just weeks before 2016 general election in the apparent hope of compelling Appellees, the State Board of Elections (“State Board”) and the Baltimore City Board of Elections (“City Board” or “local board”), to establish a special system for “inmate voting” in Baltimore City for the 2016 general election. Their complaint sought relief on behalf of individuals who were detained pretrial or were incarcerated as a result of a misdemeanor conviction, who were eligible to vote, and who

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<sup>1</sup> See Henry of Huntingdon, *Historia Anglorum* (1154). In some later versions of the story, King Canute is portrayed as himself believing that his powers were boundless and vainly commanding the tide to recede. See, e.g., K. Evans, *Canute and the Waves: A Misunderstood Story* at <<https://kellyaevans.com/nqhhistory/waves-2/>>. The story was thus transformed from one of a leader giving a lesson in humility to one of a leader needing a lesson in humility.

wished either to register to vote or, if already registered, to cast a ballot in the 2016 general election.

While VOICE and Mr. Giordano may have had the laudable purpose of ensuring that those with the right to vote were able to do so, the timing and basis on which they took legal action raised a plethora of issues. The Circuit Court for Baltimore City denied their request for a broadly worded temporary restraining order (“TRO”) on the ground that they had filed their complaint too late. Alternatively, the court concluded that, even if it overlooked the procedural default, they had failed to show, by the “clear and convincing evidence” standard in the statute, any act or omission by the election boards that threatened to change the outcome of the election.

The expedited appeal of the Circuit Court’s decision was argued before this Court on November 7, 2016 – the day before the 2016 general election. We dismissed the appeal as moot that same day and indicated that the case would be remanded to the Circuit Court to consider any further request for a declaratory judgment in accordance with an opinion to be issued by this Court. This is that opinion.

## **I Background**

### *The Complaint – Parties and Jurisdiction*

On October 28, 2016, less than two weeks before the 2016 general election, VOICE and Mr. Giordano brought this action against the two election boards in the Circuit Court for Baltimore City. In its complaint VOICE stated that it is a “watchdog organization” that is comprised of Maryland voters concerned about the integrity of elections in Baltimore

City and that operates “exclusively” in the City. Mr. Giordano was alleged to be a City voter and the founder of VOICE. The complaint did not identify any other members of VOICE or name any other individual plaintiffs.

The complaint sought injunctive and declaratory relief with respect to all City and State detention centers and correctional facilities within the jurisdiction of the Circuit Court. The complaint alleged that the Circuit Court had jurisdiction of the action under the State Election Law – in particular, Maryland Code, Election Law Article (“EL”), §12-201 *et seq.* That provision is limited in scope and requires prompt action by one who seeks to invoke it. In particular, under that provision, a registered voter may bring an action with respect to any act or omission “relating to an election”: (1) that is inconsistent with the State Election Law and (2) that may affect the outcome of the election. EL §12-202(a). Such an action must be brought either within 10 days after the alleged act or omission became known to the plaintiff, or within a specified number of days after the election (depending on whether it is a primary or general election) – whichever of the two dates is earlier. EL §12-202(b). The complaint also invoked the Maryland Uniform Declaratory Judgments Act, Maryland Code, Courts & Judicial Proceedings Article (“CJ”), §3-401 *et seq.*

#### *The Complaint – Factual Allegations*

The complaint appeared to relate the time of its filing to legislation enacted during the 2016 session of the General Assembly – specifically, Chapter 6, Laws of Maryland 2016 (“2016 legislation”). The 2016 legislation amended the statute that defines the qualifications for voting (EL §3-102) to limit the disqualification from voting for convicted

felons to the period of the individual's incarceration. Prior to that amendment, a convicted felon would have also been disqualified from voting during any period of probation or parole. The amendment was enacted by the General Assembly over the Governor's veto and became effective March 20, 2016.

The complaint then focused on two categories of individuals in custody who may be eligible to vote if they otherwise satisfy the general criteria applicable to all Maryland citizens<sup>2</sup>: (1) pretrial detainees who have not been convicted; and (2) individuals in custody only because they had been convicted of a misdemeanor offense.<sup>3</sup> (As will be seen below, however, the 2016 legislation had no effect on the voting rights of either of these categories of potential voters.) The complaint alleged that there were "hundreds" of individuals in State custody in those two categories who were eligible to vote.

The complaint alleged that "the lack of a State strategy governing inmate voter registration and the casting of ballots in the upcoming election infringes upon the fundamental right to vote" of those individuals. More particularly, the complaint faulted

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<sup>2</sup> In order to become registered to vote, an individual must be a United States citizen, at least 16 years old, and a resident of Maryland at the time of registration. EL §3-102(a). An individual is disqualified from becoming registered to vote if the individual (1) is a convicted felon currently serving a sentence of imprisonment for that conviction, (2) is under guardianship for a mental disability and there is a court finding that the individual cannot communicate a desire to participate in voting, or (3) has been convicted of buying or selling votes. EL §3-102(b).

<sup>3</sup> The complaint also alluded briefly to a third category of imprisoned individuals who may be eligible to vote: convicted felons who had completed their term of incarceration, but who were detained awaiting a hearing on an alleged parole or probation violation. However, unlike the other two categories of inmates, the plaintiffs did not make further mention of this third category in the complaint and other filings.

the State, the counties, and Baltimore City for lacking a policy or plan to distribute ballots to pretrial detainees and incarcerated misdemeanants during the early voting period (October 27 through November 3, 2016) or on election day (November 8, 2016) and for not providing information about voting, voter eligibility, and voter registration during the intake process at detention centers and correctional facilities. The complaint alleged that, as a result, there would be “massive disenfranchisement” that threatened to affect the outcome of the 2016 general election. The complaint did not allege any details as to how the outcome of the election was likely to be affected.

*The Complaint – Causes of Action and Relief Sought*

Based on those factual allegations, the complaint alleged various causes of action and violations of the Election Law in six counts. It appears that some of the counts pertain to only one of the two defendant election boards, although the complaint is not always clear in that regard.

Count I, apparently directed at both the City Board and the State Board, alleged a violation of the right to register to vote, as provided in EL §3-102, with respect to pretrial detainees and individuals serving sentences for misdemeanor convictions.

Count II, apparently directed at the City Board alone, asserted that the local board had failed to carry out the powers and duties assigned to it by EL §2-202,<sup>4</sup> by not

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<sup>4</sup> EL §2-202(b) lists various powers and duties of the local board of elections in each county and Baltimore City. Count II of the complaint specifically recited the responsibilities of a local board of elections for overseeing the conduct of elections within its jurisdiction, providing supplies and equipment for voter registration and voting, and establishing precincts and polling places. EL §2-202(b)(1), (3), (6).

establishing a plan to ensure the opportunity to vote by pretrial detainees and individuals serving sentences for misdemeanor convictions.

Count III, apparently directed at the State Board alone, alleged that the State Board had failed to carry out the powers and duties assigned to it by EL §2-102<sup>5</sup> by not establishing a Statewide plan to ensure the opportunity to vote by pretrial detainees and individuals serving sentences for misdemeanor convictions. That count also quoted State Board regulations that implemented same day voter registration at early voting centers. *See* COMAR 33.19.04.01 *et seq.*

Count IV, apparently directed at both election boards, alleged a violation of the statutes governing applications for voter registration. *See* EL §3-201 *et seq.* The complaint asserted that these violations arose from a failure of the two election boards to allocate resources to provide volunteers to assist pretrial detainees and individuals serving misdemeanor sentences with registration and voting.

Count V requested injunctive relief, presumably against both election boards, including a TRO, a preliminary injunction, and a permanent injunction, on the grounds that the plaintiffs (VOICE and Mr. Giordano) were threatened with irreparable harm, that the State would be “only slightly inconvenienced” by an injunction, and that the plaintiffs were

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<sup>5</sup> EL §2-102(b) lists various powers and duties of the State Board. Count III of the complaint specifically recited the State Board’s responsibilities to manage and supervise elections in the State and ensure compliance with election laws, to support and evaluate the activities of local election boards, and to maximize the use of technology in elections. EL §2-102(b)(1), (2), (7).

likely to succeed on the merits of their claims. Count V did not itself specify the nature of the requested injunctive relief.

Count VI requested declaratory relief, again presumably against both election boards, although, like Count V, it was not specific as to the declaration of legal rights that it sought.

*The Complaint – Relief Sought*

Finally, in a concluding prayer for relief, the complaint became specific as to what it asked the court to do. As will be evident, much of the relief sought would extend beyond Baltimore City throughout the State and some would appear to extend beyond the 2016 general election. In particular, the complaint asked the Circuit Court to order:

- a. That all pre-trial detainees and individuals serving a court-ordered period of imprisonment for misdemeanor offenses who are eligible to vote, shall receive an official ballot and the opportunity to cast it on November 8, 2016 for the general election, or during early voting (October 27, 2016 – November 3, 2016);
- b. That voting and election information including the opportunity to register shall be provided within 8 hours upon booking into each facility throughout the State of Maryland within the jurisdiction of this court;
- c. That all pre-trial detainees and individuals serving a court-ordered sentence of imprisonment for misdemeanor offenses at a facility owned by the State of Maryland shall be provided with accurate education on their right to vote and the process for exercising that right;
- d. That all pre-trial detainees and individuals serving a court-ordered period of imprisonment for misdemeanor offenses, who are duly registered to vote, shall be provided with a copy of the official general election ballot to review ballot questions, candidates and proposed funding questions relevant to their jurisdiction;

- e. That the State and local board cover the cost of providing ballots to all eligible persons in a timely fashion that are clear and legible;
- f. That the State and local board account for and maintain control over the ballots from the beginning of production to post-election storage and disposition in accordance with [EL] §9-216;
- g. That each ballot cast by all eligible persons in their institutions be counted;
- h. That the State and local boards provide a polling place in each facility to allow an efficient voting process and reduce the possibility of missing ballots, irregularities or allegations of disenfranchisement.

*Motion for TRO and Opposition*

On October 31, 2016, several days after filing the complaint, VOICE and Mr. Giordano filed a motion for a TRO. That motion reiterated the allegations of the complaint and recited generally the powers and duties of the two election boards under State law. In their motion, VOICE and Mr. Giordano argued that the two election boards had failed to “comply with and implement” EL §3-102 – the statute that sets forth the qualifications an individual must meet in order to be eligible to vote.<sup>6</sup>

In arguing that the two election boards had violated EL §3-102, the motion also inaccurately stated that the 2016 legislation that amended that statute had “restored” the right to vote for pretrial detainees and individuals serving sentences for misdemeanors.<sup>7</sup>

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<sup>6</sup> See footnote 2 above.

<sup>7</sup> In fact, the legislation did not concern the voting rights of pretrial detainees or individuals serving misdemeanor sentences – such individuals were eligible to register to vote both before and after the enactment of the 2016 legislation. The effect of that legislation was to extend voting rights to convicted felons who are on probation or parole and are not in custody – *i.e.*, not inmates. Whatever obligations the election boards may

The motion asserted that the State had not “place[d] any mandate upon jailers to implement . . . ‘inmate voting’” after passage of the 2016 legislation. In the motion VOICE and Mr. Giordano argued that their cause of action did not accrue until October 19, 2016 – the day after the deadline for voter registration for the 2016 general election.

In the motion, VOICE and Mr. Giordano argued that the alleged failures of the two election boards “may change the outcome of the general election” and that VOICE and its members would suffer immediate, substantial, and irreparable harm. The motion appeared to relate these allegations to the outcome of the presidential contest, stating that “[a]t least three of nine Supreme Court justice positions are at stake, and so too are over 300+ federal judicial appointments over the next eight years.” Finally, they argued that application of the four-factor test for issuance of a TRO – likelihood of plaintiff’s success on the merits, balance of harms to the parties, potential for irreparable injury to the plaintiff, and public interest<sup>8</sup> – favored granting the TRO.

An affidavit by Mr. Giordano submitted in support of the motion reiterated many of the allegations of the complaint and estimated that there were currently 1,100 registered voters in detention and approximately another 700 individuals in detention who were eligible to register to vote. He did not indicate how he calculated those figures. In the affidavit, Mr. Giordano stated his belief that the Governor had partisan motivations for

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have with respect to “inmate voting,” those obligations cannot be traced to the 2016 legislation.

<sup>8</sup> See *Fritzsche v. State Board of Elections*, 397 Md. 331, 339-40 (2007).

vetoing the 2016 legislation and for not implementing a “plan for ‘inmate voting.’” A draft order submitted with the motion recited verbatim the same relief sought in the complaint’s prayer for relief.

In response, the two election boards questioned the standing of VOICE and Mr. Giordano to bring the action. In particular, they noted that Mr. Giordano did not allege that he was a detainee who was unable to vote and that VOICE was not a registered voter. The election boards also argued that the complaint was barred by laches and failed to state a claim under EL §12-202.

In responding to the merits of the complaint’s allegations, the election boards argued that VOICE and Mr. Giordano had not made the requisite showing under the four-factor test for a TRO – in particular, that there was little likelihood the plaintiffs would succeed on the merits. The election boards noted that the State Election Law did not treat pretrial detainees and incarcerated misdemeanants differently from other individuals who are eligible to vote and who are unable to physically visit an early voting center during the early voting period or to visit their polling place on election day. Such individuals may request an absentee ballot and may designate an agent, if necessary, to obtain the application and ballot on their behalf. The election boards asserted that VOICE and Mr. Giordano had not identified any act or omission of the election boards inconsistent with the State Election Law, but were in effect protesting the absence of a law requiring special

voter outreach services for inmates. The election boards noted that the deadlines for a registered voter to obtain an absentee ballot had not yet expired.<sup>9</sup>

The two election boards argued that the voting rights of inmates who were eligible to vote had not been impeded by the authorities, as volunteers had collected voter registration applications and applications for absentee ballots from detainees and delivered them to the City Board. The election boards submitted affidavits from two employees of the Department of Public Safety and Correctional Services and the Baltimore City Detention Center, one of whom had been assisting detainees with voting for 16 years.

*Circuit Court Denial of TRO*

The Circuit Court held a hearing on November 1, 2016 – the day after the motion for the TRO was filed – and denied the motion. We have not been provided with a transcript of that hearing other than the oral ruling of the Circuit Court. In that ruling, the Circuit Court first noted that VOICE was not a registered voter and therefore did not have standing under EL §12-202, the primary statute under which the complaint was brought. However, the court concluded that Mr. Giordano did have statutory standing as a registered voter.

The Circuit Court held that Mr. Giordano’s complaint was barred under the principle of laches. In particular, the court noted that EL §3-102 – the statute concerning

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<sup>9</sup> The deadline for applying for an absentee ballot for the 2016 general election depended on whether the applicant asked to receive the ballot by mail or fax (November 1), downloaded it from the election board’s website (November 4), or picked it up (or had an agent pick it up) at an election board office (November 8).

qualifications for voter registration – was “decades old” and that the 2016 legislation that was cited in the complaint as the basis for the relief sought was a “red herring” as it was irrelevant to the categories of individuals on whose behalf Mr. Giordano sought relief from the court.

Alternatively, the Circuit Court held that the plaintiffs had failed to show, by clear and convincing evidence, that an “act or omission relating to an election” threatened to change the outcome of an election. The court noted that the only evidence submitted by the plaintiffs were “bald unsubstantiated assertions” in the affidavit of Mr. Giordano. The Court entered a written order consistent with its oral ruling denying the motion for a TRO.

VOICE and Mr. Giordano advise that they sought to have a fuller evidentiary hearing before the Circuit Court later that week, but were unsuccessful in doing so and instead pursued the current appeal.

*Appeal of Denial of TRO*

VOICE and Mr. Giordano immediately appealed the denial of the TRO directly to this Court, as permitted by EL §12-203(a)(3),<sup>10</sup> on Wednesday, November 2, 2016. We ordered expedited briefing and heard argument on Monday, November 7, 2016 – the day before the 2016 general election.

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<sup>10</sup> That provision states that any appeal is to be “taken directly to the Court of Appeals within 5 days of the decision of the circuit court.” EL §12-203(a)(3). The Court of Appeals is to give priority to the appeal and decide it “as expeditiously as the circumstances require.” EL §12-203(b).

In their appeal, VOICE and Mr. Giordano argued that (1) the Circuit Court should have granted the requested TRO and (2) the Circuit Court should have scheduled an evidentiary hearing on the merits of their request for a preliminary injunction prior to the election.

In the papers filed with us, VOICE and Mr. Giordano submitted, for the first time, an affidavit of Terrance Darnell Fields dated November 4, 2016, in which Mr. Fields stated that he was a registered voter affiliated with the Republican Party, a member of VOICE, and a current pretrial detainee who wished to vote in the 2016 general election. However, Mr. Fields was apparently registered to vote in Baltimore County, not Baltimore City – and therefore not a voter normally served by the City Board. At oral argument, counsel for VOICE and Mr. Giordano conceded that Mr. Fields’ affidavit had not been presented to the Circuit Court, but explained that they would have presented testimony like the affidavit if they had been successful in arranging an additional evidentiary hearing in the Circuit Court.

In their brief, VOICE and Mr. Giordano argued that they both have standing, that they were not late in filing their complaint, and that they satisfied the four-factor test for obtaining a TRO. In contesting the Circuit Court’s rulings on standing and laches, VOICE and Mr. Giordano modified some of their positions in the Circuit Court. On appeal, they relied on the alleged membership of Mr. Fields in VOICE to support “associational standing” of the organization. Although they continued to refer to the effect of the 2016 legislation in expanding voting rights, they appeared to have dropped any contention that the 2016 legislation affected the voting rights either of pretrial detainees or of incarcerated

misdemeanants – or has any bearing on the outcome of this case. With respect to their contention that the alleged unlawful acts or omissions of the election boards would affect the outcome of the 2016 general election, they shifted their focus from the presidential election to the election for the Baltimore City Council, noting that the primary elections for two seats on the Council had been decided by small margins.

In response, the election boards reiterated the arguments made before the Circuit Court. They also provided a detailed summary of the statutes governing voter registration and absentee voting and noted that VOICE and Mr. Giordano had not alleged any violation of any specific provision of those statutes.

## II

### Discussion

#### A. *The Standard for a Temporary Restraining Order*

A TRO may be granted “only if it clearly appears from specific facts shown by affidavit or other statement under oath that immediate, substantial, and irreparable harm will result to the person seeking the order ...” Maryland Rule 15-504(a). As noted above, to determine whether that standard is met, a court is to consider four factors: (1) likelihood of plaintiff’s success on the merits, (2) balance of the harms to the parties, (3) potential for irreparable harm to the plaintiff, and (4) the public interest. *Fritzsche v. State Board of Elections*, 397 Md. 331, 339-40 (2007). An appellate court reviews a circuit court’s decision to grant or deny injunctive relief, such as a TRO, under an abuse of discretion standard. *Colandrea v. Wilde Lake Community Ass’n*, 361 Md. 371, 394 (2000). To the

extent that the trial court's decision turns on a question of law, however, we review that decision without deference. *Ehrlich v. Perez*, 394 Md. 691, 708 (2006).

At the outset, there are a number of issues that must be considered to determine whether VOICE and Mr. Giordano can demonstrate a likelihood of success on the merits: whether either plaintiff has standing to obtain the relief sought in the complaint, whether the appropriate defendants have been named and served,<sup>11</sup> whether the 2016 legislation on which much of the plaintiffs' argument was based affects the particular potential voters on whose behalf plaintiffs seek relief, whether plaintiffs waited too long to file this action and are barred by laches, whether they have alleged any act or omission by the two elections boards contrary to the State Election Law and, assuming there is an act or omission, whether it would have changed the outcome of the presidential election (or even an election for a Baltimore City Council seat).

But we need not resolve all of those issues. We dismissed this appeal for the simple reason that, even if we were to agree with VOICE and Mr. Giordano and conclude that they were entitled to a TRO with respect to the 2016 general election, there was no way that such an order could have been implemented as a practical matter.

**B. Mootness**

An appeal is moot if, as a result of time or circumstances, "any judgment or decree the court might enter would be without effect." *Hayman v. St. Martin's Evangelical*

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<sup>11</sup> The relief sought in the complaint would require action to be taken by officials in charge of correctional facilities and detention centers. Only the two election boards are named as defendants in the complaint.

*Lutheran Church*, 227 Md. 338, 343 (1962). Although this Court may have the legal authority to express an opinion about the issues in a moot case, the appeal is typically dismissed. *Mercy Hospital, Inc. v. Jackson*, 306 Md. 556, 562 (1986).

An example is *Lloyd v. Board of Supervisors of Elections*, 206 Md. 36 (1954). In that case, an individual sought to be listed as a candidate for an Orphans' Court vacancy on both the Democratic and Republican primary ballots. When the local elections board declined to do so – based on an Attorney General opinion that concluded that a candidate for Orphans' Court could not run in both primaries – he brought a mandamus action in circuit court. The circuit court upheld the election board. The candidate appealed, but did not press for an expedited hearing, and the primary election took place before the appeal was heard. This Court ultimately dismissed the appeal as moot. The Court declined to exercise whatever authority it might have to address the legal issue raised by the candidate, noting that the issue was of statutory rather than of constitutional dimension, that the Legislature had the option of amending the statute before the next election, and that, if the Legislature chose not to do so, a similar action could be prosecuted in a more timely manner before the next election. 206 Md. at 43-44.

In this case, it is evident that, once the complaint was filed, both sides and the Circuit Court cooperated in advancing this litigation expeditiously. The Circuit Court ruled immediately after holding a hearing. The parties then promptly briefed this appeal and oral argument was scheduled the day after the briefs were filed. But, by the time the appeal was argued to us, the early voting period was over and the general election was just hours away. Even if this Court, or the Circuit Court on remand from the appeal, were to order

State officials to create a system of “inmate voting” for the 2016 general election, it would have been impossible to effectively accomplish such a task in the few hours remaining before the polls opened on election day.<sup>12</sup> Given that election day is the busiest day of any year for election officials, such an order would not only have been ineffective, but counter-productive in ensuring an orderly election. In our view, the request for a TRO related to the November 8, 2016 general election was moot by the time it reached us on November 7.

VOICE and Mr. Giordano appear to attribute the late filing of their law suit to the deadline for voter registration. They assert that they did not have a cause of action under EL §12-202 until the ordinary statutory deadline for voter registration (October 18, 2016) had passed and an eligible inmate would no longer be able to register to vote.<sup>13</sup> It is difficult

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<sup>12</sup> At oral argument, VOICE and Mr. Giordano adopted a fallback position that a “package of absentee ballots” could simply be distributed to inmates on election day in lieu of more extensive relief. However, the particular absentee ballot appropriate for a particular voter depends on the voter’s residence, which determines the local offices (*e.g.*, City Council member) for which the voter may cast a ballot. We were informed that there were nearly 30 different versions of the ballot – known as “ballot styles” – for the 2016 election in Baltimore City alone, and numerous permutations in each of the other jurisdictions, such as Baltimore County where Mr. Fields was eligible to vote. One who wishes to vote by absentee ballot must submit an application for the ballot, in part so that election authorities can match the voter to the appropriate absentee ballot. Matching a prospective inmate voter to the appropriate absentee ballot inside the detention centers on election day would have required a significant diversion of personnel and resources at the very time that election officials were attempting to timely open and appropriately staff every polling place in the State – a challenging prospect in the best of times.

<sup>13</sup> Effective January 1, 2016, a person could also appear in person at an early voting center in the county of residence to register to vote during the early voting period (October 27- November 3). EL §3-305. This option would not, of course, be available to an inmate.

to discern the logic of this argument under which they waited until election officials, following the State Election Law, would no longer register inmates to ask a court to order those officials to register potential voters outside the period specified in the law – under a statute designed to correct actions of officials contrary to the State Election Law. In any event, VOICE and Mr. Giordano do not explain why the deadline for voter registration would affect a cause of action on behalf of inmates who were already registered to vote, such as Mr. Fields.<sup>14</sup> Nor do they explain why, assuming VOICE and Mr. Giordano have standing, they were precluded from seeking a declaratory judgment before that date.

**C. Remand**

This is the end of this appeal. It may or may not be the end of this case. At this juncture, all that has been decided is the plaintiffs’ request for a TRO with respect to the 2016 general election. Any other relief sought with respect to the 2016 general election is, of course, also moot. As indicated earlier, the complaint appears to request more general declaratory and injunctive relief. But no trial has been held and any declaratory judgment would be premature at this point.

Assuming Mr. Giordano or VOICE can demonstrate the requisite standing for seeking declaratory relief, in theory they might pursue what remains of their complaint on

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<sup>14</sup> In their appeal brief, they suggested that a cause of action for Mr. Fields did not accrue until October 27, 2016, the first day of the early voting period. The rationale for that assertion – *i.e.*, what act or omission inconsistent with the State Election occurred on that date – is not clear from the brief.

remand as it relates to voter registration and voting in a future election. We offer a few thoughts on standing and declaratory relief for guidance of the Circuit Court.

1. Some Considerations on Standing

To the extent that the complaint is based on EL §12-201 *et seq.*, Mr. Giordano has statutory standing as a registered voter. *See* EL §12-201(b); *Suessmann v. Lamone*, 383 Md. 697, 712-13 (2004). But, as the Circuit Court noted, VOICE is not, and cannot be, a registered voter and therefore has no standing under that statute. A cause of action under that statute rests on an allegation that an act or omission in violation of the State Election Law may affect the outcome of an election – an assertion somewhat more difficult to make at this juncture with the end of the 2016 general election and the next election more than a year in the future.

To the extent that the complaint is based on the declaratory judgment statute, CJ §3-401 *et seq.*, a circuit court may grant such relief “if it will serve to terminate the uncertainty or controversy giving rise to the proceeding,” and if:

- (1) An actual controversy exists between contending parties;
- (2) Antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation; or
- (3) A party asserts a legal relation, status, right, or privilege and this is challenged or denied by an adversary party, who also has or asserts a concrete interest in it.

CJ §3-409(a). *See also Falls Road Community Ass’n v. Baltimore County*, 437 Md. 115, 145-46 (2014).

To have standing to bring a declaratory judgment action, VOICE and Mr. Giordano must have standing under the Maryland common law.<sup>15</sup> This Court recently summarized that requirement: Absent special statutory standing,<sup>16</sup> “a person – individual or organization – has no standing to bring an action in court unless the person has suffered some kind of special damage.” *Fraternal Order of Police v. Montgomery County*, 446 Md. 490, 506 (2016). Thus, common law standing “depends on whether one is aggrieved, which means whether a plaintiff has an interest such that [the plaintiff] is personally and specifically affected in a way different from ... the public generally.” *Kendall v. Howard County*, 431 Md. 590, 603 (2013) (quotation marks and citations omitted).

VOICE has asserted that it has “associational standing” on behalf of its members under federal case law that recognizes such standing if: (1) an organization’s members would otherwise have standing to sue as individuals; (2) the interests at stake are germane to the group’s purpose; and (3) neither the claim made nor the relief requested requires the participation of individual members in the suit. *See Taubman Realty Group L.P. v. Mineta*, 320 F.3d 475, 480 (4<sup>th</sup> Cir. 2003). VOICE did not formally establish the first element of this formula in the Circuit Court – *i.e.*, whether its members would have standing

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<sup>15</sup> The declaratory judgment statute also explicitly confers standing on certain parties in certain types of cases. *See, e.g.*, CJ §3-408 (specifying who may seek declaration of rights relating to a trust or the estate of a decedent). No such provision in the declaratory judgment statute, however, applies to this case.

<sup>16</sup> *See Accokeek, Mattawoman, Piscataway Creeks Community Council, Inc. v. Public Service Commission*, \_\_\_ Md. \_\_\_, 2016 WL 7324009 (December 16, 2016), for a case involving a statute broadly conferring standing on potential plaintiffs.

individually – although it might achieve that end with the affidavit of Mr. Fields or other inmate members. In any event, this Court has not yet recognized such derivative standing. “We have long held the view that, under Maryland common law principles, for an organization to have standing to bring a judicial action, it must ordinarily have a property interest of its own – separate and distinct from that of its individual members – and that ... an organization has no standing in court unless [it] has also suffered some kind of special damage from such wrong differing in character and kind from that suffered by the general public.... If it were otherwise – if any person or group disenchanted with some public policy but not adversely affected by it in some special way were free to seek a judicial declaration that the policy is invalid – the courts, rather than the legislative branch, would end up setting public policy, and that is *not* the proper role of the Judiciary.” *Evans v. State*, 396 Md. 256, 328-29 (2006) (quotation marks and citations omitted; emphasis in original).

Thus, VOICE does not have standing to seek a declaratory judgment concerning its interpretation of the obligations of the election boards under the Election Law Article, simply because its members are interested in that interpretation or even because its members may themselves be specially affected by that interpretation. The organization itself must be specially affected by the interpretation. *See Fraternal Order of Police v. Montgomery County*, 446 Md. at 506-07 (police union had standing to challenge county’s use of public funds to defeat referendum concerning statute on collective bargaining because statute affected the scope of bargaining by the union on behalf of its members).

Neither Mr. Giordano nor VOICE alleged any injury to themselves – *i.e.*, nothing in the complaint indicates that Mr. Giordano was a pretrial detainee or incarcerated misdemeanant, much less that he was an inmate who had been denied an opportunity to register to vote or to obtain an absentee ballot. The belated submission of the affidavit of Mr. Fields was apparently an effort to remedy this deficiency. It remains to be seen whether someone with standing can be substituted as a plaintiff.

## 2. Some Considerations for Any Declaratory Judgment

If Mr. Giordano or VOICE establishes standing, they may pursue the request for declaratory relief. At the conclusion of that trial, the Circuit Court would be obligated to issue a declaratory judgment. As this Court has noted on several occasions, even if the Circuit Court were to reject the proposition advanced by VOICE and Mr. Giordano, it would still be required to issue a declaratory judgment, assuming at least one plaintiff has standing to maintain the action.<sup>17</sup> In the event this case proceeds further in the Circuit Court, we offer a few considerations for the Circuit Court for any declaratory judgment that might be issued in the future based on the current law.

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<sup>17</sup> That obligation has been succinctly stated as follows:

... when a declaratory judgment action is brought and the controversy is appropriate for resolution by declaratory judgment, the court must enter a declaratory judgment, defining the rights and obligations of the parties or the status of the thing in controversy, and that judgment must be in writing and in a separate document. That requirement is applicable even if the action is not decided in favor of the party seeking the declaratory judgment.

*Lovell Land, Inc. v. State Highway Admin*, 408 Md. 242, 256 (quotation marks and citations omitted).

Should the Circuit Court be called upon to issue a declaratory judgment on remand, current law and the record to date supports the following propositions:

- Pretrial detainees and individuals who are incarcerated as a result only of a misdemeanor conviction and who are otherwise eligible to vote under EL §3-102 remain eligible to vote, even though they are in custody.
- The 2016 legislation did not affect the eligibility to vote of pretrial detainees and of individuals incarcerated as a result only of a misdemeanor conviction.
- Pretrial detainees and individuals incarcerated as a result only of a misdemeanor conviction who are eligible to register to vote may register to vote by mail, online, or with the assistance of a volunteer. EL §3-201(a)(3), (6), (7).
- Pretrial detainees and individuals incarcerated as a result only of a misdemeanor conviction who are registered to vote retain the right to vote by absentee ballot and to have the assistance of an agent pursuant to EL §9-307 in obtaining the appropriate application and absentee ballot for that purpose.
- The 2016 legislation imposes no special mandate on the State or local election boards with respect to individuals who happen to be in custody as compared to other individuals who may be incapacitated or unable to visit an early voting site or their designated polling place on election day – *e.g.*, as a result of health issues, employment, family or school circumstances.

VOICE and Mr. Giordano assert that “[t]he denial of pretrial detainees’ and incarcerated misdemeanants’ right to register and vote is inconsistent with the Election Law article.” Taken in isolation, that statement is undoubtedly true. But it begs the question that their complaint actually raises – whether the general powers and duties conferred on the election boards by the State Election Law require the election boards to create a special system for “inmate voting” beyond what is available for any voter unable

to appear at the voter's polling place on election day and whether the failure to do so is equivalent to a denial of the right to register and vote.

### **III**

#### **Conclusion**

For the reasons explained in this opinion, we dismissed this appeal as moot. We offer the guidance set forth above for the benefit of the Circuit Court should it be called upon to issue a declaratory judgment following remand.

**COSTS TO BE PAID BY APPELLANTS.**

Circuit Court for Baltimore City  
Case No. 24-C-16-005773

Argued: November 7, 2016

IN THE COURT OF APPEALS

OF MARYLAND

No. 60

September Term, 2016

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VOTERS ORGANIZED FOR THE  
INTEGRITY OF CITY ELECTIONS, ET AL.

v.

BALTIMORE CITY ELECTIONS BOARD,  
ET AL.

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Barbera, C.J.  
Greene  
Adkins  
McDonald  
Watts  
Hotten  
Wilner, Alan M. (Senior Judge,  
Specially Assigned)

JJ.

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Concurring Opinion by Watts, J.

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Filed: January 23, 2017

Respectfully, I concur. I would remand the case to the Circuit Court for Baltimore City because I agree with the Majority that it remains to be seen whether Terrance Darnell Fields can be substituted as a plaintiff with standing, or whether anyone else has standing with respect to the complaint for declaratory judgment. See Maj. Slip Op. at 22. I would, however, have dismissed the appeal of the denial of the temporary restraining order based on the lack of standing of Voters Organized for the Integrity of City Elections (“VOICE”), Appellant, as to the election claims, and because, although Hassan Giordano, Appellant, may have had standing as a registered voter under Md. Code Ann., Election Law § 12-202, the election claims were barred by the doctrine of laches.

As to the election claims, Appellants filed the action on October 28, 2016—eleven days before the 2016 general election—when the claims could have been filed as early as the April 2016 primary election. “The doctrine of laches, which is both an affirmative defense and an equitable defense, applies where there is an unreasonable delay in the assertion of one party’s rights and that delay results in prejudice to the opposing party.” Jones v. State, 445 Md. 324, 339, 126 A.3d 1162, 1171 (2015) (citation, brackets, and internal quotation marks omitted). Moreover, the doctrine of laches has been invoked to bar election claims “where the delay in seeking judicial relief was measured in days[.]” Baker v. O’Malley, 217 Md. App. 288, 296, 92 A.3d 588, 593, cert. denied, 440 Md. 115, 99 A.3d 779 (2014). I would have found both aspects of the doctrine of laches to be satisfied. I would not have dismissed the appeal on the ground that it was moot, *i.e.*, that there was not enough time to take action, and that no order giving Appellants the relief that they sought could have been implemented.

In other words, the case should be remanded to the circuit court for action consistent with Part II.C of the majority opinion because VOICE's lack of standing and the doctrine of laches barring the election claims precluded this Court from considering the appeal. In my view, the potential timing of an order to be issued by this Court the day before the 2016 general election did not render the appeal moot.

For the above reasons, respectfully, I concur.

**STATE BOARD OF ELECTIONS**

**P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840**

David J. McManus, Chairman  
Patrick J. Hogan, Vice Chairman  
Michael R. Cogan  
Kelley Howells  
Gloria Lawlah



Linda H. Lamone  
Administrator

Nikki Charlson  
Deputy Administrator

DATE: January 23, 2017  
TO: State Board Members  
FROM: Rachel Rachfal, Voter Outreach Manager  
SUBJECT: 2016 New Voting System Voter Outreach Program

Thank you for your interest and questions about the voter outreach program as I presented it.

In response, I have attached the voter outreach action plan that lists the program objectives and strategies. Also attached is a list of where voter outreach events took place and for which associated groups. Some of the groups and organizations listed contacted us to request voting system demonstrations. Otherwise, we solicited outreach opportunities based on our market research of community events to meet our goal of reaching as many voters and those eligible to become registered voters as possible.

Our approach to voter outreach was deliberately nonpartisan. The outreach team was hired and trained to provide registration, voting, and election information to all applicable state residents regardless of political affiliation. The outreach team was prohibited from expressing personal viewpoints or engaging in political dialogue about the parties, candidates, platforms, or issues. (Voters needing that information were directed to SBE's candidate portal and approved list of online resources.) We conducted outreach demonstrations for both major political parties and affiliated groups upon request but did not target our outreach efforts according to affiliation. Again, the goal was simply to reach as many Marylanders as possible despite the lack of funds to ensure that the public was ready, willing, and able to fully exercise their voting rights and had confidence in the State's voting processes.

Also attached is a copy of COMAR 33.09.06.02 that requires SBE to develop a public education plan for local implementation. You may recall that the Board of Public Works did not approve SBE's \$1.8M procurement for its selected local creative agency to design a uniform message for Maryland's 3.9 million voters. This contract was to provide media services, outdoor and radio advertising, digital marketing, and multicultural communications to educate Maryland voters

at an exceptionally low cost of \$0.46 each. Instead, any voter education efforts became completely grassroots for the State and the local boards of elections.

Our voter outreach program was limited to an unpaid/unpromoted social media marketing campaign in conjunction with conducting voting system demonstrations, voter registration drives, and public events where we assisted absentee voters, recruited election workers, and informed state residents of new voting options, procedures, policies, and services.

- No budget to promote social media posts resulted in reaching only a small number of those who already currently follow our social accounts. Unpromoted posts can only be seen by a larger social audience if they are liked or shared by current followers.
- Many of the events we solicited and gained entry to required vendor/exhibitor fees. However, we appealed for space at no cost and we were often, but not always, successful. However, the State's largest event venues and sports arenas such as the Maryland State Fair and Orioles, Ravens, Redskins, and Bowie Baysox stadiums were among those to deny access, even to interact with the public outside event gates.

As presented to you last month, SBE was proud to reach an estimated 308,000 Marylanders through these combined grassroots social media and public events (in addition to up to another 1.8 million people in the viewing and listening areas of the media stations and networks, including MPT, WTOP, and college radio stations, that agreed to work with us on a complimentary basis to produce and air a series of 15-30 second public service announcements). The only media exposure we received was what a small number of outlets agreed to work with us to provide at no cost at our persistent request, for which we are grateful. Free PSAs typically run infrequently and at off-peak times but are still better than none at all.

This work was made possible through SBE's voter outreach team, which was mainly provided through a staffing procurement which was primarily for the trainers, greeters, technicians, and field support personnel required to support the elections. The success of this effort is credited to sourcing a small but highly productive dedicated team of creative and resourceful results-oriented, self-starting individuals through this staffing contract.

Unfortunately, these grassroots efforts only reached an estimated 308,000, or 8% of Maryland's 3.9 million registered voters. With any funds to purchase paid advertising services, we would have been able to reach the entirety of the Maryland's population through:

- 200+ network-affiliated TV stations and 29 CBS owned and operated TV stations
- Maryland's 140+ radio stations

- Digital advertising and online presence that reaches 77,500 monthly unique visitors
- 2,500,000 more social media followers beyond SBE and LBE social account followings
- Event marketing at sporting events, horse racing venues, and other high-profile in-state events
- Multicultural communication reaching Maryland's diverse communities and voting populaces
- Mall, transit, and outdoor advertising

For the State and local election boards to adequately serve the needs and earn the confidence of its voters, voter education initiatives require funding and continuity between election cycles. Voter education is the most powerful mechanism to increase turnout and participation, recruit judges, optimize registration, prevent long lines, and promote the efficient and effective functioning of voting locations.

Thank you again for your interest in learning more about Maryland's 2016 Presidential Election voter outreach program. I look forward to any further questions you may have.

# Voter Outreach Strategy

A Grassroots Voter Outreach Plan for the 2016 Presidential Elections

## Goals

### Voter Outreach Goals: The Who, What, Where, Why and How

The goals of The Maryland State Board of Elections' (SBE) statewide new voting system awareness and education campaign are V.O.T.E.:

1. **V**oter awareness among eligible voters that Maryland will use a new voting system in 2016;
2. **O**utreach to promote understanding and acceptance of the new voting system among Maryland voters;
3. **T**ouchscreen difference: a uniform message to educate voters on how the new paper-based system is different from the touchscreen voting system and differences in options and processes voters will experience in 2016; and
4. **E**ngage voters to create a positive public perception of the new voting system - **#MDvotes2016**

### Who do we want to reach?

All eligible voters and individuals eligible to become registered voters in Maryland.

### What do we want to tell them?

That Maryland has a new voting system -- and prepare them for the changes they will experience during early voting or in the polling place.

### Where do we start?

We start close to home. This is grassroots voter outreach and it's very effective.

### Why are we reaching out?

It's our job to create awareness and educate voters on the changes regarding **how Maryland votes**.

### ...and How will we reach as many eligible Maryland voters as possible?

Through grassroots voter outreach efforts and social media.

## Objectives

Elements of this voter outreach campaign are as follows:

- **Voter Identification:** Identifying voters.
  - Who are they and who may become one?
  - Where can they be reached?
  - What do they care about?
  - Where is the greatest need to focus concentrated outreach efforts?
- **Voter outreach:** Communicating with voters and understanding their concerns to tailor outreach strategy with the most effective messaging.

- **Voter registration:** Helping persons eligible to become registered voters register and keep their registrations current.
- **Voter mobilization:** Encourage voters to exercise their voting rights. Get Out the Vote.
- **Judge recruitment:** Provide voters the opportunity to assist in improving the voting experience by recruiting them as election support personnel.

## Strategies

Means by which to meet the goals and objectives of this voter outreach action plan include:

- Educating voters on relevant policies, procedures, dates and election information that affects their participation in the voting process.
- Provide information about the voting process including:
  - Voter registration details and deadlines. Encouraging voters to register and to continuously update their registrations as needed.
  - How Maryland votes: changes to voting in Maryland in 2016
    - How to use the new voting system
    - New processes and layouts
    - New voter services
  - Absentee voting information, dates and deadlines
  - Voting options such as early voting and same day registration
  - Opportunities to become involved
- Offering voters the opportunity to become involved with the election process by recruiting them as election workers.
- Developing and using outreach materials and communication pieces to reach voters.
- Developing innovative ways to distribute informative voting materials despite budget limitations.
- Keeping candidates and campaigns informed of important dates, deadlines, and reporting requirements.

## Developing and Delivering Outreach Messages

### On Air, Online and Outdoor Voter Outreach

In attempt to go beyond grassroots efforts, the outreach team will seek and take advantage of any complimentary traditional and digital methods as possible striving to reach all eligible Maryland voters and eligible individuals not yet registered ahead of the Presidential General Election.

### Outreach Channels

This plan includes a diverse, multi-channeled approach to conducting voter outreach:

- **Materials:** brochures, flyers, handouts, post cards, posters, business cards, table tents and other items.
- **Media:** social media posts, YouTube videos, website copy and images, press releases, editorials, media alerts, interviews, and public service announcements for both radio and TV.

- **Scouting:** market research, cold calling and networking to develop outreach event and demonstration opportunities. Assisting LBEs with identifying target event opportunities.
- **Outreach events:** community and civic meetings, special events and voting system demonstrations for as many groups, organizations, students, congregations, customers, attendees, and parties as possible.
- **Partnerships and Displays:** creating and leveraging partnering organizations to host materials and provide space to set up informational exhibits and displays.

### **Materials and Displays**

The outreach team will build and leverage a media library of flyers, posters, images, photography, graphics and media to create awareness among voters of general election details, dates, deadlines, voting options, and that Maryland is now using a new voting system. Voter outreach personnel will use these resources to educate voters on how to operate the new system, and to explain how Maryland votes.

- Design 11 x 14 posters:
  - How Maryland votes
  - Tell us about your voting experience / Show us your voting selfie
  - We were here (an informational poster to leave at every demonstration site)
  - Your Vote Counts
  - Register & Vote
  - Important Election Dates & Deadlines
- Develop strategic partnerships to distribute and showcase materials developed. Set up displays at:
  - MVAs
  - Food Banks
  - Locations through the Department of Social Services
  - Non-profit organizations
  - Libraries
  - Community Centers
  - Public and retailer bulletin boards
  - Political parties and campaign headquarters
  - Advocacy groups
  - Housing associations
  - Distribute materials through political parties
  - Civic groups
- Capture photography and video of outreach events and demonstrations to use on social media and to enhance the development of new outreach materials.
- Promote the official Maryland election hashtag, #MDvotes2016.
- Create and utilize QR codes in printed materials.
- Develop tri-fold brochures.

### **Social Media**

The voter outreach team plans to continue to grow a social media following and utilize its comprehensive social media plan. This includes content for Facebook and Twitter posts and a timeline for posting this content. These targeted online posts help reach Maryland voters who may be missed by more traditional advertising methods. This toolkit is available from the NVSR Project Communications website and the SBE Online Library under Voting System\Voter Outreach.

- Further encourage and assist LBEs with harnessing social media communications
  - Collaborate with training team on conducting workshops
- Create and share new graphics and digital media online to promote social media engagement

### **Requests for Exposure**

This plan involves identifying target traditional and digital media contacts and requesting interviews, public service announcements, promotional mentions and other complimentary means of exposure to further voter education in Maryland:

- Contact the over 140 radio stations in Maryland for interviews and/or community public service announcements.
- Follow with cable access programming.
- Develop a communications plan/toolkit for free newspaper, online and television advertising.

## 2016 Voter Outreach Events - The Maryland State Board of Elections

<b>LBE</b>	<b>Location</b>	<b>Event / Group / Organization</b>
Allegany	1 Baltimore Street	Evergreen Adult Day Services
Allegany	1 Baltimore Street	The Kensington Assisted Living Center
Allegany	10 North Liberty Street	Cumberland Arms
Allegany	100 Honeysuckle Lane, Frostburg	Frostburg Heights Apartments
Allegany	101 Braddock Road, Frostburg	Frostburg State University - Student Union
Allegany	101 Braddock Road, Frostburg	Frostburg State University Town Hall Meeting
Allegany	10200 Country Club Road	Cumberland Country Club
Allegany	112 Memorial Avenue	Archway Station
Allegany	11400 PPG Road SE	Local Government Day
Allegany	11490 Moss Avenue SW	4 PAWS
Allegany	11490 Moss Avenue SW	PAWS 4H Clubs
Allegany	125 Virginia Avenue	Cumberland Senior Center
Allegany	135 N. Mechanic Street	JFK Apartments
Allegany	235 Paca Street	Queen City Towers
Allegany	31 Thomas Street	South Cumberland Business Association
Allegany	33 Main Street	Westernport Senior Center
Allegany	421 National Highway	LaVale Lions Club
Allegany	515 Washington Street, Cumberland	Women's Civic Club
Allegany	7 Hannekamp Street	Georges Creek Senior Center
Allegany	701 Kelly Road	Allegany County Office Complex
Allegany	701 Kelly Road	Association of Realtors
Allegany	720 Furnace Street	Willow Creek Adult Day Care
Allegany	901 Seton Drive	Cumberland Lions Club
Allegany	936 Winifred Road	T.O.P.S
Allegany	Allegany Co. Fairgrounds	Allegany County Fair
Allegany	Allegany Co. Fairgrounds	HRDC - Fall Fling
Allegany	Arch Street, Cumberland	St. John's Lutheran Church
Allegany	Christie Road	AARP
Allegany	City Place - Frostburg	Mt. Fresh Farmers Market
Allegany	Country Club Mall, LaVale, MD	Mt. Fresh Farmers Market
Allegany	County Office Complex	Adult Education Program

Allegany	Cumberland Country Club	Cresap Chapter of the DAR
Allegany	Downtown Cumberland	Mt Fresh Farmers Market
Allegany	East 1st Street	Jane Frazier Village
Allegany	Frostburg, MD	Mt. View Apartments
Allegany	Holland Street, Cumberland	Friends Aware
Allegany	HRDC - Virginia Avenue, Cumberland, MD	Service Coordination
Allegany	Lane Center - Atkinson Room	Frostburg State University
Allegany	Mt. Savage, MD	Iron Rail Days
Allegany	Paca Street	Blind Industries
Allegany	Seymour Street	South Cumberland Library
Allegany	Valley View Apartments	Valley View Apartments
Allegany	Washington Street	Heritage Days
Allegany	Water Street	Frostburg Senior Center
Allegany	Cumberland	Western Maryland Consortium
Allegany	Cumberland	Western Maryland Food Bank
Allegany	163 N Mechanic St, Cumberland	Ray of Hope, Inc.
Allegany	701 E 1st St, Cumberland	Salvation Army
Anne Arundel	1 East 11th Avenue, Brooklyn Park, MD	Arundel Neighborhood Association at Brooklyn Park Library
Anne Arundel	10 E 1st Ave, Glen Burnie	North County High School
Anne Arundel	101 College Pkwy, Arnold Md	Anne Arundel Community College
Anne Arundel	1010 Eastway Rd., Glen Burnie, MD	Glen Burnie Regional Library
Anne Arundel	1100 Clark Rd, Ft. Meade MD	Ft. Meade High School
Anne Arundel	1101 Smithville St., Annapolis	Wiley H. Bates Legacy Center
Anne Arundel	1121 Duvall Hwy, Pasadena Md	Northeast High School
Anne Arundel	1130 Duvall Highway, Pasadena, MD	Riviera Beach Community Library
Anne Arundel	1210 Annapolis Rd, Odenton, MD	West County Democratic Club
Anne Arundel	1215 Old Camp Meade Rd., Severn, MD	District 32 Republican Club-Severn UM Church
Anne Arundel	125 N. Hilton Street, Baltimore, MD	Kingdom Life Church
Anne Arundel	1275 Green Holly Drive, Annapolis, MD	Broadneck Community Library
Anne Arundel	1275 Odenton Rd, Odenton	O'Malley Senior Center
Anne Arundel	1286 Route 3, Crofton, MD	Kiwanis of Crofton-Christopher's Restaurant
Anne Arundel	1302 Bluegrass Way, Gambrills, MD 21054	Jack and Jill Chapter of Arundel Bay
Anne Arundel	1325 Annapolis Rd., Odenton, MD	Odenton Regional Library
Anne Arundel	1410 West Street., Annapolis	Annapolis Regional Library

*\*set up informational display at this loca*

Anne Arundel 1440 Dorsey Rd., Hanover, MD 21076  
Anne Arundel 160 Duke of Gloucester St., Annapolis, MD  
Anne Arundel 1681 Riedel Road, Crofton, MD  
Anne Arundel 1707 Forest Drive, Annapolis, MD. 21401  
Anne Arundel 2 Hicks Ave., Annapolis, MD 21401q  
Anne Arundel 2002 Annapolis Mall, Annapolis, MD  
Anne Arundel 201 Central Ave, Edgewater Md  
Anne Arundel 202 Hammonds Ln, Brooklyn Park, MD 21225  
Anne Arundel 2204 Bay Ridge Ave, Annapolis, MD 21403  
Anne Arundel 25 Stepneys Lane, Edgewater, MD  
Anne Arundel 26 Magothy Beach Rd., Pasadena, MD  
Anne Arundel 2624 Annapolis Rd., Severn, MD  
Anne Arundel 2664 Riva Rd., Annapolis, MD  
Anne Arundel 269 Hillsmere Drive, Annapolis, MD  
Anne Arundel 27 Stepneys Lane, Edgewater, MD  
Anne Arundel 2920 Jessup Rd, Jessup Md  
Anne Arundel 300 Light St, Baltimore, MD 21202  
Anne Arundel 34 Truck House Road, Severn, MD  
Anne Arundel 3501 Russett Common, Laurel, MD  
Anne Arundel 4 S. Broadview Blvd, Glen Burnie, MD 21061  
Anne Arundel 400 Benfield Rd. Severna Park, MD  
Anne Arundel 400 Shipley Road, Linthicum, MD  
Anne Arundel 403 W. Ordnance Rd., Glen Burnie  
Anne Arundel 44 Calvert St., Annapolis, MD  
Anne Arundel 4400 Solomons Island Rd, Harwood Md  
Anne Arundel 45 West McKinsey Rd., Severna Park, MD  
Anne Arundel 4730 Mountain Road, Pasadena, MD  
Anne Arundel 5757 Belle Grove Rd. , Baltimore, MD  
Anne Arundel 5940 Deale-Churchton Rd., Deale, MD  
Anne Arundel 60 Robinson Road, Severna Park MD  
Anne Arundel 600 Patriot Lane, Millersville Md  
Anne Arundel 657 Broadneck Road Annapolis, MD  
Anne Arundel 7205 Baltimore Annapolis Blvd, Ferndale Md  
Anne Arundel 730 Bestgate Rd., Annapolis, MD 21401

St. Mark's United Methodist Church  
Annapolis Board of Supervisors of Elections & Annapolis City Council  
Crofton Community Library  
NAACP branch of Anne Arundel Co.  
Mt. Olive AME Church  
AA County Commission on Disability Issues  
South River High School  
Brooklyn Park Senior Center  
Mt. Moriah AME Church  
Edgewater Community Library  
No. County Rep. Club-Big Vanilla  
Severn Community Library  
Annapolis Sr. High School Fall Festival in the Quad  
Eastport-Annapolis Community Library  
South County Senior Center  
Jessup Improvement Association  
Antioch Youth Senate  
Severndale Community Association - Oak Hill Elementary  
Maryland City Community Library  
District 32 Democratic Club  
Severna Park Republican Women  
Linthicum Community Library  
Arundel Woods Senior Living  
Anne Arundel County Council  
Southern High School  
Severna Park Community Library  
Mountain Road Community Library  
Taxpayers Improvement Association of Patapsco Park  
Deale Community Library  
Severna Park High School  
Old Mill High School  
Ashbury Broadneck UM Church  
Ferndale Road Runners Civic Association  
NAACP

Anne Arundel 7320 Ritchie Hwy, Glen Burnie, MD  
Anne Arundel 7524 Old Stage Rd, Glen Burnie, MD 21061  
Anne Arundel 7660 Ridge Chapel Rd, Hanover, MD  
Anne Arundel 7820 Darrell Henry, Pasadena, MD  
Anne Arundel 7901 Brock Bridge Rd, Jessup, MD 21061  
Anne Arundel 8146 Quarterfield Rd, Severn, MD 21144  
Anne Arundel 8498 Veteran Hwy, Millersville, MD 21108  
Anne Arundel 890 Elkridge Landing Rd., Linthicum, MD  
Anne Arundel 931 Spa Rd., Annapolis, MD  
Anne Arundel 976 Main St., Galesville, MD 20765  
Anne Arundel Annapolis  
Anne Arundel Annapolis  
Anne Arundel Annapolis Mall  
Anne Arundel Annapolis Mall  
Anne Arundel Susan Campbell Park, Annapolis City Dock, Annapolis, Md  
Anne Arundel Pasadena  
Baltimore City 1 E. Chase St Room 2  
Baltimore City 1000 Cathedral Street  
Baltimore City 101 N. Caroline St. Computer Classroom  
Baltimore City 1030 E 33rd St  
Baltimore City 110 S. Eutaw St. Baltimore Marriott Inner Harbor  
Baltimore City 1100 36th St.  
Baltimore City 1100 Homewood Avenue  
Baltimore City 1111 E Coldspring Lane  
Baltimore City 1142 N Fulton St  
Baltimore City 1142 N. Fulton Avenue  
Baltimore City 1201 Cambria St  
Baltimore City 1207 Pine Heights Ave.  
Baltimore City 122 Wells St  
Baltimore City 1300 Druid Hill Ave, Baltimore, MD  
Baltimore City 1400 E Federal St

Anne Arundel Co. BOE Open House  
Anne Arundel Co. BOE Voting Sys./Process Procedures  
Judge Cathy Vitale  
State Delegate Michael Malone  
Silver Sages  
Town Hall Mtg  
Coalition of 100 Black Women of AA County  
Payne Memorial AME Church  
Heritage Community Church  
33rd District Democratic Club  
American Council of the Blind  
ARC in Annapolis  
Ebenezer AME Church  
Delta Sigma Theta Sorority/Md. Charter  
US Naval Academy Marine Corps Stadium  
Disability Awareness Day  
Get Out the Vote  
27th Annual Kunta Kinte Heritage Festival  
Chesapeake High School  
Mt. Vernon Belvedere Association  
The Waxter Center  
Zion Baptist Deaf Ministry  
Stadium Place - Ednor Building  
National Federation of the Blind/ES&S  
Hampden Village Merchant's Assoc.  
Re-BUILD Johnston Square  
The League for People with Disabilities  
Western Dis Comm Assoc  
Western District Community Relations Meeting  
Ben Franklin High Sch  
Violetville Community Assoc.  
National Federation of the Blind  
Bethel AME Church  
Oliver Multi Purpose Center

Baltimore City 1400 Orleans St  
Baltimore City 1401 Hollins St.  
Baltimore City 1406 Ellamont St.  
Baltimore City 1415 Key Highway Baltimore  
Baltimore City 1415 Key Hwy, Baltimore, MD 21230  
Baltimore City 1526 N. Fremont Ave.  
Baltimore City 1531 W North Ave  
Baltimore City 1725 East Baltimore Street, Baltimore, MD  
Baltimore City 1902 Bloomingdale Road  
Baltimore City 200 E. Wells St.  
Baltimore City 2000 Cecil Ave. (Cecil Elem. Sch.)  
Baltimore City 21 W Mount Royal Ave, Baltimore, MD 21201  
Baltimore City 21 W Mount Royal St, Baltimore, MD  
Baltimore City 2100 Liberty Heights Ave, Baltimore  
Baltimore City 2301 Argonne Dr, Baltimore, MD  
Baltimore City 2301 Argonne Dr.  
Baltimore City 2500 Harlem Ave.  
Baltimore City 2501 Springhill Ave  
Baltimore City 2522 Linwood Rd.  
Baltimore City 2560 Third St  
Baltimore City 2801 Dukeland Street  
Baltimore City 2825 Fait Ave  
Baltimore City 3013 Chelsea Terr  
Baltimore City 3020 Garrison Blvd.  
Baltimore City 3100 Towanda Ave - student affairs  
Baltimore City 3106 Liberty Heights Ave  
Baltimore City 32 South Street Baltimore MD  
Baltimore City 32 St at Barclay St.  
Baltimore City 3200 Garrison Blvd  
Baltimore City 3220 The Alameda City H.S. Annex  
Baltimore City 3301 The Alameda  
Baltimore City 3617 Harford Rd.  
Baltimore City 3705 W Rogers Avenue  
Baltimore City 3705 W. Rogers Ave.

One vote matters - harbor city chapter of links  
Union Square Association  
Rosemont Neighborhood Improvement Assoc.  
BMI Farmer's Market  
Balt. Museum of Industry Farmers' Market  
No Boundaries Coalition  
Penn-North Library  
Washington Hill Community Association  
John Wesley United Meth Church  
National Federation of the Blind  
Greater Greenmount Community Assoc.  
University of Baltimore  
University of Baltimore Psi Phi / AKA  
New Auchentoroly Parks and People  
Workforce Tech Center  
Workforce & Technology Center *\*set up informational display at this*  
Evergreen Association  
Delta Sigma Theta Sorority  
Harford Park Community Association  
Boys and Girls Club/Brooklyn Rec  
The After School Institute Annual Youth Conference  
Hatton Senior Center  
WWFF-BOC Assoc - Tutti Place  
Forest Park Neighborhood Association  
BCCC Liberty Road Campus  
Heritage United Church - 100 Black women  
Goodwill PRP STEP Program  
32nd St. (Waverly) Farmer's Market  
Wayland Baptist Ch  
Coldstream/Homestead/Montebello Community Corporation  
Ednor Gardens/Lakeside Neighborhood Association  
Mayfield Improvement Association  
Arlington Elementary School PTA  
JNNRL Neighborhood Association

Baltimore City 3801 Erdman Ave  
Baltimore City 3813 Egerton Rd. church undercroft  
Baltimore City 400 E 32nd Street  
Baltimore City 400 E 33rd St  
Baltimore City 424 S. Pulaski St.  
Baltimore City 4420 Loch Raven Blvd  
Baltimore City 4500 Garrison Blvd, Baltimore, MD  
Baltimore City 4600 Falls Rd., Baltimore  
Baltimore City 4600 Falls Road, Baltimore, MD  
Baltimore City 4600 Lanier Ave  
Baltimore City 4711 Edmondson Ave  
Baltimore City 4801 Sipple Ave.  
Baltimore City 4920 Harford Road  
Baltimore City 501 W. 30th St.  
Baltimore City 5011 Park Heights Ave  
Baltimore City 5200 Bowleys Lane  
Baltimore City 5271 Reisterstown Rd. (NW Police Dept.)  
Baltimore City 5407 N Charles St  
Baltimore City 5609 Sefton Ave. (City Neighbors H.S.)  
Baltimore City 5700 Park Heights Avenue  
Baltimore City 5738 Belair Road  
Baltimore City 5807 Harford Rd HARBEL Bldg  
Baltimore City 6020 Marian Dr  
Baltimore City 6050 Moravia Park Dr  
Baltimore City 6100 Everall Ave, Baltimore, MD  
Baltimore City 620 Fremont Avenue  
Baltimore City 621 W Lombard Street - fl 1  
Baltimore City 6424 East Pratt Street, Baltimore, MD  
Baltimore City 644 E. 33rd St  
Baltimore City 813 Lenton Ave.  
Baltimore City 851 Braddish Ave.  
Baltimore City 856 WA Blvd.  
Baltimore City Arbor Oaks Community Ctr.  
Baltimore City Baltimore School for the Arts

Herring Run Library  
Adams Chapel African Meth-Epis Church  
Waverly Market  
Waverly Branch of Pratt Library  
Carrollton Ridge Community Assoc.  
Northwood Library  
West Arlington Improvement Association  
"Black Girls Vote" Outreach  
Western High School  
Parklane Neighborhood Assoc  
St Bartholomews Ep Church  
Frankford Improvement Association, Inc.  
Harford Center for Seniors  
Remington Neighborhood Association  
Pimlico Merch Assoc  
Bowleys Garden Villa Comm  
Hilltop 4100 Community Association  
Grace United Meth Church  
Glenham-Belhar Community Corp.  
Jewish Community Center  
Koinonia Church  
Hamilton Hills Neighborhood Association  
New Psalmist Baptist Church F5 group  
Frankford Improvement Association, Inc.  
Everall Senior Center  
Heritage Crossing Residents' Association  
University of Maryland Baltimore City  
Our Lady Fatima  
New Waverly United Methodist Church  
Lake Walker Community Association  
Back to School Night Empowerment Academy  
Citizens of Pigtown Neigh. Assoc.  
Chinquapin Park Improvement Assoc.  
Classes of Megan Bremer & Valerie Johnson

Baltimore City Beth Am Synagogue  
Baltimore City Coldspring La. @ Harford Rd.  
Baltimore City Digital Harbor High School  
Baltimore City Dunbar High School  
Baltimore City Fells Point  
Baltimore City Harborview Towers: 100 Harborview Dr. Suite 200  
Baltimore City 2701 Woodview Rd, Baltimore  
Baltimore City JFX & Fayette, Baltimore, MD 21217  
Baltimore City Patapsco Arena 3301 Annapolis Road  
Baltimore City Student Center  
Baltimore City Under the JFX at Fayette  
Baltimore City University of Baltimore - Learning Center  
Baltimore City University of Baltimore - Learning Center  
Baltimore City University of Baltimore  
Baltimore City University of Baltimore Schaefer Center for Public Policy  
Baltimore City 712 Cathedral Street  
Baltimore City Hampden  
Baltimore City Southwest Baltimore  
Baltimore City 2701 Woodview Rd  
Baltimore City Baltimore  
Baltimore City 2801 N. Charles St  
Baltimore County 10302 Grand Central Ave, Owings Mills  
Baltimore County 10302 Grand Central Ave. Owings Mills  
Baltimore County 12035 Reisterstown Rd. Reisterstown  
Baltimore County 137 Back River Neck Rd, Essex  
Baltimore County 13801 York Road  
Baltimore County 203 E Chatsworth Rd Reisterstown  
Baltimore County 2200 York Road, Timonium  
Baltimore County 300 East Joppa Rd. Towson, 21204  
Baltimore County 301 Allegheny Ave Towson 21204  
Baltimore County 304 Cantata Ct, Reisterstown  
Baltimore County 3345 WA Blvd, Halethorp  
Baltimore County 3345 Washington Blvd.  
Baltimore County 3505 Resource Dr. Randallstown

Reservoir Hill Improvement Council  
Morgan Park Improvement Assoc.  
Class of Brianna Carter  
Harbor City Chapter of Links, Inc  
Fells Point Fun Festival  
Key Highway Community Association  
Ministerial Association  
Baltimore Farmers Market  
Senior Symposium  
Morgan State University  
Office of Promotion & the Arts  
League of Woman - Mayoral Debate  
League of Woman - Senate Debate  
Psi Phi Omega / AKA  
Candidate Forum  
Baltimore School for the Arts  
Hampdenfest  
Carrollton Ridge Community Association  
Hemingway AME Temple  
Meeting of the Mindz Civic Group  
Mayoral Candidate Forum  
Lyon Mills Association  
NW Republican Club  
Del Adrienne Jones Voter Outreach  
Republican Club  
Broadmead Continuing Care Retirement Community  
Community Leader Meeting  
Balt. County Baby Boom/Sr. Expo  
National Federation Of The Blind  
Democratic Central Committee  
Catholic Charities Senior Apartments  
Blind Industries  
Blind Industries  
Del Adrienne Jones Voter Outreach

Baltimore County 3505 Resource Dr. Randallstown  
 Baltimore County 401 Bosley Ave, Towson, MD  
 Baltimore County 4313 B Fitch Ave, Nottingham Ave, Nottingham, MD  
 Baltimore County 4313 B Fitch Ave. Nottingham ave, Nottingham, MD  
 Baltimore County 5500 Lexington Ave, Gwynn Oak, MD  
 Baltimore County 7401 Park Heights Ave, Baltimore, 21208  
 Baltimore County 9615 Deereco Road  
 Baltimore County 9773 Groffs Mill Drive  
 Baltimore County 9836 Greenside Dr. Cockeysville  
 Baltimore County Newton Community  
 Baltimore County Student Union Rm 300, Cross Campus Dr. Towson University  
 Baltimore County Western High School  
 Baltimore County 6300 Harley Ln, Temple Hills  
 Baltimore County Owings Mills  
 Baltimore County Glyndon  
 Baltimore County York Road  
 Calvert 11100 Asbury Cir, Solomons  
 Calvert 115 JW William Rd  
 Calvert 13920 H.G Trueman Rd, Solomons Island MD  
 Calvert 3819 Harbor Rd, Chesapeake Beach MD  
 Calvert 4165 Mears Ave, Chesapeake Beach  
 Calvert 4165 Mears Ave, Chesapeake Beach Md  
 Calvert 8120 Southern Maryland Blvd, Owings Md  
 Calvert 850 Costley Way, Prince Frederick Md  
 Calvert 9010 Chesapeake Ave  
 Calvert Adam's Rib Prince Frederick  
 Calvert Calvert Fair Drive  
 Calvert College of Southern MD  
 Calvert College of Southern MD  
 Calvert College of Southern MD  
 Calvert Office Conf Rm  
 Calvert Solomons Holiday Inn  
 Calvert Prince Frederick  
 Caroline 100 N. Market St., Denton, MD 21629

Del. Jones Town Hall  
 20th Annual African American Festival  
 Village Crossroads I  
 Village Crossroads II  
 Woodlawn Community Senior Center  
 Baltimore Hebrew Congregation  
 Balt. County Republican Central Committee  
 Owings Mill Newtown Catholic Charities  
 Reagan Republican Club  
 Community Center  
 Alpha Phi Alpha Fraternity  
 Black Girls Vote (Effort w/Balt. City)  
 Allenwood Elementary Back to School Night  
 Lyons Mill Homeowners Association  
 Reisters Clearing  
 Towson University  
 Asbury Solomons Retirement Community  
 College of Southern Maryland  
 Southern Branch Library  
 Twin Branch Library  
 Concerned Black Women of Calvert County  
 NAACP  
 Fairview Branch Library  
 Calvert Library  
 North Beach Senior Center  
 Democratic Women  
 Calvert County Fair  
 Democratic Central Committee  
 League of Women Voters  
 LWV & Delta Sigma Theta  
 Calvert Recorder Newspaper  
 Maryland GOP Party  
 Public Library  
 Caroline County Library

Caroline	109 Market Street	Caroline County Commissioners
Caroline	302 West 4th Street	Ridgely Strawberry Festival-Lion Club
Caroline	403 S. 7th Street Room 110	ARC - Adults with Disabilities
Caroline	403 S. Seventh Street	Caroline County Board of Elections
Caroline	403 South 7th Street, Denton, MD 21629	Caroline Adult Daycare
Caroline	Denton	Caroline / Dorchester County Fair
Caroline	Federalsburg	Laurel Grove Community Building
Caroline	Rigely	Ridgely Strawberry Festival
Carroll	1 Clubside Dr.	Carroll Vista Community Association
Carroll	10 Grand Dr.	Taneytown Public Library
Carroll	115 Airport Drive, Suite 170, Westminster	Carroll County Times
Carroll	1229 Washington Rd, Westminster	Carroll Career Tech
Carroll	125 Stoner Ave	Westminster Senior Center
Carroll	1300 W Old Liberty Rd, Sykesville	South Carroll High School
Carroll	201 St. Mark Way	National Federation of the Blind - Carroll Chapter
Carroll	220 Roberts Mill Rd	Taneytown Senior Center
Carroll	2255 Hanover Pk	North Carroll Public Library
Carroll	2265 Old Westminster Pk	Finksburg Public Library
Carroll	300 S Center St.	CC BOE Office
Carroll	400 N Center St.	Town Mall of Westminster
Carroll	50 E Main St.	Westminster Public Library
Carroll	560 Gorsuch Rd, Westminster	Winter's Mill High School
Carroll	5928 Mineral Hill Rd	South Carroll Senior Center
Carroll	5928 Mineral Hill Rd.	SEEMORE
Carroll	6400 W Hemlock Dr.	Eldersburg Public Library
Carroll	700 Agricultural Drive	Carroll County 4-H/FFA Fair
Carroll	700 Agricultural Drive & Gist Road	Seniors on the Go Expo
Carroll	705 Ridge Ave	Mt. Airy Public Library
Carroll	705 Ridge Ave	Mt. Airy Senior Center
Carroll	Sykesville Freedom District Fire Dept. Grounds	Eldersburg/Sykesville 8th National Night Out
Carroll	Westminster	WTTR Radio spot
Cecil	1 Seahawk Dr, Northeast, MD 21901	Cecil Community College, "Rock the Vote"
Cecil	1 Seahawk Dr, Northeast, MD 21901	Community College Constitution Event
Cecil	111 Colonial Way, Rising Sun, MD	Rising Sun, Cecil County Public Library

Cecil	135 East Main Street	Historical Society
Cecil	200 Chesapeake Blvd	Elkton Senior Center
Cecil	200 Chesapeake Blvd. - Perryville Room	Democratic Club
Cecil	200 Chesapeake Blvd. Elkton	Administration Building
Cecil	25 YMCA Blvd, Elkton, MD	YMCA
Cecil	300 Newark Ave, Elkton, MD	Elkton Library
Cecil	301 Newark Ave, Elkton, MD	Cecil County Library
Cecil	3135 Biggs Highway, Northeast, MD	Cecil County Teachers' Association
Cecil	401 Bow St, Elkton, MD	Cecil County 6th Annual Walk & Block Party
Cecil	4640 Telegraph Road, Elkton, MD 21921	Cecil County Fair
Cecil	EUMC 219 East Main St, Elkton, MD 21921	Girl Scout Troop Leaders
Cecil	Rising Sun Town Square	Sunfest Festival
Cecil	Turkey Point, Northeast, MD 21901	VFW Post 6027
Cecil	Elkton	7th Annual Empty Bowl
Cecil	Elkton	20th Annual Fall Festival
Cecil	129 E. Main Street, Elkton	5K Drug/Alcohol Recovery Walk and Block Party
Cecil	Elkton	Arts Council
Cecil	Elkton	Susquehanna Workforce Network <i>*set up informational display at</i>
Cecil	North East Community Park	Food and Wine Festival
Charles	2 Garrett Ave, LaPlata MD	LaPlata Library
Charles	3225 Ruth B Swann Drive, Indian Head MD	Make Your Vote Count
Charles	3225 Ruth B Swann Drive, Indian Head MD	Potomac Library
Charles	La Plata	Public Library
Charles	50 Village Street, Waldorf Md	PD Brown Library
Charles	8440 Fairground Rd, La Plata	Charles County Fair
Charles	Rocktoberfest	Rocktoberfest
Charles	10405 O Donnell Place	Waldorf West Library
Charles	8730 Mitchell Rd, La Plata	College of Southern Maryland
Dorchester	2450 Cambridge Beltway, Cambridge, MD	Cambridge Center
Dorchester	321 High Street, Cambridge, MD 21613	Dorchester Center for the Arts
Dorchester	6210 Shiloh Church - Hurlock Road, Hurlock, MD	Hurlock Senior Center
Dorchester	Cambridge	Public Library
Dorchester	Cambridge	Hyatt Regency Chesapeake Bay Golf Resort
Frederick	1 Fireman's Lane	Volunteer Fire and Rescue Squad

Frederick	110 E. Patrick St.	Fred. Co. Democratic Cent. Comm.
Frederick	110 East Patrick Street	C. Burr Artz Public Library
Frederick	12 E. Church St.	Frederick Co. Executive
Frederick	12027 South Street	Libertytown Carnival
Frederick	300 S Seton Avenue, Emmitsburg	Emmitsburg Senior Center
Frederick	401 Rosemont Ave. Frederick,	Hood College
Frederick	555 S. Market Street, Frederick, Md	The Arc of Frederick County
Frederick	6351 Spring Ridge Parkway, Frederick	Spring Ridge Senior Apartments
Frederick	7400 Guilford Dr. frederick, MD	Walmart
Frederick	76 E Moser Avenue, Thurmont	Thurmont Public Library
Frederick	7932 Opossumtown Pike, Frederick	Frederick Community College Festival
Frederick	7932 Opossumtown Pike, Frederick, MD	Frederick Community College
Frederick	8 W 2nd St	Centennial Memorial UMC
Frederick	806 East Main, Thurmont	Thurmont Senior Center
Frederick	9020 Amelung St.	Urbana Regional Library
Frederick	915 N Maple Avenue, Brunswick	Brunswick Public Library
Frederick	920 W 6th street, Frederick MD	Greek Festival, St Peter and Paul
Frederick	996 W. Patrick St.	Republican Central Committee
Frederick	Brunswick	Brunswick Senior Center
Frederick	Brunswick	Library
Frederick	Emmitsburg	Senior Center
Frederick	Frederick	Freedom Center
Frederick	Frederick	Library
Frederick	Frederick	Senior Center
Frederick	Frederick	Trinity UMC
Frederick	Frederick	United Democrats of Frederick County
Frederick	Frederick County Fairgrounds	Elder Expo
Frederick	Jefferson	Jefferson School
Frederick	Linganore	High School
Frederick	Middletown	High School
Frederick	Middletown	Middletown Municipal Center
Frederick	Middletown community Park	Middletown Color Me Autumn Frestival
Frederick	Mt. Saint Mary's University	Office of Social Justice
Frederick	Point of Rocks	Edward G. Fry Library

Frederick	Potomac Street	Brunswick Railroad Days
Frederick	Thurmont	Library
Frederick	Thurmont	Senior Center
Frederick	Urbana	High School
Frederick	Urbana	Library
Frederick	Urbana	Senior Center
Frederick	Urbana	Urbana Senior Center
Frederick	101 Clarke Pl, Frederick	Maryland School for the Deaf
Frederick	797 E Patrick St, Frederick	The Great Frederick Fair
Frederick	13527 Motters Station Rd, Rocky Ridge	Rocky Ridge Volunteer Fire Department Carnival
Frederick	Nymeo Field at Harry Grove Stadium	Frederick Keys
Garrett	125 Casselman Rd	Grantsville Rotary
Garrett	125 Durst Ct	Grantsville Sr. Center
Garrett	203 S 4th St	Garrett Co. Commissioners/Admin.
Garrett	240 Grant St	Grantsville Lions Club
Garrett	300 Memorial Dr	Oakland Rotary Club
Garrett	3335 Swanton Rd	Swanton Community Center
Garrett	Friendsville	Friendsville Days
Garrett	Garrett College	Students in Need Group (SING)
Harford	100 Congress Ave, Havre de Grace, MD	Havre de Grace Farmers Market
Harford	100 Pennsylvania Ave, Bel Air, MD 21014	Bel Air Library
Harford	1918 Pulaski Hwy, Edgewood, MD	The Minority News Report Magazine Demo
Harford	410 Girard Street, Havre de Grace, MD	Susquehanna Workforce Network <i>*set up informational display at</i>
Harford	608 N. Tollgate Rd, Bel Air	Harford County Fair
Harford	Ripken Stadium	Job Fair
Harford	Abingdon	Public Library
Howard	10207 Wincopin Cir	Democratic Party Fall Convention @ Sheraton
Howard	10375 Little Patuxent Pky	Howard County Central Library
Howard	10901 Little Patuxent Pky	Howard Community College
Howard	11735 Homewood Rd	The Arc of Howard County
Howard	2350 State Route 97	Glenwood Library
Howard	2400 Route 97	Glenwood 50+ Center
Howard	2400 State Rte 97	Gary Arthur Community Center
Howard	3000 Milltowne Dr	Roger Carter Community Center

Howard	4150 Montgomery Run Rd	Ellicott City Volunteer Fire Dept
Howard	5470 Ruth Keeton Way	Bain Center
Howard	5470 Ruth Keeton Way	The Florence Bain Center
Howard	5851 Robert Oliver Pl	National Federation for the Blind
Howard	6150 Foreland Garth	Longwood 50+ Center
Howard	6540 Washington Blvd	Elkridge 50+ Center
Howard	6540 Washington Blvd	Elkridge Library
Howard	6600 Cradlerock Way	Columbia East 50+ Center
Howard	6600 Cradlerock Way	Columbia East Library
Howard	6840 Freetown Rd	Giant - Hickory Ridge
Howard	8400 Mission Rd	Ridgely's Run Community Center Cookout
Howard	8400 Mission Rd	Ridgely's Run Community Center
Howard	9401 Frederick Rd	Ellicott City 50+ Center
Howard	9411 Whiskey Bottom Rd	North Laurel Comm. Ctr
Howard	9421 Frederick Rd	Miller Branch Library
Howard	9525 Durness Lane	Savage Branch Library
Howard	DoubleTree Hotel, Columbia	MD State NAACP Convention
Howard	Wilde Lake High School	50 + EXPO
Kent	111 B-1 N Main St, Galena, MD	North Branch Kent County Library
Kent	119 North Main Street	Dogwood Festival
Kent	135 Dixon Drive	Board Members
Kent	135 Dixon Drive	Democratic Central Committee
Kent	135 Dixon Drive	Public
Kent	17 Bayside Blvd	Democratic Club Fundraiser
Kent	21349 Tolchester Beach Road, Chestertown, MD 21620	Agricultural Fair
Kent	22242 Bayshore Road, Chestertown, MD	WCTR Party in the Park
Kent	408 High Street, Chestertown, MD 21620	Kent County Public Library
Kent	5585 Main St, Rock Hall, MD 21661	Rock Hall County Library
Kent	Downtown Chestertown & Wilmer	Chestertown TEA party/LION Club
Kent	22242 Bay Shore Rd, Chestertown	Easter Seals Camp Fairlee
Montgomery	1700 April Lane, Silver Spring	Eta Pi Zeta Chapter
Montgomery	1700 April Ln, Silver Spring, MD 20904	Soul Line Dance Party
Montgomery	17901 Bentley Rd, Sandy Spring	Local Traditions Folklife Festival
Montgomery	1840 University Blvd W, Silver Spring	Har Tzeon Synagogue

Montgomery 1901 Randolph Road, Silver Spring  
Montgomery 20200 Observation Dr., Germantown Md  
Montgomery 301 Main Street, Gaithersburg, MD  
Montgomery 3950 Ferrara Dr, Silver Spring  
Montgomery 8100 Midcounty Hwy., Gaithersburg  
Montgomery 8201 Emory Grove Road, Gaithersburg  
Montgomery 8201 Emory Grove Road, Gaithersburg  
Montgomery 9801 Centerway Road, Montgomery Village, MD 20886  
Montgomery Silver Spring  
Montgomery Silver Spring  
Montgomery Wheaton  
Montgomery 250 Richard Montgomery Drive, Rockville  
Montgomery 13900 Bromfield Rd, Germantown  
Montgomery Germantown  
Montgomery Silver Spring  
Montgomery Silver Spring  
Montgomery Gaithersburg  
Montgomery 1700 April Ln, Silver Spring  
Montgomery 3950 Ferrara Dr, Silver Spring  
Montgomery Colesville  
Montgomery Shady Grove Apartments  
Prince George's 1 Municipal Place, Mt. Rainier  
Prince George's 100 Addison Road South, Capitol Heights  
Prince George's 100 Cameron Grove Blvd  
Prince George's 10001 Ardwick Ardmore Road  
Prince George's 10001 Ardwick Ardmore Road  
Prince George's 10621 Greenbelt Rd, Lanham  
Prince George's 10701 Livingston Road, Fort Washington  
Prince George's 1140 Glen Dale Blvd.  
Prince George's 11400 Glenn Dale Blvd, Glenn Dale  
Prince George's 11400 Glenn Dale Blvd, Glenn Dale, MD 20769  
Prince George's 11425 Old Marlboro Pike, Upper Marlboro  
Prince George's 14000 Jericho Park Rd, Bowie  
Prince George's 1401 McCormick Drive, Largo

J.F. Kennedy High School  
Transition training for Independence  
Kentland/s Flea Market  
WEAAD - Elder Abuse Awareness  
HOC's Healthy Marriage & Responsible Fathers Kick-Off  
MC GEO Basketball Tournament  
UFCW Local 1994 MCGEO  
Montgomery Village Farmers Market  
Good Hope Estates Community Group  
Montgomery Parks  
Earth Day - Brookside Gardens  
AELG Richard Montgomery High School  
Longview School  
Public Library  
Market Faire  
Riderwood Retirement Community  
Gaithersburg National Night Out  
White Oak Senior Center  
Holiday Park Senior Center  
Willow Manor  
HOC Community Days  
City of Mt. Rainier  
National Voter Registration Day  
Cameron Grove Political Association  
Charles H Flowers High School  
Flowers HS Comm Student's Organization  
WHUR Debate Watch Party  
Tantallon North Area Civic Association  
Reid Temple AME Church  
Reid Temple AME Church VRV Training Overview  
Reid Temple AME Church Community Day Festival  
Roblee Civic Association  
Bowie State University  
ARC of Prince George's-ADD CAC

Prince George's 14900 Health Center Drive, Bowie, MD 20716  
Prince George's 14900 Pennsylvania Ave, Upper Marlboro  
Prince George's 14900 Pennsylvania Ave, Upper Marlboro  
Prince George's 14900 Pennsylvania Ave, Upper Marlboro, MD  
Prince George's 15301 Hall Road, Bowie  
Prince George's 15773 Livingston Rd, Accokeek  
Prince George's 1700 April Lane, Silver Spring, MD 20904  
Prince George's 17400 Bellefield Ave, Fort Washington  
Prince George's 1800 Glenallan Ave, Silver Spring, MD 20902  
Prince George's 1840 University Blvd, West Silver Spring, MD  
Prince George's 1985 Corporal Frank Scott Dr, College Park  
Prince George's 2501 Olson Street, Temple Hills MD  
Prince George's 2817 Walters Ln, Forestville  
Prince George's 301 Largo Rd, Largo  
Prince George's 301 Largo Road  
Prince George's 301 Largo Road, Largo MD  
Prince George's 3300 Ft. Meade Road  
Prince George's 3301 Regency Parkway  
Prince George's 3330 Northview Drive  
Prince George's Allen Pond Park  
Prince George's 3401 Perry Street, Mt. Rainier  
Prince George's 3600 Brightseat Rd, Landover  
Prince George's 3601 Powder Mill Rd  
Prince George's 3701 Lawrence St, Colmar Manor  
Prince George's 4000 Stadium Drive, College Park Md  
Prince George's 401 Capitol Heights Blvd, Capitol Heights  
Prince George's 4300 39th Place, Brentwood  
Prince George's 4301 58th Ave, Bladensburg, MD 20710  
Prince George's 4519 Rhode Island Ave, North Brentwood,  
Prince George's 4601 Annapolis Rd, Bladensburg  
Prince George's 4701 Summertime Dr., Oxon Hill, MD  
Prince George's 4801 Forbes Blvd., Lanham  
Prince George's 4900 Boston Way, #D, Lanham  
Prince George's 5030 Brown Station Rd

Bowie Senior Center  
6th Annual Prince George's Family & Friends Day  
PGCPS Back to School Fair  
Prince George County Fair  
South Bowie Library  
Accokeek Branch Library  
Soul Train Dance Club  
Apple Grove Squires Civic Association  
Earth Day Festival, Brookside Gardens  
Har Tzeon Synagogue  
College Park Day 2016  
FWAC/DST Chapter Mtg  
New Solid Rock Baptist Church  
New Student Convocation Resource Fair  
PG Community College  
Student Organization Fair  
Woodland Job Corps  
Samuel Massie Academy  
Bowie International Festival  
BowieFest 2016  
Greater Rock Creek Baptist Church  
Zion Church  
High Point High School  
Port Towns National Night Out  
UMD University Honors  
Capital Heights National Night Out  
Brentwood Town Hall Meeting  
Backpack Community Health Fair  
African American Art Museum  
20th Annual Port Towns Day  
Woods End Community Event  
Sunrise Disability Community  
League of Women Voters  
Dutch Village Farmers Market

Prince George's 5100 Tanglewood Drive  
Prince George's 5211 Boydell Ave, Oxon Hill  
Prince George's 5211 Boydell Avenue  
Prince George's 5427 Indian Head Hwy  
Prince George's 5605 S Marwood Blvd  
Prince George's 5605 South Marwood Blvd, Upper Marlboro, MD 20772  
Prince George's 57th Ave, Bladensburg, MD 20710  
Prince George's 5801 Riverside Dr., Riverdale Park  
Prince George's 5811 Old Silver Hill Rd  
Prince George's 6101 Garden Drive, Clinton  
Prince George's 6120 Sargent Road, Hyattsville  
Prince George's 6300 Harley Ln, Temple Hills  
Prince George's 6501 Lowland Drive  
Prince George's 6530 Adelphi Rd, Adelphi Md  
Prince George's 6801 Sheriff Rd, Hyattsville  
Prince George's 7007 Bock Rd  
Prince George's 7601 Hanover Pkwy, Greenbelt  
Prince George's 7601 West Park Drive, Adelphi  
Prince George's 7707 Allentown Road, Fort Washington  
Prince George's 7711 E. Nalley Road  
Prince George's 8415 Schultz Road, Clinton  
Prince George's 910 Addison Road South  
Prince George's 9222 Ardwick Ardmoo Rd.  
Prince George's 9300 Laurel Bowie Rd, Bowie  
Prince George's 9400 Piscataway Road, Clinton  
Prince George's 9901 Lanham Severn Rd, Lanham-Seabrook  
Prince George's District Heights  
Prince George's Forest Heights Elementary School, 200 Tolbert Drive, Oxonn Hill MD  
Prince George's Glenn Dale  
Prince George's Gwynn Parks Middle School  
Prince George's Prince George's Community College  
Prince George's Ritchie Colliseum, College Park MD  
Prince George's 12650 Brooke Ln, Upper Marlboro  
Prince George's Brandywine

Edmonston Day  
Potomac High School  
TNI Glassmanor-Oxon Hill Community Meeting  
St. Mark AME Church  
Marwood Senior Community  
Marwood Senior Apartments  
Bladenburgh HS Back to School Event  
Riverdale Park Day  
Combined Library Session  
Surrattsville High School  
8th Precinct Civic Association  
Back to School Night Allenswood Elementary Schoo  
Tri-Area Civic Association  
Hyattsville Library  
First Baptist of Highland Park  
Alpha Phi Alpha Fraternity  
Eleanor Roosevelt High School  
2016 Hispanic Festival  
Ebenezer AME Church, Senior Ministry  
Willow Hills Civic Association  
Jerusalem Church Community Day  
Gethsemane United Methodist Church  
Ardmore Springdale Civic Association  
Bowie State University  
Surratts-Clinton Branch Library  
2016 Back to School Drive  
Regency Pointe Apartments  
Hispanic Heritage Celebration  
Reid Temple Church  
PTA Meeting  
Student Governance Association  
Annual Blues Festival  
Dr. Wise High School  
North Keys Civic Association

Prince George's District Heights  
 Prince George's Clinton  
 Prince George's 9301 Ardwick Ardmore Rd, Springdale  
 Prince George's Bowie Library  
 Prince George's District Heights  
 Prince George's 14500 Mt Oak Rd, Bowie  
 Prince George's Show Place Arena, Upper Marlboro  
 Prince George's Bowie  
 Prince George's 8501 Jericho City Dr, Landover  
 Prince George's Lake Arbor Elementary School, Mitchellville  
 Queen Anne's 100 College Dr, Queenstown, MD  
 Queen Anne's 110 Chesterwye Lane, Grasonville, MD  
 Queen Anne's 121 S Commerce St, Queen Anne, MD  
 Queen Anne's 2739 Cox Neck Rd, Chester, MD  
 Queen Anne's 823 Grasonville Cemetery Rd, Grasonville, MD  
 Queen Anne's Dulin Clark Road, Centreville, MD  
 Queen Anne's Sudlersville  
 Queen Anne's Centreville  
 Somerset Princess Anne  
 Somerset Princess Anne, MD  
 Somerset 7842 Mt Davis Rd, Meyersdale  
 St. Mary's Historic Leonardtown Square  
 Talbot 100 W Dover St, Easton, MD 21601  
 Talbot 10028 Ocean Gateway, Easton, MD  
 Talbot 10659 Hiners Lane, Easton, MD 21601  
 Talbot 5979 Tilghman Island Road, Tilghman, MD 21671  
 Talbot Chesapeake College  
 Washington 11400 Robinwood Drive  
 Washington 13316 Fountain Head Road  
 Washington 16412 National Pike  
 Washington 18007 Maugans Avenue  
 Washington 189 E Main St Hancock  
 Washington 209 W Main St  
 Washington 35 W Washington St

Zeta Phi Beta Sorority  
 Mt. Ennon Baptist Church  
 Ardmore Elementary School Back to School Night  
 Adult 101  
 National Council of Negro Women  
 Juda Temple  
 Annual Family Day  
 Bowie State Wine Festival  
 City of Praise Church  
 Psi Epsilon Omega Sorority  
 Chesapeake Community College  
 Chesterwye Center  
 Queen Anne Free Library  
 Eastern District of AME Church Conference  
 Robinson AME Church  
 Queen Anne County Fair  
 Lions Club  
 Farmer's Market  
 UMES - Upward Bound Program  
 UMES  
 County Fair  
 Taste of St. Mary's  
 Talbot County Free Library  
 Regional Job Fair  
 Talbot County Fair  
 Tilghman Island Festival  
 Voter Registration Day  
 Hagerstown Community College  
 Hagerstown Rotary  
 Wacohu Grange Hall  
 Maugansville Ruritan Club  
 Hancock Rotary  
 Sharpsburg Lions Club  
 Leadership Washington County

Washington	40 Elgin Blvd.	Hagerstown Housing Authority Community Fair
Washington	535 East Franklin Street	Seniors Activity Center
Washington	538 Washington Avenue	West Hagerstown Lions Club
Washington	58 E Washington St	Antietam Exchange of Hagerstown
Washington	58 E Washington St	Kiwanis Club
Washington	7303 Sharpsburg Pike	WA County Ag Expo & Fair
Washington	901 Dual Highway	Chamber of Commerce
Washington	Fairgrounds Park	City's National Night Out
Washington	Florida Ave.	ARC of Washington County
Washington	Frederick Manor	Hagerstown Housing Authority <i>*set up informational display at this locat</i>
Washington	Ruritan Community Park	Maugansville Pride Days
Washington	Valley Mall	Deafnet
Washington	351 N Cleveland Ave, Hagerstown	Hagerstown National Night Out
Washington	Fair Park	Senior Expo
Washington	Housing Authority of Washington County	Community Fair
Washington	16505 Virginia Ave, Williamsport	Homewood Independent Living Center
Washington	Hagerstown	Western Maryland Food Bank <i>*set up informational display at this loca</i>
Wicomico	Dove Point, Mt. Hermon Rd., Salisbury, MD	Disability Rights Maryland
Wicomico	Main Street, Salisbury, MD	Republican Womens Club
Wicomico	Mallard Landing Assisted Living, Schumaker Dr., Salisbury, MD	Mallard Landing
Wicomico	Ocean Pines Post Office	Post Office
Wicomico	Peninsula Regional Hospital	Hospital
Wicomico	Salisbury	Library
Wicomico	Salisbury	Peninsula Regional Medical Center
Wicomico	Salisbury	Salisbury University
Wicomico	Salisbury	Ward Museum Expo
Wicomico	Salisbury Library Lobby drop in	Salisbury Library
Wicomico	Salisbury, MD	Wor Wic Community College
Wicomico	Schumaker Drive Salisbury	The Ward Museum
Wicomico	Winterplace Park Equestrian Center	County Fair
Wicomico	E Market St, Salisbury	Shore Fresh Farmers' Market
Wicomico	Salisbury	Institute for Retired Persons
Worcester	4001 Coastal Highway Ocean City	MACo - Roland Powell Convention Ctr
Worcester	Airport Road Berlin, MD	Ocean City Lioness Club

Worcester	Airport Road, Berlin, MD	OC Lioness Club
Worcester	Berlin Public Library	Berlin Public Library
Worcester	Berlin, MD	Atlantic General Hosptial Flu Clinic
Worcester	Captains Table, Ocean City	Ocean City / Berlin Rotary Club
Worcester	OC Convention Center	Home and Builders Show
Worcester	OC Convention Center	Maryland association of Realtors
Worcester	OC Convention Center	Maryland State Educators Association
Worcester	Ocean City	American Legion
Worcester	Ocean City	Chamber of Commerce
Worcester	Ocean City	Senior Center
Worcester	Ocean City Inlet	Ocean City Parks and Recreation
Worcester	Ocean City Inlet parking lot tents	Katancha Corp.
Worcester	Ocean City Library, Coastal Hwy, Ocean City, MD	Ocean City Library
Worcester	Ocean City, MD	OC Post Office
Worcester	Ocean Pines	AARP
Worcester	Ocean Pines	Gwen Cordner
Worcester	Ocean Pines	Kiwanis
Worcester	Ocean Pines	Library
Worcester	Ocean Pines	Ocean Pines Womens Committee
Worcester	Ocean Pines	Questors Club
Worcester	Ocean Pines	Republican Womens Club
Worcester	Ocean Pines	Teaparty Meeting
Worcester	Ocean Pines	The Parke
Worcester	Ocean Pines	Town Hall Meeting
Worcester	Ocean Pines Library	Ocean Pines Library
Worcester	Ocean Pines Library	Worcester County Commission for Women
Worcester	Pocomoke	Senior Center
Worcester	Pocomoke, MD	Pocomoke Public Library
Worcester	Pocomoke, MD	Pocomoke Senior Center
Worcester	Rt. 50, Hooper's	State Ventures LLC
Worcester	Snow Hill	Library
Worcester	Snow Hill	NAACP
Worcester	Snow Hill	Senior Center
Worcester	Snow Hill	Snow Hill Public Library

Worcester	Snow Hill, MD	Snow Hill Lions Club
Worcester	Snow Hill, MD	Snow Hill Rotary
Worcester	St. Lukes Church Ocean City	Delmarva Irish American Club
Worcester	Sunset Park Ocean City	Octoberfest
Worcester	Waterman's Seafood	Ocean City Optimist Club
Worcester	Worcester	St. Paul's episcopal church
Worcester	Worcester County	Worcester County Developmental Center
Worcester	Berlin	Municipal Election
Worcester	Berlin	Optimists Club
Worcester	Berlin	Commission for Women
Worcester	OC Convention Center	33rd Annual Home and Condo Show
Worcester	Ocean City Inlet	Brews on the Beach
Worcester	Ocean City Inlet	Bikefest
Worcester	Ocean City Inlet	Sunfest
Worcester	Ocean City Inlet	Wine Fest
Worcester	Snow Hill	County Fair
Worcester	OC Convention Center	MD Association of Counties Summer Conference



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Nikki Charlson -SBE-

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## Baltimore County Precinct Data Concerns

1 message

**Mary Kiraly**

Wed, Dec 14, 2016 at 4:42 PM

Reply-To: Mary Kiraly

To: David McManus

Cc: "\"Michael Cogan\"", PJ Hogan , Kelley Howells , Nikki Charlson -SBE-

VIA Email December 14, 2016

Mr. David J. McManus, Jr.  
Chair, Maryland State Board of Elections  
Members of the Board  
(I do not have an email address for Ms. Gloria Lawlah)

Dear Mr. McManus and Members of the Board

I regret that I am unable to attend tomorrow's Board meeting. My examination of election data indicates that there are a number of issues with the November election data about which the Board should be concerned.

I am attaching a spreadsheet which contains election data from Baltimore County. This data is for the presidential race, broken out precinct by precinct; and includes candidates, write-ins, blank ballots, overvotes, and undervotes. Baltimore County is a large county that provided this detailed election results data online. I regret that time constraints prevented me from including all the data beyond precinct 14-14; but I have also included other precinct data that appeared problematic.

This data is for Election Day only, with key data points of concern highlighted. There were **12,791** blank ballots cast in Baltimore County on Election Day, and 23,378 overall. I have been told that the Baltimore County Board of Elections Director confirmed that a "blank ballot" designation only occurs when a voter casts a totally blank ballot- not when a voter fails to vote down ticket and casts a blank second page. So 12,791 is an astounding number of voters to have made the effort to go to the polls to vote, stood in line, accepted a ballot, and then placed the ballot in the scanner without casting a vote in any race, or for any question.

- It will be very important for the Board to understand if and how Clear Ballot's Clear Audit tabulation accounted for this high number of blank ballots.

Baltimore County also had a significant number of overvotes on Election Day: **668**. This means that voters voted for more than one candidate for president; and further, that they disregarded the warning, at the scanner, which alerts a voter to the overvote, and provides an opportunity for the voter to correct this.

- It will be important for the Board to understand what explanation Clear Ballot can provide for these overvotes; whether they detected stray marks, within the ovals, on the scan images of the ballots that were used in the audit, or whether there were particles present that distorted the voted oval markings, etc.

Baltimore County had **1375** undervotes for president (a .6% rate). This means that, in addition to blank ballots cast, 1375 people made the effort to come to the polls on Election Day; but failed to vote in the presidential race. There is no way of knowing whether voters actually failed to vote for president without an examination of the voter verified paper ballots. **Precinct 1-16**, for example, had a surprisingly high number of blank ballots and also had a higher than normal number of undervotes.

- So it will be important for the Board to know how Clear Ballot explains the undervotes in Baltimore County, and throughout the State.

Please also take special note that **Precinct 10-16** data indicates that there are only 14 registered voters in that precinct- yet there were 46 cast ballots.

As I stated in my previous comments to the Board on audit procedures, I believe that there can be no true audit of the voting system which does not include an examination of the voter verified paper ballots which are the primary source for understanding the intent of the voters. Clear Ballot will be able to provide important information about the administration of the election. I hope that you will also find that concerns about the meaning of this election data supports the need for an examination of the paper ballots; and that a post-election audit of the paper ballots will become an election norm. It is one of the primary reasons that many of us spent over a decade advocating for the paper ballot/optical scan voting system for Maryland.

Sincerely,  
Mary H. Kiraly  
Bethesda, Maryland



**Balt Co by precinct UO 2016 General Election.xlsx**  
20K

**Baltimore County November 2016 UO General Election Results (11/30/2016 Doc) Election Day**

<http://resources.baltimorecountymd.gov/Documents/Elections/2016/2016generalbyprecinctunofficial.pdf>

Precinct	Ballots Cast	Blank	Trump	Clinton	Johnson	Stein	Write In	Total	Over Vote	Under Vote	% Blank	Page	blank	over	under	Ballots Cast
1 1	1,254	48	94	1088	23	26	14	1,245	9	0						
1 2	677	26	72	562	15	11	11	671	1	5						
1 3	1,232	54	259	861	43	29	30	1,222	1	9						
1 4	1,388	72	306	967	27	29	29	1,358	21	9						
1 5	1,407	62	251	1072	28	26	23	1,400	2	5						
1 6	1,442	50	99	1272	19	17	19	1,426	14	2		1	1,541	154	139	31,728
1 7	838	34	209	545	36	13	18	821	15	2		2	1,513	86	174	26,563
1 8	1,524	91	523	833	89	33	40	1,518	0	6	6.0	3	1,784	85	220	32,429
1 9	992	53	297	592	53	20	20	982	7	3		4	1,465	39	252	28,197
1 10	1,302	50	449	694	79	33	40	1,295	2	5		5	1,467	57	208	30,655
1 11	1,385	95	619	614	76	26	39	1,374	3	0	6.86	6	1,713	63	153	27,897
1 12	1,498	78	641	684	84	28	47	1,484	6	8						
1 13	1,258	49	493	636	74	19	29	1,251	1	6						
1 14	1,011	68	486	406	51	16	37	996	3	12						
1 15	1,294	47	518	620	78	29	31	1,276	8	10						
1 16	1,105	160	490	532	31	8	19	1,080	0	25	14.5					
1 17	1,468	81	131	1269	22	27	15	1,464	2	2						
2 1	598	25	32	540	4	10	8	594	0	3						
2 2	862	25	35	802	8	10	4	859	0	3						
2 3	141	2	10	124	4	2	0	140	1	0						
2 4	923	31	43	844	8	9	9	913	9	1						
2 5	802	25	41	735	7	8	2	793	7	2						
2 6	1,008	48	63	886	10	23	11	993	9	6						
2 7	806	35	45	730	10	9	10	804	0	2						
2 8	993	52	74	879	11	15	10	989	0	4						
2 9	807	39	44	712	8	10	14	788	16	3						
2 10	1,188	40	71	1071	15	14	8	1,179	7	2						
2 11	1,322	44	107	1152	14	26	21	1,320	1	1						
2 12	1,203	57	110	1022	21	25	13	1,191	9	3						
<b>Subtotal</b>	<b>31,728</b>	<b>1541</b>	<b>6,612</b>	<b>22744</b>	<b>948</b>	<b>551</b>	<b>571</b>	<b>31,426</b>	<b>154</b>	<b>139</b>						

Precinct	Ballots Cast	Blank	Trump	Clinton	Johnson	Stein	Write In	Total	Over	Under	% Blank
2 13	1,063	40	78	937	8	24	14	1,061	1	1	

2	14	1,061	34	58	953	12	18	14	1,055	3	3	
2	15	1,373	92	125	1186	22	16	17	1,366	0	7	6.7
2	16	483	7	51	416	4	7	2	480	1	2	
2	17	925	18	62	823	7	19	12	923	0	2	
2	18	500	12	83	389	5	8	9	494	4	2	
2	19	656	27	347	253	23	17	12	652	1	3	
2	20	322	13	68	232	8	8	5	321	0	1	
2	21	604	36	335	216	26	10	13	600	1	3	
2	22	18	2	4	13	0	0	1	18	0	0	11.1
2	23	210	12	43	149	5	1	5	203	2	5	
2	24	891	36	68	784	9	17	9	887	0	4	
2	25	423	18	90	321	0	2	3	416	1	6	
2	26	884	34	172	645	26	23	14	880	1	3	
2	27	811	19	94	667	17	15	11	804	2	5	
2	28	104	11	2	97	1	3	0	103	1	0	10.6
2	29	948	39	115	789	12	18	9	943	3	2	
2	30	144	3	58	76	4	1	4	143	0	1	
2	31	749	30	73	642	8	15	10	748	0	1	
3	1	1,140	59	93	992	19	13	9	1,126	10	4	
3	2	998	77	149	799	14	10	16	988	7	3	
3	3	1,001	38	78	858	13	21	14	984	12	5	
3	4	819	39	148	600	23	15	19	805	9	5	
3	5	1,021	86	259	680	40	20	14	1,013	1	7	8.4
3	6	1,062	77	386	590	33	7	26	1,042	2	18	
3	7	1,782	147	909	698	68	13	66	1,754	3	25	8.8
3	8	1,396	130	467	820	44	24	24	1,379	0	17	9.3
3	9	1,725	121	521	1052	64	19	40	1,696	12	17	7.0
3	10	1,307	116	402	799	42	13	26	1,282	2	23	8.9
3	11	1,230	88	345	790	30	17	28	1,210	7	13	
3	12	913	52	200	656	27	17	10	910	0	3	
Subtotal		26,563	1513	5,883	18922	614	411	456	26,286	86	191	

Precinct	Ballots		Trump	Clinton	Johnson	Stein	Write In	Total	Over	Under	% Blank
	Cast	Blank									
3 13	810	58	319	415	35	16	20	805	1	4	7.2
3 14	589	39	255	265	13	5	18	556	6	27	6.6
4 1	1,148	57	276	786	35	33	13	1,143	1	4	
4 2	1,320	77	338	889	46	24	16	1,313	1	6	
4 3	1,260	70	468	684	44	12	34	1,242	6	12	
4 4	1,521	73	498	893	59	22	36	1,508	1	12	
4 5	1,090	68	365	624	39	26	27	1,081	5	4	
4 6	1,113	58	384	637	35	26	14	1,096	13	4	
4 7	1,605	102	605	884	51	26	26	1,592	6	7	6.4
4 8	1,409	65	584	675	73	36	30	1,398	2	9	
4 9	1,023	76	617	306	54	17	21	1,015	3	5	
4 10	741	40	247	456	16	10	8	737	1	3	
4 11	206	6	107	77	17	2	3	206	0	0	
4 12	1,666	86	448	1110	44	32	21	1,655	6	5	
4 13	339	36	157	149	17	2	10	335	0	4	10.6
4 14	1,045	40	142	836	20	23	11	1,032	12	1	
4 15	55	0	9	42	3	0	1	55	0	0	
5 1	1,583	83	1,029	419	64	19	32	1,563	6	14	
5 2	294	15	199	70	11	4	8	292	0	2	
6 1	1,122	52	769	266	52	9	19	1,115	0	7	
6 2	1,368	76	946	324	65	12	17	1,364	2	2	
7 1	1,835	83	1,275	443	79	15	16	1,828	1	6	
7 2	744	34	485	194	36	9	9	733	0	11	
7 3	1,375	50	849	408	67	15	29	1,368	2	5	
8 1	1,203	52	662	416	63	21	27	1,189	0	14	
8 2	924	51	536	326	30	6	14	912	2	10	
8 3	776	30	364	318	46	17	22	767	0	9	
8 4	1,363	99	669	547	67	19	40	1,342	3	18	7.3
8 5	313	52	183	99	13	1	10	306	3	4	
8 6	1,437	95	321	1010	49	30	22	1,432	2	3	6.6
8 7	1,152	61	399	644	48	33	20	1,144	0	8	
<b>Subtotal</b>	<b>32,429</b>	<b>1784</b>	<b>14,505</b>	<b>15212</b>	<b>1291</b>	<b>522</b>	<b>594</b>	<b>32,124</b>	<b>85</b>	<b>220</b>	

Precinct	Ballots		Trump	Clinton	Johnson	Stein	Write In	Total	Over	Under	% Blank
	Cast	Blank									
8 8	743	43	360	313	29	10	24	736	0	7	
8 9	1,481	85	717	623	78	17	35	1,470	2	9	
8 10	1,135	90	544	482	53	17	28	1,124	3	8	8
8 11	702	31	296	347	28	11	11	693	2	7	
8 12	1,266	55	596	541	59	15	42	1,253	4	9	
8 13	1,368	72	628	608	69	20	27	1,352	6	10	
8 14	738	23	364	314	30	10	18	736	1	1	
8 15	954	40	446	399	64	16	20	945	1	8	
8 16	530	29	227	256	26	6	14	529	0	1	
8 17	1,107	63	531	456	55	16	40	1,098	1	8	
8 18	504	16	236	216	21	5	19	497	0	7	
8 19	1,219	70	622	488	54	10	28	1,202	2	15	
8 20	743	32	346	313	40	8	28	735	1	7	
8 21	248	17	133	85	13	1	13	245	0	3	6.9
8 22	965	72	395	487	39	16	18	955	0	10	7.5
8 23	354	27	167	145	16	4	13	345	1	8	7.6
8 24	550	17	325	179	25	3	11	543	0	7	
8 25	873	55	437	341	55	10	18	861	2	10	
8 26	13	0	9	2	1	1	0	13	0	0	
8 27	543	17	284	207	24	4	18	537	1	5	
8 28	222	9	103	94	13	3	7	220	0	2	
9 1	1,345	66	519	668	74	25	43	1,329	0	16	
9 2	945	45	409	452	37	10	28	936	0	9	
9 3	1,521	91	450	920	73	28	38	1,509	1	11	6
9 4	1,001	55	319	563	61	20	29	992	1	8	
9 5	1,566	72	586	806	86	26	49	1,553	3	10	
9 6	448	12	176	229	20	9	8	442	2	4	
9 7	1,267	58	628	499	75	25	27	1,254	1	12	
9 8	999	32	500	405	50	11	16	982	0	17	
9 9	1,042	51	517	405	53	13	38	1,026	0	16	
9 10	1,805	120	629	1053	49	37	26	1,794	4	7	6.6
<b>Subtotal</b>	<b>28,197</b>	<b>1465</b>	<b>12,499</b>	<b>12896</b>	<b>1370</b>	<b>407</b>	<b>734</b>	<b>27,906</b>	<b>39</b>	<b>252</b>	

Precinct		Ballots							Total	Over	Under	% Blank
		Cast	Blank	Trump	Clinton	Johnson	Stein	Write In				
9	11	993	56	291	599	47	18	21	976	9	8	
9	12	841	27	278	478	44	19	14	833	1	7	
9	13	1,232	36	336	740	69	29	43	1,217	1	14	
9	14	1,194	49	250	843	56	15	28	1,192	0	2	
9	15	1,135	32	279	753	44	27	26	1,129	1	5	
9	16	626	22	263	277	37	20	16	613	2	11	
9	17	701	23	209	421	47	12	7	696	0	5	
9	18	1,176	77	446	640	39	31	15	1,171	0	5	6.5
9	19	1,113	69	387	630	47	22	17	1,103	3	7	6.2
9	20	1,184	54	76	1070	6	21	4	1,177	4	3	
9	21	1,665	68	832	641	102	37	35	1,647	7	11	
9	22	1,685	85	796	770	54	30	26	1,676	6	3	
9	23	1,409	57	631	684	49	23	13	1,400	1	8	
9	24	1,650	93	744	768	70	28	29	1,639	2	9	
9	25	1,251	55	582	559	49	32	23	1,245	1	5	
9	26	680	30	323	298	31	12	11	675	0	5	
9	27	5	0	1	3	1	0	0	5	0	0	
9	28	766	57	127	589	22	9	12	759	5	2	
9	29	169	13	28	126	5	5	3	167	2	0	
10	1	1,433	96	844	468	58	23	32	1,425	1	7	6.6
10	2	899	37	478	331	45	17	14	885	1	13	
10	3	858	34	523	253	28	14	27	845	1	12	
10	4	1,181	46	735	324	56	19	37	1,171	0	10	
10	5	213	11	128	65	8	2	4	207	0	6	
10	6	46	0	25	17	2	0	1	45	0	1	
10	7	247	2	152	78	7	2	1	240	4	3	
11	1	1,013	62	622	308	40	9	24	1,003	0	10	6.1
11	2	1,462	87	996	361	53	18	28	1,456	0	6	6
11	3	1,896	113	1,436	360	52	17	19	1,884	0	12	6
11	4	974	30	585	310	49	5	13	962	3	9	
11	5	958	46	597	278	47	9	16	947	2	9	
<b>Subtotal</b>		<b>30,655</b>	<b>1467</b>	<b>14,000</b>	<b>14042</b>	<b>1264</b>	<b>525</b>	<b>559</b>	<b>30,390</b>	<b>57</b>	<b>208</b>	

**REGISTERED VOTERS: 14** (Link above: bottom of p. 259)

Precinct		Ballots							Total	Over	Under	% Blank
		Cast	Blank	Trump	Clinton	Johnson	Stein	Write In				
11	6	914	56	610	226	41	16	16	909	1	4	6

11	7	1,767	86	964	628	80	31	42	1,745	9	13	
11	8	1,016	71	639	302	43	14	8	1,006	5	5	7
11	9	1,245	79	661	494	46	23	14	1,238	3	4	
11	10	1,164	59	572	500	51	12	16	1,151	5	8	
11	11	1,426	80	731	573	70	20	22	1,416	4	6	
11	12	1,384	61	819	444	67	25	23	1,378	1	5	
11	13	412	15	206	167	21	10	4	408	1	3	
11	14	1,057	61	644	331	40	16	19	1,050	0	7	
11	15	1,220	136	695	456	21	6	11	1,189	7	24	11.15
11	16	741	33	278	412	28	13	8	739	1	1	
11	17	1,487	59	857	523	54	20	24	1,478	2	7	
11	18	299	15	167	105	13	7	2	294	3	2	
11	19	1,018	35	539	405	41	13	16	1,014	1	3	
11	20	14	0	11	2	1	0	0	14	0	0	
11	21	314	5	135	150	10	6	7	308	0	6	
11	22	1,288	76	720	447	68	18	26	1,279	0	9	
11	23	560	22	318	189	30	6	9	552	1	7	
11	24	153	9	111	40	0	1	0	152	0	1	
11	25											
11	26	223	6	161	37	9	8	4	219	0	4	
11	27	10	0	7	3	0	0	0	10	0	0	
12	1	927	79	572	302	24	15	10	923	0	4	8.5
12	2	1,100	75	635	388	41	22	9	1,095	0	5	
12	3	1,385	88	895	397	42	21	24	1,379	2	4	
12	4	1,668	105	1,123	451	48	12	22	1,656	5	7	6.3
12	5	1,305	80	896	341	30	17	13	1,297	6	2	
12	6	1,162	80	631	463	35	17	11	1,157	1	4	
12	7	1,593	128	1,045	449	47	23	19	1,583	5	5	
12	8	1,045	114	711	283	27	12	9	1,042	0	3	
<b>Subtotal</b>		<b>27,897</b>	<b>1713</b>	<b>16,353</b>	<b>9508</b>	<b>1028</b>	<b>404</b>	<b>388</b>	<b>27,681</b>	<b>63</b>	<b>153</b>	

 No precinct 11/25 listed.

Precinct	Ballots								Total	Over	Under	% Blank
	Cast	Blank	Trump	Clinton	Johnson	Stein	Write In					
12	9	369	26	209	139	7	4	6	365	3	1	
12	10	985	67	501	392	47	23	13	976	4	5	
12	11	1,259	68	685	493	41	18	12	1,249	4	6	
12	12	948	62	650	251	26	10	5	942	2	4	
12	13	456	33	21	418	2	8	2	451	1	4	

13	1	927	41	403	450	36	26	11	926	0	1
13	2	790	39	446	267	41	20	13	787	0	3
13	3	1,002	63	607	316	39	15	17	994	1	7
13	4	1,112	70	641	347	60	22	27	1,097	1	14
13	5	1,250	66	785	345	66	21	28	1,245	2	3
13	6	461	22	245	189	15	5	5	459	0	2
13	7	852	52	331	488	17	12	3	851	0	1
13	8	960	58	653	246	30	6	13	948	7	5
13	9	1,668	98	835	731	48	26	22	1,662	0	6
14	1	1,448	100	712	622	54	19	21	1,428	7	13
14	2	1,306	60	571	630	52	22	23	1,298	3	5
14	3	193	6	88	87	10	4	2	191	0	2
14	5	286	23	80	190	8	5	2	285	0	1
14	6	1,506	59	820	569	65	30	11	1,495	6	5
14	7	1,093	44	540	465	35	25	15	1,080	7	6
14	8	1,484	54	314	1094	20	27	14	1,469	11	4
14	9	1,505	97	441	1010	21	18	5	1,495	5	5
14	10	1,040	62	474	503	32	9	14	1,032	3	5
14	11	950	52	407	484	21	11	10	933	11	6
14	12	1,097	53	607	395	51	28	14	1,095	1	1
14	13	957	39	386	522	25	10	11	954	1	2
14	14	264	9	100	147	5	6	3	261	2	1

**Skipping Precincts**

15	2	1,292	108	841	369	41	18	9	1,278	7	7
15	10	1,219	58	633	516	38	11	7	1,205	10	4
15	16	981	73	591	330	29	13	9	972	3	6
15	17	1,349	62	359	938	13	16	10	1,336	12	1

Precinct	Ballots								Total	Over	Under	% Blank
	Cast	Blank	Trump	Clinton	Johnson	Stein	Write In					
15	18	1,136	45	688	392	29	11	8	1,128	1	7	
15	19	1,470	78	1,047	340	46	17	9	1,459	5	6	
15	20	1,719	136	1,227	429	33	17	7	1,713	4	2	
15	21	1,614	184	1,238	331	18	12	10	1,609	4	1	
15	22	1,696	147	1,303	315	36	17	19	1,690	4	2	
15	23	1,332	101	209	1067	18	20	5	1,319	11	2	

<b>EV</b>	<b>5</b>	7,283	528	3,734	3233	145	86	45	7,243	19	21	<b>7.2</b>
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All EV Centers had higher than normal blank ballot %











**Issue # 1 – The number of blank ballots cast in Baltimore County was high. 12,791 on Election Day and 23,378 overall.**

Baltimore County had 2 page ballots. The Ballots cast total in the voting system results report posted on Baltimore County's website is a count of how many page 1's were scanned whereas the blanks include both page 1's and page 2's. For example, if a voter voted only on page 1 and not on page 2, ERM's ballots cast number would increment by one and so would blank ballots cast.

**Question – How did Clear Ballots audit account for the high number of blanks?**

Clear Ballot reports blanks at the contest level. For contests that appear on page 2 only, Clear Ballot reports a range of 35,700 (first contest on page 2) to 50,434 (Last question on page 2). After reviewing the blanks reported by Clear Ballot, it would be reasonable to conclude that the voters chose not to vote these contests due to length of the ballot and number of ballot questions.

**Issue # 2 - Baltimore County had a significant number of overvotes on Election Day: 668. How did the Clear Ballot audit explain the overvotes?**

Using Clear Ballots site, we reviewed images of the contest for President on Election Day ballots where the voter filled in the oval next to 2 or more options. We discovered that:

- There were 442 overvotes where the voter filled in the oval next to Clinton/Kaine and ovals next to one or more candidates (other than Trump).
- There were 128 over-votes where the voter filled in the oval for Trump/Pence and ovals next to one or more candidates (other than Clinton).
- The other 98 over votes could be a result of the voter filling in the oval in any of the following combinations - Stein/Johnson, Stein/Johnson/Write-in, Stein/Write-in, Johnson/Write-in.

**Note:** The voting system would have counted a vote as a write-in if the voter did not fill in the oval but wrote in a name whereas Clear Ballot, at this time, would not.

**Issue # 3 - Baltimore County had a high number of undervotes for President: 1,375 on Election Day (.6% rate). How did the Clear Ballot audit explain the undervotes?**

Clear Ballot shows that there were 1,707 blank votes for President on Election Day ballots. The main reason why this number is higher than the one reported by the voting system is because Clear ballot only counts a vote as a write-in if the oval is filled in whereas the voting system does not. After reviewing all 1,707 ballot images on Clear Ballots site, we determined that there were 1,406 undervotes where the voter did not fill in the oval next to a candidate and 301 write-ins where the voter wrote in a name but did not fill in the oval next to write-in. There were 31 (1,406-1,375) ballots that Clear Ballot determined were undervoted in the office of President but the voting system counted those ballots as a vote for a candidate. In all 31 cases, the voter had only partially filled in the oval.

Examples of the ovals that Clear Ballot determined were blanks:



**Issue # 4 - Precinct 10-16 (actually 10-06) in Baltimore County is showing 46 ballots cast but only 14 registered voters.**

The precinct in question is 10-06, not 10-16. It is consolidated with precinct 10-07. Precinct 10-06 has 14 active voters and 1 inactive voter. 9 of these voters voted on Election Day. Precinct 10-07 has 678 active voters and 247 ballots cast. Precinct 10-06 is Ballot Style 1 and Precinct 10-7 is Ballot Style 3. The content of these ballot styles is the same. Some voters from precinct 10-07 must have been issued the ballot style for precinct 10-06.

**Issue # 5 – In Baltimore County, ballots cast was 8,232 higher than turnout (based on Unofficial Turnout posted in November which showed 225,157 whereas the vote total was 233,389).**

Not all precincts had voting credit when the unofficial voter turnout report was posted in November of 2016. The official turnout reports that are currently posted on our website show a total of 235,536

Election Day voters. That means that the number of votes for President is 2,147 less than the turnout.

1. Thank you....
2. Introduce SBE staff members & LBE representatives
3. Overview of 2016 General Election
  - a. Turnout was lower than expected.... (Handout)
    - i. 3,900,900 eligible voters
    - ii. 2,796,567 voters participated - 72%
      1. Early Voting: 876,843 voters (31% of total voter turnout)
        - a. Record turnout for early voting (2 handouts)
        - b. 69 centers - most ever
      2. Election Day: 1,674,473 voters (60% of total voter turnout)
      3. Absentee: 177,350 ballots returned (6% of total voter turnout)
      4. Provisional: 78,660 ballots cast (3% of total voter turnout)
    - iii. Less than the last four presidential general elections
  - b. Voting Equipment performed very well.
    - i. Equipment Deployed

	Early Voting	Election Day
Ballot scanners	207	2,310
Accessible ballot marking devices	98	1,756
Electronic pollbooks	480	5,860

1. High-speed scanners used in 8 counties<sup>1</sup> for counting absentee and provisional ballots
- ii. Equipment Replaced during voting hours

	Early Voting	Election Day
Ballot scanners	4	11
Accessible ballot marking devices	1	11
Electronic pollbooks	11	64

- iii. Paper-based system -> expect ballot jams (like copier in your office)
  1. Election day - 2,060 jams out of 2.7 million pieces of paper - 0.076%
    - a. Jams quickly cleared and voting continued

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<sup>1</sup> Anne Arundel, Baltimore City, Baltimore County, Frederick, Harford, Howard, Montgomery, & Prince George's

- b. Use emergency bin if couldn't scan
- 2. Preparing ballots for high speed scanners very important.
  - a. Absentee ballots have been folded for up to 6 weeks
  - b. Before scanning, ballots must be "reverse folded"
- iv. Identified Voting System Improvements
  - 1. Certain marks in the write-in block were considered potential votes.
    - a. Caused by a ballot fold or a scratch or mark on the camera lens and resulted in a higher than expected number of overvotes in the contest with the fold through the write-in block.
    - b. 3 counties – Anne Arundel, Garrett, and Prince George's Counties – rescanned some or all of their absentee and provisional ballots and issued revised election results.
    - c. 2 counties – Baltimore and Harford Counties – re-reviewed the write-in export spreadsheet and tabulated votes that were originally treated as overvotes.
  - 2. During post-election ballot tabulation audit, identified 41 ballot images in Baltimore City with two ballots, instead of one.
    - a. When reviewing the image, see the top ¼ inch of the ballot below the top ballot.
    - b. Occur if two ballot pages were scanned together.
    - c. To correct this issue, the Baltimore City Board of Elections rescanned all of their absentee and provisional ballots and issued revised election results.
  - 3. Appreciate ES&S' - the voting system vendor - willingness to identify ways to improve the voting system
- c. Same Day Registration and Address Changes during Early Voting
  - i. New process for the 2016 elections
  - ii. Electronic pollbooks facilitated the process and worked well
  - iii. Statistics:
    - 1. 7,884 voters registered to vote and voted
    - 2. 8,005 voters change address and voted the ballot for the new address
- d. Reports of Election Day Lines
  - i. Once the local boards certified election results, began collecting data from precincts with reports of lines - 59 out of the 1,989 precincts (3%)<sup>2</sup>. Data included:
    - 1. Election day turnout
    - 2. How many scanners were deployed

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<sup>2</sup> Reports of 15 precincts in Anne Arundel, 1 precinct in Baltimore City, 32 precincts in Baltimore County, and 1 precinct in Prince George's

- a. Guideline: 1 scanner for every 3,000 voters expected to vote
3. Whether the precinct opened on time
4. Whether the scanner was replaced
5. Whether the scanner had ballot jams
6. Average time to check-in a voter
- ii. Single scanner may be the cause of lines in some precincts but was not the cause of the lines in many precincts.
  1. Examples - Precincts where the time to check in to vote was significantly longer than other precincts
- iii. Since the initial data analysis did not identify a cause of the lines in each precinct, collecting additional data. Data includes:
  1. Average time to scan a 2 page ballot
    - a. Lines reported only in counties with 2 page ballots
    - b. Digital scanners take longer to scan a ballot than the previously used optical scanners
      - i. Capturing image of voted ballot
      - ii. Not just tallying marked ovals
  2. Number of ballots rejected because of an overvoted contest or other voter error
  3. Average check-in time per electronic pollbook.
  4. Contacting election judges in these precincts to gather more information.
- iv. Will continue to review data from each precinct with reports of line
  1. Identify the cause
  2. With the local boards, develop a plan to respond
  3. Dependent on funding, can obtain more equipment if needed
    - a. Additional precinct scanners = about \$1200/unit
- e. Absentee Voting
  - i. Over 225,000 absentee ballots requested (2 handouts)
    1. Absentee turnout - as a percentage of total turnout - continues to be steady
    2. Over 78% returned
    3. Almost 98% accepted
    4. Electronic delivery for over 88,000 voters
  - ii. Process of distributing - whether by mail or web delivery - went well
  - iii. 6.3% of voters voted by absentee ballot
    1. Similar to percentage in previous presidential general elections
- f. Post-Election Audit and Verification
  - i. Post-election audit and verification process is extensive and includes reviewing a variety of different tasks and data from an election.

1. Local boards provide data on the audits they perform
2. SBE uses other data to audit the election.
- ii. Examples
  1. Compare the number of ballots cast against the number of voters who checked in to vote.
    - a. Identify locations where the numbers don't match
    - b. Local board investigate variances
  2. Review absentee and provisional voting records to verify that the ballot was correctly issued and that canvassing decision was correct
- iii. Included re-tabulation of all voted ballots by 3rd party software
  1. Purpose was the verify the accuracy of the voting system's results
  2. Used ClearAudit, an audit program by The Clear Ballot Group
    - a. Larry Moore, President and CEO, is present and will be giving an overview of the ClearAudit product and its use in Maryland
  3. Clear Ballot:
    - a. Retabulated all of the ballot images
    - b. Compared the results of its tabulation against the results from the voting system
  4. Confirmed that the voting system accurately counted ballots
  5. Handout: Joint Chairmen's Report on audit
- g. Recount: Hagerstown City Council
  - i. "Vote for five" contest
  - ii. Difference between the candidates with 5th and 6th highest number of votes was 10 votes
  - iii. Candidate with the 6th highest number of votes requested a manual recount of the paper ballots
    1. Because the vote differential was less than 0.10%, candidate was not liable for the costs of the recount.
  - iv. Washington County Board of Elections conducted the recount
    1. 10 recount teams of 4 individuals recounted the votes for the two candidates for 14,000 ballots
    2. At the end of the 2nd full day, the requesting candidate conceded
  - v. Final vote difference was 7 votes
  - vi. Washington County Board of Elections is compiling the costs
- h. Election concluded with the Electoral College on December 19th
- i. Baltimore City - Follow Up from Primary Election
  - i. Worked with Baltimore City Board of Elections
    1. Thank Armstead Jones & Abigail Goldman
  - ii. Types of Assistance

1. Assigned SBE's warehouse expertise to help with warehouse layout, implement procedures, and prepare warehouse
  2. Reviewed and revised process of deploying and receiving supplies
  3. Revised procedures and set up for provisional voting to reduce likelihood that provisional ballots would be scanned
  4. Recruitment of election judges at voter outreach events
- iii. Election process was very smooth
1. Approximately 142 provisional ballots believed scanned
  2. Equipment quickly accounted for
  3. Equipment and voted ballots stored in specific location for easy retrieval
- iv. ...but need to move to a new facility where the office and warehouse are located in the same building
- j. Next Steps
- i. Collect "lessons learned" from SBE, the local boards, and our support contractors
  - ii. Collect data on lines, determine cause, and develop plan



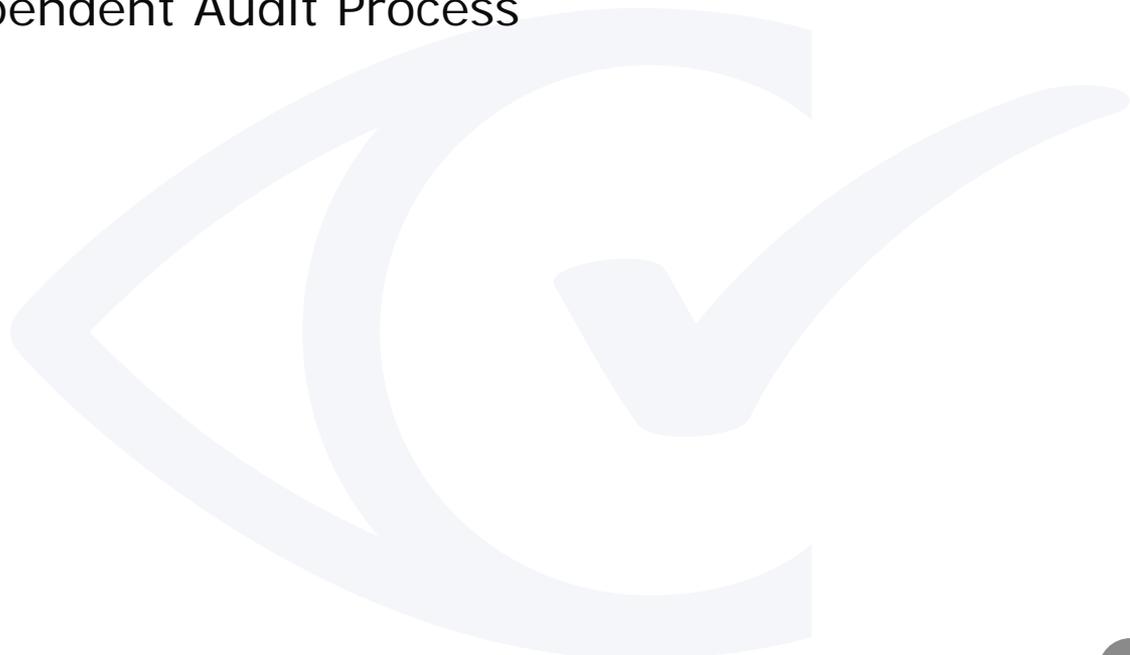
Clear Ballot

Maryland Senate EHEA Briefing  
January 19, 2017



# Agenda

- Introduction to the Clear Ballot Group
- The Automated, Independent Audit Process
  - What is an Audit?
  - Process flow
- Results
- Benefits



# Larry Moore, Founder & CEO, Clear Ballot Group

## Education

- 1966-70 Georgetown Univ., BA in Statistics & Business
- 1972 Georgetown Univ., Masters in Economics / Econometrics
- 1974 Georgetown, completed PhD coursework, passed oral exams

## Career

- 1975-81 Data Resources, Inc., Vice Pres.
- 1981-86 Founder & CEO ISYS [sold to Lotus Development]
- 1986-97 SVP & General Manager, Lotus Notes
- 1997-08 Serial entrepreneur & long distance sailor (2001-02)

## Calling

- 2009 Founded Clear Ballot Group



Clear Ballot was founded to harness technology to bring transparency to democratic elections.



# Clear Ballot

Research • 2009 Clear Ballot founded

Development • 2011 Starts in Florida as an audit company; develops ability to read ballots from every certified voting system

- Conducted pilots in FL, NY, CT, OR, CA, CO, VT
- 2013 Florida passes the nation's first automated, independent audit(AIA) statute.

Take-off • 2014 Official audits begin in FL; VT performs statewide audit

- 2015 New York passes the second AIA statute
- 2015 Oregon certifies Clear Ballot as a voting system
- 2016, 60% of the Oregon General Election vote is processed on Clear Ballot's voting system; 13% of the Florida vote is audited on ClearAudit
- EAC certification expected 1H:17

# THE AUDIT PROCESS





## What is an Audit?

- An **audit** is a comparison of two independently produced results that are derived from the same data.
- An **automated, independent audit** is a computer re-tabulation of the vote from images created by re-scanning the paper ballots or, in the case of Maryland, from images that were originally scanned and tabulated by Maryland's primary voting system.
- A **"blind" audit** means that Clear Ballot submitted its detailed results without first knowing the voting system's results.

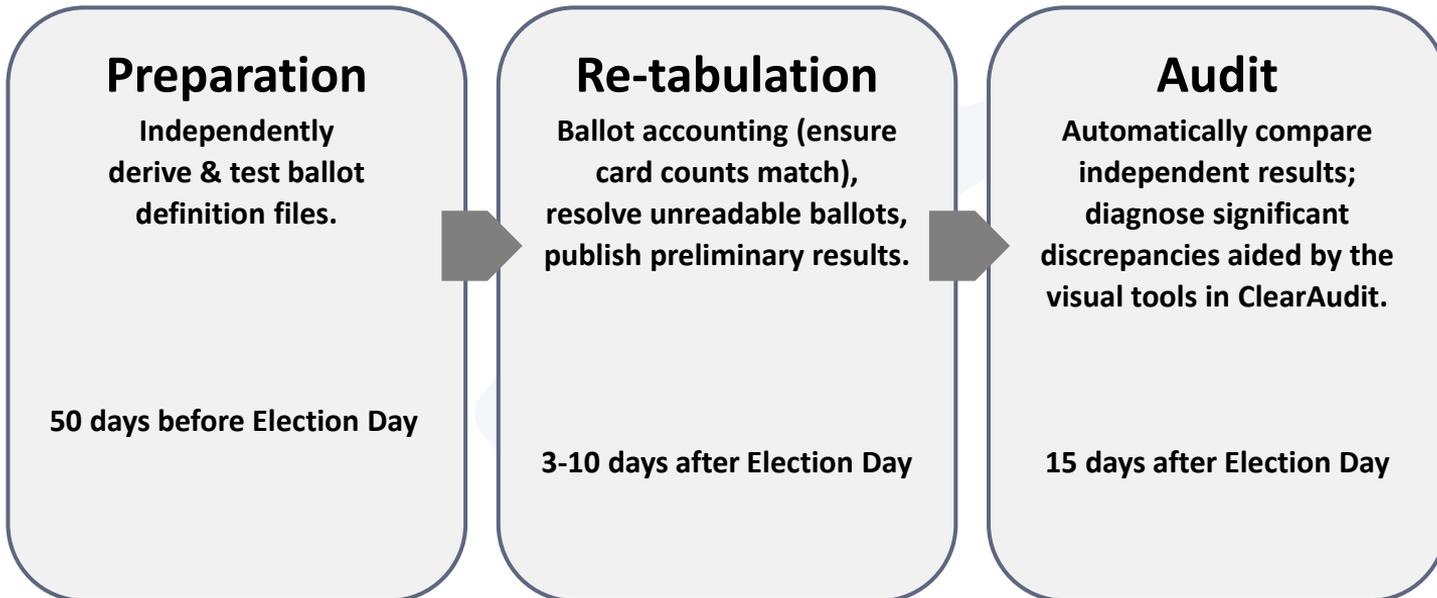


## Purpose of an Audit

- Confirm the accuracy of the primary voting system
- Build trust



# Automated, Independent Audit Process



# RESULTS



# Findings: Maryland's 2016 General Election:

- Clear Ballot independently re-tabulated 4,632,199 cards across
  - 24 Counties
  - 2,127 precincts
  - 283 contests
  - 727 candidates / choices
- Performed:
  - 10,650 ballot count comparisons
  - 363,644 vote count comparisons



# Card Discrepancies

- Out of 4,632,199 cards reported by the Primary Voting System, the voting system reported 1,972 more cards than were seen by ClearAudit.
  - 1,960 from precinct 015-026 in Baltimore County
  - 10 from Harford
  - 1 from Anne Arundel
  - 1 from Wicomico
- **ALL CARD DISCREPANCIES HAVE BEEN ACCOUNTED FOR**



# Vote Discrepancy Analysis

		Statewide
Number of Cards Cast		4,623,199
Number of Votes recorded on all cards,		35,290.443
<b>Initial Vote Discrepancy (absolute value)</b> <b>[Audit Threshold Ratio]</b>		<b>38,630</b> <b>[ 0.109% ]</b>
Less: Baltimore County (due to card count discrepancy)		15,446
Less: Garrett County (due to contests coded differently)		1,424
<b>Equals: Final Vote Discrepancy</b> <b>[ Audit Threshold Ratio ]</b>		<b>21,760</b> <b>[ 0.062% ]</b>



## DEMOS

- Missed Marginal Marks
- Over-voted ballots
- Double scans
- Printer or scanner print quality
- Close election



Prince George's County, MD, General Election, Nov 8, 2016

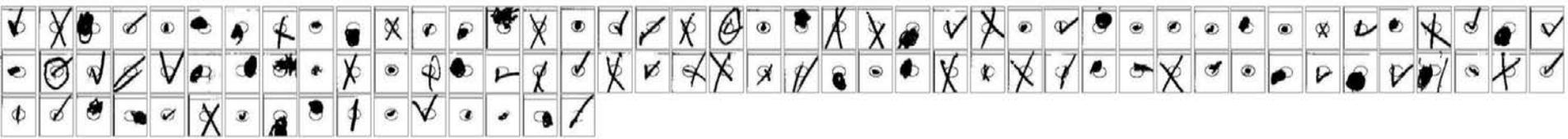
### Vote Visualization for President and Vice President of the United States:Hillary Clinton/Tim Kaine

precinct: All    County Group: All    ScanStation: All    Box: All    # Ovals: 100    Change

#### Least Confident Votes for President and Vice President of the United States:Hillary Clinton/Tim Kaine

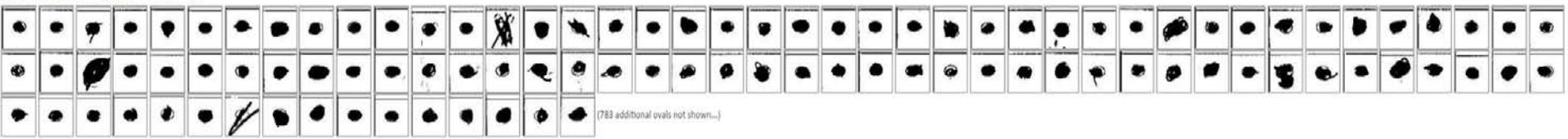
(799 manually resolved non-displayable ovals not shown...)

(343,120 more confident ovals above these not shown...)



#### Overvoted With Vote for President and Vice President of the United States:Hillary Clinton/Tim Kaine

(1 manually resolved non-displayable ovals not shown...)



(783 additional ovals not shown...)

#### Least Confident Non-Votes in Undervoted Ballots without Vote for President and Vice President of the United States:Hillary Clinton/Tim Kaine

Sort for marks in ovals only

(3 manually resolved non-displayable ovals not shown...)

<input type="radio"/> <b>Hillary Clinton</b> New York and/ <b>Tim Kaine</b> Virginia <b>Democratic/Democrata</b> 	<input type="radio"/> <b>Hillary Clinton</b> New York and/ <b>Tim Kaine</b> Virginia <b>Democratic/Democrata</b> 	<input type="radio"/> <b>Hillary Clinton</b> New York and/ <b>Tim Kaine</b> Virginia <b>Democratic/Democrata</b> 	<input type="radio"/> <b>Hillary Clinton</b> New York and/ <b>Tim Kaine</b> Virginia <b>Democratic/Democrata</b> , <i>Lucious M. Loume</i>	<input type="radio"/> <del>Hillary Clinton</del> New York and/ <del>Tim Kaine</del> Virginia <b>Democratic/Democrata</b>
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# “Screamers” in the Write-in Zone initially caused large-scale over-voting in Prince Georges County



Clear Ballot

Remedy:  
Re-scan  
approx.  
18,000  
ballots





# Benefits

- **Public, candidates, parties & media**
  - Understandable
  - Fast
  - Independent
  - Secure
  - Comprehensive
  - Transparent
- **County Election Staff**
  - Communication tool
  - Predictable workload
  - Builds confidence
  - Avoid recounts
- **State Board of Elections**
  - Scalable
  - Oversight
  - Diagnostic



## National Voter Registration Act – 1993 Agencies

- Motor Vehicle Administration – Electronic transmission of data
- Local Department of social services units:  
Temporary Cash Assistance;  
Medicaid; and  
Food Stamps
- Local offices of the Maryland Children’s Health Program under the Department of Health and Mental Hygiene;
- All office primarily engaged in providing State-funded services to individuals with disabilities, including the Maryland Transit Administration Paratransit Certification Office;
- Recruitment offices of the armed forces of the United States;
- Offices on aging;
- Offices for students with disabilities at private and public colleges and universities;
- Marriage license offices of the clerks of court;
- Public institutions of higher education; and
- Other agencies designated by the State Board.

## Freedom to Vote Act House Bill 1007, Chapter 287, 2016

### Electronic Voter Registration Agencies:

- The Motor Vehicle Administration (complete);
- Maryland Health Benefit Exchange (2017);
- Local Departments of Social Services (2019); and
- The Mobility Certification Office in the Maryland Transit Administration (2017).

### Link on Agency website:

- A Public Institution of Higher Education;
- Department of Natural Resources;
- Department of Labor, Licensing and Regulation;
- Department of Veterans Affairs;
- Department of Human Resources
- Department of Labor, Licensing and Regulation – Maryland Workforce Exchange



**STATE BOARD OF ELECTIONS**

**P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840**

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December 22, 2016

Honorable Edward J. Kasemeyer, Chair  
Senate Budget and Taxation Committee  
3 West Miller Senate Office Building  
Annapolis, Maryland 21401

Honorable Joan Carter Conway, Chair  
Senate Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

Honorable Maggie McIntosh, Chair  
House Appropriations Committee  
Room 121 House Office Building  
Annapolis, Maryland 21401

Honorable Sheila E. Hixon  
House Ways and Means Committee  
Room 131 House Office Building  
Annapolis, Maryland 21401

Re: *State Board of Elections – Joint Chairman’s Report on the 2016 Post-Election Tabulation Audit*

Dear Senator Kasemeyer, Senator Conway, Delegate McIntosh and Delegate Hixon:

I am pleased to submit this report pursuant to section D38I01.01 of the 2016 *Joint Chairmen’s Report* (JCR), regarding the post-election tabulation audit conducted by this office following the November 8, 2016 General Election. The JCR added language to the State Board of Elections’ (SBE) general fund appropriation withholding \$50,000 until a report answering the following questions was submitted.

**1. Detailed Description of Post-Election Tabulation Audit Performed After the 2016 General Election.**

**A. Background and Selection of Post-Election Tabulation Audit Method**

Post-election tabulation audits are used to verify and confirm the accuracy of a voting system’s reported results. Post-election tabulation audits are not recounts,

which are conducted when a particular contest is very close. Rather, post-election audits are concerned with the actual performance of the primary voting system, serving to ensure that the system is tallying ballots and calling the winners of all contests correctly. When used in conjunction with pre-election logic and accuracy (“L&A”) testing, post-election tabulation audits serve to increase public confidence in the election results, election administration and the democratic process.

SBE began preparations to implement a post-election tabulation audit in early 2016. In June 2016, SBE conducted a pilot program in cooperation with the Carroll and Montgomery County Boards of Elections using ballot images from the April 2016 Primary Election.<sup>1</sup> The pilot program tested three different post-election tabulation audit methodologies (an independent automated audit, a ballot level audit applying risk limiting principles and a fixed percentage audit) and was guided by the following evaluation criteria:

- Maximize the technological functions of the new voting system;
- Minimize human error and eliminate chain of custody issues by using securely stored ballot images, rather than actual voted paper ballots;
- Minimize the use of valuable staff time at Local Boards of Elections (“LBEs”) in the days following an election;
- Complete the audit prior to legally binding certification and swearing-in deadlines;
- Be conducted at the ballot level, *i.e.* tally actual voted ballot images to audit the voting system results; and
- Be entirely independent of the primary voting system.

The decision to use ballot images, rather than actual voted paper ballots, was considered at length by SBE. An important feature of Maryland’s new paper-based voting system (Election System & Software’s (ES&S) EVS 5.2.0.0) is its ability to capture an image of each voted ballot when the paper ballot is fed through the scanner at the voting location or at the local board of elections, as is the case with absentee and provisional ballots. After considering its goals for the pilot program and for post-election tabulation audits generally, SBE determined that the use of ballot images would allow it to take advantage of this functionality, minimize human error, maintain secure storage of voted ballots, reduce costs and LBE staff time, and fulfill SBE’s legislative mandate to maximize the use of technology in election administration.<sup>2</sup>

The decision to use ballot images for a post-election tabulation audit should not suggest that there would *never* be a time that the examination of actual voted paper ballots would be required. Indeed, such an examination might be entirely necessary

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<sup>1</sup> A full report on the pilot program is available at [http://www.elections.state.md.us/press room/documents/Post%20Election%20Tabulation%20Audit%20Pilot%20Program%20Report.pdf](http://www.elections.state.md.us/press%20room/documents/Post%20Election%20Tabulation%20Audit%20Pilot%20Program%20Report.pdf).

<sup>2</sup> Md. Code Ann. Election Law § 2-102(a)(7).

and proper under the appropriate circumstances, using guidelines developed for that purpose. Such an examination of actual voted paper ballots, however, would be far more successful and secure if guided by data allowing for a targeted and precise review. In the context of a comprehensive post-election tabulation audit, SBE determined that the use of ballot images was the best way to achieve stated goals.

At the conclusion of the pilot program, SBE and the participating pilot counties agreed that an independent, automated audit would be the most efficient, accurate and comprehensive audit method for use following the 2016 General Election. This conclusion was based a number of factors, including the fact that the comprehensive nature of the independent, automated audit (*i.e.* re-tabulating 100% of ballots cast in all counties and precincts) provides the public with far more confidence in the reported election results than the audit of any small, random sample of ballots could ever provide, regardless of how those ballots are tabulated. While the comprehensive nature of an independent, automated audit results in a somewhat greater cost, in the estimation of SBE and the participating pilot counties, this increased cost is worth the far greater assurance in the reported results provided by a complete, 100% audit of all ballots cast.

In addition, the speed with which an independent, automated audit can be performed allows the public, candidates and other interested parties timely reassurances regarding results before the certification deadlines so that county and local candidates can be sworn into office in accordance with applicable county laws and charters.<sup>3</sup> An independent, automated audit also significantly reduces the time that LBE staff would need to spend on the audit, freeing staff to focus on canvassing absentee and provisional ballots and other required post-election tasks. Finally, the independent, automated audit confers additional benefits regarding the maintenance and operation of voting equipment (scanners); the programming and coding of the primary voting system; and the improvement of poll-worker and election official training. These serve to improve election administration and the voting experience for Marylanders.

## B. Detailed Description of Post-Election Audit Process

Following the November 8, 2016 General Election, SBE conducted an independent, automated post-election tabulation audit of every ballot cast in every county and precinct in Maryland, including ballots cast during early voting, on election day, and absentee and provisional ballots. Independent, automated audits use software, entirely independent from the software used by the primary voting system, to re-tabulate ballot images captured by the primary voting system. The results from this independent tabulation are then compared to the reported results

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<sup>3</sup> Many county charters require local officials to be sworn into office the first Monday in December. *See, e.g.* Anne Arundel County Charter, Section 203; Baltimore City Charter, Section 1b (Tuesday after the first Monday in December); Baltimore County Charter, Section 203; Howard County Charter, Section 202c; Montgomery County Charter, Section 105; Prince George's County Charter, Section 306.

from the primary voting system and any discrepancies or variations are resolved by elections officials. The ability to compare the results from two separate tabulations produce thousands of data points, all which can be used to evaluate any significant discrepancies between the two tabulations.

To conduct the independent, automated post-election tabulation audit, SBE contracted with the Boston-based elections technology company, Clear Ballot Group, Inc., and used its ClearAudit software product. ClearAudit is the only currently available, market-ready software product that can perform an independent, automated post-election tabulation audit using ballot images imported from another voting system.<sup>4</sup> A timeline of the post-election audit process is provided below:

In October 2016, SBE provided Clear Ballot with PDF files of all ballot styles for all 24 counties.<sup>5</sup> SBE also provided Clear Ballot with pre-election reports from the primary voting system for all precincts showing no votes cast (“EL30A Reports”), as well as the information required to assign ballot styles to the appropriate precinct and the files needed to process ballots voted with the ExpressVote ballot marking device.<sup>6</sup> Upon receipt of this data, Clear Ballot created a Ballot Definition File (“BDF”) for each county, tested and validated each of these BDFs, and created a ClearAudit database for each county.<sup>7</sup>

In addition to the required L&A testing conducted on all voting units prior to the election, SBE staff compared voted ballots against the primary system’s ballot images of these ballots to ensure that the ballot images were a faithful representation of the underlying physical ballots. This was accomplished by generating a test deck (a sample set of ballots) for a chosen jurisdiction, Baltimore City. Each sample ballot in the test deck had a unique identification number printed on the bottom of the ballot. The test deck was then scanned in a precinct scanner (DS 200) and a high-speed scanner (DS 850), and the results were printed. The results were then loaded into the primary voting system’s Election Results Manager (“ERM”) software and the results and ballot images were acquired from the ERM software. All ballot images and Cast Vote Records (“CVR”) were compared against each physical ballot in the test deck. The unique identification number assigned to the test ballot was recorded on a spreadsheet, along with the CVR number and the result of the comparison (*i.e.* whether there was a match between the test deck ballot and the ballot image produced by the primary voting system) was recorded. All of the sample ballots

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<sup>4</sup> For more information about Clear Ballot Group, Inc. and its ClearAudit solution, visit [www.clearballot.com](http://www.clearballot.com).

<sup>5</sup> SBE is responsible for creating all ballot styles used by the LBEs and for sending those ballot styles to the ballot printer.

<sup>6</sup> Following the 2016 Primary Election, Clear Ballot worked with representatives from ES&S to develop procedures for the automated tabulation of ExpressVote ballots. These ballots are tabulated using a proprietary 2D barcode.

<sup>7</sup> A BDF is a zipped set of text files, one per county, viewable in Excel, which contains the information needed by ClearAudit to compute the detailed election results. BDFs include a BallotMap file which shows the X, Y coordinate of every oval associated with every choice across every ballot style.

matched the ballot images produced by the primary voting system, and SBE was satisfied that the images were sufficient to conduct a post-election audit.<sup>8</sup>

Before election day, Clear Ballot shipped an external hard drive to each of the 24 LBEs. After election day, the LBEs uploaded ballot images from election day and early voting on to the external hard drives and returned the drives to Clear Ballot by November 11, 2016. When Clear Ballot received the external hard drives from the LBEs, the ballot images were first copied into the county's corresponding audit database. Clear Ballot then performed an automatic tabulation of the ballot images from election day and early voting, resolved unreadable ballots, performed an audit database review and sent a Preliminary Statement of Votes Cast to SBE for each county.

Only upon receipt of the Preliminary Statement of Votes Cast from Clear Ballot did SBE send precinct-level results from the primary voting system for election day and early voting to Clear Ballot. This delay in sending the precinct-level results to Clear Ballot was intentionally built into the audit process and results in what is effectively a "blind" audit, where Clear Ballot published the results of its tabulation before knowing the results from the primary voting system. A blind audit ensures the integrity of the audit and boosts confidence in the audit. Clear Ballot then used the precinct-level results from the primary voting system to create the Comparison of Votes Cast, a report that compares the tabulation results from the two independent tabulations, for each county.

On or about November 21, 2016, the LBEs uploaded on the external hard drive all ballot images, including images of all absentee and provisional ballots cast and returned the external hard drive to Clear Ballot. Clear Ballot then added these ballot images into the appropriate county database, performed an automatic tabulation of voted absentee and provisional ballot images, resolved unreadable ballots and generated a Comparison of Votes Cast for the absentee and provisional ballots. Clear Ballot also provided each LBE with login access to its county audit database and provided SBE access to all audit databases.

### C. Audit Reports

The ClearAudit technology provides visual reporting tools that allow election officials to generate sortable contest, ballot and precinct reports that create a visual connection to each ballot image and provide detailed information about how it was adjudicated. Clear Ballot produced the following audit reports for each county:

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<sup>8</sup> For the 2016 General Election post-election tabulation audit, SBE used a sample single jurisdiction to confirm that the ballot images were identical to the ballots that would be cast by voters. In the future, it would be possible to have each jurisdiction conduct its own such testing during the L&A process before each election.

- Comparison of Cards Cast for each canvass: This report compares the number of ballots counted during early voting, on election day, during both absentee canvasses, and during the provisional canvass against the number of ballots tabulated by ClearAudit. This ensures that ClearAudit tabulated the same number of ballots as the primary voting system.
- Comparison of Ballots Cast by Precinct: This report compares the number of ballots cast in each precinct against the number of ballots tabulated by ClearAudit. This is another way to ensure that ClearAudit tabulated the same number of ballots as the primary voting system.
- Comparison of Votes Cast: This report compares the results from the primary voting system against the results tabulated by ClearAudit and identifies possible discrepancies by candidate or choice.
- Contest Vote Discrepancy Threshold Report: This report shows – by contest – the number of vote differences between the two systems, the total votes cast by the primary voting system, and the vote difference as a percentage. Before the audit was performed, SBE determined that a percentage of 0.5% or higher would trigger an additional review, which could include a manual review of voted paper ballots.

At the conclusion of the audit, ClearAudit had independently re-tabulated 4,632,199 cards<sup>9</sup> from 24 jurisdictions (2,127 precincts), 283 contests and 727 candidates/choices. ClearAudit then performed 10,650 ballot count comparisons and 363,644 vote count comparisons. The results from the audit were made available to the public through the SBE website on December 14, 2016, and are available at: [http://www.elections.maryland.gov/voting\\_system/ballot\\_audit\\_reports\\_PG16.html](http://www.elections.maryland.gov/voting_system/ballot_audit_reports_PG16.html)

**2. The manner in which the public was permitted to comment on the audit procedures before the audit, observe the audit, and comment on the conduct and results of the audit after the audit is complete.**

**A. Public Comment on Audit Procedures Before the Audit**

Members of the public had several opportunities to comment on the audit procedures before the audit. While the audit procedures were posted for public comment on SBE's website on November 4, 2016, the public discussion regarding the post-tabulation audit began much earlier, in the Spring of 2016, as SBE began preparing for the pilot program.

Information regarding the post-election tabulation audit pilot program was included in the *Administrator's Report* at both the March 24, 2016 and May 19, 2016 SBE meetings. On June 30, 2016, Clear Ballot conducted a presentation regarding its audit methodology for the SBE members and any members of the public in

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<sup>9</sup> A "ballot" consists of all the contests for which the voter can cast her vote. Some counties have a single page ballot, which equals one "card." Other counties have two-paged ballots which equal two "cards." In other words, each page of the ballot is a "card."

attendance.<sup>10</sup> Prior to the June 30<sup>th</sup> SBE meeting, SBE's Deputy Administrator also personally notified interested parties of the Clear Ballot presentation.

On July 26, 2016, the Deputy Administrator received an email comment opposing the selection of an independent, automated post-election tabulation audit method from a Montgomery County voter and on August 23, 2016, SBE received written comments from the Verified Voting Foundation opposing the use of an independent, automated audit, advocating for use of a hand-count method for the audit, and strongly recommending the use of risk-limiting audits. The Verified Voting Foundation comments were distributed at the August 26, 2016 SBE meeting and are attached hereto as Exhibit A.

Information regarding the post-election tabulation audit was also included in the *Administrator's Report* for the September 29, 2016 and October 28, 2016 SBE meetings. In addition, Poorvi Vora, a professor at George Washington University and a member of the Verified Voting Foundation's Board of Advisors, spoke in opposition to the independent, automated audit at the October 28<sup>th</sup> meeting SBE meeting. Dr. Vora submitted written comments of her testimony on November 6, 2016. These comments are attached hereto as Exhibit B.

As previously stated, the audit procedures were posted on SBE's website for public comment on November 4, 2016. Public comments on the procedures were accepted until December 9, 2016.<sup>11</sup> This deadline was then extended to January 31, 2017 to allow for further comment on the audit results. The Deputy Administrator sent an email on November 11, 2016 informing interested parties that the overview of the post-election tabulation audit procedures was available on the SBE website and soliciting comments. In response to the online solicitation for public comments, SBE received six comments from citizens urging SBE to conduct a post-election tabulation audit by hand counting paper ballots (five of the six comments were short emails, the sixth was more detailed), one letter from Delegates Marc Korman and Andrew Platt also asking SBE to consider hand counting paper ballots and one letter from a group of academics and activists from around the country, including Dr. Vora, to the same effect. Copies of these public comments are available upon request.

Furthermore, a number of news reports and opinion pieces regarding post-election tabulation audit methodologies and Maryland's use of an independent, automated post-election tabulation audit, appeared in publications of record during the Fall of 2016. *See, e.g.,* Justin Wm. Moyer, *Officials Seek to Allay Fears of a 'Rigged' Election*, WASHINGTON POST, Oct, 23, 2016; Michael Dresser, *Maryland Will Audit All Votes Cast in General Election*, BALTIMORE SUN, Nov. 5, 2016; Philip B. Stark and Poorvi L. Vora, *Maryland Voting Audit Falls Short*, BALTIMORE SUN, Oct. 28, 2016; Mary H. Kiraly, *Md. Diminishes the Value of Paper Ballots*, BALTIMORE SUN, Oct. 31, 2016.

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<sup>10</sup> Clear Ballot also conducted the same presentation at the annual meeting of the Maryland Association of Elected Officials ("MAEO") on June 26, 2016.

<sup>11</sup> This date was originally selected so that SBE could receive comments before this report was due.

## B. Public Observation of the Audit

Because the re-tabulation of ballot images is an automated process, it is conducted by computers using independent software and does not lend itself to public observation. Only the re-tabulation process, however, is not observable by the public. The results derived from the re-tabulation process, and the manner in which they are presented, give citizens unprecedented access to voting information and provide a far greater amount of data transparency than previously available. Online availability of county and precinct-level data, coupled with the ability to visualize and assess actual marks on ballots, all presented in a user-friendly and understandable manner, greatly enhance the public's comfort with and confidence in the voting system and represent a major leap forward in using technology to further democracy.

Clear Ballot conducted two online training sessions on December 19, 2016 and December 21, 2016, to provide the LBEs with information on how to view audit results and other reports and generally enhance their use of the data available on the county audit databases. In January 2017, SBE and Clear Ballot will schedule a similar training session for the public and provide the opportunity to ask questions of Clear Ballot regarding the county audit databases and the available reports. Citizens who are not able to participate in January 2017 online training sessions may contact SBE to make alternate arrangements to receive training.

## C. Public Comment on the Conduct and Results of Audit after Audit was Complete

Following the completion of the audit, members of the public had, and continue to have, opportunities to comment on the conduct and results of the audit. The audit results were posted to the SBE website on December 14, 2016. As stated earlier, SBE has extended the public comment period to January 31, 2017 so that further public comments on the audit results can be collected. In addition, a formal public presentation of the statewide audit results was made by Clear Ballot at the December 15, 2016 SBE meeting. Dr. Vora attended the meeting at which she made a presentation encouraging SBE to supplement the independent, automated audit methodology with a hand count audit of a smaller sample of paper ballots.

### **3. The cause of any discrepancies revealed by the audit and how any discrepancies revealed by the audit were resolved**

As an initial matter, an Audit Threshold Ratio ("ATR"), or acceptable variance level, of 0.5% was established for Maryland's post-election tabulation audit. The setting of a minimum threshold is an accepted best practice in jurisdictions that conduct independent, automated post-election tabulation audits.<sup>12</sup> The ATR is calculated as the percentage of all discrepancies in a contest divided by the total

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<sup>12</sup> In the seven Florida counties that use ClearAudit to conduct independent automated audits (Leon, Bay, Putnam, St. Lucie, Nassau, Broward and Columbia) an ATR of 0.5% is used.

number of votes in that contest (absolute value). As a result, in any contest where there is a discrepancy level greater than 0.5% between the ClearAudit tabulation and the primary voting system tabulation, the adjudication of *all* ballot images from that contest by *both* tabulation systems will be compared.

Small discrepancies in the vote count between two independent tabulation systems that do not reach the level of the ATR are typical and can be explained by algorithmic variations between the two tabulation systems (*e.g.* one system “counts” a lighter shaded oval, while the other does not; one system “counts” a mark that strays outside the oval, while the other does not).

Out of 4,632,199 cards re-tabulated, the primary voting system originally reported 1,972 more cards than were seen by ClearAudit. This discrepancy included 1,960 cards from precinct 15-26 in Baltimore County, where it was determined that the primary voting system transferred the election results, but not the ballot images, resulting in an ATR of greater than .5%. The discrepancy also included 10 cards from Harford County, where 10 timely absentee ballots were received and tabulated after the ballot images had been sent to Clear Ballot; two cards from precinct 1-19 in Anne Arundel County, where there were two errors regarding the review of write-in candidates who did not file as write-in candidates; and one card from Wicomico County, where a elections officials separated a two page ballot into “page one” and “page two” piles for scanning during the second absentee ballot canvass and inserted a single blank “page one” sheet into the scanner which requires the first page in order to scan the second page. These discrepancies did not impact the review of the primary voting system results.

In Garrett County, election results for the county’s two ballot questions were required to be reported by precinct, rather than county-wide. In order to do this, SBE created a unique contest for each ballot question for each precinct. When ClearAudit tabulated the ballot images from Garrett County, however, they were tabulated by ballot question, rather than by precinct, which is why the ATR for the ballot questions exceeded the 0.5% ATR.

Finally, throughout the audit, discrepancies regarding the tabulation of write-in votes were discovered. Pursuant to Maryland law, write-in votes are to be counted where the voter writes the name of a write-in candidate in the designated write-in space – even if the voter does not fill in the corresponding write-in oval. COMAR 33.08.02.02C(1). Accordingly, Maryland’s primary voting system is coded to count votes where anything is detected in the write-in space, regardless of whether or not the write-in oval is filled in. On the contrary, the ClearAudit software was coded only to count write-in votes where the corresponding write-in oval was filled in and a name appeared in the write-in space. While none of these discrepancies exceeded the 0.5% ATR threshold, they (like the coding issue in Garret County described above) illustrate the how algorithmic and coding differences between the primary voting system and the audit tabulation system can produce different results.

Of the over 4.6 million cards re-tabulated by ClearAudit, each and every discrepancy that was discovered (a miniscule and statistically insignificant percentage of the overall total) was accounted for and clearly explained in a logical and transparent manner.

**4. The final results of the audit for each contest that was audited**

The complete and final audit results for every contest audited in each county contest are available on the SBE website at: [http://www.elections.maryland.gov/voting\\_system/ballot\\_audit\\_reports\\_PG16.html](http://www.elections.maryland.gov/voting_system/ballot_audit_reports_PG16.html) As a sample, a Comparison of Votes Cast report from Howard County is attached hereto as Exhibit C.

**5. The calculated risk that the reported outcome of each audited contest is incorrect**

Because of the comprehensive nature (100% of all ballots cast) of the independent, automated audit, it is not necessary to calculate the risk that the reported outcome of any audited contest is incorrect. Nor is it necessary to set a "confidence rate" in the reported outcome of the audit. The concepts of calculated risk and confidence rates are only introduced into the post-election audit process when an audit of less than 100% of all ballots cast is conducted.

**6. The cost of the audit**

The cost to perform the independent, automated audit was \$275,000, plus a limited amount of staff time at both SBE and the LBEs. The Board of Public Works unanimously approved SBE's contract with Clear Ballot on October 19, 2016. The contract included the tabulation of all ballots cast, including absentee and provisional ballots, in all 24 counties. The cost per ballot image was approximately \$0.06. The LBEs' share of the audit ranged from \$495 (Kent County) to \$23,430 (Montgomery County).

In addition to the cost of the contract, there was a limited amount of staff time required to complete the audit. SBE staff spent approximately 10 hours developing instructions for the LBEs on how to export the ballot images and files to the external hard drives and providing support to the LBEs as they worked to export the same. LBE staff spent time preparing to export ballot images and files. Once the preparation was complete, however, the export process is self-executing and LBE staff was available to perform other duties.

This limited imposition on staff, particularly staff at the LBEs, was one of the primary reasons SBE selected an independent, automated post-election tabulation audit following the pilot program. Of the three piloted audit methodologies, the independent automated audit required the least (and most predictable, from a budgetary and staffing perspective) amount of work from the LBE staff, who are

understandably exhausted and overtasked following the 80 hour workweeks that are routine in the weeks surrounding an election.

**7. If an audit is conducted using electronic images of voter-verifiable paper records:**

**A. How the electronic images were used to validate the election results**

As described above, the PDFs of the 2016 General Election ballots are parsed by Clear Ballot to map contests and candidates and their relative positions on each ballot style, creating a Ballot Map file which shows the X, Y coordinate of every oval associated with every choice across every ballot style. BDFs are then created for each ballot style. Once the ballot images are received from the LBEs they are converted into raw image files. The ClearAudit tabulator is then run on the raw image files, re-tabulating the ballot images. Using the reported results from the primary voting system and the results from the ClearAudit tabulation, a Comparison of Votes Cast report is created to compare the two tabulations. Because the audit was “blind,” Clear Ballot performed its tabulation using the ballot images *prior* to receiving any results from the primary voting system.

**B. Why hand and eye inspection of actual voter-verified paper ballots is not necessary to reliably determine the intent of the voters**

The use of hand to eye inspection of actual voter-verified paper ballots is not necessary to reliably determine the intent of voters because the results of the primary voting system can be verified using an automated method as long as the appropriate safeguards are built into the audit process to ensure that the ballot images being used are faithful representations of voter-verified paper ballots. In addition to conducting the required pre-election L&A testing, SBE developed a method of ensuring that the ballot images are faithful replicas of the underlying physical ballots and was satisfied that the images sufficient to conduct a post-election audit.

While hand and eye inspection may be a viable counting method if only a small number of ballots are being examined, it can quickly be eliminated as an unworkable method if one seeks to conduct a more complete and thorough post-election tabulation audit. Following the pilot program, SBE determined that the benefits of a comprehensive audit, in which 100% of all ballots cast were audited, far outweigh any benefits conferred by hand counting a small, random sample of ballots. Hand counting a small subset of ballots simply cannot provide the kind of robust analysis and comparison provided by an independent, automated audit. A comprehensive independent, automated audit can detect both systemic *and* isolated problems that any examination of a small sample or percentage of ballots, no matter how random, will undoubtedly miss.

Finally, there is a considerable amount of academic and social science research suggesting that hand counts are unreliable and prone to human error, particularly

when conducted under stress or when the human counters are tired. Quite simply, machines don't feel the stress to "get the job done quickly and accurately" that human counters do, nor do they become tired, distracted or bored like humans do. See, Stephen Ansolabehere, *et al. Wisconsin Recount May Have a Surprise in Store After All*, WASHINGTON POST, Dec. 5, 2016; see also, Stephen N. Goggin, Michael D. Byrne, and Juan E. Gilbert, *Post-Election Auditing: Effects of Procedure and Ballot Type on Manual Counting Accuracy, Efficiency, and Auditor Satisfaction and Confidence*, ELECTION LAW JOURNAL: RULES, POLITICS, AND POLICY, March 2012 (where the authors found that hand counting of votes in post-election audit or recount procedures can result in error rates of up to 2 percent); Stephen Ansolabehere and Andrew Reeves, *Using Recounts to Measure the Accuracy of Vote Tabulations: Evidence from New Hampshire Elections 1946-2002*, CALTECH/MIT VOTING TECHNOLOGY PROJECT, Jan. 2004 (where the authors examined the agreement between initial machine counts and hand recounts of paper ballots in six races following the 2002 election and found that machine counts produce a lower discrepancy between the initial count and the recount compared to hand-counted paper).

#### **8. How the State Board of Elections plans to conduct post-election tabulation audits in future elections**

SBE's goal in implementing a post-election tabulation audit was to verify and confirm the accuracy of the primary voting system's reported results. This goal was achieved by Clear Ballot's ClearAudit software solution, which confirmed that the primary voting system correctly called the winners in every contest in every county and precinct in Maryland. This independent, automated tabulation audit provided a comprehensive approach (re-tabulating 100% of all ballots cast) and required a limited amount of staff time at SBE and the LBEs. It was also completed fairly quickly, with 90% of all ballot images tabulated before local certification deadlines. The miniscule number of discrepancies that were discovered after the independent tabulation were explained in a transparent and logical way that is understandable to the public.

The independent, automated post-election tabulation audit also had the major benefit of providing SBE with statewide, comprehensive information regarding the maintenance and operation of voting equipment (scanners); the programming and coding of the primary voting system; voter behavior and the improvement of poll-worker and election official training. In the months ahead, SBE will use this information to work with the vendor of the primary voting system and the LBEs to continue to improve the voting experience for all Marylanders. The ability to consistently improve upon the performance of Maryland's voting system and election administration, evident after conducting a single independent, automated audit, is a very exciting development.

As with any new software or program, there were lessons learned and things SBE would do differently as we move forward and determine how to conduct post-

election tabulation audits in future elections. Evaluation of the post-election audit process is ongoing, but some of the initial observations are listed below:

- The time it took the LBEs to transfer ballot images to the external hard drives for shipment to Clear Ballot was slower than SBE would have liked. By working with the vendor of the primary voting system, SBE hopes to speed up this process.
- The audit process revealed a number of infrequent issues with both ballots and scanners (creases on absentee ballots from folding created overvotes, dust or scratches on scanner lenses created overvotes, some contest headers were scanned too darkly and were difficult to read, crooked images due to improper scanning, scanners which sometimes pulled two pages of a ballot at a time) that will require SBE to work with both the vendor of the primary voting system and the LBEs to resolve and improve.
- The audit process provided increased awareness and understanding of the many different ways voters mark ballots. SBE hopes to use this information to improve the tabulation functions of the primary voting system and election judge training materials.

At this time, SBE has not made a final decision as to how it will conduct post-election tabulation audits in future elections. Any post-election audit solution, however, would need to take the following into account:

- **Comprehensiveness.** The value of auditing 100% of ballots simply cannot be overstated. Auditing a handful of ballots from a random sample of precincts (whether they are audited by machine or by hand) virtually ensures that any issues that occur with ballots that are not part of the sample size will not be discovered.
- **Training and Equipment.** Any post-election audit methodology must be able to provide election officials with data that can be used across the state to improve training for poll workers and help SBE improve upon the performance of the primary voting system.
- **Timing.** Any post-election audit methodology should ideally be completed before the deadline for local and county certification.
- **Budgeting and Staffing.** For planning purposes, any post-election audit method must consider the cost to SBE and the LBEs and include the cost for staff time (permanent and temporary) to conduct the audit.

Please feel free to contact me with any questions or comments regarding the post-election tabulation audit or this report. As always, we look forward to working closely with the General Assembly to improve election administration and the voting experience for all Marylanders.

Sincerely,

A handwritten signature in cursive script that reads "Linda H. Lamone".

Linda H. Lamone  
State Administrator

cc: The Honorable Thomas V. Mike Miller, Senate President  
The Honorable Michael E. Busch, House Speaker

## Exhibit A



Nikki Charlson -SBE- &lt;nikki.charlson@maryland.gov&gt;

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**Before the Board on Thursday**

1 message

Mary Kiraly &lt;[REDACTED]&gt;

Tue, Jul 26, 2016 at 12:35 PM

Reply-To: Mary Kiraly &lt;[REDACTED]&gt;

To: "Ms. Nikki Trella Charlson" &lt;ntrella@elections.state.md.us&gt;, David McManus &lt;dmcmanus@bbsclaw.com&gt;

Cc: Mary Kiraly &lt;mhowekiraly@yahoo.com&gt;

July 26, 2016 via EMAIL

Ms. Linda Lamone, State Administrator  
Mr. David J. McManus, Chair  
Members of the State Board of Elections

Dear Ms. Lamone and Mr. McManus, Members of the Board,

The SBE is planning for a November post-election audit during this very hectic time for election administration. Maryland is one of a small group of states with a statewide voting system, and Ms. Lamone is chair of the Post-Election Audit group under NIST. Therefore, any decision that Maryland's State Board of Elections makes about post-election audit procedures will have national implications.

For this reason, it is especially important that the SBE provide timely information about how it will meet the legislatively-mandated requirement for a public comment period on post-election audit procedures. This comment period provides an opportunity for the Board to hear from a range of auditing experts who have experience in auditing voting systems.

The June Board Meeting minutes online indicate that Ms. Charlson stated that "the process for public comment has not yet been determined and that no decisions by the State Board are required." My notes from that meeting indicate that, in response to a question about the public comment period from the Chair, Ms. Charlson stated that Ms. Amanda LaForge will put out a procedural document for comment; and that it would provide all 3 proposed audit methods for public comment.

In addition, my notes indicate that several presenters at the June Board meeting assured the Board that all audit procedures under discussion would produce an audit that is "software independent." Clear Ballot is a software-based computerized election auditing system. The plan presented to the Board calls for transferring the ballot images, and the election results system, from the software-based ES&S optical scan system to Clear Ballot. I believe that it is important for the Board and the public to understand, therefore, how the audit proposals under consideration would meet the "software independent" objective.

I very much appreciate your attention to these important issues.

Sincerely,

Mary H. Kiraly  
Bethesda, Maryland

cc: Ms. Nikki Charlson

## Audit Pilots in Maryland

Comment by Verified Voting Foundation 08/23/2016

Maryland recently transitioned successfully to a voter-marked paper ballot scanner system. We commend the State for providing voters with the means to check that their votes were captured as they intended on a physical record of their intent, i.e. the ballot. **The greatest benefit is that those records of voter intent can be used to demonstrate accuracy of the outcome of elections** in Maryland, giving election officials a tool to audit and prove correct functioning of the system and make ongoing improvements. The Maryland General Assembly clearly wants the new system to fulfill its full potential by being subject to a “post-election tabulation audit”. The majority of states with paper ballots today conduct post-election vote tabulation audits.<sup>1</sup> Only 17 states do not have audits.<sup>2</sup>

The process for Maryland’s post-election audit must use the paper ballots to independently check the results of the voting system; **if it relies only on images produced by the software in the system it purports to check, it does not qualify as a valid audit.** Since such images may or may not faithfully replicate the intent of the voter (some commercial scanners adjust images for various reasons), additional validation steps are needed beyond only checking images. Fortunately these are not difficult to accomplish, and using the physical ballots for auditing is a best practice done by most states that do conduct audits.

Substantial research and best practices documents are available to support Maryland’s process. We would be pleased to provide information, introduction to audit experts and links to such documents at your request. For your review, we offer comment to help support the goal of improving voter confidence and the public’s understanding that elections are being properly conducted in Maryland.

A. The June State Board of Elections meeting Minutes describe three “audit” options: hand count of voted paper ballots; hand count of digital images of the voted ballots, and use of independent software to tabulate digital images of the voted ballots. The Minutes indicate that after reviewing the options a decision was made to use the digital images of the ballots.

**If used without any manual comparison or review of the actual voted ballots for validation against digital images, this option does not constitute a post-election tabulation audit.**

Vote tabulation audits, to ensure validity, involve a hand count or manual review of some portion of the voted paper ballots. Obtaining digital images of the ballots and using those digital images may have a place in the conduct of post-election audits, but not without also carrying out some manual review of the actual voted ballots for validation that the images comport faithfully with the content of the voted ballots. The use of independent software to tabulate digital images of the voted ballots is not, by itself, a vote tabulation audit, nor does

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<sup>1</sup> <https://www.verifiedvoting.org/resources/post-election-audits/>

<sup>2</sup> [http://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx#\\_ftn2](http://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx#_ftn2)

it take advantage of the “software independence”<sup>3</sup> property of the voting system. It does, as suggested in the Minutes, aid in preserving the ballots, but the necessary step of validating digital images against actual ballots must be part of the process.

Much excellent literature exists on this topic. In “Retabulations, Machine-Assisted Audits, and Election Verification” (*Lindeman et al., 2013*)<sup>4</sup>, the authors point out that a machine retabulation system without a manual audit “squanders the benefit of software independence.” They clarify that machine-assisted audits based on a retabulation can support ballot-level comparison audits, and describe the steps necessary to conduct a risk-limiting audit using an independent system, which include the comparison of each ballot in a random sample being manually compared with the corresponding retabulation cast vote record for validity.

*“Crucially, a machine-assisted audit does not rely upon the accuracy of the retabulation, but rather verifies it, in two steps: (1) Confirm that the cast-vote records produce the totals reported by the retabulation; (2) Manually confirm a high degree of correspondence between the cast-vote records and the corresponding ballots.”*

Machine assisted audits – using some automated tools to support, but not supplant, the review of actual ballots – can be useful if done correctly. Digital images of the ballots can facilitate review of votes, including repeated reviews, while preserving the ballot originals undamaged. Most importantly, however, without validation against original ballots, the use of independent software to tabulate digital images of the voted ballots does not constitute a legitimate post-election tabulation audit.

This is especially true where the “independent software” is not tabulating digital images produced independently of the first system—such as through a secondary scan—but instead is (re)tabulating images transmitted digitally from the original system. This can only be described as a re-tabulation, with limited value.

The voter’s marks on the ballot are the only evidence election officials have of voter intent. Voters do not verify digital images; they can only verify their original ballot. If there is a flaw in the voting system’s software, digital images may not comport with voters’ actual intent. It is possible that neither the original tabulation of votes nor the retabulation using a secondary system will correctly reflect voter intent. Using anything other than original

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<sup>3</sup> Software Independence is not the same as Independent Software. Software independence (SI) is defined as follows: *A voting system is software-independent if an undetected change or error in its software cannot cause an undetectable change or error in an election outcome.* The National Institute of Standards and Technology (NIST), as part of their work on improving US voting systems and activities in support of the Help America Vote Act, examined the concept of software independence (SI) and auditability of voting systems, through an Auditability Working Group<sup>3</sup>. They described the problem SI seeks to address in this way (paraphrasing): *Assume that all electronic records are compromised; without any other records, it is not possible to compare records to audit the result.* The working group concluded that using an independent record verifiable by the voter (e.g. voter-marked paper ballot as Maryland now uses), provides a mitigation to the threat SI attempts to resolve. They also concluded that using an electronic independent verification device provided-- at best -- an incomplete response to such threats.

<sup>4</sup> <https://www.stat.berkeley.edu/~stark/Preprints/retabulation13.htm>

intent fails to support conclusions of accuracy or proper functioning of the system. Confirming that original intent is reflected in the images does not require manually reviewing all of the ballots, but some must be validated.

B. The Minutes state the goal of the pilot was to evaluate three piloted methods: a risk-limiting ballot level audit, a fixed percentage precinct level audit, and an independent automated audit. Only the first two of these are audits. As described above, an “independent automated audit” is not an audit, though it can contain steps that could be used to support a legitimate audit.

The term “Risk-limiting Audit” has a specific meaning<sup>5</sup>: a procedure for *manually* checking a sample of ballots that is guaranteed to have a large, pre-specified chance of correcting the reported outcome if the reported outcome is wrong. The largest chance that an outcome will not be corrected by the audit is the “risk limit”. Risk limiting audits can be highly adaptable. They are designed to check outcomes, though that is not the only benefit. **We strongly recommend risk-limiting audits.**

Ballot level risk limiting audits can be very efficient. However, the description in the Minutes lacks clarity about the risk-limit established for this audit, how it was established, and whether / how individual ballots were to be examined in order to validate the process.

C. The Minutes represent that independent software “confirmed that the voting system’s results were accurate and that differences between the two systems’ results are based on different approaches to tallying incorrectly marked ballots.”<sup>6</sup> This statement indicates that there were **discrepant results**. For genuine confirmation of accuracy – in either system – ballots should have been **manually examined** to confirm whether the images re-tabulated by the second system conformed to the original voter intent on those ballots.

Researchers have identified and reported on flaws in some commercial scanning software that could skew results if used for scanning ballots. These may not exist in Maryland’s new voting system (or a secondary system), but correct functioning of software should never be taken for granted, no matter how independent nor how many systems are used.

We are delighted that Maryland is now “auditable” and is conducting audit pilots. We strongly urge that the audits will be done in such a way as to fulfill the promise and capitalize on the value of the voter-verified paper ballots. Research shows well-conducted audits have the capacity to improve voter confidence<sup>7</sup> in elections, of crucial importance in today’s political climate. Verified Voting looks forward to further opportunities to comment or assist in any way.

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<sup>5</sup> <http://www.stat.berkeley.edu/~stark/Preprints/RLAwhitepaper12.pdf>

<sup>6</sup> To put this into context of Maryland’s previous voting system, one might say electronic votes tallied on one TS machine were transmitted to a different machine and recounted, with the same approximate result.

<sup>7</sup> “Confidence in the Electoral System: Why We Do Auditing”, M. W. Traugott and F. G. Conrad, in Confirming Elections: Creating Confidence and Integrity through Election Auditing. Palgrave, 2012

## Exhibit B

6 November 2016

Chairman McManus, Vice-Chair Hogan, State Board of Elections Members,

Thank you for the opportunity to address you during the SBE meeting of 28 October 2016. After my presentation, the Deputy Administrator and the Administrator answered questions posed by Chair McManus. I was not given an opportunity to respond to what they said. I am writing to provide my responses—which include technical guidance and suggestions to address the issues of manpower planning and ballot custody—and to make an offer to help conduct a real pilot audit.

As I said at the meeting, because your proposed post-election procedures are not independent of the voting software and do not examine ballots, a finding of no discrepancy has no significance. Maryland's voters are denied the main benefit of paper ballots—confidence in election outcomes. Confidence could be increased greatly if you would augment your plans with a small but robust manual examination of a sample of paper ballots. On behalf of several experts in voting technology and election auditing, I restate the offer I made at the meeting: **we can help you with a real pilot audit; our assistance will be at no expense to the state.**

#### Technical guidance

**A. Erroneous understanding of what is possible through testing:** Ms. Charlson said that she was confident that the scan data represents the ballots because they had tested the equipment, by having humans compare the scans to the ballots. She also said that she anticipated testing the audit system similarly.

One is tempted to think that the scans consist of a set of images, untouched by any computers, which completely and correctly represent all ballots. Like a set of photographs on film, created by a physical process and not a computerized one. All one needs to do is check that the scanning equipment is well-calibrated and working; as one might check that a film camera is good after looking at a few of the photographs it produces. However, this is not correct. Crucially, while the scans do originate through a physical process, they can only be delivered as ones and zeroes, by software, through the computerized scanner. They are computer data, handled by computer software, and can be deleted, replaced or tampered with.

A reasonably competent attacker would have the software behave differently when tested. Consider, for example, the fact that Volkswagen's 2L Diesel cars were found to use more emission controls when they were being tested than during normal use. On examination, it was found that their software was written so as to detect a test. In our case, software manipulated without vendor knowledge could also present human testers with the scans they expected to see, and then, once it had convinced them that it was performing correctly, it could do something different when used in the election.

**B. Erroneous understanding of the transparency of the proposed post-election procedures:** When the Administrators were asked whether the public would be able to witness the audits, they responded "no," that the audits were software audits and that Clear Ballot would announce the tabulation results after they were obtained and compared with the ES&S counts. There is no difference in transparency

between Clear Ballot announcing some results and ES&S announcing some results. Both counting mechanisms are hidden in the software that is running on the respective computers, and there is no evidence being provided to the voter or the candidates that the declared counts match the ballots. Additionally, while ES&S voting systems are federally certified to count votes, Clear Ballot systems are not.

**C. The need for clearly-specified post-election procedures:** I would like to caution the Board to treat both the scan data and the proposed “audits” with care. In particular, if the Board’s position is that the scan data does truly represent the ballots, and hence voter intent, and that one can determine whether the election outcome is correct based on this data, then the data should go through all the procedures of a secure chain of custody. When it is data that is being protected, as opposed to ballots, one typically needs to publish digitally signed cryptographic commitments to the data, and check these at every stage. Even so, all one can vouch for is that the other links in the chain are identical to the first one, but not that the first one matches the data collected by the scanning sensor.

As a computer security expert, I have the following questions about the post-election procedures:

1. How does the public know that the scan data represent the ballots?
2. How does the public know that the scan data exported by the scanner is the same data imported by Clear Ballot; that there is no error or tampering?
3. How does the public know that the scan data obtained by Clear Ballot is that processed by Clear Ballot? How are they planning to handle the scan data so that it is not tampered with, with or without their knowledge, while it is in their custody? What is their expertise in computer and information security?
4. What will Clear Ballot do with the scan data? Have they ever performed an audit from scan data in the past? Have they handled audits at the state-level?
5. To determine if the ES&S outcomes are correct, Clear Ballot plans to count votes using the electronic scan data. Is Clear Ballot federally certified to count votes: whether from scan data or directly, from ballots?
6. What information will Clear Ballot provide to the public about the audit procedures as the audits are being performed; and how will they make this information available? How will it demonstrate to the public that the information it is providing is correct? When humans count paper ballots in an audit, the public knows the specifics of the counting process (whether, for example, two people are counting together or one is reading and the other watching etc.), and is typically allowed to observe it. This is a demonstration to the public that the output of the counting process is correct, within well-understood error bounds. Clear Ballot’s approach to counting, however, is not known to the public. Even if it were to be described, neither the public nor computer experts would have any means of knowing that the described procedure was the one that ran on the Clear Ballot computer.
7. What happens if the two counts differ in some significant manner? The Board should describe both how it will be involved in adjudicating the difference, and how it will inform the public of this fact.

8. What will be the significance of a finding of no discrepancy between the outcomes, given that the scans themselves may have obscured voter intent from both the primary voting technology and the post-election check?

I urge the Board to treat these issues with the seriousness they deserve. We can help with the above questions as well, but the Administrators have not been forthcoming with details.

#### *On manpower planning and ballot custody*

The Administrators' answers to Chair McManus' questions provided some more information about the constraints of the audit.

I understood, from what was said, that the Administrators were concerned about manpower planning and ballot custody issues.

It is possible to carry out a fixed-time-fixed-manpower audit. You would determine, ahead of time, the number of person-hours available for the audit, and the number of physical locations where ballots may be accessed. You can carry out batch-level, or even scanner-level, risk-measuring audits, where you examine batches of ballots, get done at a pre-determined time, and announce the risk reduction. That is, you would **not perform a risk-limiting audit** with a pre-specified risk, but, instead, perform the audit you are able to, and declare the quality of the audit once it is done. Perhaps, at that time, it might make sense to concentrate on a particular local race or on a few precincts. **Anything you do that involves independent examination of the paper ballots will provide an infinite improvement in election confidence over what you have now.**

#### *Our offer to help*

I can commit to organizing a team of 4-5 experts including myself and other academics, with members chosen for their expertise in election audits and/or voting technology. We can design an audit that meets your constraints, supervise the counting (and comparisons or scanning if you should choose to do those though you don't have to), help you make the random choices (which precincts or batches or ballots to audit) and compute the risk reduction. **Our assistance will be at no expense to the state.**

Maryland can demonstrate the leadership necessary in this election cycle. Its voters deserve as much.

Sincerely,

Poorvi L. Vora

Professor, Computer Science

The George Washington University

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## Exhibit C

Howard County, MD, General Election, Nov 8, 2016

# Comparison of Cards Cast with Counter Groups

Precinct:

Counter Group:

[Change](#)

[Show / hide columns](#)

Counter Group	Cards		
	Comparison System	This System	Difference
AB1	6,283	6,283	0
AB2	3,682	3,682	0
ED	91,294	91,294	0
EV	59,623	59,623	0
PROV	2,692	2,692	0

Howard County, MD, General Election, Nov 8, 2016

# Comparison of Cards Cast with Precincts

Precinct:

Counter Group:

[Change](#)

[Show / hide columns](#)

Precinct	Cards			# Boxes
	Comparison System	This System	Difference	
001-001	1,214	1,214	0	1
001-002	295	295	0	1
001-003	929	929	0	1
001-004	1,549	1,549	0	1
001-005	262	262	0	1
001-006	855	855	0	1
001-007	273	273	0	1
001-008	1,029	1,029	0	1
001-009	775	775	0	1
001-010	685	685	0	1
001-011	469	469	0	1
001-012	439	439	0	1
001-013	735	735	0	1
001-014	851	851	0	1
001-015	1,177	1,177	0	1
001-016	323	323	0	1
001-017	283	283	0	1
001-018	196	196	0	1
001-019	23	23	0	1
001-020	253	253	0	1
001-021	779	779	0	1
002-001	786	786	0	1
002-002	1,189	1,189	0	1
002-003	1,195	1,195	0	1
002-004	710	710	0	1
002-005	566	566	0	1
002-006	694	694	0	1
002-007	748	748	0	1
002-008	948	948	0	1

Precinct	Cards			# Boxes
	Comparison System	This System	Difference	
002-009	878	878	0	1
002-010	594	594	0	1
002-011	716	716	0	1
002-012	839	839	0	1
002-013	343	343	0	1
002-014	364	364	0	1
002-015	695	695	0	1
002-016	996	996	0	1
002-017	189	189	0	1
002-018	862	862	0	1
002-019	789	789	0	1
002-020	376	376	0	1
002-021	133	133	0	1
002-022	25	25	0	1
002-023	531	531	0	1
002-024	522	522	0	1
002-025	605	605	0	1
002-026	616	616	0	1
003-001	731	731	0	1
003-002	1,340	1,340	0	1
003-003	938	938	0	1
003-004	100	100	0	1
003-005	1,436	1,436	0	1
003-006	997	997	0	1
004-001	933	933	0	1
004-002	1,030	1,030	0	1
004-003	1,148	1,148	0	1
004-004	1,312	1,312	0	1
004-005	1,040	1,040	0	1
004-006	1,290	1,290	0	1
005-001	1,434	1,434	0	1
005-002	288	288	0	1
005-003	992	992	0	1
005-004	886	886	0	1
005-005	1,186	1,186	0	1

Precinct	Cards			# Boxes
	Comparison System	This System	Difference	
005-006	1,745	1,745	0	1
005-007	584	584	0	1
005-008	616	616	0	1
005-009	704	704	0	1
005-010	1,286	1,286	0	1
005-011	674	674	0	1
005-012	769	769	0	1
005-013	475	475	0	1
005-014	304	304	0	1
005-015	1,034	1,034	0	1
005-016	717	717	0	1
005-017	565	565	0	1
005-018	411	411	0	1
005-019	1,359	1,359	0	1
005-020	1,026	1,026	0	1
005-021	733	733	0	1
005-022	1,428	1,428	0	1
005-023	433	433	0	1
005-024	461	461	0	1
006-001	685	685	0	1
006-002	1,316	1,316	0	1
006-003	725	725	0	1
006-004	1,117	1,117	0	1
006-005	627	627	0	1
006-006	621	621	0	1
006-007	439	439	0	1
006-008	619	619	0	1
006-009	856	856	0	1
006-010	764	764	0	1
006-011	838	838	0	1
006-012	358	358	0	1
006-013	565	565	0	1
006-014	700	700	0	1
006-015	906	906	0	1
006-016	979	979	0	1

Precinct	Cards			# Boxes
	Comparison System	This System	Difference	
006-017	947	947	0	1
006-018	818	818	0	1
006-019	928	928	0	1
006-020	834	834	0	1
006-021	538	538	0	1
006-022	690	690	0	1
006-023	351	351	0	1
006-024	898	898	0	1
006-025	437	437	0	1
006-026	1,117	1,117	0	1
006-027	949	949	0	1
006-028	1,336	1,336	0	1
006-029	1,670	1,670	0	1
006-030	359	359	0	1
006-031	626	626	0	1
006-032	800	800	0	1
006-033	866	866	0	1
006-034	819	819	0	1
006-035	1,488	1,488	0	1
Absentee 1	6,283	6,283	0	1
Absentee 2	3,682	3,682	0	1
EVC-1	11,810	11,810	0	1
EVC-2	22,603	22,603	0	1
EVC-3	25,210	25,210	0	1
Provisional	2,692	2,692	0	1

## Howard County, MD, General Election, Nov 8, 2016

## Comparison of Votes Cast

Precinct: Counter Group: Contest: 

Change

[Show / hide columns](#)

Choice	Ballots With Contest			Votes			Overvoted With Vote for this Choice	Undervoted Without Vote for this Choice
	Comparison System	This System	Difference	Comparison System	This System	Difference		
<b>President - Vice Pres (Vote for 1)</b>								
Clinton-Kaine	163,574	163,574	0	102,597	102,595	-2	163	1,412
Trump-Pence	163,574	163,574	0	47,484	47,447	-37	37	1,412
Johnson-Weld	163,574	163,574	0	6,282	6,283	+1	105	1,412
Write-In	163,574	163,574	0	3,536	3,339	-197	13	1,412
Stein-Baraka	163,574	163,574	0	2,294	2,292	-2	122	1,412
<b>U.s. Senator (Vote for 1)</b>								
Chris Van Hollen	163,574	163,574	0	97,622	97,627	+5	27	4,330
Kathy Szeliga	163,574	163,574	0	55,888	55,883	-5	22	4,330
Margaret Flowers	163,574	163,574	0	5,459	5,457	-2	10	4,330
Write-In	163,574	163,574	0	224	201	-23	5	4,330
<b>Rep In Congress Congressional District 3 (Vote for 1)</b>								
John Sarbanes	51,681	51,681	0	33,182	<u>33,184</u>	+2	12	1,592
Mark Plaster	51,681	51,681	0	15,330	15,329	-1	8	1,592
Nnabu Eze	51,681	51,681	0	1,468	1,469	+1	8	1,592
Write-In	51,681	51,681	0	88	75	-13	4	1,592
<b>Judge Of The Circuit Court Judicial Circuit 5 (Vote for 1)</b>								
Mary Kramer	163,574	163,574	0	118,586	118,560	-26	19	43,295
Write-In	163,574	163,574	0	1,675	1,444	-231	19	43,295
<b>Judge Special Appeals At Large (Vote for 1)</b>								
Yes Dan Friedman	163,574	163,574	0	105,327	105,303	-24	6	38,469
No Dan Friedman	163,574	163,574	0	19,649	19,649	0	6	38,469
<b>Board Of Education (Vote for 3)</b>								
Kirsten Coombs	163,574	163,574	0	81,482	81,606	+124	120	55,864
Christina Delmont-Small	163,574	163,574	0	67,466	67,548	+82	112	58,750
Mavis Ellis	163,574	163,574	0	58,341	58,418	+77	108	57,436
Janet Siddiqui	163,574	163,574	0	53,762	53,820	+58	67	47,081
Vicky Cutroneo	163,574	163,574	0	43,935	44,010	+75	87	58,517
Robert Wayne Miller	163,574	163,574	0	40,484	40,554	+70	68	57,647
Write-In	163,574	163,574	0	1,672	909	-763	13	63,973
<b>Question 1 (Vote for 1)</b>								
For The Constitutional Amendment	163,574	163,574	0	96,412	96,368	-44	43	19,016
Against The Constitutional Amendme	163,574	163,574	0	48,005	47,997	-8	43	19,016
<b>Question A (Vote for 1)</b>								
For Question A	163,574	163,574	0	76,005	75,985	-20	40	18,906
Against Question A	163,574	163,574	0	68,519	68,498	-21	40	18,906
<b>Question B (Vote for 1)</b>								

Choice	Ballots With Contest			Votes			Overvoted With Vote for this Choice	Undervoted Without Vote for this Choice
	Comparison System	This System	Difference	Comparison System	This System	Difference		
For Question B	163,574	163,574	0	85,705	85,673	-32	18	26,564
Against Question B	163,574	163,574	0	51,166	51,150	-16	18	26,564
Rep In Congress Congressional District 2 (Vote for 1)								
C. A. Dutch Ruppertsberger	20,053	20,053	0	12,656	12,659	+3	9	755
Pat McDonough	20,053	20,053	0	5,427	5,427	0	8	755
Kristin S. Kasprzak	20,053	20,053	0	1,140	1,140	0	6	755
Write-In	20,053	20,053	0	48	47	-1	4	755
Rep In Congress Congressional District 7 (Vote for 1)								
Elijah Cummings	91,840	91,840	0	53,059	53,075	+16	10	3,011
Corrogan R. Vaughn	91,840	91,840	0	32,959	32,973	+14	8	3,011
Myles B. Hoenig	91,840	91,840	0	2,577	2,579	+2	4	3,011
Write-In	91,840	91,840	0	186	158	-28	8	3,011

# MD State Board of Elections General Election Audit - md\_14\_howard\_2016g - Nov

Audit Stage Filter

All Ballots

Exclude Write-ins

Yes

ContestName	Absolute Value of Vote Discrepancies (see Note 1)	Total Votes Cast	
		According to the Primary Voting System	Audit Threshold Ratio (See Note 2)
President - Vice Pres	66	158,657	0.042%
U.s. Senator	24	158,969	0.015%
Rep In Congress Congressional District 3	26	49,980	0.052%
Judge Of The Circuit Court Judicial Circuit 5	32	118,586	0.027%
Judge Special Appeals At Large	32	124,976	0.026%
Board Of Education	604	345,470	0.175%
Question 1	58	144,417	0.040%
Question A	49	144,524	0.034%
Question B	54	136,871	0.039%
Rep In Congress Congressional District 2	5	19,223	0.026%
Rep In Congress Congressional District 7	56	88,595	0.063%
All Contests	1,006	1,490,268	0.068%

Note 1: Using the absolute value prevents positive and negative discrepancies from cancelling each other.

Note 2: Values of the Audit Threshold Ratio exceeding 0.5% would trigger an examination.