

STATE BOARD OF ELECTIONS

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

Michael G. Summers, Chairman
William G. Voelp, Vice Chairman
Carlos Ayala
Janet Millenson
Yaakov "Jake" Weissman



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Jared DeMarinis
Date: August 15, 2023
Re: Proposed Departmental Legislation

At the next board meeting, I will propose legislative changes to the Election Law Article for your approval. These proposed changes are based on a review of Election Law Article by staff. There is one departmental bill¹ for your review and approval.

The proposed bill (1) alters the report received by the State Board from the clerk of the Circuit and District Courts to match the language of persons ineligible to register to vote, (2) allows for the use of public buildings as early vote centers and (3) allows incumbent chairs of the central committee to be a candidate for central committee in subsequent elections.

Currently, the State Board receives a report of individuals who are convicted from the clerks. This report is overinclusive since the ineligibility for voter registration is based on incarceration. This modification will make the report more beneficial in voter list maintenance.

The use of public buildings upon request by the local boards of elections is mandated for Election Day polling places. This proposed change bring the same provisions for early voting.

Finally, changing the term from treasurer to responsible officer allows for central committee chairs to seek re-election for that position. It still prohibits a chair of the central committee from seeking a public office while being the chair.

Departmental Legislation:

Summary of Bill

1. Alters the reporting criteria for reports issued by the clerk of the Circuit and District Courts
2. Allows the use of a public building for an early vote center
3. Permits chairs of central committees to seek election to the central committee.

¹ Bold text is new language, and text between bolded brackets is being deleted.

A BILL ENTITLED _____

AN ACT concerning

Election Law – Voter Registration Eligibility Reporting, Use of Public Buildings as Early Vote Centers, and Campaign Finance Activities by Responsible Officers

FOR the purpose of prescribing the required reporting of certain information concerning voter registration; clarifying the use of public buildings for early voting centers; clarifying campaign finance activity restrictions; and generally relating to election law.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3-504(a)(1)
Annotated Code of Maryland
(___ Replacement Volume and ___ Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 10-301.1(e)
Annotated Code of Maryland
(___ Replacement Volume and ___ Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13-215(b)
Annotated Code of Maryland
(___ Replacement Volume and ___ Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

3-504(a)(1)

(i) Information from the agencies specified in this paragraph shall be reported to the State Administrator in a format and at times prescribed by the State Board.

(ii) The Maryland Department of Health shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the State since the date of the last report.

(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all individuals convicted, in the respective court, of a felony **AND CURRENTLY SERVING A COURT-ORDERED SENTENCE OF IMPRISONMENT FOR THE CONVICTION** since the date of the last report.

(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.

10-301.1(e)

1. Each early voting center shall satisfy the requirements of § 10-101 of this title[.]; **AND**
2. **THE PUBLIC OFFICIAL RESPONSIBLE FOR THE USE OF ANY PUBLIC BUILDING REQUESTED BY A LOCAL BOARD FOR AN EARLY VOTING CENTER SHALL MAKE AVAILABLE TO THE LOCAL BOARD THAT PUBLIC BUILDING IN ACCORDANCE WITH 10-101(A)(3) OF THIS TITLE**

13-215(b)

(1) Subject to paragraph (2) of this subsection, a candidate may not act:

(i) as the treasurer of a campaign finance entity of the candidate;

or

(ii) with respect to any other campaign finance entity:

1. as the campaign manager or treasurer; or

2. in any other position that exercises general overall

responsibility for the conduct of the entity.

(2)

(i) An incumbent member of a central committee who is a candidate for election to party office may act as [the treasurer] **A RESPONSIBLE OFFICER** of that central committee.

(ii) With respect to any campaign finance entity other than the candidate's own campaign finance entity, a candidate for delegate to the Democratic National Convention or a candidate for delegate to the Republican National Convention may act:

1. as the campaign manager or treasurer; or
2. in any other position that exercises general overall responsibility for the conduct of the entity.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2025.

Bylaws of the Maryland State Board of Elections

Article 1 – Adoption of Bylaws Generally	2
Section 1.1 – Definitions.....	2
Section 1.2 – Purpose	2
Section 1.3 – Enactment.....	2
Article 2 – Organization of the Board	2
Section 2.1 – New Members.....	2
Section 2.2 – Officers	2
Article 3 – Meetings	3
Section 3.1 – Time and Location	3
Section 3.2 – Rules of Order.....	3
Section 3.3 – Meeting Agenda	3
Article 4 – Rules of Conduct.....	4
Section 4.1 - Attendance.....	4
Section 4.2 - Political Activity.....	4
Section 4.3 – Ethics.....	5
Section 4.4 – Resignation and Vacancies	6
Section 4.5 – Level of Effort	6
Section 4.6 – Fiduciary Duty to the Board.....	6
Article 5 – Roles and Responsibilities	6
Section 5.1 – The Board.....	6
Section 5.2 – The Administrator and Staff	6
Section 5.4 – Delegation of Duties to the Administrator	6
Section 5.5 – Personnel Management.....	7
Article 6 – Miscellaneous.....	7
Section 6.1 – Per Diem and Reimbursement for Travel and Expenses.....	7
Signatures	8
Appendix 1.....	9

Article 1 – Adoption of Bylaws Generally

Section 1.1 – Definitions

- A. “Administrator” means the State Administrator as defined under §1-101(qq) of the Election Law Article.
- B. “Absence” means a duly appointed member is not present at or able to take part in a meeting.
- C. “Member” means a member of the Board, regardless of whether the member has been duly confirmed by the Maryland Senate.
- D. “Vacancy” means a member was removed, died, or resigned from the board.

Section 1.2 – Purpose

These bylaws, adopted by the members of the Maryland State Board of Elections, provide the rules of governance for the board during the conduct of all duties assigned under State and federal laws and regulations. Further, these bylaws set a standard of personal conduct for members of the board requiring them to conduct themselves in accordance with high ethical standards in order to ensure the public that members are independent of partisan pressures and conflicting interests.

Section 1.3 – Enactment

- A. These bylaws shall be approved by a supermajority vote of the full Board.
- B. These bylaws are effective and binding on all Board members as evidenced by each member signing this document.
- C. When a new member is appointed to fill a vacancy, the new member must sign the bylaws.
- D. In order to amend the bylaws, a member must make a motion and present the amendment during a regularly scheduled meeting of the Board. The motion to amend the bylaws must be approved by a supermajority vote of the full Board at the next regularly scheduled meeting of the Board.
- E. The bylaws shall be reviewed by the members of the bBoard on an annual basis at the first meeting of the calendar year. Members may propose changes to the bylaws at that time. If the bylaws are amended, they will be voted and approved as provided by subsection A above.
- F. A copy of the approved bylaws and any amendments shall be posted on the SBE website.

Article 2 – Organization of the Board

Section 2.1 – New Members

New members must be sworn in by a Clerk of the Circuit Court of Maryland within 30 days of receiving the commission of appointment from the Governor. They must be either sworn in by the Clerk of the Circuit Court of the county in which they reside or, if sworn in another county, must file their commission with the Clerk of the Circuit Court in the county in which they reside.

Section 2.2 – Officers

- A. As required by § 2-102 of the Election Law Article, not later than August 1st of each year, the Board shall elect by a supermajority vote a member to serve as chairman. The duties of the chairman include:
 - 1. Running the Board meetings and setting agendas;
 - 2. Serving as the primary Board member spokesperson for media inquiries; and
 - 3. Acting as the Board’s primary point of contact for the Administrator.
- B. At the same time the chairman is elected, the Board shall also elect by a supermajority vote a member to serve as a vice-chairman. The vice-chairman shall not be a member of the same party as the chairman. The vice-chairman shall fulfill the duties of the chairman if the chairman is absent or unable to carry out the assigned duties.

Article 3 – Meetings

Section 3.1 – Time and Location

- A. Regular meetings. The Maryland State Board of Elections shall meet every month on the fourth Thursday at 2:00PM.
- B. Location. Unless circumstances dictate otherwise, Board meetings will be held in the election office located at 151 West Street, Suite 200, Annapolis, Maryland.
- C. Public Notice. Except as provided in E of this section, public notice of regular meetings must be provided for at least one week prior to the meeting. Information on the SBE website and public display of the meeting agenda constitute public notice for purposes of this section.
- D. Cancellation of a regular meeting. The chairman may cancel a regular meeting of the Board. Notice of cancellation must be given at least one week prior to the meeting.
- E. Special Meetings. The chairman of the Board may call a special meeting. However, no votes may be taken at a special meeting unless three days prior notice has been given to all members, staff and the public.
- F. Immediate Action. If the chairman determines that an issue needs immediate Board action that cannot wait until the next regularly scheduled meeting, the chairman may direct staff to poll the members to obtain their vote on the issue.

Section 3.2 – Rules of Order

- A. Quorum
 - 1. A quorum must be present to conduct official business of the Board.
 - 2. A quorum of the Board of elections shall consist of a majority of the membership of the Board.
 - 3. In the event of a vacancy on the Board, a quorum shall consist of a majority of members currently serving on the Board.
 - 4. There shall be no effect on the quorum when a member of the Board abstains or declines to vote or if a member is disqualified from participating under section 4.3 of these by-laws.
- B. Public participation at a meeting must be pre-scheduled and pre-approved by the chairman. Each Board member shall receive notice of all requests for public participation. The chairman may exercise discretion in determining whether to allow participation that has not been pre-scheduled and pre-approved.
- C. The Board, with the advice of counsel, shall follow the requirements of the Open Meetings Act as specified under Title 3 of the General Provisions Article¹.

Section 3.3 – Meeting Agenda

- A. Each Board meeting shall include, at a minimum, the following agenda items:
 - 1. Declaration of Quorum Present
 - 2. Approval of Prior Meeting Minutes
 - 3. Additions to the Agenda
 - 4. Administrator’s Report
 - 5. Assistant Attorney General’s Report
 - 6. Old Business
 - 7. New Business
 - 8. Confirmation of Next Meeting

¹ For information and guidance on the Open Meetings Act, see the Attorney General’s *Open Meetings Act Manual* (10th ed., January 2021) - <https://www.marylandattorneygeneral.gov/Pages/OpenGov/omaManual.aspx>.

9. Closed Session (if needed)
 10. Adjournment
- B. Additional items may be added to the agenda in advance of the meeting at the discretion of the chairman.
 - C. The Administrator shall provide the agenda to the members and publicly post the agenda at least one week prior the meeting.
 - D. Prior to each meeting, the Administrator shall submit to the Board a written report of the activities of the office and all significant agency-related events since the last meeting. The report shall include information on personnel changes, meetings attended, significant correspondence received, voter registration activities, voting system activities, candidate filings, precinct and polling issues, and other projects or initiatives undertaken by the office. An oral summary of the written report shall be provided at each Board meeting.
 - E. Minutes
 1. Minutes shall be prepared by the Administrator pursuant to SBE's *Guidelines for Conducting Meetings and Writing Minutes*².
 2. Closed meeting minutes shall include a summary of the meeting, the individuals in attendance, and the actions taken. The closed meeting minutes may be:
 - a. Included in the open meeting minutes; or
 - b. In a separate sealed document, provided that a summary of the closed meeting is provided in the open meeting minutes.
 3. If the Administrator does not attend the closed meeting, the assistant attorney general or one of the members shall be responsible for preparing the closed meeting summary and minutes.
 4. Meeting minutes shall be prepared and presented to all Board members within five business days after the meeting. The authority to approve the meeting minutes is delegated to the chairman. The chairman shall approve the minutes after the Board members have had two full business days to review and comment on the minutes.
 5. The Administrator shall post the approved open meeting minutes on the SBE website within one business day of the chairman's approval.

Article 4 – Rules of Conduct

Section 4.1 - Attendance

- A. As provided under § 8-501 of the State Government Article, a member of the Board who fails to attend at least 50% of the meetings of the Board during any consecutive 12-month period shall be considered to have resigned.
- B. Not later than January 15th of the year following the end of the 12-month period, the chairman shall forward to the Governor:
 1. The name of the member considered to have resigned; and
 2. A statement describing the member's history of attendance during the period.
- C. In the case where the chairman fails to attend meetings, the referral to the Governor shall be made by the vice-chairman.

Section 4.2 - Political Activity

- A. Statutory requirements. The members shall abide by the restrictions to political activities provided under § 2-301 of the Election Law Article. See Appendix 1.
- B. Additional requirements.
 1. Members shall place their public duties ahead of partisan, political considerations.

² The guidelines are available on the SBE Online Library in the "Reference Materials" folder under "LBE Resources".

2. A member may not take an active part in the campaign management of a candidate or any matter that is subject to an election under the Election Law Article.
 3. A member may attend political events held by candidates, political parties, or ballot issue committees provided that the member does not publicly indicate that he or she is a member of the Board.
 4. A member may make campaign contributions to entities that file with the State Board of Elections provided the member discloses the contributions to the Board³.
 5. A member may publicly display (including yard signs, bumper stickers, etc) support or opposition to candidates or issues on the ballot in any election for which the member will be serving on the Board.
 6. Members may wear campaign paraphernalia that shows support or opposition for or against candidates or issues on the ballot in any election for which the member will be serving on the Board provided the member does not wear the campaign paraphernalia while performing Board functions or while wearing a Board name badge.
 7. Party Activity
Members may not serve on an executive committee of the party or assume a role within the party that has decision making authority.
 8. Petitions
 - a. A member may sign a petition.
 - b. A member may not circulate petitions.
- C. Members shall provide any required disclosure of an activity specified under subsection B at the Board meeting immediately following the payment of the campaign contribution.

Section 4.3 – Ethics

- A. Members shall follow the provisions of the Maryland Ethics laws⁴, including:
1. Within 30 days of receiving a commission from the Governor and by April 30th each year thereafter, filing the Financial Disclosure Statement⁵ required under § 15-601 *et seq.* of the State Government Article; and
 2. Adhering to the prohibition against the solicitation or acceptance of gifts or honoraria⁶ as required under § 15-505 of the State Government Article.
- B. Disqualification due to Conflict of Interest
1. A member shall recuse himself or herself and may not participate as to a matter if the member:
 - a. Has a relative with an interest in the matter and the member knows of the interest;
 - b. Is part of a business entity which has an interest in the matter;
 - c. Is negotiating employment or has arranged prospective employment with a business entity which has an interest in the matter;
 - d. Has a direct financial interest in the matter;
 - e. Has provided support through a contribution to or volunteering for or a candidate or petition that is the subject of the matter; or
 - f. Otherwise believes that participation would create a conflict of interest.
 2. A member may seek the advice from the assistant attorney general as to the presence of a conflict of interest or other good cause for disqualification.

³ This notice will provide the other board members with information to determine whether a conflict exists that will require recusal.

⁴ See the *Maryland Public Ethics Law Summary* provided by the State Ethics Commission to assist election officials and employees in meeting their obligations to voters, candidates, and political parties. This summary is available on the SBE Online Library.

⁵ Financial Disclosure Statements can be filed online - <https://efds.ethics.state.md.us/>.

⁶ See *Ethics and Standards for Election Officials and Employees* for detailed standards of conduct. Available on the SBE Online Library.

3. If a member does not voluntarily recuse himself or herself, the other Board members may disqualify that member if a supermajority determines that the member has a conflict of interest that should disqualify that member from acting on a particular matter.
4. If a member recuses himself or is disqualified from participating in a matter before the Board, the recusal or disqualification and the reason(s) for it shall be recorded in the meeting minutes.

Section 4.4 – Resignation and Vacancies

A member who chooses to resign shall provide written notice of the resignation to:

1. The Governor;
2. The state central committee of the party with which he or she is affiliated; and
3. The State Administrator.

Section 4.5 – Level of Effort

Members shall expend the time and effort necessary to ensure that they fully understand their duties and obligations as members of the State Board of Elections and generally understand important concepts in the administration of Maryland elections, such as: the process to register to vote; the purpose of provisional voting; general information about the voting systems; the mail-in voting process; campaign finance requirements; and important election deadlines.

Section 4.6 – Fiduciary Duty to the Board

Members have a fiduciary duty of care and loyalty to the Board. Members shall put the interests of the Board ahead of partisan interests, personal interests, or loyalties to other organizations in an effort to ensure the successful execution of the duties of the Board. Members may not share confidential or sensitive information with outside entities, including matters discussed during closed sessions of the Board.

Article 5 – Roles and Responsibilities

Section 5.1 – The Board

- A. The Board shall carry out all duties assigned to it under the Election Law Article and federal law. (See *Duties of the State Board and State Administrator*).
- B. The Board shall attend exclusively to top-level policies and plans and shall ensure compliance with mandatory requirements. The Board shall not be involved in day-to-day activities of the election office.

Section 5.2 – The Administrator and Staff

- A. The Administrator shall carry out all duties assigned to him or her under the Election Law Article, regulations, policies and procedures established by the Board, and duties assigned or delegated by the Board. (See *Duties of the State Board and State Administrator*).
- B. The Administrator, as the State’s Chief Election Official, is responsible for all aspects of managing elections in Maryland including the day-to-day operation of the State office, implementing State election laws and regulations, and serving as a subject matter expert for the Board, the General Assembly, and other stakeholders.

Section 5.4 – Delegation of Duties to the Administrator

The Board delegates to the Administrator the duties designated in *Duties of the State Board and State Administrator*.

Section 5.5 – Personnel Management

- A. As required under § 2-202(b)(2) of the Election Law Article, the Board shall hire the Administrator. The Board shall follow the requirements of § 2-103(b)(7) of the Election Law Article if the Board determines that the Administrator should be removed for incompetence, misconduct, or other good cause.
- B. The Administrator shall hire and supervise the staff of the State Board.
 - 1. The Administrator shall perform or ensure the performance of annual performance evaluations of staff.
 - 2. The Administrator shall follow the requirements of the State Personnel and Pensions Article and any applicable regulations in all matters concerning leave, discipline, or termination.

Article 6 – Miscellaneous

Section 6.1 – Per Diem and Reimbursement for Travel and Expenses

- A. When provided for in the State budget, the budget for the Board shall include funds to pay each member per diem compensation for each day that the member is actually engaged in the discharge of official duties.
- B. The budget for the Board shall include funds to reimburse members for expenses incurred while carrying out their duties as members.
- C. Reimbursement for an expense that was not budgeted for must be approved by the chairman prior to payment.

Signatures

Member, Chairman Date

Witness (Administrator) Date

Member, Vice Chairman Date

Witness (Assistant Attorney General) Date

Member Date

Member Date

Member Date

Appendix 1

Election Law Article, Annotated Code of Maryland
§2-301.

(a) This section applies to:

- (1) a member of the State Board;
- (2) a regular or substitute member of a local board;
- (3) the State Administrator;
- (4) an employee of the State Board or of a local board, including the election director of a board;
- (5) counsel appointed under § 2-205 of this title; and
- (6) an election judge.

(b) (1) An individual subject to this section may not, while holding the position:

- (i) hold or be a candidate for any elective public or political party office or any other office created under the Constitution or laws of this State;
- (ii) use the individual's official authority for the purpose of influencing or affecting the result of an election; or
- (iii) except as provided in paragraph (2) of this subsection, as to any candidate or any matter that is subject to an election under this article:

1. be a campaign manager;
2. be a treasurer or subtreasurer for a campaign finance entity; or
3. take any other active part in political management or a political

campaign.

(2) Notwithstanding paragraph (1)(iii) of this subsection, an election judge may engage in the activities of a political campaign, except:

- (i) while performing official duties on election day; and
- (ii) by serving as a campaign manager for a candidate or as the treasurer for a campaign finance entity.

(c) If the State Administrator determines that an individual is in violation of this section, the State Administrator:

(1) shall suspend the individual from duty until the completion of the next election;

and

(2) notwithstanding any other provision of law, may make an interim appointment to ensure the orderly administration of this article.



214 Massachusetts Avenue, NE
Washington, DC 20002-4999

(202) 546-4400
heritage.org

Honorable Michael G. Summers
Chairman
Maryland State Board of Elections
P. O. Box 6486
151 West St., Suite 200
Annapolis, MD 21401 - 0486

Dear Chairman Summers:

As you may be aware, the Heritage Foundation maintains an Election Integrity Scorecard that compares the election laws and regulations of each state and the District of Columbia to best-practices recommendations for the administration of elections. The Scorecard is publicly available on the website of the Heritage Foundation at heritage.org/electionscorecard/.

The Foundation is making some recommended changes to the criteria used in the Scorecard and would like to confirm that the information we have for your state is correct relative to these changes. We would appreciate your either confirming or providing the correct information for the Scorecard. The accuracy of the information in the Heritage Election Integrity Scorecard is of paramount importance to us, as we know it is for you, regardless of whether you agree with our scoring methodology.

First, we would like to know whether your state is a member of the Electronic Registration Information Center, and if not, whether your state has any agreement with other states to share voter registration information that you use to compare with your own voter registration data to remove or suspend individuals who are registered in other states.

Our research indicates that Maryland currently is an ERIC member. Please confirm whether this is correct and if not, please provide us with the names of the states with which you have such agreements.

Second, we would like to know whether your state conducts post-election audits, and if so, the nature and extent of those audits.

States will be graded on whether they require 1) a post-election manual check of ballots, or an effective portion of them, to verify that votes were tabulated correctly, and 2) whether a state requires a post-election audit of the state's election procedures and processes, or an effective portion of them, to verify that state and federal election laws and regulations were followed, including those requiring maintenance of an accurate voter registration list.

Our research indicates that Maryland currently conducts tabulation audits under Md. Code, Elec. Law § 11-309, but that no statute authorizes or requires audits of state election procedures and

processes. Please confirm whether this is correct and if not, please provide us with the correct information, including citations to applicable laws, regulations, or procedures.

Third, we would like to know whether there is any jurisdiction in your state that utilizes ranked choice voting or if your state has a specific prohibition against ranked choice voting.

Our research indicates that Takoma Park uses ranked choice voting for municipal elections. Please confirm whether this is correct.

We would appreciate your confirming the accuracy of the data we have compiled for your state as well as providing us with any missing information or corrections that you believe are warranted. We would also appreciate it if you would please provide us with this information **no later than Friday, August 18, 2023** by emailing me at john.malcolm@heritage.org and cc'ing my colleague, Jack Fitzhenry, at jack.fitzhenry@heritage.org.

Thank you for your time and attention to this matter.

Sincerely Yours,

A handwritten signature in cursive script that reads "John G. Malcolm".

John G. Malcolm
Vice President, Institute for Constitutional Government, Director Meese Center for Legal and
Judicial Studies
The Heritage Foundation

STATE BOARD OF ELECTIONS

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

Michael G. Summers, Chairman
William G. Voelp, Vice Chairman
Carlos Ayala
Janet Millenson
Yaakov "Jake" Weissman



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Heritage Foundation
Attn: John Malcolm
214 Massachusetts Avenue, NE
Washington, DC 20002

Mr. Malcolm,

Thank you for reaching out to confirm information you have for the State of Maryland. Please find the answers to your questions below.

First, Heritage Foundation requested "to know whether [Maryland] is a member of the Electronic Registration Information Center, and if not, whether your state has any agreement with other states to share voter registration information that you use to compare with your own voter registration data to remove or suspend individuals who are registered in other states." The Maryland State Board of Elections ("SBE") confirms that it is a member of the Electronic Registration Information Center.

Second, Heritage Foundation requested to know " whether your state conducts post-election audits, and if so, the nature and extent of those audits" Your letter indicates that you are considering two types of audits: (1) a post-election manual check of ballots or a portion of them and (2) whether a state requires a post election audit of the state's election procedures or processes, to verify that state and federal laws and regulations were followed, including those requiring maintenance of an accurate voter registration list. The letter concludes that Maryland currently conducts tabulation audits under Md. Code, Elec. Law §11-309, but that no statute authorizes or requires audits of state election procedures and processes. You ask for confirmation of this.

With regard to post election audits, Maryland currently conducts three audits. First, an independent, automated audit of all ballots, which uses independent software to tabulate ballot images. The results from the independent tabulation are then compared to the tabulation results from the voting system. Any variances between the two tabulations are easily identified and resolved. The post-election tabulation audit is conducted using ballot images. The use of ballot images allows elections officials to maximize the technological functions of the voting system while minimizing human error and eliminating chain of custody issues by using securely stored ballot images, rather than voted paper ballots. The use of ballot images removes the need for election officials to physically handle or count voted ballots unless a petition for recount or other judicial challenge is granted. Additional information on this process can be found on our [Post Election Automated Ballot Tabulation webpage](#).

Maryland also conducts a post-election manual ballot tabulation audit. This audit requires an audit of (1) at least 2% of election day precincts in each county, including one randomly selected voting location chosen by SBE and (2) a number of votes equal to at least 1% of the statewide total of ballots cast during early voting and mail-in and provisional ballots, in the previous comparable general election. This includes a minimum number in each county, as set by SBE. The manual audit must be completed

August 12, 2023

by each local board within 120 days after the general election. If the manual audit shows a discrepancy greater than 0.5%, SBE can expand the manual audit and take any other actions it considers necessary to resolve the discrepancy. The SBE [Post Election Manual Ballot Tabulation Audit webpage](#) has additional information on this audit.

Maryland conducts a third election audit called the comprehensive audit. The goal of the comprehensive audit is to verify that an election is fair and accessible for all voters and the integrity of the election process can be established and is accomplished by ensuring that the local boards are adequately performing tasks as required by State law and regulations. After each election, SBE conducts the comprehensive audit and sends to each local board an audit report. Findings from inquiries will determine the local boards' compliance with election laws and regulations prior to and following elections. The audits are conducted by reviewing data and information in State databases or documents submitted by the local boards. In addition, SBE may inspect records, observe office operations, observe voting equipment testing, and attend and evaluate election judges' training. The comprehensive audit has three main topics – voting system, polling place operations, and canvassing and post-election audits and reconciliation – with areas of inquiry for each topic. The guidelines for the comprehensive audit are attached.

Third, Heritage Foundation requested information about “whether there is any jurisdiction in [Maryland] that utilizes ranked choice voting or if [Maryland] has a specific prohibition against ranked choice voting. Maryland State Election Law only applies to federal, State and local (county and Baltimore City) elections, and currently does not provide for ranked choice voting. The Election Law Article specifically exempts municipalities. Municipalities conduct their own elections, over which SBE does not have legal oversight. In turn, SBE does not track which municipalities use ranked choice voting.

Sincerely,



Melissia Dorsey

cc: Michael Summer, Chair, Maryland State Board of Elections

The purpose of the Comprehensive Audit is to ensure that local boards of elections are adequately performing tasks as required by election law and State regulations (COMAR). The goal of the Comprehensive Audit is to ensure fair and accessible elections for all voters and to protect the integrity of the election process.

This document describes the topics and areas of inquiry that staff members at the State Board of Elections (SBE) will investigate when conducting comprehensive audits on each of the local boards of elections (local board). After each election, SBE will send an Audit Report to each local board. Findings from inquiries will determine local boards' compliance with election laws and regulations prior to and following elections.

SBE's audits will be conducted through reviews of data and information available through State databases or through required submissions of information by local boards. In addition, SBE staff members may visit local boards offices to inspect records, observe office operations, observe voting equipment testing, and attend and evaluate election judges' training.

There are three topics with areas of inquiry under each topic.

1. Voting System
 - A. Logic and Accuracy testing
 - B. Voting unit and electronic pollbook allocation
 - C. On-time opening of the polls
 - D. Voting System Verification
 - E. Issuance of "offline" provisional ballots

2. Polling Place Operations
 - A. Election judge training
 - B. Polling place evaluation program
 - C. Accessibility
 - D. Ballot accounting
 - E. Ballot drop box procedures

3. Canvassing and Post-Election Reconciliation and Audits
 - A. Post-Election Audit – Precinct Audit
 - B. Post-Election Audit – Mail-in and Provisional
 - C. Voters with Multiple Voting Credit
 - D. Canvassing minutes
 - E. Provisional data review
 - F. Mail-in data review
 - G. Bounced email review

SBE will compile for each local board the findings for all areas of inquiry and where appropriate, make recommendations, and draft a Comprehensive Audit Report. SBE will provide this report to each election director and members of the local board.

Each local board must respond to its Comprehensive Audit Report by the deadline specified in the report's cover page. The response must include whether the local board agrees or disagrees with the findings in the Comprehensive Audit Report. If a local board disagrees with information in the report, a local board should explain the basis of the disagreement. The election director and president of the local board must sign the response. The local board may also provide more explanation of the issues identified in the report.

SBE will review the local boards' responses to the Comprehensive Audit Report and issue a Comprehensive Audit Final Report to each local board. There may need to be additional communications between SBE and the local boards before SBE issues the final report. This final report will summarize agreements between SBE and local boards as to findings and action items.

Based on the audit and findings, SBE may conduct a more intensive audit, including site visits.

Following each audit cycle, SBE will assess the feasibility and effectiveness of the audit plan, make necessary adjustments, and determine the guidelines for the next audit period.

Audit Topics

1. Voting System

A. Pre-election Logic and Accuracy (L&A) Testing of voting units and electronic pollbooks

Citation	COMAR 33.10.01.14 ¹
SBE Contact	Shafiq Satterfield
Why it's important?	Ensures that voting units are tabulating votes correctly and electronic pollbooks are working properly before an election. Ensures that local boards are properly preparing and securing the voting equipment.
Background Information	<p>The L&A process consists of several phases:</p> <ul style="list-style-type: none"> • Downloading the election to DS200 and DS850 ballot scanners and the ExpressVote ballot marking device; • Testing the DS200 and DS850 ballot scanners, ExpressVote ballot marking devices, and electronic pollbooks; • Uploading L&A test results into ERM and ElectionWare; • Generating L&A test results reports; • Resetting election equipment for an election; • Conducting a public demonstration; • Securing and preparing the DS200 scanners, ExpressVote ballot marking devices, and electronic pollbooks for delivery; and • Securing the DS200 and DS850 ballot scanners for use during the Mail-in and provisional canvasses. <p>L&A is performed on the Statewide Election Management (SWEM) network servers and workstations, DS200 and DS850 ballot scanners, electronic pollbooks, and ExpressVote ballot marking devices to ensure that:</p> <ul style="list-style-type: none"> • All equipment is fully functional and free from operational problems; • All equipment contains the appropriate ballot styles available for voting in each polling place and early voting center; • Results are tabulated accurately on each election tabulating component; • Results can be uploaded accurately to the election database on the SWEM network; and • The SWEM network correctly tabulates results from all voting units that undergo the L&A process.
What are we looking for?	SBE will review a sample of field observation reports completed by each Regional Manager during L&A testing and a sample of L&A Checklists to determine if local boards complied with policies and procedures required by COMAR and SBE's <i>Conducting the</i>

¹ In these audit topics, there are various citations. All references to the Election Law Article are in the *Annotated Code of Maryland*. COMAR is the Code of Maryland Regulations.

	<p><i>Election (CTE) Guide.</i> The Regional Managers and SBE will focus on:</p> <ul style="list-style-type: none"> • CARE, CUSTODY, AND CONTROL OF MEMORY DEVICES: Security of the memory devices is a critical element in the integrity of the election process. • L&A PREPARATION: L&A preparation is performed to ensure all requirements for performing the L&A processes are accomplished prior to the L&A test execution. • L&A EQUIPMENT PREPARATION: Proper preparation of voting equipment is necessary for a smooth L&A process. • L&A TEST: The L&A test is performed on all voting equipment to confirm that the equipment has the correct election information, and the voting equipment functions properly. It also confirms that the ElectionWare server is tabulating and generating reports correctly. • L&A CLOSEOUT: This is the process of verifying the L&A test results, backing up the L&A test results, printing the results reports, and re-setting the election database in ElectionWare. • DISPLAY PUBLIC TEST: After L&A testing is complete and before any voting units are delivered to an early voting center, the documentation is made available for public inspection (per COMAR 33.10.01.16).
<p>How will we test it?</p>	<p><i>For all local boards:</i></p> <p><i>DS200</i></p> <ul style="list-style-type: none"> • With a minimum of 5 DS200s per local board, Regional Managers will review the L&A checklist to ensure completeness and accuracy in testing, as well as compare the results reports printed during L&A from the DS200s against the expected results generated from the test decks to ensure accurate voting and tabulation. <p><i>Electronic Pollbook</i></p> <ul style="list-style-type: none"> • With a minimum of 5 pollbooks per local board, Regional Managers will review the L&A checklist to ensure completeness and accuracy in testing. SBE may require more auditing if deficiencies are discovered in the audit. <p><i>Ballot Marking Device</i></p> <ul style="list-style-type: none"> • With a minimum of 5 ballot marking devices per local board, Regional Managers will review the L&A checklist to ensure completeness and accuracy, as well as review Ballot Activation Cards (BACs) created during L&A to ensure accuracy of voting selections based on L&A testing guidelines. Lastly, the regional managers review the results tapes from the DS200s and DS850s to ensure that the BACs created from each of the ballot marking devices were scanned and tabulated correctly. <p><i>DS850</i></p>

	<ul style="list-style-type: none"> For the local boards that have a DS850, Regional Managers will review the L&A checklist to ensure completeness and accuracy in testing. SBE may require more auditing if deficiencies are discovered in the audit. They will also review the results reports printed during L&A from the DS850 against the expected results generated from the test deck to ensure accurate voting and tabulation. <p><i>Due to the excessive time required, SBE has modified the L&A approach for jurisdictions that will have test decks greater than 800 pages. For these local boards, in addition to the testing process described above, SBE will audit all early voting centers along with the equipment allocated to those centers in the following manner:</i></p> <p><i>DS200</i></p> <ul style="list-style-type: none"> Regional Managers create LBE specific workbooks containing a sheet for each early voting center that the local boards will use in the upcoming election. The workbook contains the expected results from the L&A test deck for each contest and candidate along with columns for the LBEs to enter the L&A results by unit. The workbook will contain formulas that will sum the results by candidate based on the results from each unit. The results from each candidate will be compared against the expected results by the regional managers to ensure accuracy and completeness. <p><i>Ballot Marking Device</i></p> <ul style="list-style-type: none"> The BACs created on the ballot marking device during L&A for each early voting center will be divided across the number of DS200 scanners allocated to that center. The BACs will be included in the DS200 tabulation and the expected results from the BACs will be included in the workbook created by SBE for auditing. The regional manager will review the expected results from each workbook against the actual L&A results to ensure accuracy and completeness.
Thresholds	100% of the equipment selected for audit must be shown to have L&A testing conducted according to SBE procedures.
Auditor	Voting System Division/Regional Managers
Timeline	During L&A testing as determined by the LBE.
Follow-up	SBE staff reviews the information forwarded by the Regional Managers and other data and reports. If issues are identified, a second sample will be tested. If necessary, SBE will notify the appropriate election director about recommended corrective actions.
Report(s)	One .xlsx file for each type of equipment saved under: L:\Library\[Appropriate Election]\[Specific Election] L&A Verification Forms

B. Voting Unit and Pollbook Allocation

Citation	COMAR 33.09.06.03 and 33.17.04.03A and B
SBE Contact	Shafiq Satterfield
Why it's important?	The correct number of voting units and electronic pollbooks at each voting location provides a uniform and efficient voting experience for Maryland voters.
Background Information	For a regularly scheduled primary or general election, the local board shall provide each voting location with the voting equipment determined by the State Administrator. For purposes of determining the voting unit allocation, a local board shall reduce the number of registered voters assigned to a precinct by the overall percentage of voters the State Administrator estimates will turn out during early voting.
What are we looking for?	That the proper number of voting units and electronic pollbooks were allocated and deployed for voting.
How will we test it?	<i>DS200</i> <ul style="list-style-type: none"> • Compare the number of voting unit memory devices allocated against the number determined by the State Administrator and compare the number of memory devices allocated against the number of memory devices with votes. • Cross reference with the transportation logs containing the serial numbers of every voting unit delivered to each precinct or early voting center as necessary. <i>Electronic Pollbook</i> <ul style="list-style-type: none"> • Prior to each election, SBE approves the number of pollbooks to be deployed for each voting location. Post election, the log files from the electronic pollbooks will be evaluated to verify that the actual number deployed to each voting location was equal to or greater than the planned number.
Thresholds	100% of voting locations must be in conformance.
Auditor	Voting System Division
Timeline	Each local board shall report equipment allocations to SBE for early voting and election day no later than 4 weeks before election day.
Follow-up	SBE staff will review reports and logs to determine if the local boards are in compliance with allocation requirements for voting units and electronic pollbooks. If necessary, SBE will notify the appropriate election director about recommended corrective actions.
Report(s)	'[Election Name] LBE Allocation Verified' to be saved under L:\Library\Elections under appropriate election

C. On time opening

Citation	Election Law Article, § 10-301 and § 10-301.1
SBE Contact	Brandon Mulvey
Why it's important?	Any delays in opening early voting centers or polling places may result in voters not being able to vote or may cause lines. In many polling places, the hour between 7:00 a.m. and 8:00 a.m. is the peak turnout hour of the day, and in heavy-turnout elections, there are often voters waiting in line for polls to open. If early voting centers and polling places are not ready for an on-time opening, it will result in longer lines, longer wait times and inconvenienced voters.
Background Information	During both early voting and election day, voting hours are 7 am until 8 pm.
What are we looking for?	That early voting centers and polling places opened on time.
How will we test it?	Electronic pollbook log files contain time-stamped records of "poll opened." The log files will be evaluated to measure on-time compliance for 100% of the early voting centers and polling places in each jurisdiction in the State.
Thresholds	95% or more of the early voting centers and polling places opening on-time.
Auditor	Voting System Division
Timeline	Beginning the day after election day.
Follow-up	SBE staff will determine if the local boards are in compliance with on-time opening requirements for early voting centers and polling places. If necessary, SBE will notify the appropriate election director about recommended corrective actions.
Report(s)	'[Election Name] Precinct (or EVC) Opening Times' to be saved under L:\Library\Elections under appropriate election

D. Voting System Verification

Citation	COMAR 33.08.05.03
SBE Contact	To be determined
Why it's important?	This voting system verification demonstrates that the agency's election management system (AEMS), election reporting manager (ERM), and the precinct or central scanner all reflect the same aggregated results and that the voting system statistics match the post-election audit.
Background Information	After each election in which the voting system is used, the local boards must verify the system's vote-counting capabilities. The local boards must verify a defined number of the precincts, and the first day in which ballots are tabulated of the Mail-in Ballot 1 canvass. After 8 pm on election day, the local board determines the number of precincts to be verified. The local board must randomly select

	<p>the greater of 3 precincts with at least 300 registered voters or 5% of all precincts.</p> <p>To perform the post-election verification for the selected precincts and Mail-in Ballot 1 canvass, the local board shall:</p> <ul style="list-style-type: none"> • Randomly select the precincts to be audited; • Obtain the total tapes from each precinct tabulator deployed to the selected precincts; • Obtain the total tapes from each tabulator used for the first day of the Mail-in Ballot 1 canvass in which ballots were tabulated; • Using the workbook provided by SBE, aggregate for each precinct and the first day of the Mail-in Ballot 1 canvass the results reported on the totals tapes; • Compare those aggregated results against the results as reported by ERM for the selected precincts and the first day of the Mail-in Ballot canvass; and • Provide both sets of totals to SBE using the workbook provided. <p>This verification shall be completed before the local board certifies the results of an election.</p>
What are we looking for?	That the local boards have performed the required voting system verification prior to certifying the election, that the verification results match the election results for the selected precincts, and timely submitted the audit and verification workbook.
How will we test it?	SBE will review the completed worksheets submitted by the local boards.
Thresholds	Any discrepancy must be investigated.
Auditor	Voting System Division
Timeline	The local boards must complete this verification and submit to SBE the audit and verification workbook before the local board of canvassers certifies the results of the election. The workbook must be submitted with the certified election results. SBE must review before the final State certification of the election the submitted documents and compare the verification results against the results from the selected precincts.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, SBE will notify the appropriate election director about recommended corrective action.
Reports(s)	The LBE-specific workbooks provided by SBE that each LBE completes and returns to SBE serves as the report for this audit section. Completed Workbooks are saved as '[LBE number]_[LBE Name] [Specific Election] Audit and Verification.xlsx.'

	Completed workbooks and supporting documentation are saved at: (L:\Library\Elections\ [Appropriate Election]\[Specific Election] Vote System Verification\[Specific LBE].
--	---

E. Issuance of “offline” provisional ballots

Citation	COMAR 33.07.05.03; Election Judges’ Manual
SBE Contact	Andrew Johnson
Why it’s important?	Election judges must issue a provisional ballot to voters who believe they are properly registered but whose names are not in the electronic pollbook (precinct register). In some cases, voters who are listed in the pollbook are issued provisional ballots because the election judge could not locate the voter’s name in the precinct register. Compared with regular ballots, provisional ballots are less convenient for the voter, and add significantly to the workload for election judges and elections officials.
Background Information	If a voter is listed in the electronic pollbook but must, for whatever reason, vote a provisional ballot, the election judge must check in this voter on the electronic pollbooks as a provisional voter. (This is the procedure established in the Election Judges’ Manual.) Checking in this voter on the pollbook means that this voter is flagged as having been issued a provisional ballot and generates a voter authority card for the voter to sign and for the election judges to use for reconciliation. There are situations where the election judge is unable to find the voter in the electronic pollbook, but the voter’s name is there. This results in more provisional ballots than necessary.
What are we looking for?	Voters who were issued provisional ballots and whose information is in the electronic pollbook database but were not checked in using the electronic pollbook.
How will we test it?	Information for each provisional ballot issued (including voter name, address, and date of birth) is entered into the MDVOTERS system by the local boards. SBE will compare information about provisional voters in MDVOTERS to information about provisional voters in the electronic pollbook log files to determine whether voters were issued provisional ballots only because the voters’ names were not found by the election judges during the voter check-in process.
Thresholds	An error of rate of 0.5% or less in a precinct is acceptable.
Auditor	Voting System Division
Timeline	Beginning after Election Day.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, the summary report will include recommended corrective actions.
Report(s)	‘[Election Name]_Offline_Provisionals_Where_Voter_In_Pollbook’ to be saved under L:\Library\Elections\[Appropriate Election]

2. Polling Place Operations

A. Election Judge Training

Citation	Election Law Article, § 10-206; COMAR 33.02.03; COMAR 33.17.05.03
SBE Contact	Melissia Dorsey
Why it's important?	Election judges must receive training, reference materials, and other information to ensure compliance with State election policies and procedures.
Background Information	<p>Each local board is required to use the Election Judges' Manual, instruction sheets, and curricula approved by the State Administrator for training election judges. Each election director is required to ensure that training classes for election judges are prepared and conducted:</p> <ul style="list-style-type: none"> • Before primary and general elections in a presidential election year; • Before a primary election in a gubernatorial election year; and • Before a general election in a gubernatorial election year or before a special primary or general election if the State Administrator considers it necessary. <p>The training class must be long enough to cover all of the training requirements and include hands-on practice with any technology that will be used by election judges at a voting location.</p>
What are we looking for?	That each local board prepares and conducts training classes for election judges as required. SBE mandated language is included and remains unaltered in the Election Judges' Manual.
How will we test it?	<p>Require all the local boards to develop and submit election judge training schedules to SBE prior to the primary and general elections. Require that all local boards submit their Election Judges' Manual and Early Voting Manual/Supplement for approval by SBE and that all chapters of the manuals have been approved by SBE in advance of the local board's printing schedule.</p> <p>SBE staff will select and attend election judge training sessions. When practical, SBE staff will attend at least six election judge training sessions during each presidential election year and each gubernatorial election year. SBE will visit all local boards' training sessions on a rotating basis so that all local boards are eventually visited. SBE will use a checklist of items pertaining to election judge training to determine if the local board is in compliance with the training content and time requirements.</p>
Thresholds	Local boards must: (1) submit Election Judges' Manual and Early Voting Manual/Supplement to SBE for approval; (2) use instruction sheets and training curricula approved by SBE; and (3)

	comply with the requirements for election judges training contained in COMAR 33.02.03 and 33.17.05.03.
Auditor	Election Reform Division
Timeline	SBE staff will observe election judge training conducted by the local boards prior to the primary and general elections. SBE will select the training sessions to observe and will notify the selected local boards at least one week in advance of the scheduled training.
Follow-up	SBE staff will offer to discuss findings with local board staff immediately after the conclusion of the training or within one week of the training class. SBE staff will provide a summary report to election directors. If necessary, SBE will notify the appropriate election director about recommended corrective actions.
Report(s)	Election Judge Training Checklist (L:\Library\Elections\2022 Election\Election Judges\Curriculums), submitted Election Judge Manual chapters (L:\Library\Elections\2022 Election\Election Judges\Manual_Election Day), and approval emails.

B. Polling Place Evaluation Program

Citation	COMAR 33.07.03.04
SBE Contact	Cortnee Bryant
Why it’s important?	The Polling Place Evaluation (PPE) Program provides SBE and election directors valuable information about activities in voting locations.
Background Information	Each election director shall develop and, with the approval of the State Administrator, establish and implement a polling place evaluation program using the polling place evaluation form issued by the State Administrator.
What are we looking for?	That: (1) Each election director has established and implemented a polling place evaluation program using the polling place evaluation form issued by the State Administrator; (2) There were unannounced early voting and election day visits to voting locations to assess the election judges' compliance with applicable procedures and their general performance. When requested by the State Administrator, a report of the results of that election’s evaluations were submitted and in the form that the State Administrator requests.
How will we test it?	SBE will request submission of complete PPE forms and summary reports and review forms or reports for completion.
Thresholds	During early voting, local boards are required to evaluate each early voting center at least once during the early voting period, or twice if the early voting center has never been used for voting before.

	<p>On election day, ALL local boards, regardless of size, should aim to evaluate 25% of their polling places. Polling places with new chief judges must be included in that 25 percent. Any polling place that SBE has requested to be evaluated due to prior findings must also be evaluated as well. At the end of the election year, 50% of a local board’s polling places will have been evaluated, and 100% will have been evaluated at the end of the following election year.</p> <p>Polling places must be evaluated during each election. Local boards should aim to evaluate at least 25% of their polling places for the primary and 25% for the general election. However, if they are unable to meet the 25% goal for the primary, they may make up for it by evaluating more precincts during the general, as long as they reach the 50% requirement for that election cycle.</p> <p>Local boards may also choose to evaluate more than 25% of their precincts in the primary election, and then evaluate their remaining precincts during the general, but they must make sure they have evaluated 50% of their precincts in one election year.</p> <p>During the next election cycle, local boards must evaluate the remaining 50% of their precincts, so they have evaluated 100% of their precincts over four years.</p> <p>*Because we are returning polling places after the use of vote centers in 2020, and because the new PPE Program guidelines were first approved in 2019, the cycle for evaluating all polling places will start with the 2022 Primary Elections and end with the 2024 General Election.</p> <p>SBE will evaluate:</p> <ol style="list-style-type: none"> 1) that 50% of polling places have been evaluated for the election year, polling places were evaluated during each election, that all early voting centers have been evaluated at least twice during each election, and that all polling places that SBE requested to be evaluated were all evaluated as required in Polling Place Evaluation Guidelines; 2) that local boards use SBE approved evaluation form; 3) that returned evaluation forms are complete; and 4) the content of the responses contained in the evaluation forms.
Auditor	Election Reform Division
Timeline	Within 2 months of each election, the local boards shall submit to SBE completed PPE forms and a summary report in the form that the State Administrator requests. The forms can be scanned and sent via email or sent to SBE on a CD.
Follow-up	SBE will review completed PPE forms and the summary reports submitted by all local boards. If corrective actions are needed, SBE

	will provide a summary report that includes recommended corrective actions.
Report(s)	Polling Place Evaluation Forms, Summary Report, PPE Report by Precinct, PPE Summary by Precinct (L:\Library\Elections\Polling_Place_Evaluation_Program\Polling_Place_Evaluation_Program_2022)

C. Accessibility by Individuals with Disabilities

Citation	Election Law Article, § 10-101; COMAR 33.15.03
SBE Contact	Cortnee Bryant
Why it’s important?	Local boards must attempt to provide voting locations that meet State standards for accessibility. The voting process must be accessible to people with disabilities.
Background Information	Except in an emergency, a local board cannot use an early voting center or polling place in any election: <ul style="list-style-type: none"> • Until the local board uses SBE’s Polling Place Accessibility Survey Form to fully survey the voting location; and • If the building has been substantially modified after it was last surveyed, until the local board uses SBE’s Polling Place Accessibility Survey Form to fully survey the modified voting location.
What are we looking for?	SBE staff will check to ensure that an accessibility survey is conducted for all early voting centers and polling places. SBE also requires accessibility surveys be included in requests for new polling places.
How will we test it?	SBE will review the SBE polling place database to ensure that accessibility surveys have been completed for all existing and proposed polling places and that the local boards have requested any temporary measures that will improve access during voting hours.
Thresholds	100% of early voting centers and polling places have been surveyed by the local board.
Auditor	Election Reform Division
Timeline	Local boards are required to have submitted completed accessibility forms for all early voting centers and polling places prior to using the voting locations for elections.
Follow-up	SBE will request from the local boards accessibility surveys that have not been submitted for all early voting centers and polling places.
Report(s)	Completed Accessibility Surveys (L:\Library\Elections\Polling Place\Accessibility Surveys\[Specific local board] Accessibility Survey Check (L:\Library\Elections\Polling Place\Accessibility Surveys\ADA Survey Check\Accessibility Check

D. Ballot Accounting

Citation	Election Law Article, § 9-216; COMAR 33.10.01.18
SBE Contact	Cortnee Bryant
Why it's important?	To ensure that all pre-printed ballots are accounted for.
Background Information	<p>Election judges shall prepare a complete accounting of the ballots issued to the voting location in accordance with written procedures and on forms that the local board, with the approval of the State Board, adopts.</p> <p>The accounting shall include the number of ballots:</p> <ul style="list-style-type: none"> • Furnished to the polling place; • Issued to voters; • Voted; • Spoiled; and • Not used.
What are we looking for?	That each local board has evidence of a system that ensures that election judges follow procedures to account for, and maintain control over, the pre-printed ballots in each voting location.
How will we test it?	<p><u>For Election Day</u>, each local board shall use the same precincts randomly selected for Voting System Verification (section 1.D. of these guidelines (page 6) that requires the greater of 3 precincts with more than 300 registered voters or 5% of all election day precincts).</p> <p><u>For Early Voting</u>, each local board shall select one early voting center (randomly selected where more than one early voting center operates).</p> <p>Within <u>30</u> days of election day, the local board shall forward to SBE documents showing that election judges properly accounted for all pre-printed ballots issued to the precincts. These documents are:</p> <p><u>For Early Voting</u>: Completed and signed <i>Ballot Security Certificate</i>, <i>Early Voting Ballot Information Opening & Closing Certificate</i> (or equivalent form that includes the same functions and characteristics as the certificate) and <i>Early Voting Closing Summary Report</i>. Both forms are summary forms for all days of early voting. The page length of the <i>Ballot Information Opening & Closing Certificate</i> depends on the number of ballot styles. The <i>Closing Summary Report</i> is two-pages. If a local board chooses to have their judges complete daily versions of these forms for every day of early voting, they will need to submit each set of forms from each day of early voting.</p>

	<p><u>For Election Day:</u> Completed and signed <i>Ballot Security Certificate</i>, <i>Ballot Information Opening & Closing Certificate</i> (or equivalent form that includes the same function and characteristics as the certificate), and <i>Closing Summary Report</i> for the selected precincts.</p> <p>SBE will review the documents to determine if election judges properly accounted for all pre-printed ballots issued to the voting locations. SBE may require the local board to forward documents on additional precincts.</p>
Thresholds	Local boards must submit documentation as required by SBE.
Auditor	Election Reform Division
Timeline	Within 30 days of election day, each local board shall submit the documents that demonstrate that election judges properly accounted for all pre-printed ballots issued to voting centers. The forms can be scanned and sent via email or sent to SBE on a CD.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, the summary report will include recommended corrective actions.
Report(s)	<p>The completed ballot accounting forms (listed below) submitted by each local board shall serve as the reports for this section.</p> <ul style="list-style-type: none"> • <i>Ballot Security Certificate- Early Voting</i> • <i>Ballot Information Opening and Closing Certificate - Early Voting</i> • <i>Closing Summary Report- Early Voting</i> • <i>Ballot Security Certificate- Election Day</i> • <i>Ballot Information Opening and Closing Certificate - Election Day</i> • <i>Closing Summary Report- Election Day</i> <p>(L: Elections\[Appropriate Election]\Election Judges\Ballot Accounting- Completed Forms\[Specific local board])</p>

E. Mail-In Ballot Drop Box Evaluation

Citation	COMAR 33.11.03.08B(3), COMAR 33.11.03.06A
SBE Contact	Tracey Hartman
Why it’s important?	<p>The Ballot Drop Box (drop box) allows voters to drop off a ballot at designated locations before and on election day. Voters who do so are entrusting to their local board that their ballots are:</p> <ul style="list-style-type: none"> • Secured in the ballot box; • Retrieved by authorized local board staff; and • Returned safely by the local board staff to the local board office for canvassing.
Background Information	SBE establishes the minimum requirements for drop box locations, retrieval time and intervals, and security protocol

	<p>related to the installation, integrity, and retrieval of the ballots (and retrieval of a temporary drop box), as described in the <i>Ballot Drop Boxes: Chain of Custody Procedures for Removal and Return of Election Materials (“the Procedures”)</i>.</p>
<p>What are we looking for?</p>	<p>That:</p> <ul style="list-style-type: none"> • Each local board recorded the installation, replacement, and any emergency seal numbers on the <i>Ballot Drop Box Integrity Transportation Report (the “Integrity Report”)</i>. • Each local board took pictures of any instance of a tampered ballot box and reported it to the appropriate regional manager. • Each local board retrieved ballots from the drop boxes at the minimum time intervals required, recorded the required information on the <i>Integrity Report</i>, and in accordance with the <i>Procedures</i>. • Ballots from drop boxes were accepted at the local board office in accordance with the <i>Procedures</i> and the number of ballots received and the tamper tape number of each ballot box is recorded each time on the <i>Ballot Drop Box Acceptance Log (the “Acceptance Log”)</i>.
<p>How will we test it?</p>	<p>SBE will:</p> <ul style="list-style-type: none"> • After election day, randomly select 5% of ballot drop box locations for each local board, with a minimum of one per local board. (This works out to one selected drop box for all with 29 or less drop boxes, two selected for local boards with 30- 49 drop boxes, and three selected for local boards with 50 or more drop boxes.) • Review the <i>Integrity Reports</i> to confirm that the opening seal number on the drop box matches the seal number placed on the drop box at the previous ballot retrieval. • Review the <i>Integrity Reports</i> to ensure that the ballots were retrieved at appropriate intervals. • Review the <i>Acceptance Log</i> to ensure that each ballot bin retrieved from a drop box is received at the local board office. • Review the <i>Acceptance Log</i> to ensure that the tamper tape number from the ballot bin listed on the <i>Acceptance Log</i> matches what is listed on the corresponding <i>Integrity Report</i>. • Review the <i>Acceptance Log</i> to ensure that the number of ballots received in each ballot box from each retrieval is listed on the <i>Acceptance Log</i>. • Review the <i>Integrity Reports</i> and <i>Acceptance Log</i> to ensure that each ballot retrieval and acceptance was signed or initialed by local board staff or designee. • Review the <i>Acceptance Log</i> to confirm that the local staff or designee who signed for the ballots at the office is not the same person who retrieved the ballots from the drop box.

Thresholds	A local board will electronically submit all required documentation via to SBE. Any variation from the procedures listed in the <i>Procedures</i> as outlined in this document will be considered a finding.
Auditor	Administration
Timeline	Within one week of certifying the election results, each local board will submit required forms to SBE.
Follow-up	SBE will review the documentation submitted by each local board. SBE staff will provide a summary of its review to election directors within the Comprehensive Audit Report. If necessary, the summary report will include recommended corrective actions.
Report(s)	Integrity Reports and Acceptance Logs submitted by the local boards: L:\Library\Elections\[Specific Election]\Ballot Drop off Boxes\Completed Integrity Reports & Acceptance Logs\[Specific local board]

3. Canvassing and Post-Election Reconciliation

A. Post-Election Audit – Precinct Audit

Citation	COMAR 33.08.05.06
SBE Contact	Shafiq Satterfield
Why it's important?	This audit confirms the accuracy of the election judges' statements. It includes auditing signed voter authority cards, reports from the pollbooks, and official returns.
Background Information	<p>For each precinct, SBE will provide a report showing the number of voters who checked in to vote (from the electronic pollbook), the number of ballots cast (from ERM), and the difference between the two numbers. If the difference is 5 or more, the election director shall conduct a manual audit.</p> <p>An election director must conduct a manual audit for each precinct selected under COMAR 33.08.05.04 and for any precinct where the difference between check-ins and ballots cast is greater than 5. To conduct the manual audit, the local board must hand count the signed VACs and compare the number of signed VACs with the number of ballots cast (from ERM).</p>
What are we looking for?	Each local board performed the post-election audit for the voting units and timely submitted the audit and verification workbook.
How will we test it?	SBE will review audit and verification workbook and verify that results of post-election audit reconcile with the results of the system verification.
Thresholds	A manual audit must be conducted by the Election Director if the difference is 5 or more.
Auditor	Voting Systems
Timeline	The post-election audit must be performed before the local board certifies the election.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, SBE will notify the appropriate election director about recommended corrective action. If SBE provides comments on the post-election audit procedures, the election director shall respond accordingly.
Report	<p>The LBE-specific workbooks provided by SBE that each LBE completes and returns to SBE serves as the report for this audit section. Completed Workbooks are saved as '[LBE number]_[LBE Name] [Specific Election] Audit and Verification.xlsx.' (These are the same worksheets as used for the Vote System Verification but with separate tabs for the precinct audit.)</p> <p>Completed workbooks and supporting documentation are saved at: (L:\Library\Elections\[Appropriate Election]\[Specific Election] Vote System Verification\[Specific LBE].</p>

B. Post-Election Audit – Mail-in and Provisional

Citation	COMAR 33.08.05.07
SBE Contact	Melissia Dorsey
Why it's important?	This audit confirms the accuracy of the local boards' actions related to mail-in and provisional results. It includes the mail-in ballot applications, mail-in ballots, provisional ballot applications (regular and special), and other relevant documents.
Background Information	<p>The local board shall randomly select and review:</p> <ul style="list-style-type: none"> • Accepted mail-in ballots to confirm that there was a timely request, the ballot was timely received, and the oath was signed • Rejected mail-in ballots to confirm that the ballot was untimely, oath was not received, or it was rejected for another valid reason • Accepted provisional ballots to confirm that the voter was registered to vote, voted the ballot for the voter's residence, and all other requirements were met • Partially accepted provisional ballots to confirm that the voter was registered to vote, voted a ballot for a precinct where the voter does not reside, and all other requirements were met. • Rejected provisional ballots to confirm that the voter was not registered to vote or the ballot was rejected for a valid reason. <p>In the <i>Election Audit and Verification Procedures</i> manual, SBE established the number of mail-in and provisional ballots to audit.</p> <ul style="list-style-type: none"> • 50 accepted mail-in ballots • 50 rejected mail-in ballots • 50 accepted provisional ballots <ul style="list-style-type: none"> ○ 25 accepted in full ○ 25 accepted in part • 50 rejected provisional ballots <p>If a local board does not have enough ballots of any one category, audit all of the ballots in that category.</p> <p>To randomly select mail-in and provisional ballots, the election director shall:</p> <ol style="list-style-type: none"> a. Determine the total number of ballots in each category above (e.g., 1500 accepted mail-in ballots) b. Divide the total number of ballots in that category by 50 (e.g., 1500 divided by 50 = 30)

	c. The result in the selection interval. Select every 30 th accepted mail-in ballot application from the bin where they are stored.
What are we looking for?	Each local board performed the post-election audit for the mail-in and provisional ballots and timely submits the mail-in and provisional workbook. The person who performs the audit should not be the person who performs data entry.
How will we test it?	SBE will review mail-in and provisional workbook and verify that local boards’ actions on the tested mail-in and provisional ballots were correct.
Thresholds	<ol style="list-style-type: none"> 1. Local boards must review the minimum number of randomly selected ballots (from each category) and use the SBE spreadsheet to capture the results; and 2. 100% of mail-in and provisional ballots selected for audit must be accurate. 3. The person who performs the audit should not be the person who performs the data entry.
Auditor	Election Reform Division
Timeline	The post-election audit must be performed before the election is certified.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, SBE will notify the appropriate election director about recommended corrective action. If SBE provides comments on the post-election audit procedures, the election director shall respond accordingly.
Report(s)	Completed Worksheets (L:\Library\Elections\[Appropriate Election]\Post-Election Audit_ABs and PROVs\[Specific Election]\[Specific Local Board

C. Voters with Multiple Voting Credit

Citation	<i>LBE Canvass Instructions</i> issued by SBE.
SBE Contact	Lisa Dennis
Why it’s important?	This audit confirms the accuracy of the local boards’ actions related to voters with multiple voting credit. It includes the mail-in ballot applications, signed mail-in oaths, voter authority cards (regular and provisional), provisional ballot applications (regular and special), and other relevant documents.
Background Information	Using the E-40 Report generated by MDVOTERS and the Multiple Status Report (MSR) generated by SBE from the electronic pollbook server, local boards must prepare for the mail in ballot and provisional canvasses by researching voters who have more than one voting status for the election.
What are we looking for?	Each local board performs the tasks detailed in the <i>LBE Canvass Instructions</i> and researches voters who have more than one voting status for the election. Local boards have submitted to SBE the required documentation for voters who have more than one

	voting status and removed the incorrect voting credit, if applicable.
How will we test it?	SBE will review the E-40 Report, MSR, and documentation submitted by each local board to ensure the canvassing outcomes are correct and research was performed by each local board.
Thresholds	Local boards must: (1) conduct the research to determine whether a voter who has more than one voting status for each election is accurate; (2) perform the correct canvassing outcome; and (3) submit to SBE all documentation for voters who have more than one voting status.
Auditor	Administration
Timeline	The research on voters with multiple voting credit must be performed before the election is certified.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, the summary report will include recommended corrective actions. If SBE provides comments on the post-election audit procedures, the election director shall respond accordingly.
Report(s)	E-40 Final Report from MDVOTERS, E-40 research from each local board including copies of documents, Letters to voters with multiple voting credit. (L:\Library\Elections\[Appropriate Election]\Voters with Multiple Voting Credit)

D. Canvassing Minutes

Citation	COMAR 33.11.04 and COMAR 33.16.05, <i>Provisional Voting Manual</i> issued by SBE, and Sample Mail-in Ballot and Provisional Ballot Canvass Minutes issued by SBE and saved to the Online Library.
SBE Contact	Tracey Hartman
Why it’s important?	Provides a summary of the canvasses and statistics and reconciliations for each canvass.
Background Information	Canvassing minutes serve as an official record of each canvassing session of the local board of canvassers. Information provided in the canvassing minutes can be used to validate data from the voting system and MDVOTERS.
What are we looking for?	Copies of canvassing minutes have been submitted, include the required parts of the canvass, and provide relevant statistics.
How will we test it?	SBE will review the canvassing minutes to determine whether the minutes reflect the required activities during the canvass and compare statistics in the minutes with statistics from the Statewide voter registration system and the voting system. SBE will compare the data reported in the minutes against data from the statewide voter registration system (MDVOTERS) and the voting system (ERM) to identify any discrepancies between the three data sources.

Thresholds	Where the variance between data in the canvassing minutes and either MDVOTERS or ERM is greater than 1%, the variance will be included in the Comprehensive Audit Report.
Auditor	Administration
Timeline	Local boards shall promptly prepare canvassing minutes for each canvass and within 60 days of the election, present to the local board of canvassers draft minutes for approval. Within 10 days of approval, the local boards shall forward to SBE a copy of the approved canvassing minutes. Within 60 days of receipt, SBE shall review and provide comment on the canvassing minutes. If draft canvassing minutes are submitted, SBE shall review and within 10 days of receipt, provide comments on the draft minutes.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, the summary report will include recommended corrective actions.
Report(s)	<p>“MDVOTERS, ERM & Minutes” and “LBE Audit” tabs in [Election Type]_Mail-in Statistics_EAC Data.xlsx and [Election Type]_Provisional_Statistics_EAC Data.xlsx, located at: (L:\Library\Local_Boards\[Election Year] Audits\[Specific Election]\Sections 3D-F).</p> <p>Minutes submitted by local boards saved at: L:\Library\Local_Boards\Local_Board_Minutes & Mtg Notices\[Election Year] County_Board_Minutes\[Specific local board]\[General Election or Primary Election] Canvassing Minutes</p> <p>Raw data from MDVOTERS saved at: (L:\Library\Local_Boards\[Election Year] Audits\[Specific Election]\Sections 3D-F\MDVOTERS Data.</p> <p>Voting System Cards Cast Report: “[Specific Election]_Cards Cast Report.xlsx, saved at: L:\Library\[Appropriate Election]</p>

E. Provisional Data Review

Citation	<i>Provisional Voting: Training Guide for Processing and Canvassing Provisional Ballots</i> issued by SBE.
SBE Contact	Tracey Hartman
Why it’s important?	Ensure that the legal standards for canvassing provisional ballots were properly applied and that the data entered into MDVOTERS mirrors the actions taken by the local board of canvassers.
Background Information	The local boards enter information into MDVOTERS from the provisional ballot application and the recommended disposition (accept in full, accept in part, or reject and why reject) for each provisional ballot application. Following an election, each local board meets at its designated counting center to canvass the provisional ballots cast in that election in accordance with the

	<p>regulations and guidelines established by SBE. If the local board of canvassers does not agree with the staff recommendation, the staff must change the information entered into MDVOTERS.</p> <p>Changes to the data in MDVOTERS can be made until the election is certified in MDVOTERS. Before the certification in MDVOTERS, SBE will notify the local boards of the required changes. After certification in MDVOTERS, SBE creates a list of needed changes and provides the list to the local boards once the election in MDVOTERS has been uncertified.</p>
What are we looking for?	That the provisional ballots numbers from MDVOTERS and ERM from each local board reconcile and that rejected provisional ballots were rejected appropriately.
How will we test it?	SBE reviews the worksheet or data from MDVOTERS and ERM from each local board. SBE compares the number of voters with “accepted in full” or “accepted in part” provisional credit in MDVOTERS against the number of ballots counted on the provisional canvass memory device. After accounting for mail-in ballots that were canvassed in the provisional canvass and provisional ballots that were canvassed in a mail-in canvass, the (reconciled) difference between ERM and MDVOTERS should be zero. SBE also reviews (for anomalies) the rejection reasons for provisional ballots.
Thresholds	Any reconciled variance between the data that is greater than 1% will be included in the Comprehensive Audit Report.
Auditor	Administration
Timeline	Once the local boards have entered into MDVOTERS the required information, SBE will review the provisional voting data. The review is typically completed about 2 months after an election.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, SBE will notify the appropriate election director about recommended corrective action. This review may also lead to a more thorough audit of provisional voting.
Report(s)	<p>“MDVOTERS, ERM & Minutes” and “LBE Audit” tabs in [Election Type]_Mail-in Statistics_EAC Data.xlsx and [Election Type]_Provisional_Statistics_EAC Data.xlsx, located at: (L:\Library\Local_Boards\[Election Year] Audits\[Specific Election]\Sections 3D-F).</p> <p>Raw data from MDVOTERS saved at: (L:\Library\Local_Boards\[Election Year] Audits\[Specific Election]\Sections 3D-F\MDVOTERS Data.</p> <p>Voting System Cards Cast Report: “[Specific Election]_Cards Cast Report.xlsx, saved at: L:\Library\[Appropriate Election].</p>

F. Mail-in Data Review

Citation	Election Law Article § 11-302; COMAR 33.11.04 and .05
SBE Contact	Tracey Hartman
Why it's important?	Ensure that the legal standards for canvassing mail-in ballots were properly applied.
Background Information	The local boards record the receipt of voted ballots in MDVOTERS when voted ballots are received. Following an election, each local board meets at its designated counting center to canvass the mail-in ballots cast in that election according to the regulations and guidelines established by the State Board. After the canvass, the local boards record in MDVOTERS the disposition of each voted ballot.
What are we looking for?	That the mail-in ballots numbers from MDVOTERS and ERM from each local board reconcile and that rejected mail-in ballots were rejected appropriately.
How will we test it?	SBE reviews the worksheet or data from MDVOTERS and ERM from each local board. SBE compares the number of voters with accepted mail-in voting credit in MDVOTERS with the number of ballots counted on the mail-in canvasses memory card. After accounting for mail-in ballots that were canvassed in the provisional canvass and provisional ballots that were canvassed in a mail-in canvass, the (reconciled) difference between ERM and MDVOTERS should be zero. SBE also reviews (for anomalies) the reasons mail-in ballots were rejected.
Thresholds	Any reconciled variance between the data that is greater than 1% will be included in the Comprehensive Audit Report.
Auditor	Administration
Timeline	The local boards must enter in MDVOTERS the disposition reasons for each mail-in ballot before the election is certified in MDVOTERS (typically 2-3 weeks after an election). Once certified, SBE will review the disposition reasons. SBE's review is typically completed about 2 months after an election.
Follow-up	SBE staff will provide a summary of its review to election directors. If necessary, the summary report will include recommended corrective actions. This review may also lead to a more thorough audit of mail-in voting.
Report(s)	"MDVOTERS, ERM & Minutes" and "LBE Audit" tabs in [Election Type]_Mail-in Statistics_EAC Data.xlsx and [Election Type]_Provisional_Statistics_EAC Data.xlsx, located at: (L:\Library\Local_Boards\[Election Year] Audits\[Specific Election]\Sections 3D-F). Raw data from MDVOTERS saved at: (L:\Library\Local_Boards\[Election Year] Audits\[Specific Election]\Sections 3D-F\MDVOTERS Data.

	Voting System Cards Cast Report: “[Specific Election]_Cards Cast Report.xlsx, saved at: L:\Library\[Appropriate Election].
--	--

G. Bounced Email Review

Citation	Election Law Article § 9-308.1; COMAR 33.11.03
SBE Contact	Tracey Hartman
Why it’s important?	Ensures that voters who request to receive a mail-in ballot via web delivery are receiving their ballot. Ensures that local boards are properly reissuing voters a ballot whose email address was incorrectly entered into MDVOTERS or whose email address was incorrectly given to election officials.
Background Information	Prior to each election, the Online Ballot Delivery System operates at least 45 days prior to election day. If a voter’s email address is not entered into MDVOTERS correctly, or the voter gives an incorrect email address, the email notifying the voter that his or her ballot is ready to be downloaded will “bounce back” to SBE’s email address. Bounced email addresses are captured on a weekly basis and the list is sent to the local boards so 1) the email address can be corrected in the voter’s record; 2) the voter’s mail-in method can be changed to mail, if necessary; and 3) a mail-in ballot is reissued in MDVOTERS.
What are we looking for?	SBE will review every record captured on the bounced email list to make sure the proper procedures in MDVOTERS are being followed.
How will we test it?	Review each week’s bounced email list to verify the voter’s record is being updated and the proper procedures in MDVOTERS are being followed.
Thresholds	SBE will give the local board up to three days to correct information in MDVOTERS and reissue the voter a new mail-in ballot. If the local board does not correct the information in MDVOTERS and reissue a ballot to the voter within three days of the list being distributed, an audit finding will be noted.
Auditor	Election Reform & Management
Timeline	SBE will review the bounced email list on a weekly basis during each election.
Follow-up	SBE staff will contact the local board if the voter’s record has not been updated or a ballot has not been reissued within three days of distributing the bounced email list.
Report(s)	Weekly Bounced Email Lists: L:\Library\Elections\Absentee\Online Distribution of Mail-in Ballots\[Election Year]_AB Voting Documents\Bounced Email Lists