THE REPORT OF FINDINGS AND RECOMMENDATIONS

of the Maryland Republican Election Integrity Ad Hoc Committee (2017)

ABSTRACT

The Committee was established under Party Bylaws Article IX, Section 9.2b.- by Resolution and passed by majority vote on April 29, 2017 during the Maryland Republican Party Spring Convention to review "irregularities" in our state election process regarding possible fraud, corruption, failures to follow legal procedures, or mishandling of ballots.

Maryland Republican Election Integrity Ad Hoc Committee
October 2017

The Maryland Republican
Election Integrity Ad Hoc Committee

Charlene Cowan   William T. Newton
 Chair   Co-Chair

October, 2017

Ladies and Gentlemen,

In keeping with the expectations outlined by William T. Newton's "Resolution" titled: **Relating to the establishment of a special *Ad Hoc* committee to review the state elections process in support of state law that insures election integrity,** presented and passed by majority vote at the April 29, 2017 Maryland Republican Party Spring Convention, the subsequent convening of this committee and its charge as permitted by Party Bylaws Article IX., Section 9.2 b.- Committees:

To establish an *Ad Hoc* committee to review any "irregularities" in our state election process regarding possible fraud, corruption, failures to follow legal procedures or mishandling of ballots;

that the report of the findings and recommendations of this committee be made public and forwarded to the proper state authority for processing, and;

that the report of this committee is to be completed and submitted in a timely manner as to be relevant in the 2018 election cycle;

It is with great satisfaction and honor that "we" announce the completion of our commission and the publication of this Committee's "Findings and Recommendations" of the Maryland Republican Election Integrity Ad Hoc Committee (MDREIC).

Our review of pertinent Freedom of Information / Public Information Act (FOIA/PIA) responses, public testimony, State Board of Election data, media accounts, judicial actions, legislative audits, and outside investigations was accomplished via Committee telephone conferences, public community meetings and presentations by non-partisan election integrity organizations, along with individual inquiry, study, and investigations conducted by Committee members. It must also be disclosed that the activity of this Committee was directed by the "Resolution's" established guidelines under the full direction of the attending Committee members without input, oversight, or control by the Maryland State Republican Party; beyond the initial creation of the Committee, as prescribed by the passage of the "Resolution".

With our thanks, we wish to acknowledge the detailed resources by reference provided to the Committee by Lewis Porter (Maryland 20-20 Watch, the State's premier independent election

integrity organization), members of Voters Organized for the Integrity of City Elections (V.O.I.C.E) and for the guidance (and referencing) provided by Mr. William T. Newton relating to his association as Plaintiff with cases "Newton v. Linda Lamone- Administrator Maryland State Board of Elections" (2016) and "VOICE v. Baltimore City Elections Board" (Baltimore City Director Armstead Jones/State Administrator Linda Lamone-Defendants). Additionally, the Committee also relied on other publicly available information, data, laws, regulations and also official reports obtained through the Maryland Legislative Services and the various State and Local boards of elections to form the basis of our findings.

This Committee's review discovered systemic deficiencies and failures within the State's election process. Whether these findings rise to the level of criminal is for the State Prosecutor and law enforcement to decide and to take appropriate actions. If our findings require action by the State Legislature because of their failure to provide oversight and clear legal direction, then that will be their responsibility to rectify the failure to the safeguards and address the lack of legal clarity based on our findings and recommendations. And finally, as codified by current Maryland Election Law citation, the executive branch has the duty to intervene; and, each citation requires by law "that the conduct of elections should insure public confidence and trust; that prevention of fraud and corruption is diligently pursued; and any offenses that occur are prosecuted."

Finally, upon the dissolution of this committee, it is with our thanks that we acknowledge the members of this Committee (MDREIC) by roll call:

Charlene Cowan – Chair MDREIC
Baltimore City Central Committee
-Representative District 1

William T. Newton – Co Chair MDREIC
Baltimore County Central Committee
-Representative District 3

Maria Pycha
Baltimore County Central Committee-Vice Chair
-Representative District 3

Ella Ennis
Calvert County Central Committee-Chair

R Grant Helvey, Sr.
Worcester County Central Committee-Chair

Thomas J. Kennedy
Baltimore City Central Committee
-Representative District 11

Sharon Cohen (resigned)
Montgomery County Central Committee
-Representative District 15

Larry Helminiak (non-participating)
Carroll County Central Committee
2nd Vice Chair State Central Committee

Raymond G. Grodecki (non-participating)
Talbot County Central Committee

We would also like to acknowledge the organizational cooperation extended to us at the onset with the establishment of this committee from Patrick O'Keefe, Maryland State Republican Party Political Director.

Respectfully submitted,

_____
Charlene Cowan

_____
William T. Newton

TABLE OF CONTENTS

SUMMARY OF COMMITTEE FINDINGS

Finding 1
Failures in the Baltimore City 2016 Primary Election were widespread and grievous. The pervasiveness of "irregularities" and errors throughout the city significantly undermined the confidence of Baltimore City citizens in the electoral process as cited in the Case of VOTER'S ORGANIZED FOR THE INTEGRITY OF CITY ELECTIONS (Plaintiff) v. Baltimore City Elections Board, Armstead B. C. Jones, SR., Maryland Board of Elections, Linda H. Lamone (Defendants) - (Filed June 01, 2016/Amended June 07, 2016 in The United States District Court for the Northern District of Maryland. Case # JKB-16-1788).

Finding 2
Baltimore City's 2016 Primary Election results were re-certified although a significant portion of precincts could not resolve inconsistencies in vote tallies during a precinct-level review. The re-certification of inaccurate vote tallies was in conflict with Maryland Election Law Article §11-308.

Finding 3
The Baltimore City Board of Election failed to properly staff precincts with the adequate number of election judges in violation of Maryland Election Law §10-201.

Finding 4
During the Baltimore City 2016 Primary Election, at least 1,188 provisional ballots were incorrectly handled. Election judges in Baltimore City allowed provisional ballots to be inserted into the optical scanners instead of keeping them separated in order to be properly canvassed. Due to the identical appearance of provisional ballots to regular ballots, the incorrectly handled provisional ballots were unable to be separated from the vote count thereby corrupting the final vote tally to an unknown extent.

Finding 5
The State and Baltimore City Board of Election Directors did not significantly change 2016 General Election processes to address known issues, which arose in the 2016 Primary Election.

Finding 6
The State Board of Election, as well as the Office of the Attorney General, and the Judiciary failed to protect the sacrosanctity of the electoral process in the aftermath of the Baltimore City 2016 Primary Election debacle by failing to comply with established laws during the process of responding to legal complaints. Their refusal to follow the rule of law and established procedural deadlines further exasperated the lack of confidence of Maryland citizens in the integrity of future elections.

Finding 7
The Election Judge Manual for Baltimore City is error-ridden and contains instructions significantly different from other Election Judge Manuals in the State. The purpose of these inconsistencies between Baltimore City's Election Judge Manual and election judge manuals in other jurisdictions across the state is unknown. Passages found within the Baltimore City Election Judge Manual contain inaccurate and conflicting instructions.

Finding 8
Security controls and accountability mechanisms for sensitive items or equipment, to include ballots, does not exist in Baltimore City. Lack of accountability increases the risk for unlawful manipulation.

Finding 1

Failures in the Baltimore City 2016 Primary Election were widespread and grievous. The pervasiveness of "irregularities" and errors throughout the city significantly undermined the confidence of Baltimore City citizens in the electoral process. These failures are detailed in the Case of VOTER'S ORGANIZED FOR THE INTEGRITY OF CITY ELECTIONS (Plaintiff) v. Baltimore City Elections Board, Armstead B. C. Jones, SR., Maryland Board of Elections, Linda H. Lamone (Defendants) - (Filed June 01, 2016/Amended June 07, 2016 in The United States District Court for the Northern District of Maryland. Case # JKB-16-1788).

<u>BACKGROUND</u>:
The Plaintiff(s), VOTER'S ORGANIZED FOR THE INTEGRITY OF CITY ELECTIONS (VOICE), an unincorporated association of citizens, candidates and individuals of various political party affiliation filed their COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND MANDAMUS through their attorney on June 01, 2016 "alleging as true the following" (see also group's Letter to the Office of State Prosecutor- dated May 04, 2016 – APPENDIX D. The District Court case was filed afterward as a result of 'inaction' by the State Prosecutor of their claims):

1. The Court has jurisdiction pursuant to Plaintiffs complaint about violations of the First, Fourteenth and Fifteenth Amendments of the United States Constitution,
2. Pendent jurisdiction exists for State Law claims that arise from a common nucleus of operative facts,
3. All acts described in the Complaint occurred within the Northern Division of the federal judicial District of Maryland, thus conferring venue upon the court.

Plaintiffs claim on April 26, 2016, the Baltimore City Board of Elections conducted a primary election process that was fraught with so many errors, omissions, and "irregularities" that it produced seriously questionable results that are unable to be reconciled and that Voters are not confident that the process allows the public to determine the actual winners.

And further, the primary election of April 26, 2016 was an absolute disaster for Baltimore voters who expected their votes to be counted with equal weight as the votes of other citizens under the principle of "one man, one vote."

They presented testimony based on population, ethnicity and stated the "election practices in Baltimore City differed from those elsewhere in the state, particularly in the areas of irregularities and irreconcilable irregularities" and "those practices are subject to strict scrutiny for purposes of determining violations of Equal Protection." Those practices used included challenging "voting systems and processes" evidenced by "precincts recording a substantial and disproportionate number of systemic and process-based irregularities". Plaintiffs noted that Baltimore City "has a history of discriminatory practices" giving the example of the 1970 election when eight precincts had to undergo a re-vote. Also, in 2003 and 2004 Baltimore experienced significant ballot access hurdles for prospective candidates due to a 14-month lag between the primary and general election.

The Plaintiffs provided content to the State Prosecutor, the Court and to this Committee challenging Election laws implemented through a series of "flawed administrative systems, processes and procedures, which were approved by the State in the form of re-certification of admitted irreconcilable

irregularities, that allows significantly inaccurate systems of vote counting….”; believed to run afoul of the due process clause of the U.S. Constitution.

FACTS and FINDINGS from the Federal case file:

a) On April 26, 2016 the Baltimore City Board of Elections conducted a primary election fraught with so many errors and irregularities (the term used by Election officials) that it produced doubtful results that were unable to be reconciled to determine who the true winners and runner-ups were in the election;

b) The City and State Board(s) received $11 million in supplemental funds to “recruit and train election judges”, with two years to plan. The City Board held the first training session for an estimated 100 election judges on the Monday evening before the morning of the primary;

c) A large number of polling places opened late, as reported by media, because the judges either were tardy or failed to appear at all for work;

d) The senatorial campaign of Donna Edwards, a member of Congress, filed suit to extend the hours of approximately 15 polling places that opened late….she was unable to get a circuit court judge to issue an emergency order to keep 4 of those polling places open;

e) The resulting court order only applied to those polling locations which opened at least 45 minutes late and did not apply to 9 other locations which opened 30 minutes late;

f) Once these polls opened, the City Board abandoned all standards of quality control and compliance with laws relating to the “right to vote”;

g) It was reported that election judges reviewed voters’ selections before placing the ballots into the scanners and not respecting the voter’s right to vote in secrecy;

h) Polling places ran out of Provisional ballots….and other supplies;

i) At the conclusion of the voting on April 26, 2016, the information gathered by optical scanners was supposed to be transferred to thumb drives and forwarded to the City Board. Eight thumb drives went missing on election night. Seven were ultimately found the next day without establishing any chain of custody….one thumb drive was never found;

j) Candidate campaign workers were allowed to work as election judges filling vacancies; a violation of procedure and impartiality;

k)   Voters with Baltimore County addresses were incorrectly given Mayoral ballots (overlaying districts) and in some locations given ballots with blanks or wrong City Council candidates;

l) Md. Election Code 1-101(ll) requires provisional ballots of voters which cannot be verified on Election Day to be placed in sealed bags; numerous polling places disregarded the law and hundreds of provisional ballots were scanned without verification while others were misplaced;

m) Candidate Ertha Harris was told she was ineligible to vote in her home precinct (her testimony provided by Affidavit);

n) On March 10, 2016, Ex-offenders by Maryland Law were given the right to vote. Letters were sent to Ex-offenders instructing them that they were not permitted to vote (Letter copy provided to VOICE attorney with Affidavit from Plaintiff Dwayne Benbow). It was discovered by the legal team in the case that three dozen ex-offenders received the same letter as was also publicized by media. These incidences are alleged evidence of voter suppression by the Plaintiffs;

o) It was reported by media in interviews that the number of votes cast exceeded the number of control cards by more than 1000. The City Board also acknowledged that 80 provisional ballots

had not been counted. (Note: Subsequent to the Plaintiffs' case filing it was discovered that the number was short of 500 and there was an additional 1881 other "irregularities");

p) Defendant Armstead Jones, the City Board "certified the results of the primary election were verified and accurate". The certification was wrongful and intentional misrepresentation of the election results, the case insisted because

q) After the certification was transmitted, the State Board examined the discrepancy and "decertified the City Board's certification of the election.";

r) The City Board blamed the State Board for a number of problems by stating in the Baltimore Sun article: "The State Board….oversees 24 jurisdictions, but the first time I heard from her (Lamone) was yesterday," Jones said. "They were changing all the rules and procedures. The manual they printed was outdated. I don't know what they expected people to do…". (*See* Luke Broadwater, "Baltimore's election results decertified, state begins precinct-level review of irregularities" Baltimore Sun, May 12, 2016);

s) *(See* F. Nirappil, "Maryland decertifies Baltimore election results, investigates irregularities", Washington Post, May 12, 2016)

t) On May 13, 2016 and May 16, 2016 the State Board conducted its "reconciliation process"; these sessions were NOT monitored by cameras or open to public or campaign's scrutiny. Mayoral Candidate Dixon sued to open the proceeding afterward (See Dixon v. Maryland State Board of Elections, et al.; 24C16002985 in Baltimore City Circuit Court). The result was the process was opened to the public but the public was kept far removed from actual view of work being done.

u) At the conclusion of the reconciliation process on May 24, 2016 nearly a month later, the State Board produced a spreadsheet that detailed the errors and discrepancies in the City Primary election concluding that "the variance between the number of votes counted and the eligible voters could not be reconciled in 74 out of 298 precincts" (or 22% of the total precincts) and the "initial error rate when measured by precinct was thus approximately 86%", the Complaint states;

v) Further the Complaint avers that after "the conclusion of its secretive reconciliation process, Defendant Armstead Jones stated that he would count the 465 "found" provisional ballots and re-certify the election" results. Once he did so the "found" ballot count changed to 551;

w) During the counting of provisional ballots, the City Board claimed that 2,379 ballots had to be disqualified because the prospective voter was attempting to vote in the wrong party primary. The City Board did not allow any observers to verify this claim, however;

x) 1,188 provisional ballots were counted without verification of the voters' qualifications;

y) On May 25, 2016, the City Board "re-certified" the election results of the April 26, 2016 Primary Election, despite the factual data proving that 1,188 votes cast were not to have been cast by legitimate city voters;

z) Plaintiff William T. Newton, a candidate for Congress lost by 46 controversial votes and the Maryland State Board of Elections, along with personal from the City Board stated repeatedly in media interviews "no race was affected by the more than 1,881 admitted 'irregularities'".

> **Keynote: This case was dismissed on Motion from the Maryland Office of the Attorney, counsel on behalf of the Defendants- Baltimore City Board of Elections Director, Armstead Jones, and Maryland State Board of Elections Administrator, Linda H. Lamone, without review of the evidence or any investigation into the allegations or merits of the case. The Motion to Dismiss was granted due to a technical failure by the Plaintiff's attorney to provide a copy of the Complaint to the Defendants within the limited days as required.**

> **Recommendation: The foregoing Facts alleged above present irreparable harm to the Plaintiff's and the citizens of Maryland Constitutional Rights, among them, their right to vote and have those votes counted. The conducting of an election is a non-delegable, non-discretionary duty of the City Elections Board, State Election Board, Armstead Jones, and Linda Lamone. At the very least, in lieu of any criminal investigation into the failed execution of their duty under established Maryland law, this Committee recommends that the Governor exercise his obligation under Maryland Election law 2-201(3)(f) and remove Jones and Lamone "for incompetence, misconduct or other good cause" that he may desire; that this case is also forwarded to the proper State or Federal judicial authority for review; and that the Maryland Legislature convene a special committee to review, hear testimony, receive evidence and request audits sufficient to recommend legislation to safeguard and enforce the sanctity of our election process and to hold accountable others who have taken part in or conspired to undermine the people's right to choose their representatives in government; and that upon the publication of this Committee's report, that these government bodies and individuals must act immediately.**

Finding 2

Baltimore City's 2016 Primary Election results were re-certified although a significant portion of precincts could not resolve inconsistencies in vote tallies during a precinct-level review. The re-certification of inaccurate vote tallies was in conflict with Maryland Election Law Article §11-308.

In May 2016, a "reconciliation" was conducted at the Baltimore City Board of Elections Warehouse[1] by personnel from the State Board of Elections (SBE) to investigate inconsistencies in voter tallies which the Baltimore City Board of Elections staff could not explain.[2]

According to the reconciliation report[3], the discrepancies found at the precinct-level included:

---

[1] 301 N. Franklintown Road, Baltimore, MD 21223

[2] http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-intervention-20160512-story.html

[3] SBE's Reconciliation Report; http://docs.wixstatic.com/ugd/87c9b0_bd44851b2eed4ccc941e975e6668401f.pdf

- 51% (154) of precincts had more regular ballots cast than voters checked in
- 42% of precincts had provisional ballots scanned on election day or during early voting (1,188 provisional ballot erroneously scanned)
- 7% (21) of precincts "found" provisional ballots that had not been canvassed
- 8% (23) of precincts had voting authority cards which should have been cancelled

Additionally, the SBE's reconciliation report found that for 25% of Baltimore City precincts (75 precincts) "cannot balance discrepancy with materials given." In fact, over 22 days after the 2016 Primary Election, documents needed to resolve the vote counts were still being "found."[4] According to meeting minutes from the Maryland SBE meeting on 19 May 2016, State Administrator Linda Lamone acknowledged "some precincts will not be reconciled because the reason for the discrepancy cannot be determined." Lamone publicly acknowledged the SBE's inability to reconcile one-quarter of Baltimore City's precincts on 20 May 2016. In a statement to the Baltimore Sun, Ms. Lamone claimed, "We don't know what happened. The numbers simply don't match."[5] Despite their inability to resolve the discrepancies and determine a reliable vote tally, Ms. Lamone and the SBE chose to re-certify the results on 25 May 2016.

After the failed reconciliation effort, the SBE should have maintained that Baltimore City's 2016 Primary Election was "not in compliance with applicable law or regulation or was otherwise illegal or irregular" as stated in Maryland Election Law Article §11-308[6]. The results of the election could not be legally re-certified.

> **Recommendation: Election officials who were responsible for the re-certification of known corrupted 2016 primary election results in Baltimore City failed to execute their duty under Maryland law. Therefore, it is the recommendation of this Committee that the Governor take appropriate action as obligated under Maryland Election law 2-201 (3)(f) to remove election officials who cannot, or will not, lawfully execute the duties of the office to which they have been appointed.**

Finding 3

The Baltimore City Board of Election failed to properly staff precincts with the adequate number of election judges in violation of Maryland Election Law §10-201.

During the Baltimore City 2016 Primary Election, 99% (293) of precincts did not have an equal number of Democrat and Republican election judges assigned as required by Maryland Election Law §10-201.[7] Maryland Election Law §10-201 clearly states: "each polling place shall have an equal number of election judges from the majority party, and the principal minority party." During the Maryland 2016 Primary Election, the majority party was the Republican Party and the principal minority party was the Democratic Party.[8] Only three precincts out of 296 were properly staffed according to the law.

---

[4] SBE Meeting Minutes, 19 May 2016 - http://elections.maryland.gov/pdf/minutes/2016_05.pdf

[5] http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-update-20160520-story.html

[6] See APPENDIX A

[7] Maryland Election Law Article §10–201; See APPENDIX B

[8] The majority party is the political party who holds the Governor's seat. In 2016, the seat was held by a Republican, Governor Larry Hogan.

After the 2016 Primary Election, the Baltimore City Board of Elections claimed that many judges did not show up at the polls to fulfill their obligation. However, according to information obtained through a Maryland Public Information Act (PIA) response from Election Director, Armstead Jones, the Baltimore City Board of Elections had enough Republican election judges to assign at least one Republican election judge per precinct. Instead of attempting to comply with Maryland Election Law §10-201 to the best of their abilities, election staff chose to assign Republicans to only 61% of city precincts, in flagrant violation of legal guidance. For unknown reasons, 35 Republican election judges were kept at the Baltimore City Elections Office in lieu of being dispatched to a precinct. Some of the limited number of Republican judges were doubled up at polls which already had at least one Republican judge.[9]

Maryland Election Law requires that an election judge be a registered to vote in Maryland.[10] All Maryland voters fall into one of the following categories: Democrat, Republican, Unaffiliated, or Other.[11] At 20% of precincts in the 2016 Baltimore City Primary Election, some assigned judges had an "unknown" party affiliation according to documents provided by the Baltimore City Board of Election. It is unclear if all of these election judges are registered to vote as required by Maryland Election Law §10-202.

> **Recommendation**: Baltimore City Board of Elections personnel have failed to both recruit an adequate number of election judges, and appropriately staff polls with election judges of requisite party affiliation. Under Maryland Election Law 2-202(2)(i), other voters in the state may be brought from outside counties to serve as election judges in Baltimore City which would assist in filling the election judge gap that Baltimore City elections personnel have routinely failed to fill. Therefore, it is the Recommendation of this Committee that the failure of the Board of Elections to comply with Maryland law be reviewed by the State Board of Election, the Maryland General Assembly and other agencies. Appropriate action should be taken as necessary for accountability, enforcement and/or disciplinary measures up to and including dismissal and replacement of the person(s) responsible.

Finding 4

During the Baltimore City 2016 Primary Election, at least 1,188 provisional ballots were incorrectly handled. Election judges in Baltimore City allowed provisional ballots to be inserted into the optical scanners instead of keeping them separated in order to be properly canvassed. Due to the identical appearance of provisional ballots to regular ballots, the incorrectly handled provisional ballots were unable to be separated from the vote count thereby corrupting the final vote tally to an unknown extent. The fact that the corruption of the vote tally was high enough to affect the results of the 7th Congressional Republican Primary race was ignored by election officials and the local media.

According to Maryland State Election Law §1-101, a provisional ballot means "a ballot that is cast by an individual but not counted until the individual's qualifications to vote have been confirmed by the local

---

[9] Spreadsheet of Election Judges and Assignments on 28 April 2016; Obtained from Public Information Act request dated 6 June 2016 from Maryland 20-20 Watch to Baltimore City Election Director, Armstead Jones

[10] Maryland Election Law Article §10–202, See APPENDIX C

[11] As of 2015, there were four political parties recognized by the State Board of Elections: Democratic, Republican, Libertarian and Green. In this case, Libertarian and Green would fall into the category of "Other" for Baltimore City Board of Election purposes. http://msa.maryland.gov/msa/mdmanual/40party/html/parties.html

board."[12] If a Maryland voter appears at a precinct to vote during early voting or on Election Day, and the voter's name does not appear in the voter rolls at that precinct, the voter is allowed to complete a provisional ballot. The provisional ballot is accompanied by a written affirmation that the voter is a Maryland voter and eligible to vote in the election. Once completed, the provisional ballot is to be kept separated from regular ballots in a sealed bag so that election officials can later canvass the provisional ballot and confirm the voter's eligibility.

The provisional ballot process, which was effectively carried out all over Maryland during the 2016 Primary Election, failed in Baltimore City in at least 42% of precincts in the city resulting in 1,188 provisional ballots being erroneously scanned into machines with regular ballots. [13] The 1,188 votes from potentially ineligible voters could not be subtracted into from the election results because there is no method to determine which provisional ballots were properly cast.[14]

The cause of the extremely high number of improperly handled provisional ballots was explained by Baltimore City Elections Director Armstead Jones during a State Board of Elections (SBE) meeting on 30 June 2016. According to the meeting minutes from 30 June 2016, "Mr. Jones stated that election judges were confused, lacked training or leadership, or lost track of the provisional voter in the process." Election officials questioned Jones on whether the voting room within the problem precincts was properly set up in accordance with state-issued guidance.[15] It is unknown whether voting room layout contributed to the election judges' errors. During the 2016 Primary Election, less than 200 instances of improperly handled provisional ballots occurred the other 23 Maryland counties. Baltimore City had over nine times that many improperly handled provisional ballots during the 2016 Primary Election.[16]

In addition to the 1,188 provisional ballots that were improperly scanned into the machines with regular ballots, the SBE's reconciliation in May 2016 found that 555 additional provisional ballots had not been analyzed or counted. According to the Baltimore Sun on 25 May 2016, 368 of the 555 recovered provisional ballots were rejected. The remaining 169 provisional ballots were included into the final vote totals and purportedly did not affect the outcome of any primary race in Baltimore City.[17] The reason these 555 additional provisional ballots were initially overlooked remains unknown.

According to SBE meeting minutes from 30 June 2016, Jones confirmed that all provisional ballots were reviewed, but he did not know how many were ineligible.[18] Twenty-six days after local media reported that the 169 accepted provisional ballots did not affect the outcome of any race, the Baltimore City Elections Director still could not confirm to the SBE how many provisional ballots were found eligible.

Election officials claimed that the 1,188 provisional ballots improperly scanned would not have affected any of the Baltimore City primary races. John T. Willis, from the Schaefer Center for Public Policy at the

---

[12] http://www.elections.state.md.us/laws_and_regs/documents/Election%20Law%202011.pdf

[13] SBE's Reconciliation Report; http://docs.wixstatic.com/ugd/87c9b0_bd44851b2eed4ccc941e975e6668401f.pdf

[14] http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-report-20160523-story.html

[15] http://elections.maryland.gov/pdf/minutes/2016_06.pdf

[16] Baltimore's Primary Election Foul Ups Did Not Happen Elsewhere in MD; http://marylandreporter.com/2016/06/10/baltimores-primary-election-foul-ups-did-not-happen-elsewhere-in-md/

[17] http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-count-20160524-story.html

[18] http://elections.maryland.gov/pdf/minutes/2016_06.pdf

University of Baltimore, apparently examined the 2016 Primary Election results and determined that the unlawfully scanned provisional ballots had no electoral impact because "they were precincts in which different candidates won […] In other words, it was not skewed in one direction or another and it was less than the margin of error for any contest."[19] Apparently, neither Willis, nor the local media, nor the SBE investigated the impact of the high number of possibly ineligible provisional ballots on Congressional District primary races.

The erroneously scanned provisional ballots would have impacted one 2016 primary race; the Republican Primary in the 7th Congressional District. In the 2016 Primary, three Republican candidates ran for the 7th Congressional District: Ray Bly, Corrogan Vaughn, and William T. Newton. According to the SBE website[20] the results were as follows:

	Ray Bly	William T. Newton	Corrogan R. Vaughn
Baltimore City	286	677	681
Baltimore	1,886	4,886	4,505
Howard	2,179	5,036	5,459
Totals	4,351 (17%)	10,599 (41.4%)	10,645 (41.6%)

The official results indicate Vaughn won the Republican primary by a total of 46 votes. However, 743 provisional ballots were improperly scanned from the 186 Baltimore City precincts within the 7th Congressional District boundaries and could not be removed from the vote count. Given the information that the MDREIC is currently in possession of, it is impossible to determine how many of these 743 provisional ballots were eligible or ineligible, or whether they were Republican or Democrat ballots.

According to the VOICE court case, multiple unaffiliated voters, who are not eligible to vote in closed primaries, arrived at various precincts throughout Baltimore and were given Republican ballots and allowed to vote in the Republican Primary Election (see VOICE's letter to State Prosecutor; APPENDIX D). It is unknown how many of the 743 provisional ballots were cast by unaffiliated voters and would have been rejected upon canvassing. Jones acknowledged the unaffiliated voter issue during the 19 October 2016 hearing of Baltimore City Council's Legislative and Investigatory Subcommittee, stating, "A lot of people thought we had open elections in the state of Maryland."[21] However, Jones did not specifically comment on the prevalence of unaffiliated voters who cast provisional ballots in the 2016 Primary Election.

Willis has reported that generally sixty percent of provisional ballots are found eligible and get counted.[22] Of the 555 provisional ballots found after the 2016 Baltimore City Primary, 368 provisional ballots, or approximately 66% were found ineligible and rejected. If one applies this 66% rejection rate to the 743 provisional ballots erroneously scanned at Baltimore City's 7th Congressional District precincts, then it is possible that as many as 490 ineligible votes were unable to be separated from the

---

[19] Baltimore City Council Legislative and Judicial Investigatory Hearing, 19 Oct 2016; https://youtu.be/YQfsHKAm594
[20] http://www.elections.maryland.gov/elections/2016/results/primary/gen_detail_results_2016_3_REP00807.html
[21] Baltimore City Council Legislative and Judicial Investigatory Hearing, 19 Oct 2016; https://youtu.be/YQfsHKAm594
[22] Baltimore City Council Legislative and Judicial Investigatory Hearing, 19 Oct 2016; https://youtu.be/YQfsHKAm594

final vote count. If one assumes that as little as 10% of those 490 votes were Republican ballots[23], then it is entirely possible that at least 49 ineligible provisional ballots were included into the final vote count in the 7th Congressional Republican Primary. The difference in votes between William T. Newton and Corrogan Vaughn was 46 votes.

> **Recommendation: The evidence is clear to this Committee, according to the SBE's own "reconciliation report", that the SBE personnel probably were aware that the electoral outcome in the 2016 Republican Primary for the 7th Congressional District was adversely affected by the high number of corrupted ballots. This fact was ignored when reporting to the local media that the "irregularities" fell within an acceptable margin of error. Proper State and Federal authorities and/or the Maryland Legislature should review the actions taken by elections officials for possible incompetence or misconduct.**

---

[23] The ratio of Republicans to Democrats in Baltimore City is 1:10. However, according to VOICE's 4 May 2016 letter to the State Prosecutor (See Appendix D), unaffiliated voters arriving at polls during the 2016 primary election were given Republican ballots increasing the chance for a Republican primary to be corrupted by unlawfully cast provisional ballots.

Finding 5

The State and Baltimore City Board of Election Directors did not change 2016 General Election processes to address known issues which arose in the 2016 Primary Election.

Election officials blamed changes in machines, changes in election process, and lack of proper election judge training for the "irregularities" during Baltimore City's 2016 Primary Election. John T. Willis, from the Schaefer Center for Public Policy at the University of Baltimore, described the situation surrounding the 2016 Primary Election as, "this confluence of system change, [high] turnout, lack of voter education that caused this [problem]."[24] Willis added, "I was quite frankly stunned because we had been using provisional ballots since 2003 and the process hadn't changed [...]The only thing that had changed was the paper ballot and the scanner; introducing that into the precincts."[25]

Baltimore City Elections Director, Armstead Jones, claimed to have taken a "survey" of select election judges to determine the cause for the major procedural breakdowns during the Primary Election. Jones's survey found that election judge training was actually not a factor in the 2016 Primary Election failure. During a Baltimore City Council hearing on 19 October 2016, Jones stated:

> *I met with 1000 judges who had problems in their precincts. We were at War Memorial and we had four classes of maybe 200 judges each time and talked about moving forward and what we need to do. They did a survey as well and that survey, as well as the one that the judges did after the primary with the trainers, did not show that there was poor training.[26]*

The results of Jones's survey revealed that one of the most common responses among election judges at precincts with significant errors was that the provisional ballots and regular ballots looked identical.[27] The identical appearance of provisional and regular ballots has not been altered for future elections.

According to the State Board of Elections' July 2016 meeting minutes, a provisional ballot committee had been created to develop a plan to stop provisional ballots from being scanned. [28] On 19 October 2016, Jones explained that a new procedure had been developed by local election boards in collaboration with the SBE's committee to handle provisional ballot voters. Jones stated that a separate table for provisional voter check-in would be established in addition to a separate booth; however, the provisional ballots and regular ballots would still look identical. Willis described the new process established by the state and local boards of election:

> *What the state board has done, they put in the middle of the provisional voter authority card the words "Do not issue regular ballot" in big cap letters. That was not there in the primary. They've changed the language on the privacy sleeve that a voter gets, because in the primary the privacy sleeve for the provisional ballot said "Take this folder to an election judge". It didn't say anything*

---

[24] Baltimore City Council Hearing, 19 October 2016; https://www.youtube.com/watch?v=YQfsHKAm594
[25] Baltimore City Council Hearing, 19 October 2016; https://www.youtube.com/watch?v=YQfsHKAm594
[26] Baltimore City Council Hearing, 19 October 2016; https://www.youtube.com/watch?v=YQfsHKAm594
[27] Correct Actions and Lessons Learned, Baltimore City Board of Elections, https://baltimore.legistar.com/View.ashx?M=F&ID=4710932&GUID=10FAE24B-560D-4F0C-B33D-446721108091
[28] http://elections.maryland.gov/pdf/minutes/2016_07.pdf

*about what to do with a ballot because the envelope did not say anything about the ballot [...]
Now the envelope for the general election will say "Do not scan your provisional ballot".[29]*

Due to the shared likeness of provisional ballots to regular ballots, the possibility of improperly scanned provisional ballots still existed after the 2016 Primary Election. In Baltimore City's 2016 General Election, another 146 provisional ballots were improperly scanned[30] proving that the SBE and local boards' mitigation measures adopted from the SBE's provisional ballot committee are not infallible.

Additionally, Baltimore City Board of Elections failed to alter their election judge recruitment practices in order to retain the number of required election judges to properly staff polls. In a hearing with the Baltimore City Council on 19 October 2016, Jones reveals the number of election judges they have recruited:

In the primary, I believe we had recruited close to 3,200 judges, in the primary, and we had 2,800 who registered to sign up for training [...]At the end on [Primary] Election Day, we had less than 1,900. It is very hard to retain judges, election judges, or persons who want to serve by the time we get down to Election Day. This time we have recruited close to 3,700, 3,800 or probably a little better than that. At this point, we have about 2,700 who have been trained.[31]

With less than 14 business days remaining before the 2016 General Election Day, Jones had actually recruited and trained 100 judges less than he had trained in the 2016 Primary Election in which there were a significant number of polls which were inappropriately staffed. In his 19 October 2016 comments to the Baltimore City Council, Jones reported that the last class to train election judges had occurred on 15 October 2016, but that he planned to conduct two more sessions to try to acquire the number of election judges needed. He stated that he thought that another 400 to 500 judges would be trained during the two remaining training sessions.[32]

In the Baltimore City Board of Elections Report on 2016 Primary Election Failures, Jones reported that 2,090 election judges were trained for the 2016 primary, which was 545 judges less than his stated need of 2,635 election judges. In anticipation for the 2016 General Election, Jones increased the number of election judges needed by 296, bringing the total need to 2,931 election judges.[33] According to a 14 September 2016 Baltimore Sun article, Jones intended to train a total of 3,000 election judges for the 2016 General Election.[34] In the 2016 Primary Election, 365 election judges (17% of the 2,090 trained) failed to show up for their duty on Primary Election Day.[35] If one assumes the same 17% no-show rate of election judges in the 2016 General Election, then 510 of the 3,000 trained election judges may not show up. Therefore, Jones's stated election judge need in anticipation of 2016 General Election would have been inadequate. It is unknown if Baltimore City attempts to retain election judges who have not

---

[29] Baltimore City Council Hearing, 19 October 2016; https://www.youtube.com/watch?v=YQfsHKAm594

[30] SBE January 2017 Meeting; http://elections.maryland.gov/about/meeting_materials/January_2017.pdf

[31] Baltimore City Council Hearing, 19 October 2016; https://www.youtube.com/watch?v=YQfsHKAm594

[32] Baltimore City Council Hearing, 19 October 2016; https://www.youtube.com/watch?v=YQfsHKAm594

[33] Correct Actions and Lessons Learned, Baltimore City Board of Elections,
https://baltimore.legistar.com/View.ashx?M=F&ID=4710932&GUID=10FAE24B-560D-4F0C-B33D-446721108091

[34] http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-judges-20160913-story.html

[35] http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-judges-20160913-story.html

shown up for, or prematurely quit, their scheduled duty assignments. According to SBE meeting minutes from 28 July 2016, SBE personnel were aware that Jones's stated need of 2,931 election judges for the 2016 General Election may not be adequate given the history of high no-show rates.[36]

Jones reportedly mailed 20,333 election judge recruitment postcards in the lead up for the 2016 General Election; however, only 180 applications were received as a result of the postcards.[37] On 19 October 2016, Jones explained his recruitment efforts to members of the Baltimore City Council, "We've sent out post cards and mailed them around. We've done e-blasts [sent out emails]. We've been on the news." Jones's efforts to recruit the proper number of election judges failed.

According to SBE meeting minutes from 29 October 2016, SBE personnel acknowledged that they had not received any updates on Baltimore City's election judge recruitment status. SBE administrator, Linda Lamone, reported that the Anne Arundel County Board of Elections had forwarded the names of over 100 individuals who expressed interest in serving as an election judge and lived near Baltimore City to the Baltimore City Board of Elections.[38] It is unknown whether Baltimore City attempted to employ the excess judges that Anne Arundel County Board of Elections had recruited in the 2016 General Election.

> Recommendation: **The State Board of Elections should adopt a policy for provisional ballots which includes either changing the color of provisional ballots, or changing the size of provisional ballots to prevent them from being scanned. If the color or size of the provisional ballot was different than regular ballots, than it would be obvious during reconciliation which ballots cannot lawfully be included into the final vote count since they lack of the proper application data needed to properly canvass.**
>
> **Additionally, Baltimore City Election Director, Armstead Jones, has failed to correctly assess the number of recruited and trained election judges needed to properly staff polls. The SBE is aware of this failure, but did not compel Jones to remedy the situation. Jones, and Baltimore City elections personnel, should adopt some of the recruitment methods of surrounding counties, which have no known significant difficulties in election judge recruitment and retention. Baltimore City Elections personnel should purge the names of unreliable election judges from their database of recruited and/or trained election judges in order to reduce the number of potential no-show judges on Election Day.**

---

[36] http://www.elections.state.md.us/pdf/minutes/2016_07.pdf
[37] http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-judges-20160913-story.html
[38] http://www.elections.state.md.us/pdf/minutes/2016_10.pdf

Finding 6

The State Board of Election, as well as the Office of the Attorney General, and the Judiciary failed to protect the sacrosanctity of the electoral process in the aftermath of the Baltimore City 2016 Primary Election debacle by failing to comply with established laws during the process of responding to legal complaints. Their refusal to follow the rule of law and established procedural deadlines further exasperated the lack of confidence of Maryland citizens in the integrity of future elections.

BACKGROUND:

On May 31, 2016 Plaintiff William T. Newton petitioned the Circuit Court for Anne Arundel County Maryland for the issuance of a Writ of Mandamus enjoining the Maryland State Board of Elections (SBE), its administrator, Linda H. Lamone "to discard the results of the 2016 Presidential Primary Election pertaining to, relating to, but not limited to the 7th District Republican Congressional race and to order a new election as expeditiously as circumstances require". Mr. Newton was a registered Republican candidate in that race.

Only the Court can compel the SBE to conduct and oversee a re-vote. (Subtitle 2-Judicial Review of Elections) and his Petition for Mandamus and challenge is permitted under the Constitution of Maryland, Declaration of Rights-Article 7[39] and the Maryland Rules of Appellate Procedures, Election Law section(s) 12-202, 12-203, 12-204 and the other relevant authorities. (See Appendix E for the complete "Verified Petition for Extraordinary Relief in the Nature of a Writ of Mandamus).

THE FACTS upon which Plaintiff Newton relied and demonstrated a clear entitlement to the Writ confirmed the SBE and other local precincts did not comply with regulations and election law established by the Maryland Legislature.

 They are:
1) Representatives of the State Board of Elections, Baltimore City Board of Elections (BOE) and other state officials authorized to provide public statements have declared via radio, television (video interviews) and print media (archived) on numerous occasions since the conclusion of the 2016 Maryland Presidential Election that the results of the vote canvass(s) is 'corrupted', 'inaccurate' and plagued by "irregularities"[40][41][42]. Further, it was stated on the record that (they) "don't know what happened"[43] and (they) "cannot separate the unverified provisional ballots from the election day totals" and (they) are not including other ballots in the vote count totals.

---

[39] http://msa.maryland.gov/msa/manual/43const/html/00dec.html
[40] http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-intervention-20160512-story.html
[41] https://www.washingtonpost.com/local/md-politics/maryland-decertifies-baltimore-election-results-investigates-irregularities/2016/05/12/fca6e128-1861-11e6-9e16-2e5a123aac62_story.html
[42] http://www.wbaltv.com/news/maryland-state-board-of-elections-decertifies-city-election-results/39515102
[43] https://www.youtube.com/watch?v=OJtIAO9RjXc

2) There are hundreds of confirmed examples of uncertified and untrained election judges working in most precincts causing seventy-five percent (75%) of precincts to not be in compliance with election law, multiple ballots given to single individuals, polls opening late requiring court intervention, eight thumb drives missing (two of which are still unaccounted for). There is irrefutable evidence of ballots counted and added to election day posted totals more than 13 days after a particular group was canvassed, audited and made public and the accounting continued for more than three weeks after the fact and updating the totals after business hours and other unexplained times.[44]

3) The SBE took the unprecedented step of "de-certifying" the Baltimore City election results because of "irregularities" most of which remain unsolved. Those results were "certified" on May 9 after the deadline of May 6 and in violation of Election Law (EL 11-401c) which only permits 48 hours extra time if required because of circumstances then "un-certified" the results on May 12. The Board(s) of Election failed to follow the "2016 Presidential Election Calendar" [45] as established by law from the Maryland Legislature.

Upon "de-certification" the BOE conducted what they stated in media interviews as a "recount" when it was later revealed that 'no votes were being counted'; only a review of sign-in receipts versus votes counted and it was discovered that more than 1,100 votes were improperly scanned[46] than receipts signed-in to vote making it impossible to establish a correct accounting. The candidates, the public, and media were not allowed to participate in this process and were kept behind a roped off area[47] at a great distance well away from the review. It was also discovered and confirmed by the SBE that during this review more than 475 additional votes were "found" and more than 80 ballots were discovered in a closet days later without authenticating or noting a chain of custody making it evident the 2016 Primary elections in Baltimore City does not inspire public confidence, integrity or trust as outlined by Article 1-201 in Maryland Annotated Code.

4) At the conclusion of the election period beginning on April 14 through April 21 with Early Voting (EV), then Election Day (ED) on April 26 and after the post-election verification and audits and the

---

[44] http://baltimore.cbslocal.com/2016/05/12/state-board-of-elections-orders-baltimore-election-results-de-certified/

[45] http://elections.state.md.us/elections/2016/2016_Election_Calendar.pdf

[46] http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-report-20160523-story.html

[47] http://www.baltimoresun.com/news/maryland/baltimore-city/2016-mayor-race/bs-md-ci-vote-secrecy-20160516-story.html

ballots counted and posted on the SBE web page (including a breakdown of votes cast in all three jurisdictions associated with the 7th Congressional District) and after observing the "official" election calendar, the Petitioner, William T. Newton on May 9 hand-delivered, Certified Mail and Email served the Baltimore City Board of Election, Baltimore County Board of Election, Howard County Board of Election and the State Board of Elections his "Letter of Request for Recount" based on established election law and by the fact that the difference between the two candidates with the highest vote count was within the .1% (point one percent) margin permitting the request. It was after May 9 that the posted vote counts began to randomly add and subtract from the totals, after hours and without the SBE webpage timestamp/date updating which usually does as stated "every 5 minutes" drawing the attention of the Petitioner Newton who ultimately ended with 45 votes short and .1% outside the margin for a recount. However, he was well within the margin when factoring in his percent of lead throughout 'early voting, election day voting and absentee voting' and also when accounting for the more than 1,888 additional votes "found" but not counted by the BOE. Given and maintaining the same percent of lead as he did throughout the full voting period, the Petitioner Newton asserts those uncounted ballots and incorrectly counted provisional ballots rise to the standard that would change the outcome of the election….or at the very least reach the threshold of .1% difference between the two top candidates forcing a recount. (That number equals a mere 15 votes difference or estimated 30 votes out of over 1,888 uncounted votes favoring Newton to force a recount).

NATURE OF THE RELIEF SOUGHT:

The Petitioner requested the court issue an injunction preventing the SBE from declaring a winner in the 2016 Presidential Election Primary for the Republican 7th Congressional District specifically and requested the court to ultimately issue its writ of mandamus instructing the Respondent to conduct/hold a subsequent legitimate, uncorrupted election after examination of the facts and evidence as was set forth in the Petition for Mandamus.

ARGUMENT:

1) This petition is based on events during and after the Maryland 2016 Presidential Primary Election, the operation, administration of polling locations, admitted mishandling and counting of votes without review or regard of their legitimacy by the Board of Elections, more specifically in Baltimore City and as the 7th Congressional District also lies across

Baltimore County and Howard County[48]; those votes must be considered tainted as they have been included in the posted totals.

2) The "de-certification" of the Primary Election results by the SBE is prima fascia proof of a failed accounting.[49]

3) The court may provide a remedy when acts or actions cause or change the outcome of an election or "affect the rights of interested parties or the purity of the election process". (EL 12-204).

4) As there was NO "recount" the SBE has failed to comply with Title 12, 12-106(d)- Duties of the State Board of Election and local boards "shall correct the primary Election returns".

Accordingly on receipt of Newton's Writ of Summons issued June 01, 2016 by the court on June 09, 2017 along with a copy of his Petition for Mandamus was independently served on Respondent Lamone by Certified Mail/Restricted Delivery/Return Receipt. The service was dated on June 09, 2016 and completed on June 13, 2016 evidenced by Respondent Lamone's signature by Return Receipt and a proof copy accompanied by process of service affidavit was e-filed with the court.
After 30 days had passed on July 14, 2016 because Respondent Lamone was NOT responsive to the Writ of Summons and provided no answer violating Maryland Rule 2-321, Petitioner Newton e-filed with the court his "Letter of Good Faith Reminder/Failure to Respond to Summons" in an attempt to alert Respondent of her failure to respond; and providing a copy to Respondent Lamone by first-class postage pre-paid with proof of mailing e-filed with the court.

Then on July 18, 2016 having still NOT received any response to ANY filing made by Petitioner Newton from Respondent Lamone, Petitioner Newton filed with the court his "Motion to Compel Discovery" and mailed first-class postage pre-paid a copy to Respondent and e-filed 'proof of mailing' with the court.

On July 26, 2016 Petitioner Newton e-filed his "Motion for Default Judgment", serving a copy to Respondent first class postage pre-paid and providing proof to the court on July 27, 2016…..

Following on August 11, 2016 Petitioner Newton made Motion for Order of Default as permitted by Title 2. Civil Procedure, Maryland Rule 2-613 as he was directed by Judge Stacy W. McCormick, ("Directive" signed August 4, 2016 stating the requirement of filing the "Order of Default before the Court can enter a Default Judgment"). Proof of service e-filed with the court August 16, 2016 mailed copy "Motion for Order of Default", first class postage pre-paid to Respondent Lamone. Inasmuch this requirement was fulfilled the Petitioner waited for a ruling from the court.

---

[48] https://www.maptechnica.com/us-cd-boundary-map/state/MD/cd/07/cdid/2407
[49] http://www.aplatestnews.com/usnewsvideo.php?vidtype=1&idx=baltimore-city-election-results-decertified-2016-05-12

> **Keynote**: The Defendant Lamone (SBE) by law had 30 days to answer the summons and after 71 days had passed (beyond the 30 days permitted), the State had defaulted. It was then that the SBE through their attorney, the Office of the Attorney General, asks the Court to "ignore" their failure to comply with the Court Rules of Procedure and to "permit the SBE to answer the summons" AND allow them to "backdate" that answer to a time period prior to their default.

Then on September 06, 2016, now more than 3 months after Petitioner Newton first filed his "Petition for Writ of Mandamus" the Court grants the Defendent's Motion to Correct Filing Date (signed Judge Ronald A. Silkworth) allowing 2 months to pass before signing that Order to Correct Filing Date, permitting the Defendant SBE to file their previously rejected motion and backdate it in violation of a number of laws.

> **Keynote**: Petitions for Order of Mandamus, once filed with the courts must take precedent over any other civil matter….due to the nature of the Newton case and the election calendar, it was doubly time-sensitive and required strict adherence to the rule of law. Since Newton filed his Petition immediately after the "failed" Primary election which was fraught with "irregularities" resulting in the SBE 'de-certifying' the results, it was incumbent upon the Courts to act decisively with 5 months before the General election to rectify the inaccuracies of the Primary results. The SBE had 30 days to answer the Summons as required by Maryland Rule 2-321. They did not.

On December 05, 2016 approximately one month after the General Election (being 7 months after the 2016 Primary Election), Petitioner Newton received by first class mail a court notice that the case would have a 'Motions Hearing' on February 06, 2017 (being the very first and only hearing and) over 8 months since he first filed the Petition for Writ of Mandamus with the court. During that "Motions Hearing" there was only one of the many motions previously presented to the court heard…..the Defendant Linda Lamone, Administrator, State Board of Election's "Motion to Dismiss". The Court GRANTED the Defendant's "Motion to Dismiss".

> **Keynote**: The Court's improper grant of dismissal was explained by the judge, simply: "because the General Election was held on November 7, 2016 and Congress has seated the Honorable Elijah Cummings as a member of the House of Representatives…..the Court lacks jurisdiction to order any relief to Petitioner Newton". As noted, Petitioner Newton filed the case over 5 months before the General Election with the Court being legally bound to act expeditiously and the Defendant was required by Maryland Rule 2-321 to answer the Court Summons within 30 days of the filing.

Subsequently, Newton promptly filed a Memorandum for In Banc Review (appeal) and it was immediately denied without comment by the Court.

FINDINGS- It could be inferred based on the information; testimony and evidence presented to this Committee for review that:

1. The Court improperly dismissed with prejudice Petitioner Newton's timely filed Petition for Writ of Mandamus without conducting a trial on the merits or a review of the evidence:

The defense argued the Petitioner's claims are "moot" simply "because the General Election was held on November 7, 2016 and Congress has seated the Honorable Elijah Cummings as a member of the House of Representatives"…(and the) Court lacks jurisdiction to order any relief to Petitioner Newton".

The Petitioner filed his case over 5 months before the General Election permitting plenty of time for the court to act.

Petitioner has made no claim concerning Congressman Cummings as the Petition for Writ of Mandamus specifically was directed to and referenced the Republican Primary Election results and because of the admitted failures of that contest largely due to the incompetence of the Maryland State Board of Elections (SBE) under the administration of Linda H. Lamone (Respondent) evidenced by that those election results being "de-certified". The results were called into question when the SBE admitted as more than 1,881 "irregularities" were discovered with corrupted ballots and another 500 'uncounted' ballots came to light as well as many irreconcilable ballots surfaced when examination of sign-in cards did not match the number of actual votes cast coupled with staffing problems at polling locations; and one well documented site where election judges actually walked off the job leaving the place wide open. The Republican 7th District Congressional race in which Petitioner Newton was a candidate was finally decided by just 46 suspicious votes with Newton coming up short after having won the nomination by 390 votes on election night. The Petitioner is entitled to a fair and accurate accounting now as he did then when there was ample time to rectify his claims had the court acted promptly as required by rules of procedure to give preference to Petitions for Mandamus over other civil actions.

It is inconceivable that the State Board of Elections (SBE) along with the Office of the Attorney General would not seek to establish trustworthy elections as it is the established duty by law for the SBE to "hold and conduct elections that inspire public confidence" and it is within the power of this court to order it; particularly when there is large scale admitted evidence of the failed integrity in an election contest.

The Petitioner first brought the matter first to the SBE in the form of a Petition for Recount within the proper time established by the election calendar as set by the Maryland Legislature and at the conclusion of the original accounting and when the outcome was within .1% which allowed for an automatic recount by law. His petition was rejected. There remained no other remedy but to seek judicial relief. His Petition for Writ of Mandamus was proper, timely filed and under the jurisdiction of the Court.

The Petitioner's claim is supported by law and that language was stated in his claim and unfortunately the Court and the Respondent only concern is how it might have affected Mr. Cummings rather than the rights of the Petitioner to a fair accounting of a Party contest in which he was personally and financially invested and is legally entitled to that accounting and the Court also ignored the disenfranchisement of all the registered voters of the 7th Congressional District and ultimately the State of Maryland and the people of the United States as the race concerned a Federal candidate.

The Court even disenfranchised those who did not vote for the Petitioner - who voted for somebody else and every citizen in the 7th district that is now represented by someone who has obtained that office through an election that was unfairly determined as demonstrated when the SBE took the 'unprecedented' action of "de-certifying" that election.

    a) *If the SBE is allowed to ignore "irregularities" in an election and render an invalid accounting of each vote then this would effectively act as a disenfranchisement of the voters and all the candidates who participated in that contest. Clearly, public policy is that the SBE must act to keep voters from being disenfranchised of their right to be represented by a member of their own community through a fair, open, honest and constitutionally protected election.*

2. The Court failed by NOT giving preference in scheduling a trial for Petitioner's Petition for Writ of Mandamus "as expeditiously as circumstances require" in consideration of the Civil Rules of procedure which requires it:

The SBE took the position that they are powerless to order a new primary election or act upon the petitioners' complaint. Section 12-202 Maryland Election Law Title 12, subtitle 2 Judicial Review of Election Section EL 12-202 (b)(1) that "a registered voter may seek judicial relief….in the appropriate circuit court within the earlier of: (a) 10 days after the act or omission or the date the act or omission **became known to the petitioner;** *or (b) 7 days after the election results are certified or in the case of a gubernatorial election 3 days after the election results are certified." (emphasis added) The Petitioner filed his case immediately after the SBE rejected his legal request for recount…..that was 5 months prior to the date the General Election was held and after the SBE took that unprecedented action of de-certifying the results.*

The Petitioner provided details of the rejection, the 'de-certification' of the election results, evidence of changing numbers after Election night results were posted by the SBE and evidence and admissions by the SBE from its public interviews stating the problems with the ballots which resulted in the election being 'de-certified'. Those problems have never been rectified or legally addressed but the SBE has since 're-certified' that election knowing the results are fraudulent….in violation of both state and federal election laws.

3. The Court improperly permitted the Defendant SBE/Lamone to late file the answer to the Summons and "back-date" it:

The Respondent freely admitted on the record in the motion filing to their failure to properly file a timely response….not once, but twice. Once the time for pleading has expired and the Respondent has failed to plead, the Court on written request from the Petitioner shall enter an order of default. (Md. Rule 2-613 Default Judgment). The Respondent despite their training and extensive department resources available to them for whatever reason failed to 'correctly' file their response to Petitioner's Motion for Writ of Mandamus and Summons. The Petitioner should NOT be penalized due to Respondent's incompetence. Petitioner made extraordinary effort to alert the Respondent of their failure to comply by filing and serving "good faith" correspondence and later his Motion to Compel when the Respondent did not make the deadline to respond. When they still did not respond even to those declarations, Petitioner followed up with Request for Order of Default and Motion for Default Judgment by the directive of Judge Stacy W. McCormick.

Presumably had the Petitioner, who is NOT an attorney, failed to timely or correctly file a pivotal response it surely would have marked the end of his case. When the Court permitted Respondent to file their response late it presented a biased result against the Petitioner's right to fair and equal treatment and it was compounded when the Court allowed the Respondent to backdate their previously improper filing especially since Petitioner had already presented his Motion/Order for Default Judgment to the Court for ruling.

CONCLUSION and RECOMMENDATIONS:

Regarding the case – William T. Newton v. Linda H. Lamone, Administrator Maryland State Board of Election (SBE) as presented, it is the opinion of this Committee that the SBE, the Office of the Attorney General and the Maryland Judiciary has failed the people of Maryland by their failure to protect and defend the sacrosanctity of the electoral process. Justice was not served nor was any confidence in our election integrity restored or defended.

This schism with reliability was created by the failure and incompetence of the Maryland State Board of Elections as administered by Linda H. Lamone. It has been impeded by the Attorney General and is sustained by the Courts. It was through no fault of the Petitioner.

Also complicit in this election debacle and a glaring breakdown of the oaths of office by appointed and elected individuals should include the Governor. Three separate entities have petitioned him to act under his powers and duties as Governor under Maryland Election Law EL 2-101, 2-102 and 2-201 giving him discretion to remove an election official for a claim of "incompetence". Petitioner Newton is one of those 'entities' who has presented and certified such a petition to the Governor on August 08, 2016…to date not one of those petitions have been responded to by the Governor or his staff. Other citing which may be associated with Petitioner's request are: Maryland Election Law Annotated Code Title 16. Subtitle 3, 16-304 'adding or deleting votes or provisional ballots', 16-302 'tampering with election records', 16-301 'neglect of duties/corrupt or fraudulent acts'. Petitioner has provided to the court by reference and footnote in his initial Petition for Writ of Mandamus (and to the Governor and this Committee) irrefutable evidence of these violations.

Recommendation: A higher standard for Judicial Review MUST be undertaken by the Maryland General Assembly as clearly laws and procedures currently in place and designed to prevent breakdowns in our election process have failed epically. Responsibility and accountability must be reinstated to restore the public confidence, as it is the duty of all parties to assure it. (Maryland Election Law Article 1-201)[1]

Finding 7

Election Judge Manual in Baltimore City is error-ridden and contains instructions significantly different from other Election Judge Manuals in the State. The purpose of these inconsistencies between Baltimore City's Election Judge manual and election judge manuals in other jurisdictions across the state is unknown. Several of the passages within the Baltimore City Election Judge manual contain inaccurate and conflicting instructions.

According to the SBE meeting minutes, a standardized election judge manual was completed as of January 2016. Local boards were to submit their customized chapters for approval by SBE personnel[50]. It is unknown whether the Baltimore City Election Judge manual underwent this proofing and approval process. Meeting minutes from the SBE's August 2017 minutes contain references to additional election judge manual revisions, which must be submitted to the Attorney General's office for approval.[51] MDREIC does not have information on revisions (if any exist despite several attempts to be provided a list) to Baltimore City's election judge manual or whether it went through similar approval processes.

A comparison between Baltimore City and Montgomery County Election Judge Manuals revealed that although the two jurisdictions use identical equipment; however, the instructions, chain of custody, and accountability of that equipment vary greatly between the two manuals. In Baltimore City's Election Judge Manual, a common form, such as the "Closing Summary Report" and the "Scanning Unit Integrity Report" contained flawed instructions ensuring that ballot and vote count totals simply do not add up. Baltimore City's Election Judge Manual also lacked accuracy checks, which were contained throughout Montgomery County's manual.[52] It is entirely possible that the inaccurate and conflicting instructions on vote and ballot tallying rendered the SBE's reconciliation instructions[53] impossible to follow in the aftermath of the 2016 primary election debacle.

Baltimore City Elections Director, Armstead Jones, has insinuated that the problems in Baltimore City's 2016 Primary Election were a result of low aptitude of Baltimore City Election judges. According to Jones, "You have to understand the caliber of people we are talking about. In most cases in our precincts, if we have seven people there to work, maybe two people basically know what to do."[54] Perhaps, the problem has nothing to do with the judges; and more to do with confusing election judge manuals with nonsensical instructions.

> **Recommendation**: Baltimore City's Election Judge Manual MUST be reviewed and correct errors inconsistent with State Board of Elections standards. Some instructions will be specific to Baltimore City, but should still be reviewed to resolve errors and confusing instructions.

---

[50] http://elections.maryland.gov/pdf/minutes/2016_01
[51] http://elections.maryland.gov/pdf/minutes/2017_08.pdf
[52] Maryland 20/20 Watch - The Talk 2;
http://docs.wixstatic.com/ugd/87c9b0_4f40bb0c96714c689eefb7d39e4dcde1.pdf
[53] SBE "Reconciliation Procedures";
http://docs.wixstatic.com/ugd/87c9b0_3038041ab45a4edd8f413a77ed7f8a47.pdf
[54] http://marylandreporter.com/2016/06/10/baltimores-primary-election-foul-ups-did-not-happen-elsewhere-in-md/

Finding 8

Security controls and accountability mechanisms for sensitive items or equipment, to include ballots, does not exist in Baltimore City. The lack of adequate chain of custody measures puts the election in danger of being unlawfully altered. Other Maryland counties have written in chain of custody measures into their election manuals; Baltimore City's manual contains no such procedures.

A comparison of election judge manuals between Baltimore City and Montgomery County found that Baltimore City is lacking many of the security controls and chain of custody procedures followed by other local election boards throughout Maryland. Baltimore City Elections items with no observable security controls or chain of custody procedures include[55]:

- Keys to ballot scanning unit and its ballot compartment, rear memory stick access door, and scanner
- Keys to the provisional ballot bag
- Unused tamper tape or security seals
- All reports, paperwork, documents, and envelopes, other than payroll envelop

The effects of no chain of custody were on full display during the Baltimore City 2016 Primary Election. Eight thumb drives, or memory sticks, containing vote counts went missing on election night and seven were not found until at least a day later.[56] One of the eight was never recovered.[57] Baltimore City Election Director, Armstead Jones, reported to the Baltimore Sun that the paper ballots would serve as "a backup record for anyone questioning vote totals."[58] However; no chain of custody exists for ballot scanning units, the ballot compartments, and memory sticks containing vote counts, it is possible to unlawfully alter vote totals.

According to Baltimore City's Election Judge Manual, the "Official Memory Stick Transfer Form" indicates that the Memory Stick Transfer Bag will be picked up by a Baltimore City police officer. However, the manual goes on to explain that if poll workers are not prepared at the time the officer arrives, then a poll worker will be responsible for returning all election materials to the Board of Elections.[59] The idea that a police officer will transport the results creates the illusion of a chain of custody, but it is not required that an officer transport the data. There is no true chain of custody on any sensitive poll materials or equipment.

---

[55] Maryland 20/20 Watch, The Talk 2;
http://docs.wixstatic.com/ugd/87c9b0_4f40bb0c96714c689eefb7d39e4dcde1.pdf
[56] http://www.baltimoresun.com/news/maryland/baltimore-city/2016-mayor-race/bs-md-ci-election-questions-20160502-story.html
[57] Letter to State Prosecutor from VOICE, 4 May 2016; See Appendix D
[58] http://www.baltimoresun.com/news/maryland/baltimore-city/2016-mayor-race/bs-md-ci-election-questions-20160502-story.html
[59] Maryland 20/20 Watch, The Talk 2;
http://docs.wixstatic.com/ugd/87c9b0_4f40bb0c96714c689eefb7d39e4dcde1.pdf

> **Recommendation**: Baltimore City Board of Elections must establish security controls and chain of custody procedures for sensitive items and equipment. Evidence of deliberate manipulation of vote totals, adding or deleting votes or provisional ballots, tampering with election records, neglect of duties, corrupt or fraudulent acts must be forwarded to the proper state or federal authorities; some have been discussed throughout this Committee's Report.

CLOSING

At this point, there is little doubt that there were numerous failures to follow procedures and the reviewed evidence indicates that a number of crimes may have been committed. However, the biggest infringement is on the rights of the people to elect an honest representation of government and that those empowered to protect and serve those interests have, for whatever reason, ignored the responsibility to which they have been made custodian.

This Committee does not envy the position of the Court, the Office of the State Prosecutor, General Assembly, the Governor and other departments in this dilemma or the position they are now in - to repair the injustice; but we remain steadfast in the demand to the right of a fair, honest and final accounting of the ballots and to return our State election process to one that by law requires it to "inspire public confidence and trust".

Since the Newton and the V.O.I.C.E cases were first filed many other states have discovered prima facie examples of similar failed trust[60]. It is the appeal of this Committee that Maryland settles its problems of corruption and fraud that appear to be deep-rooted in our state election system before the next election cycle (2018). Additionally, this Committee requests that this review determine that the court or the appropriate authority must order the State Board of Elections to provide and publish to the general public a full and accurate accounting of the 2016 Election to satisfy the audits, which have shown large-scale inaccuracies, as the citizens of Maryland are entitled to by law.

And to address the long list of other observations discovered through testimony and presentation to this Committee and offered in its entirety our Report of "Findings and Recommendations", We call upon the Maryland Legislature to add our report, along with the 2017 Audit Report of the State Board of Elections provided by the Maryland Legislative Services to the Maryland General Assembly, for further examination and response and to take appropriate action as necessary to assure the public's confidence, AND to make known to the public the details of those actions.

And that it is our intent to also provide a copy of this "Report" to the public and members of Maryland Republican Party as written, without edit, changes or censorship that they too might advocate to correct the dysfunctions outlined…..

---

[60] http://www.rnla.org/votefraud.asp

APPENDIX A

Maryland Election Law Article §11–308[61]

Maryland Election Law Article
§11–308.
(a) Within 10 days after any election, and before certifying the results of the election, each board of canvassers shall verify the vote count in accordance with the regulations prescribed by the State Board for the voting system used in that election.

(b) Upon completion of the verification process, the members of the board of canvassers shall:
 (1) certify in writing that the election results are accurate and that the vote has been verified; and
 (2) provide copies of the election results to the persons specified under § 11-401 of this title.

(c) (1) If a member of a board of canvassers dissents from a determination of an election result or reasonably believes that the conduct of a local board member or local board proceeding was not in compliance with applicable law or regulation or was otherwise illegal or irregular, the member shall prepare and file with the local board a distinct written statement of the reasons for the dissent or concern.
 (2) The State Board shall maintain a file of the written statements submitted under this subsection by members of the local boards.

APPENDIX B

Maryland Election Law Article §10-201[62]

§ 10-201. In general.
(a) Number of election judges.
— (1) (i) Except as provided in subparagraph (ii) of this paragraph, each local board shall provide at least four election judges to be the staff for each polling place.
 (ii) In a precinct with fewer than 200 registered voters, the local board may provide two election judges for that precinct's polling place.
(2) An election judge shall be appointed in accordance with the requirements of § 10-203 of this subtitle.

---

[61] http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gel&section=11-308&ext=html&session=2015RS&tab=subject5
[62] http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gel&section=10-201&ext=html&session=2015RS&tab=subject5

(b) Political party affiliation.

— (1) Except as provided in paragraph (2) of this subsection, each polling place shall have an equal number of election judges from:

(i) the majority party; and

(ii) the principal minority party.

(2) (i) If the total number of election judges for a precinct is six or more:

1. a local board may provide one or more election judges who are not registered with either the majority party or principal minority political party; and

2. a local board may provide one or more election judges who are minors.

(ii) The number of election judges provided under this paragraph may not exceed the lesser of:

1. the number of election judges who belong to the majority party; or

2. the number of election judges who belong to the principal minority party. (An. Code 1957, art. 33, § 10-201; 2002, ch. 291, §§ 2, 4; 2003, ch. 21, § 1.)

APPENDIX C

Maryland Election Law Article §10-202[63]

§10–202.

(a) (1) Except as provided in paragraph (2) of this subsection, an election judge shall be a registered voter who resides in the county for which the election judge is appointed.

(2) (i) If a qualified individual residing in the county cannot be found with reasonable effort, the local board may appoint a registered voter residing in any part of the State.

(ii) Subject to the provisions of § 3-210(c) of the Labor and Employment Article, a minor who is at least 17 years old and who is too young to be a registered voter may be appointed and serve as an election judge if the minor demonstrates, to the satisfaction of the local board, that the minor meets all of the other qualifications for registration in the county.

(b) An election judge shall be able to speak, read, and write the English language.

(c) An election judge may not engage in any partisan or political activity that is proscribed by § 2-301 of this article.

(d) A State employee who serves as an election judge during hours that the employee is otherwise scheduled to work for the State:

(1) may use 1 hour of administrative leave for each hour of service as an election judge, up to a total of 8 hours for each day of service; and

(2) shall receive the election judge compensation as specified in § 10-205 of this subtitle.

---

[63] http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gel&section=10-202&ext=html&session=2017RS&tab=subject5

(e) A local board may adopt guidelines consistent with the provisions of this title for the determination of the qualifications of persons considered for appointment and for the process of appointment as election judges. To the extent not inconsistent with this subtitle, the guidelines may provide for the appointment of an election judge, other than the chief judge, to serve for less than a full day and for the judge to be compensated, on a pro rata basis, in accordance with the fees set under § 10-205 of this subtitle for a judge serving a full day.

APPENDIX D

VOTERS ORGANIZED FOR THE
INGERITY OF CITY ELECTIONS

May 4, 2016
Office of the State Prosecutor
300 East Joppa Road - Suite 410 (Hampton Plaza)
Towson, Maryland 21286

Dear Mr. Davitt,
As a group of concerned Baltimore City voters, Voters Organized for the Integrity of City Elections, we are humbly asking that you ensure that our VOICE is heard, by addressing the following request.

Upon the completion of the Maryland Presidential Primary elections on Tuesday, April 26th, we have received numerous complaints of voter irregularities that have risen to the level of possible voter suppression; therefore, we are asking that your office to conduct an independent investigation into the dozens of voter complaints levied against the Baltimore City Board of Elections, in order to uphold the integrity of Tuesday's Primary election.

We have detailed accounts of campaign workers, hired to man the polls on behalf of an individual candidate, who were allowed to work as an election judge, and even given authorization to assist voters in uploading their ballots into the state's DS-200 ballot counting machines, even though they were never hired, trained or certified by the Board of Elections to conduct such activities. We also have numerous complaints of voters being given the wrong district ballots, former felons restricted from voting and not being sent their voter cards even though they registered to vote before the voter registration deadline and were authorized to be able to vote due to the recent actions of the Maryland General Assembly.

We have issues ranging from possible voter fraud, where a mayoral candidate's sister was offered a provisional ballot on Election Day due to someone fraudulently voting in her name during Early Voting, to numerous polling locations being open anywhere between a half hour to an hour and a half late, causing voters undue

hardship and pitting their fundamental right to vote against that of having to report to work.

We also know that eight voting precincts went missing on the night of the election, only to be found a day later, which causes concern as to whether or not the chain of custody was broken and if the votes on these thumb-drives were in fact compromised? Attached you will find a detailed account of the numerous accounts of voting irregularities that we have received thus far, which has led us to call for a

May 4, 2016 – Letter to State Prosecutor from VOICE, Continued

citywide town-hall meeting later this week to detail the accounts of voters we may be unaware of, in order to present to your office and/or any independent investigator or prosecutor. (Thursday, May 5th at 7:00P at Sharon Baptist Church in Baltimore) We believe that the cumulative effect of the totality of these actions have led to a 21st

century version of voter suppression, and are imploring your office to intervene in order to ensure the integrity of this election is upheld and guaranteeing the voters of Baltimore, and the State of Maryland, that every vote indeed counts. Pursuant to Election Law, COMAR, Section 1-201, it states that the intention of the article in question was "that the conduct of elections should inspire public confidence and trust" which we would argue the level of irresponsible irregularities and the gross negligence of an untrained crew of election judges goes contrary to the overall intentions of said article.

We do not believe that all persons served by the election system were treated fairly and equitably, as required under subsection 1 of said article, nor do we believe that citizen convenience was emphasized in all aspects of the election or that the security and integrity of all the ballots being cast were maintained, as spelled out in subsections 5 and 6 of said article. We would argue that subsection 7 of this article requires your office to intervene and offer such an investigation based on the requirement that "the prevention of fraud and corruption be diligently pursued", and that any offenses that occur be prosecuted to the fullest extent of the law.

We will respectfully await your decision, which we ask occurs before the official certification of the Primary election results. If you decide not to intervene on behalf of the voters of Baltimore, we ask that you contact us immediately and let us know your decision so as to allow us to challenge these actions in a court of law.

Warmest regards,
Hassan Giordano, Cortly 'C.D.' Witherspoon, Doni Glover, J. Wyndal Gordon Esq.
on behalf of the voters of Baltimore City

Some Examples of the Two Dozen Reports of Voting Irregularities:

♉   18-year old Western High School student Kennedi Peacock, hired to work as a Dixon for Mayor poll worker, was allowed by election judges to work the DS-

200 ballot scanner machine the entire day at the Jewish Community Center which host two major voting precincts (27-059 and 27-060) in NW Baltimore.

꙳   Another Dixon for Mayor poll worker, Antonio McCain, was also put to work as an election judge at Langston Hughes Elementary school, which was at the center of much of the voting irregularities, before a Dixon poll captain realized McCain was mistakenly working as judge when he (and Peacock) were never hired, trained or certified to work as an election judge by the city Board of Elections.

May 4, 2016 – Letter to State Prosecutor from VOICE, Continued

꙳   Langston Hughes elementary, home to precincts 27-055, 27-056 and 27-057, served as polling location for two separate council districts, the 5th and the 6th, and voters were consistently given the wrong district ballots. The previous polling location for two of those three precincts was at Bel Park Towers, which was closed down, sending people to a new voting location. Three 5th district candidates reported issues all day that election judges were turning voters away due to the confusion of having multiple tables for various precincts and districts. The Chief Election Judge Gal instructed 5th district poll workers that they shouldn't be handing out literature for their candidates because they weren't on the ballot at this location, until one candidate (Betsy Gardner) showed her the ballot from 27-057 where they in fact were on the ballot, but this was hours after the election judges turned several voters away.

꙳   Eight voting precinct thumb drives, which held the votes from those various polling locations, went missing for over 24-hours, breaking the customary 'chain of custody' and leaving election supervisor Armstead Jones baffled as to where they were.

꙳   A dozen polling locations opened anywhere between a half an hour to an hour and a half late, contrary to the constitutional specification that all polls open at 7A and close at 8P, while Judge Handy only allowed four of these twelve polling locations to stay open an extra hour. Of those dozen, Pimlico Elementary, did not open until 9:00A, and according to Mary Culp, their voting machines kept shutting down, as election judges were reportedly telling voters that their vote could not be cast due to the machines being down, forcing some voters to leave without casting their ballot.

꙳   Janice Dixon, the sister of mayoral candidate Sheila Dixon, was forced to vote via provisional ballot on Election Day, because someone voted in her name during Early Voting.

꙳   Multiple Independent (Unaffiliated) voters, who are prevented from voting in a closed primary election, were given Republican ballots and allowed to vote in the GOP Primary elections (picture attached to this article provides proof of one).

☿ Ertha Harris, a candidate for city council in the 12th council district, was told that she was not in the voter rolls, forcing her to go to two different polling locations before an hour long argument declaring she was in fact a registered voter before being allowed to cast her vote.

☿ Pamela Curtis-Massey, a voter in the 6th council district, was given a 5th district ballot during Early Voting at the Coldspring EV location, where she caught the error, and then was forced to capture her vote via phone imaging, because the judges tried preventing her from casting her ballot because they

weren't sure if her address was right and whether an election judge handled her ballot

☿ Multiple polling locations had no pens available, leaving voters to use pencil or marker to mark their ballots before loading into the DS-200 scanner machines, which we don't know if the new voting machine can read such markings

☿ Hundreds, if not thousands, of provisional ballots were left unattended in polling locations (i.e. schools) across the city with no supervision by Board supervisors, leaving into question whether or not these votes were compromised

Election Law §1–201.
The intention of this article is that the conduct of elections should inspire public confidence and trust by assuring that:
(1) all persons served by the election system are treated fairly and equitably;
(2) all qualified persons may register and vote and that those who are not qualified do not vote;
(3) those who administer elections are well trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of partisan interests;
(4) full information on elections is provided to the public, including disclosure of campaign receipts and expenditures;
(5) citizen convenience is emphasized in all aspects of the election process;
(6) security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results;
(7) the prevention of fraud and corruption is diligently pursued; and
(8) any offenses that occur are prosecuted.

(The highlighted provisions of Maryland's Election Law under COMAR (§1–201) were clearly violated, and therefore should mandate an independent investigation and any subsequent penalties and/or criminal prosecution if any of these actions are deemed willfully fraudulent and/or corrupt)

APPENDIX E

WILLIAM T. NEWTON,	* IN THE
Petitioner	* CIRCUIT COURT
	*
v.	* FOR
LINDA H. LAMONE,	*
STATE ADMINISTRATOR	* ANNE ARUNDEL COUNTY
OF ELECTIONS,	*
	* Case No.: _C02CV16001792_
Respondent	*

****

VERIFIED PETITION FOR EXTRAORDINARY RELIEF
IN THE NATURE OF A WRIT OF MANDAMUS

The Petitioner, William T. Newton, petitions the Circuit Court for Anne Arundel County Maryland for the issuance of a writ of mandamus enjoining The Maryland State Board of Elections (SBE), Linda Lamone, Administrator to discard the results of the 2016 Presidential Primary Election Results pertaining to, relating to, but not limited to the 7th District Republican Congressional race and to order a new election as expeditiously as circumstances require.

I. BASIS FOR JURISTICTION

This petition for mandamus and judicial challenges are permitted under the Constitution of Maryland, Declaration of Rights-Article 7[64] and the Maryland Rules of Appellate Procedures, Election Law section(s) 12-202, 12-203, 12-204 and other relevant authorities (2).

Only the Court can compel the State Board of Elections to conduct and oversee a re-vote. (Subtitle 2-Judicial Review of Elections).

II. THE FACTS UPON WHICH PETITIONER RELIES and demonstrates a clear entitlement to the writ as the facts confirm the State Board of Elections and other local precincts did not comply with regulations and election law established by the Maryland Legislature:

1) Representatives of the State Board of Elections, Baltimore City Board of Elections (BOE) and other state officials authorized to provide public statements have declared via radio, television (video interviews) and print media (archived) on numerous occasions since the conclusion of the 2016 Maryland Presidential Election that the results of the vote canvass(s) is 'corrupted', 'inaccurate' and plagued by "irregularities".[656667] Further, it was stated on the record that (they)

---

[64] http://msa.maryland.gov/msa/mdmanual/43const/html/00dec.html
[65] http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-intervention-20160512-story.html

"don't know what happened"[68] and (they) "cannot separate the unverified provisional ballots from the election day totals" and (they) are not including other ballots in the vote count totals.

2) There are hundreds of confirmed examples of uncertified and untrained election judges working in most precincts causing seventy-five percent (75%) of precincts to not be in compliance with election law, multiple ballots given to single individuals, polls opening late requiring court intervention, eight thumb drives missing (two of which are still unaccounted for). There is irrefutable evidence of ballots counted and added to election day posted totals more than 13 days after a particular group was canvassed, audited and made public and the accounting continued for more than three weeks after the fact and updating the totals after business hours and other unexplained times.[69]

3) The SBE took the unprecedented step of "de-certifying" the Baltimore City election results because of "irregularities" most of which remain unsolved. Those results were "certified" on May 9 after the deadline of May 6 and in violation of Election Law (EL 11-401c) which only permits 48 hours extra time if required because of circumstances then "un-certified" the results on May 12. The Board(s) of Election failed to follow the "2016 Presidential Election Calendar"[70] as established by law from the Maryland Legislature. Upon "de-certification" the BOE conducted what they stated in media interviews as a "recount" when it was later revealed that "no votes were being counted"; only a review of sign-in receipts versus votes counted and it was discovered that more than 1100 votes were improperly scanned[71] than receipts signed-in to vote making it impossible to establish a correct accounting. The candidates, the public and media were not allowed to participate in this process and were kept behind a roped off area[72] at a great distance well away from the review. It was also discovered and confirmed by the SBE that during this review more than 475 additional votes were "found" and more than 80 ballots were discovered in a closet, days later without authenticating or noting a chain of custody making it evident the 2016 Primary elections in Baltimore City does not inspire public confidence, integrity or trust as outlined by Article 1-201 in Maryland Annotated Code.

4) At the conclusion of the election period beginning on April 14 through April 21 with Early Voting (EV), then Election Day (ED) on April 26 and after the post-election verification and audits and the ballots counted and posted on the SBE web page (including a breakdown of votes cast in all three jurisdictions associated with the 7th Congressional District) and after observing the "official" election calendar, the Petitioner, William T. Newton on May 9 hand-delivered, Certified Mail and Email served the Baltimore City Board of Election, Baltimore County Board of

---

[66] https://www.washingtonpost.com/local/md-politics/maryland-decertifies-baltimore-election-results-investigates-irregularities/2016/05/12/fca6e128-1861-11e6-9e16-2e5a123aac62_story.html

[67] http://www.wbaltv.com/news/maryland-state-board-of-elections-decertifies-city-election-results/39515102

[68] https://www.youtube.com/watch?v=OJtIAO9RjXc

[69] http://baltimore.cbslocal.com/2016/05/12/state-board-of-elections-orders-baltimore-election-results-de-certified/

[70] http://elections.state.md.us/elections/2016/2016_Election_Calendar.pdf

[71] http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-report-20160523-story.html

[72] http://www.baltimoresun.com/news/maryland/baltimore-city/2016-mayor-race/bs-md-ci-vote-secrecy-20160516-story.html

Election, Howard County Board of Election and the State Board of Elections his "Letter of Request for Recount" based on established election law and by the fact that the difference between the two candidates with the highest vote count was within the .1% (point one percent) margin permitting the request. It was after May 9 that the posted vote counts began to randomly add and subtract from the totals, after hours and without the SBE webpage timestamp/date updating which usually does as stated "every 5 minutes" drawing the attention of the Petitioner Newton who ultimately ended with 45 votes short and .1% outside the margin for a recount. However, he was well within the margin when factoring in his percent of lead throughout "early voting, election day voting and absentee voting" and also when accounting for the more than 1888 additional votes "found" but not counted by the BOE. Given and maintaining the same percent of lead as he did throughout the full voting period, the Petitioner Newton asserts those uncounted ballots and incorrectly counted provisional ballots rise to the standard that would change the outcome of the election….or at the very least reach the threshold of .1% difference between the two top candidates forcing a recount. (That number equals a mere 15 votes difference or estimated 30 votes out of over 1888 uncounted votes favoring Newton to force a recount).

III. THE NATURE OF RELIEF SOUGHT

The Petitioner requests the court issue an injunction preventing the SBE from declaring a winner in the 2016 Presidential Election Primary for the Republican 7th Congressional District specifically and request this court to ultimately issue its writ of mandamus instructing the Respondent to conduct/hold a subsequent legitimate, uncorrupted election after examination of the facts and evidence as set forth in this petition for mandamus.

IV. ARGUMENT

1) This petition is based on events during and after the Maryland 2016 Presidential Primary Election, the operation, administration of polling locations, admitted mishandling and counting of votes without review or regard of their legitimacy by the Board of Elections, more specifically in Baltimore City and as the 7th Congressional District also lies across Baltimore County and Howard County[73]; those votes must be considered tainted as they have been included in the posted totals.
2) The "de-certification" of the Primary Election results by the SBE is prima fascia proof of a failed accounting.[74]
3) The court may provide a remedy when acts or actions cause or change the outcome of an election or "affect the rights of interested parties or the purity of the election process". (EL 12-204).
4) As there was NO "recount" the SBE has failed to comply with Title 12, 12-106(d)- Duties of the State Board of Election and local boards "shall correct the primary Election returns".

CONCLUSION:

---

[73] https://www.maptechnica.com/us-cd-boundary-map/state/MD/cd/07/cdid/2407
[74] http://www.aplatestnews.com/usnewsvideo.php?vidtype=1&idx=baltimore-city-election-results-decertified-2016-05-12

It is respectfully requested that this court issue an order directing the Maryland State Board of Elections and associated local jurisdictions to discard the primary election results for the Republican 7th Congressional District contest and to conduct a new election….

And that the court grants such other and further relief as may be just and proper.

Respectfully submitted this <u>31st</u> day of <u>May</u> 2016.

William T. Newton
Republican Candidate/7th Congressional District

P.O. Box 896
Reisterstown, Maryland 21136
newton4congress.com
443-xxx-xxxx (private cell)

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®.*

7015 2576 5892 / 0003 0640

BALTIMORE, MD 21202

Certified Mail Fee	$3.30	0336 02
Extra Services & Fees (check box, add fee as appropriate)		
☐ Return Receipt (hardcopy)	$0.00	
☐ Return Receipt (electronic)	$0.00	Postmark
☐ Certified Mail Restricted Delivery	$0.00	Here
☐ Adult Signature Required	$0.00	
☐ Adult Signature Restricted Delivery		
Postage	$0.47	05/09/2016
Total Postage and Fees	$3.77	

Sent To: BALTO City Brd of ELECTIONS
Street and Apt. No., or PO Box No.: 417 E. FAYETTE ST RM 129
City, State, ZIP+4: BALTO MD 21202

PS Form 3800, April 2015 PSN 7530-02-000-9047   See Reverse for Instructions

---

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®.*

7015 2576 5908 / 0003 0640

ANNAPOLIS, MD 21401

Certified Mail Fee	$3.30	0336 02
Extra Services & Fees (check box, add fee as appropriate)		
☐ Return Receipt (hardcopy)	$0.00	
☐ Return Receipt (electronic)	$0.00	Postmark
☐ Certified Mail Restricted Delivery	$0.00	Here
☐ Adult Signature Required	$0.00	
☐ Adult Signature Restricted Delivery		
Postage	$0.47	05/09/2016
Total Postage and Fees	$3.77	

Sent To: MD SBE
Street and Apt. No., or PO Box No.: PO BOX 6486
City, State, ZIP+4: ANNAPOLIS MD 21401

PS Form 3800, April 2015 PSN 7530-02-000-9047   See Reverse for Instructions

---

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®.*

7015 2576 5878 / 0003 0640

COLUMBIA, MD 21046

Certified Mail Fee	$3.30	0336 02
Extra Services & Fees (check box, add fee as appropriate)		
☐ Return Receipt (hardcopy)	$0.00	
☐ Return Receipt (electronic)	$0.00	Postmark
☐ Certified Mail Restricted Delivery	$0.00	Here
☐ Adult Signature Required	$0.00	
☐ Adult Signature Restricted Delivery		
Postage	$0.47	05/09/2016
Total Postage and Fees	$3.77	

Sent To: Howard CO Board Elections
Street and Apt. No., or PO Box No.: 9770 PATuxent WOODS DR Suite 200
City, State, ZIP+4: Columbia MD 21046

PS Form 3800, April 2015 PSN 7530-02-000-9047   See Reverse for Instructions

---

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®.*

7015 2576 5885 / 0003 0640

HUNT VALLEY, MD 21031

Certified Mail Fee	$3.30	0336 02
Extra Services & Fees (check box, add fee as appropriate)		
☐ Return Receipt (hardcopy)	$0.00	
☐ Return Receipt (electronic)	$0.00	Postmark
☐ Certified Mail Restricted Delivery	$0.00	Here
☐ Adult Signature Required	$0.00	
☐ Adult Signature Restricted Delivery		
Postage	$0.47	05/09/2016
Total Postage and Fees	$3.77	

Sent To: BALTO CO Board Elections
Street and Apt. No., or PO Box No.: 11112 GILROY Rd Suite 104
City, State, ZIP+4: Hunt VAlley MD 21031

PS Form 3800, April 2015 PSN 7530-02-000-9047   See Reverse for Instructions

II. #4- EVIDENCE

Representative in Congress

Congressional District 7

5-4-16   7:30AM

Republican Vote for 1 County Break Down

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Ray Bly	Republican	754	3,440	76	4,270	17.0%
William T. Newton	Republican	1,779	8,449	175	10,403	41.5% ✓
Corrogan R. Vaughn	Republican	1,807	8,357	216	10,380	41.4%

Congressional District 7

CITY BEFORE PROV + ABST II   4:56%

Republican Vote for 1

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Ray Bly	Republican	44	223	6	273	17.6%
William T. Newton	Republican	128	504	17	649	41.9%
Corrogan R. Vaughn	Republican	114	506	8	628	40.5%

Congressional District 7

7PM 5/6 CITY FINAL

Republican Vote for 1

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Ray Bly	Republican	44	223	20	287	17.5%
William T. Newton	Republican	128	504	45	677	41.2%
Corrogan R. Vaughn	Republican	114	506	59	679	41.3%

Democratic Vote for 1

VOTE COUNT CONTINUED TO CHANGE AFTER 5/6 FOR ANOTHER 10 DAYS AND 29 DAYS AFTER ELECTION DAY.

Unofficial 2016 Presidential Primary Election results for Representative in Congress

Last Updated 05/09/2016 06:06:16 PM

Return to Election Result Index

NR: not reported

Printer Friendly Version

5/25/16
7:45 AM

Representative in Congress

Congressional District 7

Republican Vote for 1 County Break Down

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Ray Bly	Republican	754	3,458	141	4,353	17.0%
William T. Newton	Republican	1,779	8,483	338	10,600	41.4%
Corrogan R. Vaughn	Republican	1,807	8,394	444	10,645	41.6%

Last Updated 05/25/2016 07:17:11 PM

Return to Election Result Index

NR: not reported

Return to Election Results for Representative in Congress Congressional District 7
Printer Friendly Version

Representative in Congress

Congressional District 7

5/25/16
10:30 PM

Vote for 1

	Ray Bly Republican	William T. Newton Republican	Corrogan R. Vaughn Republican ✔
Baltimore City	286	677	681
Baltimore	1,886	4,886	4,505
Howard	2,179	5,036	5,459
Totals	4,351 (17%)	10,599 (41.4%)	10,645 (41.6%)

Bill

41

ON 5/25/16 THE NUMBERS BEGAN TO GO UP AND DOWN AT RANDOM (SEE TIME STAMP)

Unofficial 2016 Presidential Primary Election results for Representative in Congress

Last Updated 05/09/2016 06:06:16 PM

Return to Election Result Index

NR: not reported

Printer Friendly Version

5/25/16

Representative in Congress

Congressional District 7

10:30 PM

Republican Vote for 1 County Break Down

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Ray Bly	Republican	754	3,458	141	4,353	17.0%
William T. Newton	Republican	1,779	8,483	338	10,600	41.4%
Corrogan R. Vaughn	Republican	1,807	8,394	444	10,645	41.6%

Unofficial 2016 Presidential Primary Election results for Representative in Congress

Last Updated 05/25/2016 07:16:40 PM

Return to Election Result Index

NR: not reported

Printer Friendly Version

Representative in Congress

10:48 PM

Congressional District 7

5/25/16

Republican Vote for 1 County Break Down

Name	Party	Early Voting	Election Day	Absentee / Provisional	Total	Percentage
Ray Bly	Republican	754	3,456	141	4,351	17.0%
William T. Newton	Republican	1,779	8,481	339	10,599	41.4%
Corrogan R. Vaughn ✔	Republican	1,807	8,393	445	10,645	41.6%

42

Return to Election Result Index

NR: not reported

Return to Election Results for Representative in Congress Congressional District 7
Printer Friendly Version

Representative in Congress

10:52 PM
5/25/16

Congressional District 7

Vote for 1

	Ray Bly Republican	William T. Newton Republican	Corrogan R. Vaughn Republican ✔
Baltimore City	286	677	681
Baltimore	1,886	4,886	4,505
Howard	2,179	5,036	5,459
Totals	4,351 (17%)	10,599 (41.4%)	10,645 (41.6%)

Bill
Internet access

10:52

ON MAY 5 BETWEEN 10:21 AM AND 11:52 AM AFTER PETITIONER POSTED A FACEBOOK COMMENT IT WAS ANSWERED BY BRUCE ROBINSON, THE REPUBLICAN ELECTION JUDGE....
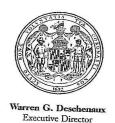

William T. Newton Bruce Robinson......let's get those provisionals counted and posted 👍
Like · Reply · May 5 at 10:21am

> **Bruce Robinson** They were counted and transmitted to the State Board on 5/4/2016. Call Katie Brown with any questions. We'll be back tomorrow to Canvass the balance of the Absentee ballots.
> Like · Reply · May 5 at 10:24am

> **William T. Newton** Maybe transmitted but then they should have been posted like the rest of the state. Why are the 7 jurisdictions where it's all decided the ones (out of 24 others) that have not posted the results which you have said have been transmitted YESTERDAY. Not a question, just an observation. Thanks Bruce for remaining accessible and forthcoming.
> Like · Reply · May 5 at 10:54am · Edited

> **Bruce Robinson** I stand corrected. When we adjourned the Provisional Canvass on Wednesday night, I thought we had completed the activity. We had not. The balance will be completed Friday morning before the Absentee II Canvass. It is, like all of the Canvasses open to the public. My apologies for any confusion caused by my misunderstanding.
> Like · Reply · May 5 at 11:52am

APPENDIX F.

Also incorporated in the "Report" and for further understanding concerning the conclusions of the Committee is the Department of Legislative Services, Office of Legislative Audits, Maryland General Assembly – April 2017 Audit Report of the State Board of Elections. The full Audit Report can be viewed at:

http://www.ola.state.md.us/Reports/Fiscal%20Compliance/SBE17.pdf

Provided here (below) is the cover letter of that report with an over-view of various failures leading up to the 2016 election cycle….

April 24, 2017

Senator Craig J. Zucker, Co-Chair, Joint Audit Committee
Delegate C. William Frick, Co-Chair, Joint Audit Committee
Members of Joint Audit Committee
Annapolis, Maryland

Ladies and Gentlemen:

We have audited the State Board of Elections (SBE) for the period beginning August 23, 2012 and ending October 22, 2015. SBE is responsible for managing and supervising elections and voter registrations in the State. SBE directs, supports, monitors, and evaluates the activities of each of the 24 local boards.

Our audit disclosed SBE did not establish certain controls to maintain the integrity of the Statewide voter registration records and to protect certain voter data. For example, user access to the voter registration system was not effectively controlled; consequently, numerous system users had unnecessary access to the voter registration database, which was removed after our inquiries. We also noted that SBE did not ensure that personally identifiable information from the database was either properly safeguarded when transmitted to a third party contractor or removed from its own records. In this regard, the full social security numbers from over 590,000 voters were retained by SBE in the database even though only the last four digits are needed.

Regarding the voting process, we noted that SBE did not adequately authenticate certain voters who requested absentee ballots for primary and general elections. We also noted that a certain critical voting system was not backed-up offsite when in use during elections and was not addressed in SBE's Disaster Recovery Plan.

Our audit also disclosed internal control and recordkeeping deficiencies related to the procurement of contracts and the monitoring of certain payments. For example, for two contracts tested, awarded as single sources and valued at $18.8 million, SBE could not support the awards were in the State's best interest. We also identified overpayments under a staffing services contract.

SBE's response to this audit is included as an appendix to this report. We wish to acknowledge the cooperation extended to us during the course of this audit by SBE.

Respectfully submitted,

Thomas J. Barnickel III, CPA
Legislative Auditor

DISCLAIMER-

The Maryland State Republican Party's insistence that it has editorial privilege over the findings or content of the Maryland Republican Election Integrity Ad Hoc Committee (MDREIC) report titled: " The Report of Findings and Recommendations"-2017, is unacceptable to the members of this Committee.

Therefore, the MDREIC ("the Committee") has refused to permit any entity the power to edit, change, sensor or review it's 'findings and recommendations' in advance of publication to preserve the purity of the facts and evidence presented and reviewed by the Committee.

The opinions and conclusions expressed in the Committee's report are the result of a detailed and in-depth investigation by the Committee and based on the testimony and evidence obtained through outside, presumably non-partisan, impartial and neutral sources which included the Maryland State Board of Elections, the Baltimore City Board of Elections….along with data from other surrounding jurisdictions, media, State and Federal Court filings, the Maryland State Department of Legislative Services and materials presented by established and independent Election Integrity groups.

The Maryland State Republican Party is well within its right to renounce any part or all of the Committee's report if they so wish; but the facts, evidence and truth presented herein which make up the contents of the report will remain…unvarnished, as presented, without edits or censorship prior to publication.

The legitimacy and reliability of the Committee's assignment and duty rests in the ability to present its findings without partiality and without prejudice over an agenda of any special interests or political party.

-The Committee

Resolution to the Maryland State Republican Party
for consideration at the 2017 Spring Convention
April 28-29, 2017

RESOLUTION *PASSED*

Relating to the establishment of a special *Ad Hoc* committee to review the state elections process in support of state law that insures election integrity

WHEREAS, the Maryland State Republican Party (hereafter "Party") has the authority stated by its purpose found in the Constitution and Bylaws of the Republican Party of Maryland (Amended April 28, 2012) as it "exists to secure honest and responsible government, founded on [the] belief in the worth, dignity, and rights of every person"; which by definition must include the rights of voters and candidates, and

WHEREAS, "to fulfill this purpose, the Party works toward the election of Republican nominees, promotes the principles and platform of the Republican Party, organizes and operates an effective political organization", and accordingly

WHEREAS, Article XII 12.2 – The Party Oath requires that all members of the County Central Committees and all Officers of the Party 'do solemnly swear to uphold the Constitution of the United States; be faithful and bear true allegiance to the state of Maryland and uphold the Maryland Constitution and laws thereof…..', and

WHEREAS, one such law Maryland Code Election Law § 1-201[i] states the responsibility "to review and submit guidelines to safeguard the legitimacy of the election system and to insure that the conduct of elections should inspire public confidence and trust" along with other duties including but not limited to "the prevention of fraud and corruption is diligently pursued; and any offenses that occur are prosecuted", and

WHEREAS, each of the above citing in law and sworn oath makes it the duty of the Party Officers to comply, if not legally, then certainly with the spirit of the rule by working to secure "honest and responsible government";

WHEREAS, that objective as stated in the Party Bylaws cannot be realized or accomplished without first identifying and taking corrective measures of those activities associated with our state election process which have shown to be either 'fraudulent or corrupted', having become evident in the state Primary Election of 2016; resulting in the de-certification of those results, and

NOW, THEREFORE, BE IT RESOLVED THAT the Party will appoint as soon a feasibly possible, an *Ad Hoc* committee

as permitted by Party Bylaws Article IX., Section 9.2 b.- Committees,

to review any "irregularities" in our state election process regarding possible fraud, corruption, failures to follow legal procedures or mishandling of ballots

as it affects not only the rank and file registered Republicans by disenfranchising their choice for representation but also our Party candidates, and

RESOLVED, that the report of the findings and recommendations of this committee be made public and forwarded to the proper state authority for processing, and

FURTHER RESOLVED, that the report of this committee is to be completed and submitted in a timely manner as to be relevant in the 2018 election cycle.

Authored by:

William T. Newton
Baltimore County Republican Central Committee
Council District 3, Legislative District 10, Congressional District 7

---

[i] Maryland Code, Election Law 1-201

Current as of: 2016

The intention of this article is that the conduct of elections should inspire public confidence and trust by assuring that:

(1) all persons served by the election system are treated fairly and equitably;

(2) all qualified persons may register and vote and that those who are not qualified do not vote;

(3) those who administer elections are well-trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of partisan interests;

(4) full information on elections is provided to the public, including disclosure of campaign receipts and expenditures;

(5) citizen convenience is emphasized in all aspects of the election process;

(6) security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results;

(7) the prevention of fraud and corruption is diligently pursued; and

(8) any offenses that occur are prosecuted.

SUPPORTING LINKS:

http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-intervention-20160512-story.html

http://docs.wixstatic.com/ugd/87c9b0_bd44851b2eed4ccc941e975e6668401f.pdf

http://elections.maryland.gov/pdf/minutes/2016_05.pdf

http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-update-20160520-story.html

http://msa.maryland.gov/msa/mdmanual/40party/html/parties.html

http://www.elections.state.md.us/laws_and_regs/documents/Election%20Law%202011.pdf

http://docs.wixstatic.com/ugd/87c9b0_bd44851b2eed4ccc941e975e6668401f.pdf

http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-report-20160523-story.html

http://elections.maryland.gov/pdf/minutes/2016_06.pdf

http://marylandreporter.com/2016/06/10/baltimores-primary-election-foul-ups-did-not-happen-elsewhere-in-md/

http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-count-20160524-story.html

http://elections.maryland.gov/pdf/minutes/2016_06.pdf

https://youtube/YQfsHKAm594

http://www.elections.maryland.gov/elections/2016/results/primary/gen_detail_results_2016_3_REP00807.html

Baltimore City Council Legislative and Judicial Investigatory Hearing, 19 Oct 2016; https://youtube/YQfsHKAm594

https://baltimore.legistar.com/View.ashx?M=F&ID=4710932&GUID=10FAE24B-560D-4F0C-B33D-446721108091

http://elections.maryland.gov/pdf/minutes/2016_07.pdf

SBE January 2017 Meeting; http://elections.maryland.gov/about/meeting_materials/January_2017.pdf

https://baltimore.legistar.com/View.ashx?M=F&ID=4710932&GUID=10FAE24B-560D-4F0C-B33D-446721108091

http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-judges-20160913-story.html

http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-judges-20160913-story.html

http://www.elections.state.md.us/pdf/minutes/2016_07.pdf

50

http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-judges-20160913-story.html

http://www.elections.state.md.us/pdf/minutes/2016_10.pdf

http://msa.maryland.gov/msa/manual/43const/html/00dec.html

http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-intervention-20160512-story.html

https://www.washingtonpost.com/local/md-politics/maryland-decertifies-baltimore-election-results-investigates-irregularities/2016/05/12/fca6e128-1861-11e6-9e16-2e5a123aac62_story.html

http://www.wbaltv.com/news/maryland-state-board-of-elections-decertifies-city-election-results/39515102

https://www.youtube.com/watch?v=OJtIAO9RjXc

http://baltimore.cbslocal.com/2016/05/12/state-board-of-elections-orders-baltimore-election-results-de-certified/

http://elections.state.md.us/elections/2016/2016_Election_Calendar.pdf

http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-report-20160523-story.html

http://www.baltimoresun.com/news/maryland/baltimore-city/2016-mayor-race/bs-md-ci-vote-secrecy-20160516-story.html

https://www.maptechnica.com/us-cd-boundary-map/state/MD/cd/07/cdid/2407

http://www.aplatestnews.com/usnewsvideo.php?vidtype=1&idx=baltimore-city-election-results-decertified-2016-05-12

http://docs.wixstatic.com/ugd/87c9b0_4f40bb0c96714c689eefb7d39e4dcde1.pdf

http://docs.wixstatic.com/ugd/87c9b0_3038041ab45a4edd8f413a77ed7f8a47.pdf

http://www.baltimoresun.com/news/maryland/baltimore-city/2016-mayor-race/bs-md-ci-election-questions-20160502-story.html

http://www.rnla.org/votefraud.asp

http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gel&section=11-308&ext=html&session=2015RS&tab=subject5

http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gel&section=10-201&ext=html&session=2015RS&tab=subject5

http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gel&section=10-202&ext=html&session=2017RS&tab=subject5

http://msa.maryland.gov/msa/mdmanual/43const/html/00dec.html

http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-election-intervention-20160512-story.html

https://www.washingtonpost.com/local/md-politics/maryland-decertifies-baltimore-election-results-investigates-irregularities/2016/05/12/fca6e128-1861-11e6-9e16-2e5a123aac62_story.html

http://www.wbaltv.com/news/maryland-state-board-of-elections-decertifies-city-election-results/39515102

https://www.youtube.com/watch?v=OJtIAO9RjXc

http://baltimore.cbslocal.com/2016/05/12/state-board-of-elections-orders-baltimore-election-results-de-certified/

http://www.baltimoresun.com/news/maryland/baltimore-city/politics/bs-md-ci-election-report-20160523-story.html

http://www.baltimoresun.com/news/maryland/baltimore-city/2016-mayor-race/bs-md-ci-vote-secrecy-20160516-story.html

https://www.maptechnica.com/us-cd-boundary-map/state/MD/cd/07/cdid/2407

http://www.aplatestnews.com/usnewsvideo.php?vidtype=1&idx=baltimore-city-election-results-decertified-2016-05-12

http://www.ola.state.md.us/Reports/Fiscal%20Compliance/SBE17.pdf

_____

END