

Informational Testimony

Baltimore City Council Bill 22-0121R: 2022 Primary Election Irregularities

Submitted by:

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Background: I became an election judge over 15 years ago when the state moved from the mechanical voting machines to electronic. When I went to vote, I could see that the election judges were totally unprepared for the change. As a CPA, I understand the importance of efficient procedures, effective internal controls, and chain of custody in processes like those at the polling place. It was clear that the judges were completely unprepared on all counts that day. As I left the polling location, my husband was coming in and asked how it went. My answer was “I have no idea if my vote counted or not.” I went back to my office, downloaded the judge application, and worked the general election.

Over the years, I have always felt that the controls in place ensured that everyone eligible voter could vote and that their votes were accurately counted. While no election I have worked has been perfect, I have never left with that feeling that someone’s vote was not accurately counted. The 2020 primary is the first time that I have questioned this process. I am still comfortable that all the votes in my polling location were accurately counted, despite issues (below), but I am not comfortable with the process.

I believe that we not only need an accurate election, but also one in which every voter has confidence. The Baltimore Board of Elections (BOE) public communications about the primary did nothing to help build that confidence.

Summary: New judges did not cause the problems with the 2022 Primary election, despite public statements to the contrary. The loss of the USBs should have never happened, but the BOE’s own procedures could and should have identified where they were missing and resolved them before midnight.

The BOE cannot control the fact that 600 trained judges do not show up on election day. Combining more precincts and/or going to voting centers would decrease the number of judges needed. If that is not a possibility, the BOE needs to actively recruit judges and make it easy to apply. Training needs to be comprehensive and easy to access.

The City (or State) should also consider finding a location to combine the BOE staff and the warehouse. I am sure the BOE staff can provide a good business case for the efficiencies that would be created by co-locating the people with their work.

The deputy director needs to oversee better communication with the judges, active and potential. There is no excuse to not follow up on a potential new judge, to provide timely response to judges’ questions, and to oversee recruiting and training. The director and deputy director should have a 360 review to get an understanding how they are motivating and supporting staff.

Finally, has anyone asked the **judges** how the primary went? Have the BOE staffers ever been to a polling site while a team of people who never met scramble to open by 7am? Or at closing when half the “team” wants to get on their votes and/or leave instead of doing reconciliations they don’t understand?

I believe that everyone can and should have confidence in the election process. I am sure that Baltimore City isn’t the only district that have challenges with the process. I appreciate the Council taking the time to review the process, so no one leaves the precinct saying, “I don’t know if my vote counted or not.”

My 2022 primary experience:

Preparing for the election.

I wasn't sure if I were a still a judge, because I wasn't called for the 2020 Presidential voting centers as a judge (but did volunteer with Maryland Election Protection). Since I heard nothing from the BOE, I submitted a new judge application. I had no BOE communications until I received notice that of the required training. That notice also confirmed that I would be a chief judge.

The chief judge training was scheduled for 3 hours. We ran to nearly 4 hours. Until my general election training earlier this month, there was no discussion of the chief judge process at the BOE after the polls closed. The judges' manual was not available at the time.

The week before the primary, I received a letter confirming I was a chief judge and where I would be working. It was a new location, so I looked up the precinct and noticed that there were two precincts in that location.

The BOE had a voluntary "Open House" for judges the Friday before the election. I went by to pick up a manual and see what was happening with the poll location. Fortunately, there was an excellent and helpful BOE trainer available (kudos to Nicole Barkley). She took me aside and explained that my polling location would be a combined location with 2 precincts and how that would change our responsibilities. She also alerted me to the voters whose precincts had changed with the last redistricting. She also told me I would likely be the only chief, and I should enlist one of the other party judges as the 2nd chief. The time she spent was invaluable. Without it, I would have been blindsided on election day.

I requested but never received a contact for my polling place. I wanted to walk the location before election day, and to make sure I had a contact in case we had any location issues the day of. My email was never returned. My understanding is that the deputy is the person responsible for that correspondence.

At 11am on Monday, I received the list of judges at my site. I was the only identified chief. The email also included handouts explaining the redistricting procedures. I printed extra copies, so all the judges had the information. Had I not, we would have had only one copy.

I also went to the location on Monday to see if I could get the location information myself. The school was very accommodating. We brought in some tables and chairs that were needed the next morning.

Day of the election

All the judges arrived on time. One judge introduced herself as the chief judge. I showed her the roll and that she was not a chief, but she insisted. Rather than fight her, and risk losing her and her two friends, I (erroneously) allowed her to continue as a chief. I asked later what I should have done and was told that what I did was probably the best thing. In retrospect, feel I should have insisted on my original plan of selecting one of the non-Democrat judges and let her walk. (She probably wouldn't have but would have spent the day undermining the rest of the judges.)

The team was made up of legacy judges (like me, more than 4 elections), and new judges. The new judges brought their manuals, went to them to set up their stations, and asked me questions when needed. The legacy judges wanted to work the poll books. I gave them their opening report, which they completed under the other

chief. At 6:58, I walked the room and asked each station if they were ready, and everyone said yes. We opened the doors, and the poll books had not been opened! Fortunately, it didn't take long, but the books were already connected so their opening zero reports were incorrect (you must run the report *before* you connect them)

During the day, it became clear that the new judges understood their stations well. They had their manuals and asked if they had any questions. The legacy judges: left the precinct for lunch (not allowed), incorrectly made changes to the poll book, did not correctly do the hourly count on one of the scanners, and didn't sign out when they switched judges at the poll book. Again, the *new* judges did not have these problems, and were frustrated with those who did.

I had been monitoring the ballot counts, but the other chief unlocked the cabinet (losing physical control over the ballots). One of the legacy judges took some ballots out while I was somewhere else, so I didn't change my count. The result is we had 100 fewer ballots than I thought we had. As soon as I saw how low we were, I called the BOE and got great assistance. Unfortunately, the ballots were at the warehouse, so I had to call there. That person was not as accommodating, but I insisted (calling twice), and we were able to redirect people to the electronic machine until the ballots arrived.

Side note: the BOE gives the precinct a cell phone, but they don't have the number on the phone. So, when I used it to call the board locations, I was asked for a callback number. Of all the numbers on the box, the only one missing was this one.

Closing poll

Closing was relatively clean, primarily because I had made sure there was at least one new judge at every station. We had been saying all day that we didn't have a technician, but one of the "judges" turned out to be a technician – *and didn't know that was what she was!* Her badge was in the car, but the text she received saying she should bring the poll books and ballots from the scanner told me that she was our technician!

The legacy judge who had not opened the pollbook, gave the closed and locked pollbooks to the technician. The technician collected the ballots. She did *not* complete the receipt for the poll books and ballots, so the chain of custody was broken.

We were also supposed to have a master reconciliation sheet, but it was not in the chief's binder (apparently throughout the city). This was the focus at the chief judge training; you could not work unless you showed you knew how to complete the reconciliation. And then we didn't have it.

The BPD officer arrived and gave us the receipt for the USBs. I made sure to keep that in my custody. The other "chief" was much more interested in the payroll sheet.

At the BOE

The other "chief" drove in the car in front of me to the BOE downtown. I maintained control over the USB receipt, provisional bag, mail-in ballot bag, and telephone.

The first thing you must do at the BOE is turn in the supply bag outside on the sidewalk. We were required to show that the phone and the USB receipt were *not* in the supply bag. THIS IS THE FIRST PLACE THAT MISSING

USBs COULD HAVE BEEN DISCOVERED. If the USB were in the supply bag, it should have been taken out at this point. There was something in the press about them being in the bag; this should never happen.

Next, we go to the first station and turn in the supply bag receipt. The BOE then checks off our polling location. THIS IS THE NEXT TIME YOU CAN IDENTIFY POLLING LOCATIONS THAT HAVE NOT GONE TO THE BOE. Simply by contacting anyone who has not arrived by some critical time (e.g., 11), the board can start tracking down the USBs and other items. (Apparently, the BOE thinks the phone is the most important thing you have.)

Next, we turn in the payroll receipt and the provisional/mail-in bags.

Finally, we turn in the receipt and/or USBs, and our precinct is checked off. THIS IS THE NEXT OPPORTUNITY TO IDENTIFY WHICH PRECINCTS ARE MISSING.

This is also the “issues” desk. I was concerned about the technician breaking the chain of custody over the ballots and made her aware. She laughed. That’s it. No notation was made, no action was taken.

I also had kept the VAC binder out of the supply bag, based on the list in the manual. The Issues desk sent me to another location, where the BOE staffer literally yelled at me. Eventually she took it. (I asked at training and was told to strike that from the manual.)

The checklist showed we had turned everything in went with the other “chief.” Then we walked out the door to, stepped over the guy passed out on the steps, and got picked up by our drivers on the Block.

Notice that the process has controls built in that could have prevented Mr. Jones from having to go on TV saying there were missing USBs and undermining confidence in the process. Obviously, the BOE staff isn’t motivated enough to take this process as seriously as I would like them to have done. I understand this is a long night for them, and perhaps having Mr. Jones and Ms. Goldman out and visibly overseeing the process would help them feel like this is as serious an issue as good elections are.

General Election Training

There have been changes in the training. The email about training arrived and gave two locations for training and a number to call to schedule your training, but there were not dates listed on the communication. Scheduling was only available during work hours. When I called the number, I found out you could only schedule for the next seven days. It seems like that is asking for people to not call back. *When you are trying to keep and to add judges, why aren’t you making it as easy as possible for them to do it????*

A BOE staffer multiple pages of issues from the primary; I looked around and suspect most people had tuned out after about page 4, unfortunately. The staffer had to take all the primary comments and frustrations from the judges but is not empowered to act on them. Having someone with that authority there would have been helpful. Finally, everyone had to stand and take the oath as well as sign again all the rules for judges.

Instead of working on all the machines, the training attempts to replicate the polling location. This is a great idea, especially for chief judges, but it meant that judges only worked on one station, so they didn’t a refresher on the other pieces of equipment. Even the head trainer said that rotating stations is a good idea, but then no one was trained on more than one station.

Interestingly, the group had legacy and new judges, and both groups acted exactly as they did in the primary at my location. They didn't read their manuals, they made repeated errors, and they spent a lot of time chatting.


The trainers (contract, not employees, I think) did not themselves understand the chain of custody; I had to explain that the poll book receipt had the serial numbers when we received them, and why. They did, however, understand the steps needed, and for the first time, we had a practice "go to the BOE"

The process was better, but still too short. We need a minimum of another 2 hours to get hands on the equipment. What the trainers seem to miss was right in front of them: they expected a group of strangers to act like a team that had been working together for years. This is the fundamental issue with the polling place "chaos," and unless there is a significant change to the process and a consistent, reliable group of judges, will happen every election.

Overall, this was a very frustrating primary, but I will jump through all the hoops, take off the day after to recuperate, and continue to give me best to make the election process effective and reliable.

Thank you to the Baltimore City Council, especially Councilwoman Ramos, for taking the time to review the election process.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseline R. Martin". The signature is written in a cursive, flowing style with a large initial "J".