

**CITY OF BALTIMORE
COUNCIL BILL 06-0236R
(Resolution)**

Introduced by: Councilmembers Holton, Young, Kraft, Branch, Mitchell, Clarke, Reisinger,
Welch, Harris, D'Adamo, Curran

Introduced and read first time: November 20, 2006

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Supervisors of Elections

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **The Baltimore City Council Task Force**
3 **to**
4 **Secure the Integrity of Baltimore City Elections**

5 FOR the purpose of establishing a task force to ensure the validity of the 2007 Mayoral and
6 future elections by evaluating the accessibility, geographic placement, and number of polling
7 places throughout the City, assessing the efficacy and timing of the current educational
8 program for election judges, and performing a comprehensive fiscal and operational audit of
9 the Baltimore City electoral process.

10 **Recitals**

11 Following the fiasco of the 2006 primary election in which major mistakes affected the
12 electoral process across the entire state, the Maryland State Election Administrator ordered the
13 county local election boards of the subdivisions in which the most egregious violations occurred,
14 Baltimore City, Montgomery, Prince Georges, and Anne Arundel, to immediately submit remedy
15 plans to ensure that the general election would run smoothly and would accurately reflect the
16 will of the people.

17 As a further safeguard against a botched election, the Maryland General Assembly leadership
18 directed the Office of Legislative Audits (OLA) to identify the problems encountered by the 4
19 jurisdictions during the primary election. In response, the Office issued weekly reports that
20 analyzed the correction action plans proposed to correct significant deficiencies, monitored the
21 implementation of the corrective actions, and reviewed the efforts of the State Board of Elections
22 (SBE) to help ensure that noted statewide problems were not repeated during the November 7,
23 2006, general election.

24 In Baltimore City, it was reported that the SBE requested specific corrective action be taken
25 in areas that generally addressed: identifying current judges deemed unfit; recruiting new judges;
26 training of new judges and refresher training of retained judges; documenting the competency of
27 judges to be used in the general election; and ensuring that all judges are given an assignment for
28 Election Day. At the September 19, 2006, hearing, senior local board staff were unable to
29 provide the City Council with satisfactory answers to election day problems.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 The meeting with the City Council was on September 25 and 27, 2006, with equally
2 unsatisfactory sessions with OLA staff where specific documentation was not available
3 including: a list of 183 judges who did not show up for the election and were sent letters
4 concerning their no-show; the number of judges that still needed to be recruited; the
5 communication log of complaints received from voters or recorded by judges during the primary;
6 details or contact information about offers from Baltimore City government and the University
7 of Maryland Law School to recruit election judges; and plans for training judges.

8 By the 6th and final report of the Office of Legislative Audits, dated November 2, 2006, the
9 Baltimore City Board of Elections had addressed many of the problems that had affected the
10 electoral process in the City as follows:

- 11 • According to the SBE, as of November 2, 2006, all local boards had received the full
12 allotment of their requested quantity of paper ballots to be used as absentee,
13 provisional and/or contingency ballots. However, some local boards report having
14 run low on certain ballot styles and will need to photocopy ballots to cover any
15 shortages.
- 16 • The unanticipated volume of absentee ballot requests has generally caused delays in
17 mailing of absentee ballots at certain local boards. As of the morning of November 2,
18 there were approximately 186,000 voters statewide who had requested an absentee
19 ballot, and approximately 62,000 completed ballots had been returned. At the 4 local
20 boards that were being monitored, approximately 84,000 ballots had been requested,
21 and approximately 24,500 had been returned.
- 22 • As of today, the local boards have completed required pre-election testing of
23 electronic voting equipment....The SBE's procedures require it to select one voting
24 machine from each of the 24 locals and subject the machines to testing during the
25 general election. The SBE advised that due to staffing issues, it planned on limiting
26 this testing to 1 unit from only 6 of the 24 local boards. Therefore, the SBE will not
27 be in compliance with its procedures.
- 28 • Although Baltimore City and Montgomery County are still attempting to recruit
29 Republican judges, for all practical purposes, recruitment should be considered
30 concluded. Both the City and Montgomery County advised that they have an
31 adequate number of judges for the election and can place at least one Republican
32 judge in each precinct. Baltimore City has not yet filled all chief judge positions,
33 although efforts continue.
- 34 • Training will continue through November 6th in several local boards for technicians,
35 judges, and chief judges, based on established training schedules and curriculum.
36 The quality of training provided in Baltimore City has been uneven, with more people
37 showing up for certain training classes than anticipated, possibly impacting the
38 effectiveness of the instruction.
- 39 • An issue not identified during the Primary Election, but which might become
40 significant after the General Election, is the accounting and handling of absentee
41 ballots. Although State Regulations prescribe certain controls and processing steps to
42 be followed by the local boards, we believe some proactive monitoring of this issue
43 by the SBE, prior to election, would be appropriate. For example, the SBE does not

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1 intend to determine whether each local board has adequately planned to handle an
2 unprecedented volume of absentee ballots.

3 Fortunately 8 weeks after a disastrous election that brought unwanted national attention to
4 the electoral process in Maryland, the November 7th General Election was comparatively glitch
5 free thanks to the intervention of the State and the dedication of the local Baltimore City Board
6 of Elections. However, the information contained in the report of the OLA and first-hand
7 accounts of Baltimore City voters indicate that Baltimore City cannot proceed as if the problems
8 that nearly brought our electoral process to a standstill have all been addressed nor can we
9 assume that even if the process were totally error-free that it addresses the needs of the
10 constituency.

11 *The Machinery of Democracy: Voting System Security, Accessibility, Usability, and Cost*, a
12 voting technology assessment project of the Brennan Center for Justice at the New York
13 University School of Law, finds that there has been surprisingly little empirical study of voting
14 systems in the areas of security, accessibility, usability, and cost...Advocates urge security
15 measures that provide questionable security value; jurisdictions purchase accessible voting
16 machines that do not fully address the needs of their disabled communities; counties make
17 decisions about ballot design and instruction language without performing usability testing to
18 avoid voter confusion and mistakes; and state and local election officials often purchase voting
19 machines by looking almost exclusively at initial costs, with little regard for long-term costs,
20 which will almost always make up the vast majority of the voting system’s total cost.

21 To ensure that future elections truly reflect the will of the populace, it is necessary to
22 continue to monitor the progress of the Baltimore City Board of Elections in instituting a remedy
23 plan and, additionally, to take proactive measures to address the needs of our diverse population
24 that includes persons of all ages, physical abilities, and those for whom English is not their
25 native language.

26 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
27 Body establishes a task force to ensure the validity of the 2007 Mayoral and future elections by
28 evaluating the accessibility, geographic placement, and number of polling places throughout the
29 City, assessing the efficacy and timing of the current educational program for election judges,
30 and performing a comprehensive fiscal and operational audit of the Baltimore City electoral
31 process.

32 **AND BE IT FURTHER RESOLVED,** That the membership of the Baltimore City Council Task
33 Force to Secure the Integrity of Baltimore City Elections will include, but not be limited to,
34 representatives of:

- 35 • Baltimore City Council
- 36 • Mayor’s Office
- 37 • Maryland Congressional Delegation
- 38 • Baltimore City Senate and House Delegations to the Maryland General Assembly
- 39 • Baltimore City Board of Elections
- 40 • Commission on Aging and Retirement Education
- 41 • NAACP
- 42 • Commission on Disabilities
- 43 • Mayor’s Office of Neighborhoods Hispanic Liaison
- 44 • Mayor’s Office of Neighborhoods Korean Liaison

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1 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Mayor, the
2 Honorable Members of the Maryland Congressional Delegation, the Honorable Members of the
3 Baltimore Senate and House Delegations to the Maryland General Assembly, the President of
4 the Baltimore City Board of Elections, the Executive Director of the Commission on Aging and
5 Retirement Education, the President of the Baltimore Branch of the NAACP, the Director of the
6 Commission on Disabilities, the Mayor’s Hispanic Liaison, the Mayor’s Korean Liaison, the
7 Executive Director of the Mayor’s Office of State Relations, and the Mayor’s Legislative Liaison
8 to the City Council.