

STATE BOARD OF ELECTIONS

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Via Electronic Mail Only

Robyn Sachs
Maryland Voting Integrity Group

Several local boards of elections received emails requesting a manual audit of ballots from selected precincts, and based on news reports, we understand that your organization is organizing this effort. I am responding on behalf of the local boards, and for the reasons provided below, the local boards are not able to accommodate the requests.

First, the accuracy of the voting units is tested and confirmed several times during the election process. Before each election, local election officials test each voting unit that will be used in the election. The purpose of this test is to verify that each scanner properly counts votes marked on ballots and each ballot marking device correctly records the voter's selections. To conduct this test on the scanners, we feed pre-marked ballots into each scanner and verify that the results printed from the scanner match the results we expect to receive from the "votes" on the pre-marked ballots. Once local election officials verify that the pre-election test results match the expected results, they clear the test results, verify that there are no results on the scanner, and close and seal the unit. This unit is now ready for voting during early voting or on election day. You can review all of the forms completed during the pre-election testing at the local boards' public demonstrations.

Before the unit is used for early voting, election day or at a canvass, election officials compare the numbered and tamper-evident seals against paperwork showing the seal number affixed at the end of the pre-election testing. If the numbers match, it is confirmation that the voting unit has not been tampered with since the unit was tested and accurately counted the ballots fed into it. Otherwise, tampering with any type of voting equipment, including ballot scanners, is a felony in Maryland punishable by up to three years' imprisonment and/or a \$10,000 fine.

After each election and before certification, we send digital images of each ballot to an independent entity. This third party re-tabulates all of the ballot images and provides us with the results of its independent tabulation. When we receive the results of the independent tabulation, we send the third party the results from the voting system. The third party then compares their results against the voting system's results and identifies – at the precinct level – any differences between the two sets of results. These reports are posted on [our website](#) as they are received. We receive the results of the audit of early voting, election day, and some of the mail-in ballot canvass before the local boards certify the local election results, and we receive the results of the audit of all ballot images before the Board of State Canvassers certifies state election results. This audit is called the post-election automated ballot tabulation audit.

Even though we perform an audit of 100% of the ballot images before certification, the local boards will also perform a second audit – a manual count of ballots from selected precincts. Information about the manual audit process is available [here](#).

Since this voting system was first used in Maryland in 2016, these audits have confirmed the accuracy of the voting system and that the certified results reflect the intent of each voter in each election. If the voting system counted inaccurately as you suggest, these audits would have identified the error. I encourage you to review the results of prior audits posted on the SBE's website.

Second, your request for a recount is not permitted under State law. Recounts cannot be requested until after the election results are certified, and you are asking for a recount *before* the election results are certified and *before* all of the votes are even counted. Only defeated candidates can request a recount, and you are not a candidate on the ballot. A recount can only be requested if the margin of victory between the candidate with the most voters and defeated candidate is less than 5%, and you are asking for a recount before the margins of victory are even known. If the margin of victory is more than 0.25%, the candidate requesting the recount must file a bond covering the cost of the recount. Again, we will not know the margins of victory the day after the election and therefore cannot determine the cost of the recount.

While I appreciate your willingness to provide the personnel to conduct the requested "recount," access to official election documents – including ballots – is limited to sworn and trained election officials, not volunteers. The local boards can facilitate providing you with visual access to the ballots after the election is certified and with an appropriate fee to cover the costs of locating ballots for the requested precincts and staffing your review of the ballots.

Lastly, there is no evidence to indicate that the voting system we use does not count accurately or that election results do not reflect the intention of the voters. We confirm the accuracy of the voting equipment before election day, verify the chain of custody of the equipment, and audit the results.

There are many opportunities to participate and observe the election process. As I mentioned above, you can attend the local boards' public demonstrations. You can also observe the local boards' mail-in ballot and provisional ballot canvasses. Information about the public demonstration and canvasses is posted on the local boards' websites. I encourage you to take advantage of these opportunities and learn more about the election process.

Sincerely,



Linda H. Lamone
State Administrator