20231218 Comments of Michael Fletcher to Montgomery County BOE

At the October Board meeting, I presented information about the large number of blank ballots that were cast in Montgomery County in 2020 and 2022 (see the table below). Since then, the SBE has tried to change the definition of "Blank Ballot" in order to justify these very large numbers. However, the new definition (that a blank ballot is actually a blank page of a ballot) is in conflict with the definition of a ballot provided in Maryland election law §9-203 https://casetext.com/statute/code-of-maryland/article-election-law/title-9-voting/subtitle-2-ballots/section-9-203-standards. Also, the new definition is inconsistent with the term "ballot" described in the Voting Operations Judge Training booklet for the 2022 Primary and the definition provided in the ES&S tabulator manuals. The SBE's own website is in conflict with the new definition. Footnote 1 to the 2022 Post-Election Automated Ballot Tabulation Audit states: "[1]There is a known difference in how the voting system and Clear Ballot tabulate individual ballots. The voting system reads each ballot scanned, regardless of the number of pages, as 1 ballot. Clear Ballot, however, tabulates each page of a ballot as 1 card in both cards cast reports. Therefore, the total number of cards cast in a multi-page ballot as calculated by Clear Ballot will be greater than the total number of ballots cast as reported by the voting system." https://elections.maryland.gov/voting_system/ballot_audit_plan_automated.html

Mr. Brajkovic provided information from the manual audit of the 2022 election which compiled "Blank votes" in addition to ballots cast for various races in several precincts. However, when the number of "Blank votes" from the audit is compared to the number of "Blank Ballots" reported by the tabulators from the tabulator report of "Ballots Cast by Precinct/Party," the numbers reported by the tabulators are many times larger than the numbers from the hand audit. I am concerned about blank ballots because if a voter inserts a ballot into a tabulator, but the tabulator counts the ballot as blank, that voter has had his voting rights infringed. I hope that you would agree that the large number of blank ballots in Montgomery County's elections should be investigated to assure that the machines are counting votes accurately.

This issue could be easily resolved by hand counting the blank ballots from a few tabulators and comparing the results to the blank ballot count registered by the machines. A fair audit would not involve using the output of the voting machines to independently verify the accuracy of the machines. A truly independent audit would compare the machine results to the real world. In this case, the real world would be the paper ballots cast by the voters, not ballot images. Ballot images are machine-generated and are not real world.

What would prevent the Montgomery County Board of Elections from authorizing a real-world audit of blank ballots in a precinct or two?

	County	2020 Blank	2022 Blank
1			
2	Montgomery	41,680	20,098
3	Baltimore County	26,845	19,678
4	Prince Georges	16,684	22,453
5	Baltimore City	12,796	6,506
6	Howard	12	1,770
7	Frederick	12	1,187
8	Anne Arundel	11	4,157
9	Carroll	11	3
10	Harford	10	1,892
11	Charles	8	436
12	Washington	4	871
13	Worcester	4	0
14	St Mary's	4	320
15	Talbot	3	476
16	Wicomico	2	911
17	Cecil	2	680
18	Allegheny	2	271
19	Dorchester	2	3
20	Garrett	2	357
21	Calvert	1	85
22	Queen Anne's	0	80
23	Caroline	0	0
24	Kent	0	121
25	Somerset	0	1
		98,095	82,356