

Subject: Public Information Act Request Maryland Board of Elections 2024-60/61
Date: Tuesday, July 30, 2024 at 4:08:14 PM Eastern Daylight Time
From: Cyril Komp -SBE-
To: AO Records
Attachments: MD-SBE-24-0490 (1).pdf, MD-SBE-24-0491 (1).pdf

EXTERNAL SENDER

Good Afternoon,

This email is in response to two Public Information Act requests for copies of correspondences and email attachments and written reports or audit materials sent or received by the individuals and groups named in your request (attached).

We have concluded our search and review of records responsive to these requests, which may be accessed at the following link: [PIA 2024-60](#)

Please let me know if you have any trouble accessing the files.

Thank you,

--

Cyril (CJ) Komp
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486
Telephone 410-269-2931



info sbe -SBE- <info.sbe@maryland.gov>

MEDIA REQUEST

2 messages

Olivia Dance <oadance@sbgvtv.com>
 To: "info.sbe@maryland.gov" <info.sbe@maryland.gov>

Wed, Apr 17, 2024 at 12:39 PM

Good afternoon,

My name is Olivia Dance and I'm a reporter with Fox 45 News in Baltimore. I am reaching out regarding the lawsuit that Maryland Election Integrity LLC has filed against the State Board of Elections. Would someone from the Board of Elections be available to do an interview with me about this lawsuit and the claims in it? If not, can you please send me a statement responding to the lawsuit.

Thank you,
 Olivia Dance
 Fox 45 News

Olivia Dance <oadance@sbgvtv.com>
 To: "info.sbe@maryland.gov" <info.sbe@maryland.gov>

Wed, Apr 24, 2024 at 11:22 AM

Good afternoon,

I am following up regarding the lawsuit filed against the Board of Elections. I have copied the link to the lawsuit below. Please let me know if someone is able to speak with me and if not, can I please get a statement on the lawsuit and the claims in it.

<https://static1.squarespace.com/static/647e62f282b8865c2c0f68ac/t/65f2438d43b43928081e5b16/1710375821653/COMPLAINT+MD+Election+Integrity+FINAL.pdf>

Thank you,
 Olivia Dance
 Fox 45 News

From: Olivia Dance <oadance@sbgvtv.com>
Sent: Wednesday, April 17, 2024 12:39 PM
To: info.sbe@maryland.gov <info.sbe@maryland.gov>
Subject: MEDIA REQUEST

[Quoted text hidden]



info sbe -SBE- <info.sbe@maryland.gov>

Expose these Election deniers

1 message

Susan Cohen <suec716@yahoo.com>

Thu, May 9, 2024 at 11:27 AM

To: "info.sbe@maryland.gov" <info.sbe@maryland.gov>, "ccf.sbe@maryland.gov" <ccf.sbe@maryland.gov>, "elections@montgomerycountymd.gov" <elections@montgomerycountymd.gov>

Attn:
Jared Demarinis
[Boris Brajkovic, Election Director](#)
[Janet Ross, Acting Deputy Director](#)

We were glad to see the courts threw out this case but make no mistake-they will be back
Maryland was only the first in their nationwide attempt to subvert the 2024 Elections & deny voters their rights

Who are they & who is funding them:

1- Maryland Election Integrity LLC * [116 Defense Highway, *](#)
[Annapolis Md 21401](#)

2- United Sovereign Americans, Inc. * [167 Lamp and Lantern Village Suite 194 * Chesterfield, MO](#)

Thank you,
Sue & Peter Cohen

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██████████e ██████████D ██████████3



info sbe -SBE- <info.sbe@maryland.gov>

On-line ballot delivery system

1 message

Mary Koenigshoff <mary.koenigshoff@comcast.net>

Thu, Apr 24, 2014 at 9:24 AM

To: info.sbe@maryland.gov

Cc: "Kenneth R. Timmerman" <ken@lollar4governor.com>, David Morsberger <dave@morsberger.com>, Dale Kelley <dale@lollar4governor.com>

Maryland Board of Elections:

Please spare Maryland the lawsuits that will assured be filed and national attention that will come with on-line ballot distribution. Maryland reputation over electronic failings has already been made nationalized with health care. The go ahead with this system will only lead to ugly and divisive battles.

Mary Koenigshoff





info sbe -SBE- <info.sbe@maryland.gov>

AA County Districts

3 messages

David Morsberger <dave@morsberger.com>
To: info.sbe@maryland.gov
Cc: Mark Burt <pzburt20@aacounty.org>

Fri, Feb 18, 2022 at 4:20 PM

Hello,

Does the data returned in a voter query on the following website use the new Anne Arundel County Council approved district maps?

<https://voterservices.elections.maryland.gov/VoterResults>

If not, is there an expected timeframe for updating the data? Voters are asking for their new councilmanic district information.

--
David Morsberger

info sbe -SBE- <info.sbe@maryland.gov>
To: David Morsberger <dave@morsberger.com>
Cc: Mark Burt <pzburt20@aacounty.org>

Tue, Feb 22, 2022 at 8:25 AM

No, it doesn't. That information won't be updated until after the lawsuits are settled.

On Fri, Feb 18, 2022 at 4:21 PM David Morsberger <dave@morsberger.com> wrote:

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David Morsberger <dave@morsberger.com>
To: info sbe -SBE- <info.sbe@maryland.gov>
Cc: Mark Burt <pzburt20@aacounty.org>

Tue, Feb 22, 2022 at 8:34 AM

Thanks!

For what it's worth, There are no lawsuits against the Anne Arundel County Councilmanic Districts

David Morsberger
Davidsonville



On Feb 22, 2022, at 8:25 AM, info sbe -SBE- <info.sbe@maryland.gov> wrote:

<https://mail.google.com/mail/b/AEoRXRQaHh6kX4aSFHREg9-jyWTQjckqMpsSb0cSnz5oP9pqPxyyp/u/0/?ik=c64d8ecc6e&view=pt&search=all&permt...>

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David Morsberger



info sbe -SBE- <info.sbe@maryland.gov>

MD NVRA

4 messages

Dana Schulze <danaschulze@protonmail.com> Mon, Mar 13, 2023 at 9:33 PM
 To: "linda.lamone@maryland.gov" <linda.lamone@maryland.gov>, "info.sbe@maryland.gov" <info.sbe@maryland.gov>, "andrea.trento@maryland.gov" <andrea.trento@maryland.gov>, "nikki.charlson@maryland.gov" <nikki.charlson@maryland.gov>, "donna.duncan@maryland.gov" <donna.duncan@maryland.gov>, "shelly.holland@maryland.gov" <shelly.holland@maryland.gov>, "fred.brechbiel@maryland.gov" <fred.brechbiel@maryland.gov>, "keith.ross@maryland.gov" <keith.ross@maryland.gov>
 Cc: "elee@judicialwatch.org" <elee@judicialwatch.org>, "brendayarema@verizon.net" <brendayarema@verizon.net>, Robert Atkins <atkins950@gmail.com>, "elections@aacounty.org" <elections@aacounty.org>, "trgardner@usa.net" <trgardner@usa.net>, "richard.siejack@maryland.gov" <richard.siejack@maryland.gov>, Annapolis First <annapolisfirst@gmail.com>, Jay Baratelli <Jay_Baratelli@msn.com>, David Morsberger <dave@morsberger.com>, "david.garreis@maryland.gov" <david.garreis@maryland.gov>, Jean Benhoff <jmbenhoff@gmail.com>, Jolie McShane <jolie@healthmaniacs.net>, "JPrale@lesspral.com" <JPrale@lesspral.com>, Robyn Sachs <rsachs@rmr.com>, Kate Strauch Sullivan <kate@sullyland.com>, "NatalieAbbas13@gmail.com" <NatalieAbbas13@gmail.com>, Janet Katz <janet.katz@comcast.net>, Christine Cirone <christine.cirone@gmail.com>

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To God be the glory,

Dana L. Schulze, Vice-Chairman, RSCCAAC






484-792-1387

The Precinct Strategy Team Anne Arundel County (State and Nationwide)



Sent with [Proton Mail](#) secure email.

5 attachments

-  **2023 March Response to BOEL meeting.docx**
62K
-  **Yellow Sticker response letter from SBE 022523.pdf**
219K
-  **Letter to bill Voelp 011223.pdf**
1336K
-  **BOE Minutes NVRA and Discrepancy Scan20230217_24.pdf**
263K
-  **CFS_RFS_NIXIE_Label.pdf**
55K

Kate Strauch Sullivan <kate@sullyland.com>

Tue, Mar 14, 2023 at 6:52 AM

To: Dana Schulze <danaschulze@protonmail.com>

Cc: Annapolis First <annapolisfirst@gmail.com>, Christine Cirone <christine.cirone@gmail.com>, David Morsberger <dave@morsberger.com>, "JPraley@lesspral.com" <JPraley@lesspral.com>, Janet Katz <janet.katz@comcast.net>, Jay Baratelli <Jay_Baratelli@msn.com>, Jean Benhoff <jmbenhoff@gmail.com>, Jolie McShane <jolie@healthmaniacs.net>, "NatalieAbbas13@gmail.com" <NatalieAbbas13@gmail.com>, Robert Atkins <atkins950@gmail.com>, Robyn Sachs <rsachs@rnr.com>, "andrea.trento@maryland.gov" <andrea.trento@maryland.gov>, "brendayarema@verizon.net" <brendayarema@verizon.net>, "david.garreis@maryland.gov" <david.garreis@maryland.gov>, "donna.duncan@maryland.gov" <donna.duncan@maryland.gov>, "elections@aacounty.org" <elections@aacounty.org>, "elee@judicialwatch.org" <elee@judicialwatch.org>, "fred.brechbiel@maryland.gov" <fred.brechbiel@maryland.gov>, "info.sbe@maryland.gov" <info.sbe@maryland.gov>, "keith.ross@maryland.gov" <keith.ross@maryland.gov>, "linda.lamone@maryland.gov" <linda.lamone@maryland.gov>, "nikki.charlson@maryland.gov" <nikki.charlson@maryland.gov>, "richard.siejack@maryland.gov" <richard.siejack@maryland.gov>, "shelly.holland@maryland.gov" <shelly.holland@maryland.gov>, "trgardner@usa.net" <trgardner@usa.net>

Bravo Dana! Baltimore County needs to write this letter. We gave them a mountain of returned mail and all they did was shrug their shoulders and say, out of their hands".

So frustrating.

Kate

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484-792-1387

The Precinct Strategy Team Anne Arundel County (State and Nationwide)



Sent with Proton Mail secure email.

“The truth is like a lion; you don’t have to defend it. Set it free; it will defend itself.”

Robyn Sachs <rsachs@rmr.com>

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Hi Team,

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Dave Carver tonight will talk about how they are doing this in New Jersey, County by County. It can & must be done.

Thanks for all you do! Robyn
Maryland Voter Integrity Group

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Sent: Tuesday, March 14, 2023 6:52:40 AM
To: Dana Schulze <danaschulze@protonmail.com>
Cc: Annapolis First <annapolisfirst@gmail.com>; Christine Cirone <christine.cirone@gmail.com>; David Morsberger <dave@morsberger.com>; JPraley@lesspral.com <JPraley@lesspral.com>; Janet Katz <janet.katz@comcast.net>; Jay Baratelli <Jay_Baratelli@msn.com>; Jean Benhoff <jmbenhoff@gmail.com>; Jolie McShane <jolie@healthmaniacs.net>; NatalieAbbas13@gmail.com <NatalieAbbas13@gmail.com>; Robert Atkins <atkins950@gmail.com>; Robyn Sachs <rsachs@rmr.com>; andrea.trento@maryland.gov <andrea.trento@maryland.gov>; brendayarema@verizon.net <brendayarema@verizon.net>; david.garreis@maryland.gov <david.garreis@maryland.gov>; donna.duncan@maryland.gov <donna.duncan@maryland.gov>; elections@aacounty.org <elections@aacounty.org>; elee@judicialwatch.org <elee@judicialwatch.org>; fred.brechbiel@maryland.gov <fred.brechbiel@maryland.gov>; info.sbe@maryland.gov <info.sbe@maryland.gov>; keith.ross@maryland.gov <keith.ross@maryland.gov>; linda.lamone@maryland.gov <linda.lamone@maryland.gov>; nikki.charlson@maryland.gov <nikki.charlson@maryland.gov>; richard.siejack@maryland.gov <richard.siejack@maryland.gov>; shelly.holland@maryland.gov <shelly.holland@maryland.gov>; trgardner@usa.net <trgardner@usa.net>
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Sent with Proton Mail secure email.

“The truth is like a lion; you don’t have to defend it. Set it free; it will defend itself.”

James C. Praley <jprailey@lesspral.com> Tue, Mar 14, 2023 at 10:04 AM
To: Robyn Sachs <rsachs@rmr.com>, Kate Strauch Sullivan <kate@sullyland.com>, Dana Schulze <danaschulze@protonmail.com>
Cc: Annapolis First <annapolisfirst@gmail.com>, Christine Cirone <christine.cirone@gmail.com>, David Morsberger <dave@morsberger.com>, Janet Katz <janet.katz@comcast.net>, Jay Baratelli <Jay_Baratelli@msn.com>, Jean Benhoff <jmbenhoff@gmail.com>, Jolie McShane <jolie@healthmaniacs.net>, "NatalieAbbas13@gmail.com" <NatalieAbbas13@gmail.com>, Robert Atkins <atkins950@gmail.com>, "andrea.trento@maryland.gov" <andrea.trento@maryland.gov>, "brendayarema@verizon.net" <brendayarema@verizon.net>, "david.garreis@maryland.gov" <david.garreis@maryland.gov>, "donna.duncan@maryland.gov" <donna.duncan@maryland.gov>, "elections@aacounty.org" <elections@aacounty.org>, "elee@judicialwatch.org" <elee@judicialwatch.org>, "fred.brechbiel@maryland.gov" <fred.brechbiel@maryland.gov>, "info.sbe@maryland.gov" <info.sbe@maryland.gov>, "keith.ross@maryland.gov" <keith.ross@maryland.gov>, "linda.lamone@maryland.gov" <linda.lamone@maryland.gov>, "nikki.charlson@maryland.gov" <nikki.charlson@maryland.gov>, "richard.siejack@maryland.gov" <richard.siejack@maryland.gov>, "shelly.holland@maryland.gov" <shelly.holland@maryland.gov>, "trgardner@usa.net" <trgardner@usa.net>

Please remove me from this email thread.

James C. Praley
Board Attorney
Anne Arundel County Board of Elections
jprailey@lesspral.com

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AMERICAN
OVERSIGHT

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6/4/24, 2:07 PM

State of Maryland Mail - MD NVRA

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info sbe -SBE- <info.sbe@maryland.gov>

Notice of Claim Under the National Voter Registration Act

2 messages

Thomas Basile <tom@statecraftlaw.com> Wed, Sep 27, 2023 at 12:33 PM
To: "info.sbe@maryland.gov" <info.sbe@maryland.gov>, "jared demarinis@maryland.gov" <jared.demarinis@maryland.gov>, "fred.brechbiel@maryland.gov" <fred.brechbiel@maryland.gov>
Cc: Kory Langhofer <kory@statecraftlaw.com>, "Justin Riemer (Riemer Law)" <justin@riemer.law>

Please see the attached correspondence on behalf of David Morsberger and Katherine Strauch Sullivan.

Thank you.

Thomas Basile

STATECRAFT PLLC

649 North Fourth Avenue, First Floor

Phoenix, Arizona 85003

Desk: (602) 382-4066

Cell: (617) 458-6453

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

Notice of NVRA Claim.pdf
866K

info sbe -SBE- <info.sbe@maryland.gov> Wed, Sep 27, 2023 at 12:48 PM
To: Brett Paradise -SBE- <brett.paradise@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>, Katherine Berry -SBE- <katherine.berry@maryland.gov>

----- Forwarded message -----

From: **Thomas Basile** <tom@statecraftlaw.com>
Date: Wed, Sep 27, 2023 at 12:33 PM
Subject: Notice of Claim Under the National Voter Registration Act
To: info.sbe@maryland.gov <info.sbe@maryland.gov>, jared.demarinis@maryland.gov <jared.demarinis@maryland.gov>, fred.brechbiel@maryland.gov <fred.brechbiel@maryland.gov>
Cc: Kory Langhofer <kory@statecraftlaw.com>, Justin Riemer (Riemer Law) <justin@riemer.law>

Please see the attached correspondence on behalf of David Morsberger and Katherine Strauch Sullivan.

Thank you.

signature_457014567

Thomas Basile

STATECRAFT PLLC

649 North Fourth Avenue, First Floor



6/4/24, 2:09 PM

State of Maryland Mail - Notice of Claim Under the National Voter Registration Act

Phoenix, Arizona 85003

Desk: (602) 382-4066

Cell: (617) 458-6453

This transmission may be protected by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please delete all copies of the transmission and advise the sender immediately.

3 attachments

image001.png
1K

image001.png
1K

 **Notice of NVRA Claim.pdf**
866K

[info sbe -SBE- <info.sbe@maryland.gov>](mailto:info.sbe@maryland.gov)

In Service of Restored Faith in our Elections

1 message

Kate Strauch Sullivan <kate@sullyland.com>
To: info.sbe@maryland.gov

Tue, Feb 27, 2024 at 11:59 PM

February 27, 2024

Cc: State Board of Elections Members; Local Board of Election Members

Mr. Demarinis and Maryland State Board of Elections Members,

Over the past three years, a team of dedicated Maryland citizens has organized various efforts to verify the accuracy of our official Maryland State Voter Registration Database and official Maryland reports. For example, we have focused on canvassing registration addresses to confirm their validity and analyzing the official Maryland voter registration database in order to identify potential inaccuracies. Our team includes trained data scientists, computer programmers, statisticians, attorneys, and a group of dedicated registered voters from across all 24 Maryland jurisdictions.

The following report is in service of restoring faith in our elections. In recent years, despite the sincere and honest efforts of our local Board of Election officials, faith and confidence in our election process has drastically decreased. We firmly believe, in order to restore confidence in our elections, Marylanders need to publicly see their concerns being addressed. This report gives our Maryland state elections officials an opportunity to openly respond and work with us to address these concerns.

Our intention in this report is to provide the State Board of Elections with critical data we have collected to assist in maintaining an accurate voter registration database. It is our sincere hope this report will serve as an opportunity for the State Board of Election to review the inaccurate registrations and unexplained anomalies we have identified as well as an opportunity to consider the potential election system vulnerabilities which may have caused these issues.

The following report is a presentation of our findings.

Thank you in advance for your consideration of these findings and subsequent action. We look forward to collaborating with you to address the vulnerabilities outlined in this report. With the 2024 Primary and General elections approaching rapidly, time is of the essence. We kindly request a response within the next ten business days. Failure to do so may necessitate exploring alternative avenues, potentially involving legal action.

David Morsberger
Anne Arundel County

Katherine Strauch Sullivan
Baltimore County

“The truth is like a lion; you don’t have to defend it. Set it free; it will defend itself.”

This electronic mail message is intended exclusively for the individual or entity to which it is addressed. This message, together with any attachment, may contain confidential and privileged information. Any unauthorized review, use, printing,

AM
OVERSIGHT

6/4/24, 2:10 PM

State of Maryland Mail - In Service of Restored Faith in our Elections

copying, retention, disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email message to the sender and delete all copies of this message.



Election Accuracy Report for SBOE_2-27-24.pdf

1558K



info sbe -SBE- <info.sbe@maryland.gov>

Kobach letter

2 messages

Kate Sullivan <katemsullivan60@gmail.com>
To: info.sbe@maryland.gov

Sat, Jul 1, 2017 at 7:12 AM

Ms. Linda Lamone

By registering to vote when I first moved to St. Mary's County, Maryland in 1999, I did NOT give the state of Maryland, or any agencies or officials therein, my permission either outright or implied to share even my public voter registration information with ANY entity, other than those as permitted by Maryland law and requested by a Maryland registered voter.

Therefore, I demand that no part of my personal voter registration information be sent in response to the recent letter sent from Mr. Kris Kobach.

Respectfully,
Katherine Sullivan
Piney Point, MD

Sent from my iPad

info sbe -SBE- <info.sbe@maryland.gov>
To: Kate Sullivan <katemsullivan60@gmail.com>

Thu, Jul 6, 2017 at 10:07 AM

Thank you for your email or call sharing your concern with the request from the Presidential Advisory Commission on Election Integrity for voter registration data. On July 3, 2017, I notified the Commission that State law prohibits this office from providing the requested data, and as a result, the request for the data is denied. A copy of my letter is available on this office's home page (elections.maryland.gov).

Linda H. Lamone
Administrator
State Board of Elections



www.elections.maryland.gov

On Sat, Jul 1, 2017 at 7:12 AM, Kate Sullivan <katemsullivan60@gmail.com> wrote:

Ms. Linda Lamone

By registering to vote when I first moved to St. Mary's County, Maryland in 1999, I did NOT give the state of Maryland, or any agencies or officials therein, my permission either outright or implied to share even my public voter registration information with ANY entity, other than those as permitted by Maryland law and requested by a Maryland registered voter.

Therefore, I demand that no part of my personal voter registration information be sent in response to the recent letter sent from Mr. Kris Kobach.

Respectfully,
Katherine Sullivan
Piney Point, MD

Sent from my iPad



info sbe -SBE- <info.sbe@maryland.gov>

PIA Request

2 messages

James Randisi <jamesrandisi1@gmail.com>

Tue, Nov 21, 2023 at 3:14 PM

To: Jared DeMarinis DeMarinis <info.sbe@maryland.gov>

Cc: Kate Sullivan <kate@sullyland.com>, Jean Benhoff <jmbenhoff@gmail.com>

Mr. DeMarinis,

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting the following information:

- We kindly request access to the following ES&S (Election Systems & Software) Any and All From Any Date April 1, 2020 - April 30, 2020
 - Letters/Emails From ES&S
 - Responses to emails from ES&S,
 - The responsive records are related to the correspondence below:



April 3, 2020

VIA ELECTRONIC MAIL

CONTACT NAME
STATE/CUSTOMER NAME
ADDRESS
ADDRESS

RE: Election Systems & Software, LLC ("ES&S") DS200® Marketing Materials

Dear CONTACT NAME:

It has recently been brought to our attention that certain ES&S DS200 precinct scanner and tabulator (DS200) marketing materials may contain potential inaccuracies. In prior DS200 marketing materials you may have received from ES&S, ES&S states that the DS200 has been certified by the United States Election Assistance Commission (EAC), while also listing the use of modems as an option for the DS200. Please be advised that the DS200 has been fully certified by the EAC, however the certification does not include modem capability.

Please be advised that it was never the intent of ES&S to state or imply that DS200 modeming capability was EAC certified. Further, ES&S made known to states which allow modeming that the modeming configuration has not been approved by the EAC. As you know, the DS200 has been fully certified and approved by your state for use in your jurisdiction with the use of modems. Your jurisdiction may continue to use the DS200 with modem capability as certified by your state.

In order to avoid any confusion with respect to ES&S' EAC certified voting systems and ES&S' voting systems which allow for the modeming of unofficial results, ES&S has removed all references in its current corporate marketing materials related to the "optional use" of modems. To view updated corporate marketing materials for the DS200, please visit www.essvote.com/products/ds200/.

In addition, your jurisdiction may have received DS200 units which include a sticker on the back of the unit stating that the DS200 has been certified by the EAC. In order to ensure compliance with the EAC Testing and Certification Program, ES&S requests that you remove all such stickers from those DS200s which include modem capability. If you would like ES&S to remove these stickers, please contact your Account Manager and arrangements will be made for ES&S to come on-site and remove such stickers.

We thank you for being a customer of ES&S. If you have any questions or need additional information, please contact your Account Manager and they will respond accordingly.

Sincerely,

Or a version like this:





April 3, 2020

VIA ELECTRONIC MAIL

CONTACT NAME
STATE/CUSTOMER NAME
ADDRESS
ADDRESS

RE: Election Systems & Software, LLC ("ES&S") DS200® Marketing Materials

Dear CONTACT NAME:

It has recently been brought to our attention that certain ES&S DS200 precinct scanner and tabulator (DS200) marketing materials may contain potential inaccuracies. In prior DS200 marketing materials you may have received from ES&S, ES&S states that the DS200 has been certified by the United States Election Assistance Commission (EAC), while also listing the use of modems as an option for the DS200. Please be advised that the DS200 has been fully certified by the EAC, however the certification does not include modem capability.

Please be advised that it was never the intent of ES&S to state or imply that DS200 modeming capability was EAC certified. Further, ES&S made known to states which allow modeming that the modeming configuration has not been approved by the EAC.

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We thank you for being a customer of ES&S. If you have any questions or need additional information, please contact your Account Manager and they will respond accordingly.

Sincerely,

Steve Pearson
Senior Vice President of Certification

We are requesting these public records in the electronic file format .PDF.

We are seeking official and comprehensive records directly from you, the MDBOE as our MD election authority(ies) to ensure accuracy and completeness.

If there are any fees associated with fulfilling this request, please inform us in advance. We are prepared to cover reasonable costs, but we request that you provide an itemized estimate before proceeding with any charges. As per the MD PIA Manual 18th Edition, we are informed of our two hour courtesy for PIA requests.

We request that the records be provided to us electronically, via email or a secure file-sharing platform.. I am willing to pay reasonable fees to cover the cost of duplication, or any other applicable expenses, though the electronic method of file transmission will eliminate any costs of duplication.

If portions of the requested records are exempt from disclosure, please provide a written explanation of the specific legal basis for any redactions or withholdings.

We request that this public records request be processed promptly and in accordance with the statutory timelines for response as outlined in Maryland Public Information Act Manual (18th ed.,

Oct. 2023) .09 Paragraph (02) i.e., within 30 days of the date of this request.

I hereby certify that I will not:

(A) Use any list of name(s) or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed

(B) Sell, give, or otherwise make available to any person any list of name(s) or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records. To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner and that extraneous costs are not incurred, I would welcome an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the likelihood of costly and time-consuming litigation in the future can be avoided.

Where possible, please provide responsive material in electronic format by email, thumb drive or via a shared online drive.

Conclusion

We share a common mission to promote transparency in government. We look forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact James P. Randisi at jamesrandisi1@gmail.com or (410) 410-336-0287

Respectfully submitted,

James P. Randisi

410.336.0287

Jamesrandisi1@gmail.com

INFO.SBE <info.sbe@maryland.gov>
Reply-To: info.sbe@maryland.gov
To: cyril.komp@maryland.gov
Cc: info.sbe@maryland.gov

Tue, Nov 21, 2023 at 3:16 PM

OVERSIGHT

---- on Tue, 21 Nov 2023 12:14:30 -0800 "James Randisi" <jamesrandisi1@gmail.com> wrote ----

Mr. DeMarinis,

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- We kindly request access to the following ES&S (Election Systems & Software) Any and All From Any Date April 1, 2020 - April 30, 2020
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April 3, 2020

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ADDRESS
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April 3, 2020

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STATE/CUSTOMER NAME
ADDRESS
ADDRESS

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Senior Vice President of Certification

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(18th ed., Oct. 2023) .09 Paragraph (02) i.e., within 30 days of the date of this request.

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(B) Sell, give, or otherwise make available to any person any list of name(s) or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records. To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner and that extraneous costs are not incurred, I would welcome an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the likelihood of costly and time-consuming litigation in the future can be avoided.

Where possible, please provide responsive material in electronic format by email, thumb drive or via a shared online drive.

Conclusion

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Respectfully submitted,

James P. Randisi

410.336.0287

[Jamesrandisi1@gmail.com](mailto:jamesrandisi1@gmail.com)



info sbe -SBE- <info.sbe@maryland.gov>

Mail-in List Purchase: State of Maryland Application for Voter Registration Data

2 messages

Kate Strauch Sullivan <kate@sullyland.com>
To: info.sbe@maryland.gov

Fri, Apr 5, 2024 at 5:10 PM

Greetings-

I have just purchased the Mail-in list for the daily 2024 primary report of both requested and received mail in ballots. However, the process was a bit confusing? It asked for payment before I ordered list but then it needed an "invoice" on the payment (and I never was given an invoice) so since I did not receive an invoice when I ordered the list, I just put my name (Kate Sullivan) in the Invoice line. Below is proof of payment and, below that, is my order. Please let me know if you have any questions.

Thank you.
Kate Sullivan

Successful Payment Receipt

Please print this receipt for your records

Remittance ID: MDSBE040524165941885VRE
Payment ID: 319064398
Received: April 05, 2024 05:00PM EDT
Invoice Number: Kate Sullivan
Name of Organization: BC Central Committee
Contact Email Address: kate@sullyland.com
Contact Phone Number: 4107130843
Amount: \$125.00
Transaction Type: Authorization and Capture
Approval Code: 120708
Card Information: Visa Debit
Kate Strauch Sullivan
*****1743
Billing information: Address Line 1: [REDACTED]
Country: United States
State: MD
City: [REDACTED]
ZIP Code: [REDACTED]

“The truth is like a lion; you don’t have to defend it. Set it free; it will defend itself.”

----- Forwarded message -----

From: **Google Forms** <forms-receipts-noreply@google.com>
Date: Fri, Apr 5, 2024 at 4:48 PM
Subject: State of Maryland Application for Voter Registration Data
To: <kate@sullyland.com>



Google Forms

Thanks for filling out [State of Maryland Application for Voter Registration Data](#)

Here's what was received.

State of Maryland Application for Voter Registration Data

Use of Data: To apply for a voter registration list, you must sign a statement, under penalty of perjury, that you will not use the list for commercial solicitation purposes or any other purpose not related to the electoral process*. (Election Law Article, §3-506, Annotated Code of Maryland and COMAR 33.03.02.01B(1) and .03A and 33.03.02.04)

Deadline: Applications must be received on or before the advanced voter registration deadline (21 days before an election) or after election day. Applications received after the advanced voter registration deadline will be returned. (COMAR 33.03.02.05B)

Delivery: We will provide the data you requested within 10 working days after we receive the application. We can provide the data via FTP, we can mail you the data (on a flash drive), or you can pick up a flash drive with the requested data. If you want us to mail you the data, make sure that your contact information is correct.

Cost: Statewide Lists: \$125.00 each; County Lists: \$75.00 each; District Lists: \$75.00 each

Payment: You must pay before we will provide the data. To use this online process, you must pay by credit card. If you can't pay by credit card, please use the paper form (available at elections.maryland.gov/voter_registration/stats.html)

File Format: All files except the Walking List are tab separated text files with no text-delimiter. This format is easily imported into Microsoft products; however, statewide data files are (and some district files may be) too large to read in Excel or Access.

Disclaimer: The State Board of Elections and local boards of elections do not guarantee that the data requested will be compatible with all software programs. You must use your own software to import this data to your database. Technical support and special data formats are not provided.

Email *

kate@sullyland.com

First and Last Name *

Kate Sullivan

Best Phone Number *

4107130843

Residential Address *

[REDACTED]

City/State/Zip Code *

[REDACTED]

Organization Information

If you are purchasing this information on behalf of an organization, please provide the requested information.

Are you purchasing this information on behalf of an organization *

Yes

No

Data Request

Select Region of Data (pick one) *

- Statewide (\$125)
- Single County or Baltimore City (\$75)
- Single District (\$75)
- Municipality (\$75)

List Type

Select the list type.

List Type *

- Walking List: PDF (uneditable) file generated by precinct and sorted by street address. Under each street address is a listing of the voters who live in that address and their political party. It is designed for walking up and down the streets, with even addresses in the left column and odd on the right. It is not available statewide, but the same information is in the Registered Voter List.
- Mail-In List for a single election: Text file with voters who have requested a mail-in ballot for the specified election. It includes the voter's ID number, name, residential address, mailing address, absentee ballot address, precinct, district information, state and county registration dates, party, mail-in type, mail-in request status, and county. Use the Voter History lists if you want a list of voters who have voted and returned a mail-in ballot.
- Early Voting List for a single election: Text file with voters who voted at an early voting location for the specific election. It includes the voter's ID number, name, early voting location, date of voting, party, residential address (in one column), mailing address (in one column), ballot style, precinct, and gender. This information is included in the Voter History lists.
- Registered Voters List: Text file with registered voters with name, party, gender, residential address, mailing address, status (active or inactive), state and county registration dates, split and precinct, congressional district, legislative district, councilmanic district, ward, municipal district, commissioner district and county.

Voting History Included in Registered Voters List: Text file identical to the registered voter list EXCEPT: some columns are in a different order, it does not have a column for county or commissioner district, and there is a column for each election selected. This list is easy to view when opened in a spreadsheet format, but it gives no data on voting method or date. Statewide lists are limited to 5 elections.

Voting History as Separate File from Registered Voter List: Text file with voter ID number, election date, election description, election type, party, election code, voting method, date of voting, precinct, early voting location, jurisdiction code, and county. To match each record in this file to a registered voter, use the Voter ID column in the Registered Voter List. Limited to 10 elections. This file is for technically savvy individuals.

Permanent Mail-In Applicant List: Text file with voters with mail-in ballot requests for any future election. It includes voter's ID number, name, residential address, mailing address, mail-in ballot address, precinct, district information, state and county registration dates, party, mail-in ballot type, mail-in ballot request status, and county. Not every voter on this list will qualify for every election. Use the Voter History lists if you want a list of voters who have voted and returned a mail-in ballot.

Provisional List for a single election: Text file with voters who were issued a provisional ballot. It includes voter ID, name, date of birth, residential address, mailing address, precinct, legislative district, congressional district, councilmanic district, commissioner district, school zone, state and county registration dates, party, voted date, provisional status, provisional status reason, county voted in, polling place precinct, ballot issue reason, ballot style required, and ballot style voted.

Other - See Below Question

Other: Describe the data you are seeking.

Daily primary 2024 of requested and received (voted) mailin ballots

Single Election Options

Specify a specific election for the Mail-In List, Early Voting List, or Provisional List.

- Gubernatorial Primary 2022
- Gubernatorial General 2022
- Presidential Primary 2020

- Presidential General 2020
- Gubernatorial Primary 2018
- Gubernatorial General 2018
- Presidential Primary 2016
- Presidential General 2016
- Gubernatorial Primary 2014
- Gubernatorial General 2014
- Presidential Primary 2012
- Presidential General 2012
- Gubernatorial Primary 2010
- Gubernatorial General 2010
- Presidential Primary 2008
- Presidential General 2008
- Gubernatorial Primary 2006
- Gubernatorial General 2006

Multiple Election Options

If Voting History Included with Voting List is selected you may only select five histories. If Voting History Separate from the Voting List is selected you may select up to ten histories.

- Specify elections for the History List.
- Gubernatorial Primary 2022
 - Gubernatorial General 2022
 - Presidential Primary 2020



- Presidential General 2020**
- Gubernatorial Primary 2018
- Gubernatorial General 2018
- Presidential Primary 2016
- Presidential General 2016
- Gubernatorial Primary 2014
- Gubernatorial General 2014
- Presidential Primary 2012
- Presidential General 2012
- Gubernatorial Primary 2010
- Gubernatorial General 2010
- Presidential Primary 2008
- Presidential General 2008
- Gubernatorial Primary 2006
- Gubernatorial General 2006

Limit the Type of Voters to Include on the List

- Specify the types of voters (Select all that apply) ***
- Only Active Voters
 - Specific Registration Date Range (see below questions)
 - Specific Party(ies)
 - All Registered Voters of All Parties, including inactive voters**

If you want voters who registered within a specific timeframe, enter the start date of the voter registration date range.

MM DD YYYY
__ / __ / ____

If you want voters who registered within a specific timeframe, enter the end date of the voter registration date range.

MM DD YYYY
__ / __ / ____

Select Specific Party

- Democratic
- Republican
- Libertarian
- Unaffiliated
- Other Parties (Specify below.)

Specify Other Party

.....

Choose Delivery Method

Delivery Method (Files will not be emailed to you) *

- File Transfer (FTP) (no charge)
- Flash Drive Mailed (\$15 additional fee)



Flash Drive picked-up from SBE (\$1.75 additional fee)

Oath

Under penalty of perjury, I hereby declare, as required by Election Law Article, § 3-506, *Annotated Code of Maryland*, that **the list of registered voters for which I am applying is not to be used for commercial solicitation or for any other purpose not related to the electoral process.** I am aware that, if I use the list for commercial solicitation or for any other purpose not related to the electoral process, or make the list available to the public or third parties or publish or republish the list in a way that allows it to be used in that manner, I will be guilty, upon conviction of a misdemeanor and subject to punishment under Election Law Article, Title 16 *Annotated Code of Maryland*.

*As defined in COMAR 33.03.02.01B(1) “electoral process” means the system established by the Maryland Constitution, Election Law Article, Annotated Code of Maryland, and regulations of the State Board, by which a person is elected to a public office or by which voters express a preference on a ballot question. “Electoral process” includes, but is not limited to, using data to register voters, form a political party, qualify as a candidate for public office, circulate a petition, conduct elections and recount, cast and count ballots, and finance a campaign. “Electoral process” does not include investigations into illegal or suspected illegal infractions or violations of voters’ behaviors in a specific election.

*
By checking the boxes below, I acknowledge that I have read and understand the above statement and agree to pay the balance before receiving the requested data.

I acknowledge that I have read and understand the above statement.

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INFO.SBE <info.sbe@maryland.gov>
Reply-To: info.sbe@maryland.gov
To: Kate Strauch Sullivan <kate@sullyland.com>
Cc: info.sbe@maryland.gov

Mon, Apr 8, 2024 at 9:25 AM

Hi, Kate.

After I've had the opportunity to review your request and generate the data I send you an invoice. Please stand by for further instructions since you submitted your application at the end of the day Friday and I have not had the opportunity to review it.

Thanks,

Erin D., CCF

---- on Fri, 05 Apr 2024 17:10:52 -0400 "Kate Strauch Sullivan" <kate@sullyland.com> wrote ----

[Quoted text hidden]

[info sbe -SBE- <info.sbe@maryland.gov>](mailto:info.sbe@sbe.maryland.gov)

Election Processing Questions

2 messages

James Randisi <jamesrandisi1@gmail.com>
To: Jared DeMarinis DeMarinis <info.sbe@maryland.gov>
Cc: Kate Sullivan <kate@sullyland.com>

Fri, Nov 3, 2023 at 3:31 PM

Jared DeMarinis
Maryland State Board Administrator

Mr. DeMarinis,

Below are questions surrounding election vote processing for the 2020 and 2022 elections.

Questions for Maryland Board of Elections

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting answers to the following questions:

The State of Maryland had an electronic system in place to review blank ballots in the 2020 and 2022 elections.

1. Please provide a copy of all vendor contracts, all purchase orders, all invoices, and all vendor manuals e.g. ES&S and Runbeck and any others, who were used in any way in the service and review of blank ballots?
2. What vendors (any and all) were used to read and process all ballots e.g., early voting, dropbox ballots, mail-in, provisional and in-person on election day?
3. For those ballots initially scanned into the ES&S DS 200 or similar scanners and placed into the blank ballot table:
 - a. Please provide either a hard copy or electronic copy of the procedures, including instructions, to adjudicate such blank ballots.
 - b. There were 98,095 blank ballots in 2020 and 82,356 blank ballots in 2022. Please provide an electronic copy of each and every originally cast ballot and each and every copy of the adjudicated final ballot for 2020 and 2022.

4. At what point in time were blank ballots initially read and at what point in time were the blank ballots adjudicated?
 - a. Was the adjudication at the same time the vote was initially read by the ES&S system or was it at some point later in the process of reading blank ballots?
 - b. What vendors' systems were used to read blank ballots?
 - c. It is our understanding that the ES&S system can be set to either accept a blank ballot or notify a voter of a blank ballot. How did the state of Maryland have the system set i.e., to accept or reject blank ballots?
 - d. How was the decision to accept or reject blank ballots made?

Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.

James P. Randisi



Cell Phone: 410.336.0287

info sbe -SBE- <info.sbe@maryland.gov> Mon, Nov 6, 2023 at 8:51 AM
 To: Katherine Berry -SBE- <katherine.berry@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Jessica Perkins -SBE- <jessica.perkins@maryland.gov>

----- Forwarded message -----
 From: James Randisi <jamesrandisi1@gmail.com>
 Date: Fri, Nov 3, 2023 at 3:32 PM
 Subject: Election Processing Questions
 To: Jared DeMarinis DeMarinis <info.sbe@maryland.gov>
 Cc: Kate Sullivan <kate@sullyland.com>

Jared DeMarinis
Maryland State Board Administrator

Mr. DeMarinis,

Below are questions surrounding election vote processing for the 2020 and 2022 elections.



Questions for Maryland Board of Elections

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 - a. Please provide either a hard copy or electronic copy of the procedures, including instructions, to adjudicate such blank ballots.
 - b. There were 98,095 blank ballots in 2020 and 82,356 blank ballots in 2022. Please provide an electronic copy of each and every originally cast ballot and each and every copy of the adjudicated final ballot for 2020 and 2022.
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 - a. Was the adjudication at the same time the vote was initially read by the ES&S system or was it at some point later in the process of reading blank ballots?
 - b. What vendors' systems were used to read blank ballots?
 - c. It is our understanding that the ES&S system can be set to either accept a blank ballot or notify a voter of a blank ballot. How did the state of Maryland have the system set i.e., to accept or reject blank ballots?
 - d. How was the decision to accept or reject blank ballots made?

Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.



James P. Randisi



Cell Phone: 410.336.0287



info sbe -SBE- <info.sbe@maryland.gov>

ES&S instructions to jurisdictions using ES&S voting systems

3 messages

James Randisi <jamesrandisi1@gmail.com>
To: Jared DeMarinis <info.sbe@maryland.gov>
Cc: Kate Sullivan <kate@sullyland.com>

Sat, Nov 11, 2023 at 8:40 PM

Jared,

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting answers to the following question:

Recently ES&S issued a letter to their clients that contained instructions on how to respond to public record requests.

Please provide a copy of that letter.

Thank you for your attention to this matter.

Jim Randisi
Office Phone: 410.494.0232
Cell Phone: 410.336.0287 (Don't Hesitate to Use It)

info sbe -SBE- <info.sbe@maryland.gov>

Tue, Nov 14, 2023 at 11:36 AM

To: Katherine Berry -SBE- <katherine.berry@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Please let me know if you would have me direct this to someone else.

Thanks,
Lisa D.

----- Forwarded message -----

From: **James Randisi** <jamesrandisi1@gmail.com>
Date: Sat, Nov 11, 2023 at 8:40 PM
Subject: ES&S instructions to jurisdictions using ES&S voting systems
To: Jared DeMarinis <info.sbe@maryland.gov>
Cc: Kate Sullivan <kate@sullyland.com>

Jared,

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting answers to the



following question:

Recently ES&S issued a letter to their clients that contained instructions on how to respond to public record requests.

Please provide a copy of that letter.

Thank you for your attention to this matter.

Jim Randisi
Office Phone: 410.494.0232
Cell Phone: 410.336.0287 (Don't Hesitate to Use It)

info sbe -SBE- <info.sbe@maryland.gov>

Tue, Nov 14, 2023 at 1:54 PM

To: Jessica Perkins -SBE- <jessica.perkins@maryland.gov>, Cyril Komp -SBE- <cyril.komp@maryland.gov>

Thank you,
Lisa D.

On Sat, Nov 11, 2023 at 8:40 PM James Randisi <jamesrandisi1@gmail.com> wrote:

Jared,

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting answers to the following question:

Recently ES&S issued a letter to their clients that contained instructions on how to respond to public record requests.

Please provide a copy of that letter.

Thank you for your attention to this matter.

Jim Randisi
Office Phone: 410.494.0232
Cell Phone: 410.336.0287 (Don't Hesitate to Use It)

[info sbe -SBE- <info.sbe@maryland.gov>](mailto:info.sbe-SBE-info.sbe@maryland.gov)

PIA Request

2 messages

James Randisi <jamesrandisi1@gmail.com>

Tue, Nov 21, 2023 at 2:57 PM

To: Jared DeMarinis DeMarinis <info.sbe@maryland.gov>

Cc: Kate Sullivan <kate@sullyland.com>, Jean Benhoff <jmbenhoff@gmail.com>

Mr DeMarinis

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting the following information:

- All bulletins or any type of written/ non-verbal communication that were received from ES&S in the past six months i.e. from May 20, 2023 to November 20, 2023.

We are requesting these public records in the electronic file format .PDF.

We are seeking official and comprehensive records directly from you, the MDBOE as our MD election authority(ies) to ensure accuracy and completeness.

If there are any fees associated with fulfilling this request, please inform us in advance. We are prepared to cover reasonable costs, but we request that you provide an itemized estimate before proceeding with any charges. As per the MD PIA Manual 18th Edition, we are informed of our two hour courtesy for PIA requests.

We request that the records be provided to us electronically, via email or a secure file-sharing platform.. I am willing to pay reasonable fees to cover the cost of duplication, or any other applicable expenses, though the electronic method of file transmission will eliminate any costs of duplication.

If portions of the requested records are exempt from disclosure, please provide a written explanation of the specific legal basis for any redactions or withholdings.

We request that this public records request be processed promptly and in accordance with the statutory timelines for response as outlined in Maryland Public Information Act Manual (18th ed., Oct. 2023) .09 Paragraph (02) i.e., within 30 days of the date of this request.

I hereby certify that I will not:

(A) Use any list of name(s) or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed

(B) Sell, give, or otherwise make available to any person any list of name(s) or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or

AMERICAN
OVERSIGHT

offer for sale any property or service to any person listed or to any person who resides at any address listed.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records. To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner and that extraneous costs are not incurred, I would welcome an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the likelihood of costly and time-consuming litigation in the future can be avoided.

Where possible, please provide responsive material in electronic format by email, thumb drive or via a shared online drive.

Conclusion

We share a common mission to promote transparency in government. We look forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact James P. Randisi at jamesrandisi1@gmail.com or (410) 410-336-0287

Respectfully submitted,

James P. Randisi

410.336.0287

[Jamesrandisi1@gmail.com](mailto:jamesrandisi1@gmail.com)

INFO.SBE <info.sbe@maryland.gov>

Tue, Nov 21, 2023 at 3:02 PM

Reply-To: info.sbe@maryland.gov

To: cyril.komp@maryland.gov

Cc: info.sbe@maryland.gov, kate sullivan <kate@sullyland.com>, jean benhoff <jmbenhoff@gmail.com>

---- on Tue, 21 Nov 2023 11:57:42 -0800 "James Randisi" <jamesrandisi1@gmail.com> wrote ----

Mr DeMarinis

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting the following information:

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- All bulletins or any type of written/ non-verbal communication that were received from ES&S in the past six months i.e. from May 20, 2023 to November 20, 2023.

We are requesting these public records in the electronic file format .PDF.

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I hereby certify that I will not:

(A) Use any list of name(s) or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed

(B) Sell, give, or otherwise make available to any person any list of name(s) or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records. To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner and that extraneous costs are not incurred, I would welcome an opportunity to discuss its request with you before you undertake your search or incur

search or duplication costs. By working together at the outset, the likelihood of costly and time-consuming litigation in the future can be avoided.

Where possible, please provide responsive material in electronic format by email, thumb drive or via a shared online drive.

Conclusion

We share a common mission to promote transparency in government. We look forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact James P. Randisi at jamesrandisi1@gmail.com or (410) 410-336-0287

Respectfully submitted,

James P. Randisi

[REDACTED]

410.336.0287

[Jamesrandisi1@gmail.com](mailto:jamesrandisi1@gmail.com)



info sbe -SBE- <info.sbe@maryland.gov>

Request for Guidance to MGA

2 messages

Kate Strauch Sullivan <kate@sullyland.com>
To: jared.demarinis@maryland.gov, info.sbe@maryland.gov

Sun, Mar 10, 2024 at 2:11 PM

March 10, 2024

Mr. Dimarinis and Members of the State Board of Elections,

As a concerned citizen, I have testified many times in front of the Maryland General Assembly. While testifying, I have noticed members of our State Board of Elections have offered their expert guidance on such issues regarding the election process. For example, just this session, I have witnessed the State Board of Elections voice their guidance on the Voting Rights of Incarcerated Individuals (HB1022), Protection of Elections Officials (HB585), and Government Oversight of Election Disinformation (HB333). As trusted experts on the frontlines of running our elections, we believe you have a more amplified and informed influence than the average citizen. Therefore, we strongly urge you to offer guidance regarding some bills currently under review that are critical to the security, accuracy, and voter confidence in our elections.

Currently there are bills pending in the Maryland General Assembly that will greatly enhance our voting system. Three such bills, **HB 0142 (Election Law - Polling Places - Establishing Voter Identity)**, **HB 0192 (Elections * In person Voting - Proof of Identity)** and **HB202 (Signature Verification)** are awaiting action in the House Ways & Means Committee. Regarding HB142 and HB192, it is worth noting for clarification, while somewhat different, they both call for voter identification to be submitted at polling places, such as a MD Driver's License, or a government-issued ID card with photograph or other form of identification such as a current bill, statement, or check that states the voter's name and address as proof of identity. Signature verification would similarly increase the security of votes by mail.

All three of these bills would greatly increase the security and accuracy of our elections. **As well, recent polling shows 80% of Americans support some kind of voter identification.** Finally, implementing these processes will go a long way to restoring and preserving voter confidence in our election results. As election professionals, we encourage you to reach out to the General Assembly and request the adoption of at least one of these bills if not all of them.

There is yet another bill, specifically SB 0493, (Elections - Ranked-Choice Voting * Contests for Presidential Nomination in2028). The concept of Ranked-Choice Voting (RCV) is so new to Maryland that there has been very little public discussion about it. Linked here is an excellent article outlining the many pitfalls and vulnerabilities of Rank Choice Voting: <https://thefga.org/research/ranked-choice-voting-a-disaster-in-disguise/>. RCV has caused confusion and chaos in some jurisdictions where it has been tried or implemented. Errors in calculations and lack of transparency are some of the problems associated with RCV causing concern of lower voter turn-out. In RCV when one votes for only one candidate, as opposed to a first, second, third choice and so forth, there is the potential that their single choice will not make it for a subsequent round. In Maryland, we are accustomed to voting for our first choice and not having to list alternates whom we would not otherwise choose to select. RCV can result in a winner being determined who never garnered a true majority. Maryland would be wise to reject RCV outright. We ask you to forward your opposition to SB 0493 for the benefit of all of Maryland.

Crossover day is next Monday, March 18th. Time is of the essence and we thank you for your consideration.

Kate Sullivan

Baltimore County



“The truth is like a lion; you don’t have to defend it. Set it free; it will defend itself.”

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Katherine Berry <katherine.berry@maryland.gov>

Mon, Mar 11, 2024 at 8:43 AM

To: info.sbe@maryland.gov

Cc: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, dkobrin@oag.state.md.us

Thanks - she sent it to Jared yesterday...

Katherine Berry

Deputy Administrator

Maryland State Board of Elections

(410)269-2843 (w)/ (667)314-5015 (c)

elections.maryland.gov

On Mon, Mar 11, 2024 at 8:41 AM INFO.SBE <info.sbe@maryland.gov> wrote:

Good Morning,

Sharing for awareness. I believe that Ms. Sullivan is a current plaintiff in our latest lawsuit.

Melissia

===== Forwarded Message =====

From: "Kate Strauch Sullivan"<kate@sullyland.com>

To: <jared.demarinis@maryland.gov>,<info.sbe@maryland.gov>

Date: Sun, 10 Mar 2024 11:11:42 -0700

Subject: Request for Guidance to MGA

===== Forwarded Message =====

March 10, 2024

Mr. Dimarinis and Members of the State Board of Elections,

As a concerned citizen, I have testified many times in front of the Maryland General Assembly. While testifying, I have noticed members of our State Board of Elections have offered their expert guidance on such issues regarding the election process. For example, just this session, I have witnessed the State Board of Elections voice their guidance on the Voting Rights of Incarcerated Individuals (HB1022), Protection of Elections Officials (HB585), and Government Oversight of Election Disinformation (HB333). As trusted experts on the frontlines of running our elections, we believe you have a more amplified and informed influence than the average citizen. Therefore, we strongly urge you to offer guidance regarding some bills currently under review that are critical to the security, accuracy, and voter confidence in our elections.

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Kate Sullivan

Baltimore County

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Dana Schulze
484-792-1387
danaschulze@protonmail.com

13 March 2023

Dear Linda Lamone,

This letter is in reference to your response dated February 24, 2023, to Brenda Yarema, President of the Anne Arundel County Board of Elections. Attached to this email you will find Brenda Yarema's letter and your response as well as a copy of notes from the Anne Arundel County Board of Elections meeting held approximately February of 2023 and a CFS nixie sample label.

The issue I address here concerns the Maryland State Board of Elections (SBE) to review and revise practices related to mail returned by the United States Postal Service (USPS) to local boards of elections (LBE).

SBE's previous process, until 2015, recommended sending out a confirmation card to every voter at the address with the same last name. If the voter did not respond, the voter was made inactive after two weeks and would be canceled after two Federal Elections if they failed in updating their voter record or casting a ballot. The process by SBE made a reasonable effort to follow the NVRA.

This honored the NVRA section 8: (4)

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of--

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

As I understand the current process was ordered by the SBE for LBE not to send a confirmation card in the form of a postage prepaid and pre-addressed return confirmation card. Your current practice is that the LBE does not act when they receive a returned letter with a yellow sticker without a name. A confirmation card is not sent to voters whose mail was returned with no name/no address label.

Currently, the LBE holds onto returned mandatory mailings in a dead-letter file. How many specimen ballots are in the dead-letter file? Where is the dead-letter file? Is it secure? How many specimen ballots are at an address, not returned, and said registered voter does not live at the address?

Prior to the 2022 Gubernatorial Election, the Anne Arundel County Board of Elections mailed approximately 408,000 specimen ballots and mail-in ballot applications. Of these, 8,968 were returned with a yellow label without a voter name (2.20%). According to SBE procedures, these voters cannot be made inactive due to the type of USPS label on their returned mail, the Board of Elections must continue to produce and mail election correspondence for these voters. Over 5 election cycles (10 years), the Board of Elections will send out approximately 45,000 ballots. If Anne Arundel County is roughly 10% of the state voter registration and the returned mail rate is constant across LBE, then the state, as a whole, will send approximately 90,000 ballots out. This estimate is quite low considering mail-in ballots are being sent out with increasing frequency. The potential for fraud and election interference is tremendous.

The LBE mails Specimen Ballots and refuses to send a forwardable notice in the form of a postage prepaid and pre-addressed confirmation card. The LBE sends out Vote by Mail applications and refuses to send a forwardable notice in the form of a postage prepaid and pre-addressed confirmation card. The LBE includes these voters in turnout calculations and refuses to send a forwardable notice in the form of a postage prepaid and pre-addressed confirmation card.

This is a clear violation of the Federal National Voter Registration Act, Federal law as spelled out in section 8(d):

This process requires sending a forwardable notice, in the form of a postage-prepaid and pre-addressed return card, on which the person may state his or her current address.

As the LBE statewide spends approximately \$1,000,000 in returned mail postage over 5 election cycles and 2,040,000 specimen ballots and mail-in ballot applications. The cost and potential fraud to Marylanders is unconscionable.

The answer in your letter dated February 24, 2023 suggested a sample set of voters being mailed letters, tracking responses, and discussing USPS practices. This test is inefficient, unnecessary and violates the NVRA section 8(d). This test is not a reasonable effort to remove ineligible voters from official lists.

I have completed some investigation into USPS which will help your efforts in rapidly moving forward. You can also find answers at USPS Returned Mail Codes: Most Common Mail Return Codes - PostGrid. "Earlier, it was hard to deal with UAA mail pieces because the mailers were clueless about why the USPS did not deliver their packages. However, now, the Nixie codes help inform the sender of the problem, allowing them to move ahead."

Not Deliverable as Addressed – Unable to Forwarding

It is one of the most recurring USPS return mail codes senders get and means that the carrier cannot deliver the item to the address on the label. The primary reason is that the addressee has shifted to a different location, but:

There is no mail forwarding address,
The addressee has not filed a change-of-address (COA) request yet, so USPS does not know their new address,
The forwarding request is no longer functional,
The sender or addressee failed to pay for the forwarding postage,
Or the sender endorsed the item with the words 'DO NOT FORWARD.'

Solution: Run your addresses through NCOA software like PostGrid before shipping to send items to correct, updated addresses.

Insufficient Address

This UAA code is also among the most commonly-seen USPS return-to-sender codes and means that:

Some essential part of the delivery address is missing, like the city, route number, state, street address, ZIP code, etc.

A missing PO box, suite, or floor number restricted the carrier from finding the intended destination.

Solution: If you see such USPS returned mail codes, add the missing details and reship the item.

Returned for Better Address

The 'Returned for Better Address' Nixie code is similar to 'Insufficient Address.' It means the package or envelope information isn't enough for delivery.

Solution: Modify the address a bit to offer more details to the carrier, or use PostGrid's direct mailing and address verification solutions to do everything automatically.

No Such Number

You may also get USPS returned mail codes saying USPS didn't find the apartment or house number you wrote on the item. For instance, if you write 52 Olive Street but there are only houses 11 to 45 in that area. In such scenarios, the Post Office may need to send back your parcels unless they run a name search and find the correct address in their system.

Solution: Always check the numbers in your addresses for errors, swaps, extra zeroes, etc., to avoid getting such USPS return mail codes for such minor mistakes.

Attempted – Not Known

This code says that USPS attempted the delivery but could not deliver because the addressee does not live at the address. It is one of the most complicated USPS return-to-sender codes to decrypt. NCOA or CASS does not guarantee whether a person resides at a specific address if they didn't file an address change request.

Solution: Combine data from multiple resources to confirm your intended recipient's address and avoid such USPS return mail codes on your items. If you want to avoid the legwork, use PostGrid's direct mail API for mailing instead.

No Mail Receptacle

Have you seen people living in gated houses with their mailboxes near the door instead of the gate? Also, some customers living in gated communities have a joint mailbox. The USPS returned mail codes that say 'No Mail Receptacle' mean that the carrier cannot deliver the item to the recipient's mailbox because of the abovementioned reasons!

Solution: Mention the joint mailbox number or address instead of a recipient's address.

Moved, Left No Address

Seeing these USPS return to sender codes is not uncommon because 9.8% of Americans move yearly. Many people change their residence or office address but fail to report them to USPS. Thus, the Post Office has no records of their addresses leading to mail returns.

Solution: Use an NCOA-processing, CASS-certified mailing vendor to check the details before mailing to avoid getting these USPS return mail codes on your parcels.

What is the SBE's plan to make a reasonable effort to remove ineligible voters from the official lists? When does the Maryland State Board of Elections plan to comply with Federal Law and create a process that ensures the accuracy of the voter registration rolls?

As a combat veteran, I fought, and my friends died for our sacred right to vote. Each American is endowed with one vote which is the great equalizer of all socio-economic categories.

Sincerely,
Dana Schulze
USAF Veteran
Vice-Chairman RSCCAAC,
Republican State Central Committee Anne Arundel County



New Business

NVRA Returned Mail Business Process

Ms. Yarema distributed copies of the National Voter Registration Act of 1993 (NVRA) and the State of Maryland Summary of Federal Election Laws packets to the Board members. Robert Brady, Voter Registration Supervisor was present to answer questions.

The Board reviewed the NVRA process as well as those of the state of Maryland. There was a highly detailed discussion of the various types of yellow stickers which the post office affixes to returned mail. The discussion also included what we do with returned mail, depending on what the yellow sticker indicates. There was a discussion regarding the non-processing of returned mail when the yellow sticker does not indicate a name (no name-no address). Mr. Praley questioned why a confirmation card is not sent when we receive one back?

The Board was informed that the state made a change several years ago and no correspondence was to be sent to voters whose mail was returned with a no name-no address label. Ms. Yarema said she felt that the current process does not comply with the federal NVRA guidelines and asked how the Board should address the procedures. Mr. Garreis and Mr. Praley suggested sending correspondence to SBE. Ms. Yarema mentioned that perhaps this issue could be researched as an "action" item by the voter registration subcommittee of MAEO.

Mr. Garreis said he will draft correspondence pertaining to this matter and submit it to the Board for review and edit. Discussion was held pertaining to the cost of returned mail to our office. Mr. Gardner said the correspondence sent to SBE and MAEO should include a fiscal note. Mr. Praley also mentioned that such a change should not be legislative, it would be a business practice change.

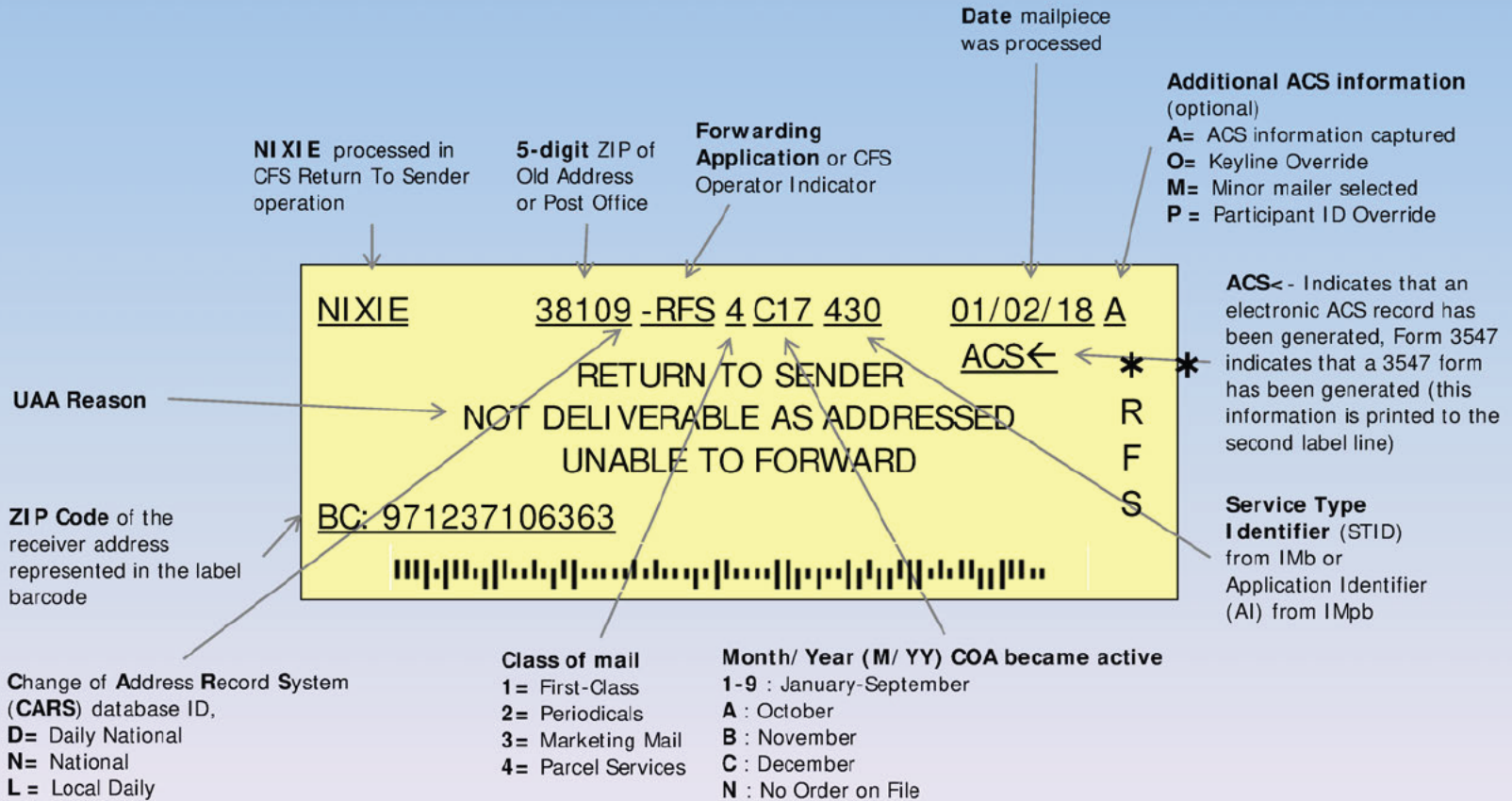
Ms. Yarema asked if there was any further new business to discuss. Mr. Atkins mentioned that he was aware of reports that voters had not received sample ballots during this election cycle. Issues such as the increased number of Vote By Mail requests, printing of sample ballots being done precinct by precinct as well as changes to election date all affected sample ballot mailing and delivery this election cycle, potentially leading to issues. Ms. McFall asked if "certified" write in candidates were supposed to be printed on the ballots? Mr. Praley indicated that they are not.

Mr. Atkins brought up the voter registration numbers again and noted the difference in registration numbers between each of the months beginning with August 2022 through November 2022. Mr. Garreis mentioned that the ERIC report will be processed shortly, voter registration records became eligible for updates after the election, thus once again the registration numbers as well as voter status numbers will change.

Disclosures

None were mentioned

CFS//RFS NIXIE LABEL





P.O. BOX 490
GLEN BURNIE, MARYLAND 21060-0490
PHONE: (410) 222-6600
EMAIL: elections@aacounty.org

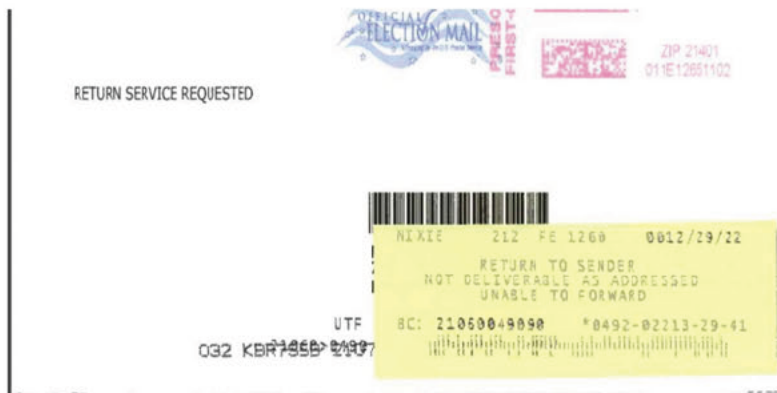
Brenda Yarema, President
Anne Arundel County Board of Elections
6740 Baymeadow Drive
Glen Burnie, MD 21060

January 12, 2023

Mr. William Voelp, Chairman
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Dear Mr. Voelp:

I am contacting you on behalf of the Anne Arundel County Board of Elections. We are respectfully requesting the Maryland State Board of Elections (SBE) review and revise current business practices related to mail returned under the National Voter Registration Act (NVRA). The Board is specifically concerned with the process for handling mail returned with a yellow United States Postal Service (USPS) label that does not contain any identifying information. Currently, if a specimen ballot, voter registration notification card, or other official election mailer is returned with a yellow USPS label, and the label does not contain identifying information indicating that the label is for a specific voter at the address, the Boards of Elections have been instructed not to process this type of returned mail. Essentially, since the policy was adopted, the Local Boards of Elections have created a dead-letter file for returned mail that cannot be processed due to the type of USPS label.



(Voter Notification Card returned with USPS label containing no Voter Information)

Prior to 2015, the State of Maryland had a process in place to manage returned voter mail with a yellow USPS label that did not contain any voter information. When a local Board of Elections received a piece of voter mail with a yellow USPS label, the Local Board would generate a voter

confirmation card with a forwarding order to every voter at the address with the same last name. The confirmation card would follow the voters to their new address because of the forwarding order and the voter would have the opportunity to use the confirmation card to provide a new address, indicate they have moved out of state, or confirm that they are registered at the correct address. If the voter did not respond to the confirmation card, the voter was made inactive after two weeks and would be canceled after two Federal Elections without updating their voter record or casting a ballot.

Beginning in March 2015, this process was changed and the instructions from SBE told the Local Boards not to process this type of returned mail. The Local Boards were instructed to hold onto the returned mail, but do not have any procedures to process it beyond storing it. The result has been that there is a known inaccuracy in the voter registration database in that it contains the voter registration records of individuals who may not live at the address where they are registered, while it prevents the Boards of Elections from using every tool at their disposal for verifying the voters are registered at their last known address.

Under the current process, if the voter does not return the confirmation card with a new address, vote during a regular election, or otherwise alert the elect office that their address has changed, the voter stays as an active voter and the Boards of Elections must continue to mail these voters mandated election mailings such as Vote by Mail applications and Specimen Ballots, as well as include these voters in turnout calculations, which inflates costs for voting equipment and election judges at the polling places.

The result of this is that every election, when the Boards of Elections mail mandated mail-in ballot applications or specimen ballots, a regular quantity of mail is being returned to the local Boards of Elections, or is being retained by individuals residing at the voter's address who were not the intended recipients of the mailing. The Anne Arundel County Board of Elections is concerned that mailing specimen ballots and applications to people who are not at the address is a waste of time, money, and materials. It is a waste of taxpayer money and causes the Board concerns as a potential avenue for fraudulent mail-in voting.

For example, prior to the 2022 Gubernatorial Election, the Anne Arundel County Board of Elections mailed approximately 408,000 specimen ballots and mail-in ballot applications. Of these, 8,968 were returned with a yellow label without a voter name (2.20%). In 2022, returned mail postage was \$0.48 per mail piece. This means the Anne Arundel County Board of Elections spent nearly \$10,000 on postage for returned mail for the 2022 Primary and General Elections. Since these voters cannot be made inactive due to the type of USPS label on their returned mail, the Board of Elections must continue to produce and mail election correspondence for these voters. Over 5 Election cycles (10 years), the Board of Elections will spend approximately \$100,000 in returned mail postage. If Anne Arundel County is roughly 10% of the state voter registration and the returned mail rate is constant across Local Boards, then the state as a whole will spend approximately \$1,000,000 in unnecessary returned mail postage over 5 election cycles.

CONCLUSION

We believe SBE needs to eliminate this waste and potential for fraud by amending the returned mail process for the Local Boards. If a piece of mail is returned from a voter with a USPS label indicating that the voter is no longer at the address, the Local Board has a duty to verify the correct voters are registered at the address and that any voters who should not be registered are removed. We believe Federal NVRA Guidelines clearly spelled out in section 8(d) how these voters must be processed:

This process requires sending a forwardable notice, in the form of a postage-prepaid and pre-addressed return card, on which the person may state his or her current address. The notice must include the language required by Section 8(d)(2) of the NVRA. For example, the notice must advise (1) that if the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should complete and return the card not later than the voter registration deadline for the next election; (2) that if the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice; and (3) that if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

SBE must create a process that ensures the accuracy of the voter registration rolls and complies with the guidelines of the NVRA process. We look forward to your attention to this matter. If you have any questions, please feel free to email me at eoysare21@aacounty.org.

Sincerely,

Brenda Yarema, President
Anne Arundel County Board of Elections

cc: Linda Lamone, Administrator, Maryland State Board of Elections
Nikki Charlson, Deputy Administrator, Maryland State Board of Elections
Anne Arundel County Board of Elections Board
David Garreis, Director

MARYLAND

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

William G. Voelp, Chairman
Justin Williams, Vice Chairman
Severn E. S. Miller
Michael G. Summers
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

February 24, 2023

By Electronic Mail Only

Brenda Yarema, President
Anne Arundel County Board of Elections
6740 Baymeadow Drive
Glen Burnie, MD 21060

Dear Ms. Yarema,

We received your letter reaching out on behalf of Anne Arundel County Board of Elections to request the Maryland State Board of Elections (SBE) review and revise its practices related to certain mail returned by the United States Postal Service (USPS) to local boards of elections (LBE). As you point out, the current practice, when a letter is returned to an LBE with a yellow sticker that has no identifying information on it (“blank yellow sticker” mail), is that the LBE does not take further action and does not send a letter to the voter.

As you noted, this has not always been the process. The current practice was adopted by SBE after a consideration of both options you discuss in your letter - the current practice and the past practice of sending a mailing to the voter. After thoughtful consideration, SBE implemented the current practice for two reasons. First, for voters who no longer live at the address where the mail was sent, LBEs generally receive this information from a different source. Updated address information is provided by the Electronic Registration Information Center (ERIC), the MVA, and other sources (e.g. other states, information from jury commissioners). Because SBE receives the data from other sources and provides it to the LBEs, the time and effort spent processing the mail is not justified. Second, SBE received information that the “blank yellow sticker” return mail is not as reliable an indicator that the person does not live at the address as yellow return mail with indicia of the voter’s identity. Furthermore, the letter sent to voters after receiving “blank yellow sticker” mail required the voter to affirmatively contact the LBE, or they would be made inactive in our voter registration database. If the voter failed to vote in two elections, they were canceled. This resulted in inactivating and potentially canceling voters’ registrations based on unreliable information.

In response to your letter, we met with staff from the Anne Arundel County Board of Elections to discuss the amount of returned mail and processes involved in managing “blank yellow sticker” mail. SBE and the staff of the Anne Arundel County Board of Elections discussed the competing interests in using blank yellow sticker mail for list maintenance and the desire not to erroneously cancel voters based on unreliable

information. It was decided that staff from the Anne Arundel County Board of Elections would mail letters to a sample set number of voters who have had mail returned with blank yellow stickers. The letter will request that the voter confirm their address, but not include language about being made inactive for failure to do so. These letters will be tracked to see if they are returned by the USPS as well. This will enable SBE to determine if the blank yellow stickers are a reliable or useful way to make voters inactive, without affecting the voting status of voters in the sample set. After gathering this information, SBE will again review its practices and make appropriate changes. SBE will also reach out to USPS to better understand their explanations of the variances in returned mail labeling.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Linda H. Lamone". The signature is written in a cursive style with a large initial "L".

Linda H. Lamone

cc: William Voelp, Chair, State Board of Elections

September 27, 2023

Michael G. Summers, Chairman
William G. Voelp, Vice Chairman
Carlos Ayala
Janet Millenson
Yaakov Weissmann
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401
info.sbe@maryland.gov

Jared DeMarinis, State Administrator of Elections
151 West Street, Suite 200
Annapolis, Maryland 21401
jared.demarinis@maryland.gov

Frederick Brechbiel, Chief Information Officer
151 West Street, Suite 200
Annapolis, Maryland 21401
fred.brechbiel@maryland.gov

VIA FIRST CLASS MAIL AND EMAIL

Re: Notice of Claim

To the State Board of Elections and Administrator DeMarinis:

We, in association with Justin Riemer of Riemer Law LLC, represent Katherine Strauch Sullivan and David Morsberger, both of whom are residents of, and registered voters in, the State of Maryland. This letter constitutes a notice of claim pursuant to 52 U.S.C. § 20510(b). By conditioning, through its recent amendments to 33.03.02.01B of the Code of Maryland Regulations (“COMAR”), access to and use of Maryland’s voter registration list only for purposes that the State Board of Elections (“SBE”) deems related to the “electoral process,” the SBE has wrongfully denied access to voter registration records that are subject to mandatory disclosure by the federal National Voter Registration Act, 52 U.S.C. § 20501, *et seq.* (“NVRA”). SBE has further wrongfully conditioned disclosure of the registration records on the requestor signing a sworn certification that he or she will not use the records for purposes that are both expressly and fairly contemplated by the NVRA. And, independent of the unlawful oath, SBE also exceeds its legal authority by subjecting requestors to criminal liability for using the list for purposes the NVRA permits.

In addition, the SBE's newly promulgated definition of "electoral process" in COMAR section 33.03.02.01B(1) is defective for the independent reasons that (1) the SBE lacks any authority, statutory or otherwise, to unilaterally redefine the statutory prerequisites governing access to the voter registration list and to expand the types of uses that constitute a criminal violation; (2) it unlawfully excludes activities and communications that are, in fact, "related to the electoral process," within the meaning of Md. Code, Election Law § 3-506(a)(1)(ii)(2); and (3) it unduly burdens expressive and associational activities protected by the First and Fourteenth Amendments.

I. Factual Background

Maryland law permits any "Maryland registered voter" to obtain a copy of the state's registration rolls upon certifying under oath that the information will not be used for a "commercial solicitation" or for "any other purpose not related to the electoral process." Md. Code, Election Law § 3-506(a)(1)(ii). Maryland law also imposes misdemeanor criminal penalties for "a person who knowingly allows a list of registered voters...to be used for any purpose not related to the electoral process." *Id.* at (c). Although the General Assembly has neither defined the term "electoral process" nor licensed the SBE to do so, the SBE adopted on June 20, 2023, an amendment to the COMAR that denotes the term as follows:

- (a) "Electoral process" means the system established by the Maryland Constitution, Election Law Article, Annotated Code of Maryland, and regulations of the State Board, by which a person is elected to a public office or by which voters express a preference on a ballot question.
- (b) "Electoral process" includes, but is not limited to registering voters, forming political parties, qualifying as a candidate for public office, petitioning candidates or questions to the ballot, drafting and publishing ballot questions, conducting elections, casting ballots, canvassing ballots, recounting an election, and financing a campaign.
- (c) "Electoral process" does not include investigations. The use of a voter registration list to contact an individual voter as part of an investigation into an illegal or suspected illegal infraction or violation involving the voter's behavior in a specific election is not a "purpose... related to the electoral process" as those terms are used in Election Law Article, §3-506(a)(1)(ii)(2), Annotated Code of Maryland.

COMAR 33.03.02.01B(1).

Shortly thereafter, the SBE revised the affidavit form that persons seeking a copy of the voter registration list must execute. The new form includes an averment that the requestor will use the data only for "activities that meet the definition of 'electoral process' as defined in COMAR 33.03.02.01B(1)," and disavows uses "for investigations into an illegal or suspected illegal infractions or violations of voters' behaviors in a specific election."¹

¹ Two ancillary points merit mention. First, the phrase "violations of voters' behavior" makes neither grammatical nor logical sense. Second, the COMAR provision that governs the content of the requestor affidavit has never been amended to mandate this certification. *See* COMAR 33.03.02.04.

On September 21, 2023, Mr. Morsberger submitted to the SBE a request for the current statewide voter registration list, with the affidavit averments derived from the amended COMAR 33.03.02.01B(1) crossed-out. On September 27, 2023, the SBE rejected his request, stating that “the application must be signed without any redactions.” *See Exhibit A.* On September 25, 2023, Ms. Sullivan inquired of the Baltimore County Board of Elections how to obtain a statewide voter registration list, given that the county’s standard affidavit form had not been updated to reflect the amended COMAR 33.03.02.01B(1). On September 26, 2023, the Baltimore County Board of Elections informed Ms. Sullivan that she would be required to use the amended affidavit in order to obtain the list. *See Exhibit B.*

Ms. Sullivan and Mr. Morsberger have used, and intend in the future to use, the statewide voter registration list in connection with various non-commercial canvassing activities. These canvassing projects have occasionally entailed cross-checking certain data (*e.g.*, address information or voting history) in the registration list by contacting the voter or individuals residing at the address where the voter is registered and asking him or her to verify the information on file.

II. Legal Claims

A. COMAR 33.03.02.01B(1)’s Restrictions on List Distribution and Use Are Preempted by the NVRA

By withholding voter registration lists unless a requestor forfeits his right to use the information for any purpose that it not “related” to the SBE’s definition of the “electoral process,” COMAR 33.03.02.01B(1) contravenes, and is preempted by, the NVRA. Section 8(i) of the NVRA mandates that:

Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

52 U.S.C. § 20507(i)(1). Voter registrations—both individualized applications and aggregated lists—are among the records to which Section 8(i) guarantees a right of public access. *See Judicial Watch, Inc. v. Lamone*, 399 F. Supp. 3d 425, 440-41 (D. Md. 2019) [*“Lamone P”*] (holding that Maryland’s voter registration list is subject to Section 8(i)); *see also Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012) (concluding that Section 8(i) “unmistakably encompasses completed voter registration applications”). Importantly, Section 8(i) supersedes contrary state laws that constrain citizens from using registration records for purposes that the NVRA protects. In purporting to prohibit citizens from using voter registration data for legitimate investigative and oversight purposes protected by the NVRA, COMAR 33.03.02.01B(1) obstructs controlling federal law, and hence is preempted.

To the extent the SBE’s justification for its edict is that Section 8(i) safeguards only *access* to—as distinguished from the *use* of—voter registration records, such a distinction is doctrinally unsound and logically unsustainable. Access encompasses the ability both to actually obtain records and to use them freely—at least for purposes that are protected by the NVRA. The mere physical availability of registration records, as an end in itself, is nugatory; rather, availability is innately and invariably a means to carry out some specific use. To posit that Section 8(i) protects only the ability to view or possess a registration record—but not to do

anything with it—reduces what Congress intended to be a robust mechanism for State accountability to a pointless abstraction. See *Greater Birmingham Ministries v. Merrill*, 2:22CV205-MHT, 2022 WL 5027180, at *5 (M.D. Ala. Oct. 4, 2022) (noting that “the right to access voter records serves as a necessary foundation for a broad array of opportunities to engage and to make use of those records as the requesting party sees fit”); *Illinois Conservative Union v. Illinois*, 20 C 5542, 2021 WL 2206159, at *7 (N.D. Ill. June 1, 2021) (declining to dismiss claim that state’s statutory prohibition on photocopying registration records “conflicts with Section 8(i) and frustrates the NVRA’s purpose”).

Recognizing the untenability of any construction of Section 8(i) that severs access from use, a federal court recently invalidated a Maine law that prohibited requestors of voter lists from using the information “for any purpose that is not directly related to evaluating the State’s compliance with its voter list maintenance obligations,” or making voter-identifying information “accessible by the general public on the Internet or through other means.” *Pub. Interest Found., Inc. v. Bellows*, No. 1:20-cv-00061-GZS, 2023 WL 2663827, at *3 (D. Me. Mar. 28, 2023) (quoting 21-M.R.S.A. § 196-A(1)(J)). Emphasizing that Congress aspired in enacting the NVRA to “‘protect the integrity of the electoral process’ and ‘ensure that accurate and current voter registration rolls are maintained,’” *id.* at *5, the court reasoned that Maine’s encumbrances on Section 8(i)’s right of access obstructed this legislative objective, *id.* at *7. It accordingly concluded that Section 8(i) “does not allow a state to impose these restrictions” on a requestor’s use of voter lists. *Id.*

The same impermissible restriction on protected investigatory activities afflicts COMAR 33.03.02.01B(1). Even assuming (but not conceding) that the statutory caveat that voter lists may not be used for any “purpose not related to the electoral process,” Md. Code, Election Law § 3-506(a)(1)(ii)(2), is facially consistent with Section 8(i), the SBE’s ostensible implementation of it in COMAR 33.03.02.01B(1) (and the attendant revised affidavit form) is not. Congress did not camouflage the intentions undergirding the NVRA. Section 8(i) empowers citizens to fulfill the express purposes of the NVRA to enhance electoral integrity, particularly with respect to the accuracy of registration rolls, by obtaining those rolls and independently analyzing them to identify inaccuracies and other errors. In this vein, “investigation into an illegal or suspected illegal infraction or violation” of voting or registration laws prohibited by COMAR 33.03.02.01B(1)(c) is not a purpose that is inimical or extraneous to Section 8(i); to the contrary, it is precisely the activity that Congress desired to safeguard and promote.

Irrespective of whether the SBE deems our clients’ canvassing projects to be worthwhile, see generally *Judicial Watch, Inc. v. Lamone*, 455 F. Supp. 3d 209, 225 (D. Md. 2020) [*“Lamone IP”*] (noting that a requestor “need not demonstrate its need for [the requested] information in order to facilitate its effort to ensure that the voter rolls are properly maintained”), COMAR 33.03.02.01B(1)’s obstructive effect on their NVRA-protected investigatory activities is obvious. To use one example (which has a basis in our clients’ past canvassing experiences), assume that review of a voter list indicates that a given individual recently voted for the first time, despite having been on the rolls for many years. Upon being contacted, the individual states that she actually had not cast a ballot in that election. That representation (if accurate) may evidence flaws or vulnerabilities in the State’s registration or recordkeeping practices.

In short, Ms. Sullivan and Mr. Morsberger have sustained two variations of the same legal wrong. As an initial matter, their access to the statewide voter list has been impeded in a literal sense. And even if Mr. Morsberger or Ms. Sullivan ultimately is able to physically obtain a copy of the list, their right of access remains functionally extinguished because the SBE has forbidden them—under the threat of criminal penalties—from engaging in exactly the activities Congress intended to protect.

Contact with individual voters is intrinsically intertwined with broader investigations of the State’s list maintenance practices and policies. By thwarting and chilling wide swaths of legitimate and good faith inquiries, COMAR 33.03.02.01B(1) vitiates a central pillar of the NVRA. It accordingly is preempted and invalid.

For these reasons, we request that, no later than 90 days after receipt of this letter, you repeal COMAR 33.03.02.01B(1)’s purported definition of “electoral process,” and remove from the requestor affidavit form the new averments derived from that provision. If you fail to do so, our clients intend to seek judicial remedies to vindicate their rights under the NVRA.

If or to the extent a court determines that COMAR 33.03.02.01B(1) is consistent with or required by Election Law § 3-506(a)(1)(ii), which it is not as explained *infra*, our clients intend to pursue a claim that the statutory provision likewise is preempted by the NVRA.

B. The SBE Has No Authority To Adopt COMAR 33.03.02.01B(1)

COMAR 33.03.02.01B(1) is unenforceable for the independent reason that the SBE has no authority to impose its own substantive limitations or preconditions on the obtainment of voter lists. The *only* statutory conditions precedent to the procurement of a voter lists are the submission of (1) “a written application” and (2) a sworn statement promising not to use voter data for “commercial solicitation” or “any other purpose not related to the electoral process.” Md. Code, Election Law § 3-506(a)(1)(ii). The General Assembly has permitted the SBE to regulate only the procedural and logistical attributes of the list preparation process, such as the deadline for fulfilling requests, the format of a list, and the assessment of a fee. *Id.* § 3-506(a)(2). Nothing in this short catalogue of discrete authorizations licenses the SBE to unilaterally promulgate and enforce its own freewheeling understanding of key statutory terms, especially when it broadens the scope of prohibited activities that could subject our clients and others to criminal prosecution.

C. The Amended COMAR 33.03.02.01B(1) Conflicts with Election Law § 3-506(a)(1)(ii)

Even assuming *arguendo* that the SBE may independently define the term “electoral process,” the formulation codified in the amended COMAR 33.03.02.01B(1) is incompatible with the underlying statute, Election Law § 3-506(a)(1)(ii). *See generally Dept. of Human Res., Baltimore City Dept. of Social Servs. v. Hayward*, 45 A.3d 224, 236 (Md. 2012) (emphasizing that agency regulations “must be consistent, and not in conflict, with the statute the regulations are intended to implement. We have consistently had that the statute must control.”).

The General Assembly has expressly permitted any person who obtains a voter list to use the information for any non-commercial purpose “related to the electoral process.” Md. Code, Election Law § 3-506(a)(1)(ii)(2). The amended COMAR 33.03.02.01B, however, purports to prohibit various actions and activities that are, in fact, very much “related to the electoral process.” The “electoral process” denotes “1. The method by which a person is elected to public office in a democratic society. 2. The taking and counting of votes.” *Fusaro v. Howard*, 19 F.4th 357, 372 (4th Cir. 2021) (quoting BLACK’S LAW DICTIONARY (11th ed. 2019)). Investigations into potential errors or fraud in particular voter registrations or ballot submissions are—invariably and definitionally—related to both the “method” of electing public officials and “the taking and counting of votes.” Accordingly, the amended COMAR 33.03.02.01B is facially inconsistent with the controlling statute. And even assuming that the amended COMAR 33.03.02.01B is found to comport with Election Law § 3-506(a)(1)(ii)(2), then the statutory provision would itself be impliedly preempted by Section 8(i) of the NVRA. *See supra* Section II.A.

D. The Amended COMAR 33.03.02.01B Unduly Burdens First Amendment Rights

Finally, the SBE’s inventive and artificially restrictive definition of “electoral process” unconstitutionally infringes expressive and associational rights protected by the First and Fourteenth Amendments to the U.S. Constitution. To be sure, the Fourth Circuit has held, in a different context, that Election Law § 3-506(a)(1)(ii)’s “electoral process” limitation did not, facially or as applied to one set of particular plaintiffs, violate the First Amendment. *See Fusaro*, 19 F.4th at 368. Those conclusions, however, were predicated in part on the court’s broad conception of “electoral process,” which comported with the term’s “common sense” dictionary definition. *See id.* at 370, 372. By contrast, the SBE’s highly constrictive conception of the same term inflicts a correspondingly more substantial burden on our clients’ constitutionally protected canvassing activities. In addition, we believe discovery may reveal that the amended COMAR 33.03.02.01B was, even if facially neutral, precipitated by a targeting of certain groups based on their actual or perceived partisan or ideological orientation. *See generally Reed v. Town of Gilbert*, 576 U.S. 155, 164 (2015) (strict scrutiny applies to laws that, “though facially content neutral . . . were adopted by the government ‘because of disagreement with the message [the speech] conveys’” (citation omitted)). Our clients accordingly reserve all rights to pursue claims arising out of the First and Fourteenth Amendments, or any other applicable provision of the United States or Maryland constitutions.

Thank you for your attention to this important matter.

Respectfully,

/s/ Kory Langhofer
Kory Langhofer

/s/ Thomas Basile
Thomas Basile

Exhibit A

From: Erin Dennis -SBE- <erin.dennis@maryland.gov>

Date: September 27, 2023 at 09:21:55 EDT

To: David Morsberger <dave@morsberger.com>

Cc: Joanna Benjamin -SBE- <joanna.benjamin@maryland.gov>, Brett Paradise -SBE- <brett.paradise@maryland.gov>

Subject: Request for Voter Registration Data

Hi, David.

In order to fulfill the request, the application must be signed without any redactions. Please complete the attached copy and resend. Please note, that the substance of the statement and oath on the application have not changed, but changes have been made to the form and language of the oath.

Thanks!

Erin W. Dennis

Maryland State Board of Elections

151 West Street, Suite 200

P.O. Box 6486

Annapolis, Maryland 21401

(P) 410.269.2928 | 410.279.3386

(P) 800.222.8683

(F) 410.974.5415

<http://www.elections.maryland.gov/>

Exhibit B

----- Forwarded message -----

From: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Date: Tue, Sep 26, 2023 at 4:00 PM
Subject: RE: New Data
To: Kate Strauch Sullivan <kate@sullyland.com>

Hi Kate,

I can't agree to the use of the previous form as the requirements changed with new state regulations. If you came to the office with the previous form, we would have had to ask you to sign the new form before processing the request. There was a delay in the website update however, the correct form was and is available in our office. I understand your position and will continue to follow-up in relaying to the State Board. Please understand that I must follow State Regulations.

All the best,
Ruie

From: Kate Strauch Sullivan <kate@sullyland.com>
Sent: Tuesday, September 26, 2023 1:34 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Subject: Re: New Data

CAUTION: This message from kate@sullyland.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you Ruie.

Would it be ok if I just signed the old form? I'm a bit worried about the new oath language from the State.

Could we just process with the old form? I can drop it off tomorrow when I come for tomorrow's meeting.

Please advise.

Kate

“The truth is like a lion; you don't have to defend it. Set it free; it will defend itself.”

On Tue, Sep 26, 2023 at 1:21 PM Ruie LaVoie <rlavoie@baltimorecountymd.gov> wrote:
Hi Kate,

I hope you are doing well. The website is updated with the new form. I so appreciate you bringing that to my attention. I also attached a copy for your convenience.

Also attached is the flier we distributed at the Central Committee meeting. There will be an updated version once the early voting locations are established for 2024.

Please let me know if you need anything else or if I can be of assistance. Have a wonderful afternoon!

All the best,
Ruie

From: Kate Strauch Sullivan <kate@sullyland.com>
Sent: Monday, September 25, 2023 5:42 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Subject: New Data

CAUTION: This message from kate@sullyland.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good Evening Ruie,
I'm preparing to purchase a new round of data and I noticed the BC BOE paperwork does not match that of the State BOE. The oath at the bottom of their paperwork is not the same as the oath at the bottom of Baltimore County BOE paperwork. I just want to be sure I fill out the proper paperwork and fully understand what I'm signing.

Also, do you have the Election Flyer you handed out at our Central Committee meeting? I think it's a great piece to hand out in preparation for the upcoming election and I'd love a digital copy of it.

Thanks and see you Wednesday.

Kate

“The truth is like a lion; you don't have to defend it. Set it free; it will defend itself.”

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Restoring Faith in Maryland Elections

February 27, 2024

Cc: State Board of Elections Members; Local Board of Election Members

Mr. Demarinis and Maryland State Board of Elections Members,

Over the past three years, a team of dedicated Maryland citizens has organized various efforts to verify the accuracy of our official Maryland State Voter Registration Database and official Maryland reports. For example, we have focused on canvassing registration addresses to confirm their validity and analyzing the official Maryland voter registration database in order to identify potential inaccuracies. Our team includes trained data scientists, computer programmers, statisticians, attorneys, and a group of dedicated registered voters from across all 24 Maryland jurisdictions.

The following report is in service of restoring faith in our elections. In recent years, despite the sincere and honest efforts of our local Board of Elections officials, faith and confidence in our election process has drastically decreased. We firmly believe, in order to restore confidence in our elections, Marylanders need to publicly see their concerns being addressed. This report gives our Maryland state elections officials an opportunity to openly respond and work with us to address these concerns.

Our intention in this report is to provide the State Board of Elections with critical data we have collected to assist in maintaining an accurate voter registration database. It is our sincere hope this report will serve as an opportunity for the State Board of Elections to review the inaccurate registrations and unexplained anomalies we have identified as well as an opportunity to consider the potential election system vulnerabilities which may have caused these issues.

The following report is a presentation of our findings.

Thank you in advance for your consideration of these findings and subsequent action. We look forward to collaborating with you to address the vulnerabilities outlined in this report. With the 2024 Primary and General elections approaching rapidly, time is of the essence. We kindly request a response within the next ten business days. Failure to do so may necessitate exploring alternative avenues, potentially involving legal action.

David Morsberger
Anne Arundel County

Katherine Strauch Sullivan
Baltimore County

RESTORING FAITH IN MARYLAND ELECTIONS



CONTENTS

1. **Executive Summary:** *Identifying Vulnerabilities and Solutions*
2. **Vulnerabilities:** *Presentation of Canvass Results & Underlying Data*
3. **Vulnerabilities:** *Evidence of Registration Violations & Underlying Data*
4. **Vulnerabilities:** *Evidence of Voting Violations & Underlying Data*
5. **Solutions:** *Recommendations*

APPENDICES

- A. Cross State Canvass Results
- B. Baltimore County Canvass Results
- C. Federal and Maryland Laws and Regulations Violated
- D. Registration Violation Categories and Sub-categories
- E. Voting Violation Categories and Sub-categories

Restoring Faith in Maryland Elections

EXECUTIVE SUMMARY

GOAL: *Restore faith in our elections by identifying vulnerabilities in our election system and working together with the Board of Election officials taking a proactive approach to updating, fixing, and eliminating processes that created the vulnerabilities we have identified in advance of the 2024 Primary and General Election.*

CANVASS: *Physical canvassing of Maryland Registration addresses to verify accuracy of data on record.*

Sources: Official Maryland State Voter Registration Database

Methods: Trained volunteers familiar with voter registration processes and respectful canvassing practices. (Training materials available upon request)

➤ **CLAIMS:**

- 58 inaccurate records across state represented 15% of the 383 records surveyed and an alarming 32% of the 180 records contacted.
- 61 inaccurate records in Baltimore County represented 14% of the 418 records successfully contacted.
- 5,625 Apparent Fraudulent Votes (*Derived from a sample size of 383 registered voters who were listed as having voted but did not vote - 95% confidence level with a +/-5 margin for error*).

DATA ANALYSIS: *Meticulous analysis of our official Maryland State Voter Registration Database to identify inaccuracies and vulnerabilities.*

Sources: Official Maryland State Voter Registration Database (Voter Registration Database snapshots were purchased 8/2021, 12/2021, 7/2022, 8/2022, 12/2022, 1/2023, 2/2023, 3/2023, 4/2023, 5/2023, 6/2023, and 7/2023).

Methods: Experienced Computer scientists, Data Analysts, and Computer Programmers trained in SQL

➤ **CLAIMS:**

- 79,349 Current Apparent Registration Violations
- 62,075 Voting Violations in the 2020GE
- 27,623 Voting Violations in the 2022GE

RECOMMENDATIONS: *Based on identified vulnerabilities and settled Federal and Maryland State law, our team has compiled a list of recommendations which, when executed jointly, will restore faith and confidence in our election system and optimize the security, safety, and accuracy of our elections. The joint teams are optimal if comprised of State Board of Election representatives and Select Qualified citizens.*

MARYLAND CROSS STATE CANVASS

OVERVIEW: *Canvass all 24 Maryland Voting Jurisdictions to verify Voter Registration List Accuracy.*

- Canvass was derived from a universe of 112,506 registered voters across all 24 jurisdictions who voted in the 2020GE.
- Sample size of 383 registered voters was determined by the proportion of target population we needed to interview to achieve a 95% confidence level with a +/-5 margin for error.
- Universe of 112,506 registered voters was scientifically randomized using a NIST approved algorithm to remove any bias.
- 383 voter registrations were selected and surveyed from the randomized list.
- 180 of the 383 voters successfully surveyed.
- 58 inaccurate registrations identified.

METHOD: *During the September-November 2023 timeframe, a team of trained citizen volunteers canvassed our scientifically randomized list of registered voters across all 24 jurisdictions who voted in the 2020 GE. List was derived from the Official Maryland State Registration Database using the process described above. Each volunteer was given a list of records for their assigned jurisdiction. Volunteers primary purpose was to verify if the Official Maryland State Voter Registration Database accurately reflected the voter registration information listed in the record.*

- 383 doors surveyed.
- 180 voters successfully contacted.
- 20 refused the survey.
- 102 records were verified.

RESULTS: 58 records were identified as inaccurate.

- 31 records were identified as Moved while still being listed as an active voter.
- 2 records were identified as Unauthorized Ballot Collection.
- 5 records reflected addresses determined to be Abandoned Buildings (4 out of these 5 addresses located in Baltimore City).
- 20 records were determined to reflect a fraudulent vote having been cast for the voter (Voter registration record reflected voter had voted in the 2020 General Election (GE) yet the voter confirmed they did not vote in the 2020 GE).
- **These 58 inaccurate records represent 15% of the 383 records canvassed and an alarming 32% of the 180 records successfully surveyed.**

❖ *See Appendix A: Cross State Canvass Results for detailed results.*

BALTIMORE COUNTY CANVASS

OVERVIEW: *Canvass Baltimore County to verify Voter Registration List Accuracy.*

- The target was every registered voter in our geographically selected precincts within Baltimore County.
- 904 doors surveyed and 418 registered voters successfully contacted.
- 61 inaccurate registrations identified

METHOD: *During the February-April 2023 timeframe, a team of citizen volunteers canvassed three randomly selected precincts in Baltimore County. Each volunteer was given a list of records from the Official Maryland State Voter Registration Database organized by the precinct. Volunteers primary purpose was to verify if the Official Baltimore County Voter Registration Database accurately reflected the voter registration information listed in the record.*

- 904 doors surveyed.
- 418 registered voters successfully contacted.

RESULTS: Of the 418 contacted, 61 records were identified as inaccurate.

- 50 records were identified as Moved.
- 4 records were identified as Deceased.
- 2 records were identified as Identity Unknown (*individual never lived at the address*).
- 5 records were identified as Inaccurate (*some part of the record was incorrect*).
- **These 61 inaccurate records represent 6% of the 904 records canvassed and an alarming 14% of 418 records successfully surveyed.**

❖ *See Appendix B: Baltimore County Canvass Results for detailed results.*

APPARENT REGISTRATION VIOLATIONS

INELIGIBLE OR UNCERTAIN REGISTRATION TYPE	VIOLATIONS	LAW/RULE IN VIOLATION
Illegal duplicate registrations	1,699	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101
Questionable Inactive Status	25,084	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); §§ 3-502 - 3-503
Active Registrations without a certified U.S. Post Office mailing address	3,366	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants who moved at least 4 years ago	5,680	Maryland Annotated Code, Election Law Article, Title 3 Moved Voters §3-502
Active Registrations with no residential address (PO Box, UPS or FedEx)	605	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrations with Nonstandard address	296	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants who are deceased	1,218	Maryland Annotated Code, Election Law Article, Title Deceased Voters 3§3-504
Age discrepant registrants (younger than 16)	883	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Questionable Registration Date	40,518	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101
TOTAL REGISTRATION VIOLATIONS	79,349	

APPARENT VOTER VIOLATIONS

INELIGIBLE OR UNCERTAIN REGISTRATION TYPE THAT VOTED	2020	2022	LAW/RULE IN VIOLATION
Illegal duplicate registrations	1,323	822	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101
Questionable Inactive Status	23,558	455	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); §§ 3-502 - 3-503
Active Registrations without a certified U.S. Post Office mailing address	1374	560	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants who moved at least 4 years ago	3,704	1379	Maryland Annotated Code, Election Law Article, Title 3 Moved Voters §3-502
Active Registrations with no residential address (PO Box, UPS or Fedex)	312	151	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrations with Nonstandard address	111	61	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants who are deceased	4	0	Maryland Annotated Code, Election Law Article, Title Deceased Voters §3-504
Age Discrepant	471	229	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Questionable Registration Date	29,755	23,902	Maryland Annotated Code, Election Law Article, Title 3; 3-102; §§3-301-3-306
Registered after General Election	1463	64	Maryland Annotated Code, Election Law Article, Title 3; 3-102; §§3-301-3-306
TOTAL APPARENT VOTING VIOLATIONS	62,075	27,623	Federal Law only allows for 24 Votes in Error for the 2020 election and 16 Votes in Error for 2022 (based on Official Turnout of 3,066,945 and 2,031,635 in 2020 and 2022 respectively). Help America Vote Act, 2002. 252 USC Ch. 209 § 21081 Voting Systems and Standards (5) ERROR RATES. For each processing function indicated above, the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions. (1/125,000, 2005)
VOTES OVER THE ALLOWABLE ERROR RATE	62,051	27,607	Total number of apparent voting violations minus 24 and 16 allowable errors in 2020GE and 2022GE respectively.

ADDITIONAL INACCURACIES, DESCREPENCIES AND CONCERNS

ADDITIONAL INACCURACIES DESCREPANCIES, and CONCERNS	2020	2022	Notes
Unreconciled Blank ballots cast in General Election	98,095	82,356	Incomplete and inconsistent definition of blank ballot with a large number in both the 2020 and 2022 General Elections
Registered voters listed as having voted but did not vote (data only available for 2020 General Election)	5,625		Extrapolated using the well-defined survey statistical method and results described in the "MARYLAND CROSS STATE CANVASS" section. The 5,625 result represents 5% of 112,506 registered voters with a 95% confidence interval with a +/- 5% Margin of Error
Official Results from Maryland State Board of Elections Official Turnout Statistics Report	3,066,945	2,031,635	Different reports generated and released by the Maryland State Board of Elections do not agree or reconcile
Official Results by aggregating the county EL52 reports	3,054,725	2,031,853	
Election Administration and Voting Survey Report sent to EAC			
Number of Voters who Cast a Ballot that was Counted	3,059,603	2,028,850	

RECOMMENDATIONS

Based on identified vulnerabilities and settled Federal and Maryland State law, our team has compiled a list of recommendations which, when executed jointly, will restore faith and confidence in our election system and optimize the security, safety, and accuracy of our elections. The joint teams are best if comprised of State Board of Election representatives and Select Qualified citizens.

1. Jointly review and resolve identified registration violations in advance of the 2024 elections.
2. Create a joint List Maintenance Task force to identify and address additional inaccuracies found in the voter registration database.
3. Create a joint Voter Security Task force to identify risks and vulnerabilities associated with the end-to-end voting system, evaluate the likelihood and impact of each, determine resolutions, and develop short-term mitigations to reduce the overall risk. The task force will focus on any entry point into the system where an intentional or unintentional action results in disenfranchising any voter by prohibiting a legitimate voter from voting and diluting the vote of a legally cast vote.
4. Jointly support through public writings and testimony all efforts that will improve the security of our election system and increase public faith and confidence in our election system.

Appendix A

Cross State Canvass Results

	TOTALS	Percentage of Surveyed (180)	Percentage of Total Canvass (383)
TOTAL CANVASSED (Doors Knocked On)	383		100%
TOTAL SURVEYED (Live Conversations)	180	100%	47%
Moved	31	17.22%	8.09%
DNV	20	11.11%	5.22%
Unauthorized Ballot Harvest	2	1.11%	0.52%
Vacant/Abandoned	5	2.78%	1.31%
Verified	102	56.67%	26.63%
Refused Survey	20	11.11%	5.22%
# of Inaccurate Records Surveyed			58
Rate of Inaccuracy - 383 total			15%
Rate of Inaccuracy - 180 total			32%

SURVEYED = LIVE CONVERSATION
CANVASSED = DOORS KNOCKED ON

Sample size of 383 registered voters was determined by the proportion of target population we needed to interview to achieve a 95% confidence level with a +/-5 margin for error.

Appendix B

Baltimore County Canvass Results

CATEGORY	TOTAL	PERCENTAGE OF TOTAL CANVASSED	PERCENTAGE OF TOTAL SURVEYED
Canvassed	904	100.00%	N/A
Surveyed	418	46.24%	N/A
Moved	50	5.53%	11.96%
Deceased	4	0.44%	0.96%
Suspicious Identity	2	0.22%	0.48%
Incorrect Record	5	0.55%	1.20%
TOTAL INACCURATE RECORDS	61	6.75%	14.59%

Appendix C

FEDERAL and MARYLAND STATE LAWS and REGULATIONS VIOLATED

- U.S. Const. amend. XIV, § 1. Citizenship Clause
- 52 USC Ch. 205 National Voter Registration Act of 1993 (Moter Voter)
§ 20501 Findings and Purposes
- 52 USC Ch. 209 Help America Vote Act, 2002
§ **21081** Voting Systems and Standards (5) ERROR RATES
- Federal Prosecution of Election Offenses
- *8th Addition, December 2017*
- Voting System Standards, Vol.1
Performance Standards April 2002
Federal Election Commission United States of America
3.2.1. Accuracy Requirements
- 52 USC Subtitle 1 Voting Rights Act of 1965
- 52 USC § **10101 Voting Rights**
- Prohibition Against Misrepresentation; 18 USC §1028A – Aggravated Identity Theft
- Md. Code, Elec. Law § 2-102 Powers and Duties State Board of Elections
- Md. Code, Elec. Law (Subtitles 1-6) §3-101; §§ 3-502 - 3-503 Voter Registration
- Md. Code, Elec. Law §3–102 Eligibility
- Md. Code, Elec. Law §3–502 Moved Voters
- Md. Code, Elec. Law §3–504 Deceased Voters
- Md. Code, Elec. Law §9-102(d)(1)(i) and (ii) Voting Systems
- Md. Code, Elec. Law §11-503 Statewide Canvass and Certification
- Md. Code, Elec. Law § 16-101 Voter Fraud
- Md. Code Regs. 33.10.01.18 Ballots- Chain of Custody

Appendix D

REGISTRATION VIOLATION CATEGORIES AND SUB-CATEGORIES		
CATEGORIES	VIOLATIONS	LAW/RULE IN VIOLATION
Illegal duplicate registrations	1,699	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101
Match (First name, Address, DOB)	1,288	
Fuzzy Match (First name, Last name, Address, DOB +/- 30 days)	411	
Questionable Inactive Status	25,084	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); §§ 3-502 - 3-503
No vote 2016, voted 2020, Inactive 12/2021	23,088	
Inactive after 2022 Primary, Active Post 2022 GE, Inactive by 4/2023	686	
Inactive before 2022 Primary, Active immediately after 2022 Primary, Inactive beginning again December 2022	1,310	
Active Registrations without a certified U.S. Post Office mailing address	3,366	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants who moved at least 4 years ago	5,680	Maryland Annotated Code, Election Law Article, Title 3 Moved Voters §3-502
Active Registrations with no residential address (PO Box, UPS or FedEx)	605	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102

Appendix D

REGISTRATION VIOLATION CATEGORIES AND SUB-CATEGORIES		
CATEGORIES	VIOLATIONS	LAW/RULE IN VIOLATION
Active Registrations with Nonstandard address	296	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants who are deceased	1,218	Maryland Annotated Code, Election Law Article, Title Deceased Voters 3§3-504
Age discrepant registrants (younger than 16)	883	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Questionable Registration Date	40,518	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101
January 1st registrations, all years 1900-2022	32,806	
Change registrations dates BEFORE State Registration Dates	4,732	
State Registration Date Changed	2,358	
Date of Birth Changed	622	
TOTAL REGISTRATION VIOLATIONS	79,349	

Appendix E

VOTING VIOLATION CATEGORIES AND SUB-CATEGORIES			
CATEGORIES	2020	2022	LAW/RULE IN VIOLATION
Illegal duplicate registrations	1,323	822	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); § 3-101
Apparent Voting Violation (Duplicate Match)	1,035	643	
Actual Voting Violation (Duplicate Match)	15	7	
Apparent Voting Violation (Fuzzy Match)	288	179	
Actual Voting Violation (Fuzzy Match)	1	1	
Questionable Inactive Status	23,558	455	Maryland Annotated Code, Election Law Article, Title 3. Voter Registration (Subtitles 1-6); §§ 3-502 - 3-503
No vote 2016, voted 2020, Inactive 12/2021	23,088		
Inactive after 2022 Primary, Active Post 2022 GE, Inactive by 4/2023		344	
Inactive before 2022 Primary, Active immediately after 2022 Primary, Inactive again sometime after Primary	470	111	
Active Registrations w/o a Certified U.S. Post Office Mailing Address	1374	560	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants Who Moved at Least 4 Years Ago	3,704	1379	Maryland Annotated Code, Election Law Article, Title 3 Moved Voters §3-502
Active Registrations with NO Residential Address (PO Box, UPS or FedEx)	312	151	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrations with Nonstandard Address	111	61	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Active Registrants who are Deceased	4	0	Maryland Annotated Code, Election Law Article, Title 3. Deceased Voters §3-504
Age Discrepant	471	229	Maryland Annotated Code, Election Law Article, Title 3. Eligibility §3-102
Registrants younger than 16	455	217	
Voters younger than 18; older than 115	15	11	
Questionable Registration Date	29,755	23,902	Maryland Annotated Code, Election Law Article, Title 3; 3-102; §§3-301-3-306
January 1st registrations, all years 1900-2022	25,587	21,442	
Change registrations dates BEFORE State Registration Dates	2982	1567	
State Registration Date Changed	842	596	
Date of Birth Changed	344	297	

Appendix E

VOTING VIOLATION CATEGORIES AND SUB-CATEGORIES			
CATEGORIES	2020	2022	LAW/RULE IN VIOLATION
Registered after General Election	1463	64	Maryland Annotated Code, Election Law Article, Title 3; 3-102; §§3-301-3-306
TOTAL APPARENT VOTING VIOLATIONS	62,075	27,623	Federal Law only allows for 24 Votes in Error for the 2020 election and 16 Votes in Error for 2022 (based on Official Turnout of 3,066,945 and 2,031,635 in 2020 and 2022 respectively). Help America Vote Act, 2002. 252 USC Ch. 209 § 21081 Voting Systems and Standards (5) ERROR RATES. For each processing function indicated above, the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions. (1/125,000, 2005)
Votes Over the Allowable Error Rate:	62,051	27,607	<i>Total number of apparent voting violations minus 24 and 16 allowable errors in 2020GE and 2022GE respectively.</i>



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Baltimore County: "Election Integrity" Effort

1 message

Nikki Charlson -SBE- <nikki.charlson@maryland.gov> Tue, Oct 25, 2022 at 11:57 PM
To: Linda Lamone <linda.lamone@maryland.gov>, Dan Kobrin <dkobrin@oag.state.md.us>, Donna Duncan <donna.duncan@maryland.gov>, Melissia Dorsey -SBE- <Melissia.Dorsey1@maryland.gov>
Cc: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Ruie shared the attached document. I agree with Ruie that there isn't anything to do with this email but wanted to share it.

I understand that Ms. Sullivan (mentioned in the email) is a frequent attendee of Baltimore County Board of Elections' meetings.

Nikki



www.elections.maryland.gov

----- Forwarded message -----

From: **Ruie LaVoie** <rlavoie@baltimorecountymd.gov>
Date: Tue, Oct 25, 2022 at 5:09 PM
Subject: Jim Randisi
To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>
Cc: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>, Carol Byrd <cbyrd31@gmail.com>

Good Evening,

My Board asked that I send the attached to you. This is being distributed and we have receive complaints of voter suppression and harassment. I am not sure that there is anything that can be done.

Thanks,

Ruie



AMERI
OVERSIGHT
Get your COVID-19 vaccine today.

6/4/24, 11:59 AM

State of Maryland Mail - Baltimore County: "Election Integrity" Effort

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov



Jim Randisi.docx

15K



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Blank Ballot PIA/Info Request: Baltimore County

6 messages

Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov> Mon, Nov 6, 2023 at 8:54 AM
To: Katherine Berry -SBE- <katherine.berry@maryland.gov>, Cyril Komp -SBE- <cyril.komp@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Good Morning,

I am sharing this request with a larger - internal - group for discussion. Addressing the questions inline below.

1. Please provide a copy of all vendor contracts, all purchase orders, all invoices, and all vendor manuals e.g. ES&S and Runbeck and any others, who were used in any way in the service and review of blank ballots?

- [Redacted]

2. What vendors (any and all) were used to read and process all ballots e.g., early voting, dropbox ballots, mail-in, provisional and in-person on election day?

- [Redacted]

3. For those ballots initially scanned into the ES&S DS 200 or similar scanners and placed into the blank ballot table:

a. Please provide either a hard copy or electronic copy of the procedures, including instructions, to adjudicate such blank ballots.

- [Redacted]

b. Per public information in Baltimore County there were 26,845 blank ballots in 2020 and 19,678 blank ballots in 2022. Please provide an electronic copy of each and every originally cast ballot and each and every copy of the adjudicated final ballot for 2020 and 2022.

- [Redacted]

4. At what point in time were blank ballots initially read and at what point in time were the blank ballots adjudicated?

- [Redacted]

a. Was the adjudication at the same time the vote was initially read by the ES&S system or was it at some point later in the process of reading blank ballots?

- [Redacted]



b. What vendors' systems were used to read blank ballots?

- [REDACTED]

c. It is our understanding that the ES&S system can be set to either accept a blank ballot or notify a voter of a rejected blank ballot. How did your jurisdiction have the system set i.e., to accept or reject blank ballots? How was the decision to accept or reject blank ballots made?

- [REDACTED]

d. How was the decision to accept or reject blank ballots made?

- [REDACTED]

Let me know if you'd like to start a google document or some other comprehensive response for these inquiries .

Best,

Melissia

----- Forwarded message -----

From: **Ruie LaVoie** <rlavoie@baltimorecountymd.gov>
 Date: Fri, Nov 3, 2023 at 3:26 PM
 Subject: FW: Election Processing Questions
 To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
 Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Hi Jared,

Is there someone at the state that can assist me with the below PIA request?

All the best,

Ruie



From: James Randisi <jamesrandisi1@gmail.com>
Sent: Friday, November 3, 2023 3:06 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: Kate Sullivan <kate@sullyland.com>
Subject: Election Processing Questions

CAUTION: This message from jamesrandisi1@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ruie LaVoie
Baltimore County Elections Director

Ms. LaVoie

Below are questions surrounding election vote processing for the 2020 and 2022 elections. Would like to request a few minutes at the next BOE meeting to discuss. Let me know if this is possible.

Questions for Baltimore County Board of Elections

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting answers to the following questions:

Baltimore County was one of several jurisdictions to have an electronic system in place to review blank ballots in the 2020 and 2022 elections.

1. Please provide a copy of all vendor contracts, all purchase orders, all invoices, and all vendor manuals e.g. ES&S and Runbeck and any

others, who were used in any way in the service and review of blank ballots?

2. What vendors (any and all) were used to read and process all ballots e.g., early voting, dropbox ballots, mail-in, provisional and in-person on election day?

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b. Per public information in Baltimore County there were 26,845 blank ballots in 2020 and 19,678 blank ballots in 2022. Please provide an electronic copy of each and every originally cast ballot and each and every copy of the adjudicated final ballot for 2020 and 2022.

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Run Date:12/03/20 11:13 AM				Report EL45A Page 001			
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BALLOTS CAST - BLANK	26,845	6.41	7,716	3,930	4,958	2,917	7,324
VOTER TURNOUT - TOTAL		73.93					
VOTER TURNOUT - BLANK		4.74					

Gubernatorial General Election Baltimore County, Maryland November 8, 2022				UNOFFICIAL RESULTS			
By Canvass Run Date:11/19/22 08:32 AM				Report EL45A Page 001			
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BALLOTS CAST - BLANK	19,678	7.08	3,377	8,732	2,065	1,256	4,248
VOTER TURNOUT - TOTAL		49.30					
VOTER TURNOUT - BLANK		3.49					

4. At what point in time were blank ballots initially read and at what point in time were the blank ballots adjudicated?

a. Was the adjudication at the same time the vote was initially read by the ES&S system or was it at some point later in the process

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- c. It is our understanding that the ES&S system can be set to either accept a blank ballot or notify a voter of a rejected blank ballot. How did your jurisdiction have the system set i.e., to accept or reject blank ballots? How was the decision to accept or reject blank ballots made?
- d. How was the decision to accept or reject blank ballots made?

Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.

James P. Randisi



Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Katherine Berry <katherine.berry@maryland.gov> Mon, Nov 6, 2023 at 11:27 AM
 To: Melissa Dorsey -SBE- <melissia.dorsey1@maryland.gov>
 Cc: Cyril Komp -SBE- <cyril.komp@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>



Exchange of confidential information and official correspondence must be done in a way that is secure and protects the public's data.

You are receiving this email because it may contain Personal Identifiable Information (PII). The State seeks to ensure that the exchange of confidential information and official correspondence is done in a way that is secure and protects the public's data.

Click the 'unlock message' button below to decrypt and read my message. If you have any questions, please contact me.



CONFIDENTIALITY NOTICE: The information contained in this electronic message is confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this electronic message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If this message contains non-public personal information about any consumer or customer of the sender or intended recipient, you are further prohibited under penalty of law from using or disclosing the information to any third party by provisions of the federal Gramm-Leach-Bliley Act. If you have received this electronic message in error, please immediately notify us by telephone and return or destroy the original message to assure that it is not read, copied, or distributed by others.

Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov> Thu, Nov 9, 2023 at 9:45 AM
To: Katherine Berry -SBE- <katherine.berry@maryland.gov>, Cyril Komp -SBE- <cyril.komp@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Hi CJ,

With Katie's [one pager](#) that was sent around yesterday and the inline answers above, do you think you are good to draft an answer to this? [REDACTED] If not, please let me know how I can help.

Melissia

[Quoted text hidden]

Cyril Komp -SBE- <cyril.komp@maryland.gov> Thu, Nov 9, 2023 at 10:19 AM
To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>
Cc: Katherine Berry -SBE- <katherine.berry@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Absolutely. Working on this response now. [Redacted]

Thanks,
CJ

[Quoted text hidden]

--
Cyril (CJ) Komp
Director of Special Projects
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486
Telephone 410-269-2931

Katherine Berry <katherine.berry@maryland.gov> Thu, Nov 9, 2023 at 10:26 AM
To: Cyril Komp -SBE- <cyril.komp@maryland.gov>
Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

[Redacted]

Thanks!

Katherine Berry
Deputy State Administrator

Maryland State Board of Elections
(410)269-2843 (w)/ (667)314-5015 (c)
elections.maryland.gov

[Quoted text hidden]

2 attachments

[Redacted]

Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov> Thu, Nov 9, 2023 at 10:30 AM
To: Katherine Berry <katherine.berry@maryland.gov>
Cc: Cyril Komp -SBE- <cyril.komp@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Great!

[Redacted] We have gotten a ton of requests for this, so the requestor may benefit from that.

Melissia
[Quoted text hidden]





Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Constituent Follow-Up to NVRA ltr to AA LBE

9 messages

Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Thu, Mar 16, 2023 at 8:22 AM

To: Melissia Dorsey -SBE- <Melissia.Dorsey1@maryland.gov>, Brett Paradise -SBE- <brett.paradise@maryland.gov>

Melissia and Brett,

My apologies for not seeing that you weren't on the initial distribution list for this email. Can you please draft a response (which Dan should probably review) to this letter?

Thanks,
Nikki



www.elections.maryland.gov

----- Forwarded message -----

From: **Dana Schulze** <danaschulze@protonmail.com>

Date: Mon, Mar 13, 2023 at 9:33 PM

Subject: MD NVRA

To: linda.lamone@maryland.gov <linda.lamone@maryland.gov>, info.sbe@maryland.gov <info.sbe@maryland.gov>, andrea.trento@maryland.gov <andrea.trento@maryland.gov>, nikki.charlson@maryland.gov <nikki.charlson@maryland.gov>, donna.duncan@maryland.gov <donna.duncan@maryland.gov>, shelly.holland@maryland.gov <shelly.holland@maryland.gov>, fred.brechbiel@maryland.gov <fred.brechbiel@maryland.gov>, keith.ross@maryland.gov <keith.ross@maryland.gov>

Cc: elee@judicialwatch.org <elee@judicialwatch.org>, brendayarema@verizon.net <brendayarema@verizon.net>, Robert Atkins <atkins950@gmail.com>, elections@aacounty.org <elections@aacounty.org>, trgardner@usa.net <trgardner@usa.net>, richard.siejack@maryland.gov <richard.siejack@maryland.gov>, Annapolis First <annapolisfirst@gmail.com>, Jay Baratelli <Jay_Baratelli@msn.com>, David Morsberger <dave@morsberger.com>, david.garreis@maryland.gov <david.garreis@maryland.gov>, Jean Benhoff <jmbenhoff@gmail.com>, Jolie McShane <jolie@healthmaniacs.net>, JPrale@lesspral.com <JPrale@lesspral.com>, Robyn Sachs <rsachs@rmr.com>, Kate Strauch Sullivan <kate@sullyland.com>, NatalieAbbas13@gmail.com <NatalieAbbas13@gmail.com>, Janet Katz <janet.katz@comcast.net>, Christine Cirone <christine.cirone@gmail.com>

Hello,

Attached please find the following documents:

My March 13, 2023, letter crafted in response to the MD SBE letter of February 24, 2023.

February 24, 2023, letter from SBE to President of AACBOE, Brenda Yarema.

January 12, 2023, letter from Brenda Yarema, President of AACBOE to Mr. William Voelp, Chairman MDSBE.

Notes discussing this issue from the AAC BOE meeting in February 2023.

A sample nixie label.



I look forward to hearing complete and prompt answers from MD SBE to the following questions specifically.

Currently, the LBE holds onto returned mandatory mailings in a dead-letter file. How many specimen ballots are in the dead-letter file? Where is the dead-letter file? Is it secure?

What is the SBE's plan to make a reasonable effort to remove ineligible voters from the official lists?

When does the Maryland State Board of Elections plan to comply with Federal Law and create a process that ensures the accuracy of the voter registration rolls?

As a combat veteran, I fought, and my friends died for our sacred right to vote. Each American is endowed with one vote which is the great equalizer of all socio-economic categories.

To God be the glory,

Dana L. Schulze, Vice-Chairman, RSCCAAC






484-792-1387

The Precinct Strategy Team Anne Arundel County (State and Nationwide)



Sent with [Proton Mail](#) secure email.

5 attachments

-  **2023 March Response to BOEL meeting.docx**
62K
-  **Yellow Sticker response letter from SBE 022523.pdf**
219K
-  **Letter to bill Voelp 011223.pdf**
1336K
-  **BOE Minutes NVRA and Discrepancy Scan20230217_24.pdf**
263K
-  **CFS_RFS_NIXIE_Label.pdf**
55K

Brett Paradise -SBE- <brett.paradise@maryland.gov>

Thu, Mar 16, 2023 at 8:55 AM

To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Good Morning Nikki,

AMERICAN
OVERSIGHT

<https://mail.google.com/mail/u/0/?ik=1670a7cf32&view=pt&search=all&permthid=thread-f:1760527022501097278&simpl=msg-f:17605270225010972...>

2/6

MD-SBE-24-0490-A-000096

Thanks for letting us know, and yes, we will draft a response.

~Brett



From: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>
Sent: Thursday, March 16, 2023 8:23 AM
To: Melissia Dorsey -SBE- <Melissia.Dorsey1@maryland.gov>; Brett Paradise -SBE- <brett.paradise@maryland.gov>
Subject: Constituent Follow-Up to NVRA ltr to AA LBE

Melissia and Brett,

My apologies for not seeing that you weren't on the initial distribution list for this email. Can you please draft a response (which Dan should probably review) to this letter?

Thanks,

Nikki


 
www.elections.maryland.gov

[Quoted text hidden]

Brett Paradise -SBE- <brett.paradise@maryland.gov>
To: Linda Lamone -SBE- <linda.lamone@maryland.gov>
Cc: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fri, Mar 31, 2023 at 5:39 PM

Hello Linda,

Attached is the prepared response to the original email below, as well as other communication received from the same individual in a similar vein. This response has gone through Dan, 



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]


Please let me know if you'd like to include the addendum and I'll redraft the response.

~Brett

From: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>
Sent: Thursday, March 16, 2023 8:23 AM
To: Melissia Dorsey -SBE- <Melissia.Dorsey1@maryland.gov>; Brett Paradise -SBE- <brett.paradise@maryland.gov>
Subject: Constituent Follow-Up to NVRA ltr to AA LBE

Melissia and Brett,

[Quoted text hidden]

 **Response to Anne Arundel County - Schulze - USPS Returned Mail.docx**
78K



Linda Lamone -SBE- <linda.lamone@maryland.gov>
To: Brett Paradise -SBE- <brett.paradise@maryland.gov>
Cc: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Tue, Apr 4, 2023 at 12:10 PM

The letter is fine as is. Please send the response directly to the constituent.

Thanks\

Linda H. Lamone
Administrator of Elections
443 510 6733 - cell

[Quoted text hidden]

Nikki Charlson -SBE- <nikki.charlson@maryland.gov>
To: Melissia Dorsey -SBE- <Melissia.Dorsey1@maryland.gov>

Mon, Apr 10, 2023 at 11:02 AM

FYI

[Quoted text hidden]

Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>
To: Brett Paradise -SBE- <brett.paradise@maryland.gov>

Mon, Apr 10, 2023 at 11:26 AM

Hi Brett,

Did this response go out last week? I am updating the agenda for today's 2:30 meeting.

Melissia

----- Forwarded message -----

From: **Linda Lamone -SBE-** <linda.lamone@maryland.gov>
Date: Tue, Apr 4, 2023 at 12:10 PM
Subject: Re: Constituent Follow-Up to NVRA ltr to AA LBE
To: Brett Paradise -SBE- <brett.paradise@maryland.gov>
Cc: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Quoted text hidden]

Brett Paradise -SBE- <brett.paradise@maryland.gov>
To: danaschulze@protonmail.com
Bcc: melissia.dorsey1@maryland.gov

Mon, Apr 10, 2023 at 11:35 AM

Hello,

Please see the attached response to your letter from March 13, 2023.

Regards,



Brett Paradise

Director of Voter Registration and Petitions

Maryland State Board of Elections

151 West Street, Suite 200

Annapolis, MD 21401-0486

Telephone: 443-924-4900

[Quoted text hidden]



Response to Anne Arundel County - Schulze - USPS Returned Mail.docx

78K

Brett Paradise -SBE- <brett.paradise@maryland.gov>
To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Mon, Apr 10, 2023 at 11:35 AM

Response went out today.

~Brett

[Quoted text hidden]

Brett Paradise -SBE- <brett.paradise@maryland.gov>
To: Linda Lamone -SBE- <linda.lamone@maryland.gov>
Cc: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Mon, Apr 10, 2023 at 11:36 AM

Thank you, Linda. Letter has been sent.

~Brett

From: Linda Lamone -SBE- <linda.lamone@maryland.gov>
Sent: Tuesday, April 4, 2023 12:10 PM
To: Brett Paradise -SBE- <brett.paradise@maryland.gov>

[Quoted text hidden]

[Quoted text hidden]





Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

FW: Election Processing Questions

10 messages

Ruie LaVoie <rlavoie@baltimorecountymd.gov>
To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fri, Nov 3, 2023 at 3:26 PM

Hi Jared,

Is there someone at the state that can assist me with the below PIA request?

All the best,

Ruie



From: James Randisi <jamesrandisi1@gmail.com>
Sent: Friday, November 3, 2023 3:06 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: Kate Sullivan <kate@sullyland.com>
Subject: Election Processing Questions

CAUTION: This message from jamesrandisi1@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ruie LaVoie
Baltimore County Elections Director



Ms. LaVoie

Below are questions surrounding election vote processing for the 2020 and 2022 elections. Would like to request a few minutes at the next BOE meeting to discuss. Let me know if this is possible.

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d. How was the decision to accept or reject blank ballots made?

Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.

James P. Randisi

806 Chestnut Glen Garth

Towson MD 21204

Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov> Mon, Nov 6, 2023 at 2:04 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>, Cyril Komp -SBE- <cyril.komp@maryland.gov>, Katherine Berry -SBE- <katherine.berry@maryland.gov>
Cc: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Hi Ruie,

This requestor sent us an identical request. We can respond, if you'd like. I'd let the requestor know that you do not have any responsive documents, so that you close the loop with regard to your PIA obligation. Also let them know that we have received the inquiry and will respond.

I hope this helps

Melissia

On Fri, Nov 3, 2023 at 3:26 PM Ruie LaVoie <rlavoie@baltimorecountymd.gov> wrote:

Hi Jared,

Is there someone at the state that can assist me with the below PIA request?

All the best,

Ruie





From: James Randisi <jamesrandisi1@gmail.com>
Sent: Friday, November 3, 2023 3:06 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: Kate Sullivan <kate@sullyland.com>
Subject: Election Processing Questions

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Ruie LaVoie

Baltimore County Elections Director

Ms. LaVoie

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AMERICAN
OVERSIGHT

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Jurisdiction Wide Summary

Presidential General Election Baltimore County, Maryland November 3, 2020						OFFICIAL RESULTS	
Run Date:12/03/20 11:13 AM						Report EL45A	Page 001
	TOTAL VOTES	%	EV	ED	MB1	Prov	MB2
PRECINCTS COUNTED (OF 236)	236	100.00					
REGISTERED VOTERS - TOTAL	566,361						
BALLOTS CAST - TOTAL	418,687		133,509	58,152	97,918	15,891	113,307
BALLOTS CAST - BLANK	26,845	6.41	7,716	3,930	4,958	2,917	7,324
VOTER TURNOUT - TOTAL		73.93					
VOTER TURNOUT - BLANK		4.74					

By Canvass Governatorial General Election Baltimore County, Maryland November 8, 2022						UNOFFICIAL RESULTS	
Run Date:11/19/22 08:32 AM						Report EL45A	Page 001
	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
PRECINCTS COUNTED (OF 243)	243	100.00					
REGISTERED VOTERS - TOTAL	563,463						
BALLOTS CAST - TOTAL	271,788		55,877	135,468	25,979	8,221	52,243
BALLOTS CAST - BLANK	19,678	7.08	3,377	8,332	2,065	1,256	4,248
VOTER TURNOUT - TOTAL		49.30					
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4. At what point in time were blank ballots initially read and at what point in time were the blank ballots adjudicated?

a. Was the adjudication at the same time the vote was initially read by the ES&S system or was it at some point later in the process of reading blank ballots?

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d. How was the decision to accept or reject blank ballots made?

Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.

James P. Randisi

[Redacted]

[Redacted]

Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov> Tue, Dec 5, 2023 at 12:09 AM
To: Katie Berry <katherine.berry@maryland.gov>, Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted]

[Redacted]

Jared DeMarinis
State Administrator of Elections
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401

Sent from mobile device.

On Fri, Nov 3, 2023 at 2:26 PM Ruie LaVoie <rlavoie@baltimorecountymd.gov> wrote:

Hi Jared,

Is there someone at the state that can assist me with the below PIA request?

All the best,

Ruie





From: James Randisi <jamesrandisi1@gmail.com>
Sent: Friday, November 3, 2023 3:06 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: Kate Sullivan <kate@sullyland.com>
Subject: Election Processing Questions

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Ruie LaVoie

Baltimore County Elections Director

Ms. LaVoie

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AMERICAN
OVERSIGHT

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James P. Randisi

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Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



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To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Tue, Dec 5, 2023 at 6:24 AM

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AMERICAN OVERSIGHT

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Baltimore County, Maryland
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By Canvass

Gubernatorial General Election
Baltimore County, Maryland
November 8, 2022

UNOFFICIAL RESULTS

Run Date:11/19/22 08:32 AM Report EL45A Page 001

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[Redacted]

[Redacted]

Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



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James P. Randisi



Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Katherine Berry <katherine.berry@maryland.gov>
To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>
Cc: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Tue, Dec 5, 2023 at 7:08 AM

Yes, but they're not requesting images. They're indicating actual ballots.

Katherine Berry
Deputy State Administrator
Maryland State Board of Elections

On Tue, Dec 5, 2023 at 7:07 AM Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov> wrote:
Forgive my ignorance, but would the cast but records from clear ballot have the images?

Melissia

On Tue, Dec 5, 2023 at 6:24 AM Katherine Berry <katherine.berry@maryland.gov> wrote:

I believe this falls under SBE bc we are the vendor's contractor. And, I believe (from past knowledge), we aren't to give out copies of ballots? She needs to do a fiscal estimate because of the time it would take and it should be an in person review of ballots. I probably have a doc from last year when I had a similar request.

Katherine Berry
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Maryland State Board of Elections

On Tue, Dec 5, 2023 at 12:09 AM Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov> wrote:
Some of the requests are questions and not a request for documents.

#3b - you are custodian of records.

Jared DeMarinis
State Administrator of Elections
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401



Sent from mobile device.

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Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Katherine Berry <katherine.berry@maryland.gov> Fri, Jan 5, 2024 at 2:33 AM
To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>
Cc: Cyril Komp -SBE- <cyril.komp@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>, Ruie LaVoie <rlavoie@baltimorecountymd.gov>

Hi Everyone,

Circling back to this. Ruie, did you respond back to the person? Sorry, cleaning out inbox...

Katherine Berry
Deputy State Administrator
Maryland State Board of Elections

On Mon, Nov 6, 2023 at 2:04 PM Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov> wrote:

Hi Ruie,

This requestor sent us an identical request. We can respond, if you'd like. I'd let the requestor know that you do not have any responsive documents, so that you close the loop with regard to your PIA obligation. Also let them know that we have received the inquiry and will respond.

I hope this helps

Melissia

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Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.

James P. Randisi



Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Cyril Komp -SBE- <cyril.komp@maryland.gov>

Fri, Jan 5, 2024 at 8:09 AM

To: Katherine Berry <katherine.berry@maryland.gov>

Cc: Melissa Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>, Ruie LaVoie <rlavoie@baltimorecountymd.gov>

Good Morning,

We have resolved and responded to this request. This requestor has open requests in our smartsheet log because he followed with an additional four requests. My apologies for not closing the loop with you, Ruie.

My best,
CJ

On Fri, Jan 5, 2024, 2:47 AM Katherine Berry <katherine.berry@maryland.gov> wrote:

Hi Everyone,

Circling back to this. Ruie, did you respond back to the person? Sorry, cleaning out inbox...

Katherine Berry
Deputy State Administrator
Maryland State Board of Elections

On Mon, Nov 6, 2023 at 2:04 PM Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov> wrote:

Hi Ruie,

This requestor sent us an identical request. We can respond, if you'd like. I'd let the requestor know that you do not have any responsive documents, so that you close the loop with regard to your PIA obligation. Also let them know that we have received the inquiry and will respond.

I hope this helps

Melissia

On Fri, Nov 3, 2023 at 3:26 PM Ruie LaVoie <rlavoie@baltimorecountymd.gov> wrote:

Hi Jared,



Is there someone at the state that can assist me with the below PIA request?

All the best,

Ruie



From: James Randisi <jamesrandisi1@gmail.com>
Sent: Friday, November 3, 2023 3:06 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: Kate Sullivan <kate@sullyland.com>
Subject: Election Processing Questions

CAUTION: This message from jamesrandisi1@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ruie LaVoie
Baltimore County Elections Director

Ms. LaVoie

Below are questions surrounding election vote processing for the 2020 and 2022 elections. Would like to request a few minutes at the next BOE meeting to discuss. Let me know if this is possible.

Questions for Baltimore County Board of Elections

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting answers to the following questions:

Baltimore County was one of several jurisdictions to have an electronic system in place to review blank ballots in the 2020 and 2022 elections.

1. Please provide a copy of all vendor contracts, all purchase orders, all invoices, and all vendor manuals e.g. ES&S and Runbeck and any others, who were used in any way in the service and review of blank ballots?
2. What vendors (any and all) were used to read and process all ballots e.g., early voting, dropbox ballots, mail-in, provisional and in-person on election day?
3. For those ballots initially scanned into the ES&S DS 200 or similar scanners and placed into the blank ballot table:
 - a. Please provide either a hard copy or electronic copy of the procedures, including instructions, to adjudicate such blank ballots.
 - b. Per public information in Baltimore County there were 26,845 blank ballots in 2020 and 19,678 blank ballots in 2022. Please provide an electronic copy of each and every originally cast ballot and each and every copy of the adjudicated final ballot for 2020 and 2022.

Jurisdiction Wide Summary

		Presidential General Election Baltimore County, Maryland November 3, 2020				OFFICIAL RESULTS	
Run Date:12/03/20 11:13 AM		TOTAL VOTES	%	EV	ED	MB1	MB2
				Prov			
PRECINCTS COUNTED (OF 236)	. . . . .	236	100.00				
REGISTERED VOTERS - TOTAL	. . . . .	566,361					
BALLOTS CAST - TOTAL	. . . . .	418,687		133,509	38,152	97,918	113,307
BALLOTS CAST - BLANK	. . . . .	26,845	6.41	7,716	3,930	4,958	7,324
VOTER TURNOUT - TOTAL	. . . . .		73.93				
VOTER TURNOUT - BLANK	. . . . .		4.74				



4. At what point in time were blank ballots initially read and at what point in time were the blank ballots adjudicated?

a. Was the adjudication at the same time the vote was initially read by the ES&S system or was it at some point later in the process of reading blank ballots?

b. What vendors' systems were used to read blank ballots?

c. It is our understanding that the ES&S system can be set to either accept a blank ballot or notify a voter of a rejected blank ballot. How did your jurisdiction have the system set i.e., to accept or reject blank ballots? How was the decision to accept or reject blank ballots made?

d. How was the decision to accept or reject blank ballots made?

Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.

James P. Randisi


Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Fri, Jan 5, 2024 at 8:51 AM

To: Cyril Komp -SBE- <cyril.komp@maryland.gov>

Cc: Katherine Berry <katherine.berry@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Ruie LaVoie <rlavoie@baltimorecountymd.gov>

Thanks.

Jared DeMarinis
State Administrator of Elections
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401
410-269-2840
X - @jareddemarinis

On Fri, Jan 5, 2024 at 8:10 AM Cyril Komp -SBE- <cyril.komp@maryland.gov> wrote:

Good Morning,

We have resolved and responded to this request. This requestor has open requests in our smartsheet log because he followed with an additional four requests. My apologies for not closing the loop with you, Ruie.

My best,
CJ

On Fri, Jan 5, 2024, 2:47 AM Katherine Berry <katherine.berry@maryland.gov> wrote:

Hi Everyone,

Circling back to this. Ruie, did you respond back to the person? Sorry, cleaning out inbox...

Katherine Berry
Deputy State Administrator
Maryland State Board of Elections

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Hi Ruie,

This requestor sent us an identical request. We can respond, if you'd like. I'd let the requestor know that you do not have any responsive documents, so that you close the loop with regard to your PIA obligation. Also let them know that we have received the inquiry and will respond.

I hope this helps

Melissia

On Fri, Nov 3, 2023 at 3:26 PM Ruie LaVoie <rlavoie@baltimorecountymd.gov> wrote:

AMERICAN
OVERSIGHT

Hi Jared,

Is there someone at the state that can assist me with the below PIA request?

All the best,

Ruie



From: James Randisi <jamesrandisi1@gmail.com>
Sent: Friday, November 3, 2023 3:06 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: Kate Sullivan <kate@sullyland.com>
Subject: Election Processing Questions

CAUTION: This message from jamesrandisi1@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ruie LaVoie
Baltimore County Elections Director

Ms. LaVoie

Below are questions surrounding election vote processing for the 2020 and 2022 elections. Would like to request a few minutes at the next BOE meeting to discuss. Let me know if this is possible.

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting answers to the following questions:

Baltimore County was one of several jurisdictions to have an electronic system in place to review blank ballots in the 2020 and 2022 elections.

1. Please provide a copy of all vendor contracts, all purchase orders, all invoices, and all vendor manuals e.g. ES&S and Runbeck and any others, who were used in any way in the service and review of blank ballots?
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4. At what point in time were blank ballots initially read and at what point in time were the blank ballots adjudicated?

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James P. Randisi

[Redacted]

[Redacted]

Cell Phone: 410.336.0287
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Ruie LaVoie <rlavoie@baltimorecountymd.gov>

Fri, Jan 5, 2024 at 7:00 PM

To: Cyril Komp -SBE- <cyril.komp@maryland.gov>, Katherine Berry <katherine.berry@maryland.gov>

AMERICAN OVERSIGHT

Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

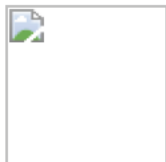
CJ,

Thank you for responding to the request, and not a problem at all. I knew you would handle it. Yes, I did contact Mr. Randisi to provide what I could and also advise that State Board would be responding as well. I sent him the email the same day that I heard back from Melissia.

Thank you all for your assistance. Much appreciated.

All the best,

Ruie



From: Cyril Komp -SBE- <cyril.komp@maryland.gov>
Sent: Friday, January 5, 2024 8:10 AM
To: Katherine Berry <katherine.berry@maryland.gov>
Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>; Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>; Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Subject: Re: FW: Election Processing Questions

CAUTION: This message from cyril.komp@maryland.gov originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good Morning,

We have resolved and responded to this request. This requestor has open requests in our smartsheet log because he followed with an additional four requests. My apologies for not closing the loop with you, Ruie.

My best,


CJ

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Katherine Berry
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Maryland State Board of Elections

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I hope this helps

Melissia

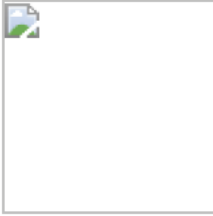
On Fri, Nov 3, 2023 at 3:26 PM Ruie LaVoie <rlavoie@baltimorecountymd.gov> wrote:

Hi Jared,

Is there someone at the state that can assist me with the below PIA request?

All the best,

Ruie



From: James Randisi <jamesrandisi1@gmail.com>
Sent: Friday, November 3, 2023 3:06 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: Kate Sullivan <kate@sullyland.com>
Subject: Election Processing Questions

CAUTION: This message from jamesrandisi1@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ruie LaVoie
Baltimore County Elections Director

Ms. LaVoie

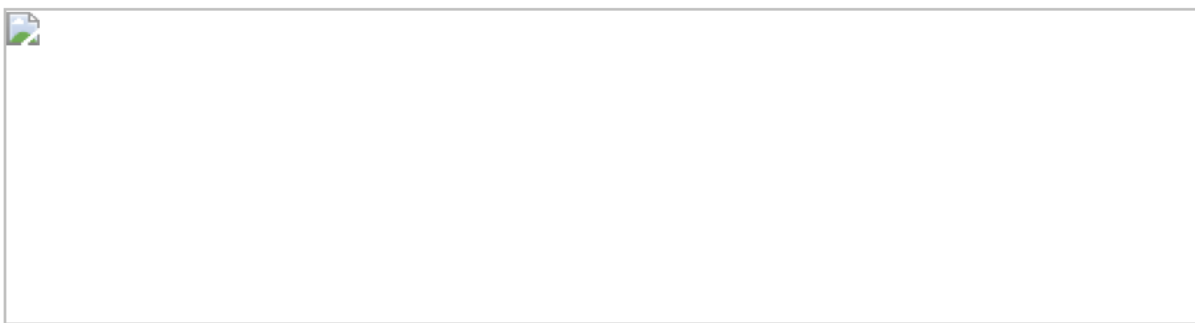
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Questions for Baltimore County Board of Elections

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Baltimore County was one of several jurisdictions to have an electronic system in place to review blank ballots in the 2020 and 2022 elections.

1. Please provide a copy of all vendor contracts, all purchase orders, all invoices, and all vendor manuals e.g. ES&S and Runbeck and any others, who were used in any way in the service and review of blank ballots?
2. What vendors (any and all) were used to read and process all ballots e.g., early voting, dropbox ballots, mail-in, provisional and in-person on election day?
3. For those ballots initially scanned into the ES&S DS 200 or similar scanners and placed into the blank ballot table:
 - a. Please provide either a hard copy or electronic copy of the procedures, including instructions, to adjudicate such blank ballots.
 - b. Per public information in Baltimore County there were 26,845 blank ballots in 2020 and 19,678 blank ballots in 2022. Please provide an electronic copy of each and every originally cast ballot and each and every copy of the adjudicated final ballot for 2020 and 2022.



By Canvass		Gubernatorial General Election Baltimore County, Maryland November 8, 2022					UNOFFICIAL RESULTS	
Run Date:11/19/22 08:32 AM							Report EL45A	Page 001
		TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
PRECINCTS COUNTED (OF 243)	. . . . .	243	100.00					
REGISTERED VOTERS - TOTAL	. . . . .	563,463						
BALLOTS CAST - TOTAL	. . . . .	272,788		55,877	135,468	25,979	8,221	52,243
BALLOTS CAST - BLANK	. . . . .	19,678	7.08	3,377	8,732	2,065	1,256	4,248
VOTER TURNOUT - TOTAL	. . . . .		49.30					
VOTER TURNOUT - BLANK	. . . . .		3.49					

- 4. At what point in time were blank ballots initially read and at what point in time were the blank ballots adjudicated?
 - a. Was the adjudication at the same time the vote was initially read by the ES&S system or was it at some point later in the process of reading blank ballots?
 - b. What vendors' systems were used to read blank ballots?
 - c. It is our understanding that the ES&S system can be set to either accept a blank ballot or notify a voter of a rejected blank ballot. How did your jurisdiction have the system set i.e., to accept or reject blank ballots? How was the decision to accept or reject blank ballots made?
 - d. How was the decision to accept or reject blank ballots made?

Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.

James P. Randisi

[Redacted]

[Redacted]

Cell Phone: 410.336.0287

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov



6/4/24, 11:52 AM

State of Maryland Mail - FW: Election Processing Questions





Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

FW: Election Questions

6 messages

Brajkovic, Boris <Boris.Brajkovic@montgomerycountymd.gov> Thu, Nov 9, 2023 at 9:38 PM
To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, "cyril.komp@maryland.gov"
<cyril.komp@maryland.gov>

Melissia, CJ:

Please see below.

I would appreciate your view on the request. I would not be surprised if other LBEs have received the same request.

Please let me know if you would like me to inform Mr. Randisi that his request was forwarded to SBE for processing.

Additionally, based on your experience and numerous requests that you have received so far – please share your understanding of below terms so we would have a common understanding of ‘terminology’:

- ‘adjudicating blank ballot’
- ‘adjudicated final ballot’

Thank you

Boris

From: James Randisi <jamesrandisi1@gmail.com>
Sent: Friday, November 3, 2023 2:53 PM
To: Brajkovic, Boris <Boris.Brajkovic@montgomerycountymd.gov>
Cc: Kate Sullivan <kate@sullyland.com>
Subject: Election Questions

[EXTERNAL EMAIL]

Boris Brajkovic

MONTGOMERY COUNTY Election Director

Mr. Brajkovic,

Questions for Montgomery County Board of Elections

This is a request under the Maryland Public Information Act, Title 4 of the General Provisions of the Maryland Code. Under this Act I am requesting answers to the following questions:

Montgomery County was one of several jurisdictions to have an electronic system in place to review blank ballots in the 2020 and 2022 elections.

1. Please provide a copy of all vendor contracts, all purchase orders, all invoices, and all vendor manuals e.g. ES&S and Runbeck and any others, who were used in any way in the service and review of blank ballots?
2. What vendors (any and all) were used to read and process all ballots e.g., early voting, dropbox ballots, mail-in, provisional and in-person on election day?
3. For those ballots initially scanned into the ES&S DS 200 or similar scanners and placed into the blank ballot table:
 - a. Please provide either a hard copy or electronic copy of the procedures, including instructions, to adjudicate such blank ballots.
 - b. Per public information in Montgomery County there were 41,680 blank ballots in 2020 and 20,098 blank ballots in 2022. Please provide an electronic copy of each and every originally cast ballot and each and every copy of the adjudicated final ballot for 2020 and 2022.

2020 EL45A REPORT DATA – SHOWING BLANK BALLOTS – CAST

Summary by Canvass		Presidential General Election Montgomery County, Maryland November 3, 2020					UNOFFICIAL RESULTS		
Run Date:11/24/20 01:22 AM							Report EL45A	Page 001	
		TOTAL VOTES	%	EV	ED	MB1	Prov	MB2	
PRECINCTS COUNTED (OF 255)	. . . . .	255	100.00						
REGISTERED VOTERS - TOTAL	. . . . .	474,928							
BALLOTS CAST - TOTAL	. . . . .	536,704		128,717	40,451	178,433	19,354	169,549	8
BALLOTS CAST - BLANK	. . . . .	41,480	7.77	8,830	2,353	12,211	2,347	17,939	8
VOTER TURNOUT - TOTAL	. . . . .		79.52						
VOTER TURNOUT - BLANK	. . . . .		6.18						

By Canvass		Gubernatorial General Election Montgomery County, Maryland November 8, 2022					UNOFFICIAL RESULTS		
Run Date:12/05/22 02:19 PM							Report EL45A	Page 001	
		TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2	
PRECINCTS COUNTED (OF 258)	. . . . .	258	100.00						
REGISTERED VOTERS - TOTAL	. . . . .	673,373							
BALLOTS CAST - TOTAL	. . . . .	346,763		55,948	159,390	41,604	13,595	76,226	
BALLOTS CAST - BLANK	. . . . .	20,098	5.80	1,878	8,474	3,801	1,385	5,158	
VOTER TURNOUT - TOTAL	. . . . .		51.50						
VOTER TURNOUT - BLANK	. . . . .		2.98						

4. At what point in time were blank ballots initially read and at what point in time were the blank ballots adjudicated?
 - a. Was the adjudication at the same time the vote was initially read by the ES&S system or was it at some point later in the process of reading blank ballots?
 - b. What vendors' systems were used to read blank ballots?
 - c. It is our understanding that the ES&S system can be set to either accept a blank ballot or notify a voter of a rejected blank ballot. How did your jurisdiction have the system set i.e., to accept or reject blank ballots? How was the decision to accept or reject blank ballots made?

Thank you for your time and consideration in addressing these items.

Do not hesitate to contact me if you have any questions.

Jim Randisi

Office Phone: 410.494.0232

Cell Phone: 410.336.0287 (Don't Hesitate to Use It)



www.montgomerycountymd.gov/oig

Cyril Komp -SBE- <cyril.komp@maryland.gov>
To: "Brajkovic, Boris" <Boris.Brajkovic@montgomerycountymd.gov>
Cc: Melissa Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fri, Nov 10, 2023 at 8:42 AM

Hi Boris,

This PIA request and set of questions is on our radar and I am currently working on a response to Mr. Randisi. I found Katie's recent memo on blank ballots informative on this matter -- I'll attach a copy in case you haven't received it yet. Melissa, do you have a more precise definition for the terms?

Best,

CJ Komp

[Quoted text hidden]

--

Cyril (CJ) Komp
Director of Special Projects
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486
Telephone 410-269-2931

 **Maryland's Blank Ballot Procedures.pdf**
232K

Brajkovic, Boris <Boris.Brajkovic@montgomerycountymd.gov>
To: Cyril Komp -SBE- <cyril.komp@maryland.gov>
Cc: Melissa Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fri, Nov 10, 2023 at 8:51 AM

Thank you CJ. Taking this off my 'to do list' is very much appreciated.

I will notify Mr. Randisi that his request was forwarded to SBE and that he should expect to hear from you.

The reason I asked to help me understand 'terminology' is that I am expecting some public comments at the next Board meeting that would mirror this request, and I just want to be in sync with answers that you provide daily to this group of election enthusiasts.

Boris

From: Cyril Komp -SBE- <cyril.komp@maryland.gov>
Sent: Friday, November 10, 2023 8:43 AM
To: Brajkovic, Boris <Boris.Brajkovic@montgomerycountymd.gov>
Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>
Subject: Re: FW: Election Questions

[EXTERNAL EMAIL]

[Quoted text hidden]

Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov> Fri, Nov 10, 2023 at 9:10 AM
To: "Brajkovic, Boris" <Boris.Brajkovic@montgomerycountymd.gov>, Katherine Berry -SBE- <katherine.berry@maryland.gov>
Cc: Cyril Komp -SBE- <cyril.komp@maryland.gov>

Hi Boris and CJ,

Yes, we are super familiar with this request. I am looping in Katie, because I get what you are saying about terminology. She's probably far more versed than I am with this.



Katie may have some more helpful info.

Melissia
[Quoted text hidden]

Brajkovic, Boris <Boris.Brajkovic@montgomerycountymd.gov> Fri, Nov 10, 2023 at 7:29 PM
To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Katherine Berry -SBE- <katherine.berry@maryland.gov>
Cc: Cyril Komp -SBE- <cyril.komp@maryland.gov>

Absolutely. I think that so far I have explained the process seven different ways from Sunday. I just wanted to be sure that I am not missing something that you are addressing on your end.

One pager re blank ballots is cleared for public distribution?

[Quoted text hidden]

Katherine Berry <katherine.berry@maryland.gov> Sat, Nov 11, 2023 at 1:52 PM
To: "Brajkovic, Boris" <Boris.Brajkovic@montgomerycountymd.gov>

Cc: Melissa Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Cyril Komp -SBE- <cyril.komp@maryland.gov>

Hi Boris,

[REDACTED]

Yes, it is open for public distribution and is in the process of being on the "Rumor Control" section of SBE's website. I would highly recommend using our terminology which is on that 1-pager and throughout the election judge manual. Maryland does not do what other states do especially because their ERM is different and some use newer versions of the technology than we do. The process that Maryland uses began with a certified voting system under the EAC standards and then goes from there.

Katie

Katherine Berry

Deputy State Administrator

Maryland State Board of Elections

(410)269-2843 (w)/ (667)314-5015 (c)

elections.maryland.gov

[Quoted text hidden]



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

FW: MD STATE BOE HAVA Complaint: Ballot Drop Boxes

2 messages

Ruie LaVoie <rlavoie@baltimorecountymd.gov>
To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fri, Dec 9, 2022 at 8:46 AM

Hi Melissia,

This is also not a HAVA complaint but they used the form. [REDACTED]

All the best,

Ruie



From: Jolie McShane <jolie@healthmaniacs.net>
Sent: Wednesday, December 7, 2022 10:35 PM
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Cc: kate@sullyland.com; 'Jean Benhoff' <jmbenhoff@gmail.com>
Subject: MD STATE BOE HAVA Complaint: Ballot Drop Boxes

CAUTION: This message from jolie@healthmaniacs.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Ms. LaVoie – Attached is a HAVA Complaint regarding the Ballot Drop Boxes. This HAVA complaint was submitted to the Maryland State Board of Elections on November 8, 2022, regarding the 2022 election. To date we have not received a response from the Maryland State Board of Elections.

We believe the Maryland State Board of Elections is responsible to respond concerning these vulnerable Ballot Drop Boxes. According to the law adequate security is required on all the drop boxes and the exhibits contained within the HAVA show a disregard for this law. The voters of the State of Maryland depend on the board of



6/4/24, 11:56 AM

State of Maryland Mail - FW: MD STATE BOE HAVA Complaint: Ballot Drop Boxes

elections to secure these drop boxes and the few facilities we visited did not adequately secure the boxes. This sloppy security system leads to not only fraud but disenfranchising the voters.

Respectfully submitted,

Jolie McShane

██████2 ████████t ████████d

██████████h, ████████410-299-3032

Please find attached: MD Law Security required o Absentee Ballots

MDStateBOE HAVA Complaint form




Get your COVID-19 vaccine today.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

2 attachments

 **33.11.01.04 MD Law Security required on Absentee Ballots 2022.pdf**
139K

 **MDStateBOEHAVAComplaintformBallotDropBoxMisuse 11-8-2022.pdf**
23031K

Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>
To: Ruie LaVoie <rlavoie@baltimorecountymd.gov>

Fri, Dec 9, 2022 at 9:49 AM

Thanks, Ruie!
[Quoted text hidden]



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fwd: [##4969##] A new ticket from Susan Cohen has been assigned to you

2 messages

Katherine Berry <katherine.berry@maryland.gov>

Thu, May 9, 2024 at 2:53 PM

To: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Dan Kobrin <dkobrin@oag.state.md.us>



Katherine Berry

Deputy Administrator

Phone. (410)269-2843 Mobile. (667)314-5015

Web. www.elections.maryland.gov

Address. 151 West Street, Suite 200, Annapolis, MD 21401



----- Forwarded message -----

From: **Maryland State Board of Elections** <support@marylandstateboardofelections.zohodesk.com>

Date: Thu, May 9, 2024 at 1:09 PM

Subject: [##4969##] A new ticket from Susan Cohen has been assigned to you

To: Katie Berry <katherine.berry@maryland.gov>

Hi Katie Berry,

You have been assigned a ticket from Susan Cohen

#4969 Expose these Election deniers

Attn:
Jared Demarinis
Boris Brajkovic, Election Director
Janet Ross, Acting Deputy Director

We were glad to see the courts threw out this case but make no mistake-they will be back



Maryland was only the first in their nationwide attempt to subvert the 2024 Elections & deny voters their rights

Who are they & who is funding them:

1- Maryland Election Integrity LLC * 116 Defense Highway, * Annapolis Md 21401

2- United Sovereign Americans, Inc. * 167 Lamp and Lantern Village Suite 194 * Chesterfield, MO

Thank you,
Sue & Peter Cohen

██████████3 ██████████t ██████████t
██████████e ██████████D ██████████3

[View ticket](#)

Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Thu, May 9, 2024 at 4:56 PM

To: Katherine Berry <katherine.berry@maryland.gov>

Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Dan Kobrin <dkobrin@oag.state.md.us>

Well that's a nice one.

Jared DeMarinis
State Administrator of Elections



151 West Street, Suite 200
Annapolis, MD 21401
W- 410-269-2840
X - @jareddemarinis

6/4/24, 11:46 AM

State of Maryland Mail - Fwd: [##4969##] A new ticket from Susan Cohen has been assigned to you

[Quoted text hidden]



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fwd: "BC Election Integrity Council" Member Request

4 messages

Katherine Berry <katherine.berry@maryland.gov> Sat, Sep 9, 2023 at 4:35 PM
To: Dan Kobrin <dkobrin@oag.state.md.us>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>
Cc: Brett Paradise -SBE- <brett.paradise@maryland.gov>, Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Looping in Jared, Dan and Melissia...
Katherine Berry
Deputy State Administrator
Maryland State Board of Elections

----- Forwarded message -----

From: **Ruie LaVoie** <rlavoie@baltimorecountymd.gov>
Date: Sat, Sep 9, 2023 at 1:11 PM
Subject: "BC Election Integrity Council" Member Request
To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
CC: Paradise, Brett(<brett.paradise@maryland.gov>) <brett.paradise@maryland.gov>, Andrew Bailey <andrew@andrewbaileylaw.com>, Katherine Berry <katherine.berry@maryland.gov>

Jared,

I am letting you know about the below email and also my response to the email. This is a group that calls themselves the "Baltimore County Election Integrity Council." There have been issues and questions previously and between you, Tracey, Natasha, Mary, Brett, Nikki, Drew and I we have answered all of their requests. Brett can probably offer some insight to what has been brought forward lately, and I believe I copied you on some of the past emails. This group has had ongoing issues and attend every board meeting. At this time, they are not happy with the regulation (and oath) regarding voter lists and sent the below email to my Board President. I wanted to provide this heads up that you may receive a request from the Group.

All the best,

Ruie

From: Ruie LaVoie
Sent: Saturday, September 9, 2023 1:01 PM
To: Kate Strauch Sullivan <kate@sullyland.com>; Gloria Mason <gloriamason2012@gmail.com>; Will & Dawn Feuer <feuerwilliam@gmail.com>; Al Nalley <albert.nalley@yahoo.com>; Elections Supervisor <elections@baltimorecountymd.gov>; Jean Benhoff <jmbenhoff@gmail.com>; Jolie McShane <jolie@healthmaniacs.net>
Subject: RE: Two developments

AMERICAN
OVERSIGHT

Good afternoon Kate,

I hope this email finds you doing well. I am responding at the direction of the Board President. Gloria and I spoke and offer the following.

There is a September meeting scheduled for 9/27 at 10 am in the Hunt Valley office. The October meeting is cancelled for 2 reasons - there is a mandatory State Biennial meeting the Board and I are attending during the 3rd week of October and the office move is planned for mid to the end of October.

Please see below in your email for other responses.

All the best,

Ruie

From: Kate Strauch Sullivan <kate@sullyland.com>

Sent: Wednesday, September 6, 2023 6:56 PM

To: Gloria Mason <gloriamason2012@gmail.com>; Will & Dawn Feuer <feuerwilliam@gmail.com>; Ruie LaVoie <rlavoie@baltimorecountymd.gov>; Al Nalley <albert.nalley@yahoo.com>; Elections Supervisor <elections@baltimorecountymd.gov>; Jean Benhoff <jmbenhoff@gmail.com>; Jolie McShane <jolie@healthmaniacs.net>

Subject: Two developments

CAUTION: This message from kate@sullyland.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ms. Mason,

In light of the fact that the Baltimore County Board of Elections does not seem to have a meeting scheduled for both August and September, I am writing to update you on two developments with our group since we last saw you at the July 26th meeting.

First, there is a growing concern across the state of Maryland regarding the State Board of Election's recent update to the Oath a citizen must sign when purchasing the Official Maryland State Voter Registration List (a.k.a. "voter rolls"). I have attached a brief overview of the meeting in which the oath was amended. **[Ruie]** My email does not have an attachment of the meeting overview. We have concerns the new oath lays the groundwork for the State Board of Elections and Local Board of

Elections to take legal action against any citizen canvassing to confirm the accuracy of our voter rolls. As well, the new oath language is in direct violation of the Federal National Voter Registration Act 1993 Sec. 8 (which requires voter rolls to be publicly available to citizens “for the purpose of ensuring the accuracy and currency of official lists of eligible voters”). Finally, we believe it is placing hundreds of volunteers who have stepped up to help ensure our voter rolls are accurate at risk of prosecution in an already overzealous lawfare environment. [\[Ruie\]](#) Please understand that this is another issue that must be raised directly with the State Board as it is not in the purview of a local board. Regulations are established by the State Board, not the Baltimore County Board of Elections. I will forward your concern to the State Administrator; however, I recommend that you contact the State directly to state your concerns and request a response. As a side note, prior to any new regulation, the State offers a period of time for public comment and an extension process is followed. All State Board meetings are available virtually and the link to watch the meeting is on the State Board website main page.

We are requesting the Baltimore County Board of Elections clarify the intent of this newly updated Oath language from our State Board of Elections. **Specifically, what was the predicate for the change and what was the intended purpose?** [\[Ruie\]](#) As stated above, we are not able to respond as the Baltimore County Board of Elections does not adopt regulation. Your request for “intent” must be directed to the State Board.

Our concerns over the Oath language relate directly to the second development. This weekend we are launching a Fall statewide canvass to offer Ballot Assistance to voters interested in voting in the upcoming 2024 election. So there is no confusion about the intent and nature of our canvass, please note, the expressed purpose of this canvass is to assist our community with registering to vote and ballot requests. As well, it will have the wonderful byproduct of verifying our rolls in the process. This is a non-partisan effort.

I am attaching the 2024 Voting Guidelines we plan on handing out. We welcome feedback. If you feel there is anything we could add to ensure a positive experience for both the voter and the volunteer, please let us know. As always, our goal is to engage positively with our community while interacting with voters in accordance with the State Board of Elections standards. [\[Ruie\]](#) I will review the attachment, verify the information and provide feedback.

Respectfully,

Kate Strauch Sullivan

“The truth is like a lion; you don’t have to defend it. Set it free; it will defend itself.”

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www.baltimorecountymd.gov
AMERICAN OVERSIGHT

Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov> Sat, Sep 9, 2023 at 6:59 PM
 To: Katherine Berry <katherine.berry@maryland.gov>
 Cc: Brett Paradise -SBE- <brett.paradise@maryland.gov>, Dan Kobrin <dkobrin@oag.state.md.us>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Thanks. I have informed the Board of the comments received regarding the new regulations. Any changes to the regulations would require 4 votes. It might be discussed at the next board meeting.

Jared DeMarinis
 State Administrator of Elections
 Maryland State Board of Elections
 151 West Street, Suite 200
 Annapolis, MD 21401

Sent from mobile device.
 [Quoted text hidden]

Brett Paradise -SBE- <brett.paradise@maryland.gov> Sun, Sep 10, 2023 at 8:15 AM
 To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>, Katherine Berry -SBE- <katherine.berry@maryland.gov>
 Cc: Dan Kobrin <dkobrin@oag.state.md.us>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Morning Katie,

I just shared with you the document that's been compiled of emails sent to SBE regarding this change. Please let me know if you'd like any further background information on this matter.

~Brett

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]
 [Quoted text hidden]

CONNECT WITH BALTIMORE COUNTY



6/4/24, 11:54 AM

State of Maryland Mail - Fwd: "BC Election Integrity Council" Member Request

www.baltimorecountymd.gov

Katherine Berry <katherine.berry@maryland.gov>

Tue, Sep 12, 2023 at 12:20 AM

To: Brett Paradise -SBE- <brett.paradise@maryland.gov>

Cc: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>, Dan Kobrin <dkobrin@oag.state.md.us>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Thank you, Brett!

[Quoted text hidden]

~WRD0002.jpg

1K



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fwd: Cox Campaign Questions

1 message

Nikki Charlson -SBE- <nikki.charlson@maryland.gov> Mon, Oct 31, 2022 at 4:27 PM
To: Linda Lamone <linda.lamone@maryland.gov>, Dan Kobrin <dkobrin@oag.state.md.us>, Donna Duncan <donna.duncan@maryland.gov>, Melissia Dorsey -SBE- <Melissia.Dorsey1@maryland.gov>

FYI



www.elections.maryland.gov

----- Forwarded message -----

From: **Haire, Dirk** <DHaire@foxrothschild.com>
Date: Mon, Oct 31, 2022 at 4:19 PM
Subject: Cox Campaign Questions
To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>
Cc: Robyn Sachs <rsachs@rmr.com>, Kate Strauch Sullivan <kate@sullyland.com>, dave@morsberger.com <dave@morsberger.com>, Sue Stricklett <sueghosh@stricklettgroup.com>

Nikki – the Cox campaign has asked for answers to the attached questions. Anything you can do to turn these around is appreciated. I will send the AB link from your website, which answers some of the questions.

Thanks

Dirk Haire
Partner
Fox Rothschild LLP
2020 K Street, NW

Suite 500

Washington, DC 20006

(202) 461-3114 - direct
DHaire@foxrothschild.com
[Dirk D. Haire \(foxrothschild.com\)](mailto:Dirk.D.Haire@foxrothschild.com)

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6/4/24, 11:58 AM

State of Maryland Mail - Fwd: Cox Campaign Questions

contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.



QuestionsforBoardofElection-C.docx

16K



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fwd: FW: MD VOTER INTEGRITY GROUP members who reside in Baltimore County-ZOOM LINK

2 messages

Nikki Charlson -SBE- <nikki.charlson@maryland.gov> Thu, Dec 1, 2022 at 1:52 PM
To: Donna Duncan <donna.duncan@maryland.gov>, Linda Lamone <linda.lamone@maryland.gov>, Melissia Dorsey -SBE- <Melissia.Dorsey1@maryland.gov>

FYI

----- Forwarded message -----

From: **Ruie LaVoie** <rlavoie@baltimorecountymd.gov>
Date: Thu, Dec 1, 2022 at 1:35 PM
Subject: FW: MD VOTER INTEGRITY GROUP members who reside in Baltimore County-ZOOM LINK
To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Hi Nikki,

My Board president asked that I let you know about this new group. The members are the same as the Republican Woman's Group that sent many PIA requests before, during and after the primary and the general.

All the best,

Ruie



----- Forwarded message -----

From: **Republican Women Baltimore County** <republicanwomenbc@yahoo.com>
Date: Wed, Nov 30, 2022, 3:37 PM
Subject: MD VOTER INTEGRITY GROUP members who reside in Baltimore County-ZOOM LINK
To: RWBC Information <republicanwomenbc@yahoo.com>

Note to MVIG members who reside in Baltimore County, or interested non-resident persons in Baltimore County.

PLEASE JOIN US!

Thursday, 12/1 at 7:15 pm IMMEDIATELY following the MVIG meeting at 7 pm. there will be an introductory meeting to launch:

BALTIMORE COUNTY ELECTION INTEGRITY COUNCIL (BCEIC)

Please invite you to join us after Robyn's Sachs' meeting!

We will share our mission and much more!

Interested to learn more about Elections in Baltimore County, then this is the meeting for you!

Thank you, Kate Sullivan, Jolie McShane and Jean Benhoff

----- Forwarded message -----

From: **Kate Strauch Sullivan** <kate@sullyland.com>
Date: Wed, Nov 30, 2022 at 11:42 AM
Subject: Re: Thursday LAUNCH MEETING
To: Jean Benhoff <jmbenhoff@gmail.com>
Cc: Jolie McShane <Jolie@healthmaniacs.net>

ZOOM MEETING THURSDAY, 12/1/22 7:15 PM

Katherine Sullivan is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83391179861?pwd=YzhnUHlPQ1BwUmRYNlBFVlBjNid4QT09>

Meeting ID: 833 9117 9861

Passcode: 167033

One tap mobile

+13052241968,,83391179861#,,,,*167033# US

+13092053325,,83391179861#,,,,*167033# US

Dial by your location

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US



6/4/24, 11:57 AM

State of Maryland Mail - Fwd: FW: MD VOTER INTEGRITY GROUP members who reside in Baltimore County-ZOOM LINK

- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US

Meeting ID: 833 9117 9861

Passcode: 167033

Find your local number: <https://us02web.zoom.us/j/83391179861>

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www.elections.maryland.gov

AMERICAN OVERSIGHT

Linda Lamone -SBE- <linda.lamone@maryland.gov>

Thu, Dec 1, 2022 at 1:54 PM

To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Cc: Donna Duncan <donna.duncan@maryland.gov>, Melissia Dorsey -SBE- <Melissia.Dorsey1@maryland.gov>

Anyone brave enough to attend these?
(not me)

Linda H. Lamone
Administrator of Elections
[REDACTED] - cell

[Quoted text hidden]



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fwd: FW: Poll watchers

3 messages

Donna Duncan -SBE- <donna.duncan@maryland.gov>
To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Fri, May 13, 2022 at 5:34 PM

----- Forwarded message -----

From: **Ruie LaVoie** <rlavoie@baltimorecountymd.gov>
Date: Fri, May 13, 2022 at 4:01 PM
Subject: FW: Poll watchers
To: Donna Duncan -SBE- <donna.duncan@maryland.gov>, Mary C. Wagner -SBE- <maryc.wagner@maryland.gov>

Hi Donna,

I have been told by the below citizen that they plan to send a watcher to every polling location in Baltimore County. Mary has assisted in answering many, many questions received from her about the election process, ERIC and voter registration. Now she is asking about the rules for watchers. Do you know if the Challenger and Watcher booklet on the online library is ok to send to her or will it be updated? I know the answers to her questions but thought I can also attach the book if it is updated.

Thanks much for your guidance,

Ruie



From: Kate Strauch Sullivan <kate@sullyland.com>
Sent: Friday, May 13, 2022 3:20 PM
To: Lisa Nash <lnash@baltimorecountymd.gov>; Ruie LaVoie <rlavoie@baltimorecountymd.gov>
Subject: Poll watchers

CAUTION: This message from kate@sullyland.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi ladies

Can you clarify what it takes to be a poll watcher? I'm hearing it's a form you have to have signed by ??? And it allows you to watch the polls but not necessarily commit to an entire day. As well, what are the rules? Can you be a campaign volunteer and a poll watcher?

When you get a chance.

Thanks-

Kate

--

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Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Mon, May 16, 2022 at 8:57 PM

To: Donna Duncan -SBE- <donna.duncan@maryland.gov>, Ruie LaVoie <rlavoie@baltimorecountymd.gov>

Hi Ruie,

Donna sent your email my way, since I have been reviewing the Challengers and Watchers Instructions. There was legislation passed in 2022 that changes the canvass information that is in the instructions. Specifically, the instructions will be updated to reflect the early canvassing legislation, since challengers and watchers can also play a role by observing canvass.

We are in the process of reviewing the legislation and incorporating it into the instructions. I hope to wrap that up this week, but will keep you posted. I believe that the document that is online now is accurate insofar as it pertains to election day observation. If you'd like to provide that, I would just do so with the caveat that the canvass portion is currently being updated. If you'd like to hold off until the final 2022 instructions are available, my goal is to have that complete by Friday.

Let me know if you have any questions or I can help in any other way.

Best,

Melissia

[Quoted text hidden]

Ruie LaVoie <rlavoie@baltimorecountymd.gov>

Tue, May 17, 2022 at 12:14 PM

To: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>, Donna Duncan -SBE- <donna.duncan@maryland.gov>

Hi Melissia,

Thank you for the information. With this particular request, I prefer to wait and send her the updated version. I appreciate You!

All the best,

Ruie



From: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Sent: Monday, May 16, 2022 8:58 PM

To: Donna Duncan -SBE- <donna.duncan@maryland.gov>; Ruie LaVoie <rlavoie@baltimorecountymd.gov>

Subject: Re: FW: Poll watchers

CAUTION: This message from melissia.dorsey1@maryland.gov originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



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Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted]
3 messages

Kobrin, Daniel <dkobrin@oag.state.md.us> Wed, May 15, 2024 at 3:14 PM
To: Katherine Berry <katherine.berry@maryland.gov>, Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted]

Dan

	<p>Daniel Kobrin <i>Counsel to the Maryland State Board of Elections</i> Office of the Attorney General Civil Division 200 Saint Paul Place Baltimore, Maryland 21202 p: 410-576-6472 dkobrin@oag.state.md.us www.marylandattorneygeneral.gov</p>
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[Redacted]

Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov> Thu, May 16, 2024 at 8:54 AM
To: "Kobrin, Daniel" <dkobrin@oag.state.md.us>
Cc: Katherine Berry <katherine.berry@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted]

Jared DeMarinis
State Administrator of Elections





151 West Street, Suite 200
Annapolis, MD 21401
W- 410-269-2840
X - @jareddemarinis

[Quoted text hidden]

Kobrin, Daniel <dkobrin@oag.state.md.us> Thu, May 16, 2024 at 9:40 AM
To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Cc: Katherine Berry <katherine.berry@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted content]

[Quoted text hidden]



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted]

1 message

Kobrin, Daniel <dkobrin@oag.state.md.us> Wed, May 8, 2024 at 3:38 PM
To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>, Katie Berry <katherine.berry@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Dan

  	<p>Daniel Kobrin <i>Counsel to the Maryland State Board of Elections</i> Office of the Attorney General Civil Division 200 Saint Paul Place Baltimore, Maryland 21202 p: 410-576-6472 dkobrin@oag.state.md.us www.marylandattorneygeneral.gov</p>
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2 attachments





Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted]

2 messages

Kobrin, Daniel <dkobrin@oag.state.md.us> Thu, May 9, 2024 at 10:21 AM
To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>, Katherine Berry -SBE- <katherine.berry@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

[Redacted]

[Redacted]

Dan

 	<p>Daniel Kobrin <i>Counsel to the Maryland State Board of Elections</i> Office of the Attorney General Civil Division 200 Saint Paul Place Baltimore, Maryland 21202 p: 410-576-6472 dkobrin@oag.state.md.us www.marylandattorneygeneral.gov</p>
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Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov> Thu, May 9, 2024 at 12:43 PM
To: "Kobrin, Daniel" <dkobrin@oag.state.md.us>
Cc: Katherine Berry -SBE- <katherine.berry@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>



Thanks.

6/4/24, 11:47 AM

State of Maryland Mail - OAG Civil Rights Enforcement Help

Jared DeMarinis
State Administrator of Elections



151 West Street, Suite 200
Annapolis, MD 21401
W- 410-269-2840
X - @jareddemarinis

[Quoted text hidden]



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Re: [EXT] Re: Poll Watching ELECTION DAY!

2 messages

Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Sat, Nov 5, 2022 at 3:23 PM

To: "Haire, Dirk" <DHaire@foxrothschild.com>

Cc: Kate Strauch Sullivan <kate@sullyland.com>, Heather Watson-Barrato <hwbarrato@gmail.com>, "Mark Uncapher (uncapher@gmail.com)" <uncapher@gmail.com>, Gordana Schifanelli <gordana@schiflaw.com>

Bcc: Melissia.Dorsey1@maryland.gov

Dirk,

Can you please share an example of a certificate you signed?

Nikki



www.elections.maryland.gov

On Sat, Nov 5, 2022 at 3:05 PM Haire, Dirk <DHaire@foxrothschild.com> wrote:

Nikki - Would you please send an email to the elections judges in the state advising that the watcher forms don't require a "live ink" signature from me (or Yvette). For convenience we distribute electronically by pdf forms signed by me as state party chair so that any volunteer anywhere in the state can fill out the precinct they are visiting and use the form to pick up turnout numbers etc. thanks

From: Kate Strauch Sullivan <kate@sullyland.com>

Sent: Friday, November 4, 2022 10:46 PM

To: Heather Watson-Barrato <hwbarrato@gmail.com>; Haire, Dirk <DHaire@foxrothschild.com>; Mark Uncapher (uncapher@gmail.com) <uncapher@gmail.com>; Gordana Schifanelli <gordana@schiflaw.com>

Subject: [EXT] Re: Poll Watching ELECTION DAY!

Dirk,

A few of our Poll Watchers are being told they cannot use the certificate we printed for them because the signature is not "wet" (they didn't like the 'digital' signature). I have been told that is not true. See HEather's email below. She was prevented from entering the polling place! Can we please correct this situation? HEather was not the only person this happened to.

Thanks-

Kate

"The truth is like a lion; you don't have to defend it. Set it free; it will defend itself."

On Fri, Nov 4, 2022 at 10:41 PM Heather Watson-Barrato <hwbarrato@gmail.com> wrote:

Hi Kate,

Any word on what we're supposed to do about the electronic signature on the poll watcher form? I didn't try any other locations yesterday, but I wasn't able to get into Meadowbrook in Ellicott City. I haven't heard back from anyone from the hotline.

Thanks,

Heather Watson-Barrato
hwarrato@gmail.com
 410-419-8182

On Nov 4, 2022, at 5:56 PM, Kate Strauch Sullivan <kate@sullyland.com> wrote:

Poll Watchers!

Thank you for joining the Poll Watching effort to protect and preserve the integrity of our elections. As Election Day approaches, we want to make sure expectations are clear.

1. By now, most of you have been trained. While trainings are not required, they do help you be a better Poll Watcher! If you have not attended a training, please join us for our last Zoom Poll Watching Training **THIS Sunday, 11/6 at 7pm**. Link HERE:
 Join Zoom Meeting
<https://us02web.zoom.us/j/81831641346>
 Meeting ID: 818 3164 1346
2. Many of you have inquired about which places need poll watchers. The short answer to this is, we need good poll watchers all across the state! Below you will find a list of our "problem" jurisdictions.
 - Baltimore County (Randallstown HS, Deer Park MS, Deer Park ES)
 - Baltimore City (City needs help - but please be safe)**
 - Howard County
 - Montgomery County
 - Prince George's (PG needs help)**
 - Charles County
 - Frederick County
 - Anne Arundel County

If you live in one of those jurisdictions, just choose any location convenient to you! I have included a link to our Statewide Poll Watching list so all of you can decide for yourselves which polls need coverage (i.e. try not to overload one poll location with more than 2-3 watchers). See where everyone is signed up HERE:
https://docs.google.com/spreadsheets/d/14VO5m8I2iB23zkuc4Sj0Bs2rM87o3AYVuO_i0r-7aS0/edit?usp=sharing
3. **Don't forget your forms!** Attached forms: **Poll Watcher Certificate** (you'll need this for entry into polls as a "Watcher"), **HAVA Incident Report**, and **Poll Watching Tips**.
4. Best Poll Watchers are **respectful** and **quiet observers**. Judge should allow for a reasonable distance for you to observe. Please write your observations down thoroughly! If you do see something, please report it to the Chief Judge FIRST. If Judge does not resolve your issue, please call the Hotline (**410-210-4450**). Don't be shy with the Hotline! The Lawyers are used to "screening and educating". They have been very responsive this week and thanks to all of you, we have had a fairly robust and "watchful week". They know we are watching!!!!

As always, reach out to me if you have questions!

Kate

"The truth is like a lion; you don't have to defend it. Set it free; it will defend itself."

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

Nikki Charlson -SBE- <nikki.charlson@maryland.gov>

Sat, Nov 5, 2022 at 4:05 PM

To: "Haire, Dirk" <DHaire@foxrothschild.com>

Cc: Kate Strauch Sullivan <kate@sullyland.com>, Heather Watson-Barrato <hwbarrato@gmail.com>, "Mark Uncapher (uncapher@gmail.com)" <uncapher@gmail.com>, Gordana Schifanelli <gordana@schiflaw.com>

Bcc: Melissa.Dorsey1@maryland.gov

Dirk,

The image of the certificate you provided is sufficient for individuals to serve as watchers on election day. The certificate must be signed by a person, and a copy of the signed certificate is sufficient.

During early voting, we received reports of watchers presenting certificates "signed" by someone typing a candidate's or party official's name in a cursive font and certificates that were not dated to cover the day the watcher presented it. These are not valid certificates and cannot be used to gain access to the voting room.

Nikki



www.elections.maryland.gov

On Sat, Nov 5, 2022 at 3:31 PM Haire, Dirk <DHaire@foxrothschild.com> wrote:

[Redacted content]

State of Maryland Challenger & Watcher Certificate

Part I – Instructions and Information

Instructions to Designating Candidate or Entity: You may designate a Maryland registered voter as a challenger and watcher if you are: (a) a candidate; (b) a political party; or (c) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot. *(To be eligible, the group of voters must form a political committee under section 13-207 of the Election Law Article.)*

Before designating any individuals, please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available at www.elections.maryland.gov/get_involved/index.html). Please provide the State Board's instructions to any individual you designate as a challenger and watcher.

Instructions to Challenger and Watcher: Please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available from your designating candidate or entity or at the website listed above). You **must** have this certificate when you are acting as a challenger or watcher; you will not be permitted to remain in the voting area without a signed certificate. Give an extra copy of this signed certificate to the election judges when you arrive at an early voting center or polling place.

As a challenger and watcher, you have the right to:

- Enter the voting area at least (but no later than) 30 minutes before voting hours begin;
- Enter or be present in the voting area at any time during voting hours;
- Remain in the voting area until all post-voting tasks have been completed and the election judges leave the voting area;
- Maintain a list of registered voters who have cast a ballot or individuals who have cast provisional ballots;
- Enter and leave the voting area to take outside information that identifies individuals who have cast ballots; and
- Be positioned near the election judges so that you may see and hear each voter as the voter checks in to vote.

You **cannot** attempt to: (a) determine how a voter voted or intends to vote; (b) talk with any voter in the voting area; (c) assist any voter in voting; (d) physically handle an original election document or equipment; (e) interfere with the election process or impede a voter's access to election judges; or (f) use a cell phone, laptop or other electronic equipment in a voting area.

You may be removed by an election judge if you do not follow an election judges' order or attempt a prohibited act.

Part II – Certificate Designating Challenger and Watcher

I/We certify that Maryland Republican Party has designated DIRK HAIRE, a

registered voter, to act as a challenger or watcher for the 20__ Primary Election OR 2022 General Election.
(check only one)

This individual will act in this capacity on election day (complete Part A) and/or during early voting (complete Part B).
(check all that apply)

Part A: I/We designate this individual as a Challenger or Watcher for the following precinct(s) on election day:

District/Precinct or Ward/Precinct	Name of County or Baltimore City

Part B: I/We designate this individual as a Challenger or Watcher on the following days and at the following early voting locations:

Early Voting Dates	Name of Early Voting Center	Name of County or Baltimore City

[Signature]
Signature of Designating Candidate or Officer of Designating Entity

State Chairman
Office Sought by Candidate

11/3/22
Date

SBE 10-312 Rev. 4/2014

From: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>
Sent: Saturday, November 5, 2022 3:23:59 PM

6/4/24, 11:58 AM

State of Maryland Mail - Re: [EXT] Re: Poll Watching ELECTION DAY!

To: Haire, Dirk <DHaire@foxrothschild.com>

Cc: Kate Strauch Sullivan <kate@sullyland.com>; Heather Watson-Barrato <hwbarrato@gmail.com>;
Mark Uncapher (uncapher@gmail.com) <uncapher@gmail.com>; Gordana Schifanelli
<gordana@schiflaw.com>

Subject: Re: [EXT] Re: Poll Watching ELECTION DAY!

[Quoted text hidden]



Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Re: Fw: In Service of Restored Faith in our Elections

3 messages

Katherine Berry <katherine.berry@maryland.gov>
To: CCBOE <ccboe@carrollcountymd.gov>
Bcc: melissia.dorsey1@maryland.gov

Wed, Feb 28, 2024 at 8:39 AM

Thanks - seems that all counties have received this.

Katherine Berry
Deputy Administrator

Maryland State Board of Elections
(410)269-2843 (w)/ (667)314-5015 (c)
elections.maryland.gov

On Wed, Feb 28, 2024 at 8:35 AM CCBOE <ccboe@carrollcountymd.gov> wrote:

Hey Katie!

I just want to make sure you saw this. If you want me to do anything with this, please let me know.

Thank you and have a great day!

Erin

The Official Election Team at the Carroll County Board of Elections
410-386-2080

From: Kate Strauch Sullivan <kate@sullyland.com>
Sent: Tuesday, February 27, 2024 11:59 PM
To: info.sbe@maryland.gov <info.sbe@maryland.gov>
Subject: In Service of Restored Faith in our Elections

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

February 27, 2024

Cc: State Board of Elections Members; Local Board of Election Members

Mr. Demarinis and Maryland State Board of Elections Members,



Over the past three years, a team of dedicated Maryland citizens has organized various efforts to verify the accuracy of our official Maryland State Voter Registration Database and official Maryland reports. For example, we have focused on canvassing registration addresses to confirm their validity and analyzing the official Maryland voter registration database in order to identify potential inaccuracies. Our team includes trained data scientists, computer programmers, statisticians, attorneys, and a group of dedicated registered voters from across all 24 Maryland jurisdictions.

The following report is in service of restoring faith in our elections. In recent years, despite the sincere and honest efforts of our local Board of Election officials, faith and confidence in our election process has drastically decreased. We firmly believe, in order to restore confidence in our elections, Marylanders need to publicly see their concerns being addressed. This report gives our Maryland state elections officials an opportunity to openly respond and work with us to address these concerns.

Our intention in this report is to provide the State Board of Elections with critical data we have collected to assist in maintaining an accurate voter registration database. It is our sincere hope this report will serve as an opportunity for the State Board of Election to review the inaccurate registrations and unexplained anomalies we have identified as well as an opportunity to consider the potential election system vulnerabilities which may have caused these issues.

The following report is a presentation of our findings.

Thank you in advance for your consideration of these findings and subsequent action. We look forward to collaborating with you to address the vulnerabilities outlined in this report. With the 2024 Primary and General elections approaching rapidly, time is of the essence. We kindly request a response within the next ten business days. Failure to do so may necessitate exploring alternative avenues, potentially involving legal action.

David Morsberger
Anne Arundel County

Katherine Strauch Sullivan
Baltimore County

“The truth is like a lion; you don’t have to defend it. Set it free; it will defend itself.”

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Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

Katherine Berry <katherine.berry@maryland.gov>
To: Jared DeMarinis -SBE- <jared.demarinis@maryland.gov>, Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Wed, Feb 28, 2024 at 8:59 AM



Katherine Berry
Deputy Administrator

Maryland State Board of Elections

(410)269-2843 (w)/ (667)314-5015 (c)

elections.maryland.gov

----- Forwarded message -----

From: **Katherine Berry** <katherine.berry@maryland.gov>

Date: Wed, Feb 28, 2024 at 8:58 AM

Subject: Re: In Service of Restored Faith in our Elections

To: Kobrin, Daniel <dkobrin@oag.state.md.us>

Katherine Berry
Deputy Administrator

Maryland State Board of Elections

(410)269-2843 (w)/ (667)314-5015 (c)

elections.maryland.gov

On Wed, Feb 28, 2024 at 8:57 AM Kobrin, Daniel <dkobrin@oag.state.md.us> wrote:

[Redacted]

Get [Outlook for iOS](#)

From: Katherine Berry <katherine.berry@maryland.gov>

Sent: Wednesday, February 28, 2024 8:39:30 AM

To: CCBOE <ccboe@carrollcountymd.gov>

Subject: Re: Fw: In Service of Restored Faith in our Elections

[Quoted text hidden]

 **Election Accuracy Report for SBOE_2-27-24.pdf**
1558K

Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
To: Katherine Berry <katherine.berry@maryland.gov>
Cc: Melissia Dorsey -SBE- <melissia.dorsey1@maryland.gov>

Thu, Mar 7, 2024 at 7:39 PM

[Redacted]

Jared DeMarinis
State Administrator of Elections
Maryland State Board of Elections
151 West Street, Suite 200

6/4/24, 11:50 AM

State of Maryland Mail - Re: Fw: In Service of Restored Faith in our Elections

Annapolis, MD 21401
410-269-2840
X - @jareddemarinis

[Quoted text hidden]

Voter Rolls Recording, Notes & Chat 05.01.2024

Bryson Davis <bryson@electionintegrity.network>

Thu 5/2/2024 9:58 AM

To:voter-rolls@googlegroups.com <voter-rolls@googlegroups.com>

Recording

05.01.2024 (Wednesday)

- **Welcome & Disclaimer | Bryson Davis**
- **State Updates | Dave Carver**
 - One question I wanted to ask is what are we doing in Arizona Michigan, Pennsylvania or Wisconsin?
 - **Diane Houser | Pennsylvania:** The voter rolls in PA are a mess. Grassroots patriots have found people in Chester county who have moved out of state and are still voting. We b
 - **Grey Buck | Minnesota:** Just because NVRA has a 90 day window where they're not supposed to be removing voters doesn't mean the counties can be doing what's necessary
 - **Bill Henderson | Georgia:** I've looked at the voter rolls and was amazed at how bad Lt managed they were. I got involved with a group and have brought up issues, but those i
 - **Earl Ferguson:** I think challenges should be resubmitted as a 230 challenge. These people wouldn't be removed from the rolls, but if they show up to vote, then they wil
 - **Diane Houser:** Going back to PA, I think we're also going to need a lot of poll watchers this November. We have found evidence of fraud but they won't take it to court becaus
 - **Ralph Kraus:** Who's the head of the efforts in PA that I could be in contact with? I would especially like to be involved with these five states if that's what is needed.
 - **Bryson Davis:** That would be Heather Honey, I can help put you in contact with her.
 - **Stefan Bartelski:** Dr. Rick is also happy to help people who have been referred to him.
 - **Doug Ardt | Arizona:** We have divided our group into several different election integrity groups, and one of them is a headcount group who have already done a lot of certifyin
 - **Bryson Davis:** Just a note: Early, during our state coalition meeting, Kristine Welbourne, the leader of TX, mentioned that the DOJ has put out new guidelines for cleaning the v
 - **Earl Ferguson:** I would like the source for that, Bryson.
 - **Kevin Formoto:** I've put it in the chat.
 - **Dave Carver | New Jersey:** In NJ we have wide open access to voter data, often at no cost. On Monday I was in front of a dozen campaign managers and we laid out three issu
 - **Jan Shaw | Illinois:** IL has already done some of that stuff. For example, it took over an hour to close polling places once, and it's a mess. One of the things I want to do is go t
 - **Stefan Bartelski:** I just wanted to alert people to the fact that there is a group called United Sovereign Americans, and they are getting evidence of everything that was not done
 - **Steve Brown | Maryland:** In Maryland we have a lawsuit going on over the state board of elections requiring people to sign an oath that data will not be used to investigate ele
 - **Stefan Bartelski:** In addition to Maryland, there is also a resolution being presented here and in other states, I think there are 11 states where there is the necessary data a
 - **Steve Brown:** The one thing that is holding U4F and these lawyers up is finances so if any of you could donate that would be great
 - **Janet F. | North Carolina:** In NC we're having some success with HAVA complaints and it's embarrassing the state board officials; they're gaining traction and attention. I kn
 - **Stefan Bartelski:** I have close contact with some podcasters and I will tell them that this came up in the call and get the ball rolling on that. Can you email me so I can le
 - **Bryson Davis:** I can.
- **Chat Comments**
 - **Kevin Formolo - TX** to Everyone 4:29 PM
 - <https://www.justice.gov/opa/pr/justice-department-launches-updated-voting-rights-and-elections-website>
 - <https://www.justice.gov/crt/media/1348586/dl?inline>
 - Two troubling DOJ releases.
 - **Carolyne Fox TX** to Everyone 4:31 PM
 - Heather Honey spoke at today's Legislative meeting. She's awesome
 - **Diane Houser** to Everyone 4:31 PM
 - I attend Heather's Zoom Meetings weekly.
 - **Doug Ardt Gila Co. AZ E.I. Team** to Everyone 4:31 PM
 - Gila County Election Integrity Team is working with Dr Richard's EagleAI to investigate our county's voter roll.
 - check out EagleAI <https://thenewamerican.com/us/politics/activists-use-new-tool-to-take-voter-fraud-hunt-into-their-own-hands/>
 - **Kevin Formolo - TX** to Everyone 4:32 PM
 - gotta link to signup for Heather's mtg?
 - **Steve Brown-Maryland** to Everyone 4:32 PM
 - In Maryland, certainly not a battleground, we are working to discover fraudulent registrations and coordinate with the list of mail-in ballot requests. We then plan to challenge t
 - **Diane Houser** to Everyone 4:34 PM
 - Heather Meetings on Tuesday 7:30 PM: https://zoom.us/join/joinMeeting/register/tJEvcu2ppzgrG9Na_80HUM-83Bd11hs4zd43
 - **Steve Brown-Maryland** to Everyone 4:39 PM
 - The way to avoid canvassing issue is to do it as a part of a campaign.
 - **JR | NCEIT** to Everyone 4:40 PM
 - Good methodology Doug Ardt! Professionalism.
 - Yes. please post.
 - **Stefan Bartelski GA/Forsyth County** to Everyone 4:43 PM
 - I like it "I am here to ask for your vote, can I also talk to Joe, Mary, Anne, peter and Bob?" "Oh no-one of that name lives here, thank you."
 - **Kendra Biegalski** to Everyone 4:42 PM
 - Steve - please send me your script you used for voter integrity while campaigning. I would love to do that for my campaign! Send to kendraforgeorgia@proton.me. Thanks!
 - **Stefan Bartelski GA/Forsyth County** 4:43 PM
 - Me too, please electionintegrity@bartelski.com
 - **JR | NCEIT** to Everyone 4:47 PM
 - Related to VRLM but not related: Anybody have information on why the [SSA.GOV](https://www.ssa.gov) HAVV site has not published any data since March 30, 2024?
 - **Craig Hunneyman** to Everyone 4:50 PM
 - It's been shown that mail-in voter states mail out multiple ballots to the same households and I am not aware of any state or county officials that check for returned duplicate ball
 - **Steve Brown-Maryland** to Everyone 4:51 PM
 - The key to maximize election security is to use the lowest possible technology and have the maximum possible de-centralization of the process. This is the exact opposite of w
 - **Barry Chapman** to Everyone 4:51 PM
 - Heritage heat map. Go to the site for more and current info. <https://www.heritage.org/electionscorecard/index.html>
 - **Stefan Bartelski GA/Forsyth County** to Everyone 4:52 PM
 - unite4freedom.org
 - **JR | NCEIT** to Everyone 4:52 PM

- o Thank you, everyone!
- o **Debra Srephen** to Everyone 4:52 PM
- o Colorado, all mail in has a remondous number of undeliverable.
- o **Janet F, NC** to Everyone 4:54 PM
- o They can lose funding if they don't abide by HAVA. File a HAVA complaint
- o **JR | NCEIT** to Everyone 4:55 PM
- o Awesome all the individual work everyone is doing. Thank you all!
- o **Virginia Hall Oregon** to Everyone 4:47 PM
- o Waiting for April data?
- o **JR | NCEIT** 4:48 PM
- o Nope...is historically published every Saturday. None since March 30.
- o **Virginia Hall Oregon** 4:49 PM
- o ... huh
- o **Janet F, NC** 4:52 PM
- o **@JR | NCEIT**
- o **Earl Glynn | KS** 4:56 PM
- o Anyone can verify no update since March 30: <https://www.ssa.gov/open/havv/> and Select "Choose a Week"
- o **Stefan Bartelski GA/Forsyth County** to Everyone 4:57 PM
- o He is one of the two leaders! Marly Hornik is the other
- o **Craig Hunneyman** to Everyone 4:58 PM
- o It would be great to get Harry Haury as a guest speaker.
- o **Steve Brown-Maryland** 4:58 PM
- o Harry Haury is the CEO of United Sovereign Americans



BRYSON DAVIS

Coalitions Coordinator

Virginia Institute for Public Policy

P.O. Box 76, Lexington, VA 24450

540.245.1776 office | 971.291.8202 cell

BDavis@VirginiaInstitute.org | www.VirginiaInstitute.org

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 You received this message because you are subscribed to the Google Groups "EIN: Voter Rolls Working Group" group.
 To unsubscribe from this group and stop receiving emails from it, send an email to voter-rolls+unsubscribe@googlegroups.com.
 To view this discussion on the web visit https://groups.google.com/d/msgid/voter-rolls/CAOqb7c8uJB0zx5OE2rb%3D2mRtor8mk%3DwORG7U6H9BeS_%2Bb%2B95Q%40mail.gmail.com.



Re: Primary Debrief

David Morsberger <dave@morsberger.com>

Sat 6/22/2024 10:46 AM

To: Kate Sullivan <kate@sullyland.com>

Cc: Diane Butler <politicodiane@msn.com>; Jim Shalleck <jimshalleck@hotmail.com>; Nicolee Ambrose <nicolee@nicoleeambrose.com>; Susan McConkey <susandil@aol.com>; Alex Pacheco <aspacheco25@gmail.com>; Adam Wood <adam@mdgop.org>; Shawn Poulson <shawn@kentcountyrcc.com>

Resend: Sorry, Original send on 6/10 appeared to fail

Kate,

Great job capturing the issues.

One thing they can do is create the "Top 5" issues for Chief Judges that they summarize in training and include in all reminders. There is a lot to do and they need to make sure the top issues are complete.

1. Complete reconciliation of all voters, ballots, and machines is MANDATORY. No judge leaves until the polling place is reconciled.
2. The two chief judges must together in the same vehicle returned the necessary to the local board of elections office
3. All public reports at the beginning of the day, throughout the day, and during closing must be displayed for the public to review
- 4.
- 5.

David Morsberger

On 2024-06-05 16:14, Kate Strauch Sullivan wrote:

Diane and Jim-

First, congratulations on your selection to serve on our State Board of Elections. I hope the members of our State Board of Elections fully appreciate the expertise, intelligence and experience you bring to the table. Both of you are in a unique position to truly impact the professionalism and thoroughness with which the State Board of Elections oversees and manages the security of our elections. We know both of you will be vigilant in your stewardship.

Last Sunday evening, the Grassroots Committee met to debrief on the past Primary Election and determine ways we can strengthen our election system as we move toward the 2024 General Election. It is in this spirit we would like to share with you a few critical vulnerabilities that surfaced from our most recent Primary Elections. These vulnerabilities can be easily remedied - and shouldn't be controversial - just helpful. We've identified a few issues we came upon as well as offered our recommendations.

1. **ISSUE: Election judge no-shows:** In 15 or so polling precincts visited, ALL had election judge no-shows. One precinct had as high as 9 no shows!! This equalled half those who had signed up! While we would never applaud the low-turnout we saw in our recent Primary election, in this case, it was our saving grace. We cannot take the chance this will happen again.

RECOMMENDATIONS:

- Please encourage a **uniform response system** during the Election Judge sign up process!!! This is a no-brainer! I Not sure you're aware, but when you sign up to be a judge, the volunteer does not receive ANY automated system confirmation. I am assured from people who install and manage these types of systems that this is very easy to implement. It is simply a matter of setting up the auto-response parameters. This would go a long way to helping volunteers feel immediately engaged in their commitment.

- Please encourage a **UNIFORM system of reminders** of the volunteers commitment. As a bare minimum, volunteers should receive a reminder of the details of their commitment (DAY, TIME, LOCATION, and other pertinent details) directly after their training. The same reminder should go out 3 days in advance of their commitment and the night before their commitment. As it stands now, the local jurisdictions rely on the Chief Judges to send out manual reminders - it's a disaster! Many judges are good and responsible - but many are not! It creates an inconsistent process at best and a total lack of engagement at its worst.
2. **ISSUE: Chief judges not reconciling election counts on site.** We witnessed several precincts skip the reconciliation process!
- RECOMMENDATIONS:**
- Emphasis on the importance of RECONCILIATION in the training process! See System of Checks and Balances below
3. **ISSUE: Systemically broken chain of custody.** We witnessed several precincts send random volunteers with BOTH data sticks AND ballots in their personal car, alone. In one instance, the volunteer arrived at the processing center and was simply told to "drop them there" as someone casually pointed to a curb outside the processing center. No paperwork was filled out, no signature was required, no one checked what was being dropped off....IT WAS AN APPALLING LACK OF PROFESSIONALISM!!!
- RECOMMENDATIONS:**
- Emphasis on proper maintenance of Chain of Custody in the training process. We need to enforce a System of Checks and Balances immediately. No person should ever drop off ballots without signing appropriate paperwork as to when, who, where, and how many ballots!
4. **ISSUE:** Impossible commitment expected from volunteers. I fully realize this is, to some degree, out of your control, BUT I hope you will have an opportunity to guide this board to consider eliminating or greatly reducing Early Voting. Early voting turnout was abysmally low. 8 days of Early Voting is a ridiculous not to mention a waste of tax payer money AND it makes it very difficult to find good volunteers. If we had 1 day of voting, we would not find it as challenging to sign up voters. With mail-ins, Early Voting is not required.

RECOMMENDATION:

- At a bare minimum, we should reduce Early voting to 2-3 days.

KEY TAKEAWAY: In every case we have cited above, the issue was too much trust in the system. All too often, we have witnessed Board of Election officials point to their system and processes as the reason their system is secure. This circular argument may make them feel good, but it does not guarantee security in our election system which we know we don't need to remind you, is critical infrastructure.

Best said: We are only as strong as our weakest link and most vulnerable point in the system!

There are many great and professional volunteers and employees working in our elections. But there are also many untrained and complacent volunteers and election workers. Or worse - those who aim to take advantage of the lack of oversight and accountability. We hope you both will be able to drive this point home more successfully than we have been able to over the past 4 years.

On a side note, our team at SecuretheVoteMD will be presenting a full list of ineligible voters who requested ballots and voted with them. We will send them to you when we have the full list. As you may be aware, the State has been very slow to offer the fully reconciled number counts from the election. Another bit of information I find incredibly concerning in light of the fact they rushed to "certify" the election. Not sure how you certify an election when the votes have not yet been reconciled. Shake my head.

I would love an opportunity to speak with both of you if you have any questions or feedback for these issues and recommendations offered.

Thanks in advance for your attention to these matters,

Kate Sullivan

"The truth is like a lion; you don't have to defend it. Set it free; it will defend itself."



This electronic mail message is intended exclusively for the individual or entity to which it is

7/2/24, 2:10 PM

Mail - DIANE BUTLER - Outlook

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Primary Debrief

Kate Strauch Sullivan <kate@sullyland.com>

Wed 6/5/2024 4:14 PM

To:DIANE BUTLER <politicodiane@msn.com>;Jim Shalleck <jimshalleck@hotmail.com>;Nicolee Ambrose <nicolee@nicoleeambrose.com>;Susan McConkey <susandil@aol.com>;Alex Pacheco <aspacheco25@gmail.com>;Adam Wood <adam@mdgop.org>;David Morsberger <dave@morsberger.com>;Shawn Poulson <shawn@kentcountyrcc.com>

Diane and Jim-

First, congratulations on your selection to serve on our State Board of Elections. I hope the members of our State Board of Elections fully appreciate the expertise, intelligence and experience you bring to the table. Both of you are in a unique position to truly impact the professionalism and thoroughness with which the State Board of Elections oversees and manages the security of our elections. We know both of you will be vigilant in your stewardship.

Last Sunday evening, the Grassroots Committee met to debrief on the past Primary Election and determine ways we can strengthen our election system as we move toward the 2024 General Election. It is in this spirit we would like to share with you a few critical vulnerabilities that surfaced from our most recent Primary Elections. These vulnerabilities can be easily remedied - and shouldnt be controversial - just helpful. We've identified a few issues we came upon as well as offered our recommendations.

1. **ISSUE: Election judge no-shows:** In 15 or so polling precincts visited, ALL had election judge no-shows. One precinct had as high as 9 no shows!! This equalled half those who had signed up! While we would never applaud the low-turnout we saw in our recent Primary election, in this case, it was our saving grace. We cannot take the chance this will happen again.

RECOMMENDATIONS:

- o Please encourage a **uniform response system** during the Election Judge sign up process!!! This is a no-brainer! INot sure you're aware, but when you sign up to be a judge, the volunteer does not receive ANY automated system confirmation. I am assured from people who install and manage these types of systems that this is very easy to implement. It is simply a matter of setting up the auto-response parameters. This would go a long way to helping volunteers feel immediately engaged in their commitment.
- o Please encourage a **UNIFORM system of reminders** of the volunteers commitment. As a bare minimum, volunteers should receive a reminder of the details of their commitment (DAY, TIME, LOCATION, and other pertinent details) directly after their training. The same reminder should go out 3 days in advance of their commitment and the night before their commitment. As it stands now, the local jurisdictions rely on the Chief Judges to send out manual reminders - it's a disaster! Many judges are good and responsible - but many are not! It creates an inconsistent process at best and a total lack of engagement at its worst.

2. **ISSUE: Chief judges not reconciling election counts on site.** We witnessed several precincts skip the reconciliation process!

RECOMMENDATIONS:

- o Emphasis on the importance of RECONCILIATION in the training process! See System of Checks and Balances below

3. **ISSUE: Systemically broken chain of custody.** We witnessed several precincts send random volunteers with BOTH data sticks AND ballots in their personal car, alone. In one instance, the volunteer arrived at the processing center and was simply told to "drop them there" as someone casually pointed to a curb outside the processing center. No paperwork was filled out, no signature was required, no one checked what was being dropped off....IT WAS AN APPALLING LACK OF PROFESSIONALISM!!!

RECOMMENDATIONS:

- o Emphasis on proper maintenance of Chain of Custody in the training process. We need to enforce a System of Checks and Balances immediately. No person should ever drop off ballots without signing appropriate paperwork as to when, who, where, and how many ballots!

4. **ISSUE: Impossible commitment expected from volunteers.** I fully realize this is, to some degree, out of your control, BUT I hope you will have an opportunity to guide this board to consider eliminating or greatly reducing Early Voting. Early voting turnout was abysmally low. 8 days of Early Voting is a ridiculous not to mention a waste of tax payer money AND it makes it very difficult to find good volunteers. If we had 1 day of voting, we would not find it as challenging to sign up voters. With mail-ins, Early Voting is not required.

RECOMMENDATION:

- o At a bare minimum, we should reduce Early voting to 2-3 days.

KEY TAKEAWAY: In every case we have cited above, the issue was too much trust in the system. All too often, we have witnessed Board of Election officials point to their system and processes as the reason their system is secure. This circular argument may make them feel good, but it does not guarantee security in our election system which we know we don't need to remind you, is critical infrastructure.

Best said: We are only as strong as our weakest link and most vulnerable point in the system!

There are many great and professional volunteers and employees working in our elections. But there are also many untrained and complacent volunteers and election workers. Or worse - those who aim to take advantage of the lack of oversight and accountability. We hope you both will be able to drive this point home more successfully than we have been able to over the past 4 years.

On a side note, our team at SecuretheVoteMD will be presenting a full list of ineligible voters who requested ballots and voted with them. We will send them to you when we have the full list. As you may be aware, the State has been very slow to offer the fully reconciled number counts from the election. Another bit of information I find incredibly concerning in light of the fact they rushed to "certify" the election. Not sure how you certify an election when the votes have not yet been reconciled. Shake my head.

I would love an opportunity to speak with both of you if you have any questions or feedback for these issues and recommendations offered.

Thanks in advance for your attention to these matters,

Kate Sullivan

7/2/24, 2:11 PM

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“The truth is like a lion; you don’t have to defend it. Set it free; it will defend itself.”

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Fw: United Sovereign Americans Tuesday 06/04/2024, 7 pm EST Meeting Link

F Steve Brown <FSteveBrown@protonmail.com>

Tue 6/4/2024 5:47 PM

To: Mary Schmidt <mkj1010@hotmail.com>; Ray Sterner, <Zip21797@yahoo.com>; Susan Campbell <ephes320@verizon.net>; DIANE BUTLER [REDACTED]; Andre Gao, <AndreGao@yahoo.com>; TJ Massey, <tijekun23@gmail.com>; Sonya Razzak <sonyarazzak@icloud.com>; Kathryn Nemirovsky <zenithacupuncture@gmail.com>; Sheri Stevens <sheristevens515@gmail.com>

Tonight at 7pm

----- Forwarded message -----

From: United Sovereign Americans <info@unite4freedom.com>

Date: On Tue, Jun 4, 2024 at 9:10 AM

Subject: Fw: United Sovereign Americans Tuesday 06/04/2024, 7 pm EST Meeting Link

To: <fstevebrown@protonmail.com>

Cc:



**UNITED
SOVEREIGN
AMERICANS**

Join the Meeting

Donate to United Sovereign Americans

Greetings Frederick (Steve),

The American people have every reason to be suspicious about our elections. The extraordinary volunteers of United Sovereign Americans (USA) address those suspicions, and work to preserve our fundamental right to choose our representatives.

Volunteers conduct legitimate investigative audits of official state voter registration databases using field research, database analysis and computer programming. This data analysis shows a



staggering number of apparent errors and violations representing potential felonies, all while election officials wave a magic sleep-inducing wand, "Nothing to see here." United Sovereign Americans are awake and undeterred.

For example, the analysis of the Illinois voter registration database shows a 14% voting error rate. The closest Congressional race was certified with margin of victory of 4%. This ratio of error rates and victory margins show that it is impossible to know the outcome of any election in the state of IL in the 2022 mid-term. Similar error rates of 14% and Congressional race margins of less than 5% exist in Ohio.

United Sovereign Americans member states are actively preparing and pursuing Civil Rights litigation to petition for redress of grievances, pursuant to the First Amendment of the United States Constitution and Civil Rights Law.

Please join us at 7PM Eastern, for this public call. Feel free to share this email and call info to anyone who might be interested.

Finally, please also consider following the United Sovereign Americans (USA) [Rumble Channel](#) hosting many USA podcasts and interviews, including a May 29 interview with Marly Hornik on the Shaun Thompson Show.

And as always, please visit [Unite4Freedom.com](#) to either volunteer, or to contribute to this essential mission, or both. I look

forward to seeing you!

Marly Hornik

CEO, United Sovereign Americans

Unite4Freedom.com

Tuesday at 7 pm EST/EDT Meeting link:

[Redacted]

Meeting number:

[Redacted]

Meeting password:

[Redacted]

Join from a video or application:

[Redacted]

Meeting password for video system

[Redacted]

Join by phone

[Redacted]

Access code:

[Redacted]

Global call-in numbers

[Redacted]

United Sovereign Americans, Inc., a 501(c)(4) nonprofit organization, Suite 194, 167 LAMP & LANTERN VILLAGE, CHESTERFIELD, MO 63017


[Unsubscribe](#) [Manage preferences](#)

KateSullivan_Notice of Appeal Filed

Robyn Sachs <rsachs@rmr.com>

Thu 5/30/2024 10:01 AM

To:politicodiane@msncom <politicodiane@msncom>



Maryland Voter Integrity Group

Dear Diane,

I didn't want to you to miss this latest news from Kate Sullivan.

Best regards, Robyn

Maryland Voter Integrity Group



PRESS RELEASE

FOR IMMEDIATE RELEASE

MEDIA CONTACT:

Maryland Election Integrity LLC
 Kate Sullivan
Citizenvoter2024@gmail.com
 410-713-0843

United Sovereign Americans
 Marly Hornik
info@Unite4Freedom.com
 845-204-3343

Maryland Election Integrity LLC and United Sovereign Americans File Notice of Appeal

ANNAPOLIS, MD – May 30, 2024 – On May 15, 2024, Maryland Election Integrity LLC and United Sovereign Americans filed a Notice of Appeal in response to the lower court's refusal to hear our case based on standing.

By hiding behind the unqualified "standing" argument, Judge Gallagher is refusing to review this evidence and therefore, cast sunlight on truth. The ruling is very obviously flawed. If we don't have standing to protect the right to vote, what do we have standing for? 150 years of Supreme Court precedent agrees. The Board of Elections did not deny the allegations of what constitutes a broken election process from beginning to end; instead, they simply refuse to fix it. Their position is that no one can or will make them correct any of the errors. We certainly hope they are wrong, as should every Maryland voter.

We look forward to justice being served in the United States Court of Appeals for the 4th District.

About Maryland Election Integrity, LLC

Maryland Election Integrity LLC is a Maryland limited liability company. It is comprised of Maryland Registered Voters and concerned citizens. Its principal office is located in Maryland.

About United Sovereign Americans, Inc.

United Sovereign Americans, Inc. is a nonprofit corporation incorporated in the state of Missouri. United Sovereign Americans was founded by Marly Hornik, the Executive Director of New York Citizens Audit, and Harry Haury, a cyber-intelligence expert experienced in elections. Their all-volunteer organization has been building teams of programmers, analysts, legal scholars and more to measure error rates of the 2022 general elections in states throughout the country. Voting systems have a legal accuracy requirement of 0.0008% maximum error. United Sovereign Americans is uncovering system error rates as high as 38%, at the time of certification.

mdvoter.org



Join our Private Group on Facebook



About Maryland Voter Integrity Group

The Maryland Voter Integrity Group is committed to stamping out fraud and inaccuracies in Maryland's voter rolls to preserve voter confidence and free, fair, and transparent elections. For more information, please visit the organization's [Facebook page](#).

STAY CONNECTED WITH
Maryland Voter Integrity Group
 1201 Seven Locks Road
 Suite 360
 Potomac, MD 20854
 301-230-0045 x200



RMR & Associates | 1201 Seven Locks Road Suite 360 | Potomac, MD 20854 US

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Maryland's Election Integrity Issues – April 2024

1) Mail-in ballot application: With simply a name, address, and DOB, anyone can request that a voter's ballot be sent to a different address or a fax number. (Ballots requested to arrive via email do require driver's license number and issue data OR last four of SSN.) Since COVID, the Maryland State Board of Elections (SBE) has been emailing mail-in ballot request forms to every one of Maryland's 4 million+ registered voters.

- There is no signature or any other verification of received mail-in ballots as to who signed the ballot.
- Voters who request mail-in ballots for every election may have died or moved since their request. The request should be for the current election not future elections because the voter may not be at that address in future elections.

2) Poorly maintained voter rolls.

- a. The BOE does not sync data with the Motor Vehicle Administration (i.e. when a voter's driver's license is revoked due to receiving a driver's license in another state).
- b. The rolls are not synced with Social Security death roles.
- c. The BOE has not been following NVRA and moving voters to inactive status whose mail is returned to the Board of Elections. Prohibits inactive voters from being removed after two federal election cycles. The BOE has actively chosen not to take action, and is fighting key counties that are trying to update their rolls.
- d. There is an active lawsuit reflecting a 15% error rate in cast ballots over the past two election cycles (2020 and 2022), based on visits to voters' home who claim they did not vote, despite their ballot being voted.

3) Observer Rights: key Maryland counties act completely unaware of this and do not allow observers adequate access (Baltimore County)

4) Reconciliation of total number of ballots submitted in each category (i.e. in person, mail-in, etc.)

5) Loose protocols when polling locations close.

6) 1st Amendment rights about voters talking to other voters: COMAR Oath lawsuit

These are the counties which have problematic track records:

Large Counties of Concern	Smaller Counties of Concern
Baltimore City	Charles
Baltimore County	Kent
Frederick	Talbot
Montgomery	
Prince George's	

Maryland: EI Concerns

Nicolee Ambrose <nicolee@nicoleeambrose.com>

Tue 5/21/2024 9:22 PM

To:DIANE BUTLER <politicodiane@msrcom>

📎 1 attachments (20 KB)

Maryland EI Concerns for 2024 Cycle 4-2024.docx;

Hello Diane,

Fantastic chatting this evening!

Attached is our one-page list of Maryland's most significant EI problems. Our state's EI Committee prepared this as a quick snapshot for the NRSC.

Also here is my mail-in ballot op-ed that was shockingly enough published by the historically liberal Baltimore Sun:

[Maryland mail-in-ballots vulnerable to theft \(baltimoresun.com\)](https://www.baltimoresun.com/story/news/politics/elections/2024/05/21/maryland-mail-in-ballots-vulnerable-to-theft/7288872002/)

The text is below, as well. I'm delighted they have asked for a follow-up op-ed on Maryland's vast election integrity problems.

All the best,
Nicolee

Nicolee Ambrose

National Committeewoman, Maryland GOP

Chairman Emeritus, Young Republican National Federation

Nicolee@NicoleeAmbrose.com

C: 410-419-6726

+++++

Maryland mail-in ballots vulnerable to theft

Count me in as one of the millions of Americans who think it's vitally important to have fair and transparent elections. Imagine my shock when I learned anyone can order my Maryland mail-in ballot by just using my name, address, and date of birth.

How can this be?

It should be as hard to take my vote away as it should be to get into my bank account or board a plane in my name, right? Not in Maryland.

Simply look at the Maryland State Board of Elections (SBE) [Mail-In Ballot Request form](#).

Sections 1 and 2: Provide your name, address, and date of birth. These are facts anyone can pull up in a remedial Google search.

Then in Section 5, the SBE allows the individual filling out the form to have the form sent to a different address or faxed to any number. To round out this pitiful one-page document, there is no need to verify who is requesting this form. Maryland does not match signatures. Maryland does not require identification to vote, much less to request this form. Maryland does require the address to match your voter registration address on file, however, someone could still order my ballot to be sent to a different address or faxed halfway around the world.

But fear not! If you request your ballot by email, then the SBE does require your driver's license number or the last four digits of your Social Security number. It's heartening to know that the state cares about personally identifiable information for only one method of ballot delivery.

Though this process has been lax for years, COVID exacerbated the situation. In 2020, the SBE sent ballots to every registered voter. Simultaneously, the SBE ordered 19 million in-person ballots for our state, which has a population of just over 6 million, and only 4.1 million registered voters. How do approximately 4 million voters need 19 million ballots? In 2020, the SBE said the additional ballots were needed to facilitate voting during the pandemic, when voters were allowed to fill out a ballot at any in-person voting center in their county, according to [a report in Maryland Matters](#). But what happened with those excess ballots?

Also, given that the SBE automatically sends mail-in ballot request forms to the entire list of registered voters, which they have already done again in 2024, they must maintain pristine voter rolls. But this is not the case, as exemplified by one county alone. By unanimous bipartisan vote in 2022, the Anne Arundel County Board of Elections asked SBE to work with them in eliminating

7/2/24, 2:19 PM

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thousands of names from the voter rolls, for which the local board had documented receiving rejected mail for five years. This was an effort to comply with the National Voter Registration Act of 1993. Nearly two years later, SBE has done no further work to investigate.

Just when you thought the situation could not get worse, the SBE has confirmed their policy to not notify voters if their ballot has been voted multiple times.

The truly important question is what are the implications of the Maryland State Board of Elections literally giving away our hard-fought right to vote?

In the near term, this could significantly affect the outcome of the Democrat primary coming up on May 14. The U.S. Senate primary on the Democrat side is a heated battle between the endlessly self-funded David Trone and Prince George's County Executive Angela Alsobrooks. The results will reverberate for years to come.

There are a host of local races for county leadership positions, few of which might be more important for crime statistics in the state than the outcome of the Baltimore race. In the Democratic primary, sitting Mayor Brandon Scott is facing off against former Mayor Sheila Dixon, among others.

With our new mail-in ballot application, if someone has intentions to [illegally cast ballots](#) for others, no one needs to have actual people showing up at polls to vote. Instead, a bad actor can simply order voters' ballots. The unaware voter, whose ballot was ordered and sent to a different address or fax number, would only learn their ballot was taken if they showed up to vote in person and were given a provisional ballot instead because the system showed them as already having voted.

Shouldn't Maryland voters have confidence that they will be the one and only person allowed to cast their ballot? Don't we all want clean voter rolls? It is time for the new leadership at the Maryland State Board of Elections to prove they do, too.

Nicolee Ambrose (@NicoleeAmbrose on X) is the Republican National Committeewoman for Maryland.

Re: Board of Election Members in polling locations

Alex Pacheco <aspacheco25@gmail.com>

Thu 5/16/2024 9:38 AM

Cc:Adam Katora <adam@mdgop.org>;Susan Mcconkey <susandil@aol.com>

Republican Members of the Boards of Elections,

I wanted to follow up, and say thank you to you all for your hard work and help on Tuesday. The work that you all do is invaluable. I wanted to also let you all know that if there is anything that you may need throughout the canvassing process, do not hesitate to reach out.

Regards,

Alex Pacheco
Chairman,
MD GOP Election Integrity Committee
General Counsel
MD GOP

On Tue, May 14, 2024 at 1:59 PM Alex Pacheco <aspacheco25@gmail.com> wrote:

Republican Members of the Boards of Elections,

I wanted to provide you an update that was received from the State Board of Elections. I am not aware as to whether or not this information has been provided to you all yet from your election directors; however an email went out earlier to the election directors correcting the prior instructions and allowing board of election members to go into the voting rooms to observe the election processes. I have copied the body of the email below. Let me know if you have any questions.

Regards,

Alex Pacheco
Chairman,
MD GOP Election Integrity Committee
General Counsel
MD GOP

Email Below:

"The Office of the Attorney General has updated the advice it gave to the State Board yesterday to clarify the specific role a Board Member may play at a polling place on election day. Board Members may have access to voting rooms, but they have no authority to direct judges or change processes. Their role is observational only. If they have questions, they should be referred to the Election Director or the State Board."



MARYLAND STATE
BOARD OF ELECTIONS

Katherine Berry

Deputy Administrator

Phone. (410)269-2843 Mobile. (667)314-5015

Web. www.elections.maryland.gov

Address. 151 West Street, Suite 200, Annapolis, MD 21401



On Tue, May 14, 2024 at 11:41 AM Alex Pacheco <aspacheco25@gmail.com> wrote:

Republican Members of the Boards of Elections,

I wanted to make you all aware of a letter that the Maryland Republican Party sent to the State Board of Elections regarding the email that went out yesterday to the election directors directing them to bar the local board members from being in the voting room and observing. I have attached the letter that was sent to the State Board describing the infringement upon your rights as proscribed in the statute. At this time, we do not have any update/ further information from Mr. DeMarinis. We have reached out



7/2/24, 2:20 PM

Mail - DIANE BUTLER - Outlook

and have not heard back. We will update you if and when we hear anything further. Do not hesitate to reach out if you have any questions.

Regards,

Alex Pacheco
Chairman,
MD GOP Election Integrity Committee
General Counsel
MD GOP



MARYLAND
REPUBLICAN
PARTY

May 14, 2024

Mr. Jared DeMarinis, Director
Maryland State Board of Elections
151 West Street Suite 200
Annapolis, MD 21401

Re: Observation Rights

Dear Mr. Demarinis,

It has come to our attention that Ms. Berry sent an email yesterday May 13, 2024, to all the election directors and deputy election directors around the State. Notably the email discussed the role of board of election members, and informing the directors that board of election members have no authority to observe polling places. The email went on to instruct directors to limit members of the board of elections to the entrance of the polling room.

This email sent out by the State Board of Elections directly cuts against the Maryland Election Law Article. Section 10-308(a) of the Election Law Article states that:

“An election judge shall allow the following individuals to have access to the voting room at a polling place:

- (1) a voter;
- (2) an individual who accompanies a voter in need of assistance in accordance with § 10-310(c) of this subtitle;
- (3) polling place staff;
- (4) a member or other representative of the State Board or local board;
- (5) an accredited watcher or challenger under § 10-311 of this subtitle;
- (6) an individual under the age of 18 who accompanies a voter in accordance with § 10-310(c) of this subtitle, provided that:
 - (i) the individual is in the care of the voter and does not disrupt or interfere with normal voting procedures; and
 - (ii) the individual is not eligible to vote in that election; and
- (7) any other individual authorized by the State Board or local board.”

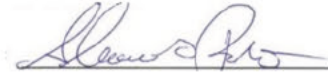
Md. Code., Elec. Law § 10-308(a). The Election Law Article clearly permits members of the State or local boards of elections to have access to the voting room at a polling place. As such, it is concerning that the email sent by Ms. Berry on behalf of the State Board of Elections is contrary to what is proscribed in the statute and infringes upon the rights of the members of the State and local board of elections.

The Maryland Republican Party is requesting that you send a notice correcting the email sent on May 13, 2024, by Ms. Berry, informing the election directors that board of election members are permitted to be in the voting room at the polling place. Should there be any questions, please free to contact us at info@mdgop.org.

Respectfully,



Nicole Harris
Chairwoman
Maryland Republican Party



Alessandro S. Pacheco
General Counsel
Maryland Republican Party

cc: Board of Elections Members

Board of Election Members in polling locations

Alex Pacheco <aspacheco25@gmail.com>

Tue 5/14/2024 11:42 AM

Cc:Adam Katora <adam@mdgop.org>;Susan Mcconkey <susandil@aol.com>

📎 1 attachments (139 KB)

Board of Election Member Ltr to DeMarinis 5-14-2024.pdf;

Republican Members of the Boards of Elections,

I wanted to make you all aware of a letter that the Maryland Republican Party sent to the State Board of Elections regarding the email that went out yesterday to the election directors directing them to bar the local board members from being in the voting room and observing. I have attached the letter that was sent to the State Board describing the infringement upon your rights as proscribed in the statute. At this time, we do not have any update/ further information from Mr. DeMarinis. We have reached out and have not heard back. We will update you if and when we hear anything further. Do not hesitate to reach out if you have any questions.

Regards,

Alex Pacheco
Chairman,
MD GOP Election Integrity Committee
General Counsel
MD GOP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARYLAND ELECTION INTEGRITY,
LLC, et al.,

Plaintiffs,

v.

MARYLAND STATE BOARD OF
ELECTIONS,

Defendant.

Civil Case No.: SAG-24-00672

* * * * *

MEMORANDUM OPINION

Presently pending before this Court are Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction, ECF 20, and Defendant’s Motion to Dismiss Plaintiffs’ Amended Complaint, ECF 24. Plaintiffs’ Motion seeks to prevent Defendant Maryland State Board of Elections from administering or certifying the 2024 primary and general elections until they are rendered secure and compliant with federal and state law. Defendant’s Motion seeks to dismiss the case for lack of subject matter jurisdiction. This Court has reviewed the relevant briefing and exhibits. ECF 25, 31, 43.¹ No hearing is necessary. *See* Loc. R. 105.6 (D. Md. 2023). For the following reasons, Defendant’s Motion is granted and Plaintiffs’ Motion is denied as moot.

¹ Defendant has not yet filed its reply in support of its motion to dismiss, but this Court finds it unnecessary to consider the reply to resolve the issues presented.

I. BACKGROUND

On April 8, 2024, Plaintiffs Maryland Election Integrity, LLC (“Maryland Election Integrity”) and United Sovereign Americans, Inc. (“United Sovereign Americans”) filed an Amended Complaint against Defendant Maryland State Board of Elections. ECF 16.

Maryland Election Integrity is a Maryland limited liability company containing members who are registered voters in Maryland. *Id.* ¶ 9. The company was “created for the purpose of resolving violations of Maryland law and restoring trust in Maryland Elections.” *Id.* ¶ 49. Kate Sullivan, although not named as a Plaintiff, is a member of Maryland Election Integrity and a resident of Baltimore County. *Id.* ¶ 10. She canvassed Baltimore County and found allegedly inaccurate voter registration records. *Id.* She claims to be “personally injured” by the inaccurate records, which “allowed otherwise ineligible voters to vote, thus diluting her vote.” *Id.* ¶ 46. Similarly, other members of Maryland Election Integrity claim that their votes have been diluted. *Id.* ¶ 197. United Sovereign Americans is a nonprofit corporation incorporated in Missouri. *Id.* ¶ 2. The company “is not seeking a distinct form of relief” from that sought by Maryland Election Integrity. *Id.* ¶ 13.

In their Amended Complaint, Plaintiffs allege that Defendant violated certain provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. §§ 20501, 20507, Help America Votes Act (“HAVA”), 52 U.S.C. §§ 21081, and Maryland election code, MD. CODE ANN., ELEC. §§ 3-101 to 3-102, 3-502 to 3-5034, 9-102 to 9-103. Specifically, Plaintiffs assert (1) inaccurate voter registration records in violation of NVRA and Maryland code, ECF 16 ¶¶ 24–62, (2) erroneous votes cast in the 2020 and 2022 general elections that exceed the permissible error rates set out in HAVA and Maryland code, *id.* ¶¶ 63–83, (3) the failure to review source code underlying voter machines in violation of HAVA’s certification requirements and Maryland

regulations, *id.* ¶¶ 84–99, (4) the use of modems that compromise the security of voting machines in violation of HAVA and Maryland code, *id.* ¶¶ 100–128, and (5) the failure to provide voters an opportunity to correct blank ballots, undervotes, and overvotes in violation of HAVA, *id.* ¶¶ 156–184. In addition to these election-related allegations, Plaintiffs allege that Defendant refused to provide audit logs and configuration reports in violation of Maryland’s Public Information Act, MD. CODE ANN., GEN PROVIS. § 4-103. ECF 16 ¶¶ 129–155.

Regarding the fifth claim pertaining to blank ballots, Plaintiffs allege that “a high number of blank ballots were cast in Baltimore County, creating the fear and threatened injury that [Kate Sullivan’s] ballot was cast blank without notice to her.” *Id.* ¶ 168. Regarding the last claim pertaining to public records, Plaintiffs allege that requests for audio logs and configuration reports “were made,” but that the documents were “not produced.” *Id.* ¶¶ 126, 147, 178, 183.

On April 15, 2024, Plaintiffs filed a motion for a temporary restraining order and preliminary injunction, largely reflecting the allegations in their Amended Complaint and accompanied by dozens of exhibits. ECF 20. Defendant filed a motion to dismiss the Amended Complaint on April 22, ECF 24, and the Brennan Center for Justice at New York University School of Law (“Brennan Center”) filed a motion for leave to file a brief as *amicus curiae* in support of Defendant’s motion to dismiss on April 25, ECF 28.²

II. LEGAL STANDARD

When a Rule 12(b)(1) motion contests the factual basis for subject matter jurisdiction, the burden of proving subject matter jurisdiction rests with the plaintiff. *Richmond, Fredericksburg & Potomac R.R. Co. v. United States*, 945 F.2d 765, 768 (4th Cir. 1991). A challenge to jurisdiction

² This Court denies the motion for leave because it does not provide information relevant to the issue of standing, on which this Court bases its ruling.

may be either facial, *i.e.*, the complaint fails to allege facts upon which subject matter jurisdiction can be based, or factual, *i.e.*, jurisdictional allegations of the complaint are not true. *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982); *Kerns v. United States*, 585 F.3d 187, 192 (4th Cir. 2009); *Richmond*, 945 F.2d at 768. In determining whether jurisdiction exists, the district court regards the pleadings’ allegations as mere evidence and may consider evidence outside the pleadings without converting the proceeding to one for summary judgment. *Richmond*, 945 F.2d at 768.

Where a plaintiff lacks standing to pursue a claim, the court lacks subject matter jurisdiction. *House v. Mitra QSR KNE LLC*, 796 F. App’x 783, 786 (4th Cir. 2019) (“If a party does not have standing, then there is no federal jurisdiction, and ‘the only function remaining to the court is that of announcing the fact and dismissing the cause.’” (quoting *Ex parte McCardle*, 74 U.S. 506, 514 (1868))). Standing requires a plaintiff to possess “a legally cognizable interest, or ‘personal stake’ in the outcome of the action.” *Genesis Healthcare Corp. v. Symczyk*, 569 U.S. 66, 71 (2013) (quoting *Camreta v. Greene*, 563 U.S. 692, 701 (2011)).

III. DISCUSSION

Despite Plaintiffs’ numerous assertions of problems with Maryland’s voting system, this Court can begin and end its analysis with Plaintiffs’ standing. “To ensure that the Federal Judiciary respects the proper—and properly limited—role of the courts in a democratic society, a plaintiff may not invoke federal-court jurisdiction unless he can show a personal stake in the outcome of the controversy.” *Gill v. Whitford*, 585 U.S. 48, 65 (2018) (internal citations and quotation marks omitted). “A federal court is not a forum for generalized grievances, and the requirement of such a personal stake ensures that courts exercise power that is judicial in nature.” *Id.* (internal citations and quotation marks omitted).

Article III of the U.S. Constitution limits the jurisdiction of federal courts to “Cases” and “Controversies.” U.S. CONST. art. III, § 2. “One element of the case-or-controversy requirement is that plaintiffs must establish that they have standing to sue.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 408 (2013) (internal citations and quotation marks omitted). To invoke federal jurisdiction, a plaintiff must establish the three “irreducible” minimum requirements of Article III standing: (1) injury-in-fact, (2) causation, and (3) redressability. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992). “To establish injury in fact, a plaintiff must show that he or she suffered ‘an invasion of a legally protected interest’ that is ‘concrete and particularized’ and ‘actual or imminent, not conjectural or hypothetical.’” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016) (quoting *Lujan*, 504 U.S. at 560).

The Amended Complaint names two companies as Plaintiffs: United Sovereign Americans and Maryland Election Integrity. ECF 16 ¶¶ 1–2. Such organizational plaintiffs can satisfy the standing requirements either in their own right to seek judicial relief for injury to themselves, or as representatives of their members who have been harmed. *S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 182 (4th Cir. 2013).

Plaintiffs lack standing to seek relief for injuries to themselves. An organization “may suffer an injury [in its own right] when a defendant’s actions impede its efforts to carry out its mission.” *Lane v. Holder*, 703 F.3d 668, 674 (4th Cir. 2012) (citing *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982)). However, an organization “that seek[s] to do no more than vindicate [its] own value preferences through the judicial process” cannot establish standing. *People for Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 843 F. App’x 493, 495 (4th Cir. 2021) (quoting *Sierra Club v. Morton*, 405 U.S. 727, 740 (1972)). Here, Maryland Election Integrity was “created for the purpose of resolving violations of Maryland

law and restoring trust in Maryland Elections.” ECF 16 ¶ 49. Although the company’s mission might theoretically be impeded by the alleged voting violations, the company does not appear to conduct any regular activities for achieving that mission besides bringing the instant lawsuit and conducting investigations to support the lawsuit. Therefore, the alleged harm is “simply a setback to the organization’s abstract social interests” rather than a “concrete and demonstrable injury to the organization’s activities.” *Havens Realty*, 455 U.S. at 379. United Sovereign Americans similarly lacks standing in its own right because it “is not seeking a distinct form of relief” from the relief sought by Maryland Election Integrity. ECF 16 ¶ 13.

Plaintiffs also lack standing as representatives of their members. To maintain such standing, they must show that the “members would otherwise have standing to sue in their own right.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 199 (2023). But United Sovereign Americans does not purport to represent any individual members. *See* ECF 16 ¶ 2. Maryland Election Integrity, on the other hand, consists of members who are registered voters in Maryland, including Kate Sullivan. *Id.* ¶¶ 9–10. Plaintiffs allege that the Defendant’s actions have “resulted in dilution of [those members’] votes and . . . concrete harm to [their] rights to vote.” *Id.* ¶¶ 46, 197. But for election law cases, the Supreme Court has “long recognized that a person’s right to vote is individual and personal in nature.” *Gill*, 585 U.S. at 65 (internal citations and quotation marks omitted). Thus, “voters who allege facts showing disadvantage to themselves as individuals have standing to sue to remedy that disadvantage.” *Id.* at 65–66 (internal citations and quotation marks omitted). Here, Plaintiffs have not shown disadvantage to members of Maryland Election Integrity as individuals because the Amended Complaint lacks any information about whether Kate Sullivan or other members actually voted in

any Maryland election, much less how Defendant's actions helped defeat their supported candidates or causes.

To the extent that Plaintiffs are simply alleging that Defendant did not act in accordance with the law in administering the elections, any injury from those actions would accrue to every citizen and would not be particularized to members of Maryland Election Integrity. “[A]n asserted right to have the Government act in accordance with law is not sufficient, standing alone, to confer jurisdiction on a federal court.” *Whitmore v. Arkansas*, 495 U.S. 149, 160 (1990) (quoting *Allen v. Wright*, 468 U.S. 737, 754 (1984)); see also *United States v. Hays*, 515 U.S. 737, 743 (1995) (“[W]e have repeatedly refused to recognize a generalized grievance against allegedly illegal governmental conduct as sufficient for standing to invoke the federal judicial power.”). In short, Plaintiffs allege no concrete or particularized injury to members of Maryland Election Integrity but simply generalized grievances applicable to the community as a whole. Courts routinely find such grievances insufficient to demonstrate standing to sue. See *Moore v. Circosta*, 494 F. Supp. 3d 289, 312 (M.D.N.C. 2020) (“[T]he notion that a single person’s vote will be less valuable as a result of unlawful or invalid ballots being cast is not a concrete and particularized injury in fact necessary for Article III standing.”); *Iowa Voter All. v. Black Hawk Cnty.*, 515 F. Supp. 3d 980, 991 (N.D. Iowa 2021) (“Because plaintiffs cannot show how the counties’ alleged violations compromised the integrity of the election such that they were injured in a personal and individual way, their injury is undifferentiated from the injury to any other citizen.”); see also *O’Rourke v. Dominion Voting Sys. Inc.*, No. 20-CV-03747, 2021 WL 1662742, at *6–8 (D. Colo. Apr. 28, 2021) (collecting cases dismissing allegations of election fraud for failure to show standing), *aff’d*, No. 21-1161, 2022 WL 1699425 (10th Cir. May 27, 2022), *cert. denied sub nom. O’Rourke v. Dominion Voting Sys.*, No. 22-305, 2022 WL 17408191 (U.S. Dec. 5, 2022).

In addition to alleging standing based on a vote dilution theory, Plaintiffs allege that Kate Sullivan has standing to raise the issue that “a high number of blank ballots were cast in Baltimore County, creating the fear and threatened injury that her ballot was cast blank without notice to her.” ECF 16 ¶ 168. But such “threatened injury must be certainly impending to constitute injury in fact.” *Beck v. McDonald*, 848 F.3d 262, 272 (4th Cir. 2017) (quoting *Clapper*, 568 U.S. at 410). Here, the mere hypothetical possibility of a past, speculative injury does not give rise to a certainly impending injury.

Finally, Plaintiffs allege that requests for configuration reports and audit logs “were made” under Maryland’s Public Information Act. ECF 16 ¶¶ 126, 147, 178, 183. But it is not clear whether Kate Sullivan or any member of Maryland Election Integrity made the requests. Such information is needed to show a redressable injury in fact because the Public Information Act only provides a cause of action to a person who is “denied inspection of a public record” MD. CODE ANN., GEN. PROVIS. § 4-362.

In sum, Plaintiffs lack standing to bring their claims and this Court therefore lacks subject matter jurisdiction. Plaintiffs’ claims are dismissed without prejudice. *See S. Walk*, 713 F.3d at 185 (“[A] court that lacks jurisdiction has no power to . . . dispose of a claim on the merits”).

IV. CONCLUSION

For the reasons stated above, Defendant’s Motion to Dismiss, ECF 24, will be granted. Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction, ECF 20, will be

denied as moot.³ The Brennan Center’s Motion for Leave, ECF 28, will also be denied. The case will be closed. A separate Order follows.

Dated: May 8, 2024

/s/
Stephanie A. Gallagher
United States District Judge

³ Even if Plaintiffs had standing, this Court would deny their motion for a temporary restraining order and preliminary injunction as barred by laches. “Laches is an equitable doctrine that can be raised by a defendant as an affirmative defense to a claim, and requires that the defendant show (1) lack of diligence by the party against whom the defense is asserted, and (2) prejudice to the party asserting the defense.” *Am. S.S. Owners Mut. Prot. & Indem. Ass’n v. Dann Ocean Towing, Inc.*, 756 F.3d 314, 318 (4th Cir. 2014) (internal citations and quotation marks omitted). First, Plaintiffs have lacked diligence and have delayed unreasonably in filing suit. Plaintiffs’ claims stem from their canvassing of voters and analysis of Maryland’s voter registration database regarding the 2020 and 2022 general elections. But they did not canvass voters until September, 2023 to November, 2023, ECF 20-19 ¶ 34, and they obtained snapshots of the database from August, 2021 to July, 2023, ECF 20-8 at 3. Further, Plaintiffs did not bring suit until March, 2024. ECF 1. Second, this lack of diligence would result in prejudice and significant disruption to Defendant’s planning and implementation of the primary elections if injunctive relief were granted. Mail-in ballots have already been printed and processed. ECF 25-1 ¶¶ 7–10. Early voting is almost concluded, and the primary election is in less than one week.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARYLAND ELECTION INTEGRITY,
LLC, et al.,

Plaintiffs,

v.

MARYLAND STATE BOARD OF
ELECTIONS,

Defendant.

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Civil Case No.: SAG-24-00672

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ORDER

For the reasons set forth in the accompanying Memorandum Opinion, it is this 8th day of May, 2024, ORDERED that:

- (1) Defendant’s Motion to Dismiss, ECF 24, is GRANTED without prejudice;
- (2) Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction, ECF 20, is DENIED as moot;
- (3) The Brennan Center for Justice at New York University School of Law’s Motion for Leave to File a Brief as *Amicus Curiae*, ECF 28, is DENIED; and
- (4) The Clerk is directed to CLOSE this case.

/s/
Stephanie A. Gallagher
United States District Judge



Dismissal of Maryland Election Integrity Lawsuit

F Steve Brown <FSteveBrown@protonmail.com>

Sun 5/12/2024 3:15 PM

To: Kathryn Nemirovsky <zenithacupuncture@gmail.com>; Sonya Razzak <sonyarazzak@icloud.com>; Susan Campbell <ephes320@verizon.net>; DIANE BUTLER <politicodiane@msn.com>; TJ Massey, <tijekun23@gmail.com>; Andre Gao, <AndreGao@yahoo.com>; Mary Schmidt <mkj1010@hotmail.com>; Ray Sterner, <Zip21797@yahoo.com>

 2 attachments (383 KB)

2024-05-08_Judicial Denial.pdf; 2024-05-08_Judicial Opinion.pdf;

The way ahead is under consideration and an appeal is likely to be filed...

Steve

c: 410-200-5766

Sent with [Proton Mail](#) secure email.

Re: Sample Ballots being voted and deposited in Drop Boxes

DIANE BUTLER <politicodiane@msn.com>

Sun 5/5/2024 1:46 PM

To: Susan Mcconkey <susandil@aol.com>

I wonder how they are canvassing on an early voting day? Interesting.

From: Susan Mcconkey <susandil@aol.com>**Sent:** Sunday, May 5, 2024 1:01 PM**To:** Diane Butler <politicodiane@msn.com>; David Morsberger <dave@morsberger.com>**Cc:** Nicolee Ambrose <nicolee@nicoleeambrose.com>; Alex Pacheco <aspacheco25@gmail.com>; Kate Sullivan <kate@sullyland.com>; Jim Shalleck <jimshalleck@hotmail.com>**Subject:** Re: Sample Ballots being voted and deposited in Drop Boxes

Anne Arundel is canvassing on the 7th, others may be. I asked Jason if they have received any sample ballots, he certainly has said anything about that being an issue.

On Sunday, May 5, 2024 at 12:33:55 PM EDT, David Morsberger <dave@morsberger.com> wrote:

Just because they cannot doesn't mean they will not try.

On May 5, 2024, at 12:29 PM, DIANE BUTLER <politicodiane@msn.com> wrote:

I am working on an answer to this. It was also discussed briefly at our last meeting, and I am looking at my notes. Sample ballots are not ballots and cannot be counted. The LBE will try and notify the voter to let them know that they have not actually voted.

The LBE's do not have time to do any more early canvasses as all of the staff is being used to facilitate early voting and voting day.

Diane

From: David Morsberger <dave@morsberger.com>**Sent:** Sunday, May 5, 2024 9:15 AM**To:** Susan McConkey <susandil@aol.com>**Cc:** Nicolee Ambrose <nicolee@nicoleeambrose.com>; Alex Pacheco <aspacheco25@gmail.com>; Kate Sullivan <kate@sullyland.com>; Diane Butler <politicodiane@msn.com>; Jim Shalleck <jimshalleck@hotmail.com>**Subject:** Re: Sample Ballots being voted and deposited in Drop Boxes

That is the action Bianca has. I will reiterate the importance to her.

On May 5, 2024, at 8:52 AM, Susan Mcconkey <susandil@aol.com> wrote:

Doesn't look like Baltimore City canvasses any more Mail-In Ballots until after the Election. State Board's next meeting is Election Day, does Diane just have the ability to add this to the agenda?

David - can you find out from Bianca what the City Board decided while canvassing on the first day?

I'll share as soon as I hear from the local Board members Terry and Maria.

Thanks all,
Susan

On Sunday, May 5, 2024 at 02:07:35 AM EDT, Nicolee Ambrose <nicolee@nicoleeambrose.com> wrote:

FYI that this needs to be clearly decided by the BOE and should not be able to count.

There have been years where people would submit Trone's sample campaign mailer ballots as actual ballots, and Frederick County BOE would seemingly pass a number of them through. If Trone ends up on the ballot statewide, we have to expect them to use this technique statewide.

From: David Morsberger <dave@morsberger.com>**Sent:** Saturday, May 4, 2024 4:36 PM**To:** Susan Mcconkey <susandil@aol.com>**Cc:** Nicolee Ambrose <nicolee@nicoleeambrose.com>; Kate Strauch Sullivan <kate@sullyland.com>; DIANE BUTLER <politicodiane@msn.com>**Subject:** Re: Sample Ballots being voted and deposited in Drop Boxes

7/2/24, 2:33 PM

Mail - DIANE BUTLER - Outlook

Bianca in Baltimore City reported that she saw that during canvassing. I requested she go to website. She is the one who said City wasn't an option.

I also asked he to find out how they processed/adjudicated the sample ballots. They cannot claim intent and mark an official. I am in no way implying or insinuating they are doing that.

Sent from my iPhone

On May 4, 2024, at 15:52, Susan Mcconkey <susandil@aol.com> wrote:

Just FYI but wanted to let you know in case you see the same news story

----- Forwarded Message -----

From: Susan Mcconkey <susandil@aol.com>

To: marivismale37@gmail.com <marivismale37@gmail.com>; tthrweatt@smcm.edu <tthrweatt@smcm.edu>

Cc: Alex Pacheco <aspacheco25@gmail.com>; Tom Kennedy <tjkenn@aol.com>

Sent: Saturday, May 4, 2024 at 03:44:13 PM EDT

Subject: Sample Ballots being voted and deposited in Drop Boxes

Maria & Terry,

My name is Susan McConkey and I am working the Election Hotline for the Maryland Republican Party.

The news story carried by Fox 45 this morning was brought to our attention about voters voting their sample ballots and placing them in the drop boxes.

The news story was unclear how big an issue this is. Are the voters that have voted using their sample ballot being contacted? Will the deposit of the sample ballot impact a voter if they later turn in their mail-in ballot or go to vote in person?

Thanks so much for your time,

Susan McConkey

MDGOP Election Integrity Committee

[SUBMIT A REPORT – MARYLAND I PROTECT THE VOTE](#)

410-210-4450

Friendly Reminder...Join our National Watch Party!

Robyn Sachs <rsachs@rmr.com>

Wed 5/15/2024 1:18 PM

To:politicodiane@msncom <politicodiane@msncom>

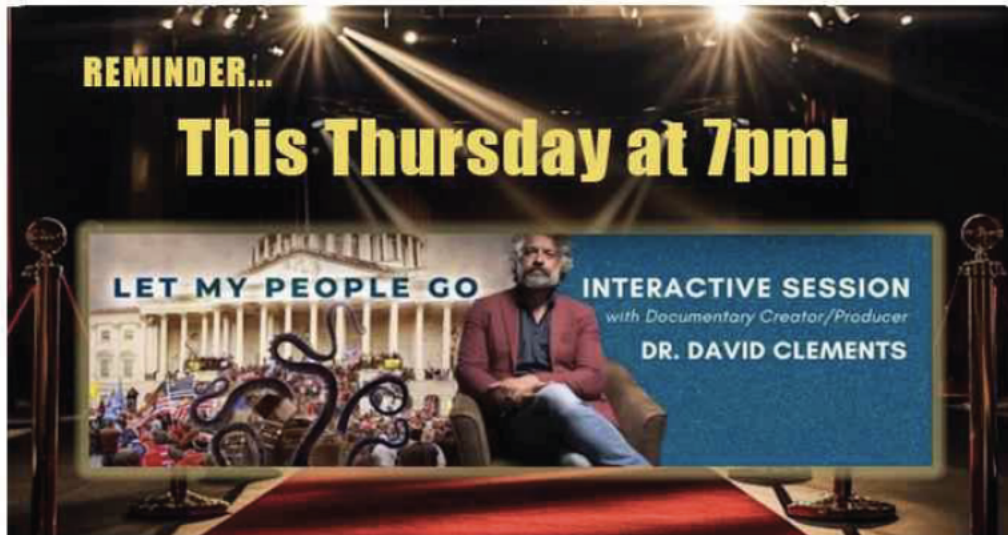


Dear Diane,

Friendly Reminder...
Join our National Watch Party this
Thursday May 16th for
“Let My People Go” at 7pm via Rumble
followed by a lively discussion on
X Space at 9:15pm.

Please join us at 7pm for this not-to-miss **FREE** event!
–Best, Robyn, Kate and Tony

**A WATCH PARTY FEATURING
LET MY PEOPLE GO W/ DR. DAVID CLEMENTS**
Watch Movie at 7pm then live Q&A with David at 9:15pm!



Hosted on X by the Patriot Club of America

Event: The David Clements Film

When: Thursday, May 16th

Watch Time: 7pm watch the movie at home on **Rumble:**

<https://rumble.com/v4h66w3-official-let-my-people-go-full-length-documentary.html>

then join us on

X Space: at 9:15 EDT on

<https://twitter.com/i/spaces/1dRKZEmQomwxB> for a lively Q&A with David Clements.

Note: Please note you will need an X account to join the X Space.

Please get this at the App Store.



mdvoter.org





Join our Private Group on Facebook



About Maryland Voter Integrity Group

The Maryland Voter Integrity Group is committed to stamping out fraud and inaccuracies in Maryland's voter rolls to preserve voter confidence and free, fair, and transparent elections. For more information, please visit the organization's [Facebook page](#).

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 301-230-0045 x200



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Sent by rsachs@rmr.com powered by




Try email marketing for free today!

First Only Citizens Vote Coalition Meeting this Thursday at 11am!


Robyn Sachs <rsachs@rmr.com>

Tue 5/14/2024 2:46 PM

To: politicodiane@msncom <politicodiane@msncom>



Maryland Voter Integrity Group



**ELECTION
INTEGRITY NETWORK**

Dear Diane,

The threat of non-citizens both registering to vote, and potentially voting in 2024, is of great concern to the entire election integrity movement.

To address this growing problem, EIN has launched the new **Only Citizens Vote National Working Group**, and your participation is requested.

[The link to register and join the call is HERE.](#) Starting this Thursday, May 16th we will meet every **Thursday at 11 am EASTERN.**

Agenda for first "OCV" National Working Group call:

Kerri Toloczko, moderator, EIN Executive Director: An introduction of OCV activity

Cleta Mitchell, Founder, Election Integrity Network: An overview of the dangers and realities of non-citizen voting in our elections.

Kathy Harms, Chair, Tennessee Fair Elections Coalition
Navigating the DMV to identify non-citizens.

Non-citizen voting may be one of the biggest threats to election integrity we face this November!

We hope you will join us - (and please share this invitation with your colleagues!) - for our first Only Citizens Vote Coalition National Working Group, **Thursday, May 16th at 11 AM EASTERN.**

Thank You,

Kerri
Kerri (Houston) Toloczko

Executive Director | Election Integrity Network

Senior Fellow in Election Integrity | Virginia Institute for Public Policy

P.O. Box 76, Lexington, Virginia 24450
540.245.1776

www.WhosCounting.US
www.VirginiaInstitute.org

Kerri@ElectionIntegrity.Network

Election integrity: This is the hill to die on
“In a time of deceit, telling the truth is a revolutionary act.”
– George Orwell.

Virginia Institute for Public Policy · VA 24450, United States

mdvoter.org



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Only Citizens Vote Coalition Press Release

Robyn Sachs <rsachs@rmr.com>

Fri 5/10/2024 11:17 AM

To:politicodiane@msncom <politicodiane@msncom>

**Maryland Voter Integrity Group**

Dear Diane,

I didn't want you to miss this Press Release on the
Only Citizens Vote Coalition.

Best regards, Robyn
Maryland Voter Integrity Group

For Release – Wednesday, May 8 2024
Contact: Maryland Voter Integrity Group

Maryland Voter Integrity Group
JOINS ONLY CITIZENS VOTES COALITION and
CALLS ON CONGRESS TO ENACT THE
SAFEGUARDING AMERICAN VOTER ELIGIBILITY (SAVE) ACT

Maryland Voter Integrity Group announced today that it is joining forces with dozens of national, state and local organizations to work together to stop noncitizen voting in the 2024 elections.

The Maryland Voter Integrity Group is proud to be a Founding Member of the Only Citizens Vote Coalition, the mission of which is dedicated to the principle that only United States citizens should be allowed to vote in any American election and that proof of United States citizenship must be required to register to vote,” said Maryland Voter Integrity Group. “We will work with other leaders, activists, and public officials to educate our fellow citizens of citizen-only voting and to secure enactment and administration of laws and practices at all levels of government to prevent noncitizen registration and voting.”

“To that end, we urge Congress to enact the SAVE Act, to protect our 2024 elections from any noncitizen votes,” Maryland

Voter Integrity Group added.

Rep. Chip Roy (R-TX) is principal sponsor of the SAVE Act in the House and stated as follows: "Secure elections are a key cornerstone for any representative government; without them, we won't have a country. Radical progressive Democrats know this and are using open border policies while also attacking election integrity laws to fundamentally remake America. That's why I am proud to introduce the SAVE Act with Speaker Johnson and my Republican colleagues, along with the invaluable support of citizens and organizations that recognize we must end the practice of non-citizens voting in our elections."

Sen. Mike Lee (R-UT) announced that he will introduce a companion to the SAVE Act in the US Senate. "Voting is both a sacred right and responsibility of American citizenship, and allowing the people of other nations access to our elections is a grave blow to our security and self-governance."

Go to www.onlycitizensvotecoalition.com for more information about the Only Citizens Vote Coalition and the SAVE Act, and to sign the national petition in support of the principle that only citizens should vote in any US election: local, state, and federal.

mdvoter.org



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Try email marketing for free today!

Join our National Watch Party!

Robyn Sachs <rsachs@rmr.com>

Wed 5/8/2024 3:03 PM

To:politicodiane@msncom <politicodiane@msncom>



Maryland Voter Integrity Group

Dear Diane,

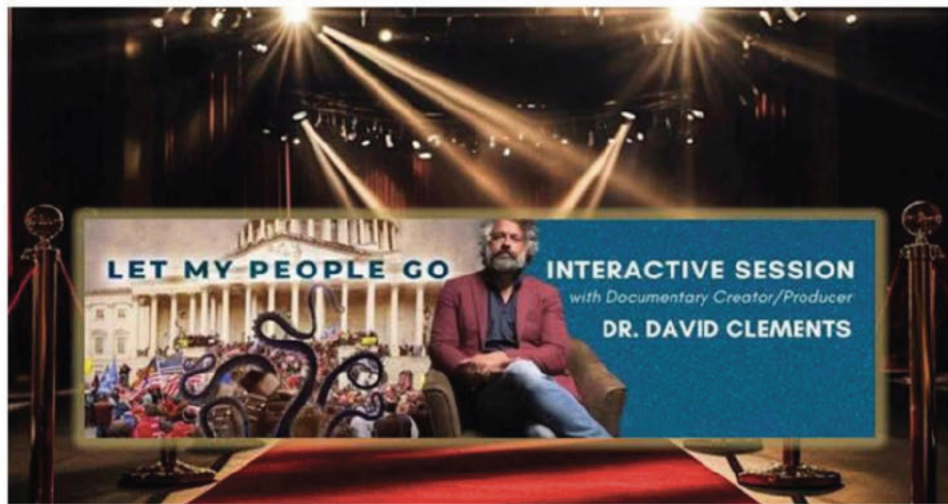
**We are trying something new!
Join our National Watch Party on
Thursday May 16th for
“Let My People Go” at 7pm via Rumble
followed by a lively discussion on
X Space at 9:15pm.**

Please join us for this not-to-miss **FREE** event!

–Best, Robyn, Kate and Tony



A WATCH PARTY FEATURING
LET MY PEOPLE GO W/ DR. DAVID CLEMENTS
Watch Movie at 7pm then live Q&A with David at 9:15pm!



 Hosted on X by the Patriot Club of America

Event: The David Clements Film

When: Thursday, May 16th

Watch Time: 7pm watch the movie at home on **Rumble:**

<https://rumble.com/v4h66w3-official-let-my-people-go-full-length-documentary.html>

then join us on

X Space: at 9:15 EDT on

<https://twitter.com/i/spaces/1dRKZEmQomwxB> for a lively Q&A

with David Clements.

Note: Please note you will need an X account to join the X Space.

Please get this at the App Store.



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Try email marketing for free today!

See you Thursday for the Debate Party!

Robyn Sachs <rsachs@rmr.com>

Wed 6/26/2024 11:57 AM

To:politicodiane@msn.com <politicodiane@msn.com>



Maryland Voter Integrity Group



Montgomery County Conservatives Presents...
Join us for a Debate Party!



See
YOU
This Thursday

Dear Diane,

This Thursday, June 27
8:00pm–10:30pm
Clarksburg Tavern

Do not miss this event. We will have great food and drink and watch a great man fight for our country! Join us to cheer him on! Open to all, bring your friends.

To get a head count, please RSVP to:



chrishekimian@cs.com

Hosted by Chris Hekimian. Plenty of FREE parking!
Tavern Directions at:

<https://www.google.com/maps/dir//23315+Frederick+Rd,+Clarksburg,+MD+20871/@39.2386109,-77.3610265,12z/data=!4m8!4m7!1m0!1m5!1m1!1sox89b62b15ba057037:ox9489f40a852d19c6!2m2!1d-77.2786407!2d39.2386376?entry=ttu>

*Let's make some noise for our candidate!
Hope to see you on the 27th!*

mdvoter.org



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Reminder Email: Voter Rolls National Working Group Meeting, Wednesday, June 26th at 4 PM EST

Bryson Davis <bryson@electionintegrity.network>

via em2.nationsend15.com

Tue 6/25/2024 5:30 PM

To: Diane Butler <politicodiane@msn.com>



Good evening,

Here is the Zoom link to the Voter Rolls National Working Group Meeting, on Wednesday, May 1st, 2024 at 4 PM EST: [REDACTED]

Tomorrow we will have the opportunity to have Harry Haury with United Sovereign Americans will join us for a Q&A on his experience from the drafting of HAVA to the current efforts in a number of states regarding ineligible persons on the voter rolls.

We invite you to read the article below in preparation for tomorrow's meeting for context and questions: [America First Legal Sends All 50 States a Plan for How to Use Existing Federal Law to Prevent Foreign Nationals from Illegally Voting in American Elections - America First Legal \(aflegal.org\)](#)

BRYSON DAVIS

Coalitions Coordinator

Virginia Institute for Public Policy

P.O. Box 76, Lexington, VA 24450

540.245.1776 office | 971.291.8202 cell

BDavis@VirginiaInstitute.org | www.VirginiaInstitute.org

7/1/24, 1:56 PM

Mail - DIANE BUTLER - Outlook

Virginia Institute for Public Policy · VA 24450, United States
This email was sent to politicodiane@msn.com · [Unsubscribe](#)


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Check out this week's EIN meetings


Robyn Sachs <rsachs@rmr.com>

Tue 6/25/2024 11:48 AM

To:politicodiane@msncom <politicodiane@msncom>



Maryland Voter Integrity Group



ELECTION
INTEGRITY NETWORK

Dear Diane,

It's here! The full **EIN [National Working Group Calendar](#)** for June 2024 has been posted!

Tuesday 6/25 | Citizens Research Project - 6 PM ET

Wednesday 6/26 | Legislation - 2 PM ET
Voter Rolls - 4 PM ET

Thursday 6/27 | Only Citizens Vote - 11 AM ET
Election Technology - 4 PM ET
Stop Ranked - Choice Voting- 7 PM ET

The full month of scheduled meetings are found **[HERE](#)**, and if you click on the meeting from the calendar, it will bring you to the registration page. You can register now for any meeting you may want to attend during the month.

Please let me know if you have any questions. Hope to see you soon on a National Working Group call!

Thank You,



Kerri (Houston) Toloczko
Executive Director | Election Integrity Network

Senior Fellow in Election Integrity | Virginia Institute for Public Policy

P.O. Box 76, Lexington, Virginia 24450

540.245.1776

www.WhosCounting.US

www.VirginiaInstitute.org

Kerri@ElectionIntegrity.Network

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“In a time of deceit, telling the truth is a revolutionary act.” - George Orwell

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About Maryland Voter Integrity Group

The Maryland Voter Integrity Group is committed to stamping out fraud and inaccuracies in Maryland’s voter rolls to preserve voter confidence and free, fair, and transparent elections. For more information, please visit the organization’s [Facebook page](#).

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Join us for a Debate Watch Party!

Robyn Sachs <rsachs@rmr.com>

Thu 6/20/2024 1155 AM

To:politicodiane@msncom <politicodiane@msncom>



Maryland Voter Integrity Group



Montgomery County Conservatives Presents...
Join us for a Debate Party!



Dear Diane,

Thursday, June 27
8:00pm–10:30pm
Clarksburg Tavern

We are going to have great food and drink and watch a great man fight for our country! Join us to cheer him on! Open to all, bring your friends! To get a head count, please RSVP to: chrishekimian@cs.com



Hosted by Chris Hekimian. Plenty of FREE parking!
Tavern Directions at:

<https://www.google.com/maps/dir//23315+Frederick+Rd,+Clarksburg,+MD+20871/@39.2386109,-77.3610265,12z/data=!4m8!4m7!1m0!1m5!1m1!1sox89b62b15ba057037:ox9489f40a852d19c6!2m2!1d-77.2786407!2d39.2386376?entry=ttu>

**Let's make some noise for our candidate!
Hope to see you on the 27th!**

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Check out this week's EIN meetings

Robyn Sachs <rsachs@rmr.com>

Tue 6/18/2024 11:08 AM

To: politicodiane@msncom <politicodiane@msncom>



Dear Diane,

It's here! The full **EIN [National Working Group Calendar](#)** for June 2024 has been posted!

Tuesday 6/18 | Vote-By-Mail/USPS - 4 PM ET
Citizens Research Project - 6 PM ET

Wednesday 6/19 | Legislation - 2 PM ET
Voter Rolls - 4 PM ET

Thursday 6/20 | Only Citizens Vote - 11 AM ET
Election Audits - 4 PM ET
Introduction to Elections Integrity Coalitions
& Infrastructure - 7 PM ET

The full month of scheduled meetings are found [HERE](#), and if you click on the meeting from the calendar, it will bring you to the registration page. You can register now for any meeting you may want to attend during the month.

Please let me know if you have any questions. Hope to see you soon on a National Working Group call!



Thank You,
Kerri (Houston) Toloczko
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Senior Fellow in Election Integrity | Virginia Institute for
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P.O. Box 76, Lexington, Virginia 24450
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7/1/24, 2:45 PM

Mail - DIANE BUTLER - Outlook




Check out this week's EIN meetings


Robyn Sachs <rsachs@rmr.com>

Tue 6/11/2024 10:08 AM

To:politicodiane@msncom <politicodiane@msncom>



Maryland Voter Integrity Group



ELECTION
INTEGRITY NETWORK

Dear Diane,

It's here! The full **EIN [National Working Group Calendar](#)** for June 2024 has been posted!

Tuesday 6/11 | Vulnerable Voters - 4 PM ET
Citizens Research Project - 6 PM ET

Wednesday 6/12 | Legislation - 2 PM ET
Voter Rolls - 4 PM ET

Thursday 6/13 | Only Citizens Vote - 11 AM ET
Election Technology - 4 PM ET
Stop Ranked-Choice Voting - 7 PM ET

Monday 6/17 | Building Local Task Forces - 5 PM ET

The full month of scheduled meetings are found [HERE](#), and if you click on the meeting from the calendar, it will bring you to the registration page. You can register now for any meeting you may want to attend during the month.

Please let me know if you have any questions. Hope to see you soon on a National Working Group call!



Thank You,
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National Working Groups Weekly June Schedule

Robyn Sachs <rsachs@rmr.com>

Tue 6/4/2024 1:04 PM

To: politicodiane@msncom <politicodiane@msncom>

Dear Diane,

It's here! The full **EIN [National Working Group Calendar](#)** for June 2024 has been posted!

National Working Groups include: Only Citizens Vote, Building Local Task Forces, Vote by Mail/USPS, Citizens Research Project, Legislation, Voter Rolls, Vulnerable Voters, Election Technology, Election Audits, STOP Ranked-Choice Voting.

Training includes: Media and Messaging, Introduction to Election Coalitions and Infrastructure.

The full month of scheduled meetings are found **[HERE](#)**, and if you click on the meeting from the calendar, it will bring you to the registration page. You can register now for any meeting you may want to attend during the month.

Please let me know if you have any questions, and we will look forward to seeing you soon on a National Working Group call or EIN training.

Thank You,



Kerri (Houston) Toloczko
Executive Director | Election Integrity Network

Senior Fellow in Election Integrity | Virginia Institute for Public Policy

P.O. Box 76, Lexington, Virginia 24450

540.245.1776

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Reminder: Voter Rolls National Working Group Meeting, Wednesday, May 22nd at 4 PM EST

Bryson Davis <bryson@electionintegrity.network>
via nationsend2.com

Tue 5/21/2024 5:05 PM

To: Diane Butler <politicodiane@msn.com>



Good evening,

Here is the Zoom link to the Voter Rolls National Working Group Meeting, on Wednesday, May 1st, 2024 at 4 PM EST: <https://virginia institute-org.zoom.us/meeting/register/tZUkde6qqDoqG92187qsXDkSdTVaju3PaGz3>

Marly Hornik, CEO of United Sovereign Americans will provide an update and then open the floor for questions.

United Sovereign Americas is a non-partisan organization comprised of thousands of grassroots citizen volunteers across the United States working to ensure a path to Legally-Valid elections that are fair, accurate, and trustworthy.

Our teams have measured the effect of millions of instances of apparent election fraud -as defined by the US Department of Justice - on the 2022 midterm elections.

We have put it all together into a comprehensive and easy to understand framework that shows that our voting system is broken, and that the intent of qualified citizen voters has been drowned out by error.

Through our education litigation strategy, we aim to fix it for all Americans. Their website is Unite4freedom.com.

--

BRYSON DAVIS

Coalitions Coordinator

Virginia Institute for Public Policy

P.O. Box 76, Lexington, VA 24450

540.245.1776 office | 971.291.8202 cell

BDavis@VirginiaInstitute.org | www.VirginiaInstitute.org

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National Working Groups Weekly Schedule


Robyn Sachs <rsachs@rmr.com>

Tue 5/21/2024 10:20 AM

To:politicodiane@msncom <politicodiane@msncom>



Maryland Voter Integrity Group



ELECTION
INTEGRITY NETWORK

Dear Diane,

Below is the schedule for National Working Groups from Tuesday, May 20 through Thursday, May 23.

A link to the full **National Working Group Calendar for May** is [HERE](#).


Note: the times of all meetings are noted in Eastern time.

The schedule for this week is:

Tuesday 5/21 | **Vote by Mail/USPS - 4 PM ET**
Citizens Research Project - 6 PM ET

Wednesday 5/22 | **Legislation - 2 PM ET**
Voter Rolls - 4 PM ET

Thursday 5/23 | ***NEW Only Citizens Vote - 11 AM ET**
Election Technology - 4 PM ET
STOP Ranked Choice Voting - 7 PM ET



Click on the [monthly NWG Calendar](#) to register and join any meeting.

Hope to see you on a National Working Group call soon!

Thank you,
Tharseo, Kerri

mdvoter.org



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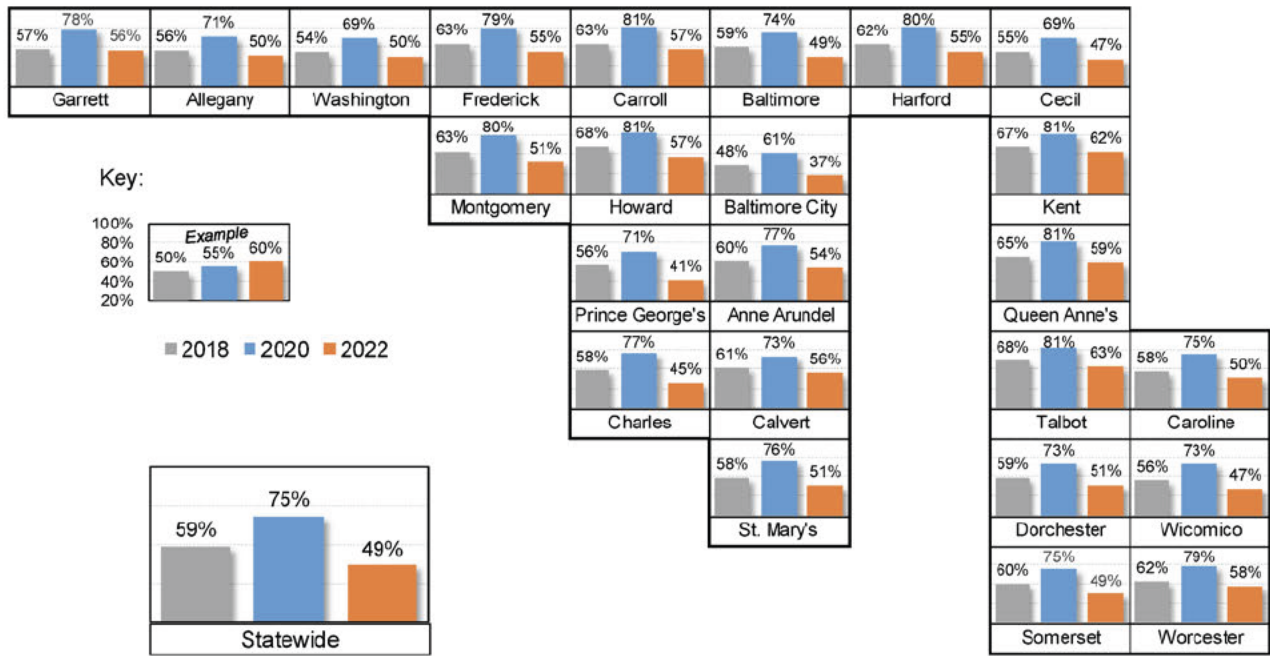
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General Election Voter Turnout (as a % of Registered Voters) 2018, 2020, 2022



Prepared by: Maryland Department of Legislative Services
Source: Maryland State Board of Elections

Contact: Darragh Moriarty (410-946-5350)
Updated: January 2023

From: Susan Mcconkey <susandil@aol.com>
Sent: Monday, March 20, 2023 1:39 AM
To: William Voelp; David Morsberger
Subject: AAGOP communications with Bill

Bill,

Have you never gotten communications from the AAGOP?

In our MailChimp we have the following email addresses?

The screenshot shows the MailChimp interface with the 'Contacts' tab selected. It displays three contact entries for 'Voelp':

Name	Email	Status	Action
Evangelia Voelp	corrinevoelp@yahoo.com	Unsubscribed on Aug 7, 2021, 09:40 PM	View Profile
Brooke Voelp	jakevoelp@gmail.com	Subscribed on Oct 9, 2020, 10:08 AM	View Profile
William Voelp	lemonadewalrus@gmail.com	Subscribed on Oct 9, 2020, 10:08 AM	View Profile

Obviously, I have your email address and I will add you.

Thanks,
Susan

	A	B	C	D	E	F
1	Anne Arundel County Turnout					
2						
3	Gubernatorial					
4			2010	2014	2018	2022
5		General	61.62	51.86	60.02	53.71
6		Primary	29.63	25.22	20.37	29.87
7						
8	Presidential		2008	2012	2016	2020
9		General	79.05	74.88	72.19	76.7
10		Primary	42.6	21.07	44.63	38.72



August 1, 2022

Stephanie Taylor, Director
Harford County Board of Elections
133 Industry Lane
Forest Hill, MD 21050

Re: Freedom of Information Act Request

Dear Ms. Taylor:

This is a request under the Freedom of Information Act.

This request is for information from the General Election held on NOVEMBER 3, 2020

PART 1:

I am requesting a text, comma, or tab delimited file, or a text-based report, listing, in the sequence processed by the county, every ballot, its sequential ID, its timestamp, its method of voting (for example: in-person, mail-in, provisional, absentee, "other", etc. – any and all ballots that were tabulated as part of the 2020 General Election), the specific votes contained for all races, and the batch ID and tabulator ID. Should any fields not be available, please include the fields which are.

To be clear, I am NOT requesting a summary report of votes, I am requesting a per-ballot report. This set of information is sometimes known as a "Cast Vote Record" (CVR), "ballot log", or a "summary of ballots". If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files. I specifically do NOT want any information that identifies a specific voter, and I guarantee and stipulate that this information will not be used for that purpose.

A report of this type would have very likely already been created when Harford County audited their election results. If not, and you are not readily familiar with how to generate this report, you can refer to the instructions outlined in the ES&S Electionware Volume V Results User's Guide. You will find the relevant information begins on page 37. Simply select choices for ALL records. I can provide some screenshots and detailed instructions for EVS version 6.1.1.0. upon request.

PART 2:

I am also requesting the Ballot Manifest Report (also known as the Tabulator Batch Report) for all ballots included the tabulation of the results of the Nov. 3, 2020 general election. This report should include the information that specifies the method by which each ballot was cast. (ie: in-person, by-mail, provisional, absentee, etc.)

I am hopeful that there is someone within the Harford County Board of Elections who will be able to generate the reports I am looking for.

Ideally, I would like to receive the reports via electronic transmission. However, if the data files

MD-SBE-24-0490-A-000253

are too large, and must be copied to a USB drive, I will happily supply the necessary device to make that happen.

I would like to thank you in advance for your assistance with my request.

In order to help to determine my status to assess fees, you should know that I am an individual seeking information on behalf of (personal use) my affiliated organization, We the People of Maryland.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of this agency during the 2020 Presidential General Election and is not primarily for my personal interest.

Thank you for your consideration of this request.

Sincerely,

Dawn Villani
Pylesville, MD
410-916-5001
Dawn410@aol.com

From: William Voelp <bill@voelpfamily.com>
Sent: Monday, October 17, 2022 9:25 AM
To: 'Nikki Charlson -SBE-'
Subject: FW: SBE Penetration Testing

Thanks,
Bill
Bill Voelp
www.voelpfamily.com
LinkedIn Profile
Face Book Profile
bill@voelpfamily.com

CONFIDENTIALITY, PRIVILEGE AND ATTACHMENT STATEMENT:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the specified recipient(s) and may contain confidential or privileged information. If you are not the specified or intended recipient, please notify me by email reply and please delete this email. No waiver of confidentiality or privilege should be inferred from any error in sending. This message is for information only. Any attachment or insertion to this message and any manipulation of that attachment, with or without authorization, shall remain the property of William G. Voelp. Unless otherwise specified, this does not constitute a binding commitment by the sender.

-----Original Message-----

From: morsbergerd <morsbergerd@mac.com>
Sent: Monday, October 17, 2022 9:02 AM
To: William Voelp <bill@voelpfamily.com>
Subject: SBE Penetration Testing

Bill,

I hope you had a great weekend. The weather sure was nice.

I heard that the SBE had Stealth-ISS perform penetration testing on the election equipment in 2020.

Were there any critical findings?

What actions came out of the test?

Is it possible to get a copy of their report?

Has there been any other tests between 2020 and today?

Thanks,
David

From: William Voelp <bill@voelpfamily.com>
Sent: Tuesday, September 12, 2023 6:33 AM
To: Jared DeMarinis -SBE-
Subject: Fwd: Ballot Questions
Attachments: Blank Ballot Questions.pdf; ATT00001.txt

Can you help me on how to this and if numbers are correct?

Blessings

Bill

From: David Morsberger <dave@morsberger.com>
Sent: Monday, September 11, 2023 10:05:45 PM
To: William Voelp <bill@voelpfamily.com>
Subject: Ballot Questions

Bill,

I am hoping you can help me with the questions embedded in the attached. Folks are asking.

Bill,

There has been a lot of discussion on blank ballots. People are asking:

- What they are?
- Why they exist?
- What happens to them?

The discussion is driven by the number of blank ballots that have occurred during the last two General Elections, see figure below.

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

One county when asked about the large number of blank ballots in 2022 said, it was due to voters who only came out to vote on the Marijuana question. That makes sense on the surface; however, a detailed

review of the Cast Vote Records for that county did not show ballot records with only that question answered.

I did some looking around to try and understand and I have a few questions where you may be able to help me communicate out. I do not expect you to know all the answers. I do hope you will ask around for the answers.

Here is what I found on Blank Ballots

Blank Ballot: A ballot that does not contain any votes or has not been properly marked by the voter.

The scanner/tabulator can be configured in one of the following ways for Blank Ballots:

- **Unconditional acceptance:** Accepts and tabulates results for all ballots.
- **Unconditional rejection:** Automatically rejects blank ballots for the voters to review and correct.
- **Query the voter for correction:** The voter before acceptance of their ballot is given an option to review and edit the ballot or accept the ballot.

Blank Ballots are put in a special logical software bin inside the scanner. There is only one physical blue box bin in the scanner.

Questions (I tried to make them very simple to answer):

1. Is my understanding of the system with respect to Blank Ballots correct?
2. Does the state determine configuration or is it up to the counties? I ask because there is a discrepancy between the Blank Ballot counts across the different counties.
3. How are the machines configured? In Unconditional Acceptance, why not configure so that the voter is made aware and has an option to correct?
4. Are the Blank Ballots in the logical software bin adjudicated? If so, by who? How? When?
5. Are the Blank Ballot images available on Clear Ballot? I did not see an option to see the improperly marked Blank Ballots.

The answers to these questions will/may help address some of the concerns people have with Blank Ballots. You know where I stand, it is about restoring confidence in the system.

Thanks,
David

From: William Voelp <bill@voelpfamily.com>
Sent: Sunday, July 10, 2022 1:01 PM
To: Haire, Dirk
Subject: Fwd: PAC Question

I'm at os game but can talk later if you like.. Got this email today.

Blessings,

Bill

From: David Morsberger <dave@morsberger.com>
Sent: Sunday, July 10, 2022, 11:12 AM
To: William Voelp <bill@voelpfamily.com>
Subject: PAC Question

Bill,

I hope all is going well and smooth. I am working my butt off door knocking for my race. So much fun.

There is a lot of dark PAC money in AACO this year. I saw your name on a filing deadline memo/letter.

Quick question on Anne Arundel Forward PAC

<https://campaignfinance.maryland.gov/Public/ShowReview?memberID=8713651%20&memVersID=1%20&cTypeCode=06>

They have to Entity Filing reports listed. They show three expenses for mailers and do not show any income / doners.

How can this be?

David

From: William Voelp <bill@voelpfamily.com>
Sent: Sunday, July 10, 2022 11:38 AM
To: Jared DeMarinis -SBE-
Subject: Fwd: PAC Question

How should I answer this?

Blessings,

Bill

From: David Morsberger <dave@morsberger.com>
Sent: Sunday, July 10, 2022, 11:12 AM
To: William Voelp <bill@voelpfamily.com>
Subject: PAC Question

Bill,

I hope all is going well and smooth. I am working my butt off door knocking for my race. So much fun.

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They have to Entity Filing reports listed. They show three expenses for mailers and do not show any income / donors.

How can this be?

David

From: David Morsberger <dave@morsberger.com>
Sent: Friday, July 15, 2022 6:30 AM
To: David Garreis; jared.demarinis@maryland.gov; William Voelp
Subject: Fwd: Republican Central Committee Sample Ballot

I am submitting a formal complaint against Jason Trott who is currently a member of and candidate for Anne Arundel County Republican Central Committee

The initial complaint:

Mr. Trott used Republican State Leadership Committee, Inc. resources, a 527 group, to send out an email with his authority line. (the From line and the email headers reference annearundel.gov which is a domain owned by Republican State Leadership Committee, Inc.).

I would like at a minimum the relationship and shared resource usage between Jason Trott and the Republican State Leadership Committee, Inc. investigated and each party held accountable if there is a violation of Federal and Maryland election laws.

Please acknowledge receipt and if there is any merit to the complaint.

David Morsberger


P.S. I never received a response to my email below.

Begin forwarded message:

From: David Morsberger <dave@morsberger.com>
Subject: Re: Republican Central Committee Sample Ballot
Date: July 8, 2022 at 2:25:57 PM EDT
To: Anne Arundel Republican Leaders <info@annearundel.gov>, jwilliams@rslc.gop, contact@rslc.gop

Dear Anne Arundel Republican Leaders,

Are these endorsements from the current Anne Arundel County Republican Central Committee? I do see the Authority line however, I have also noticed that following items:

- From: Anne Arundel Republican Leaders <info@annearundel.gov>. The annearundel.gov domain is registered and owned by:

Republican State Leadership Committee, Inc.
1201 F Street NW Suite 675 Washington DC 20004

What is the relationship between the Anne Arundel County Republican Central Committee and the Republican State Leadership Committee? What is the relationship between the Jason Trott campaign and the Republican State Leadership Committee?

- The email states, "These are our recommended candidates for Republican Central Committee in Anne Arundel County." What group is meant by "our" in the statement because the email was authorized by an individual?
- Was this a Republican State Leadership Committee maintained mailing list that was used to send out the email? If not, do you know the source of the email list.

I appreciate your immediate attention and response to these questions.

David Morsberger

On 2022-07-07 08:09, Anne Arundel Republican Leaders wrote:

[REDACTED]

[View this email in your browser](#)



Early Voting begins Today. Do you Have a Plan to Vote?

These are our **recommended candidates for Republican Central Committee in Anne Arundel County.**

Early Voting begins July 7 and runs through July 14. Polls are open at 7am through 8pm.

Early Voting Locations -

Arundel Middle School, 1179 Hammond Ln, Odenton, MD

Gladys D. Greene Banquet Hall, 898 Airport Park Rd, Glen Burnie, MD

Magothy River/Severn River Middle School(s), 241 Peninsula Farm Rd, Arnold, MD

Annapolis Middle School, 1399 Forest Dr, Annapolis, MD

Central Middle School, 221 Central Avenue E, Edgewater, MD

Crofton High School, 2291 Davidsonville Rd, Crofton, MD

Anne Arundel Board of Elections, 6740 Baymeadow Dr, Glen Burnie, MD

Laurel Park Racetrack, 198 Laurel Race Track Rd, Laurel, MD

Deale Elks Lodge, 6022 Drum Point Rd, Deale, MD

Find my district, polling place, and full sample ballot

Request a Mail-in Ballot

Look up your Election Day Polling Place

Authority: Friends of Jason Trott; Robin Bissett, Treasurer.

Our mailing address is:

1187 Pine Ave, Shady Side, MD 20764

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From: David Morsberger <dave@morsberger.com>
Sent: Thursday, February 2, 2023 8:20 AM
To: William Voelp
Subject: Fwd: Thank You - Ways and Means Testimony
Attachments: 4-GeVoterTOGrid_Map.pdf; ATT00001.htm; Anne Arundel Turnout.xlsx; ATT00002.htm

Here is the follow-up for my testimony on Tuesday.

Sent from my iPhone

Begin forwarded message:

From: David Morsberger <dave@morsberger.com>
Date: February 1, 2023 at 11:36:03 EST
To: Vanessa.Atterbeary@house.state.md.us, jheanelle.wilkins@house.state.md.us, dalya.attar@house.state.md.us, Darryl.Barnes@house.state.md.us, jason.buckel@house.state.md.us, nick.charles@house.state.md.us, Eric.Ebersole@house.state.md.us, kris.fair@house.state.md.us, jessica.feldmark@house.state.md.us, mike.griffith@house.state.md.us, brooke.grossman@house.state.md.us, wayne.hartman@house.state.md.us, Kevin.Hornberger@house.state.md.us, dana.jones@house.state.md.us, Bob.Long@house.state.md.us, april.miller@house.state.md.us, bernice.mireku-north@house.state.md.us, julie.palakovichcarr@house.state.md.us, Edith.Patterson@house.state.md.us, joe.vogel@house.state.md.us, melissa.wells@house.state.md.us, chao.wu@house.state.md.us
Cc: stuart.schmidt@house.state.md.us
Subject: Thank You - Ways and Means Testimony

All,

Thank You for the opportunity to testify on a few bills. I love witnessing the process and giving my opinion. If only my paying job didn't get in the way. :)

I hope, pray, and plead that you take this opportunity to perform actions that will help improve and restore voter confidence in our election system.

A few points on each bill I testified on.

[HB0022 - Signature Verification](#)

The lady who opposed the bill stated that there is no way to correct if the signature is missing or does not match. There is currently a curing process where the local Board of Elections offices contacts the voter to correct issues with the envelope. This is currently done because the local Board of Elections work hard to make sure every legitimate vote is counted.

Signature verification will play a large role in increasing voter confidence in the mail-in ballot process.

[HB0035 - Voter ID](#)

The bill provides sufficient ways for a person to vote if they do not have a Government issued id with them at the time they vote. The final option is a provisional ballot for the local Board of Elections to review. The likelihood of a provisional ballot being rejected for this reason is very near zero because it takes a unanimous vote of the local board to reject a ballot during canvassing. I do not see how this will disenfranchise any legitimate voter who is attempting to vote and will increase the confidence voters have in our election system.

[HB0041 - Curbside Voting](#)

Curbside voting creates an additional vulnerability point that opens the system up to fraud. Is this necessary since there are already numerous methods to vote to include being added to the permanent mail-in ballot list.

I would love to assume people are good; however, sadly we know that is not the case and it is non-partisan. In cyber security we perform a risk assessment and value assessment whenever a new access point is opened up. Do you know if a risk assessment and subsequent value assessment has been performed for this new access point?

I want to reiterate the response to one member's question about the financial impact of curbside voting. The local expenditure for curbside voting is \$485,000. Is this an unfunded mandate for the counties?

In Addition:

I have also attached two items that show the current trend in voter turnout that is in base case flat lined and in worse case trending downward.

David Morsberger

Anne Arundel County

From: David Morsberger <dave@morsberger.com>
Sent: Thursday, November 10, 2022 12:30 PM
To: William Voelp
Subject: Fwd: Update

Bill,

I hope all is well. I think the election in AACO went great. I watched at multiple locations and it was smooth. I hope the rest of the state went as smoothly even though my guy didn't win. I'm preparing for a wild ride

Can you help me with data to get people off the proverbial cliff? Is it possible to get a report of what and when was reported by the state. Nothing immediate.

I'm thinking

- Time
- Jurisdiction
- Type (early, mail-in, Election Day)
- Precinct
- Votes for R candidate (e.g., Cox)
- Votes for D candidate (e.g., Moore)

I am positive the step functions they are highlighting below are Baltimore City, Montgomery, and Prince George's precincts. It's what I would expect.

I know the times and data will not match exactly however there will be a correlation/association.

David

Sent from my iPhone

Begin forwarded message:

I'll use the latest graphs from drazabot and circle the parts that stand out in each race.

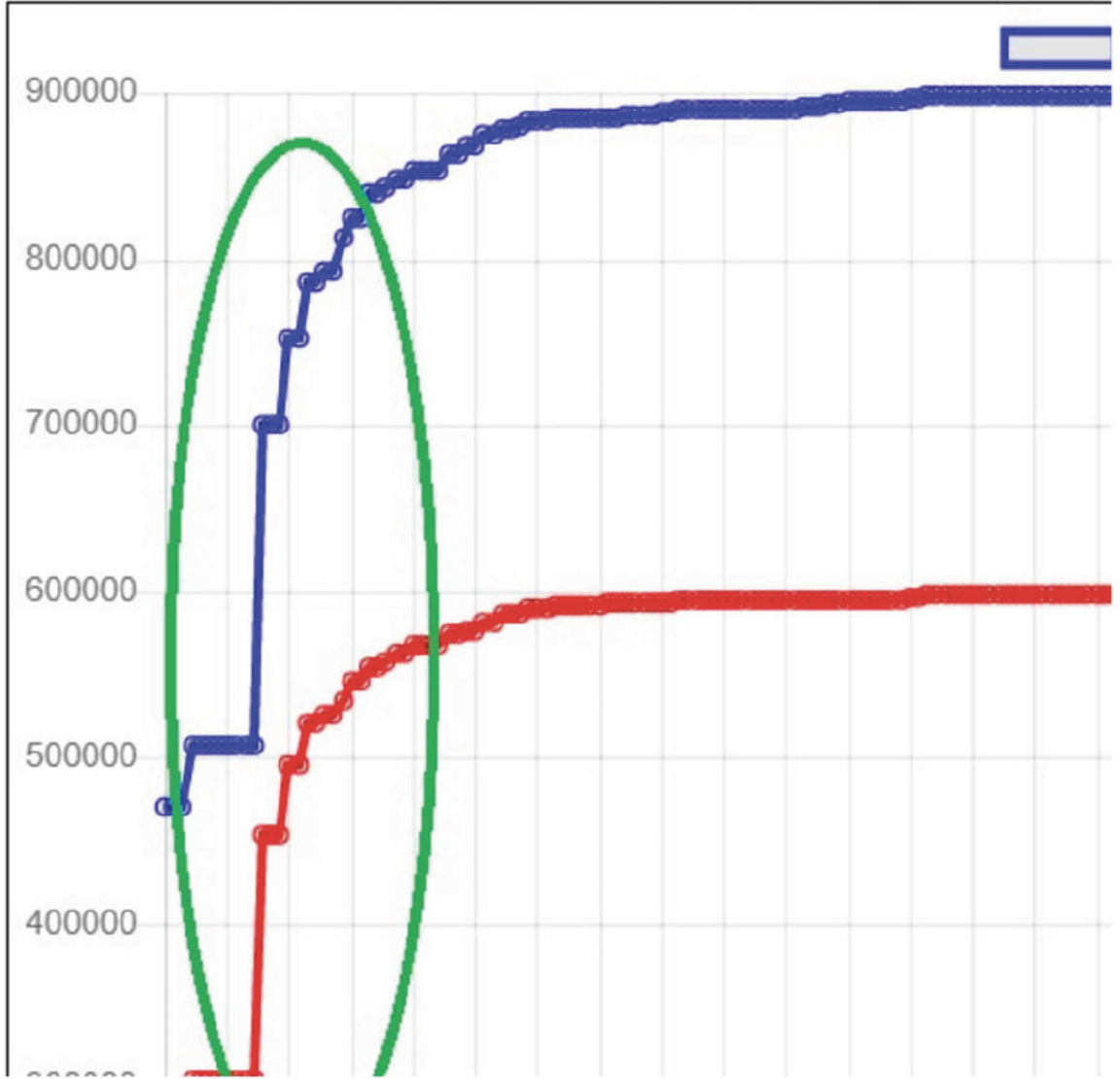
This series of huge vote injections in the AG race is suspicious. Almost half the democrat votes come in three or four big batches where the democrat is getting the vast majority of the votes and the Republican is getting very few. Oddly that big dump happened at the exact same time that we had a huge vote injection in NM.

State: Maryland

County:

2022 Midterm - Attorney General

Candidate Number of Votes at Display



Same thing in the governor race. The democrat totals are increasing at an alarming rate while the R numbers are barely changing at the beginning.

State:

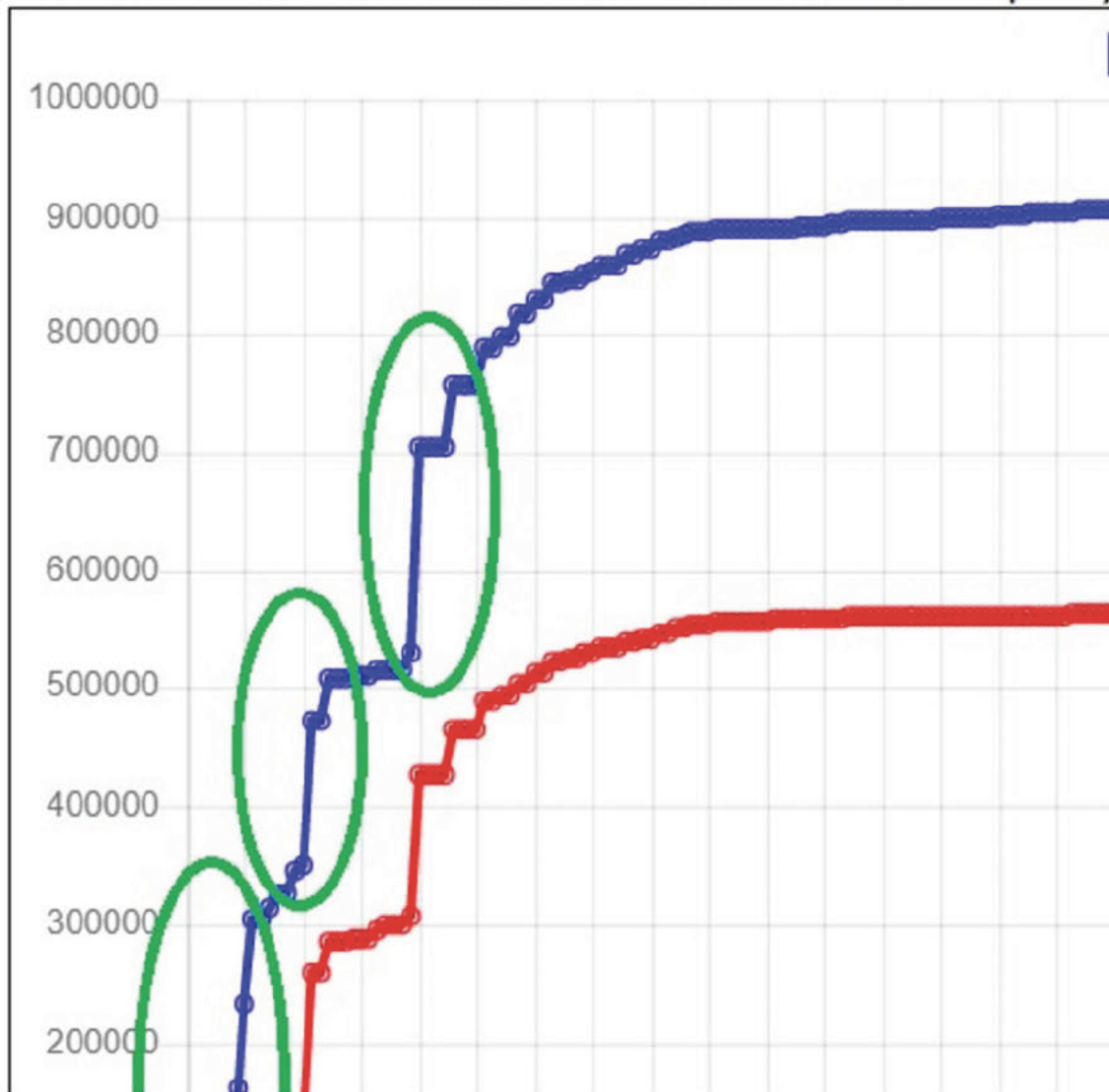
Maryland



County:

2022 Midterm - Governor

Candidate Number of Votes at Display



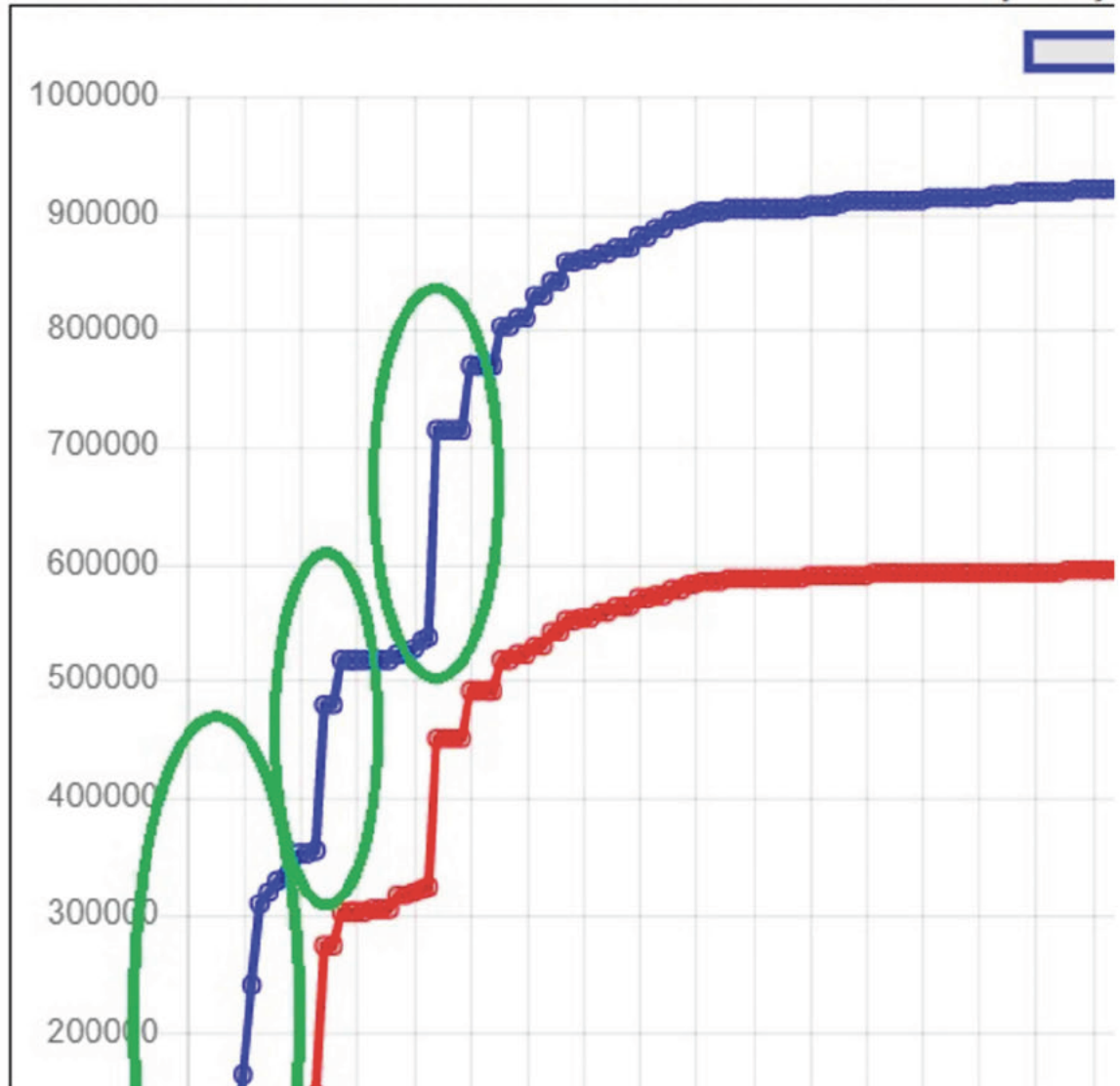
Same thing with your senate race:

State: Maryland

County:

2022 Midterm - Senate

Candidate Number of Votes at Display



Same thing here.

State: Maryland County:

2022 Midterm - House 1

Candidate Number of Votes at Display



This one looks fairly normal. The vote injections are smaller as expected and they don't dramatically widen the margin between the candidates - when the D gets a vote injection, the R also gets a vote injection.

State:

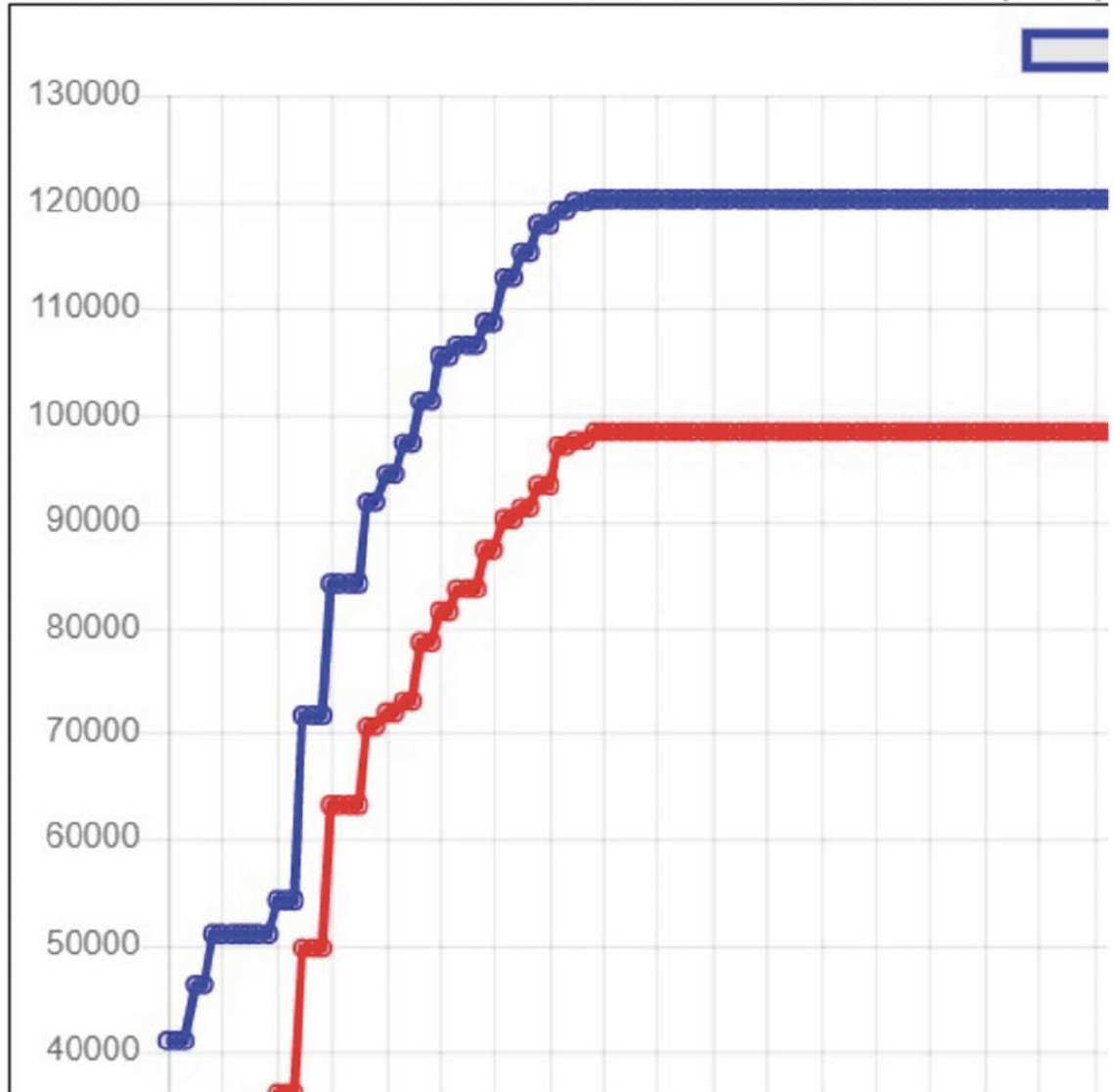
Maryland



County:

2022 Midterm - House 3

Candidate Number of Votes at Display



This one has three large injections for the democrat and almost no change at all for the republican. Highly unlikely:

State:

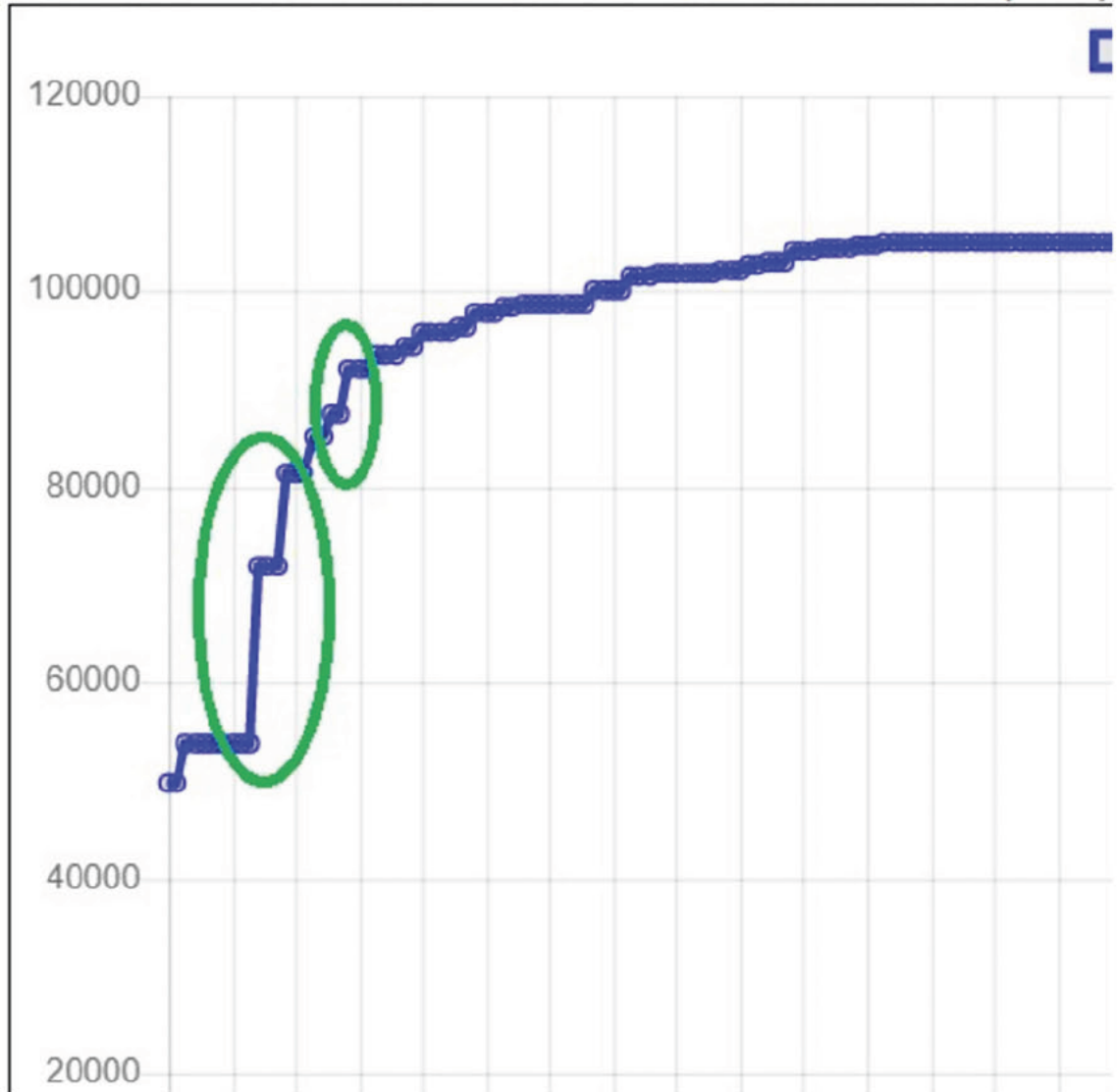
Maryland



County:

2022 Midterm - House 4

Candidate Number of Votes at Display



This is the closest race. There are two large injections for the D with no increase for the R. Added up, those look like they nearly exactly equal the final margin between the two. This one might have actually been stolen.

State:

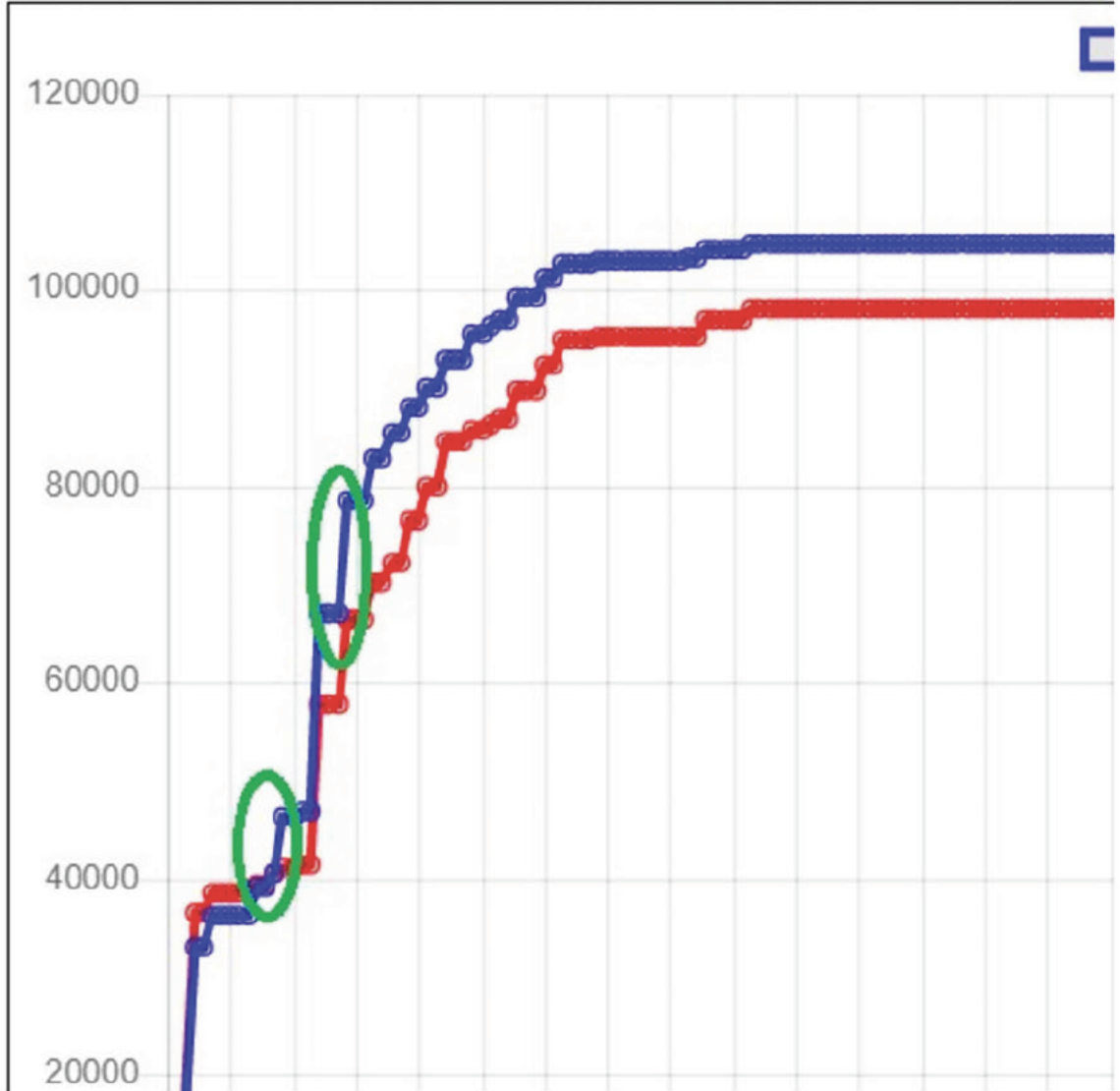
Maryland



County:

2022 Midterm - House 6

Candidate Number of Votes at Display



Here again, the dem is going vertical while the R hardly cahnges:

State:

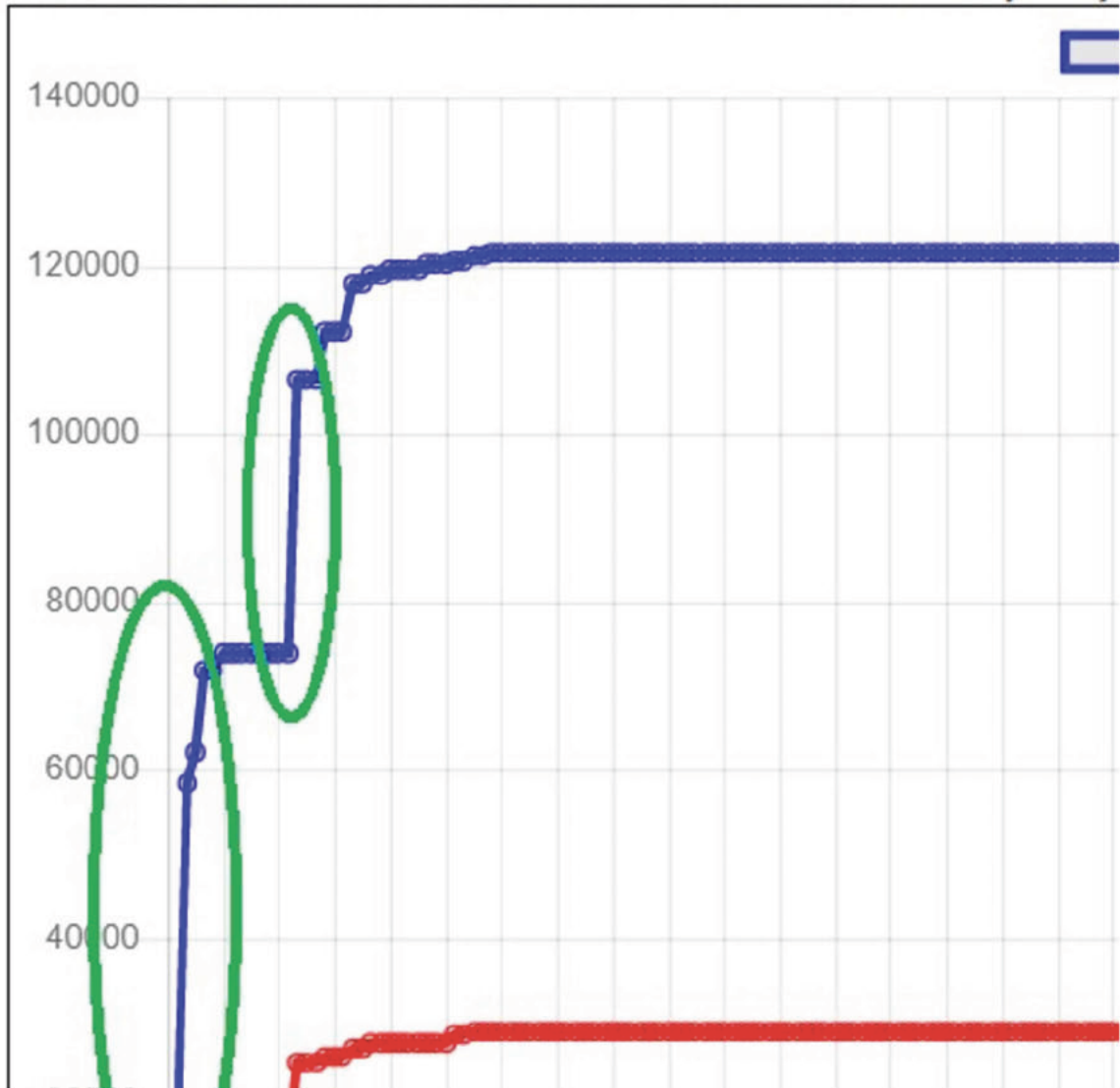
Maryland



County:

2022 Midterm - House 7

Candidate Number of Votes at Display



So overall, the most shocking thing about this election are the spots where the vote injections result in the vote totals for the democrat shooting up dramatically while the R total hardly changes. To me that tells me that the margins for most of these races was probably much smaller in reality, but the D probably did win. I think your House District 6 is an exception - that one was probably stolen from the R.

I would expect that machine manipulation will show up in the cast vote records if you are able to get them.

Hope that helps. Feel free to call tomorrow if you want to talk more about it.

ELECTION OFFICE

Stephanie L. Taylor
Director

Kimberley H. Slusar
Deputy Director



ELECTION BOARD

Allison W. McCord, President
Joseph N. Price, Vice President
James C. Richardson, Secretary
Michael A. Dykes, Member
Carolyn vanRoden, Member

Brian K. Young, Esq., Board Counsel

Responses to question from We The People, submitted on August 29, 2022.

- We are looking into why the information on the State Board of Elections is different. The source of the information for the section labeled "Harford County Board of Elections" is not apparent. The section labeled "Voter Count from ElectionWare" shows the correct figures from the 2022 Gubernatorial Primary Election. Please see exhibit A.

State Website Voter Numbers				
Election Day	Early Voting	Mail-in	Provisional	Total
29,016	8,986	12,096	804	50,902
Harford County Board of Elections				
Election Day	Early Voting	Mail-in	Provisional	Total
29,028	8,991	12,078	817	50914
+12	+5	-18	+13	12
Voter Count from ElectionWare				
Election Day	Early Voting	Mail-in	Provisional	Total
29,044	9,153	12,068	804	51,069

- From the data we have received it appears that quite a few Unaffiliated voters voted during this Primary Election, to the tune of 1,439. Even though they all voted by Provisional Ballots, why would this be? Were any of these ballots counted? It appears, based on the numbers, that some were.

We had 1,361 unaffiliated voters vote in the 2022 Primary Election. Any voter living in Councilmanic Districts A, C, E, and F were eligible to vote for the School Board race only. We had 58 unaffiliated voters vote provisionally, 29 were accepted for voting the school board race and 29 were rejected for being ineligible to vote.

- Why are there 275 voters whose party affiliations do not match with the State Voter Registration data?
Our voter registration books close 3 weeks prior to every election and remain closed until the election is certified (usually 10 days after the election). The voters that I looked at did vote the party in the Ha Co Voter History Data column. Even though the data was supplied on 8/19/22 it reflects their party affiliation at the time of when they voted. These party changes were made after the election from August 1st to August 19th when you received the Ha Co Voter Roll data from the State Board.
- According to your data, Harford County Board of Elections sent out 17,820 ballots. How many of these mailed out ballots came back as undeliverable? 36
 - Can we obtain a list of the ballots that were returned undeliverable? We are seeking legal advice to determine what information we can release to the public.

ELECTION OFFICE

Stephanie L. Taylor
Director

Kimberley H. Slusar
Deputy Director



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Carolyn vanRoden, Member

Brian K. Young, Esq., Board Counsel

-
- b. Are these envelopes kept for the 22 months, as is all other election data? **Yes**
- Who sets up the Drop Boxes? **The State Board of Elections contracts a trucking company to deploy the drop boxes to their designated locations.**
 - a. Who picks up the envelopes from the Drop Boxes? **Office Staff**
 - b. How often are the envelopes picked up from the Drop Boxes? **Daily**
 - Do you keep the Drop box ballots separate from the mail-in ballots or do you consolidate them before canvassing? **They are consolidated with the other mail-in ballots as we receive them.** If you keep these envelopes separated from the 'mailed-in' ballot envelopes, do you keep them by location? And do you scan them separately?
How many drop box envelopes did you receive and how many were rejected? **We received 4,557 ballots in the drop boxes. We accepted 4,549 ballots and 8 were rejected.**

Respectfully,

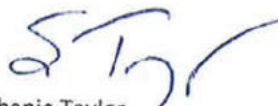

Stephanie Taylor
Director

Exhibit A

Jurisdiction Wide Summary

Gubernatorial Primary Election
Harford County, Maryland
July 19, 2022
STATISTICS

UNOFFICIAL RESULTS

Run Date: 07/29/22 11:44 AM

CN

Report EL45A Page 001

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
PRECINCTS COUNTED (OF 72)	72	100.00					
REGISTERED VOTERS - TOTAL	174,035						
REGISTERED VOTERS - Republican	79,500	45.68					
REGISTERED VOTERS - Democratic	65,035	37.37					
REGISTERED VOTERS - Non-Partisan	29,500	16.95					
BALLOTS CAST - TOTAL	50,972		9,153	29,044	9,348	1,949	1,478
BALLOTS CAST - Republican	30,122	59.10	5,847	19,660	3,449	715	451
BALLOTS CAST - Democratic	19,347	37.96	3,189	8,588	5,558	1,094	918
BALLOTS CAST - Non-Partisan	1,503	2.95	117	796	341	140	109
BALLOTS CAST - BLANK	52	.10	6	26	11	5	4
VOTER TURNOUT - TOTAL		29.29					
VOTER TURNOUT - Republican		37.89					
VOTER TURNOUT - Democratic		29.75					
VOTER TURNOUT - Non-Partisan		5.09					
VOTER TURNOUT - BLANK		.03					

Run Date:07/29/22 11:44 AM

Report EL45A Page 002

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
REP Governor / Lt. Governor							
(VOTE FOR) 1							
Cox-Schifarelli	15,669	53.19	2,831	11,188	1,206	271	173
Ficker-Yegge	521	1.77	96	269	129	21	6
Schulz-Woolford	12,876	43.71	2,732	7,689	1,827	381	247
Werner-Luong	390	1.32	91	188	98	6	7
Total	29,456		5,750	19,334	3,260	679	433
Over Votes	55		11	30	10	4	0
Under Votes	611		86	296	179	32	18
REP Comptroller							
(VOTE FOR) 1							
Barry Glassman	24,851	100.00	4,875	16,116	2,922	581	357
Total	24,851		4,875	16,116	2,922	581	357
Over Votes	0		0	0	0	0	0
Under Votes	5,271		972	3,544	527	134	94
REP Attorney General							
(VOTE FOR) 1							
Michael Anthony Peroutka	15,558	62.03	3,056	10,647	1,360	315	180
Jim Shalleck	9,522	37.97	1,920	5,868	1,325	235	174
Total	25,080		4,976	16,515	2,685	550	354
Over Votes	1		0	1	0	0	0
Under Votes	5,041		871	3,144	764	165	97
REP U.S. Senator							
(VOTE FOR) 1							
Chris Chaffee	3,681	15.45	699	2,470	404	61	47
George Davis	1,803	7.57	282	1,263	204	33	21
Nnabu Eze	766	3.22	146	502	78	20	20
Lorie R. Friend	3,120	13.10	641	2,015	349	79	36
Reba A. Hawkins	2,456	10.31	465	1,592	313	57	29
Jon McGreevey	1,680	7.05	269	1,202	155	41	13
Joseph Perez	2,903	12.19	542	1,979	253	77	52
Todd A. Puglisi	1,914	8.04	417	1,227	215	42	13
James Tarantin	2,196	9.22	508	1,390	211	42	45
John Thormann	3,299	13.85	732	2,073	376	71	47
Total	23,818		4,701	15,713	2,558	523	323
Over Votes	50		12	29	6	2	1
Under Votes	6,254		1,134	3,918	885	190	127
REP Representative in Congress (1)							
Congressional District 1							
(VOTE FOR) 1							
Andy Harris	25,196	100.00	4,974	16,702	2,667	534	319
Total	25,196		4,974	16,702	2,667	534	319
Over Votes	0		0	0	0	0	0
Under Votes	4,926		873	2,958	782	181	132



Run Date:07/29/22 11:44 AM

Report EL45A Page 003

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
REP State Senator (7) Legislative District 7 (VOTE FOR) 1							
J. B. Jennings	5,043	100.00	1,088	3,232	581	85	57
Total	5,043		1,088	3,232	581	85	57
Over Votes	0		0	0	0	0	0
Under Votes	1,040		194	680	114	31	21
REP State Senator (34) Legislative District 34 (VOTE FOR) 1							
Christian Miele	7,317	73.66	1,519	4,578	921	179	120
Walter "Butch" Tilley	2,616	26.34	531	1,595	375	75	40
Total	9,933		2,050	6,173	1,296	254	160
Over Votes	2		0	1	1	0	0
Under Votes	499		73	288	86	33	19
REP State Senator (35) Legislative District 35 (VOTE FOR) 1							
Michelle Christman	3,978	32.60	680	2,832	334	72	60
Frank Esposito.	2,175	17.82	346	1,525	239	47	18
Jason C. Gallion	6,049	49.57	1,226	4,000	604	131	88
Total	12,202		2,252	8,357	1,177	250	166
Over Votes	1		0	1	0	0	0
Under Votes	1,402		190	928	194	62	28
REP House of Delegates (7B) Legislative Districts 7B (VOTE FOR) 1							
Lauren Arian	3,014	53.24	697	1,919	307	51	40
Russ English, Jr.	292	5.16	50	207	26	5	4
Nicholas Gladden	205	3.62	28	143	28	5	1
Rick Impallaria	1,942	34.30	406	1,266	219	33	18
Rocky Wagonhurst	208	3.67	41	110	46	4	7
Total	5,661		1,222	3,645	626	98	70
Over Votes	10		2	7	1	0	0
Under Votes	412		58	260	68	18	8
REP House of Delegates (34A) Legislative Districts 34A (VOTE FOR) 2							
Glen Glass	2,925	37.93	499	1,932	392	50	52
Shekinah Hollingsworth	629	8.16	116	433	55	12	13
David A. Martin	1,715	22.24	309	1,048	275	39	44
Teresa Walter	2,442	31.67	488	1,578	274	58	44
Total	7,711		1,412	4,991	996	159	153
Over Votes	4		4	0	0	0	0
Under Votes	2,613		386	1,757	332	89	49
REP House of Delegates (34B) Legislative Districts 34B (VOTE FOR) 1							
Jay M. Ellenby.	2,396	48.62	612	1,433	254	69	28
Susan K. McComas	2,532	51.38	551	1,460	405	75	41
Total	4,928		1,163	2,893	659	144	69
Over Votes	1		0	1	0	0	0
Under Votes	341		59	194	60	19	9



	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
REP House of Delegates (35A) Legislative Districts 35A							
(VOTE FOR) 2							
Mike Griffith	9,876	49.73	1,858	6,706	975	198	139
Teresa Reilly	9,983	50.27	1,873	6,774	1,002	198	136
Total	19,859		3,731	13,480	1,977	396	275
Over Votes	0		0	0	0	0	0
Under Votes	7,351		1,153	5,092	765	228	113
REP County Executive							
(VOTE FOR) 1							
Billy Boniface.	9,879	33.48	1,647	6,397	1,396	270	169
Bob Cassilly	19,626	66.52	4,102	12,888	1,941	426	269
Total	29,505		5,749	19,285	3,337	696	438
Over Votes	10		4	5	1	0	0
Under Votes	607		94	370	111	19	13
REP President of the County Council							
(VOTE FOR) 1							
Francis F. Grambo.	8,732	32.16	1,643	6,088	718	174	109
Patrick Vincenti	18,418	67.84	3,771	11,641	2,299	440	267
Total	27,150		5,414	17,729	3,017	614	376
Over Votes	3		1	0	1	0	1
Under Votes	2,969		432	1,931	431	101	74
REP County Council (A) Councilmanic District A							
(VOTE FOR) 1							
David H. Woods.	1,798	100.00	344	1,189	196	41	28
Total	1,798		344	1,189	196	41	28
Over Votes	0		0	0	0	0	0
Under Votes	411		71	257	58	10	15
REP County Council (B) Councilmanic District B							
(VOTE FOR) 1							
Josh Kozioł.	1,632	33.99	286	1,158	144	29	15
Aaron David Penman	3,170	66.01	661	2,007	374	78	50
Total	4,802		947	3,165	518	107	65
Over Votes	1		0	1	0	0	0
Under Votes	615		83	397	101	18	16
REP County Council (C) Councilmanic District C							
(VOTE FOR) 1							
Tony "G" Giangiordano	4,770	100.00	1,178	2,805	626	104	57
Total	4,770		1,178	2,805	626	104	57
Over Votes	0		0	0	0	0	0
Under Votes	1,264		239	764	201	37	23



	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
REP County Council (D) Councilmanic District D (VOTE FOR) 1							
John B. Carl, Jr.	2,851	39.03	478	2,156	130	51	36
Emily D. Greene	1,035	14.17	163	729	110	20	13
James Reilly	2,862	39.18	539	1,863	363	52	45
David M. Seman	557	7.62	109	403	29	12	4
Total	7,305		1,289	5,151	632	135	98
Over Votes	3		0	2	1	0	0
Under Votes	741		102	495	103	29	12
REP County Council (E) Councilmanic District E (VOTE FOR) 1							
Jessica Boyle-Tsottles	2,227	53.53	420	1,508	222	46	31
Douglas J. Phillips	227	5.46	34	156	30	4	3
Robert S. Wagner	1,706	41.01	309	1,133	206	38	20
Total	4,160		763	2,797	458	88	54
Over Votes	3		1	0	2	0	0
Under Votes	356		44	219	51	31	11
REP County Council (F) Councilmanic District F (VOTE FOR) 1							
Curtis L. Beulah	2,523	73.11	536	1,537	348	63	39
Fernando M. Silva	928	26.89	187	600	97	26	18
Total	3,451		723	2,137	445	89	57
Over Votes	0		0	0	0	0	0
Under Votes	442		63	281	57	26	15
REP State's Attorney (VOTE FOR) 1							
Alison M. Healey	19,437	68.22	3,872	13,015	1,887	407	256
Albert Peisinger	9,053	31.78	1,766	5,637	1,253	241	156
Total	28,490		5,638	18,652	3,140	648	412
Over Votes	5		1	4	0	0	0
Under Votes	1,627		208	1,004	309	67	39
REP Clerk of the Circuit Court (VOTE FOR) 1							
John G. Cree, Jr.	1,419	5.09	219	926	217	31	26
Michelle Karczeski	15,548	55.80	3,227	10,224	1,538	354	205
Chad R. Shrodes	10,899	39.11	2,117	7,076	1,314	236	156
Total	27,866		5,563	18,226	3,069	621	387
Over Votes	7		1	5	1	0	0
Under Votes	2,249		283	1,429	379	94	64
REP Register of Wills (VOTE FOR) 1							
Derek K. Hopkins	24,798	100.00	4,943	16,149	2,806	560	340
Total	24,798		4,943	16,149	2,806	560	340
Over Votes	0		0	0	0	0	0
Under Votes	5,324		904	3,511	643	155	111

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
REP Sheriff							
(VOTE FOR) 1							
Jeffrey R. Gahler	25,895	100.00	5,134	16,909	2,920	578	354
Total	25,895		5,134	16,909	2,920	578	354
Over Votes	0		0	0	0	0	0
Under Votes	4,227		713	2,751	529	137	97
Republican Central Committee							
(VOTE FOR) 12							
Doug Anstine	7,122	4.25	1,328	4,741	848	114	91
Sharon Beam	12,693	7.57	2,755	8,098	1,438	257	145
Jean E. Beulah	10,982	6.55	2,532	6,867	1,190	250	143
Jessica Blake	12,215	7.28	2,628	7,807	1,391	242	147
Reed Correll	6,956	4.15	1,332	4,538	850	147	89
Eric W. Daxon	7,523	4.49	1,436	5,078	785	136	88
Brian L. Kelly	11,336	6.76	2,252	7,461	1,287	203	133
Jeffery P. McBride	10,878	6.49	2,392	6,900	1,260	197	129
Stacy McLamb	10,703	6.38	2,339	6,759	1,251	223	131
Liliana R. Norkaitis	8,816	5.26	2,018	5,480	1,012	189	117
Joe Norman	11,218	6.69	2,439	7,137	1,293	210	139
Linda Norman	11,729	6.99	2,646	7,308	1,394	234	147
Lauren Paige Strauss	10,252	6.11	2,250	6,468	1,190	210	134
Jake Taylor	10,016	5.97	2,107	6,571	1,030	179	129
Christina M. Trotta	12,722	7.59	2,788	8,133	1,394	257	150
Joe Woods	12,536	7.48	2,702	8,045	1,403	234	152
Total	167,697		35,944	107,391	19,016	3,282	2,064
Over Votes	1,080		336	576	144	24	0
Under Votes	192,687		33,884	127,953	22,228	5,274	3,348

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
DEM Governor / Lt. Governor							
(VOTE FOR) 1							
Baker, III-Navarro	453	2.37	63	228	114	23	25
Baron-Williams	462	2.42	59	255	100	28	20
Franchot-Anderson-Walker	5,972	31.30	984	2,381	2,072	296	239
Gansler-Hollingsworth	853	4.47	133	365	276	50	29
Jaffe-Greben	147	.77	19	85	36	4	3
Jain-Lytes	607	3.18	69	302	154	39	43
King-Daugherty Siri	539	2.83	71	229	137	56	46
Moore-Miller	5,427	28.44	972	2,703	1,211	286	255
Perez-Sneed	4,454	23.35	769	1,822	1,338	290	235
Segal-Dispenza	165	.86	19	103	27	3	13
Total	19,079		3,158	8,473	5,465	1,075	908
Over Votes	59		9	13	28	6	3
Under Votes	209		22	102	65	13	7
DEM Comptroller							
(VOTE FOR) 1							
Timothy J. Adams	5,177	28.92	896	2,488	1,276	264	253
Brooke Elizabeth Lierman	12,727	71.08	2,091	5,482	3,819	747	588
Total	17,904		2,987	7,970	5,095	1,011	841
Over Votes	3		0	2	1	0	0
Under Votes	1,440		202	616	462	83	77
DEM Attorney General							
(VOTE FOR) 1							
Anthony G. Brown	8,836	47.07	1,479	4,357	2,072	528	400
Katie Curran O'Malley	9,938	52.93	1,625	3,987	3,312	530	484
Total	18,774		3,104	8,344	5,384	1,058	884
Over Votes	10		1	3	5	1	0
Under Votes	563		84	241	169	35	34
DEM U.S. Senator							
(VOTE FOR) 1							
Michelle L. Smith	4,617	24.65	659	2,544	1,012	226	176
Chris Van Hollen	14,111	75.35	2,446	5,746	4,359	842	718
Total	18,728		3,105	8,290	5,371	1,068	894
Over Votes	6		0	3	1	1	1
Under Votes	613		84	295	186	25	23
DEM Representative in Congress (1)							
Congressional District 1							
(VOTE FOR) 1							
R. David Harden	5,671	31.88	976	2,540	1,656	289	210
Heather R. Mizeur	12,119	68.12	2,002	5,370	3,382	724	641
Total	17,790		2,978	7,910	5,038	1,013	851
Over Votes	2		0	0	1	1	0
Under Votes	1,555		211	678	519	80	67

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
DEM State Senator (34) Legislative District 34							
(VOTE FOR) 1							
Mary-Dulany James.	6,598	65.65	1,221	2,945	1,748	347	337
Mary Ann Lisanti	3,453	34.35	598	1,658	908	149	140
Total	10,051		1,819	4,603	2,656	496	477
Over Votes	2		1	1	0	0	0
Under Votes	620		76	287	191	36	30

DEM House of Delegates (7B) Legislative Districts 7B							
(VOTE FOR) 1							
Medford J. Campbell, 3rd	2,311	100.00	396	976	689	134	116
Total	2,311		396	976	689	134	116
Over Votes	0		0	0	0	0	0
Under Votes	841		133	275	315	59	59

DEM House of Delegates (34A) Legislative Districts 34A							
(VOTE FOR) 2							
Sarahia Benn	2,682	24.86	418	1,311	666	129	158
Andre V. Johnson, Jr.	4,619	42.82	907	2,267	1,023	199	223
Steve Johnson	3,486	32.32	691	1,642	864	125	164
Total	10,787		2,016	5,220	2,553	453	545
Over Votes	2		0	2	0	0	0
Under Votes	3,509		524	1,756	891	169	169

DEM House of Delegates (34B) Legislative Districts 34B							
(VOTE FOR) 1							
Gillian A. Miller.	2,702	100.00	486	1,135	821	164	96
Total	2,702		486	1,135	821	164	96
Over Votes	0		0	0	0	0	0
Under Votes	822		140	267	304	57	54

DEM County Executive							
(VOTE FOR) 1							
Blane H. Miller, III.	14,620	100.00	2,439	6,685	4,077	805	614
Total	14,620		2,439	6,685	4,077	805	614
Over Votes	0		0	0	0	0	0
Under Votes	4,727		750	1,903	1,481	289	304

DEM President of the County Council							
(VOTE FOR) 1							
Winifred "Wini" Roche	15,070	100.00	2,540	6,847	4,208	833	642
Total	15,070		2,540	6,847	4,208	833	642
Over Votes	0		0	0	0	0	0
Under Votes	4,277		649	1,741	1,350	261	276

DEM County Council (A) Councilmanic District A							
(VOTE FOR) 1							
Maryann Connaghan Forgan	657	21.48	129	318	147	22	41
Dion F. Guthrie	1,377	45.01	258	703	318	47	51
NoLanda Y. Robert.	1,025	33.51	187	533	204	50	51
Total	3,059		574	1,554	669	119	143
Over Votes	6		0	2	2	1	1
Under Votes	250		27	112	69	20	22



	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
DEM County Council (C) Councilmanic District C							
(VOTE FOR) 1							
Evan K. Schuale	2,550	100.00	469	1,071	768	156	86
Total	2,550		469	1,071	768	156	86
Over Votes	0		0	0	0	0	0
Under Votes	902		130	292	360	66	54
DEM County Council (D) Councilmanic District D							
(VOTE FOR) 1							
Jean Salvatore.	1,969	100.00	295	894	593	95	92
Total	1,969		295	894	593	95	92
Over Votes	0		0	0	0	0	0
Under Votes	685		103	288	222	32	40
DEM County Council (E) Councilmanic District E							
(VOTE FOR) 1							
Rachel Gauthier	1,696	61.70	224	832	447	108	85
Bill Montgomery	1,053	38.30	164	477	271	88	53
Total	2,749		388	1,309	718	196	138
Over Votes	1		0	0	0	1	0
Under Votes	374		42	147	129	30	26
DEM County Council (F) Councilmanic District F							
(VOTE FOR) 1							
Jacob D. Bennett	2,617	77.15	531	1,142	709	132	103
Lavy S. Mammen.	775	22.85	134	334	223	44	40
Total	3,392		665	1,476	932	176	143
Over Votes	0		0	0	0	0	0
Under Votes	554		84	234	172	30	34
DEM Clerk of the Circuit Court							
(VOTE FOR) 1							
Barbara Osborn Kreamer	14,780	100.00	2,471	6,750	4,117	817	625
Total	14,780		2,471	6,750	4,117	817	625
Over Votes	0		0	0	0	0	0
Under Votes	4,567		718	1,838	1,441	277	293
DEM Register of Wills							
(VOTE FOR) 1							
Jo Wanda Strickland Lucas	14,926	100.00	2,502	6,835	4,123	829	637
Total	14,926		2,502	6,835	4,123	829	637
Over Votes	0		0	0	0	0	0
Under Votes	4,421		687	1,753	1,435	265	281



	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
Democratic Central Committee (VOTE FOR) 10							
Paula J. Casagrande	8,016	6.74	1,496	3,617	2,127	422	354
Mike Ciuffo	8,332	7.01	1,395	3,501	2,620	464	352
Ronnie Teitler Davis	6,835	5.75	1,257	2,995	1,859	396	328
Lawrence Del Prete	6,939	5.83	1,229	3,025	2,062	363	260
Henry S. Gibbons	8,717	7.33	1,508	3,660	2,692	478	379
Kim Glaude	6,428	5.40	1,158	2,988	1,735	309	238
Amina F. Hall	6,899	5.80	1,212	3,453	1,636	346	252
Gina A. Kazimir	7,051	5.93	1,268	2,976	2,068	407	332
Barbara Osborn Kreamer	7,556	6.35	1,303	3,179	2,335	428	311
Luz V. Lopez	6,260	5.26	1,155	2,945	1,582	327	251
Alicia D. Myers	7,103	5.97	1,265	3,352	1,849	379	258
Donte Eric Pope	8,338	7.01	1,463	3,663	2,393	472	347
Stephen Puopolo	8,248	6.93	1,406	3,391	2,611	448	392
Jo Riedel	6,245	5.25	1,021	2,910	1,553	426	335
Jo Wanda Strickland Lucas	7,106	5.97	1,294	3,297	1,819	389	307
Katie York	8,869	7.46	1,599	3,777	2,603	509	381
Total	118,942		21,029	52,729	33,544	6,563	5,077
Over Votes	1,120		200	340	390	110	80
Under Votes	73,408		10,661	32,811	21,646	4,267	4,023

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	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
Board of Education (A) Councilmanic District A							
(VOTE FOR) 1							
Jean Hruz	1,106	22.67	201	704	146	25	30
Denise Perry	1,500	30.74	277	810	312	50	51
Stephen Puopolo	1,218	24.96	202	649	241	56	70
Lisa J. Ritchie	1,055	21.62	229	601	156	39	30
Total	4,879		909	2,764	855	170	181
Over Votes	11		1	5	3	1	1
Under Votes	876		122	474	184	45	51
Board of Education (C) Councilmanic District C							
(VOTE FOR) 1							
Kayla Mariskanish	1,849	23.21	405	1,100	249	57	38
Carol L. Mueller	4,537	56.95	927	2,150	1,101	230	129
Heather Ruleau-Riggin	1,581	19.84	379	913	231	38	20
Total	7,967		1,711	4,163	1,581	325	187
Over Votes	4		0	3	1	0	0
Under Votes	1,946		341	958	487	103	57
Board of Education (E) Councilmanic District E							
(VOTE FOR) 1							
Carol Pitt Bruce	2,492	39.56	388	1,390	513	119	82
Dea Galloway	1,857	29.48	275	1,098	340	89	55
Tanya L. Tyo	1,951	30.97	337	1,264	241	69	40
Total	6,300		1,000	3,752	1,094	277	177
Over Votes	5		3	0	1	0	1
Under Votes	1,724		257	960	347	92	68
Board of Education (F) Councilmanic District F							
(VOTE FOR) 1							
Diane M. Alvarez	2,370	35.23	506	1,334	385	89	56
Erin Carrig	1,532	22.77	235	719	405	91	82
Sharon B. Jacobs	2,825	41.99	589	1,490	567	88	91
Total	6,727		1,330	3,543	1,357	268	229
Over Votes	8		0	1	3	2	2
Under Votes	1,548		248	819	341	78	62

From: Peggy Williams <ppfftt@protonmail.com>
Sent: Friday, October 14, 2022 10:53 AM
To: brendayarema@verizon.net
Cc: Suzanne P; dave@morsberger.com; Robyn Sachs; William Voelp
Subject: Is High-Tech-Ballot-Stuffing via ES&S happening in Maryland?
Attachments: osc-second-interim-report.pdf

Hi Brenda, I thought you should know about this. I just found this Wisconsin Office of the Special Counsel report (official report attached). Please look at page 14, 1st paragraph:

"The OSC [Office of Special Counsel] learned that all machines in Green Bay were ESS machines and were connected to a secret, hidden Wi-Fi access point at the Grand Hyatt hotel, which was the location used by the City of Green Bay on the day of the 2020 Presidential election. The OSC discovered the Wi-Fi, machines, and ballots were controlled by a single individual who was not a government employee but an agent of a special interest group operating in Wisconsin."

This is highly disturbing, given all the voter fraud news erupting across the country. We concerned citizens have been told time and time again that these systems "don't connect to the internet," and "We don't have Dominion here in Maryland; we have ES&S," And now we have documented proof that some outside entity could go into ES&S elections system and control the Wi-Fi, machines and ballots? This highly credible OSC report, put together by former Wisconsin Supreme Court Justice Michael Gableman, documented this outside election-related influence in their 2020 elections. This is not a "conspiracy theory."

Statistics show that more and more citizens of both parties have less trust in our elections by the day, as news like this continues to pour out. Between the mail-in ballots, the machines, and well-documented ballot stuffing, many are convinced that our elections are totally corrupted; in my door-knocking experience, some people have indicated that they may not bother voting at all. I am so sad to hear people say this. Our vote is our voice. Please, we must interrupt this; we cannot allow this election to be stolen from the people.

I also question what happens with the mail-in ballots? Mail-in ballots are essentially anonymous after being separated from their envelopes, and can then be assigned to voters still on the rolls, who have moved or are considered "inactive." The e-pollbooks when connected to the internet, easily show who has voted and who has not, allowing votes to be routed to the pre-determined winning candidate. We have more than enough evidence to show that this system is easily hackable, programmable, and corruptible by bad actors. If you have not yet seen the Selection Code movie, please watch this 2-minute trailer. Elections Clerk Tina Peters, thought their system was safe and secure but when she looked, it wasn't at all! <https://rumble.com/v16h105-selection-code-premiere-trailer.html>

Please understand, I know you are simply implementing the laws as written but this system that WE THE VOTERS paid for, is vulnerable to outside control, and one of the ways we can counteract this, is to allow the double-check at the precinct level. Essentially, allow volunteers to count paper ballots after the machine count is done, but before the ballots leave the precinct. I know this was requested by the Precinct Strategy; however upon seeing this Wisconsin OSC report documenting the ES&S vulnerability, I think it is doubly important to make sure this double-check is done. I will follow up with a phone call. Thank you for your time!

Sincerely,

Peggy Williams
Anne Arundel County resident

Sent with [Proton Mail](#) secure email.

AMERICAN
OVERSIGHT

From: David Morsberger <dave@morsberger.com>
Sent: Saturday, March 18, 2023 1:54 PM
To: William Voelp
Subject: Lincoln Reagan Day dinner
Attachments: LRD FlyerWOConnor.pdf; ATT00001.txt

Bill,

I hope all is well.

I noticed for some unknown reason people are not getting the email announcements.

Did you get the announcement? Are you going? I hope so.

Not sure if you know, I am the Treasurer



Republican State Central Committee of Anne Arundel County

2023 Annual Lincoln Reagan Day Dinner

Featured Guest Speaker

Gordon G. Chang is the author of *The Coming Collapse of China and Nuclear Showdown: North Korea Takes On the World*, both from Random House. He also has two booklets, *The Great U.S.-China Tech War* and *Losing South Korea*, by Encounter Books. Chang lived and worked in China and Hong Kong for almost two decades.



**with
Master
of
Ceremonies
Larry
O'Connor**

**March 22, 2023
Crowne Plaza Hotel
173 Jennifer Rd, Annapolis
VIP Reception – 6:00 PM
Dinner – 7:00 PM**

Tickets: Individual: \$100
VIP Tickets: \$250
Table: \$1,000 (preferred seating)

SPONSORSHIPS : Blue \$1500 — White \$2000 — Red \$2500

For more information contact LRD@aagop.org or 410-774-GOP1.
Purchase tickets online at AAGOP.org or checks to RSCCAAC.

Program Ad (with dimensions & orientation):	Cost:
Business Card (3.5" W x 2" H - horizontal)	\$100
Quarter Page (3.25" W x 5" H - vertical)	\$150
Half Page (7.5" W x 5" H - horizontal)	\$300
Full Page (8.5" W x 11" H - vertical, full bleed)	\$500
Inside Front or Back (7.5" W x 10" - vertical)	\$800
Full Back cover in color (7.5" W x 10" - vertical)	\$1500

Ad Artwork to LRD@aagop.org Deadline: March 13, 2023.

**P. O. Box 6494, Annapolis, MD 21401, www.aagop.org
Authority: Republican State Central Committee of Anne Arundel County, David Morsberger, Treasurer**



Office of the Special Counsel

Second Interim Investigative Report

On the Apparatus & Procedures of the Wisconsin Elections System

Delivered to the Wisconsin State Assembly on March 1, 2022

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Introduction

The Office of the Special Counsel files this Investigative Report on Wisconsin's administration of the 2020 elections as a first step to begin restoring faith in America's elections. This effort is undertaken because Americans' faith in its election system was shaken by events both before and after the November 2020 Presidential election. For example, a January 2022 ABC/Ipsos poll revealed that only 20% of the public is very confident about the integrity of our national election system. This 20% number is a significant drop from 37% from a similar ABC poll conducted one year earlier. America's doubts about its election system crosses partisan lines. Among Democrats, only 30% say they are "very confident" in the U.S. election systems overall. Among independents, only 20% consider themselves "very confident" in the nation's elections. Among Republicans, only 13% are "very confident" with America's elections.

This shaken faith is not a result of legitimate legislative inquiries into election administration, nor is it a result of lawful contests lodged by any candidate or party. Rather, it is largely a function of opaque, confusing, and often botched election processes that could have been corrected, and still can be corrected, with concerted effort on the part of lawmakers and conscientious civil servants who work for Wisconsin State government. Helping correct these processes for future elections is the major purpose of this Report.

On November 10, 2021, the Office of the Special Counsel (OSC) outlined the preliminary steps it had taken to undertake a fully comprehensive review of the 2020 elections in the State of Wisconsin. That document outlined the constitutional authority of the people of the State of Wisconsin, through their Legislature, to investigate their own

government. That Interim Report also outlined the initial roadblocks to a full investigation, and expressed the expectation that the information necessary to provide democratic accountability for and oversight of Wisconsin election proceedings was forthcoming. As outlined in Appendix I, OSC and the Assembly continue to be blocked from investigating portions of the Wisconsin government. Not only has the Wisconsin Attorney General intervened (and lost) in court to block certain subpoenas, and not only have left-wing groups provided support adverse to Wisconsin taxpayers—for instance by providing legal support to government employees seeking to keep their work secret, filing dilatory open records requests, and advancing frivolous complaints before various boards—but the Administrator of the Wisconsin Elections Commission (WEC) has explicitly stated to the Chairwoman of the Assembly Committee on Campaigns and Elections that she is prohibited by law and by private contract from turning over certain public records. Until these lawsuits are resolved, there appears to be no way to fully vindicate the right of the people of the State of Wisconsin to know how their government is run. Such lawsuits have proved a costly and time-wasting exercise.

Nevertheless, the OSC has continued to investigate available records, interview witnesses, and make substantial headway on several issues contained in this report. Further, good work by citizens' groups has provided the Assembly and the OSC with useful leads on how best to cure various systemic problems in the State.

While WEC and the State Attorney General have refused to cooperate with the Legislature's investigation and actively obstructed it, this Report is final in the sense that

it provides a list of recommendations with enough time for the Legislature to act before the close of its session in March. However, the Assembly continues to authorize the OSC to operate past the final adjudication, on the merits, of the various legal challenges to the valid legislative subpoenas we have issued. Following any favorable adjudication, the OSC will manage and process the voluminous responsive records, and will facilitate any available audits.

Despite this cover-up, or perhaps because of it, the OSC can still reach certain conclusions about the integrity of election administration in the State of Wisconsin, and we can still make baseline recommendations. While we cannot, for example, recommend certain server protocols because we have been unable to obtain government records detailing precisely what the numerous electronic systems entail (Wisconsin uses numerous machine and system vendors) or precisely how the existing systems were used in 2020, we do have information relating to how confusing and opaque the system is. It is beyond doubt that no single governmental person or entity in the State of Wisconsin has a handle on these systems—that is a damning indictment on its own. Elections systems must be readily understandable by voters and newly elected county clerks—confusing systems harm voter confidence and tend to facilitate fraud.

The facts contained in this report are substantiated by records the OSC has made available to the Assembly and other public information. To the extent that any of these facts are disputable, the OSC encourages any individual named in this Report, any subject

of validly issued legislative subpoenas, or any other fact witness to make themselves available to the OSC for interview.

Accordingly, at this stage, the recommendations included in this Report largely fall within the umbrella of enabling oversight and transparency of our election systems. It draws no conclusions about specific, unauthorized outside interference or insider threats to machine voting, but it does provide numerous examples of security gaps that tend to enable bad actors to operate in the shadows. Absent access to these systems, it would not be unfair for any citizens to conclude the worst, however. It is a commonplace in the law for it to assume the worst about the nature and impact of hidden or destroyed evidence, and it is up to government to justify its actions to the people, not the other way around.

A few additional recommendations in this Report fall within the second umbrella—maintaining political accountability. While it is clear that the outside groups and the bureaucrats in Madison who run our elections have not been accountable to the voters or the state government, there are some measures that can help return our State to a functional democracy.

This Report has another purpose: to catalog the numerous questionable and unlawful actions of various actors in the 2020 election.

Some unlawful conduct and irregularities outlined in this Report include:

1. Election officials' use of absentee ballot drop boxes in violation of Wis. Stat. § 6.87(4)(b)1 and § 6.855;
2. The Center for Tech and Civic Life's \$8,800,000 Zuckerberg Plan Grants being run in the Cities of Milwaukee, Madison, Racine,

Kenosha and Green Bay constituting Election Bribery Under Wis. Stat. § 12.11;

3. WEC's failing to maintain a sufficiently accurate WisVote voter database, as determined by the Legislative Audit Bureau;
4. The Cities of Milwaukee, Madison, Racine, Kenosha and Green Bay engaging private companies in election administration in unprecedented ways, including tolerating unauthorized users and unauthorized uses of WisVote private voter data under Wisconsin Elections Commission (WEC) policies, such as sharing voter data for free that would have cost the public \$12,500;
5. As the Racine County Sheriff's Office has concluded, WEC unlawfully directed the municipal clerks not to send out the legally required special voting deputies to nursing homes, resulting in many nursing homes' registered residents voting at 100% rates and many ineligible residents voting, despite a guardianship order or incapacity;
6. Unlawful voting by wards-under-guardianship left unchecked by Wisconsin election officials, where WEC failed to record that information in the State's WisVote voter database, despite its availability through the circuit courts—all in violation of the federal Help America Vote Act.
7. WEC's failure to record non-citizens in the WisVote voter database, thereby permitting non-citizens to vote, even though Wisconsin law requires citizenship to vote—all in violation of the Help America Vote Act. Unlawful voting by non-citizens left unchecked by Wisconsin election officials, with WEC failing to record that information in the State's WisVote voter database; and
8. Wisconsin election officials' and WEC's violation of Federal and Wisconsin Equal Protection Clauses by failing to treat all voters the same in the same election.

It is important to state what this Report is not. This Report is not intended to re-analyze the re-count that occurred in late 2020. And the purpose of this Report is not to challenge certification of the Presidential election, though in Appendix II we do sketch how that might be done. Any decisions in that vein must be made by the elected

representatives of the people, that is, the Wisconsin Legislature. Yet it is clear that Wisconsin election officials' unlawful conduct in the 2020 Presidential election casts grave doubt on Wisconsin's 2020 Presidential election certification. This Report thus does surface very big questions: how should Presidential election certification occur in Wisconsin going forward and would the Legislature have any remedies to decertify if it wanted to do so?

In 2020 in Wisconsin, the certification of its Presidential election spanned two steps and to a large extent operated in a legal vacuum. *First*, on November 30, 2020, Wisconsin Elections Commission (WEC) Chairperson Ann Jacobs, on her own and without a full Commission vote, signed the “determination of the recount and the presidential contest.” This unilateral action led one of the sidelined Commissioners to call for Jacobs' resignation. *Second*, a few hours later, Governor Tony Evers certified the results of the state's November 3 election by signing the Certificate of Ascertainment that approved the slate of electors for President-elect Joe Biden and Vice President-elect Kamala Harris.

Neither the WEC Chairperson nor the Governor had an incentive to proceed with greater deliberation and address the serious concerns of citizens and other Commissioners. This is a serious gap in the legal structure governing elections that should be corrected as far in advance of the 2024 presidential election as possible. In the meantime, many of the doubts relating to large categories of ballots are continuing to be both broadened and deepened. Recently, a Wisconsin court invalidated the use of drop boxes. Additionally,

this Report flags systematic problems with voting in elder care facilities, an issue that was also recently blown wide open by the Racine County Sheriff.

There are other issues outlined in this Report, many of which could justify post-election administrative correction by WEC under Wis. Stat. § 5.06, which authorizes exactly such a post-certification process to correct mistakes made by election officials. Administrative corrections under Wis. Stat. § 5.06 would flush out election officials' unlawful conduct. Such a post-certification administrative correction will not de-certify the election on a self-executing basis, but these challenges, which can be filed by any voter in an election (or by district attorneys or the Attorney General of the State), are a worthwhile step to take. However, as noted, these complaints are directed *to* WEC. But complaints *about* WEC cannot fairly be adjudicated by this body—another legal gap.

It is the duty of all citizens of our State and our nation to work hard to secure our democracy for this generation and the next. This Report is one small step towards fulfilling that duty we all share. And without the tireless work of concerned citizens, and dedicated public servants such as the Sheriff of Racine County, much of what is made public in this Report would not have been exposed to the light. In our own way, we can each do our part, whether by voting, or by volunteering, or by leading campaigns to improve the integrity of our elections. The true story of the 2020 elections in Wisconsin might never be fully known—as noted, the constitutional duty of the Legislature is still imperiled in the state courts—but the recommendations in this Report constitute a good beginning.

Statement of Progress

The Special Counsel has been maintaining an active investigation and continuing to fight for the Legislature's right to conduct an election-integrity investigation. Since the first Interim report, the Special Counsel has issued 76 new subpoenas. This brings the total subpoenas issued by the OSC to 90. These subpoenas were served upon entities named in this report, including Dominion Voting Systems, Inc., Electronic System and Software, LLC (ESS), Quickbase, Inc., USDR, CTCL, NVAHI, The Elections Group, and others.

The subpoenas were also served upon or sent to some of the persons who had the most information about the role of private companies and individuals in Wisconsin's election. This included Michael Spitzer Rubenstein, Tiana Epps-Johnson, Ari Steinberg, and Harrison Hersch. Finally, the subpoenas were served on local persons such as Hannah Bubacz, a Milwaukee city employee, and Sarah Linske, an IT employee for WEC.

To the extent that individuals responded to subpoena, it was to produce documents. Some recipients, including the major private companies and individuals, did not comply at all. They either informed the OSC that they would not comply with the subpoena or attend the depositions or embroiled the OSC in litigation. As of the writing of this Report, the litigation surrounding the investigation of the 2020 election has been pervasive and time-consuming.

The Special Counsel has been sued three different times in three different cases in Dane County Circuit Court. The OSC has defended against a lawsuit brought by the Wisconsin Attorney General in which he asked the court to declare that the OSC did not have the authority to conduct the investigation. Two additional lawsuits related to open

records requests to the OSC were filed by organizations supported by Democrat-backed labor unions.

In Waukesha County, the OSC filed a petition to enforce the legislative subpoenas. Initially, the lawsuit included only four defendants. Six additional defendants were later added, bringing the total to ten. Two attorneys from the OSC are assigned to that case and briefing is underway. Prosecuting the enforcement action detracts from the OSC's ability to conduct and complete its investigation.

The OSC did receive a large quantity of documents from the Zuckerberg 5. Those documents were electronic in form. The process of organizing and reviewing them has required a significant expenditure of time and resources, and that will continue to be the case as OSC receives additional documents.

The OSC launched a major investigation into nursing home abuse. Attorneys and investigators were dispatched to multiple nursing homes across the State. They identified and met with multiple residents who voted, despite the fact they were clearly incapable of voting and/ or not legally permitted to vote because of a guardianship order. The OSC representatives made detailed notes and videos of these residents for evidentiary purposes.

The Special Counsel intended to use a professional statistician in the nursing home setting. Using a controlled environment, the OSC could take a detailed sampling of nursing home abuse and voting irregularities to determine, statewide, the number of improperly cast ballots in residential care facilities. The OSC was not able to complete this task by the time this Report was due. Instead, the personnel conducting the nursing home investigation were also repurposed to assist in the drafting of this Report.

The OSC received information that an entity had cellphone pinging data related to the City of Milwaukee and its absentee ballot drop boxes. As of the time of this Report, the OSC has not been able to run to ground all the issues relating to obtaining this data.

The OSC consulted with multiple computer security experts regarding voting machines. Two major machine manufacturers were identified in Wisconsin, Dominion Voting and ESS. The OSC viewed extensive reporting about the integrity of the machines. The OSC learned that some Dominion machines are extremely vulnerable to hacking and manipulation. These specific machines can be manipulated to alter actual votes cast—either surreptitiously or by the machine technicians.

The Special Counsel reviewed extensive reporting of a Dominion machine failure event in another State. The OSC was able to identify, through the reports of experts, that the failed machine recorded two anonymous and unauthorized access events from its VPN. This means, contrary to what Dominion has publicly stated, that at least some machines had access to the internet on election night. Shortly after the unauthorized access was recorded, the machine failed and was reset, wiping all voting history and forcing that election administrator to rely on unverifiable paper printouts from the failed machine.

ESS machines were equally problematic. The central problem is that several of the machines are made with a 4G wireless modem installed, enabling them to connect to the internet through a Wi-Fi hotspot. One municipality under investigation in Wisconsin by the OSC admitted that these machines had these modems and were connected to the internet on election night. The reason given was to “transmit data” about votes to the county clerks.

The OSC learned that all machines in Green Bay were ESS machines and were connected to a secret, hidden Wi-Fi access point at the Grand Hyatt hotel, which was the location used by the City of Green Bay on the day of the 2020 Presidential election. The OSC discovered the Wi-Fi, machines, and ballots were controlled by a single individual who was not a government employee but an agent of a special interest group operating in Wisconsin.

The OSC began a comprehensive investigation of voting machines in Wisconsin. As part of that investigation, subpoenas were sent to Dominion, ESS, and Command Central, LLC, a Dominion reseller and servicer. The information sought included information about who, when, where, and what updates the machines were provided. The OSC learned that one machine company representative stated that the voting machines were “wiped” during updates, meaning they did not retain federally required voter data.

It was discovered that Command Central, LLC, received images of cast ballots on election night using the internet. Command Central is alleged to be holding actual ballots cast on election night at its offices in Minnesota in violation of Wisconsin law. The OSC was not able to complete this portion of its investigation, however.

As of the date of this Report, the voting machine companies have refused to comply with the OSC’s legislative subpoenas, and have provided no data. The OSC considers this investigation incomplete but ongoing.

The OSC also sought information about the machines in Wisconsin used on election night from the clerks. The clerks either did not possess the data sought by the OSC or refused to provide it, with Green Bay and Madison insinuating that providing secure voting machine data to the OSC would somehow compromise election integrity. In other words,

these cities claim that it is impossible to verify the integrity of the voting machines because doing that would jeopardize the integrity of both the machines and future elections. The Special Counsel intends to resolve this issue as the investigation moves forward.

The OSC's investigation discovered the use of a ballot tracking and harvesting application in Wisconsin. An extensive amount of time and effort went into this portion of the investigation. The OSC became attuned to the possibility of an application when reviewing email exchanges between the Zuckerberg 5 and third parties. This involved tracking applications in Georgia and Pennsylvania.

The OSC discovered ballot tracking programs in both Georgia and Pennsylvania. The OSC was able to locate and identify the developer of both programs in those States. The OSC obtained the source code for the Pennsylvania application. Ultimately, that data and source code would not prove to be helpful to discovering information about the Wisconsin application.

However, the OSC still located the Wisconsin application and its developers. In the course of that investigation, the OSC documented multiple misrepresentations of material facts by WEC administrator Meagan Wolfe. For example, Ms. Wolfe told the Assembly Committee on Campaigns and Elections both that she did not know about the CTCL grants and that cities did not have access to statewide WisVote or BadgerBooks data. Both of these statements are demonstrably untrue.

Ms. Wolfe also told the Commission that there was no API (Application Programming Interface that allows direct access) into the WisVote or BadgerBooks system. Yet cities have provided information that they *do* have access to statewide WisVote and BadgerBooks data. At least one city apparently provided an API to the WisVote and

BadgerBooks systems, which provided real time, free information to special interest groups who used that information for selective, racially-targeted get-out-the-vote purposes under the contracts. That application may still have an active API and may remain viable, so that it might be used by the private groups in future elections.

Moving forward, the OSC will continue working to obtain answers to the important questions raised by these findings. The tasks remaining include:

1. Vindicating the legislature's subpoena and investigative authority through ongoing litigation;
2. Compelling witnesses (individual or institutional) with crucial information about Wisconsin elections to provide testimony. This includes Meagan Wolfe, Ann Jacobs, Michael Spitzer Rubenstein, Tiana Epps-Johnson, Trina Zanow, Sarah Linske, Hannah Bubacz, Harrison Hersch, Dominion, ESS, and the Zuckerberg 5 through ongoing litigation.
3. Determining the identities of any groups or individuals engaged in ballot harvesting in Wisconsin;
4. Verifying the integrity of Wisconsin's voting machines;
5. Identifying additional votes cast unlawfully as a consequence of WEC's directives to clerks regarding SVDs;
6. Providing additional reporting as necessary, possibly including a more robust roadmap to the outside groups and leadership that interfered with the administration of past Wisconsin elections.

Chapter 1

The Center for Tech and Civic Life’s \$8,800,000 Zuckerberg Plan Grant with the Cities of Milwaukee, Madison, Racine, Kenosha and Green Bay (the Zuckerberg 5) Facially Violates Wisconsin Law Prohibiting Election Bribery.

The Cities of Milwaukee, Madison, Racine, Kenosha and Green Bay entered into an agreement with Center for Tech and Civic Life (CTCL). In the agreement, the Cities took CTCL’s money to facilitate in-person and absentee voting within their respective city. The agreement documents included the Wisconsin Safe Voting Plan (WSVP), the CTCL worksheets and the CTCL acceptance letters, which were conditioned on the Cities spending CTCL’s transferred money in accordance with the WSVP. These documents are in the accompanying appendix: App. 7-27 (WSVP); App. 513-519, (CTCL worksheet blank form), 520-537 (Green Bay worksheet), 538-551 (Kenosha worksheet), 552-563 (Madison worksheet), 564-575 (Milwaukee worksheet), 576-587 (Racine worksheet); 588-601 (CTCL grant application acceptance letters for Milwaukee, Madison, Kenosha, Green Bay and Racine).

Any Agreement Where a City’s Election Officials Receive CTCL or Other’s Private Money to Facilitate In-Person and Absentee Voting Within a City Facially Violates Wis. Stat. § 12.11’s Prohibition on Election Bribery Under Wis. Stat. § 12.11.

The CTCL agreement facially violates the election bribery prohibition of Wis. Stat. § 12.11 because the participating cities and public officials received private money to facilitate in-person or absentee voting within such a city. Any similar agreements in the 2022 and 2024 election cycle would also be prohibited election bribery.

Wis. Stat. § 12.11, in relevant part, prohibits a city from receiving money to facilitate electors going to the polls or to facilitate electors to voting by absentee ballot:

Election bribery

(1) In this section, “anything of value” includes any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds \$1...

(1m) Any person who does any of the following violates this chapter:

1. Offers, gives, lends or promises to give or lend, or endeavors to procure, anything of value, or any office or employment or any privilege or immunity to, or for, any elector, or *to or for any other person, in order to induce any elector* *to:*
 1. *Go to ... the polls.*
 2. *Vote....*

Wis. Stat. § 12.11 (emphasis added). Although the word “person” is not defined in section 12.11, it is defined elsewhere to include “bodies politic,” which also includes municipalities. *See* Wis. Stat. § 990.01(26). Although the word “induce” is not defined in Wis. Stat. § 12.11, it is commonly defined to mean “to call forth or bring about by influence or stimulation.”

Wis. Stat. § 12.11 requires three elements for a municipality or its officials to engage in “election bribery:” (1) the definition of “anything of value” must be met; (2) the thing of value must be received by a municipality or its election officials; and (3) the municipality must receive the thing of value in order to facilitate electors going to the polls or voting by absentee ballot. With respect to the first element, Wis. Stat. § 12.11 defines “anything of value” to mean “any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds \$1.” To

meet the second element, Wis. Stat. § 12.11 requires that the item of value be received by a municipality. Finally, the city must receive the item of value in order to facilitate electors to go to the polls or in order to facilitate electors to vote.

1. Conception of the Election Bribery Scheme

The record created by public document requests shows that CTCL, a private company headquartered in Chicago^[3], engaged in an election bribery scheme. CTCL reached out to the City of Racine to allow CTCL to provide grant money to certain handpicked cities in Wisconsin to facilitate increased in-person and absentee voting in the cities. App. 402. This first grant of \$100,000 was to be split among the five largest cities in Wisconsin at \$10,000 per city, plus an extra \$50,000 to Racine for organizing the five cities. App. 402. This first grant required the mayors of the five largest cities in Wisconsin and their respective staffs to complete CTCL election administration forms, including goals and plans to facilitate increased in-person and absentee voting in their respective cities and “communities of color” and develop a joint plan for elections only in these cities and not statewide. App. 297.

Christie Baumel (a City of Madison employee) wrote on June 9, 2020, regarding CTCL and “Election Cost Grant:”

My understanding is that this is a small planning grant that Racine received from the Center for Tech & Civic Life to produce, by June 15th, a proposal for safe and secure election administration, according to the **needs identified by the five largest municipalities**. In other words, this information informs the Center for Tech & Civic Life in their consideration of where and how to support complete, safe, secure [sic] elections in Wisconsin.

App. 603 (emphasis added.)

As part of the election bribery scheme, CTCL was reaching out to the five largest cities in Wisconsin, and CTCL wanted information from those cities in determining how to provide money to those cities to facilitate increased in-person and absentee voting. *Id.* This program and the larger amount of grant money was not available to any cities or counties in Wisconsin other than the five largest cities. These five cities began to identify themselves and to be identified by CTCL as the “Zuckerberg 5,” including a letterhead with the five cities’ seals.^[4] App. 7, 141-143. Whitney May, Director of Government Services at CTCL, wrote to representatives of the other Zuckerberg 5 cities on August 18, 2020, stating, “You are the famous WI-5 ... excited to see November be an even bigger success for you and your teams.” *Id.*; App. 375-376.

The attempt of CTCL to target the five largest cities in Wisconsin for election support to facilitate increased in-person and absentee voting had been ongoing since early 2020, as indicated in emails and invitations from Vicky Selkove, a Racine employee who opposed Trump and those that voted for him,^[5] to Kenosha, Madison, Milwaukee, and Green Bay mayors, and a few other city officials from the Zuckerberg 5. App. 331-349; 392-401; 481-487. Only those four cities plus Racine were invited to “[a]pply for a COVID-19 grant” from CTCL and to thus be in on the “plan” to accept CTCL’s private money to facilitate increased in-person and absentee voting in the 2020 election. App. 603-604.

The CTCL Agreement required the Zuckerberg 5 Mayors and their respective staffs to develop a joint plan for the Zuckerberg 5’s elections pursuant to the agreement by June 15, 2020:

The City of Racine, and any cities granted funds under paragraph 4, shall produce, by June 15th, 2020, a plan for a safe and secure election

administration in each such city in 2020, including election administration needs, budget estimates for such assessment, and an assessment of the impact of the plan on voters.

App. 2. The carrot for the Zuckerberg 5 to provide this information for CTCL was to get part of a \$100,000 grant. Once the Zuckerberg 5 expressed interest in receiving the \$10,000 grants from CTCL, they quickly provided information to Ms. Selkove and CTCL on CTCL's form so they could develop a "comprehensive plan" for election administration for their "national funding partner, the Center for Tech & Civic Life" by June 15, 2020. App. 604 (emphasis added).

Following the expected "Council approval" on June 2, Ms. Selkove of Racine sought to "immediately" connect with "municipal clerks and other relevant staff" to "swiftly gather information about" the cities' "election administration needs." App. 604. Ms. Selkove obtained the information from the Zuckerberg 5 through the five completed CTCL forms, then either Racine or CTCL used that information to prepare the WSVP, as requested by CTCL. App. 513-519, (CTCL blank form), 520-537 (Green Bay), 538-551 (Kenosha), 552-563 (Madison), 564-575 (Milwaukee), 576-587 (Racine). Ms. Selkove made clear that she was the point person for communicating with the different city staffs to gather information to prepare this plan. *Id.* at 604.

2. The First Contract Between CTCL and the Zuckerberg 5

On about May 28, 2020, the Racine Common Council approved, and signed, the CTCL conditional grant in the amount of \$100,000 to recruit and later coordinate with the Zuckerberg 5 to join the WSVP 2020 submitted to CTCL on June 15, 2020. App. 325-349, 402-405. The grant and distribution to the Zuckerberg 5 was not random, rather it was the

intentional culmination of meetings or virtual meetings on May 16, 2020, June 13, 2020, and August 14, 2020. *Id.* These meetings were also secretive. The mayors and their staff were invited to the meeting. However, neither the Common Council members nor the public were informed that the meetings were even set to occur. *Id.* The Common Council members of Racine were later asked to vote only to approve what was decided at the secret meetings. App. 486-487.

It is not believed that the Common Councils of the other four cities of the Zuckerberg 5 were asked to vote on the \$100,000 grant, except perhaps long after they had already received the money and committed to accepting the larger grant and its conditions. *Id.* For example, the City of Madison received the \$10,000 even though on July 13, 2020, Maribeth Witzel-Behl, the Madison City Clerk, wrote that “Common Council has yet to accept the \$10,000” from CTCL. App. 605-606.

The grant approved by the Racine Common Council stated, “[t]he grant funds must be used exclusively for the public purpose of planning safe and secure election administration in the City of Racine in 2020 and coordinating such planning.” App. 404. Thus, the consideration for the Zuckerberg 5 to receive the first, small grant, was that they provide information for CTCL to use in preparing the WSVP for the large grant. *Id.*

3. The WSVP and CTCL’s Grant Acceptance Letter Incorporating the WSVP Is the Agreement Where the City Agreed to Take CTCL’s Private Money to Facilitate Increased In-Person Voting and to Facilitate Absentee Voting.

The WSVP and CTCL’s grant acceptance letter incorporating the WSVP is the agreement in which the City agreed to take CTCL’s private money to facilitate increased

in-person voting and to facilitate absentee voting. The WSVP was developed ostensibly “in the midst of the COVID-19 Pandemic” to ensure voting could be “done in accordance with prevailing public health requirements” to “reduce the risk of exposure to coronavirus.” Further, it was intended to assist with “a scramble to procure enough PPE to keep polling locations clean and disinfected.” App. 7-27.

However, another election purpose existed as evidenced by the documents obtained by the Special Counsel. That other election purpose was to fuse together the CTCL, their allied private corporations, the Zuckerberg 5, and \$8.8 million of private funding into joint operations in that group of cities, where the focus would be on facilitating increased in-person and absentee voting, particularly in their “communities of color.” *See, e.g., App. 7-27* (WSVP). From the beginning, the purpose of the WSVP contract and its private funding was for the Zuckerberg 5 to use CTCL’s private money to facilitate greater in-person voting and greater absentee voting, particularly in targeted neighborhoods.

4. Having Agreed to the Initial \$10,000 Per City Grants (Plus \$50,000 Extra for Racine), the Zuckerberg 5 Entered New Grant Agreements for Larger Grants Which Included CTCL’s “Conditions” and Performance Requirements Under WSVP.

On or about July 6, 2020, Ms. Selkove announced that the WSVP had been fully approved for funding by the Center for Tech & Civic Life; the initial \$10,000 grant was just the first step for the Zuckerberg 5 to get an even larger grant from CTCL. *See, e.g., App. 1-27*. Also, on July 6, Tiana Epps-Johnson of CTCL emailed Ms. Selkove stating CTCL intends to fund each of the Zuckerberg 5 with far larger sums of money: Green Bay—\$1,093,400; Kenosha—\$862,779; Madison—\$1,271,788; Milwaukee—

\$2,154,500; and Racine—\$942,100. App. 11. This brought the total grants to the Zuckerberg 5 to \$6,324,567.00. *Id.* Each of the Zuckerberg 5, expressly or impliedly, accepted the large grant money. For example, sometime in July 2020 the City of Madison accepted \$1,271,788 by vote of Common Council. App. 605.

Concurrently with CTCL’s plans to provide the Zuckerberg 5 with \$6,324,567.00 in grant money, CTCL agents began to inform the Zuckerberg 5 of the conditions and the consideration for that grant money. App. 588-601. In other words, the grants were not for purely altruistic purposes as “strings” were clearly attached. On July 10, 2020, Ms. Selkove started contacting each of the Zuckerberg 5 to let them know Tiana Epps-Johnson would contact them to start introducing the Zuckerberg 5 to CTCL’s “partners.” App. 463-464. “Tiana and her team have arranged for extensive expert technical assistance from fantastic and knowledgeable partners across the country, to help each City implement our parts of the Plan.” *Id.* Tiana will send a “draft grant agreement” for the city’s review and “approval on Monday.” *Id.* It was assumed that each City would vote to accept the money, and the terms of the agreement were not important. *Id.*

On July 10, 2020, Ms. Selkove sent an email to Celestine Jeffreys and copied Tiana Epps-Johnson, stating that Green Bay should work with CTCL, along with several of the other largest Wisconsin cities, to “implement our parts of the Plan,” and to allow the City of Green Bay to “understand the resources she’s [Tiana Epps-Johnson of CTCL] bringing to each of our Cities [the “cities” of Milwaukee, Racine, Madison, Kenosha and hopefully Green Bay] to successfully and quickly implement the components of our Plan.” App. 261-262. By approximately July 24, 2020, each of the Zuckerberg 5 had agreed to contracts with CTCL, along with the conditions, rules, and regulations CTCL attached to the grants.

App. 32-33 (Green Bay), 3-5 (Racine), 371-373 (Kenosha), 392-401 (Milwaukee), 406-410 (Madison).

5. The Grant Agreements and the WSVP Between CTCL and the Zuckerberg 5 Contain Conditions Regarding the City Facilitating Increased In-Person and Absentee Voting.

In addition to being informed that the Zuckerberg 5 should work with CTCL’s “partners,” the grant agreement contained express conditions that each of the Zuckerberg 5 had to follow in order to receive and keep the grant funds. *Id.* The grant agreement incorporated the WSVP and its provisions:

The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in the City of _____ in accordance with the Wisconsin Safe Voting Plan 2020.

Id. The consideration for the second contract heavily implied that the Zuckerberg 5 were to use CTCL’s “partners” for election administration. By the time the second contracts and grants came to be issued, the Zuckerberg 5 were deeply embedded in election administration, especially in Green Bay and Milwaukee. Michael Spitzer Rubenstein was listed as a “CTCL grant mentor” who was directing election administration in Green Bay. The contracts for the Zuckerberg 5 required the cities to report to CTCL its spending, not make changes to their spending, or pay the grant money back to CTCL. *Id.*

Specifically, the conditions in the second contract included:

- a. The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in the City of _____ in accordance with the Wisconsin Safe Voting Plan 2020.
- b. Requiring each city or county receiving the funds to report back to CTCL by January 31, 2021 regarding the moneys used to conduct federal elections;

- c. The City of _____ shall not reduce or otherwise modify planned municipal spending on 2020 elections, including the budget of the City Clerk of _____ ('the Clerk') or fail to appropriate or provide previously budgeted funds to the Clerk for the term of this grant. Any amount reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
- d. The City of _____ shall not use any part of this grant to give a grant to another organization unless CTCL agrees to the specific sub-recipient in advance, in writing.

App. 588-589 (Milwaukee), 591-592 (Madison), 595-596 (Kenosha), 598-599 (Green Bay), 3-4 (Racine). CTCL provided a grant tracking form to the Zuckerberg 5 to keep track of their expenditures, which they would later have to report to CTCL. App. 609.

Thus, the text of the grant document provides the conditions clearly: the grant funds had to be used for “planning and operationalizing ... election administration.” App. 3-4, 588-589, 591-592, 595-596, 598-599. The Zuckerberg 5 had to “report back to CTCL by January 31, 2021” regarding the moneys they used. Any moneys used “in contravention” of the grant agreement would have to be “repaid to CTCL” up to the whole amount of the grant. *Id.* The Zuckerberg 5 were not allowed to pay any part of the grant money to another organization “unless CTCL agrees ... in advance, in writing.” *Id.*

The Zuckerberg 5 have admitted that these were “conditions” and that generally the money from CTCL was “conditional.” To underscore the conditions on the grant money, on July 24, 2020, Dennis Granadas of CTCL wrote Celestine Jeffreys of Green Bay:

Please find attached the revised grant agreement for review and signature. Please note that we made a few edits to clean up language, but this did not change the substance of the agreement, unless an update was requested. If you have any concerns please let me know. In addition, we also updated Section 7 for clarity to the following (changes highlighted in bold): “**The City of Green Bay shall not reduce** or otherwise modify planned municipal spending on 2020 elections, including the budget of the City Clerk of Green

Bay ('the Clerk') or fail to appropriate or provide previously budgeted funds to the Clerk for the term of this grant. Any amount reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant." I look forward to receiving the signed agreement. Please let me know if you have any questions/concerns. Have a great weekend.

App. 611 (emphasis added).

These provisions requiring repayment of the grant moneys are referred to as "claw-back" provisions and require the Zuckerberg 5 to return the moneys to CTCL, if CTCL disagreed with how the Zuckerberg 5 spent the money and conducted their 2020 elections. App. 4, 589, 592, 596, 599. After the election in November 2020, CTCL demanded that the Zuckerberg 5 submit forms to CTCL to prove they complied with the grant conditions by January 31, 2021. App. 609. These conditions, including the WSVP provisions to facilitate increased in-person and absentee voting in each participating city, were not merely "boilerplate" provisions. Instead, CTCL intended to, and did, enforce its contractual requirements on the Zuckerberg 5. *Id.*

6. The Grant Agreements and the WSVP Between CTCL and the Zuckerberg 5 Contain Conditions Requiring Participant Cities to Place CTCL-Funded Absentee Ballot Drop Boxes in Targeted Neighborhoods, Even Though Absentee Ballot Drop Boxes Are Unlawful in Wisconsin.

The WSVP and CTCL's grant acceptance letter incorporated the agreement where the cities agreed to take CTCL's private money to purchase and place absentee drop boxes in targeted neighborhoods. App. 10, 16-17. The WSVP provided Green Bay \$50,000, Kenosha \$40,000, Madison \$50,000, Milwaukee \$58,500, and Racine \$18,000 for absentee ballot drop boxes. App. 17. The WSVP provided at total of \$216,500 for absentee ballot drop boxes in the Zuckerberg 5. App. 17. The use of absentee ballot drop boxes, outside

of narrow exceptions, has been successfully challenged as being a violation of Wisconsin law.

In a case in the Wisconsin Circuit Court for Waukesha County, the plaintiffs sued the WEC to challenge 2020 guidance memos that the WEC issued to municipal clerks. Complaint, *Teigen v. Wisconsin Elections Commission*, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. June 28, 2021) (under review by the Wisconsin Supreme Court), available at App. 649-660. In particular, the plaintiffs challenged a memorandum that purported to authorize unstaffed ballot drop boxes:

Despite this requirement in the statutes [i.e., the requirement that an absentee ballot either be returned by mail or be returned by the voter “in person, to the municipal clerk.” Wis. Stat. § 6.87(4)(b)1], WEC Commissioners sent a memo to municipal clerks dated August 19, 2020, (the “August 2020 WEC Memo”) stating that absentee ballots do not need to be mailed by the voter or delivered by the voter, in person, to the municipal clerk but instead could be dropped into a drop box *and that the ballot drop boxes could be unstaffed*, temporary, or permanent. (A true and correct copy of the August 2020 WEC Memo is attached hereto as Exhibit B.)

Id. ¶ 10, available at App. 651 (emphasis added).

The Waukesha County Circuit Court granted summary judgment to the plaintiffs and declared the use of ballot drop boxes, outside of narrow exceptions, to be inconsistent with Wisconsin law:

For the reasons set forth by the Court on the record at the January 13, 2022 hearing, the Court hereby declares that WEC’s interpretation of state statutes in the Memos is inconsistent with state law, to the extent they conflict with the following: (1) an elector must personally mail or deliver his or her own absentee ballot, except where the law explicitly authorizes an agent to act on an elector’s behalf, (2) the only lawful methods for casting an absentee ballot pursuant to Wis. Stat. § 6.87(4)(b)1. are for the elector to place the envelope containing the ballot in the mail or for the elector to deliver the ballot in person to the municipal clerk, (3) *the use of drop boxes, as described in the Memos, is not permitted under Wisconsin law unless the drop box is staffed*

by the clerk and located at the office of the clerk or a properly designated alternate site under Wis. Stat. § 6.855.

Order Granting Summary Judgment for Plaintiffs, *Teigen v. Wisconsin Elections Commission*, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. January 20, 2020), available at App. 66 (emphasis added). The Zuckerberg 5's privately funded absentee ballot drop boxes in the 2020 election were legally unauthorized under Wisconsin law. This makes the Zuckerberg 5 and CTCL's agreement for CTCL-funded purchase and placement of absentee ballot drop boxes a void contract provision as against state law and public policy.

7. Other Entities Have Reported About CTCL's Selective Funding to the Zuckerberg 5.

It is important to note that two non-profit corporations have analyzed the Zuckerberg 5's acceptance and use of the CTCL moneys and published analytical reports in 2021. App. 488-512. Both reports are consistent with our conclusions here. *Id. First*, the Wisconsin Institute for Law & Liberty (WILL) in a June 9, 2021, report titled "Finger on the Scale: Examining Private Funding of Elections in Wisconsin." That report had the following "key takeaways:"

1. WILL received records from 196 communities that received a total \$10.3 million in funding from CTCL. These grants ranged from a high of \$3.4 million for the City of Milwaukee to \$2,212 for the Town of Mountain in Oconto County.
2. The largest five cities in the state (Milwaukee, Madison, Green Bay, Kenosha, and Racine) received nearly 86% of all CTCL grant funds in Wisconsin.
3. While most small towns used CTCL resources for voting equipment

and COVID-related equipment, Milwaukee, Green Bay, and Madison spent close to or above \$100,000 on ostensibly “non-partisan” voter education efforts.

4. Areas of the state that received grants saw statistically significant increases in turnout for Democrats. Increases in turnout were not seen for Donald Trump.
5. This WILL report highlights the inequitable distribution of private resources that came into the state during the 2020 election. Reforms that are designed to ensure that any grant money is distributed in a per capita manner across the state will go a long way in increasing faith that our elections are being conducted in an open and honest manner.

App. 491.

The WILL report also calculated the CTCL funding per 2016 voter in Wisconsin’s ten largest cities. It showed a huge amount of CTCL funding went to the Zuckerberg 5 per voter and in total showed only a small amount of CTCL funding went to the Wisconsin cities which were not among the Zuckerberg 5:

<u>Municipality</u>	<u>CTCL Funding Per 2016 Voter</u>	<u>Total CTCL Grant Amount</u>
Milwaukee*	\$13.82	\$3,409,500
Madison*	\$8.30	\$1,271,788
Green Bay*	\$36.00	\$1,600,000
Kenosha*	\$20.94	\$862,799
Racine*	\$53.41	\$1,699,100
Appleton	\$0.51	\$18,330
Waukesha	\$1.18	\$42,100

Eau Claire	\$2.01	\$71,000
Oshkosh	\$0.00	\$0.00
Janesville	\$6.11	\$183,292

App. 500 (“ * ” denotes a Zuckerberg 5 City).

Notably, the WILL Report concluded that the CTCL funding affected Wisconsin’s 2020 election outcomes in favor of candidate Biden over then-President Trump by at least 8,000 votes:

For candidate Biden there was a statistically significant increase in turnout in cities that received CTCL grants. In those cities, candidate Biden received approximately 41 more votes on average. While the coefficient was also positive for then-President Trump, it did not reach traditional levels of statistical significance. This means that we cannot say that turnout for Republicans in CTCL receiving areas was any different than it would have been without the grants. Given the number of municipalities in the state that received grants, this is a potential electoral impact of more than 8,000 votes in the direction of candidate Biden.

App. 503.

Second, the Foundation for Government Accountability (FGA) in a June 14, 2021 report titled “How Zuckerbucks Infiltrated the Wisconsin Election” made five key findings:

1. More than 200 Wisconsin jurisdictions received “Zuckerbucks” for the 2020 election, totaling more than \$9 million;
2. Nearly \$3.5 million was funneled into the City of Milwaukee via two grants;
3. Green Bay spent only 0.8 percent of funds on personal protective equipment—instead purchasing two new 2020 Ford 550s and paying a public relations firm nearly \$150,000 for voter outreach;

4. A representative of CTCL had behind-the-scenes access to election administration in Green Bay and Milwaukee; and,
5. A former staff member for Governor Evers worked for the grantor to coordinate grant applications in Eau Claire.

App. 508. The FGS report contends that “Wisconsin can—and should—prohibit local jurisdictions from accepting private money for election administration.” *Id.* The relative funding levels for personal protective equipment also gives the lie to a claim that the extraordinary injection of “Zuckerbucks” into this election was necessitated by or intended primarily to ensure the election did not worsen the public health as opposed to influencing voting patterns.

The Zuckerberg 5 Agreed to the Wisconsin Safe Voting Plan Which Contains Geographic and Demographic Classifications to Increase In-person Voting and Absentee Voting for Targeted Areas and Groups—the Kinds of Efforts Typically Associated with Campaigning.

According to the CTCL website, CTCL is not “a grantmaking organization” in “normal years.”^[6] The WSVP contains provisions to increase in-person voting and absentee voting for targeted areas and groups. These groups met particular demographic criteria, which not-coincidentally, matched that of the Biden-voter profile. App. 7-27. Typically, candidates and campaigns, not cities, engage in get-out-the-vote efforts targeting areas and groups; CTCL provided the Zuckerberg 5 about \$8.8 million to carry out the WSVP provisions. App. 493.

The following WSVP provisions are geographic and demographic classifications designed not for safe voting during COVID but to increase in-person voting for targeted

areas and groups, increase absentee voting for targeted areas and groups, or both. App. 7-27. Additionally, these provisions are privately funded and disfavor Wisconsinites outside of the Zuckerberg 5. *Id.*

1. “[T]o be intentional and strategic in reaching our historically disenfranchised residents and communities”

On page one, the WSVP requires the Zuckerberg 5 to “be intentional and strategic in reaching our historically disenfranchised residents and communities; and, above all, ensure the right to vote in our dense and diverse communities” within the Zuckerberg 5. App. 7. This election administration provision, promoting in-person voting and absentee voting, is privately funded, disfavors Wisconsinites outside the Zuckerberg 5, and favors black and minority voters as opposed to the rest of the residents and communities within the Zuckerberg 5. *Id.*

2. “[E]ncourage and increase ... in-person” and “absentee voting by mail and early” voting

On pages 5 and 6, the Zuckerberg Plan states that about one-half of the grant money will be used by the Zuckerberg 5 to “encourage and increase ... in-person” voting and “dramatically expand strategic voter education & outreach efforts”—“particularly to historically disenfranchised residents” within the Zuckerberg 5. App. 11-12. The remainder was slated to be used to encourage and increase absentee voting by mail and early voting” and “dramatically expand strategic voter education & outreach efforts”—“particularly to historically disenfranchised residents” as opposed to the rest of the residents and communities within the Zuckerberg 5. *Id.*; App. 11-12.

Goal	Green Bay	Kenosha	Madison	Milwaukee	Racine	Totals
Encourage and Increase Absentee Voting By Mail and Early, In-Person	\$277,000	\$455,239	\$548,500	\$998,500	\$293,600	\$2,572,839
Dramatically Expand Strategic Voter Education & Outreach Efforts	\$215,000	\$58,000	\$175,000	\$280,000	\$337,000	\$1,065,000
Totals:	\$1,093,400	\$862,779	\$1,271,788	\$2,154,500	\$942,100	\$6,324,567

One way the Zuckerberg 5 were to accomplish this feat was through a specific and targeted campaign directed at black and minority voters.

3. “Dramatically Expand Voter & Community Education & Outreach, Particularly to Historically Disenfranchised Residents”

On page fifteen, the WSVP calls for the cities to specifically target “[h]istorically [d]isenfranchised [r]esidents” within the Zuckerberg 5. The WSVP and CTCL defined “historically disenfranchised voters” to mean:

All five municipalities expressed strong and clear needs for resources to conduct voter outreach and education to their communities, with a particular emphasis on reaching **voters of color, low-income voters without reliable access to internet, voters with disabilities, and voters whose primary language is not English.**

App. 21 (emphasis added). Each of the Zuckerberg 5 had their own plans to “target” certain residents and communities for higher in-person voter turnout.

Green Bay wanted private grant funds to “be distributed in partnership with key community organizations including churches, educational institutions, and organizations serving African immigrants, “LatinX” residents, and African Americans.” App. 21-22. Green Bay wanted to reach out to the Hmong, Somali and Spanish-communities with targeted mail, geo-fencing, posters (billboards), radio, television and streaming PSAs, digital advertising, automated calls and automated texts, [sic] as well as voter-navigators. App. 544. Green Bay’s goal was to increase voter participation in these select, race-based groups by 25% for the November 2020 elections. *Id.* Green Bay’s privately funded get-out-the-vote effort did not include electors who did not live in Green Bay or electors in Green Bay who were not members of preferred racial groups.

In Kenosha, grant funds would be used “for social media advertising, including on online media like Hulu, Spotify, and Pandora (\$10,000), targeted radio and print advertising (\$6,000), and large graphic posters (\$3,000) to display in low-income neighborhoods, on City buses, and at bus stations, and at libraries (\$5000).” App. 22. Kenosha’s privately funded get-out-the-vote effort did not include electors who did not live in Kenosha or electors in Kenosha who did not live in low-income neighborhoods. *Id.*

In Madison, private funds would support partnering “with community organizations and run ads on local Spanish-language radio, in the Spanish-language newspapers, on local hip hop radio stations, in African American-focused printed publications, and in online publications run by and for our communities of color (advertising total \$100,000).” App. 22. Madison’s privately funded get-out-the-vote effort did not include electors who did not live in Madison, were not Spanish-speaking, did not listen to hip hop radio stations, read

African American-focused printed publications, or online publications run by and for Madison’s preferred racial groups. *Id.*

Milwaukee stated that it intended to use these private funds to “get-out-the-vote” based on race, criminal status, and harnessing “current protests” related to the Black Lives Matter movement. App. 571. The City used the private funds to support a “communications effort [that] would focus on appealing to a variety of communities within Milwaukee, including historically underrepresented communities such as LatinX and African Americans, and would include a specific focus on the re-enfranchisement of voters who are no longer on probation or parole for a felony.” App. 22-23. Milwaukee’s privately funded get-out-the-vote efforts did not include electors who did not live in Milwaukee or electors who are not members of preferred racial groupings. *Id.*

In Racine, the private funds supported renting “billboards in key parts of the City (\$5,000) to place messages in Spanish to reach Spanish-speaking voters” and “targeted outreach aimed at City residents with criminal records to encourage them to see if they are not eligible to vote.” App. 23. Racine’s privately funded get-out-the-vote efforts did not include either electors who did not live in Racine or electors who were not Spanish-speaking. *Id.*

Additionally, in Racine, private funds were to be used “to purchase a Mobile Voting Precinct so the City can travel around the City to community centers and strategically chosen partner locations and enable people to vote in this accessible (ADA-compliant), secure, and completely portable polling booth on wheels, an investment that the City will be able to use for years to come.” *Id.* This privately funded get-out-the-vote effort excluded

electors who did not live in Racine and those who did not live near “strategically chosen partner locations.” *Id.*

Individually and collectively, these privately funded election administration provisions promoting in-person voting classifications disfavor Wisconsinites outside the Zuckerberg 5 and favor only selectively defined minorities. App. 21-23.

4. WSVP’s “Absentee Voting” provisions.

On page four, the WSVP requires the Zuckerberg 5 to take specific actions with early voting:

Absentee Voting (By Mail and Early, In-Person)

1. Provide assistance to help voters comply with absentee ballot requests & certification requirements;
2. Utilize secure drop-boxes to facilitate return of absentee ballots;
3. Deploy additional staff and/or technology improvements to expedite & improve accuracy of absentee ballot processing; and,
4. Expand In-Person Early Voting (Including Curbside Voting)

App. 10. This election administration provision, promoting absentee voting, is privately funded and disfavors Wisconsinites outside of the Zuckerberg 5. Only electors in the Zuckerberg 5 benefit from the “assistance,” “drop-boxes,” “improvement,” and increased “early voting.” *Id.*

5. “Provide assistance to help voters comply with absentee ballot request & certification requirements”

On pages nine and ten, the WSVP requires that the Zuckerberg 5, “[p]rovide assistance to help voters comply with absentee ballot request & [sic] certification requirements.” App. 15-16. None of the private funding in this regard would benefit residents outside the Zuckerberg 5. *Id.* Instead, it targeted only the “Biden profile voter.”

In Green Bay, the City would use the private money to fund bilingual LTE “voter navigators” to help Green Bay residents properly upload a valid photo ID, complete their ballots, comply with certification requirements, offer witness signatures, and assist voters prior to the elections. App. 15. Green Bay would also utilize the private funds to pay for social media and local print and radio advertising to educate and direct Green Bay voters so they could upload photo IDs and request and complete absentee ballots. *Id.* In Kenosha, the City would use the private money to have Clerk’s staff train Kenosha library staff on how to help Kenosha residents request and complete absentee ballots. *Id.*

6. “Utilize Secure Drop-Boxes to Facilitate Return of Absentee Ballots”

On pages ten and eleven, the WSVP requires the Zuckerberg 5 to establish and use ballot drop boxes. App. 16-17. In Green Bay, the City intended to use private money to add ballot drop-boxes, at a minimum, at the transit center and two fire stations. *Id.* at 16. This was in addition to the one already in use at City Hall. *Id.* Green Bay intended to possibly use the drop boxes at its libraries, police community buildings, major grocery stores, gas stations, the University of Wisconsin Green Bay, and Northern Wisconsin Technical College. *Id.*

In Kenosha, the City intended to use the private money to install four additional internal security boxes at Kenosha libraries and the Kenosha Water Utility to provide easy access to each side of the City to ballot drop-boxes. *Id.* at 16. Madison intended to use the private money to place and maintain one secure drop box for every 15,000 voters, or twelve drop boxes total, and to provide a potential absentee ballot witness at each drop box. *Id.* at 16. Milwaukee intended to use the private money to install secure 24-hour drop boxes at all thirteen of its public library branches, while Racine intended to use the private money to have three additional drop boxes to be installed at key locations around the city. *Id.* at 16–17.

7. “Expand In-Person Early Voting (Including Curbside Voting)”

On pages twelve through fourteen, the WSVP set out the plan to expand in-person absentee voting. App. 18-20. Green Bay used private money to expand and establish at least three EIPEV sites in trusted locations, ideally on the east (potentially UWGB) and west sides (potentially NWTC or an Oneida Nation facility) of the City, as well as at City Hall. *Id.* at 18. The city also used the private money to print additional ballots, signage, and materials to have available at these early voting sites. *Id.* Kenosha used private money to offer early drive-thru voting on City Hall property and for staffing for drive-thru early voting. *Id.*

In Madison, the City intended to use private money to provide eighteen in-person absentee voting locations for the two weeks leading up to the August election and for the four weeks leading up to the November election. *Id.* The City purchased and utilized tents for the curbside voting locations in order to protect the ballots, staff, and equipment from getting wet or damaged. Additionally, it purchased and utilized large feather flags to identify the curbside voting sites. *Id.*

Milwaukee also used private money to set up three in-person early voting locations for two weeks prior to the August election and fifteen in-person early voting locations and one drive-thru location. *Id.* at 18-19. Racine used private money to offer a total of three EIPAV satellite locations for one week prior to the August election as well as offering a curbside in-person early voting option. *Id.* at 19. For the November election, Racine intended to use private money to offer EIPAV at four satellite locations two weeks prior to the election and at the Clerk’s office six weeks prior. *Id.*

Chapter 2

The Motive for These Grants Was Impermissible and Partisan Get –

Out-the-Vote Effort (GOTV)

While it is clear that the statute prohibiting election bribery was violated, the reader may be asking (to put it simply): *“So what? Aren’t we told all the time that voting is a good thing and that we should encourage more people to vote? Isn’t that what American democracy is all about? Why should we care if outside groups came in and used their financial resources to get more people to vote? Isn’t it just sour grapes to allege that this effort to “fortify” the election crossed over into bribery?”*

These questions, and others like it, have been presented to the Wisconsin public by the outside groups who came here and by their advocates in the press and elsewhere as a sort of prophylactic defense of the entire bribery scheme. The outside groups know that their questions act as a potent offensive weapon used to discourage the kind of public scrutiny this Report reflects. This is so because anyone who asks critical questions will immediately be put back on their heels: “Tell us why you don’t want more people to vote. What do you have against more *people of color* voting in our elections—are you *racist?*” For the record, all those concerned with this Report are, all things being equal, in favor of more people voting and no one has considered race as a factor one way or the other except to the extent necessary to determine the partisan motives of the private groups who designed and implemented this scheme and who are now cynically and hypocritically

deploying the charge of racism in an attempt to shield their misconduct from the light of day.

The scheme designed and implemented by Zuckerberg’s CTCL had its origins in a man named David Plouffe. Plouffe’s political track record and savvy were likely taken into account by Mark Zuckerberg and his wife Pricilla when they hired David Plouffe to run their political operation-- the [Pricilla] Chan [and Mark] Zuckerberg Initiative— for the purpose of electing Joe Biden president and defeating then-President Trump.

Writing about President-elect Trump’s first public appearance after his 2016 presidential victory, Plouffe had this to say: “It’s not that we were simply horrified by the reality show performer and his grifter family appearing on stage as America’s next first family—though what a horrifying sight it was.” (p. xiii) Writing his book in late summer of 2019, Plouffe tells the reader he does not care who the Democratic nominee will be because it does not matter: the goal for everybody should be to defeat President Trump. And Plouffe knew just how to do it: “**We’ll do it through turnout**—growing the overall number of people who walk the walk and actually cast votes. Democracy isn’t a metaphor or a game. This year especially it’s a deadly serious test.” (p. xiv (emphasis added))

Turnout, otherwise known as “getting out the vote,” (GOTV) has before 2020 been an exclusively partisan phrase (CITE) used by partisan campaigns to (1) identify; (2) locate; (3) inform; (4) persuade; and, (5) facilitate increasing the number of votes for the candidate that *they favor*. The same is true of efforts to get their ballots into the hands of

a “voter navigator,” or ballot harvester, or into a drop box (another concept largely unknown prior to November 2020).

The Zuckerberg-funded CTCL/ Zuckerberg 5 scheme would prove to be an effective way to accomplish the partisan effort to “turnout” their desired voters and it was done with the active support of the very people and the governmental institution (WEC) that were supposed to be guarding the Wisconsin elections administrative process from the partisan activities they facilitated.

Chapter 3

Government Oversight Has Been Obstructed by Governmental and Outside Corporate Collusion

WEC and the State Attorney General have failed to cooperate with this investigation. In fact, WEC and the State Attorney General each have actively resisted and obstructed the investigation's search for the truth. Wisconsin law requires that actions taken by WEC be accomplished by a majority vote, at a publicly noticed meeting. Wis. Stat. 5.05 (1e); Wis. Stat. § 5.05(5s)(a). Yet WEC, aided by the State Attorney General, has impeded this investigation through obstructive litigation carried on without any record of an approval by the majority of the Commission at a public meeting of the Commission.

These actions of WEC continue a pattern of misconduct by the agency that rose to new heights during the 2020 election cycle, in which new election related policies were spread throughout the state (such as the expanded use of unlawful "drop boxes" and the fraudulent use of the "indefinitely confined" status) without having been approved by either the administrative rule-making process, ensuring that changes in law are vetted in properly noticed public meetings, or by receiving a majority vote of the Commission.

Following initial compliance with the valid Assembly subpoenas, the OSC subsequently faced numerous dilatory actions constituting obstruction of this investigation. Such actions include:

1. Instructions by the Governor to governmental actors not to comply with Legislative oversight;

2. Frivolous and subsequently dismissed ethics complaints against OSC staff;
3. Voluminous open record requests by outside, dark money nonprofits;
4. Free, dark money attorneys provided to various governmental actors;
5. Private investigators looking into the private lives of OSC staff, and outside hacks of devices;
6. Coordinated media campaigns against Legislative oversight and the OSC;
7. Intervention in lawsuits by the Attorney General on behalf of individuals and adverse to the mission of his Office; and,
8. Withholding and destruction of evidence, often poorly justified by claimed contractual obligations with commercial vendors, placing private business ahead of the public interest.

Chapter 4

This Collusion and Entanglement Also Caused a Host of Questionable

Actions by the Zuckerberg 5

Wisconsin engaged private companies in election administration in unlawful ways for the 2020 Presidential election.

1. Wisconsin law and WEC's 250-page Election Administration Manual for Wisconsin Municipal Clerks do not legally authorize CTCL and its "partners" to participate in Zuckerberg 5's election administration.
2. WEC's WisVote security policies do not legally authorize the Zuckerberg 5 election officials to share WisVote data with CTCL and its partners.
3. The security of WisVote FIDO Keys required by WEC for WisVote access is unacceptable and an invitation to fraud as the ability to properly track all of the access points and personnel is a key feature required to maintain voting integrity.
4. CTCL pushed onto the Zuckerberg 5 the CTCL "partners" who would unlawfully administer aspects of the election.
5. The projects that CTCL's partners promoted had nothing to do with Covid-19 safety.
6. After the Zuckerberg 5 agreed to the large grants, and CTCL convinced the Zuckerberg 5 to utilize CTCL's "partners," CTCL sought to unlawfully embed those "partners" into the Zuckerberg 5's election administration.
7. Given a blank check to run the election, CTCL and its "partners" took full advantage of the opportunity to administer the election in at least one of the Zuckerberg 5.
8. The "private corporate partners" were from out of state, and not necessarily knowledgeable about Wisconsin election law, or concerned about it.

9. Safe voting was a pretext—the real reason for CTCL’s WSVP grants was to facilitate increased in-person and absentee voting in specific targeted areas inside the Zuckerberg 5.
10. The Zuckerberg 5 became beholden to CTCL as a result of the WSVP’s private funding and the WSVP’s provisions.
11. The Zuckerberg 5 ceded administrative control over the election to CTCL and its private partners, including WisVote data sharing, so they could collectively facilitate increased in-person and absentee voting in the 2020 election.

1. Wisconsin Law and WEC’s 250-Page Election Administration Manual for Wisconsin Municipal Clerks Cannot Legally Authorize CTCL and Its “Partners” to Participate in Zuckerberg 5’s Election Administration.

Wisconsin’s municipal clerks are provided training on administering elections, including being provided WEC’s 250-page Election Administration Manual for Wisconsin Municipal Clerks. This Manual also illustrates why the WSVP, CTCL and its “partners” participating in the Zuckerberg 5’s election administration for the 2020 Presidential Election was not legally authorized.

According to the Manual, “The municipal clerk’s election duties include, but are not limited to, supervision of elections and voter registration in the municipality, equipping polling places, purchasing and maintaining election equipment, preparing ballots and notices, and conducting and tracking the training of other election officials.”

The Manual reserves those duties to municipal clerks, and nowhere does it authorize CTCL and its “partners,” to engage in Zuckerberg 5’s election administration. We also have seen no evidence that personnel from CTCL or its partners were trained in Wisconsin election law, as is required of the municipal clerks.

2. WEC's WisVote Security Policies Do Not Legally Authorize the Zuckerberg 5 Election Officials to Share WisVote Data with CTCL and Its Partners.

WEC's policies on WisVote security are written so that municipal clerks do not work hand-in-hand with private companies to administer the elections. So, the Zuckerberg 5's municipal clerks jeopardized WisVote security when data sharing with CTCL and its partners.

The WisVote system is the Statewide Voter Registration System (SVRS) that originated in 2006 and provided key tools for the former State Elections Board to carry out its critical election business practices. In early 2016, SVRS was replaced by WisVote, which reportedly improved usability and functionality and lowered costs.

Three fundamental goals served as the strategic vision for the WisVote system: improved usability for clerks, reduced costs, and creating a stable and supportable system.

WisVote is not simply a voter registration list, but a full elections administration package. The system is accessed by more than 1,600 users in 700 separate locations across the State. Users connect to the system using the internet. Some locations in Wisconsin do not have high-speed internet access available, in which case, the municipal clerk relies on another clerk (usually the county clerk) to perform data entry functions. The system includes several confidential fields, including driver license numbers, dates of birth, partial social security numbers and voters who are under a protective order, which must be protected by statute.

There are four security to gain access to the WisVote system:

1. User must have a viable computer that can access the internet. That computer must have a “Fast Identity Online” (FIDO) user authentication key applet downloaded to the system
2. User must have an assigned User Name
3. User must have an assigned password
4. User must possess a WEC issued FIDO Key

WEC controls the username and password access.

There are four levels of access to the WisVote system:

1. Clerk: this access certification was developed to train new staff in the complete WisVote system application. This access level allows users to perform all WisVote functions, including printing poll books, mapping, and other election administration duties.
2. Data Entry: this access certification was developed to train new staff to enter voter registration applications, update voter status, and record voter participation. This access level will not allow users to merge voters, print poll books, or perform other election administration duties unless the user completes the full WisVote system training.
3. WEDC Entry: this role does not require additional WisVote training other than the WisVote Introduction tutorials and the Security Series videos; however, the clerk, or authorized designee, must still submit the Request to Add Authorized Users form to ensure users receive the correct WisVote permissions. These users can view municipal data and Election Reconciliation information, but only have the ability to modify or edit Inspectors’ Statement and EDR Postcard data.
4. Read Only: this role does not require any additional WisVote training other than the WisVote Introduction tutorials and the Security Series videos; however, the clerk, or authorized designee, must still submit the Request to Add Authorized Users form to ensure users receive the correct WisVote permissions. These users can view municipal data, but will not have the ability to add, delete, or modify data in WisVote.

WEC's WisVote security rules do not contemplate or authorize non-governmental outside parties receiving WisVote data shared by Zuckerberg 5's election officials.

Further, WEC's rules provide a specific process to obtain access to WisVote data:

To obtain access to WisVote, the clerk, or authorized designee, will complete the following process:

1) Email a completed and signed copy of the Request to Add Authorized Users in The Learning Center (TLC) to Elections Help Desk (elections@wi.gov). Identify the role type for each user identified on the form. There are four user access levels in WisVote from which to choose:

2) Upon receipt of the completed Request to Add Authorized Users in TLC form, the Elections Help Desk will create and issue a login and password for the user to obtain access to TLC website to allow for the new users to complete the following training:

a. Securing WisVote: this is a series of electronic learning modules located under the Election Security Awareness tile in TLC. All WisVote users are required to complete this training regardless of their access level (please also note that this specific training may also be made available and accessed by individuals identified by the clerk, or an authorized designee, who do not require WisVote access and still wish to participate in this cybersecurity educational opportunity—indicate Requested WisVote Access Level as “Not Applicable” on the Request to Add Authorized Users in TLC form); *AND* The training associated with the access levels listed above, if applicable.

3) Once new users complete the Securing WisVote training series *AND* all required training related to their WisVote Access Level, if applicable, an email shall be sent to the Elections Help Desk (elections@wi.gov). The email should state that the Securing WisVote series was completed and should also contain the appropriate Access Certification document (also found on this page), as an attachment. Upon receipt, WEC staff will issue a WisVote username and password.

4) When logging into WisVote for the first time, new users will see the WisVote User Agreement and the WisVote Confidentiality Agreement, in electronic

format. To acknowledge and accept the terms of these agreements, the user will click the “I agree” button when prompted with each agreement.

CTCL and its partners did not follow this process and yet obtained WisVote data from Zuckerberg 5’s election officials. By contrast, the public receives WisVote only as WEC updates the information and for a charge of \$12,500 for a daily snapshot of statewide data. Accordingly, under Wisconsin Elections Commission’s security policies, CTCL’s and its partners were allowed to access to WisVote in this way, opening the system up to unauthorized uses by unauthorized users. The Zuckerberg 5’s WisVote data sharing with CTCL and its partners was thus unlawful.

5. The Security of WisVote FIDO Keys Required by WEC for Wisvote Access Is Unacceptable.

The security of WisVote FIDO Keys, required by WEC for WisVote security is unacceptable. Under WEC’s policies for a multi-factor authentication, three things are needed for WisVote access: login in name; password; and FIDO Key. The FIDO Key is contained in a flash drive that is inserted into a personal computer.

In 2018, WEC mass-issued FIDO Keys across the State to counties and municipalities. The instructions received from WEC to the key recipients were unclear as to security protocols. For example, one county indicated they had requested 2 FIDO Keys and they received 15 keys. When the clerk received the 15 keys, she called WEC and asked, “what should I do with the additional 13 keys you sent that I didn’t request?” WEC said, “hold on to them just in case you need another or one breaks.” One would think that at the time these FIDO Keys were issued, WEC would have a master record of custody as

to how many FIDO Keys had been shipped. If that was the case, WEC cannot apparently find it now.

In mid-September 2021, an open records request was sent to the WEC requesting the total number of FIDO Keys that had been issued by WEC to the various counties and municipalities across the State. The request also asked for a list of individuals to whom the keys were issued. WEC initially issued a copy of a 2020 list of FIDO Key users. Knowing this list changes monthly, a second request was made to determine how many of those users had changed. The 2020 list listed 3,137 FIDO Key users across the State. Of that list, 404 active users had been disabled leaving a balance of 2,733 active users. The updated list indicated that 205 active users had been added two weeks later and accounted for a total of 2,938 keys. Of those 2,938 active keys, 1,929, or 66% were issued with clerk access.

WEC apparently does not know how many FIDO Keys they have actually issued because individual county or municipal clerks have FIDO Keys that were not assigned or listed on WEC's list. For example, WEC issued a total of 36 FIDO Keys to the Fond du Lac County Clerk, who issued 12 keys to various municipalities and still has 24 in her possession. In contrast, WEC's list confirms 12 keys that were issued without accounting for the 24 keys that remain in the Clerk's possession. WEC's records similarly reflect two of the 15 FIDO Keys that WEC issued to the Kewaunee County Clerk and that the Clerk then issued, but they fail to reflect the other 13 FIDO Keys that WEC issued to the Clerk that remain in the Clerk's filing cabinet. Our investigation repeatedly found that counties

and municipalities have more keys than WEC can account for. Yet, the FIDO Keys are supposed to be a major part of WEC's security policy for WisVote data.

There does not seem to be a meaningful pattern as to how FIDO Keys are used to counties or municipalities. For example, as mentioned in the previous paragraphs, clerks have different methods of distributing the keys that they receive from WEC. Some clerks manage their municipality or county WisVote data entry very carefully. For example, the Kewaunee County Clerk only allows 2 people to make entries or adjustments in the WisVote system. Fond du Lac County allows 12 people in the entire County to enter data or make changes to the data. A close look at the Zuckerberg 5 cities of Madison, Milwaukee, Kenosha, Green Bay and Racine shows a remarkable array of differences in how the FIDO Keys are issued and ultimately used.

There is no known explanation as to why there is such diversity of FIDO Key distribution and accountability in the different cities. The chart below lists the Zuckerberg 5 cities where large sums of CTCL money was applied. It is unclear why 64% of FIDO Keys assigned to one city consist of keys with clerk-level access that would allow unfettered access to the entire WisVote database and enable the user to activate and deactivate voters.

FIDO Keys by Zuckerberg 5 Cities per April 2021 WEC Report

<u>City</u>	<u>Population</u> <u>over 18 yrs</u>	<u>Total</u> <u>Keys</u>	<u>Clerk</u> <u>Keys</u>	<u>% of</u> <u>Keys</u> <u>for</u> <u>Clerks</u>	<u>Data</u> <u>Entry</u> <u>Keys</u>	<u>Other</u> <u>Key</u> <u>Types</u>	<u>One Key</u> <u>for every</u> <u>X</u> <u>residents</u>
Madison	214,180	124	17	14%	107	N/A	1,727
Kenosha	74,766	23	6	26%	17		3,251
Milwaukee	450,233	306	196	64%	108	2	1,471
Green Bay	78,777	13	4	31%	8	1	6,060
Racine	60,123	98	22	22%	76		614

In talking to various clerks across the State, it is known that employees of municipalities that have been issued FIDO Keys will often allow other employees in their organization to use their computer, username, password, and FIDO Key to access the WisVote system and make entries. During the 2020 election, this type of usage was extended to third parties in the Zuckerberg 5 cities as further detailed below. FIDO Keys are an area of concern and require more investigation and attention overall.

1. CTCL Pushed Onto the Zuckerberg 5 the CTCL “Partners” Who Would Unlawfully Administer Aspects of the Election.

As part of the WSVP, CTCL pushed onto the Zuckerberg 5 the CTCL “partners” who would effectively administer aspects of the election in an unlawful manner. Under the WSVP, CTCL promoted to the Zuckerberg 5 numerous entities; CTCL’s “partners.” CTCL would then recommend that the Zuckerberg 5 connect with and use those partners in the administration of the election. App. 39-52, 53-69, 78-80. However, since the Zuckerberg 5 were contractually bound to use only the “organizations” that CTCL approved “in advance, in writing,” the “partner” referrals that CTCL made were more than mere “suggestions,” they were part of the CTCL’s binding contractual agreement with the Zuckerberg 5. App. 4, 589, 592, 596, 599.

In late July 2020, CTCL Director of Government Services Whitney May hosted a series of separate “kick off” calls for each of the Zuckerberg 5 city’s public officials, where she introduced and provided an overview of CTCL’s allied corporations (sometimes-called “technical partners”) to inject themselves into that city’s election administration. App. 454-459, 480. CTCL’s “partners” introduced to the Zuckerberg 5 were private corporations that would act to unlawfully aid or administer the relevant city’s election administration:

1. The National Vote At Home Institute (“VoteAtHome” or “NVAHI”) was represented by CTCL as a “technical assistance partner” that could consult about, among other things, “support outreach around absentee voting,” voting machines and “curing absentee ballots,” and to even take the duty of curing absentee ballots off the city’s hands. App. 39-52, 53-69. The NVAHI also offered advice and guidance on accepting ballots and streaming central count during election night and on the day of the count. App. 70-77.
2. The Elections Group and Ryan Chew were represented to be able to provide “technical assistance partners to support your office” and “will be connecting

with you in the coming days regarding drop boxes” and technical assistance to “support your office,” and worked on “voter outreach.” App. 78-80, 81-83, 171. Elections Group Guide to Ballot Boxes. App. 84-124.

3. Ideas42 was represented by CTCL as using “behavioral science insights” to help with communications. App. 324.
4. Power the Polls was represented by CTCL to help recruit poll workers. -App. 124.
5. The Mikva Challenge was recommended to recruit Chicago-based high school age students to be Zuckerberg 5 poll workers. App. 127.
6. US Digital Response was suggested to help with and then take over “absentee ballot curing,” and to “help streamline the hiring, onboarding, and management” of Green Bay’s poll workers. App. 130-138.
7. Center for Civic Design was tapped to design absentee ballots and the absentee voting instructions. App. 196.
8. Eric Ming, the Communications Director for CSME, was selected to serve as a “communications consultant to review your [City of Green Bay] advertising plan for November.” App. 43, 158-159.
9. The Brennan Center, which focuses on “election integrity” including “post-election audits and cybersecurity” was involved. App. 160.
10. HVS Productions added “voter navigator” FAQs and Election Countdown Copy for the city of Green Bay. App. 163-168.
11. Modern Elections was picked to address Spanish language issues. App. 169-171.

Importantly, none of the referenced “partners” mandated by CTCL were health or medical experts that one might expect for efforts allegedly tied to the COVID pandemic; rather, as the grant contracts required, these were “experts” in “election administration.” See App. 454-462, 480. Further, several clerks did inform the OSC that actions by these representatives adversely affected the public health safety of staff and voters.

Former_Green Bay Clerk Kris Teske has described this usurpation by CTCL and its “partners” of election administration. She stated in her Answer in a prior WEC proceeding:

1. “Others in the Mayor’s office began to hold meetings and make decisions relating to the election outside of the Clerk’s office.” App. 674.
2. “This caused planning for the election to become VERY dysfunctional and caused great confusion in the Clerk’s office as many of the meetings and decisions were driven by the Mayor’s chief of staff and other senior officials without the knowledge or consent of the Clerk’s office.” *Id.*
3. “I wrote several emails outlining my concerns with meetings that excluded the Clerk’s office and decisions that were made without consulting the Clerk’s office.” App. 675.
4. “[T]he office’s [Clerk’s office] ability to fulfill the obligations for the election were greatly hindered and diminished by outside interference.” App. 677.

As Teske asserted, Wisconsin law and WEC’s Election Administration Manual for Wisconsin Municipal Clerks did not legally authorize CTCL and its partners to engage in Zuckerberg 5’s election administration.

12. The Projects That CTCL’s Partners Promoted Had Nothing to Do with Covid-19 Safety.

CTCL’s partners had nothing to do with Covid-19 safety. Neither CTCL nor its “partners” were medical or health professionals. Instead, CTCL boasted that it had a “network of current and former election administrators and election experts available” to “scale up your vote by mail processes,” and “ensure forms, envelopes, and other materials are understood and completed correctly by voters.” App. 38.

On July 31, 2020, shortly after the grant agreements were negotiated and executed CTCL’s Director of Government Services wrote to Madison employee Maribeth Witzel-Behl about the “projects” CTCL required:

Hi Maribeth:

Reflecting on your Safe Voting Plan and the kickoff call last week. I wanted to get your feedback about the **projects** our technical partners should tackle first. What are the most urgent areas where you’d like support from the partners? Here’s what we captured in our notes as the likely top 3-4:

1. **Adding satellite locations and drop boxes**—help site locations and provide tailored guidelines and implementation support (Elections Group)
2. **Printing materials for mail ballots** – redesign bilingual **absentee ballot** instruction sheet and letter (Center for Civic Design, who is working with WEC on envelope design)
3. **Targeting communities with election information** – NVAHA is launching a communications toolkit on August 5 to support **outreach** around **absentee voting** (National Vote at Home Institute), share research insights about how to engage people who might not trust the **vote by mail** process (Center for Civic Design)
4. **Training election officials**—review quick guides and other training materials (Elections Group)

App. 479 (emphasis added).

Explaining this “targeting” of communications, Celestine Jeffreys wrote to Whitney May of CTCL on August 27, 2020 that “[t]here are probably 5 organizations that are focused on working with disadvantaged populations and/or with voters directly.” App. 37, 45.

CTCL, when working with the Zuckerberg 5, had other conditions that had nothing to do with COVID prevention, including:

1. Employing “voter navigators” to help voters “complete their ballots.” App. 34-35.
2. The “voter navigators” would later be “trained and utilized as election inspectors.” App. 35.
3. “Utilize paid social media” and “print and radio advertising” to direct voters “to request and complete absentee ballots.” App. 34.
4. “enter new voter registrations and assist with all election certification tasks.” App. 34.
5. “reach voters and potential voters through a multi-prong strategy utilizing ‘every door direct mail,’ targeted mail, geo-fencing, billboards radio, television, and streaming-service PSAs, digital advertising, and automated calls and texts,” and direct mail to “eligible but not registered voters.” App. 36.
6. Assist new voters to “obtain required documents” to get valid state ID needed for voting, targeting African immigrants, LatinX residents, and African Americans. *Id.*
7. “facilitate Election day Registrations and verification of photo ID.” App. 36.

Thus, after the grant agreements commenced, CTCL promoted election activities having nothing to do with Covid-19 safety. CTCL instead focused on targeting voter outreach and absentee voting. CTCL also required the Zuckerberg 5 to target specific geographic and demographic voter characteristics. App. 7-27. Using the grant funds to target voter outreach was required by CTCL as one of the WSVP conditions. App. 3, 7-27.

Again, CTCL and its partners had no specific medical or health experience, and the WSVP “projects” had nothing to do with Covid-19 safety. App. 7-27.

5. **After the Zuckerberg 5 Agreed to the Large Grants, and CTCL Convinced the Zuckerberg 5 to Utilize CTCL’s “Partners,” CTCL Sought to Unlawfully Embed Those “Partners” into the Zuckerberg 5’s Election Administration.**

After the Zuckerberg 5 agreed to the large grants, CTCL offered Milwaukee to provide “an experienced elections staffer [from the Elections Group] that could potentially embed with your staff in Milwaukee in a matter of days and fill that kind of a role.” App. 382 (emphasis added).

CTCL and its partners pushed to get involved with, and take over, other parts of the election administration, as well. One of CTCL’s recommended “partners” was the National Vote at Home Institute (“NVAHI”). Michael Spitzer Rubenstein, NVAHI’s employee, wrote to Claire Woodall-Vogg, the Executive Director of the City of Milwaukee Election Commission: “[C]an you connect me to Reid Magney and anyone else who might make sense at the WEC? Would you also be able to make the connection with the Milwaukee County Clerk?” App. 381.

CTCL and its “partners” made many other attempts to access information to which private entities were obviously not entitled. *Id.* The following communications demonstrate such efforts, not authorized by the governing law:

- 1. If you could send the procedures manual and any instructions for *ballot reconstruction*, I’d appreciate that.** On my end: · By Monday, I’ll have our edits on the absentee voter instructions. · We’re pushing Quickbase to get their system up and running and I’ll keep you updated. · I’ll revise the planning tool to accurately reflect the process. App. 381 (Michael Spitzer Rubenstein emailing to Claire Woodall-Vogg of Milwaukee).

2. I'll create a flowchart for the VBM [vote by mail] processing that we will be able to share with both inspectors and also observers. · **I'll take a look at the reconstruction process** and try to figure out ways to make sure it's followed. App. 381 (Michael Spitzer-Rubenstein emailing to Claire Woodall-Vogg of Milwaukee)
3. "That sounds like a real pain. It would be helpful to just understand the system and maybe the USDR folks can figure out a way to simplify something for you. ... if it's okay with you, **they'd also like to record the screen-share to refer back to, if needed.**" We're hoping there's an easier way to get the data out of WisVote than you having to manually export it every day or week. To that end, we have two questions: 1. **Would you or someone else on your team be able to do a screen-share so we can see the process for an export?** 2. **Do you know if WisVote has an API or anything similar so that it can connect with other software apps? That would be the holy grail** (but I'm not expecting it to be that easy). App. 389 (Michael Spitzer-Rubenstein to Claire Woodall-Vogg).
4. I know you won't have the final data on absentee ballots until Monday night but I imagine you'll want to set things up beforehand. **Just let me know your timeline for doing so and if you get me the absentee data a day ahead of time and I can set things up. And as a reminder, here's what I'll need: 1) Number of ballot preparation teams 2) Number of**

returned ballots per ward 3) **Number of outstanding ballots per ward.** App. 390 (Michael Spitzer-Rubenstein to Claire Woodall-Vogg).

5. **In order to get the data by ward, are you able to run a summary in WisVote or do you have to download all the active voters, absentee applications, etc. and then do an Excel pivot table or something similar?** We added Census data and zip codes to the map and so now we're moving to figure out how we'll update this. Also, **if you can send these reports (whether in summary form or just the raw data), we can put them in: Active voters, Absentee applications, Ballots received, Ballots rejected/returned to be cured.** App. 391, Michael Spitzer Rubenstein to Claire Woodall-Vogg.
6. "I'll try and do a better job clarifying the current need. We are not actually using anything visual right now (though will in the future). In the state of affairs now, **we are just looking for raw data. The end result of this data will be some formulas, algorithms and reports that cross reference information about ballots and the census data.** For example, **we want to deliver to Milwaukee + Voteathome answers to questions like "How many of age residents are also registered to vote?" or "what percentage of ballots are unreturned in areas with predominantly minorities?"** To do that, we need a clear link between address + Census Tract. We need this for all ~300k voters and the ~200k+ absentee ballots, and it needs to be able automatic as we perform more

inserts. To accomplish this, we were making calls to the Census API. They allow you to pass in an address and get the Census Tract. That solution “works”, but is far too slow. Their batch solution isn’t working either.” App. 388 (emphasis added).

CTCL and its partners were influencing public officials while those officials were doing their jobs to administer the election. *See, e.g.*, App. 381, 383-388, 390-391. Although some of these attempts by CTCL and its partners to tamper with, or take over the Zuckerberg 5’s election administration, may have been rebuffed, others were not *Id.* The Zuckerberg 5 apparently agreed that some of CTCL’s attempts would have been too egregious. App. 389. For example, Claire Woodall-Vogg responded:

While I completely understand and appreciate the assistance that is trying to be provided, *I am definitely not comfortable having a non-staff member involved in the functions of our voter database, much less recording it.* While it is a pain to have to remember to generate a report each night and less than ideal, it takes me less than 5 minutes. Without consulting with the state, which I know they don’t have the capacity or interest in right now, I don’t think I’m comfortable having USDR get involved when it comes to our voter database. I hope you can see where I am coming from – this is our secure database that is certainly already receiving hacking attempts from outside forces.

App. 389 (Claire Woodall-Vogg to Michael Spitzer Rubenstein) (emphasis added).

Kris Teske confirmed that CTCL and its “partners” sought to improperly interject or “embed” themselves into the election administration. App. 674. She stated in her answer in a prior WEC proceeding: “A further complicating factor arose when outside (private) organizations were engaged to participate in the planning and administration of the election.” *Id.*

Another example of embedding is in Milwaukee. The Elections Group employee Ryan Chew wrote at 4:07 a.m. on November 4, 2020, the day after the Presidential election, to Milwaukee election official Claire Woodall-Vogg:

Damn Claire, you have a flair for drama, delivering just the margin needed at 3:00 a.m. I bet you had those votes counted at midnight, and just wanted to keep the world waiting.

App. 610. Woodall-Vogg responded, “LOL. I just wanted to say I had been awake for a full 24 hours.” *Id.*

1. Given a Blank Check to Run the Election, CTCL and Its “Partners” Took Full Advantage of the Opportunity to Administer the Election in at Least One of the Zuckerberg 5.

The Zuckerberg 5 used (at a minimum) the following group of CTCL’s allied corporations to engage in election administration: Center for Civic Design, App. 451-453, 467-471, 474-475, 478; Vote at Home Institute, App. 447, 449, 465-466, 477; Voter Participation Center, App. 476; healthyvoting.org, App. 445; Elections Group, App. 444; Brennan Center, App. 440; Simon and Company, Inc., App. 448, 450. CTCL and its partners assumed numerous aspects of administration of Zuckerberg 5’s election processes.

See, e.g., App. at 451-453, 467-471. For example, in Green Bay, the private corporations and their employees engaged in the following aspects of election administration:

- a. Vote at Home volunteered to take the curing of ballots off of a municipality's plate; (*id.* at 172-174);
- b. Elections Group offered to "lend a hand" to Central Count stations (*id.* at 175-76);
- c. Offered to connect a municipality to "partners like Power the Polls" to recruit poll workers and to partner with CTCL to send out e-mails to recruit poll workers; (*id.* at 177);
- d. Advised the City as to using DS200 voting machines; (*id.* at 178);
- e. Provided a "voter navigator" job description; (*id.* at 182);
- f. Advised a municipality regarding moving the "Central Count" from City Hall to a different location, which was wired to provide election results directly to private corporate employees; (*id.* at 262);
- g. The Center for Civic Design offered a municipality to design the absentee voting instructions and the absentee envelopes; (*id.* at 184-196);
- h. The Elections Group issued a Guide to Ballot Drop Boxes, a report on Planning Drop Boxes, Voter Outreach, and Communication; (*id.* at 197-236);
- i. Provided advice about procedures for challenging an elector's ballot; (*id.* at 232-236); and

j. Conservation Voices and curing. (*id.* at 237-240).

Whitney May of CTCL advised Milwaukee's Information Coordinator, Michelle Nelson, on how to request additional funding for election administration from the City and encouraged her to consult with other Zuckerberg 5 clerks:

Below is some language I drafted along with 2 links that may help you frame the need for more staff. And have you asked Kris in Green Bay or Tara in Racine about their staffing levels? If they have similar numbers of registered voters as Kenosha, but more staff than Kenosha, then I think that's also a way to make your case to Admin.

App. 377. This email raises the concern that CTCL was drafting documents regarding municipal funding for election administration for the Zuckerberg 5. *Id.* Based on CTCL contact with the Commission, the CTCL and its partners may have drafted documents for Commission staff as well. *Id.*

Kris Teske saw these acts of usurpation as well, describing them in her communications. App. 318-319. As early as July, she claimed that the Mayor's office was diverting her authority as a result of the CTCL Contract. She wrote in an e-mail:

I haven't been in any discussions or emails as to what they are going to do with the money. I only know what has been on the news/in the media... Again, I feel I am being left out of the discussions and not listened to at the meetings.

Id. at 318. Kris Teske also wrote, "Celestine also talked about having advisors from the organization giving the grant who will be 'helping us' with the election and I don't know anything about that." *Id.* at 319. "I don't understand how people who don't have the

knowledge of the process can tell us how to manage the election.” *Id.* Teske expressed concern that voting laws may be being broken. She wrote:

I just attended the Ad Hoc meeting on Elections.... I also asked when these people from the grant give us advisors who is going to be determining if their advice is legal or not...I don't think it pays to talk to the Mayor because he sides with Celestine, so I know this is what he wants. I just don't know where the Clerk's Office fits in anymore.

Id. at 318-319.

Some of the most aggressive and egregious usurpation of election administration was performed by Michael Spitzer Rubenstein of NVAHI. Mr. Spitzer Rubenstein performed tasks such as:

- a. Providing instructions to the Central Count workers (App. 241-242);
- b. Augmenting the City of Green Bay's "guide with the DS450" voting machine instructions; issuing a purchase order (*id.* at 49); asking about 62001 openers (*id.* at 243);
- c. Corresponding with the Green Bay City Attorney and other employees to interpret Wisconsin law and even to develop absentee voting protocols potentially inconsistent with Wisconsin Law (App. 73);
- d. Offering to take "curing ballots" off of the City of Green Bay's plate (*id.* at 135, 137, 138, 172-173);
- e. "[H]elping Milwaukee assign inspectors to Central Count stations," and offering to do the same for Green Bay (*id.* at 244);
- f. Setting up the voting machines and patterns in the Central Count location (App. 175, 178, 179-195);

- g. Offering “additional resources” such as “funding available, both from ourselves, and the Center for Tech and Civic Life (thanks to Priscilla Chan and Mark Zuckerberg)” (*id.* at 124);
- h. Determining whether to accept ballots after the deadline of 8 pm (*id.* at 291-292);
- i. Allocating poll workers on election day (App. 252);
- j. Teske stating finance person does not want NVAHI person in office, but Chief of Staff is running show (*id.* at 249-251);
- k. Sharing Central Count guidance # of poll workers (*id.* at 252).

Further: “Michael Spitzer Rubenstein will be the on-site contact for the group [on Election Day].” App. 257-261. Mr. Spitzer Rubenstein was one of three people providing “supervision and check-in duties” for workers on the days of the election and subsequent vote counting. App. 306.

One of the functions of Mr. Spitzer Rubenstein’s service as “on-site contact” was to coordinate with the contractor staff at the Hyatt Regency and KI Convention Center to set up wireless networks for Election Day operations. At Mr. Spitzer Rubenstein’s instruction, there were three WiFi networks available. One was the general conference facility public network that would be available to members of the press and others. That network was password-protected, but the password was widely available. A second password-protected WiFi network was created for Central Count staff. Mr. Spitzer Rubenstein also directed that a third WiFi network be established, but that network was to be hidden and it was not

to be password-protected. Spitzer Rubenstein also ensured that “both networks reach[ed] [his] hotel room on the 8th floor” (App. 262-266).

Spitzer Rubenstein had unfettered access to the Central Count, ballots, and ballot counting:

1. Spitzer Rubenstein developed a diagram and map of the “Central Count” area of the election and developed roles for the staff to handle and count ballots, and Central Count procedures (App. 267-288);
2. Assigned inspectors for vote counting and polling places (App. 244);
3. Pushed for control of ballot curing process (App. 172-173);
4. Provided advice to Green Bay’s City Attorney regarding interpretation of Wis. Stat. governing the timing and receipt of ballots (App. 289-292);
5. Instructed “pull the numbers on the absentee ballots returned and outstanding per ward” information on vote results so he could determine which wards were on which voting machines (App. 293-295);
6. Created a “poll worker needs” spreadsheet (App. 296-298);
7. Put himself in charge of transporting ballots to City Hall and then to Central Count on election day; and then counting them. (Discussion of “moving ballot boxes in the morning and evening.” November, 2, 2020 (App. 280, 299-301);
8. Stated “I’m putting together instructions for the Central Count

workers, ...” (App. 302);

9. Corresponded with Saralynn Flynn, also of Vote at Home, who wrote: “here is the document I made to hand out to central count observers.” (App. 241) The “document” he created warned Election Observers to “NOT interfere in any way with the election process,” while CTCL personnel, partners, “pollworkers” and others deputized by CTCL, transported ballots, counted ballots, and “cured” defective mail in and absentee ballots, and otherwise exercised considerable control over the election process (App. 303);
10. Had unrestricted access on election day to the Central Count floor (App. 304).

On election day, Spitzer Rubenstein had access to ballots and determined which ones would be counted or not counted. Spitzer Rubenstein wrote to Vanessa Chavez, Green Bay City Attorney, on November 3, 2020 at 9:29 pm: “Be prepared: ballots delayed.” The text stated: “I think we’re probably okay; I don’t think anyone challenged the ballots when they came in.” App. 304 (emphasis added). Spitzer Rubenstein explained that someone “prevented one of the drop box deliveries from getting to City Hall by 8 PM,” so the ballots were “delayed,” i.e., did not arrive on time as required by law. Forty-seven boxes of ballots were expected to be delivered and apparently, according to Spitzer Rubenstein’s email, some of them were late but he decided that despite some of them being late, they were to be counted anyway because no one “challenged them.” *Id.*

1. The “Private Corporate Partners” Were from Out of State, and Not Necessarily Knowledgeable About Wisconsin Election Law, or Concerned About It.

Notably, CTCL’s “private corporate partners” were from out of State, and not necessarily knowledgeable about Wisconsin election law, or concerned about it. Ryan Chew of the Elections Group was located outside of Wisconsin. Further, Chew was described by Whitney May of CTCL as having “decades of election experience working with the Cook County Clerk in Illinois. They [Mr. Chew and Gail, also from the Elections Group] are available to discuss your drop box plans (and more!).” App. 374. CTCL is headquartered in Illinois. Spitzer Rubenstein is a lawyer who lives in Brooklyn. Kris Teske stated in her answer that “[m]any of these [election administration] decisions were made by persons who were not authorized to do so and some were made by people not qualified to make them as, again, election laws need to be followed to ensure the integrity of the election.” App. 676.

2. Safe Voting Was a Pretext—The Real Reason for CTCL’s WSVP Grants was to Facilitate Increased In-Person and Absentee Voting in Specific Targeted Areas Inside the Zuckerberg 5.

The real reason for CTCL’s WSVP grants was to facilitate increased in-person and absentee voting in specific targeted areas inside the Zuckerberg 5. App. 7-27. Safe voting was merely a pretext.

On June 10, 2020, Vicky Selkove informed the representatives of the other Zuckerberg 5 that: “[o]ur national funding partner, the Center for Tech & Civic Life, has one additional question area they’d like answered: “What steps can you take to update

registered voters' addresses before November? What steps can you take to register new voters? How much would each cost?" App. 604.

3. The Zuckerberg 5 Became Beholden to CTCL as a Result of the WSVP's Private Funding and the WSVP's Provisions.

The documents show that the Zuckerberg 5 became beholden to CTCL as a result of the WSVP's private funding and the WSVP's provisions.

On August 1, 2020, Maggie McClain of Madison emailed Maribeth Witzel-Behl stating: "is there an approval/letter giving the go-ahead for this? Or an okay from CTCL saying the *grant funds could be used for this?* I need something to attach to the requisition." App. 607.

On August 31, 2020, Kenosha sought and obtained CTCL permission for purchasing 3 DS450 high speed ballot tabulators for use at absentee central count locations at an amended cost of \$180,000 instead of \$172,000. App. 378-380. Madison sought similar approval from CTCL regarding election administration financing. App. 437-439, 441-443, 446, 450, 472-473.

On September 22, 2020, Karalyn Kratowitz, the interim deputy mayor of Madison, asked CTCL for instruction on and permission as to how to spend the money. App. 446.

On January 7, 2021, pursuant to the agreement, CTCL told Madison to report by January 31, 2021. App. 609.

The Zuckerberg 5 were periodically required to report to CTCL on election administration. All the Zuckerberg 5 were required to report to CTCL on their expenditures

by January 31, 2021. App. 4 (Racine), 589 (Milwaukee), 592 (Madison), 596 (Kenosha), 599 (Green Bay).

4. The Zuckerberg 5 Ceded Administrative Control Over the Election to CTCL and its Private Partners, Including WisVote Data Sharing, so they Could Collectively Facilitate Increased In-Person and Absentee Voting in the 2020 Election.

As set forth above, CTCL’s stated and implied conditions led to the Zuckerberg 5’s municipal clerks and other staff to sometimes eagerly step aside, and other times to be pushed aside, to let CTCL and its private corporate partners engage in aspects of election administration—including exclusive free access to WisVote data not available to the public and not for free (e.g., \$12,500 for copy of statewide WisVote data). *See, e.g.*, App. 7-27. CTCL and the private corporations, as revealed by the documents, had an ulterior motive in the WSVP to facilitate increased in-person and absentee voting in the Zuckerberg 5 and among their preferred racial groups. *Id.*

Chapter 5

Corporate Legal Defense to Facilitate Obstruction Might Violate the Wisconsin Ethics Code

The unlawful actions of various Wisconsin election officials has opened them up to legal liability. In certain contexts, Wisconsin's election officials can enjoy legal immunity; in others, they can be represented by government attorneys or government-financed attorneys. Finally, in some contexts, unlawful actions of officials can place them in a position where they-- just like any other members of the public-- may have to hire and pay their own attorneys to defend themselves.

CEIR's Election Officials Legal Defense Network (EOLDN), announced in December of 2021, provides legal services for government officials on the hook for misconduct. In Wisconsin, this is not a solution to these election officials' legal problems. In fact, accepting EOLDN's legal services may get these election officials into more jeopardy, because the EOLDN system facially violates Wis. Stat. § 19.59 (1)(b), prohibiting such transactions. Wis. Stat. § 19.59 (1)(b) provides:

(b) No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official.

The problem is that CTCL and CEIR are Zuckerberg-Chan financed entities that worked together as a joint venture in the 2020 election. CTCL received \$350 million for the 2020 election. CEIR received \$69 million for the 2020 election. CTCL funded the \$8.8

million Wisconsin Safe Voting Plan (WSVP), which the cities of Milwaukee, Madison, Green Bay, Racine and Kenosha used to purchase illegal drop boxes and the provision of those funds constitutes election bribery under Wis. Stat. § 12.11.

EOLDN's three leaders: David Becker, Bob Bauer and Ben Ginsberg have different roles regarding the Zuckerbergs' CTCL and WSVP. Becker, as President of CEIR, received \$69 million from Zuckerberg-Chan. Bauer and Ginsberg are election law attorneys who likely represent-- or are being paid by-- CEIR, CTCL, or related entities. Not surprisingly, all three—Becker, Bauer and Ginsberg—have publicly supported CTCL's distributions in Wisconsin as lawful.

EOLDN should know that CTCL and CEIR are potential parties or witnesses to future illegal drop box or election bribery litigation or prosecutions. In turn, CEIR and related entities are disqualified from providing attorneys for Wisconsin election bribery defendants because they are potential parties, potential witnesses or biased due to previous representation of related parties. Further, it appears, EOLDN, on behalf of Zuckerberg and Chan, are improperly coordinating legal defenses of election officials to protect CTCL, CEIR, Zuckerberg, Chan and related entities and individuals.

By providing free legal defense services for election officials in these subject areas, EOLDN may be violating the first part of Wis. Stat. § 19.59 (1)(b), which prohibits such transactions:

No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or

indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment.

The law applies to these circumstances as follows. The "person" is EOLDN or their attorney. The local public official is the election official receiving free EOLDN legal services. The "anything of value" provided is the free legal defense services provided by EOLDN. The gift of the free legal services could reasonably be expected to influence the election officials' official actions or judgment. Since EOLDN's free legal services will have foremost in mind protecting the interests of CTCL, CEIR, Zuckerberg and Chan, it will influence the election officials' official actions and judgment in defending Wis. Stat. § 5.06 administrative corrections and related criminal prosecutions. So, all the elements are satisfied for the transaction to be deemed prohibited.

By providing free legal defense services for election officials in these subject areas, EOLDN may be violating the second part of Wis. Stat. § 19.59 (1)(b) prohibiting such transactions:

No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it ...could reasonably be considered as a reward for any official action or inaction on the part of the local public official

The law applies to the circumstances as follows. The "person" is EOLDN or their attorney. The local public official is the election official receiving free EOLDN legal services. The "anything of value" provided is the free legal defense services provided by EOLDN. EOLDN or its attorney's gift of the legal services could reasonably be considered a reward for the official's actions regarding the illegal drop boxes, election bribery and/or violating

the special voting deputies law. Recall CTCL, Zuckerberg and Chan financed the illegal drop boxes and election bribery, so EOLDN's free legal services to the election officials could be reasonably seen as a "reward" for their participation in unlawful actions related to the election.

Chapter 6

Wisconsin Election Officials' Widespread Use of Absentee Ballot Drop Boxes

Facially Violated Wisconsin Law

In Wisconsin, election officials' unprecedented use of absentee ballot drop boxes facially violated Wisconsin law. This practice of unlawful absentee ballot drop boxes was particularly pervasive in the cities of Milwaukee, Madison, Kenosha, Racine and Green Bay. These bulk absentee ballot drop boxes were privately financed by Center for Tech and Civic Life (CTCL). The WSVP and CTCL's grant acceptance letter incorporating the WSVP is the agreement in which the city agreed to take CTCL's money to purchase and place absentee drop boxes in targeted neighborhoods. App. 10, 16-17.

In total, the WSVP provided \$216,500 for unlawful absentee ballot drop boxes in the Zuckerberg 5. App. 17. The WSVP provided Green Bay \$50,000 for absentee ballot drop boxes. App. 16. The WSVP provided Kenosha \$40,000 for absentee ballot drop boxes. App. 16. The WSVP provided Madison \$50,000 for absentee ballot drop boxes. App. 16. The WSVP provided Milwaukee \$58,500 for absentee ballot drop boxes. App. 16. The WSVP provided Racine \$18,000 for absentee ballot drop boxes. App. 17.

The use of absentee ballot drop boxes has been successfully challenged in state court as being unlawful. In a case in the Waukesha County Circuit Court, the plaintiffs sued the WEC to challenge 2020 guidance memos that the WEC issued to municipal clerks. Complaint, Teigen v. Wisconsin Elections Commission, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. June 28, 2021) (under review by the Wisconsin Supreme Court), available

at App. 649-660. In particular, the plaintiffs challenged a memorandum that purported to authorize unstaffed ballot drop boxes:

Despite this requirement in the statutes [i.e., the requirement that an absentee ballot either be returned by mail or be returned by the voter “in person, to the municipal clerk.” Wis. Stat. § 6.87(4)(b)1], WEC Commissioners sent a memo to municipal clerks dated August 19, 2020, (the “August 2020 WEC Memo”) stating that absentee ballots do not need to be mailed by the voter or delivered by the voter, in person, to the municipal clerk but instead could be dropped into a drop box and that the ballot drop boxes could be unstaffed, temporary, or permanent. (A true and correct copy of the August 2020 WEC Memo is attached hereto as Exhibit B.).

Id. ¶ 10, available at App. 651.

The court granted the plaintiffs motion for summary judgment and declared the use of ballot drop boxes, outside of narrow exceptions, to be inconsistent with Wisconsin law:

For the reasons set forth by the Court on the record at the January 13, 2022 hearing, the Court hereby declares that WEC’s interpretation of state statutes in the Memos is inconsistent with state law, to the extent they conflict with the following: (1) an elector must personally mail or deliver his or her own absentee ballot, except where the law explicitly authorizes an agent to act on an elector’s behalf, (2) the only lawful methods for casting an absentee ballot pursuant to Wis. Stat. § 6.87(4)(b)1. are for the elector to place the envelope containing the ballot in the mail or for the elector to deliver the ballot in person to the municipal clerk, (3) the use of drop boxes, as described in the Memos, is not permitted under Wisconsin law unless the drop box is staffed by the clerk and located at the office of the clerk or a properly designated alternate site under Wis. Stat. § 6.855.

Order Granting Summary Judgment for Plaintiffs, *Teigen v. Wisconsin Elections Commission*, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. January 20, 2020), available at App. 66.

Accordingly, the Zuckerberg 5’s privately funded absentee ballot drop boxes in the 2020 election were unlawful under Wis. Stat. § 6.87(4)(b)1 and § 6.855. Thus, the

Zuckerberg 5 and CTCL's agreement for CTCL-funded purchase and placement of absentee ballot drop boxes was also unlawful and contrary to public policy. We suggest below legislative action that would make this prohibition even more clear.

Chapter 7

The Wisconsin Elections Commission (WEC) Unlawfully Directed Clerks to Violate Rules Protecting Nursing Home Residents, Resulting in a 100% Voting Rate in Many Nursing Homes in 2020, Including Many Ineligible Voters

Contrary to statements made by several groups and media sources over the past months, the OSC has uncovered evidence of election fraud in the November 2020 election. Rampant fraud and abuse occurred statewide at Wisconsin’s nursing homes and other residential care facilities in relation to absentee voting at these facilities. This fraud and abuse was the ultimate result of unlawful acts by WEC’s members and its staff, the end results being:

1. Residents were illegally assisted with “marking” their ballots by nursing home staff and administrators;
2. Absentee ballots for residents were illegally handled by facility staff and administrators;
3. Resident absentee ballots were illegally “witnessed” by nursing home staff and administrators;
4. Suspected forger of resident signatures by nursing home staff and administrators;
5. Improbably high voting rates for residents at nursing homes; and
6. Ballots cast by residents—
 1. Where those residents were unaware of their surroundings, with whom they are speaking at any given time, or what year it is; and/or

2. Where those residents’ right to vote had been taken away by court order because they have been adjudicated as mentally incompetent.

Through these acts, the members and staff of WEC mandated widespread election fraud to take place where our most vulnerable adult citizens reside.

The OSC has spent significant time and resources investigating the fraud and abuse that occurred at Wisconsin’s nursing homes. However, that part of the investigation is nowhere near complete. While the OSC has been able to audit the votes of several nursing homes in five counties, and has interviewed the families of many residents who have been abused, the OSC believes a state-wide, complete audit of all absentee votes from all facilities governed by Wis. Stat 6.875 is necessary. The OSC is continuing to pursue this avenue of the investigation with an eye towards completing that audit.

There are four distinct types of Elderly Care Facilities in Wisconsin, Assisted Living (including assisted living apartments), Adult Day Care Centers, Nursing Homes and Memory Care Units. Many of the memory care units are operated within the Nursing Home environment. In total, there are about 92,000 people in Wisconsin who reside in these facilities.

Wisconsin law defines “election fraud” at Wis. Stat. § 12.13. That section provides in pertinent part—

“12.13 Election Fraud

(1) ELECTORS. Whoever intentionally does any of the following violates this chapter:

...

(h) Procures, assists or advises someone to do any of the acts prohibited by this subsection.

(2) ELECTION OFFICIALS.

...

(b) No election official may:

...

3. Permit registration or receipt of a vote from a person who the official knows is not a legally qualified elector or who has refused after being challenged to make the oath or to properly answer the necessary questions pertaining to the requisite requirements and residence; or put into the ballot box a ballot other than the official's own or other one lawfully received.

4. Intentionally assist or cause to be made a false statement, canvass, certificate or return of the votes cast at any election.

...

7. In the course of the person's official duties or on account of the person's official position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12 or which no other penalty is expressly prescribed.

(3) PROHIBITED ACTS. No person may:

...

(L) When not authorized, during or after an election, break open or violate the seals or locks on a ballot box containing ballots of that election or obtain unlawful possession of a ballot box with official ballots; conceal, withhold or destroy ballots or ballot boxes; willfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in a ballot box; or aid or abet any person in doing any of the acts prohibited by this paragraph.

...

(N) Receive a ballot from or give a ballot to a person other than the election official in charge.

...

(P) Receive a completed ballot from a voter unless qualified to do so.”

Wisconsin has enacted rules specifically related to the conduct of absentee voting in nursing homes and other residential care facilities. These rules are found in Wis. Stat. § 6.875. Wis. Stat. § 6.875(2)(a) specifically states—

Absentee voting in person inside residential care facilities and qualified retirement homes shall be conducted by municipalities only in the manner prescribed in this section. At any residential care facility or qualified retirement home where a municipality dispatches special voting deputies to conduct absentee voting in person under this section, the procedures prescribed in this section are the exclusive means of absentee voting in person inside that facility or home for electors who are occupants of the facility or home.

Among the rules that must be followed are that municipal clerks or boards of election commissioners must designate “Special Voting Deputies” (SVDs) for the purpose of supervising absentee voting in qualified retirement homes and residential care facilities, and that these SVDs must be dispatched to nursing homes to supervise absentee voting in those facilities, except in very limited circumstances.

If a resident at a nursing home or other residential care facility requests an absentee ballot, and SVDs are dispatched to that facility (which again must happen except in very limited circumstances) the law provides that the clerks or the board of electors must give the ballot to the SVDs “who shall personally deliver the ballot to the elector” when the SVDs visit the facility.

Once the ballot is delivered, the SVDs may assist the resident with “marking” the ballot. Importantly, the only people authorized by Wisconsin law to assist a resident in

“marking” an absentee ballot are SVDs and “immediate family members.” It is illegal for anyone else under any circumstances to do so. Further, the law specifically provides that “the [SVDs] **shall not accept** an absentee ballot submitted by an elector whose ballot was not issued to the elector by the [SVDs]” and that “[a]ll voting shall be conducted in the presence of the [SVDs].”

Once voting is complete on the day of an SVD’s visit to the facility, Wisconsin law provides—

(d) Upon completion of the voting on each day at each residential care facility or qualified retirement home, the deputies shall seal the absentee ballot envelopes and any absentee ballot applications inside a carrier envelope and shall seal the carrier envelope and sign their names to the seal. The deputies shall place the envelope inside a ballot bag or container. As soon as possible after visiting each residential care facility or retirement home, but not later than 18 hours after the visit, the deputies shall deliver the ballot bag or container to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides.

There is no provision in Wis. Stat. § 6.875 for absentee ballots from nursing home residents to be returned by mail, except in the case of a voter that “maintains a residence outside the facility or home” in which case the voter may request and return an absentee ballot in the standard manner as provided for elsewhere in the statutes. Wis. Stat. § 6.875(ar)2.

Despite the clear mandates of Wisconsin law, in a June 24, 2020 memorandum directed to all clerks of the state, WEC directed clerks not to send SVDs to facilities, and to instead mail ballots to voters in those facilities. WEC further stated that “The regular rules for absentee voting by mail will apply to ballots sent by mail to care facility voters.”

On September 25, 2020, WEC forwarded to all clerks of the State two documents, a “Sample Nursing Home and Care Facility Letter” (the “Facility Letter”) and a training document entitled “Absentee Voting at Nursing Homes and Care Facilities” (the “Training Document”).

The Facility Letter was provided to clerks as a template for letters to be sent by the clerks to nursing homes in their jurisdiction, directing those facilities as to the purported new rules for absentee voting for the November 2020 election. In the Facility Letter, WEC told the clerks to advise facilities that the normal restrictions against facility staff assisting residents with voting will not be in place “because of SVDs being restricted from visiting.” It further provided that “[r]esidents who receive ballots will have to vote their ballot, have a witness provide required information on the return envelope, and return their ballot by mail in order to participate.” The letter also stated that facility staff may assist residents in “completing the information required on the voter registration form” and completing absentee ballot request forms.

In addition to providing further details as to how facility staff could assist residents with registration, absentee ballot application, and voting, the Training Document stated—

As a care facility administrator or staff member, you are able to:

1. Assist residents in filling out their ballots or certificate envelopes.
2. Assist residents in completing voter registration forms and absentee requests.
3. Sign the special certificate envelope (EL-122sp) if necessary (see below for explanation).
4. Witness ballots.

The Training Document also provided certain “Absentee Voting FAQs” with answers thereto, including—

Q: How do residents of my facility return their ballot? We used to have people (SVDs) come to the facility and administer the voting and take the ballots back. Now what is expected?

A: Ballots should be mailed back to the clerk using the postage-paid return envelope provided by the clerk with the voter’s ballot. They can also be returned to the clerk’s office in-person at the request of the voter.

Q: Who can assist the voter in voting their ballot?

A: Anyone can assist the voter in reading and/or marking their ballot, except the voter’s employer, including care facility staff and family. Normally, care facility staff are restricted from assisting voters, but this restriction is not in effect because the voter is casting their ballot by mail. Wis. Stat. § 6.87(5)

Q: Can a resident’s ballot be returned using a drop box at the Town/Village/City Hall?

A: Yes, the ballot may be returned to a drop box or directly to the clerk’s office at the request of the voter. All ballots must be received by 8:00 PM on election day in order to be counted. Not all municipalities offer drop boxes, so you should check with the clerk to see if one is available for ballot return.

Each and every WEC directive identified above in regard to absentee voting in nursing homes and other resident care facilities is a direct violation of Wisconsin law, and ultimately encouraged widespread fraud in regard to absentee voting at these facilities.

In addition to other violations, WEC’s directives were illegal in the following ways:

1. Directing that facility staff may assist voters in registering to vote, applying for an absentee ballot and/or assisting the voter in marking the ballot are all violations of provisions of Wis. Stat. § 6.875;
2. Directing that clerks not send SVDs to any facilities violated the basic tenets of Wis. Stat. § 6.875 that absentee voting in nursing homes “shall” be conducted in compliance with that statute and that all absentee voting at nursing homes must be conducted “in the presence of [SVDs];”

3. Directing clerks to mail ballots directly to nursing home residents violated the rule that absentee ballots requested by facility residents must be given first to SVDs, and then the SVDs are the only persons authorized to then give those ballots to the residents;
4. Directing that absentee ballots may be returned by mail, by placing them in a ballot drop box, and/or by returning them directly to the clerk (by someone other than an SVD) “at the request of the voter” all violate the rule that these absentee ballots are to be returned only to an SVD, who then must place them in a ballot bag or container and return them to the clerk within 18 hours.

Ultimately, WEC’s directives mandated that widespread “election fraud” be undertaken in relation to the November 2020 election. As is noted above, “election fraud” occurs when ballots are given to, or received by anyone other than “the election official in charge” or when a person receives a completed ballot from a person “unless qualified to do so.”

WEC’s directives caused ballots to be mailed directly to nursing home residents rather than the “election officials in charge”—who would have been the SVDs. By the same token, it caused completed ballots to be illegally given to facility staff or returned by mail rather than the SVDs, violating both the rule that ballots cannot be given to anyone other than the “election official in charge” as well as the prohibition against receiving a completed ballot from someone “unless qualified to do so.”

The only persons qualified to receive completed ballots from nursing home residents are, and were, SVDs. The law did not change before or after the November 2020 election, and WEC’s directives were in direct violation thereof. As a result, WEC’s directors and

staff committed election fraud themselves by mandating and/or encouraging others to commit acts prohibited by the election fraud statute.

The OSC has evidence that facility staff and directors—

1. Assisted residents in completing ballots;
2. Assisted residents in obtaining absentee ballots;
3. Pressured residents to vote;
4. Collected completed ballots from residents;
5. Forged signatures of residents;
6. Illegally returned residents' ballots to the municipal clerks by mail, by placing the ballots in drop boxes, and/or delivering them directly to the clerks;
7. Pressured and/or assisted incompetent persons to complete and cast ballots in the November 2020 election, up to and including persons who have had their right to vote take away by court order due to mental incompetence.

Not only did WEC's directives mandate and/or encourage violations of Wis. Stat. § 6.875 and the election fraud statute: it led to absurd results relating to nursing home voting in the November 2020 election. The following chart shows the registered voting rates in the November 2020 election for nursing homes that were vetted by the OSC in Milwaukee, Racine, Dane, Kenosha, and Brown Counties:

County	# of Nursing Homes Vettted	# of Registered Voters	# of Voters Nov 2020	% of Registered Voters that Voted
Milwaukee	30	1084	1084	100%
Racine	12	348	348	100%
Dane	24	723	723	100%
Kenosha	9	866	841	97%
Brown	16	280	265	95%

It is important to note that the above chart only reflects voting at the nursing homes that the OSC has been able to vet to this juncture. There are more facilities in these counties, and after auditing the votes from other facilities, the above percentages may change. Further, as is noted above, the OSC believes a complete state-wide audit of absentee ballots sourced from nursing home and other residential care facility residents is necessary.

Election fraud is a crime. The Racine County Sheriff’s Office recommended criminal prosecution of certain members of WEC relating to their instructions to municipal clerks not to send SVDs to nursing homes for the November 2020 Presidential election. Specifically, the Sheriff recommended charges for WEC Commissioners Margaret Bostelmann, Julie Glancey, Ann Jacobs, Dean Knudson, and Mark Thomsen. The recommended charges are the same for each Commissioner, and include:

1. Misconduct in Public Office in violation of Wis. Stat. § 946.12(2) (Felony);
2. Election Fraud—Election Official Assisting with Violations in violation of Wis. Stat. § 12.13(2)(b)7 (Felony);
3. Party to the Crime of Election Fraud—Receive Ballot Non-Election Official

in violation of Wis. Stat. § 12.13(3)(n) (Misdemeanor);

4. Party to the Crime of Election Fraud—Illegal Ballot Receipt in violation of Wis. Stat. § 12.13(3)(p) (Misdemeanor);
5. Party to the Crime of Election Fraud—Solicit Assistance in violation of Wis. Stat. § 12.13(3)(s) (Misdemeanor)

In a recent letter, Racine County District Attorney Patricia Hanson, after stating she did not have jurisdiction to prosecute, stated to Sheriff Christopher Schmaling that, in her expert legal opinion, multiple members of WEC acted “contrary” to Wisconsin Elections laws. District Attorney Hanson stated:

Despite knowing that what they were doing was contrary to law and despite being told by the Governor’s Office that they were exceeding their authority, the WEC instructed municipal and county clerks to eliminate the SVD process for elections in 2020. Proof of this comes directly from the recordings of the WEC meetings that can be found on their website and their recorded meetings.

District Attorney Hanson further stated:

It is appalling to me that an appointed, unelected group of volunteers, has enough authority to change how some of our most vulnerable citizens access voting. Dispensing with the mandatory process created by the legislature of using sworn and trained SVDs to assist citizens in nursing homes, directly led to what occurred at Ridgewood Care Center in Racine County. Residents who did not request ballots voted because someone else made a request for a ballot on their behalf and then voted on their behalf. If even one person’s right to freely choose to vote or not to vote was diminished, then a travesty of justice has occurred.

While the Racine County District Attorney has decided not to prosecute on jurisdictional grounds, the OISC has learned that the Racine County Sheriff’s Office has forwarded referrals to the District Attorneys for the resident counties of the above-noted

WEC members—St. Croix, Sheboygan, Green Lake and Milwaukee Counties. No decision has been made by those District Attorneys regarding prosecution as of this writing.

In an October 28, 2021 press release, WEC Chairman Ann Jacobs inaccurately denied that anyone at WEC broke the law and attempted to justify WEC’s possibly unlawful acts by stating that had they not performed them, “many residents in Wisconsin care facilities could have and would have been disenfranchised and not able to vote in the 2020 elections.” The OSC finds this statement to be no excuse.

WEC’s solution to the potential “disenfranchisement” of nursing home residents who wished to vote absentee (a privilege under the law) was to completely strip away the protections afforded to those persons by Wisconsin law and allow nursing home residents to be subjected to undue influence, overzealous solicitation, and outright fraud.

Under Wisconsin law, while voting is a right, voting by absentee ballot is a privilege. Wisconsin law specifically provides that “the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses.” Beyond the stringent safeguards of absentee voting in general, absentee voting in nursing homes requires specialized supervision precisely because those facilities house our state’s most vulnerable residents.

In stark contrast to what Wisconsin law seeks to prevent, WECs directives led to the abuse of some of our State’s most vulnerable citizens. Many residents were pressured

to vote when there is no scenario under which that should have ever happened legally or morally. The OSC conducted interviews with the families of several facility residents who were extremely vulnerable, and yet cast ballots in the November 2020 election. Among the stories we were told were—

1. In Brown County Facility 1, 20 absentee ballots were cast. A study of the Absentee Ballot Envelopes obtained through open records request revealed all 20 of the envelopes were witnessed by the same person. At this facility, Resident A voted, and Resident A's family provided copies of that resident's signature against the signature on the absentee envelope, and they do not match. Further, Resident A does not have the mental capacity to vote as is evinced in a video interview.
2. At the same facility, Resident B, according to WisVote data, voted twice, both by absentee ballot.
3. In Brown County Facility 2, Resident C voted in 2020. According to family, Resident C was not of sound mind for over 10 years. This is documented in a video interview;
4. In Brown County Facility 3, Resident D was taken from the facility to vote by family and guardian to Resident D's assigned polling location. Resident D had registered to vote at this location on Oct 29th as well. When Resident D presented herself to vote on election day, the Resident D was told that Resident D had already voted. After questioning from family, Resident D recollected that someone at the nursing home had come around talking about voting at the nursing home, however, Resident D denied voting at the home. WisVote shows her voting absentee;
5. In Dane County Facility 1, Resident E, who has been adjudicated incompetent since 1972, voted in 2020. Video of Resident E shows Resident E is clearly not mentally capable of voting;
6. In Dane County Facility 2, Resident F never requested an absentee ballot for the November 2020 election, yet received one. Resident F's guardian intercepted the ballot and subsequently Resident F did not vote. The guardian notified the nursing home that Resident F was no longer going to be voting yet in the Spring of 2021, WisVote records reveal that Resident F voted again;

7. In Kenosha Facility 1, Resident G voted absentee in the Nov 2020 election. Resident G was interviewed on video and it shows she is clearly incapable of voting;
8. In Kenosha Facility 2, Resident H voted absentee in November of 2020. Resident H's guardian reported it as Resident H is incapable of voting as Resident H suffered from severe dementia. However, WisVote records indicate Resident H voted throughout the calendar year 2020;
9. In Milwaukee County Facility 1, WisVote data shows 3 adjudicated incompetent voters voted in the November 2020 election. However, it was actually 2 individuals with one casting two ballots;
10. In Milwaukee County Facility 2, Resident I is 104 years old and clearly incompetent. Resident I's family indicated Resident I had been incompetent for several years. This is an extremely egregious case as shown by video of Resident I with family. Resident I cannot comprehend anything;
11. In Outagamie County facility 1, Resident J, who has been adjudicated incompetent not only voted in the November 2020 election, but she also voted in February 2021. The video of Resident J verifies the fact that Resident J is incompetent.
12. In Washington County Facility 1, Resident K was found incompetent in 2018 by two separate doctors. Resident K cast a ballot in the November 2020 Presidential election. Resident K passed in November of 2021.

It is “disenfranchisement” when electors are pressured to fill out ballots they did not wish to or in a way they don't desire or even understand. It is “disenfranchisement” when ballots are illegally cast on behalf of persons who have had their right to vote taken away by the courts of this State due to their mental incompetence. In no way was WEC's mandating illegal activity a “solution” to “disenfranchisement” and to suggest that WEC's actions were a good faith effort at doing so ignores the facts and the law.

WEC's unlawful activities facilitated and encouraged possible widespread criminality and election fraud. Aside from the fact that they were legally and morally

wrong, these acts led to 100% voting rates in many nursing homes in Brown, Dane, Kenosha, Milwaukee and Racine Counties and incapacitated people voting statewide. Given that there are approximately 92,000 residents of facilities governed by Wis. Stat. § 6.875 statewide, the fact that tens of thousands of illegal ballots from these facilities were counted casts doubt on the 2020 Presidential election result.

Chapter 8

WEC Also Unlawfully Encouraged Evasion of Ballot Security Measures Related to “Indefinitely Confined” Voters at the Behest of Outside Corporations

Wisconsin, like many States, has strict absentee voting laws. These laws are designed to avoid the many prevalent dangers of fraud or abuse that are inherent in an absentee setting. It was never the intention of the Legislature to make absentee voting easily accessible from one’s home without meeting voting identification requirements and complying with stringent voter protection laws. However, the Legislature made a special, narrow exception for indefinitely confined voters.

This exception for voting absentee applies when voters are confined to their homes and declare themselves to be indefinitely confined. An elector who is indefinitely confined because of age, physical illness, or infirmity, or is disabled for an indefinite period may, by signing a statement to that effect, require that an absentee ballot be sent to the elector automatically for every election. There are two requirements to vote indefinitely confined. The voter must be indefinitely confined to their home, and the reason for this confinement must be the voter’s age, physical illness, sickness, or disability. While one can indefinitely confine themselves to their home for any reason, that confinement does not qualify for an absentee ballot unless the confinement is for a statutory reason—not including a reasonable or unreasonable fear of becoming ill from COVID.

This statute was grossly misconstrued by the Dane and Milwaukee County clerks. Both clerks issued statements that they would send absentee ballots to voters who were indefinitely confined to their homes because of a fear of contracting COVID. The Wisconsin Supreme Court corrected this legally erroneous statement. However, during the time the clerks made their announcement until the judiciary forced the clerks to stop their announcements, the number of newly designated indefinitely confined voters skyrocketed. The clerks did nothing to remove these voters or determine which voters met the true legal definition of “indefinitely confined.” Instead, the clerks sent these registrants absentee ballots. In doing so, they not only gave ballots to unqualified indefinitely confined voters but skirted a very important protection for election fraud.

Voter identification is required for every ballot issued in Wisconsin except to the indefinitely confined voter.

Instead, the voter “may, in lieu of providing proof of identification, submit with his or her absentee ballot a statement . . . which contains the name and address of the elector and verifies that the name and address are correct.” Wis. Stat. § 6.87. This feature of indefinitely confined voting was also abused. In one documented incident from the Dane County recount, a voter reported that he called the clerk’s office and requested an absentee ballot. He was asked if he had identification that had his current address. Having just moved to the city, he responded that he had not obtained a new identification card. He was told not to worry, that he could still get a ballot by declaring himself to be indefinitely confined. Then, he was instructed to say that he would provide proof of his address by statement.

The clerk's office said not only would it send him a ballot for the 2020 general election, but they would send him a ballot to his home every year after without his having to request the ballot and without the necessity for identification until he stopped voting or reported that he was no longer indefinitely confined. The voter, an honest individual, declined the clerk's suggestion and reported his experience.

This was not the only abuse of the indefinitely confined voting law. A flagrant example is that of State Senator Patricia Schachtner. Schachtner and her husband signed statements indicating that they were indefinitely confined voters for the November 2020 election and opted to receive absentee ballots pursuant to Wis. Stat. § 6.87(2). However, social media showed the Schachtner family to be active outside their home in the months prior to and during the election both for personal recreation and as Schachtner campaigned for reelection. Additionally, Schachtner was named to be a Presidential elector to cast electoral college votes for Biden at the Wisconsin Capitol on December 14, 2020, approximately one month after the election for which she was indefinitely confined.

This is an egregious violation of the indefinitely confined status. One cannot be confined to one's home for a length of time with no definite end because of age, physical illness or infirmity, or disability and also campaign for reelection, enjoy social and family life, and appear at the Wisconsin Capitol to vote. Clearly, Schachtner and her husband were not indefinitely confined to their home when she requested and cast her ballot in the 2020 election. Schachtner and many others failed to follow our election law and no enforcement action was taken.

Our Republic and way of life is in danger if we fail to follow and enforce the law. The rule of law requires that legal rules be publicly known, consistently enforced, and even-handedly applied. Violating the rule of law can lead to uncertainty. Uncertainty provides opportunities for arbitrary power. Without the rule of law, citizens may be tempted to take justice into their own hands.

My investigation will determine why the clerks failed to act on their obligation to review and expunge from the voter rolls those claiming to be indefinitely confined voters when the clerk has “reliable information that [the] . . . elector no longer qualifies for the service.” Wis. Stat. § 6.86(2)(b). I am concerned that the electors who claimed they were indefinitely confined, but were not physically ill, infirm, elderly, or disabled failed to take steps to remove themselves from that status prior to the November 3, 2020, election. *See* Wis. Stat. § 6.86(2)(a). I am even more concerned that ineligible voters might have taken advantage of that status in order to vote without the need to properly identify themselves. I expect to issue another report that includes the impact of indefinitely confined voting abuses and how the Legislature can prevent these abuses in the future to restore confidence in the rule of law.

Chapter 9

Wards Under Guardianship Order Voted Unimpeded by Wisconsin's Election Officials as They Are Not Recorded in the WisVote Voter Database, Even Though the Circuit Courts Have This Information.

Wis. Stat. § 6.03 disqualifies from voting those citizens who are incapable of understanding the voting process or are under court-ordered guardianship, unless the court has determined that the right to vote is preserved. The statute states:

6.03 Disqualification of electors.

- (1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:
 - (a) Any person who is incapable of understanding the objective of the elective process or who is under guardianship, unless the court has determined that the person is competent to exercise the right to vote.
 - (b) Any person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3).
- (2) No person shall be allowed to vote in any election in which the person has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.
 - (3) No person may be denied the right to register to vote or the right to vote by reason that the person is alleged to be incapable of understanding the objective of the elective process unless the person has been adjudicated incompetent in this state. If a determination of incompetency of the person has already been made, or if a determination of limited incompetency has been made that does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian has been appointed as a result of any such determination, then no determination of incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. 54.64.

The Help America Vote Act, section 21083, provides “if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. §§ 1973gg–2(b))

[now 52 U.S.C. § 20503(b)], that State shall remove the names of ineligible voters from the computerized list in accordance with State law.” Wisconsin is described in section 20503(b); so, section 21083 requires the state’s election officials to follow state law on removal of ineligible voters from the computerized list. Accordingly, section 21083 requires that WEC remove the names of ineligible voters from the computerized list, WisVote, in accordance with Wisconsin law.

In Wisconsin, ineligibility information about wards under guardianship without the right to vote is available from the circuit courts. Information about persons who are incapable of understanding the objective of the elective process is available from family, friends, medical authorities and nursing homes.

Under federal law, WEC is legally required to include in WisVote ineligibility information about ineligible wards and incapacitated persons. WEC is also legally required under federal law to distribute to the State’s municipal clerks lists of wards and incapacitated person so as to prevent these ineligible non-citizens from election day registration and voting.

In violation of its federal and state legal duties, Wisconsin election officials failed to prevent wards and incapacitated persons from voting in the 2020 Presidential election—casting doubt on the election result.

Chapter 10

Non-citizens Voted Unimpeded by Wisconsin's Election Officials, as They Are not Recorded in the WisVote Voter Database, Even Though Wisconsin Law Requires Citizenship to Vote.

Wis. Stat. § 6.02 requires citizenship to be qualified as an elector. The statute states:

6.02 Qualifications, general.

- (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector.
- (2) Any U.S. citizen age 18 or older who moves within this state later than 28 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the 28-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

Section 21083 of the Help America Vote Act provides “if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. §§ 1973gg–2(b)) [now 52 U.S.C. § 20503(b)], that State shall remove the names of ineligible voters from the computerized list in accordance with State law.” Wisconsin is described in section 20503(b); so, section 21083 requires the state’s election officials to follow state law on removal of ineligible voters from the computerized list. Accordingly, section 21083 requires that WEC remove the names of non-citizens, who are by definition ineligible voters, from the computerized list, WisVote, in accordance with Wisconsin law.

In Wisconsin, ineligibility information about non-citizens is available from the Department of Transportation. The Department of Transportation issues driver licenses to non-citizens who qualify. Under federal law, WEC is legally required to include in

WisVote ineligibility information about non-citizens from the Department of Transportation. WEC is also legally required under federal law to distribute to the state's municipal clerks lists of non-citizens so as to prevent these ineligible non-citizens from election day registration and voting.

In violation of its federal and state legal obligations, Wisconsin election officials failed to prevent non-citizens from voting in the 2020 Presidential election—casting doubt on the election result.

Chapter 11

Milwaukee, Madison, Racine, Kenosha, and Green Bay Election Officials May Have Violated the Federal and Wisconsin Equal Protection Clauses by Not Treating All Voters Equally in the Same Election.

Importantly, the Zuckerberg 5 election officials violated Federal and Wisconsin Equal Protection Clauses by not treating all voters the same in the same election. Treating all voters equally in the same election is a bedrock principle of election law.

The public record shows that the public's right to vote was unjustifiably burdened by the Zuckerberg 5 targeting geographic and demographic groups for increased voting. The Zuckerberg 5's conduct promoting voting for certain voter groups affected election outcomes—as concluded by WILL's 2021 analytical report. The Zuckerberg 5 in the WSVP crossed the line between election administration and campaigning and that never should have never occurred.

The appropriate standard of review for Equal Protection Clause analysis is Anderson-Burdick scrutiny for the disparate treatment of voters and, also, here, strict scrutiny of the government's rationale. When a plaintiff alleges that a state has burdened voting rights through the disparate treatment of voters, the legal standard used is generally found in *Anderson v. Celebrezze*, 460 U.S. 780 (1983) and *Burdick v. Takushi*, 504 U.S. 428 (1992). See also *Clements v. Fashing*, 457 U.S. 957, 965

(1982). Although *Anderson* and *Burdick* were both ballot-access cases, the Supreme Court has confirmed their vitality in a much broader range of voting rights contexts. See *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 204 (2008) (Scalia, J., concurring.) (“To evaluate a law respecting the right to vote—whether it governs voter qualifications, candidate selection, or the voting process—we use the approach set out in *Burdick*....”). The *Burdick* Court stated the standard as follows:

A court considering a challenge to a state election law must weigh “the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate” against “the precise interests put forward by the State as justifications for the burden imposed by its rule,” taking into consideration “the extent to which those interests make it necessary to burden the plaintiffs' rights.”

Burdick, 504 U.S. at 434, (quoting *Anderson*, 460 U.S. at 789). This standard is sufficiently flexible to accommodate the complexities of state election regulations while also protecting the fundamental importance of the right to vote. *Obama for America v. Husted*, 697 F.3d 423, 428–30 (6th Cir. 2012). There is no “litmus test” to separate valid from invalid voting regulations; courts must weigh the burden on voters against the State’s asserted justifications and “make the ‘hard judgment’ that our adversary system demands.” *Crawford*, 553 U.S. at 190 (Stevens, J., announcing the judgment of the Court).

Similar to the federal constitution, Wisconsin’s Constitution requires equality from the government, including the Zuckerberg 5 when it takes on a government function:

Equality; inherent rights. Section 1. All people are born equally free and independent, and have certain inherent rights; among these are life, liberty

and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed.

Art. I, sec. 1. The same legal standard of review applies for state constitutional claims.

The *Anderson–Burdick* standard, therefore, applies.

Additionally, when a state’s classification “severely” burdens the fundamental right to vote, strict scrutiny is the appropriate standard. *Burdick*, 504 U.S. at 434 (1992). The federal courts “have long been mindful that where fundamental rights and liberties are asserted under the Equal Protection Clause, classifications which might invade or restrain them must be closely scrutinized and carefully confined.” *Harper v. Va. Bd. of Educ.*, 383 U.S. 663, 670 (1966). Here, it is the CTCLs private funding of the Zuckerberg Plan’s governmental classifications that treat voters differently in the same elections, which triggers strict scrutiny.

Nothing could be more repugnant to democracy than private corporations paying to increase voting access for targeted demographic groups, so that they can manipulate election outcomes—something that will occur repeatedly under the auspices of the WSVP provisions. Private corporations were paying money to affect the election outcome. So strict scrutiny must apply when private funding of election administration targeting voter groups is involved—because the credibility of our federal elections is at stake

Additionally, in *Bush v. Gore*, the U.S. Supreme Court emphasized that equal protection restrictions apply not only to the “initial allocation of the franchise,” but “to the manner of its exercise” as well. *Bush*, 531 U.S. 98, at 104 (2000). The State may not subject voters to “arbitrary and disparate treatment” that “value[s] one person’s vote over that of

another.” *Id.* This equal protection prohibition on “arbitrary and disparate treatment” of different voters participating in the same election is what at least one commentator calls *Bush’s* “Uniformity Principle.” Michael T. Morley, *Bush v. Gore’s Uniformity Principle and the Equal Protection Right to Vote*, 28 Geo. Mason L. Rev. 229 (Fall 2020).

Courts have applied the Uniformity Principle to intentional discrimination concerning in-person voting opportunities. For example, in *Obama for America v. Husted*, 697 F.3d 423 (6th Cir. 2012), the Sixth Circuit held that it was unconstitutional for the State of Ohio to allow only domestic military voters to cast ballots in person over the weekend before Election Day. *Id.* at 437. The court noted that, although military voters can face unexpected emergencies that prevent them from voting in person on Election Day, other voters may face similar contingencies:

At any time, personal contingencies like medical emergencies or sudden business trips could arise, and police officers, firefighters and other first responders could be suddenly called to serve at a moment's notice. There is no reason to provide these voters with fewer opportunities to vote than military voters *Id.* at 435. The court concluded that the Equal Protection Clause therefore prohibited the state from making special accommodations only for military voters. *Id.* at 436. The court added that it would be “worrisome ... if states were permitted to pick and choose among groups of similarly situated voters to dole out special voting privileges.”

Id. at 435.

Similarly, the Zuckerberg 5’s WSVP was their collective effort “to pick and choose among groups of similarly situated voters to dole out special voting privileges”—which, when the Zuckerberg 5 is taking on a government function, violates the Equal Protection

Clause. *Id.* at 435. Accordingly, a post-certification administrative correction for the 2020 Presidential election should be made that the Zuckerberg 5 violated the federal and state Equal Protection Clauses.

Chapter 12

Recommendations

As noted above, OSC respectfully submits the following recommendations to the Wisconsin Assembly for its consideration, and its staff is pleased to provide additional information, testimony, and technical assistance. These recommendations fall into two categories: those facilitating transparency, and those facilitating political accountability. However, there is a strong positive synergy between the two goals: *i.e.*, the more transparent a process, the more politically accountable, and vice versa.

The OSC also submits a number of recommendations for WEC, as currently constituted, and for clerks. As the Administrator of WEC has noted, however, advice from WEC does not provide a legal safe harbor for clerks, and neither does advice from the OSC or any other merely persuasive authority in this area. Ultimately, it is incumbent upon the approximately 1,852 municipal clerks, the primary agents of election supervision in the State, to consult with their available counsel and make their own independent legal determinations in every case.

Legislative Recommendations to Serve Transparency

1. **Eliminate the Wisconsin Elections Commission.** As outlined in the Interim Report and above, replacing the disgraced and abolished Government Accountability Board with WEC has continued many of the same abuses of secrecy and confusion. The staff remains deeply connected to special interest groups and fails to adequately respond to voter and clerk complaints. Its biennial appropriation is over \$10 million, money which could be spent to

support municipal and county clerk operations. In addition, as its Administrator has noted, WEC provides no authoritative legal safe harbor for clerks: eliminating WEC would help clarify the constitutional and statutory authority of popularly elected officials and the voters in handling election matters. Any functions of WEC that might arguably be required by various federal laws could lawfully be handled by an empowered executive branch office of the Secretary of State, or by a collective body of county clerks themselves, or by some other structure. Currently, Wisconsin is only one of two States with a politically unaccountable bureaucracy tasked with providing guidance in election administration.

2. **Eliminate or Reduce Fees for Voter Registration Data.** Currently, voter registration information, including addresses, names, and voter history, are available for purchase. WEC sells that information for \$12,500. However, this information is not available in real-time and, worse yet, the fees are waived by contract with special interest groups. This fee should be eliminated or reduced by statute to a token fee (say, \$40 as it is in Arizona) to put all citizens on equal footing, and to allow for citizens to help keep the system up-to-date. It is important that the names and addresses of those who voted—with certain exceptions—are made freely available so that anyone so interested could compare, at no, or low cost, the names and addresses of those eligible to vote with those who, in fact voted. This would remove much of the opacity of the current system and bolster public faith in elections.

3. **Maintain a Single Statewide Voter Registration Database, and Make it Publicly Available and Secure.** As it stands, Wisconsin maintains several competing sets of interlocking databases and access systems. Clerks have noted that they were often given

superfluous sets of access keys, and that these systems are theoretically accessible out of state or out of the United States. WEC has also complained to the Assembly that providing comparisons between data sets on certain dates is extremely expensive. Making the information publicly available would place all individuals and parties on an equal footing and allow academic institutions (for example) to compare data sets over time. This would facilitate data quality and transparency with no cost to voter privacy.

1. **Set Up An Office to Engage in Auditing and Oversight of Elections.** Currently, there is no office in the State of Wisconsin with an ongoing charge to audit elections, or to systematically intake and respond to citizen complaints. The Legislature could consider setting up an office whose role is distinct from the Legislative Audit Bureau (LAB) and which merely undertakes periodic and random auditing of elections in various jurisdictions and delivering those results to the Legislature. This should professionalize and standardize oversight and facilitate long-term improvement and data quality. In addition, the Legislature could consider appropriating funds to enable the Attorney General to vigorously engage in investigation and prosecution of election law violations.
2. **Standardize a Process for Post-Election Contest.** Inevitably, elections will be contested. The Legislature should consider reviewing remedies to enable losers of elections to audit a small number of wards for a nominal cost, or for free. It should consider other remedies, including injunctive relief, to preserve the *status quo* while electoral contests are investigated.
3. **Prohibit Certain Contractual Terms in Government Contracts.** The Legislature should consider prohibiting certain vendor contractual terms as a matter of public policy.

For example, it should limit the use and release of sensitive voter data by vendors. It should prohibit terms that block Wisconsin governmental entities from obtaining or releasing data they paid for. And it should prohibit contracting with entities that do not timely respond to governmental requests for information, such as valid criminal or legislative subpoenas.

4. **Minimize Pre-Voting.** It is evident that widespread use of absentee and absentee-in-person voting renders public participation and oversight of counting impossible. Guidance by WEC “enabling” clerks to open envelopes prior to the statutorily mandated deadline denies citizens their right to observe that process. If public oversight of absentee voting is too burdensome, a better option is to prioritize traditional, in-person voting.
5. **Encourage In-House Technical Support.** Each clerk OSC spoke with made clear that their office simply does not have the technical ability to service various electronic voting machines. They simply do not and cannot understand how the various machines work. In the past, municipal public works departments maintained expertise in servicing analog machines. The Legislature should consider funding a program to bring technical expertise in-house, including considering a single state-wide machine system or single-client vendor.
6. **Exit the Electronic Registration Information Center (ERIC).** The State of Wisconsin pays this outside group six figures per year to assist it in cleaning up our voter rolls, but receives little to no benefit from it. In fact, as was recently noted in testimony before the Assembly, the contract with ERIC ties the hands of election officials in numerous ways. The State can seek lawful, bilateral agreements with States to ensure only lawful voters are on the rolls, without the concerns about partisanship.

Legislative Recommendations to Serve Political Accountability

1. **Provide a Method in Law for Private Challenge to Wisconsin Voter Rolls.** As it stands, there is no clear method for individuals with facial evidence of inaccurate voter rolls to enter state court and seek to fix that problem. The Assembly could consider various legal methods to enable citizens or civil rights groups to help maintain election database integrity in this way. Such a cause of action should take into account administrative burdens, and could even provide nominal rewards for successful voter roll challenges.
2. **Locate Certification of Presidential Electors in a Politically Accountable Body.** In 2020, the presidential electors were certified by a single member of WEC and the Governor. As a political action, certification of electors cannot be subject to the whim of the courts, or purely legal processes. Legitimate contests have occurred in the past and will occur again. To ensure widespread bipartisan confidence in the system, state law should explicitly authorize the contingent creation by campaigns of alternative slates of electors, and could consider penalties for certain actions of those alternates if results are not contested. In the event of widespread contest, the thumb should be on the scale in favor of withholding certification of electors. As noted in the Interim Report, “Hasty certification of electors in a tightly contested election may disenfranchise voters to the same extent as missing a deadline and failing to certify electors at all. While hasty certification may violate the state constitutional duties of the Legislature, delaying certification of electors until resolution of relevant issues does no such violence to our legal system.” Finally, placing certification of electors in a politically accountable body, such an association of elected county clerks, could restore confidence in the results of even a closely contested

presidential contest in the State.

3. **Provide a Method for Pre- and Post-Certification Challenges to Presidential Elections.** As noted in Appendix II, certification of electors in a Presidential election is a quintessentially political act, delegated by the state and federal constitutions to our elected state Legislature. However, the Legislature can consider establishing processes for standardizing challenges both pre-and post-certification. Such processes might establish administrative or legal rights, or establish opportunities to raise or expedite decertification procedures on the floor of the Assembly or Senate. The Legislature might also consider formalizing the ability of candidates to assemble alternative slates of electors, to ratify an already lawful process.
4. **Prohibit Outside Funding and Staff in Elections Administration.** OSC concurs in the recommendation of numerous clerks that outside money be prohibited in the administration of Wisconsin elections. Our State has a deep, progressive history and is suspicious of private entities engaging in governmental activity. Clerk's offices should be (and in 2020 were) adequately funded by state and federal entities, as appropriate, but outside grants should be disfavored or prohibited, especially where those grants have any conditions on them. Further, outside volunteers and observers should all be treated on equal footing.

Recommendations for the Wisconsin Elections Commission

(as currently constituted)

1. **Comply with Legislative Audit Bureau Recommendations.** In particular, promulgate statutorily required administrative rules prescribing the contents of training that municipal clerks provide to special voting deputies and election inspectors; eliminate all statutorily non-compliant guidance.
2. **Enter Into Data-Sharing Agreement with Wisconsin Department of Transportation.**
In particular, execute with the Department of Transportation a new written data-sharing agreement that includes provisions for verifying the information provided by individuals who register to vote by all methods and that specifies the procedures for verifying this information; establish a system to regularly review and update the data-sharing agreement; and comply with statutes by working with the Department of Transportation to obtain the electronic signatures of individuals who register online to vote. An enforcement mechanism to align the data, such as by citizen suit, perhaps accompanied by a small monetary bounty, would also be a useful supplement to this reform.
1. **Enter Into Data-Sharing Agreement with Wisconsin Department of Health Services.**
In order to ensure that our most vulnerable are not exploited, and to facilitate accurate voter rolls, WEC should work to execute a new written data-sharing agreement with the Department of Health Services and establish a system to regularly review and update the data-sharing agreement. Again, a citizen suit and bounty reform could be added on here as well to ensure data-sharing occurs properly.

2. **Enter Into Data-Sharing Agreement with Wisconsin Department of Corrections (DOC)**. In order to ensure that only eligible voters are registered, WEC should work with DOC to execute a new data-sharing agreement and implementation system. Again, a citizen suit and bounty reform could be added on here as well to ensure data-sharing occurs properly.
3. **Provide Additional Training to Clerks**. If there is one function that an independent election administration can perform well, it is training. WEC should consider providing additional training to clerks along several dimensions: providing training for clerks related to machine certification, security, and statutorily mandated pre-election testing; training related to reviewing Election Day forms after each election and investigating relevant issues, including those related to tamper-evident seals; and training on ensuring that ballots are counted accurately when paper jams occur in electronic voting equipment.

Recommendations for Clerks

1. **Familiarize Yourself with Your Wisconsin Code Authority**. Surprisingly, many clerks have expressed to the OSC that they are under the impression that WEC guidance is binding, even when they believe such guidance (say, on drop boxes) is unlawful. Clerks and whatever counsel they have available should review their authority ahead of any conflict.
2. **Make Independent Assessments**. In circumstances where WEC guidance is contrary to law, clerks are empowered to make independent assessments, as they are the elected officials responsible for elections administration. As the Administrator of WEC has noted,

WEC guidance provides no legal safe harbor or immunity for clerks: it is true that clerks are on the legal hook for their own assessments, and should develop good relationships with corporate or outside counsel.

3. **Carefully Review Outside Contracts.** Clerks and other election officials should be careful not to enter into contractual arrangements with outside groups that do not serve the public interest, even when these agreements sound attractive or come with funding grants. As we saw in 2020, these contracts can be leveraged to coerce election officials and cause them to violate their oaths of office. When clerks do enter into outside contracts, they should endeavor to make those contracts public in their entirety. In the interests of transparency, clerks should endeavor to obtain comparable contracts, and donor lists, from nonprofits before engaging them.
4. **Explicitly Prohibit Your Staff from Engaging in Get-Out-The-Vote (GOTV) Operations.** In 2020, we did see widespread GOTV operations engaged in by municipal clerk's offices. This is inappropriate, as GOTV is a partisan activity, historically (and currently) engaged in by candidates and their parties. Staff should be apprised that even when described as "voter education," encouraging voting by any group is not the duty of a busy and potentially underfunded clerk's office.
5. **Consider Robust Voter Roll Review in Your Jurisdiction.** County and municipal clerks are responsible for maintaining the integrity of the voting rolls. Even in election years, federal law does not prohibit Wisconsin officials from removing ineligible voters from the rolls.

6. **Maintain An Exhaustive and Clear List of Election Day Personnel.** Under Wisconsin law, there are two classes of person on election day: election workers, and the general public. There is no third category. Election workers are bound by legal and ethical norms. Do not permit unauthorized individuals to operate under the color of state law.
7. **Catalog All Absentee Ballots Sent Out and Match These with Ballots Returned.** Some voters have reported receiving as many as four absentee ballots leading up to the November 3, 2020 election.
8. **Do Not Engage in Ballot Curing for Absentee Ballots Missing Requisite Voter Data.** Neither state nor federal law mandate curing ballots that are legally incomplete: clerks can take reasonable efforts to contact voters to remedy seemingly minor defects, but should be mindful of their own resources and state law.

Chapter 13

Conclusion

As noted at the outset, this Report by no means represents a “full audit” of the 2020 elections in the State of Wisconsin. Instead, it represents a snapshot of various issues identified by the OSC, other governmental actors, and citizens in the State, and makes a number of recommendations to fix them. Without full transparency by governmental actors, without a fully equipped office to investigate, and without time, some degree of triage by OSC was necessary. A full audit would undoubtedly take a look not just at evidence of major issues and draw inferences, but would take a comprehensive look at election processes, contracts, and machines, to stress test and run other technical reviews. This office has engaged with outside contractors and entered preliminary steps in the government procurement process. However, these auditors have let us know that without full access to information, they are unable to provide robust conclusions.

Again, as discussed by the Committee of Jurisdiction and the Speaker in public, the work of the Office of the Special Counsel is just getting started. The Office will remain authorized during the pendency of litigation to ensure that once the Wisconsin Supreme Court vindicates the right of the people to know what their own government is up to, we can expeditiously run necessary tests.

In the meantime, the major issues identified with compliance and oversight, especially at a time when the federal Congress is making known that legislative oversight is critical to lawmaking, are themselves cause for concern. The Special Counsel hopes that

the Assembly and the public can continue to fight to hold our election administration accountable and to ensure it is secure and efficient.

Finally, the Special Counsel would like to thank the concerned citizens and citizen groups, the numerous clerks and other public servants who have cooperated with the investigation, and the staff, contractors, and partners of the OSC and Assembly for their hard work and dedication to improving our democratic system.

Appendix I: Litigation Summary

As noted throughout, this Report regarding the administration of the 2020 election in Wisconsin is incomplete because the Office of the Special Counsel has received little to no cooperation in its investigation from the government officials and others that were responsible for conducting the election. As part of its investigation, the OSC has sent out ninety subpoenas for witness testimony. While we have conducted numerous interviews with voluntary witnesses, including governmental witnesses, due to public pressure from the Governor and out-of-state actors, word has gone out that the government does not need to respond to the elected Assembly. Instead, the OSC has been embroiled in litigation relative to those subpoenas since late 2020.

1. Dane County Case Number 2021CV002552, *Wisconsin Elections Commission et al. vs. Wisconsin State Assembly et al.*

On October 21, 2020 WEC and its Administrator—Meagan Wolfe—sued the OSC and the Wisconsin Assembly in Dane County Circuit Court seeking an order that OSC subpoenas with which they had been served were invalid as impinging upon her personal rights. In doing so, WEC aims at the authorized mission of the OSC to investigate whether officials “have failed to adhere to our election laws by, at various times, ignoring, violating, and encouraging noncompliance with bright-line rules established by the statutes and regulations governing the administration of elections in Wisconsin.”

Notably, WEC took the unprecedented step of employing the Wisconsin Department of Justice as its attorneys in the lawsuit against the OSC and the Assembly.

Until this lawsuit, never before in the history of the State had one arm of the executive branch of Wisconsin's state government (WEC) used another arm of the executive branch (the DOJ) to seek a ruling from a separate branch (the judiciary) that an action by a third branch of state government was invalid and unenforceable (the subpoenas issued by OSC via the Assembly). In short, taxpayer money is being used by the Attorney General to block routine oversight by the duly-elected legislative body in the State, leading to a great waste of taxpayer money.

On October 25, 2021, the Attorney General lost, as Dane County Circuit Court Judge Rhonda Lanford ruled that WEC was not entitled to an emergency injunction invalidating the subpoenas or preventing OSC from seeking to enforce them. After further litigation, on January 10 2022, Judge Lanford ruled that while WEC did have the authority to bring the lawsuit and it would not be dismissed outright, WEC had not established that it was entitled to a temporary or permanent injunction against enforcement of the subpoenas. The matter was held open for further proceedings to address the WEC's overall complaint that the subpoenas are an invalid exercise of legislative authority.

Since that time, WEC has filed an Amended Complaint setting forth additional facts in support of its claims that the subpoenas are invalid, and other parties have sought to intervene and participate in the matter. A hearing is scheduled for March 17, 2022 on the proposed intervention of these other parties, but there is no other scheduled court activity.

In the meantime, neither WEC or Ms. Wolfe have voluntarily agreed to present their testimony to the OSC. It is likely that unless and until the matter is resolved by the Dane

County Circuit Court (and then all potential appeals are exhausted) the subpoenas for WEC and Ms. Wolfe will remain unsatisfied.

2. Waukesha County Case Number 2021CV001710, *Michael J. Gableman vs. Eric Genrich et al.*

Among the parties that have been subpoenaed for their testimony are the Mayor of Green Bay—Eric Genrich—and the Mayor of Madison—Satya Rhodes-Conway. In response to subpoenas with which they were served, the mayors did provide some documents that were requested, but at the same time neither agreed to appear to testify as required by the subpoenas. As a result, the OSC was put in a position of having to seek judicial assistance to direct that the mayors provide that testimony.

To do so, the OSC filed petitions for “writs of assistance” from the Waukesha County Circuit Court to require the mayors to appear and give the required testimony. A judicial writ of assistance is provided for by Wisconsin’s statutes. When a judge issues one, a witness must appear for testimony required by a subpoena. If the witness does not, the judge may order that the recalcitrant witness be subjected to punitive action, up to and including incarceration. However, before that can happen, the witness has the opportunity to appear before the court and argue that he or she is excused from appearing because the subpoena is invalid or for any number of other reasons.

The OSC filed for writs of assistance in Waukesha County Circuit Court as the statute setting forth the procedure for obtaining such writs commands that the writ be

sought “in the county where the person was obliged to attend.” Wis. Stat. § 885.12. As the mayors’ testimony was compelled by the subpoenas to occur in Waukesha County, the OSC was mandated to seek writs of assistance from the Waukesha County Circuit Court.

Before there was any substantive court appearance or action of any kind, Mayor Genrich appeared in the action represented by two law firms—Stafford Rosenbaum, LLP and Law Forward, Inc. Stafford Rosenbaum is a Madison-based law firm with over 50 attorneys, and Law Forward is an “impact litigation firm committed to protecting and advancing democracy and to restoring Wisconsin’s pragmatic progressive tradition.” Law Forward has a “Legal Advisory Council” that is comprised of, among others, prominent Democrat politicians, including former United States Senator Russ Feingold, and former Lt. Governor Barbara Lawton. There are no current or former elected officials on Law Forward’s advisory council that identified as Republican over the course of their respective careers. There are also several attorneys on the Council that have written about, and advocated for, progressive political causes, but none that appear to have ever advocated for conservative ones.

Mayor Genrich is now additionally represented by two more attorneys—Aaron Scherzer and Christine P. Sun. Mr. Scherzer and Ms. Sun are associated with the “States United Democracy Center,” an organization whose professed mission is “advancing free, fair, and secure elections,” focusing on “connecting State officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy.”

Mayor Rhodes-Conway appeared by two lawyers for the City of Madison.

At the very outset, the mayors' attorneys portrayed the actions of the OSC as—

3. “lacking in legal merit;”
4. a “gross distortion of the relevant facts” and “a gross mischaracterization of the facts;”
5. “departing so greatly from legal standards” so that the Special Counsel should be sanctioned by the Court;
6. “an abuse of process;” and
7. “a bad-faith effort to publicly harass local officials with no legal basis.”

None of these statements are remotely true, of course, but the OSC has been forced to respond to these scurrilous accusations both in the press and in court.

Shortly afterward, the representatives of WEC and the mayors began “cross-pollinating” the Dane County matter with the Waukesha County matter by filing letters with the respective courts smearing the OSC and improperly attempting to influence the respective judges. The Wisconsin Department of Justice filed a letter in the Waukesha County matter, arguing that the subpoenas were invalid and that the validity of the subpoenas addressed to the mayors would be addressed in large part by the court in the Dane County matter discussed above. In addition, mayor Genrich’s representatives attempted to influence the outcome of the Dane County matter by filing a letter with that court arguing that the OSC had made “misrepresentations” to the Waukesha County court and that the subpoenas were “unauthorized, quasi-depositions of mayors and elections officials throughout Wisconsin.”

As of this writing, written briefs are being submitted to the Court regarding the following inquiries submitted by the Court:

1. The Court's authority to issue the writs;
2. The correct procedure to follow; and
3. The factual basis of the writs.

A hearing is scheduled on those issues on April 22, 2022. While the Court has asked that these issues be addressed, it is only a preliminary inquiry. The Court has additionally stated that it will not be addressing the actual issuance of the writs or whether the mayors have a reasonable excuse for their failure to comply with the subpoenas. Those issues will be addressed subsequently.

As with the Dane County matter, the Waukesha County matter is nowhere near resolution. First, all issues will need to be addressed by the Circuit Court judge, and then it is likely that any decision will be appealed up to the Wisconsin Supreme Court (and potentially the United States Supreme Court). In the meantime, as with WEC and Ms. Wolfe, neither mayor has voluntarily agreed to give testimony, and it is likely their subpoenas will remain unsatisfied until the conclusion of all litigation.

1. Dane County Case Number 2021CV003007, *American Oversight vs. Assembly Office of Special Counsel et al.*

In addition to the above, the OSC has been forced into litigation over issues surrounding the voluminous requests for documents it has received pursuant to Wisconsin's Open Records law. While these requests and the attendant litigation have not

directly affected the OSC’s ability to obtain necessary information—as the lack of cooperation and litigation over the subpoenas has done—at the same time, it has strained the OSC’s resources and indirectly affected the OSC’s work in a very significant way.

In Dane County Case Number 2021CV003007, a group called American Oversight has sued the OSC, along with the Wisconsin State Assembly, Speaker of the Assembly Robin Vos, and Wisconsin State Senate Sergeant-at-Arms Edward Blazel over purportedly insufficient responses to requests made to the OSC and the other defendants under Wisconsin’s Open Records law.

Before the work of the OSC has finished, or even begun in large part, American Oversight has referred to the OSC’s efforts on behalf of the Assembly as “baseless,” that the OSC is “perpetuating Trump’s big lie that the election was somehow stolen,” and that the real purpose of the OSC’s work is to “create a pretext for enacting new restrictions on voting rights.”

Pursuant to their efforts to establish their narrative prior to the work of the OSC coming to fruition, American Oversight has served numerous open records requests upon the OSC, including the following—

2. A September 15, 2021, demand for all “organizing materials,” of the OSC, including contracts, agreements, scopes of work, and other documents related to the “scope of investigative authority” of the OSC;
3. A September 15, 2021, demand for all “work product” materials, including “interim reports, analyses, notifications, or other work product produced or collected by individuals or entities under contract to investigate” the November 2020 election, or any other;

4. A September 15, 2021, demand for all “communications” between “former justice Michael Gableman, or anyone communicating on his behalf, such as an administrative assistant, or any individual designated or engaged as an investigator, including, but not limited to Steven Page, and (ii) any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election,” as well as all “calendar entries” maintained by any investigators;
5. An October 15, 2021 demand for “external communications” between the OSC and a list of 30 individuals and/or entities;
6. An October 26, 2021, demand for “organizing materials” similar to the one served in September of 2021;
7. An October 26, 2021, demand for “work product” similar to the one served in September of 2021; and
8. An October 26, 2021, demand for “communications” similar to the one served in September of 2021.

All of the above open records requests are currently part of the litigation pending in Dane County.

In addition, American Oversight has served four additional open records requests, dated January 18, 2022, and February 1, 2022, that are still being processed by the OSC, and are not part of any litigation as of yet.

Beyond those served by American Oversight, the *Milwaukee Journal Sentinel*, via reporter Patrick Marley, served an open records request dated February 7, 2022, in which the following records were demanded:

- The call log showing all calls to and from all cell phones used by Gableman;
- The call log showing all calls to and from all cell phones used by any of Gableman’s staff (including direct employees, contractors and subcontractors);
- All paper and electronic calendars for Gableman;

- All emails and/or text messages between Gableman and Rudy Giuliani;
- All emails and/or text messages between Gableman and John Eastman;
- All emails and/or text messages between Gableman and Phill Kline;
- All emails and/or text messages between Gableman and Erick Kaardal;
- All emails and/or text messages between Gableman and Phil Waldron;
- All emails and/or text messages between Gableman and James Troupis;
- All emails and/or text messages between Gableman and Kenneth Chesebro;
- All emails and/or text messages between Gableman and David Clarke;
- All emails and/or text messages between Gableman and Rep. Janel Brandtjen;
- All emails and/or text messages between Gableman and Rep. Timothy Ramthun;

In addition, I am requesting the following documents since Sept. 28, 2021:

- All emails and/or text messages between Gableman and Robin Vos;
- All emails and/or text messages between Gableman and Reince Priebus;
- All emails and/or text messages between Gableman and Nick Boerke;
- All emails and/or text messages between Gableman and Andrew Kloster;
- All emails and/or text messages between Gableman and Harry Wait;
- All emails and/or text messages between Gableman and Gary Wait;
- All emails and/or text messages between Gableman and Peter Bernegger;
- All emails and/or text messages between Gableman and Jefferson Davis;
- All emails and/or text messages between Gableman and Mike Lindell;
- All emails and/or text messages between Gableman and Steve Bannon;
- All emails and/or text messages between Gableman and Seth Keshel;
- All emails and/or text messages between Gableman and Shiva Ayyadurai;

- All emails and/or text messages between Gableman and Ron Heuer;
- The computer security protocols for the Office of Special Counsel;
- Transcripts of witness interviews;
- Audio and/or video recordings of witness interviews;
- All submissions to wifraud.com.

The Special Counsel believes in governmental transparency and is making every effort to comply with the above demands.

However, including the Special Counsel himself, the OSC has a full-time staff of two persons. It also has five part-time staff members consisting of four attorneys and an investigator. Simply responding to these voluminous open records requests is a task that has taken up a tremendous amount of staff time. In addition, the Assembly has engaged outside counsel to defend the American Oversight lawsuit and will likely have to hire counsel to defend further lawsuits if the responses provided to the outstanding demands do not satisfy American Oversight or the *Milwaukee Journal Sentinel*.

While the OSC will continue to see that its duties under Wisconsin's open records law are fulfilled, doing so has, and will continue to materially hamper the ability of the OSC staff to address the substantive issues with which it was charged with investigating and reporting upon to the Wisconsin State Assembly.

Appendix II: Decertification and the Electoral Count Act

Certification of electors in a state is a quintessentially political act, delegated by the United States Constitution to state legislatures, which may voluntarily adopt revocable and defeasible rules to guide the process. Wisconsin election law does not explicitly authorize the decertification of electors. But neither does it prohibit it. For this reason, the U.S. Constitution and the gap-filling common law against which backdrop the federal and Wisconsin Constitutions were adopted provide the ultimate guidance. And under those two documents, it is clear that the Wisconsin Legislature could lawfully take steps to decertify electors in any Presidential election, for example in light of violations of state election law that did or likely could have affected the outcome of the election. Furthermore, notwithstanding the current debate over amending the federal Electoral Count Act, the supreme responsibility for running state elections in Wisconsin is vested in our state Legislature—not any other state instrumentality, and not the federal government.

The U.S. Constitution provides in relevant respect that “Each State shall appoint, *in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress*” U.S. Const., art. II., § 1, cl. 2. This is a direct delegation to each state legislature. It is not a delegation to the Wisconsin Governor (or WEC) *and* its Legislature. The Framers knew how to delegate to, respectively, state legislatures or state executives, or to both acting concurrently. *Compare, e.g., id. with id.* at art. IV, § 4 (“The United States shall guarantee to every State in this Union a Republican Form of Government, and shall

protect each of them against Invasion; *and on Application of the Legislature, or of the Executive* (when the Legislature cannot be convened) against domestic Violence.”) (emphasis added) *and id.* at XVII amend. (“When vacancies happen in the representation of any State in the Senate, *the executive authority of such State* shall issue writs of election to fill such vacancies: *Provided, That the legislature of any State may empower the executive thereof* to make temporary appointments until the people fill the vacancies by election as the legislature may direct.”) (emphases added).

The direct constitutional delegation to state legislatures here operates as a “plenary” power. *See McPherson v. Blecker*, 146 U.S. 1, 35 (1892); *see also Bush v. Gore*, 531 U.S. 98, 104 (2000) (“The State, of course, after granting the franchise in the special context of Article II, can take back the power to appoint electors.”). Pursuant to that plenary power, it is true that after 1824 most state legislatures began to delegate, in effect, their plenary power to *a process of popular selection of the presidential electors* carried out under a suite of state law provisions. Yet, as applied here, these delegations and self-imposed statutory processes by the Wisconsin legislature are not irrevocable. An election of presidential electors that violates Wisconsin (or any other state legislature’s relevant laws) is both void and voidable.

This Report has documented not just one, but a great collection of Wisconsin election law violations. As a political matter, the actions of state actors certifying electors in any Presidential election can be reconsidered as the Wisconsin Legislature sees fit using its plenary power under Article II of the federal Constitution, as recognized in *McPherson*

and *Bush v. Gore*. Indeed, *McPherson* noted that “there is no doubt of the right of the legislature to resume the power *at any time*.” *McPherson*, 146 U.S. at 35 (emphasis added).

The process of presidential elections can be conceived of as having five steps: (1) certification pursuant to state law; (2) the arrival of the “safe harbor” date specified in the Electoral Count Act (“ECA”), 3 U.S.C. § 5, purporting to make “conclusive” the determination of election contests in the courts “or other methods and procedures” before that date; (3) the date when state-certified electors meet and cast their votes in their respective States; (4) the opening by the Vice President and counting of electoral votes pursuant to the ECA, 3 U.S.C. § 15, on January 6 of the year following a presidential election; and (5) the inauguration of the President on January 20 of that same year at noon, per the Twentieth Amendment to the Constitution. However, that Article II of the U.S. Constitution assigns to Congress only the power to “determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.” Hence, the relevance of the ECA should not be overstated. The powers to set the time for choosing electors and the day thereof is not the power for Congress to override the plenary power of state legislators to select the State’s electors or to act to correct mistakenly certified electors who were certified only because state law was violated in the process.

Two legal analyses from Legislative Council and the Legislative Reference Bureau argue that various events on that five-step process timeline, coupled with silence or the lack of specificity in various sources of law, means that state legislatures cannot decertify.

This logic of those pieces is defective. They ignore the full logical implications of the “plenary” power of the state legislatures to act “at any time” to determine proper electors. For example, when electors were wrongly certified in Hawaii in the 1960 presidential election for Vice President Nixon, that problem was retroactively corrected and Hawaii’s electoral votes were counted for John F. Kennedy.

As to the initial method for selecting the President, it matters what system of state law is put in place to select electors and when, relative to that system, new election laws are adopted. No one would support the Wisconsin Legislature allowing an election to be run using one set of election laws and then, just because a majority of both houses thereof did not like the tally of the people’s votes occurring within the proper confines of Wisconsin law, adopting a new set of legislative rules and applying them to an already conducted popular election as if that had always been the law.

But the premise of the use of the method of popularly electing elections is inherently, and unavoidably, that such elections be conducted *without violation* of the relevant State’s election laws to the extent that the outcome of the election did or likely could swing based on such violations of state law. If an election were purportedly run using the *ex ante* set of legislative election rules (or some of those rules), but *in reality*, the election was run in flat violation of those laws, then the decision of which set of electors to certify (or decertify) devolves back upon the Wisconsin Legislature, where the plenary power to select electors was initially reposed. This is particularly true when the courts do not reach the merits of election disputes brought to them for resolution of whether the *ex*

ante rules were actually followed, dismissing challenges, for instance, on grounds of lack of standing, laches, and the like, as is the case in Wisconsin regarding numerous legal challenges.

The ECA is not constitutional law and it cannot be used to strip state legislatures of their Article II plenary power over elector selection, especially when evidence of widespread violations of state election law become clear only late in an election cycle or even after an election cycle is over. At that point, the principle that comes into play is the common law principle that fraud or illegality vitiates results rendered under an illegal or fraudulent process. *See, e.g., United States v. Throckmorton*, 98 U.S. 61, 64 (1878) (“Fraud vitiates even the most solemn contracts, documents, and even judgments.”); *see also United States v. Bradley*, 35 U.S. 343, 360 (1836) (citing *Pigot’s Case*, 11 Co. Lit. 27b (1614)). To take just one example, the Third Circuit recognized more than a quarter century ago that an illegally certified candidate who was already sitting in the Pennsylvania Legislature and had been sworn in must be stripped of his office based on violations of that State’s election laws. *See Marks v. Stinson*, No. Civ. A. 93-6157, 1994 WL 47710, at *15-16 (E.D. Pa. Feb. 18, 1994), *vacated in part*, 19 F.3d 873 (3d Cir.), *aff’d after remand*, 37 F.3d 1487 (3d Cir.). And this occurred where there was no mechanism in the Pennsylvania Constitution for explicitly applying such a remedy. The Legislative Council and Reference Bureau do not take account of this precedent, logic, or history.

Thus it is clear that the Wisconsin Legislature (acting without the concurrence of the Governor, *see supra*), could decertify the certified electors in the 2020 presidential

election. Two steps would be required for it to do so. *First*, the Legislature would need a majority in both houses to pass a resolution concluding that the 2020 election was (a) held in violation of state law, as detailed in this Report (or other sources), in one or more respects; and (b) the degree of violation of state law in place on November 3, 2020 rose to the level that fraud or other illegality under Wisconsin law could have affected the outcome, using any evidentiary test for certainty the Legislature agreed should apply (for instance, a preponderance, etc.). And *second*, the Legislature would need to invoke and then exercise its plenary power to designate the slate of electors it thought best accorded with the outcome of the election, had it been run legally in accord with the state election laws in effect on November 3, 2020. This would lead to decertifying the relevant electors, if the Legislature concluded that they were not the slate of electors that best accorded with the election if run consistent with all relevant Wisconsin laws in effect on election day.

However, this action would not, on its own, have any other legal consequence under state or federal law. It would not, for example, change who the current President is.

From: David Morsberger <dave@morsberger.com>
Sent: Sunday, July 10, 2022 11:12 AM
To: William Voelp
Subject: PAC Question

Bill,

I hope all is going well and smooth. I am working my butt off door knocking for my race. So much fun.

There is a lot of dark PAC money in AACO this year. I saw your name on a filing deadline memo/letter.

Quick question on Anne Arundel Forward PAC

<https://campaignfinance.maryland.gov/Public/ShowReview?memberID=8713651%20&memVersID=1%20&cTypeCode=06>

They have to Entity Filing reports listed. They show three expenses for mailers and do not show any income / doners.

How can this be?

David

From: Dawn Villani <dawn410@aol.com>
Sent: Monday, August 22, 2022 1:09 PM
To: info.sbe@maryland.gov; sltaylor@harfordcountymd.gov;
awmccord@harfordcountymd.gov; William Voelp
Cc: dave@morsberger.com; Natalieabbas13@gmail.com; dale.liv52@gmail.com;
davetritt@gmail.com; charltonwt@comcast.net; jtkatsu@gmail.com; mcgillkathy56
@gmail.com
Subject: Past Due FOIA Request
Attachments: FOIA Request CVRS 8-1-22.docx

As you can see in the below emails, this request was made on August 1, 2022 and forwarded to SBE on August 4, 2022 for processing. To date we have not received any response. Time is of the essence. Please advise the status of request.

Respectfully,

Dawn Villani

-----Original Message-----

From: Dawn Villani <dawn410@aol.com>
To: info.sbe@maryland.gov <info.sbe@maryland.gov>
Cc: sltaylor@harfordcountymd.gov <sltaylor@harfordcountymd.gov>
Sent: Thu, Aug 11, 2022 10:26 am
Subject: FOIA Request

Hello,

I just want to verify that the proper person at SBE received my request that was forwarded from the HA CO BOE.

I am attaching the original request.

Who should I follow-up with?

The request was originally sent on August 1st and I have not received any confirmations from SBE.

Thank you,

Dawn Villani
Pylesville, MD
410-916-5001

-----Original Message-----

From: Dawn Villani <dawn410@aol.com>
To: sltaylor@harfordcountymd.gov <sltaylor@harfordcountymd.gov>
Cc: sltaylor@harfordcountymd.gov <sltaylor@harfordcountymd.gov>
Sent: Mon, Aug 8, 2022 10:29 pm
Subject: Re: FOIA Request

Is there someone I can follow-up with at the SBE?

-----Original Message-----

From: Taylor, Stephanie <sltaylor@harfordcountymd.gov>
To: Dawn Villani <dawn410@aol.com>
Cc: Taylor, Stephanie <sltaylor@harfordcountymd.gov>
Sent: Thu, Aug 4, 2022 9:52 am
Subject: RE: FOIA Request

Good Morning,

I wanted to let you know that your request has been received and that the State Board of Elections will be handling this request.

Sincerely,

Stephanie L. Taylor, CPO

Election Director

Harford County Board of Elections

[133 Industry Lane](#)

[Forest Hill, MD 21050](#)

Office (410) 638-3565

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From: Dawn Villani <dawn410@aol.com>
Sent: Monday, August 1, 2022 9:07 AM
To: Elections <ElectionBoard@harfordcountymd.gov>; Taylor, Stephanie <sltaylor@harfordcountymd.gov>
Subject: FOIA Request

[EXTERNAL SENDER]

Good morning,
Please see the attached FOIA request.
Please acknowledge that this request has been received.
Please let me know if further clarification is needed to process/generate the requested data.
Thank you in advance for your prompt attention.
Dawn Villani
(410) 916-5001

From: William Voelp <bill@voelpfamily.com>
Sent: Monday, March 20, 2023 6:51 AM
To: Susan Mcconkey; David Morsberger
Subject: Re: AAGOP communications with Bill

Not that I remember...

Never even heard of the address there for me?

The others are no longer in use either. So not seen any communications.

Blessings

Bill

From: Susan Mcconkey <susandil@aol.com>
Sent: Monday, March 20, 2023 1:39:28 AM
To: William Voelp <bill@voelpfamily.com>; David Morsberger <dave@morsberger.com>
Subject: AAGOP communications with Bill
Bill,

Have you never gotten communications from the AAGOP?

In our MailChimp we have the following email addresses?

The screenshot shows a MailChimp interface with tabs for 'Campaigns', 'Contacts', and 'Help articles'. Below the tabs, it says '1 results for Voelp'. There are three contact entries, each with a profile picture, name, email address, and a 'View Profile' link.

Name	Email	Status	Action
Evangelia Voelp	corrinevoelp@yahoo.com	Unsubscribed on Aug 7, 2021, 09:40 PM	View Profile
Brooke Voelp	jakevoelp@gmail.com	Subscribed on Oct 9, 2020, 10:08 AM	View Profile
William Voelp	lemonadewalrus@gmail.com	Subscribed on Oct 9, 2020, 10:08 AM	View Profile

Obviously, I have your email address and I will add you.

Thanks,
Susan

From: Katherine Berry <katherine.berry@maryland.gov>
Sent: Tuesday, October 3, 2023 11:49 AM
To: William Voelp
Cc: Jared DeMarinis -SBE-
Subject: Re: Ballot Questions

I have reviewed a sample of the counties he had listed and it does appear that the numbers are accurate. The larger counties typically have multi-page ballots and that would account for the majority. As you see, Carroll had 3 and this was due to voters not voting their ballot. Thanks!

Katherine Berry
Deputy State Administrator

Maryland State Board of Elections

(410)269-2843 (w)/ (667)314-5015 (c)

elections.maryland.gov

On Tue, Oct 3, 2023 at 11:36 AM William Voelp <bill@voelfamily.com> wrote:

Katie,

Please call me Bill. Truly look forward to working with you! What a great pick for #2 with Jared!

So, based on David's numbers - do they seem correct and if so, is that almost all then accounted for by the page 2?

I can respond to him but wanted to make sure.

Thanks,

Bill

Bill Voelp

www.voelfamily.com

[LinkedIn Profile](#)

[Face Book Profile](#)

AMERICAN
OVERSIGHT

bill@voelpfamily.com

CONFIDENTIALITY, PRIVILEGE AND ATTACHMENT STATEMENT:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the specified recipient(s) and may contain confidential or privileged information. If you are not the specified or intended recipient, please notify me by email reply and please delete this email. No waiver of confidentiality or privilege should be inferred from any error in sending. This message is for information only. Any attachment or insertion to this message and any manipulation of that attachment, with or without authorization, shall remain the property of William G. Voelp. Unless otherwise specified, this does not constitute a binding commitment by the sender.

From: Katherine Berry <katherine.berry@maryland.gov>
Sent: Tuesday, October 3, 2023 9:31 AM
To: William Voelp <bill@voelpfamily.com>
Cc: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Subject: Re: Ballot Questions

Mr. Voelp,

Blank ballots can be cast for 2 main reasons ---

1. The voter intentionally submits a ballot without making any selections. They just want to be recorded as having voted in their official voting record.
2. Counties that have multi-page ballots are in a unique circumstance with the voting system. Page 1 is where the vote count that we see with results is tabulated. Subsequent pages that are scanned are recorded as blank ballots because we cannot have the vote count increment up with the same ballot for an individual.

I'm happy to go into further detail, if needed. Let me know if you need more clarification or examples.

Thank you,
Katie

Katherine Berry
Deputy State Administrator

Maryland State Board of Elections

(410)269-2843 (w)/ (667)314-5015 (c)

elections.maryland.gov

AMERICAN
OVERSIGHT

----- Forwarded message -----

From: **William Voelp** <bill@voelfamily.com>

Date: Tue, Sep 12, 2023 at 6:32 AM

Subject: Fwd: Ballot Questions

To: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Can you help me on how to this and if numbers are correct?

Blessings

Bill

From: David Morsberger <dave@morsberger.com>

Sent: Monday, September 11, 2023 10:05:45 PM

To: William Voelp <bill@voelfamily.com>

Subject: Ballot Questions

Bill,

I am hoping you can help me with the questions embedded in the attached. Folks are asking.

From: Dawn Villani <dawn410@aol.com>
Sent: Tuesday, August 30, 2022 7:58 PM
To: sltaylor@harfordcountymd.gov; awmccord@harfordcountymd.gov
Cc: nikki.charlson@maryland.gov; info.sbe@maryland.gov; William Voelp;
dave@morsberger.com; davetritt@gmail.com; dale.liv52@gmail.com; Natalieabbas13@gmail.com; charltonwt@comcast.net; jtkatsu@gmail.com; mcgillkathy56@gmail.com; brianyoung@harfordlaw.com; dkobrin@oag.state.md.us; traceye.hartman@maryland.gov
Subject: Re: Election Material Legal Retention Expiration Dates

Perfect!! Thank you Stephanie!

-----Original Message-----

From: Taylor, Stephanie <sltaylor@harfordcountymd.gov>
To: Dawn Villani <dawn410@aol.com>; McCord, Allison <awmccord@harfordcountymd.gov>
Cc: nikki.charlson@maryland.gov <nikki.charlson@maryland.gov>; info.sbe@maryland.gov <info.sbe@maryland.gov>; bill@voelpfamily.com <bill@voelpfamily.com>; dave@morsberger.com <dave@morsberger.com>; davetritt@gmail.com <davetritt@gmail.com>; dale.liv52@gmail.com <dale.liv52@gmail.com>; Natalieabbas13@gmail.com <Natalieabbas13@gmail.com>; charltonwt@comcast.net <charltonwt@comcast.net>; jtkatsu@gmail.com <jtkatsu@gmail.com>; mcgillkathy56@gmail.com <mcgillkathy56@gmail.com>; Brian Young <brianyoung@harfordlaw.com>; dkobrin@oag.state.md.us <dkobrin@oag.state.md.us>; traceye.hartman@maryland.gov <traceye.hartman@maryland.gov>
Sent: Tue, Aug 30, 2022 10:12 am
Subject: RE: Election Material Legal Retention Expiration Dates

Hi Dawn,

Attached is the most recent retention schedule that has been approved by Linda Lamone at the State Board of Elections.

Sincerely,

Stephanie L. Taylor, CPO

Election Director

Harford County Board of Elections

[133 Industry Lane](#)

[Forest Hill, MD 21050](#)

Office (410) 638-3565

www.harfordvotes.gov

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From: Dawn Villani <dawn410@aol.com>
Sent: Sunday, August 28, 2022 10:31 PM
To: Taylor, Stephanie <staylor@harfordcountymd.gov>; McCord, Allison <awmccord@harfordcountymd.gov>
Cc: nikki.charlson@maryland.gov; info.sbe@maryland.gov; bill@voelpfamily.com; dave@morsberger.com; davetritt@gmail.com; dale.liv52@gmail.com; Natalieabbas13@gmail.com; charltonwt@comcast.net; jtkatsu@gmail.com; mcgillkathy56@gmail.com; Brian Young <brianyoung@harfordlaw.com>; dkobrin@oag.state.md.us; traceye.hartman@maryland.gov
Subject: Election Material Legal Retention Expiration Dates

[EXTERNAL SENDER]

Good evening everyone,

Would it be possible for someone supply a list of the legal retention expiration dates as adopted by each county and/or the State of Maryland for ALL election material current and historical including paper, ballots including images, and electronic documents, records, logs, reports, images, recordings, internal/external correspondence, meeting minutes, discussions on text and how it's retained for FOIA or PIA retention, databases, contracts, agreements, MOU, correspondence, reports from 3rd-party vendors as well as other government agencies that pertain to elections, financial reports, campaign records and reports, etc., etc. ,etc.

As noted in the emails below, it was mentioned that the CVR data might be something that is retained permanently but that wasn't clarified by anyone.

It would save everyone a great deal of time if you could make this information available. Especially with the September 3rd deadline quickly approaching.

Thank you in advance for your time and attention to this matter.

I also want to thank everyone for helping us obtain the CVR data so quickly - We truly appreciate each and every one of you!!

-----Original Message-----

From: Dawn Villani <dawn410@aol.com>

To: staylor@harfordcountymd.gov <staylor@harfordcountymd.gov>; awmccord@harfordcountymd.gov <awmccord@harfordcountymd.gov>; traceye.hartman@maryland.gov <traceye.hartman@maryland.gov>

Cc: nikki.charlson@maryland.gov <nikki.charlson@maryland.gov>; info.sbe@maryland.gov <info.sbe@maryland.gov>; bill@voelpfamily.com <bill@voelpfamily.com>; dave@morsberger.com <dave@morsberger.com>; davetritt@gmail.com <davetritt@gmail.com>; dale.liv52@gmail.com <dale.liv52@gmail.com>; Natalieabbas13@gmail.com <Natalieabbas13@gmail.com>; charltonwt@comcast.net <charltonwt@comcast.net>; jtkatsu@gmail.com <jtkatsu@gmail.com>; mcgillkathy56@gmail.com <mcgillkathy56@gmail.com>; brianyoung@harfordlaw.com <brianyoung@harfordlaw.com>; dkobrin@oag.state.md.us <dkobrin@oag.state.md.us>

Sent: Tue, Aug 23, 2022 1:35 pm

Subject: Re: Past Due FOIA Request

Thank you Ms. Taylor,

Please see attachment "A", a revised FOIA to include all Maryland Counties and Baltimore City.

It would be very helpful and save all of us a great deal of time if one of you could supply the legal retention expiration dates as adopted by each county and/or the State of Maryland for all election material and documents included all current and historical electronic data bases, electronic material, all paper material as well as the attached FOIA requesting CVR data.

If some protective agreement to confidentiality is required, I have my attorney's permission to sign such a document, of course subject to filing in courts if necessary.

I have available a 4 terabyte external hard drive that I can easily supply to your office for the bulk storage of this data.

Please reply all as I have cc'd all attorneys on this email so that we can all be on the same page.

Respectfully,

AMERICAN
OVERSIGHT

Dawn Villani

-----Original Message-----

From: Taylor, Stephanie <sltaylor@harfordcountymd.gov>

To: Dawn Villani <dawn410@aol.com>; McCord, Allison <awmccord@harfordcountymd.gov>; Tracey E. Hartman -SBE- <traceye.hartman@maryland.gov>

Cc: nikki.charlson@maryland.gov <nikki.charlson@maryland.gov>; info.sbe@maryland.gov <info.sbe@maryland.gov>; bill@voelpfamily.com <bill@voelpfamily.com>; dave@morsberger.com <dave@morsberger.com>; davetritt@gmail.com <davetritt@gmail.com>; dale.liv52@gmail.com <dale.liv52@gmail.com>; Natalieabbas13@gmail.com <Natalieabbas13@gmail.com>; charltonwt@comcast.net <charltonwt@comcast.net>; jtkatsu@gmail.com <jtkatsu@gmail.com>; mcgillkathy56@gmail.com <mcgillkathy56@gmail.com>; Brian Young <brianyoung@harfordlaw.com>

Sent: Tue, Aug 23, 2022 11:00 am

Subject: RE: Past Due FOIA Request

Hi Dawn,

Sorry for the delay. I sorry you feel like you are being put off and delayed on purpose. That is not my intention nor do I believe that to be the intention of the State Board. Tracey Hartman, who I've copied on this email, is the person at the State level who is handling your request. Tracey correct me if I am wrong but I believe the items Ms. Villani is requesting are on the permanent and not the 22 month retention schedule.

Thank you for your patients.

Sincerely,

Stephanie L. Taylor, CPO

Election Director

Harford County Board of Elections

[133 Industry Lane](#)

[Forest Hill, MD 21050](#)

Office (410) 638-3565

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From: Dawn Villani <dawn410@aol.com>

Sent: Tuesday, August 23, 2022 11:46 AM

To: McCord, Allison <awmccord@harfordcountymd.gov>

Cc: nikki.charlson@maryland.gov; Taylor, Stephanie <sltaylor@harfordcountymd.gov>; info.sbe@maryland.gov; bill@voelpfamily.com; dave@morsberger.com; davetritt@gmail.com; dale.liv52@gmail.com; Natalieabbas13@gmail.com; charltonwt@comcast.net; jtkatsu@gmail.com; mcgillkathy56@gmail.com

Subject: Fwd: Past Due FOIA Request

[EXTERNAL SENDER]

Good morning Allison,

I received the email below out of office reply from Nikki Charlson stating she will be out of the office until the 29th.

Can you please refer me to someone else since time is of the essence.

I'm beginning to get the feeling that I'm just being put off and delayed on purpose.

September 3rd is the day that all remaining election material can legally be destroyed. Correct?

Since this request has been being delayed for so long, I would like to request the same information for all Maryland Counties and Baltimore City.

I will be forwarding a revised FOIA shortly.

Thanks,

Dawn Villani

-----Original Message-----

From: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>
To: dawn410@aol.com
Sent: Tue, Aug 23, 2022 7:59 am
Subject: Out of office: Aug 19 - 26 RE: FW: Past Due FOIA Request

I will be out of the office Friday, Aug 19 through Friday, Aug 26 and return on Monday, Aug 29. I will have limited access to email during this time.

If you have an urgent matter, please contact 410.269.2840 or call me on my cell phone.

Thanks,
Nikki Charlson
State Board of Elections

-----Original Message-----

From: McCord, Allison <awmccord@harfordcountymd.gov>
To: Nikki Charlson -SBE- <nikki.charlson@maryland.gov>
Cc: Dawn Villani <dawn410@aol.com>; Taylor, Stephanie <staylor@harfordcountymd.gov>
Sent: Tue, Aug 23, 2022 5:45 am
Subject: FW: Past Due FOIA Request

Hello Dawn,

I know Stephanie forwarded your request to SBE, but I am not sure who is handling this. Stephanie is on vacation this week. I am forwarding this on to Nikki Charlson at SBE so that she can have the appropriate person follow up with you.

Best regards,
Allison

From: Dawn Villani <dawn410@aol.com>
Sent: Monday, August 22, 2022 1:09 PM
To: info.sbe@maryland.gov; Taylor, Stephanie <staylor@harfordcountymd.gov>; McCord, Allison <awmccord@harfordcountymd.gov>; bill@voelpfamily.com
Cc: dave@morsberger.com; Natalieabbas13@gmail.com; dale.liv52@gmail.com; davetritt@gmail.com; charltonwt@comcast.net; jtkatsu@gmail.com; mcgillkathy56@gmail.com
Subject: Past Due FOIA Request

[EXTERNAL SENDER]

As you can see in the below emails, this request was made on August 1, 2022 and forwarded to SBE on August 4, 2022 for processing. To date we have not received any response. Time is of the essence. Please advise the status of request.

Respectfully,
Dawn Villani

-----Original Message-----

From: Dawn Villani <dawn410@aol.com>
To: info.sbe@maryland.gov <info.sbe@maryland.gov>
Cc: staylor@harfordcountymd.gov <staylor@harfordcountymd.gov>
Sent: Thu, Aug 11, 2022 10:26 am
Subject: FOIA Request

Hello,

I just want to verify that the proper person at SBE received my request that was forwarded from the HA CO BOE.

I am attaching the original request.

Who should I follow-up with?

The request was originally sent on August 1st and I have not received any confirmations from SBE.

Thank you,
Dawn Villani
Pylesville, MD
410-916-5001

AMERICAN
OVERSIGHT

-----Original Message-----

From: Dawn Villani <dawn410@aol.com>
To: sltaylor@harfordcountymd.gov <sltaylor@harfordcountymd.gov>
Cc: sltaylor@harfordcountymd.gov <sltaylor@harfordcountymd.gov>
Sent: Mon, Aug 8, 2022 10:29 pm
Subject: Re: FOIA Request

Is there someone I can follow-up with at the SBE?

-----Original Message-----

From: Taylor, Stephanie <sltaylor@harfordcountymd.gov>
To: Dawn Villani <dawn410@aol.com>
Cc: Taylor, Stephanie <sltaylor@harfordcountymd.gov>
Sent: Thu, Aug 4, 2022 9:52 am
Subject: RE: FOIA Request

Good Morning,

I wanted to let you know that your request has been received and that the State Board of Elections will be handling this request.

Sincerely,

Stephanie L. Taylor, CPO

Election Director

Harford County Board of Elections

[133 Industry Lane](#)

[Forest Hill, MD 21050](#)

Office (410) 638-3565

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From: Dawn Villani <dawn410@aol.com>

Sent: Monday, August 1, 2022 9:07 AM

To: Elections <ElectionBoard@harfordcountymd.gov>; Taylor, Stephanie <sltaylor@harfordcountymd.gov>

Subject: FOIA Request

[EXTERNAL SENDER]

Good morning,

Please see the attached FOIA request.

Please acknowledge that this request has been received.

Please let me know if further clarification is needed to process/generate the requested data.

Thank you in advance for your prompt attention.

Dawn Villani

(410) 916-5001

From: Dawn Villani <dawn410@aol.com>
Sent: Monday, September 12, 2022 9:16 PM
To: Jared.DeMarinis@maryland.gov
Cc: erin.dennis@maryland.gov; dave@morsberger.com; maryc.wagner@maryland.gov; jennim3@outlook.com; Natalieabbas13@gmail.com; nikki.charlson@maryland.gov; info.sbe@maryland.gov; William Voelp; charltonwt@comcast.net; mcgillkathy56@gmail.com; dkobrin@oag.state.md.us; donna.duncan@maryland.gov
Subject: Re: Issues with Data Recently Purchased
Attachments: Ha BOE Mtg Answers and exhibit A.pdf

Mr. DeMarinis,

I was referred to you by Ms. Wagner on September 7th.

To date I have not received a response or acknowledgment that you received the email.

Can you address the issues/questions presented in the original email?

If not, please direct me to the appropriate individual.

Respectfully,

Dawn Villani
Harford County, MD

-----Original Message-----

From: Mary C. Wagner -SBE- <maryc.wagner@maryland.gov>
To: Dawn Villani <dawn410@aol.com>
Cc: erin.dennis@maryland.gov <erin.dennis@maryland.gov>; dave@morsberger.com <dave@morsberger.com>; Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Sent: Wed, Sep 7, 2022 8:03 am
Subject: Re: Issues with Data Recently Purchased

Good morning Dawn:

I did receive your 2 messages and I apologize as I was off.

I'm turning this over to Mr. Jared DeMarinis as a PIA request. This requires information from other election official that Erin and I are unable to address.

Thank you,
Mary

Mary Cramer Wagner
Maryland State Board of Elections
Director, Voter Registration and Petition Division
151 West Street - Suite 200
Annapolis, Maryland 21401
(443)924-4900

On Mon, Sep 5, 2022 at 10:45 PM Dawn Villani <dawn410@aol.com> wrote:

Hello Ladies,

AMERICAN
OVERSIGHT

I was hoping one of you might be able to help me sort out some issues I'm having with the data I recently purchased from the SBE.

Using the data I purchased, I ran totals for the 2022 Primary Election just for Harford County. The totals do not match the "official totals" posted on the SBE website. [ZOfficial by Party and County GP22Only \(maryland.gov\)](#)

I presented the problem to the Harford County Board of Elections prior to the Aug. 31st board meeting. As you can see in the attached document Ms. Taylor provided totals and data derived from the ElectionWare database. Ms. Taylor stated that what she provided is the accurate data.

I now have 3 different totals for Harford County and none of them match. I would think that the data I purchased would have been accurate especially since it was dated 8/19/22.

Based on this information it appears that the SBE utilizes at least 3 different databases.

How many databases does the SBE have and how is each one utilized?

Is it true that the ElectionWare database contains the accurate data?

Why would the SBE post inaccurate data on their website?

Why would the SBE sell inaccurate data?

Is there an option to select a specific database when purchasing data?

Would it be possible to replace the data I already purchased with the accurate data?

There was also an issue with the party affiliations not matching the voter rolls compared to the voter history. Both databases were dated 8/19/2022. Ms. Taylor explained how that happened in the 3rd bullet point.

When purchasing data, how can I prevent this from happening in the future? It would be most helpful if the data in both databases matched.

Sorry to bombard you with all these questions but I thought it would be best to start with the two smartest ladies there so hopefully one of you can help get to the bottom of this and figure out what happened. Let me know if there is anything I can do or provide to help your efforts.

If you are not able to help, can one of you please provide a name and contact information for the person who is able to help?

Thank you in advance for your time and attention to this very important matter.

Hope to hear from you soon.

Kind regards,

Dawn Villani
(410) 916-5001

From: William Voelp <bill@voelpfamily.com>
Sent: Saturday, March 18, 2023 5:25 PM
To: David Morsberger
Subject: Re: Lincoln Reagan Day dinner

Nope..

Blessings

Bill

From: David Morsberger <dave@morsberger.com>
Sent: Saturday, March 18, 2023 2:08:05 PM
To: William Voelp <bill@voelpfamily.com>
Subject: Re: Lincoln Reagan Day dinner
Well then, there is still time to make plans - lol

I would to talk more.

Did you ever hear from Nicole Harris?

Sent from my iPad

On Mar 18, 2023, at 2:02 PM, William Voelp <bill@voelpfamily.com> wrote:

I have no plans to go at this time.

Can talk when I get back from vacation.

And no, didn't get notice.

Blessings

Bill

From: David Morsberger <dave@morsberger.com>
Sent: Saturday, March 18, 2023 1:53:36 PM
To: William Voelp <bill@voelpfamily.com>
Subject: Lincoln Reagan Day dinner

Bill,

I hope all is well.

I noticed for some unknown reason people are not getting the email announcements.

Did you get the announcement? Are you going? I hope so.

Not sure if you know, I am the Treasurer

From: David Morsberger <dave@morsberger.com>
Sent: Sunday, July 10, 2022 1:14 PM
To: William Voelp
Subject: Re: PAC Question

I only saw two filed reports and neither showed an ingest of cash

Sent from my iPad

On Jul 10, 2022, at 1:03 PM, William Voelp <bill@voelpfamily.com> wrote:

Wait.. What was their cash on hand? Maybe funded earlier and no donations in the reporting period?

Blessings,

Bill

From: David Morsberger <dave@morsberger.com>
Sent: Sunday, July 10, 2022, 11:12 AM
To: William Voelp <bill@voelpfamily.com>
Subject: PAC Question

Bill,

I hope all is going well and smooth. I am working my butt off door knocking for my race. So much fun.

There is a lot of dark PAC money in AACO this year. I saw your name on a filing deadline memo/letter.

Quick question on Anne Arundel Forward PAC

<https://campaignfinance.maryland.gov/Public/ShowReview?memberID=8713651%20&memVerslD=1%20&cTypeCode=06>

They have to Entity Filing reports listed. They show three expenses for mailers and do not show any income / doners.

How can this be?

David

From: William Voelp <bill@voelpfamily.com>
Sent: Sunday, July 10, 2022 11:38 AM
To: David Morsberger
Subject: Re: PAC Question

I'll check it out.

Glad you are having fun door knocking.

Blessings,

Bill

From: David Morsberger <dave@morsberger.com>
Sent: Sunday, July 10, 2022 11:12:06 AM
To: William Voelp <bill@voelpfamily.com>
Subject: PAC Question
Bill,

I hope all is going well and smooth. I am working my butt off door knocking for my race. So much fun.

There is a lot of dark PAC money in AACO this year. I saw your name on a filing deadline memo/letter.

Quick question on Anne Arundel Forward PAC

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They have to Entity Filing reports listed. They show three expenses for mailers and do not show any income / doners.

How can this be?

David

From: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Sent: Tuesday, September 13, 2022 7:15 AM
To: Dawn Villani
Cc: Natalieabbas13@gmail.com; William Voelp; charltonwt@comcast.net; dave@morsberger.com; dkobrin@oag.state.md.us; donna.duncan@maryland.gov; erin.dennis@maryland.gov; info.sbe@maryland.gov; jennim3@outlook.com; maryc.wagner@maryland.gov; mcgillkathy56@gmail.com; nikki.charlson@maryland.gov
Subject: Re: Issues with Data Recently Purchased

Ms. Villani:

The email forwarded to me did not seek any documents but questions regarding the data in the documents. Therefore, it is not a public information act request. I am unable to answer your questions. The subject matter experts are the appropriate individuals to respond.

On Mon, Sep 12, 2022 at 9:16 PM Dawn Villani <dawn410@aol.com> wrote:
Mr. DeMarinis,

I was referred to you by Ms. Wagner on September 7th.

To date I have not received a response or acknowledgment that you received the email.

Can you address the issues/questions presented in the original email?

If not, please direct me to the appropriate individual.

Respectfully,

Dawn Villani
Harford County, MD

-----Original Message-----

From: Mary C. Wagner -SBE- <maryc.wagner@maryland.gov>
To: Dawn Villani <dawn410@aol.com>
Cc: erin.dennis@maryland.gov <erin.dennis@maryland.gov>; dave@morsberger.com <dave@morsberger.com>; Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Sent: Wed, Sep 7, 2022 8:03 am
Subject: Re: Issues with Data Recently Purchased

Good morning Dawn:

I did receive your 2 messages and I apologize as I was off.

I'm turning this over to Mr. Jared DeMarinis as a PIA request. This requires information from other election official that Erin and I are unable to address.

Thank you,
Mary

Mary Cramer Wagner
Maryland State Board of Elections

AMERICAN
OVERSIGHT

Director, Voter Registration and Petition Division
[151 West Street - Suite 200](#)
[Annapolis, Maryland 21401](#)
(443)924-4900

On Mon, Sep 5, 2022 at 10:45 PM Dawn Villani <dawn410@aol.com> wrote:

Hello Ladies,

I was hoping one of you might be able to help me sort out some issues I'm having with the data I recently purchased from the SBE.

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If you are not able to help, can one of you please provide a name and contact information for the person who is able to help?

Thank you in advance for your time and attention to this very important matter.

Hope to hear from you soon.

Kind regards,

Dawn Villani
(410) 916-5001



--

Jared DeMarinis
Director of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401
410-269-2853

Sent from mobile device.

From: dawn410 <dawn410@aol.com>
Sent: Tuesday, September 13, 2022 8:25 AM
To: Jared DeMarinis -SBE-
Cc: Natalieabbas13@gmail.com; William Voelp; charltonwt@comcast.net;
dave@morsberger.com; dkobrin@oag.state.md.us; donna.duncan@maryland.gov;
erin.dennis@maryland.gov; info.sbe@maryland.gov; jennim3@outlook.com;
maryc.wagner@maryland.gov; mcgillkathy56@gmail.com; nikki.charlson@maryland.gov
Subject: Re: Issues with Data Recently Purchased

Thanks for the quick response!!

Can you please provide the contact information for the appropriate SBE employee that is the subject matter expert?

If not, can you please provide the contact information for the appropriate SBE employee that can supply the contact information for the subject matter expert?

We greatly appreciate your assistance.

Kind regards,
Dawn Villani

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Date: 9/13/22 7:15 AM (GMT-05:00)
To: Dawn Villani <dawn410@aol.com>
Cc: Natalieabbas13@gmail.com, bill@voelpfamily.com, charltonwt@comcast.net,
dave@morsberger.com, dkobrin@oag.state.md.us, donna.duncan@maryland.gov,
erin.dennis@maryland.gov, info.sbe@maryland.gov, jennim3@outlook.com,
maryc.wagner@maryland.gov, mcgillkathy56@gmail.com, nikki.charlson@maryland.gov
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AMERICAN
OVERSIGHT

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Can you address the issues/questions presented in the original email?

If not, please direct me to the appropriate individual.

Respectfully,

Dawn Villani
Harford County, MD

-----Original Message-----

From: Mary C. Wagner -SBE- <maryc.wagner@maryland.gov>

To: Dawn Villani <dawn410@aol.com>

Cc: erin.dennis@maryland.gov <erin.dennis@maryland.gov>; dave@morsberger.com <dave@morsberger.com>; Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Sent: Wed, Sep 7, 2022 8:03 am

Subject: Re: Issues with Data Recently Purchased

Good morning Dawn:

I did receive your 2 messages and I apologize as I was off.

I'm turning this over to Mr. Jared DeMarinis as a PIA request. This requires information from other election official that Erin and I are unable to address.

Thank you,
Mary

Mary Cramer Wagner
Maryland State Board of Elections
Director, Voter Registration and Petition Division
[151 West Street - Suite 200](#)
[Annapolis, Maryland 21401](#)
(443)924-4900

On Mon, Sep 5, 2022 at 10:45 PM Dawn Villani <dawn410@aol.com> wrote:

Hello Ladies,

I was hoping one of you might be able to help me sort out some issues I'm having with the data I recently purchased from the SBE.

Using the data I purchased, I ran totals for the 2022 Primary Election just for Harford County. The totals do not match the "official totals" posted on the SBE website. [ZOfficial by Party and County GP22Only \(maryland.gov\)](#)

I presented the problem to the Harford County Board of Elections prior to the Aug. 31st board meeting. As you can see in the attached document Ms. Taylor provided totals and data derived from the ElectionWare database. Ms. Taylor stated that what she provided is the accurate data.

I now have 3 different totals for Harford County and none of them match. I would think that the data I purchased would have been accurate especially since it was dated 8/19/22.

Based on this information it appears that the SBE utilizes at least 3 different databases.

How many databases does the SBE have and how is each one utilized?

Is it true that the ElectionWare database contains the accurate data?

 AMERICAN
OVERSIGHT

Why would the SBE post inaccurate data on their website?

Why would the SBE sell inaccurate data?

Is there an option to select a specific database when purchasing data?

Would it be possible to replace the data I already purchased with the accurate data?

There was also an issue with the party affiliations not matching the voter rolls compared to the voter history. Both databases were dated 8/19/2022. Ms. Taylor explained how that happened in the 3rd bullet point.

When purchasing data, how can I prevent this from happening in the future? It would be most helpful if the data in both databases matched.

Sorry to bombard you with all these questions but I thought it would be best to start with the two smartest ladies there so hopefully one of you can help get to the bottom of this and figure out what happened.

Let me know if there is anything I can do or provide to help your efforts.

If you are not able to help, can one of you please provide a name and contact information for the person who is able to help?

Thank you in advance for your time and attention to this very important matter.

Hope to hear from you soon.

Kind regards,

Dawn Villani
(410) 916-5001

--

Jared DeMarinis
Director of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401
410-269-2853

Sent from mobile device.

From: David Morsberger <dave@morsberger.com>
Sent: Thursday, October 20, 2022 6:01 PM
To: William Voelp
Subject: Re: SBE Penetration Testing

I am not a betting man (no lottery or Powerball here) however, I would bet on that.

Sent from my iPhone

On Oct 20, 2022, at 17:55, William Voelp <bill@voelpfamily.com> wrote:

I believe it was the same vendor and we never comment about having or not having or of addressed or not. But you can bet nothing, if found, would be allowed to remain that I knew of.

Blessings

From: David Morsberger <dave@morsberger.com>
Sent: Thursday, October 20, 2022 5:50:50 PM
To: William Voelp <bill@voelpfamily.com>
Subject: Re: SBE Penetration Testing
Bill,

Thanks! I respect and expected this answer. We at work wouldn't normally release reports that list vulnerability. I can't say the same if there were no vulnerabilities found.

Can you say that items found if any were adequately addressed?

Was the second test by the same vendor?

David

Sent from my iPhone

> On Oct 20, 2022, at 16:29, William Voelp <bill@voelpfamily.com> wrote:

>

> We can confirm publicly that Stealth-ISS was awarded a contract in 2020 to perform penetration testing of certain systems used by SBE, but we will not share results identified by or reports generated from these types of testing. To do so could potentially jeopardize the security of the systems on which penetration testing was performed. We've had another penetration test performed since the one in 2020.

>

> Sorry that I can't give you more information than that.

>

> Thanks,

> Bill

- > Bill Voelp
- > www.voelpfamily.com
- > LinkedIn Profile
- > Face Book Profile
- > bill@voelpfamily.com
- >
- >
- >

> CONFIDENTIALITY, PRIVILEGE AND ATTACHMENT STATEMENT:

> The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the specified recipient(s) and may contain confidential or privileged information. If you are not the specified or intended recipient, please notify me by email reply and please delete this email. No waiver of confidentiality or privilege should be inferred from any error in sending. This message is for information only. Any attachment or insertion to this message and any manipulation of that attachment, with or without authorization, shall remain the property of William G. Voelp. Unless otherwise specified, this does not constitute a binding commitment by the sender.

- >
- > -----Original Message-----
- > From: morsbergerd <morsbergerd@mac.com>
- > Sent: Monday, October 17, 2022 9:02 AM
- > To: William Voelp <bill@voelpfamily.com>
- > Subject: SBE Penetration Testing

- >
- > Bill,
- >
- > I hope you had a great weekend. The weather sure was nice.
- >
- > I heard that the SBE had Stealth-ISS perform penetration testing on the election equipment in 2020.
- >
- > Were there any critical findings?
- >
- > What actions came out of the test?
- >
- > Is it possible to get a copy of their report?
- >
- > Has there been any other tests between 2020 and today?
- >
- > Thanks,
- > David

From: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>
Sent: Tuesday, August 23, 2022 8:24 AM
To: David Morsberger
Cc: Andrea Moore -SBE-; William Voelp; David Garreis
Subject: Re: Republican Central Committee Sample Ballot

Thank you for the additional information. It will be included in the complaint.

Jared DeMarinis
Director - Division of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401-0486
Phone: 410-269-2853

On Tue, Aug 23, 2022 at 7:52 AM David Morsberger <dave@morsberger.com> wrote:
Jared,

Any status on my complaint? I have additional information. We must have fair and transparent elections.

Here are the raw headers from the email referenced below. Notice the references to annearundel.gop

Anne Arundel Republican Leaders <info@annearundel.gop>
Republican Central Committee Sample Ballot
To: David Morsberger <dave@morsberger.com>
Reply-To: Anne Arundel Republican Leaders <info@annearundel.gop>

1. X-Sender-Host-Address: 54.240.8.92
2. Feedback-Id: [1.us-east-1.9pbnXZxAiODoxsNI1gDKzpGOhIAcRaARwHOZttzVwbl=:AmazonSES](#)
3. List-Unsubscribe:
<<http://electjasontrott.com/sendy/unsubscribe/56D3ny763GU0IXZ1u3CQVBg2VSIxF0E0Irch5DQ1rcOvY/vZBpQCTyFVq892NAWbGMDVoA/KPlyCkoH8u0QCpbaoDFESw>>
4. X-Spamfilter-Host: [pascal.junkemailfilter.com](http://www.junkemailfilter.com) - <http://www.junkemailfilter.com>
5. X-Relay-Countries: us
6. X-Content-Flags: apple auto blockquote break cover css dashes hidden-text image important inherit interpolation letter link percent republican templatebody templatefooter templateheader underline w3 webkit word
7. Mime-Version: 1.0
8. X-Key-Id:
ZGF2ZUBtb3JzYmVyZ2VyLmNvbSAwMTAwMDE4MWQ4OTA4NTRILTdmMThiZDNjLWUwNDItNG

U5YS1iOTgyLTQ4MjA1NjczYjQ2Mi0wMDAwMDBAYW1hem9uc2VzLmNvbSAyMDIyLTA3LTA3IDA1
OjA5OjI0LjY3NSAxZlRSnctMDAwNml1LUJi

9. X-Key-Id:

ZGF2ZUBtb3JzYmVyZ2VyLmNvbSAwMTAwMDE4MwQ4OTA4NTRILTdmMThiZDNjLWUwNDItNG
U5YS1iOTgyLTQ4MjA1NjczYjQ2Mi0wMDAwMDBAYW1hem9uc2VzLmNvbSAyMDIyLTA3LTA3IDA1
OjA5OjIzLjMxMCAxbzIJSnYtMDAwNURRLTlm

10. X-Sender-Host-Name: a8-92.smtp-out.amazonses.com

11. <01000181d890854e-7f18bd3c-e042-4e9a-b982-48205673b462-000000@email.amazonses.com>

12. X-Mailer: Sendy (<https://sendy.co>)

13. X-Ses-Outgoing: 2022.07.07-54.240.8.92

14. Dkim-Signature: v=1; a=rsa-sha256; q=dns/txt; c=relaxed/simple;
s=67a2gjjgslvagmxb4du6t4eniiv5jvgs; d=annearundel.gop; t=1657195759;
h=Date:To:From:Reply-To:Subject:Message-ID:List-Unsubscribe:MIME-Version:Content-Type;
bh=Eg4xsvlbqbnXyVH5s4egB0PtvrcvW0KVTcePO95KcLI=;
b=HekjNYgwr0ZEKWNjAS7vthmWPPqoiyg0p+nVyCpK5FY5ld5qimPLv9F3gpUsDcpC
gJPdprEwZoFXyCgTsLcPqVUFb6df5ocidwaoCFtrmhiKVe6ffHeow5m3RyAYx22NZ37
wx/OPBhI8mlYbZa/DhLbesx6PhFERdww99tfamvWA3W7R7QcKf4AgJquwhSMegfhCy1
AV0Zq50qg5aiUC3ZYGPekDqz+MwmQakGmzEbm4YcYtbWle/2OkeL07FRkupmY1soeU
CW5ZVOG2cnem6UBgwMz6QWfLNS1P+IdyHwcgNcgUCImXwMLFnzZsDXiDNQ1D7JuXCSe
9lmhT3XagQ==

15. Dkim-Signature: v=1; a=rsa-sha256; q=dns/txt; c=relaxed/simple;
s=6gbrjgwgjskckoa6a5zn6fwqkn67xbtw; d=amazonses.com; t=1657195759;
h=Date:To:From:Reply-To:Subject:Message-ID:List-Unsubscribe:MIME-Version:Content-
Type:Feedback-ID; bh=Eg4xsvlbqbnXyVH5s4egB0PtvrcvW0KVTcePO95KcLI=;
b=B/t7xbovlv56czPllIZSWMNxpRvyQtn3HUFUVbWpTNBYalfuQ4VW1W1S4KqhGoK
2p0o4uwluN4gCRv6rlQTHKbKL4uisR0/xtvkaUmEBLWr8/vPgVCS3zyil4UYxcA3iB1
Q0I/hDNcqQ+Ep6e90Ht+jde8lj90Ct4wNJdx0Rz0=

16. Delivery-Date: Thu, 07 Jul 2022 05:09:23 -0700

17. X-Domain-List: amazonses.com amazon.com awsdns-13.org morsberger.com annearundel.gop
google.com bluehost.com

18. X-Spam-Class: HAM-VERY-WHITELIST - SPAMCOUNT-LOW - [-537 NP=-19 HEAD=-100 CONT=-
100] - ID=95761-25848 X=pascal H=a8-92.smtp-out.amazonses.com [54.240.8.92]:48243
HELO=[a8-92.smtp-out.amazonses.com] SN=[01000181d890854e-7f18bd3c-e042-4e9a-b982-48205673b462-000000@amazonses.com] T=[dave@morsberger.com]
FR=[info@annearundel.gop] S=[Republican Central Committee Sample Ballot]

19. Content-Type: text/html; charset=UTF-8

20. X-Sender-Domain: amazonses.com

21. Received: from 181-he.filtered.junkemailfilter.com ([184.105.182.181]:34371) (helo=181-he.filtered.junkemailfilter.com) by darwin.junkemailfilter.com with esmtps (TLSv1.2:ECDHE-RSA-AES256-GCM-SHA384:256) (JEF) id 1o9QJv-0005DQ-9f (on interface=184.105.182.170) for dave@morsberger.com; Thu, 07 Jul 2022 05:09:23 -0700

22. Received: from a8-92.smtp-out.amazonses.com ([54.240.8.92]:48243) (helo=a8-92.smtp-out.amazonses.com) by pascal.junkemailfilter.com with esmtps (TLSv1.2:ECDHE-RSA-AES128-SHA256:128) (JEF) id 1o9QJw-0006iu-Bb (on interface=184.105.182.180) for dave@morsberger.com; Thu, 07 Jul 2022 05:09:29 -0700

Here is the result for the domain ownership for annearundel.gop (whois annearundel.gop)

1. % whois annearundel.gop
2. % IANA WHOIS server
3. % for more information on IANA, visit <http://www.iana.org>
4. % This query returned 1 object
- 5.
6. refer: whois.nic.gop
- 7.
8. domain: GOP
- 9.
10. organisation: Republican State Leadership Committee, Inc.
11. address: 1201 F Street NW Suite 675 Washington DC 20004
12. address: United States
- 13.
14. contact: administrative
15. name: CFO
16. organisation: Republican State Leadership Committee, Inc.
17. address: 1201 F Street, NW, Suite 675
18. address: Washington, DC 20004
19. address: United States
20. phone: +1 (202) 448-5162
21. [e-mail: jwilliams@rslc.gop](mailto:jwilliams@rslc.gop)
- 22.
23. contact: technical
24. name: TLD Registry Services Technical
25. organisation: Nominet
26. address: Minerva House,
27. address: Edmund Halley Road,
28. address: Oxford Science Park,
29. address: Oxford,
30. address: OX4 4DQ
31. address: United Kingdom
32. phone: +44.1865332211
33. [e-mail: registrytechnical@nominet.uk](mailto:registrytechnical@nominet.uk)
- 34.
35. nserver: DNS1.NIC.GOP 213.248.217.39 2a01:618:401:0:0:0:0:39
36. nserver: DNS2.NIC.GOP 103.49.81.39 2401:fd80:401:0:0:0:0:39
37. nserver: DNS3.NIC.GOP 213.248.221.39 2a01:618:405:0:0:0:0:39
38. nserver: DNS4.NIC.GOP 2401:fd80:405:0:0:0:0:39 43.230.49.39
39. nserver: DNSA.NIC.GOP 156.154.100.3 2001:502:ad09:0:0:0:0:3
40. nserver: DNSB.NIC.GOP 156.154.101.3 2001:502:2eda:0:0:0:0:3
41. nserver: DNSC.NIC.GOP 156.154.102.3 2610:a1:1009:0:0:0:0:3
42. nserver: DNSD.NIC.GOP 156.154.103.3 2610:a1:1010:0:0:0:0:3
43. ds-rdata: 31562 8 2
13454BE0988354AE5CF482CC912C8D377E0D72ABADD4A7C55E6DFC923E26868F
- 44.

45. whois: whois.nic.gop
46.
47. status: ACTIVE
48. remarks: Registration information: <http://join.gop>
49.
50. created: 2014-03-06
51. changed: 2021-12-09
52. source: IANA
53.
54. # whois.nic.gop
55.
56. Domain Name: ANNEARUNDEL.GOP
57. Registry Domain ID:
 D_0201981F_DC38DCFFD9C3422A808F4AD1C5F98816_000001789A7ED708-GOP
58. Registrar WHOIS Server:
59. Registrar URL:
60. Updated Date: 2022-04-03T01:30:48Z
61. Creation Date: 2021-04-04T01:28:27Z
62. Registry Expiry Date: 2023-04-04T01:28:27Z
63. Registrar: 101domain GRS Limited
64. Registrar IANA ID: 1011
65. Registrar Abuse Contact [Email: abuse@101domain.com](mailto:abuse@101domain.com)
66. Registrar Abuse Contact Phone: +1.858-295-4626
67. Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>
68. Registry Registrant ID: REDACTED FOR PRIVACY
69. Registrant Name: REDACTED FOR PRIVACY
70. Registrant Organization: REDACTED FOR PRIVACY
71. Registrant Street: REDACTED FOR PRIVACY
72. Registrant Street: REDACTED FOR PRIVACY
73. Registrant Street: REDACTED FOR PRIVACY
74. Registrant City: REDACTED FOR PRIVACY
75. Registrant State/Province: MD
76. Registrant Postal Code: REDACTED FOR PRIVACY
77. Registrant Country: US
78. Registrant Phone: REDACTED FOR PRIVACY
79. Registrant Fax: REDACTED FOR PRIVACY
80. Registrant Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
81. Registry Admin ID: REDACTED FOR PRIVACY
82. Admin Name: REDACTED FOR PRIVACY
83. Admin Organization: REDACTED FOR PRIVACY
84. Admin Street: REDACTED FOR PRIVACY
85. Admin Street: REDACTED FOR PRIVACY
86. Admin Street: REDACTED FOR PRIVACY
87. Admin City: REDACTED FOR PRIVACY
88. Admin State/Province: REDACTED FOR PRIVACY
89. Admin Postal Code: REDACTED FOR PRIVACY

90. Admin Country: REDACTED FOR PRIVACY
91. Admin Phone: REDACTED FOR PRIVACY
92. Admin Fax: REDACTED FOR PRIVACY
93. Admin Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
94. Registry Tech ID: REDACTED FOR PRIVACY
95. Tech Name: REDACTED FOR PRIVACY
96. Tech Organization: REDACTED FOR PRIVACY
97. Tech Street: REDACTED FOR PRIVACY
98. Tech Street: REDACTED FOR PRIVACY
99. Tech Street: REDACTED FOR PRIVACY
100. Tech City: REDACTED FOR PRIVACY
101. Tech State/Province: REDACTED FOR PRIVACY
102. Tech Postal Code: REDACTED FOR PRIVACY
103. Tech Country: REDACTED FOR PRIVACY
104. Tech Phone: REDACTED FOR PRIVACY
105. Tech Fax: REDACTED FOR PRIVACY
106. Tech Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
107. Registry Billing ID: REDACTED FOR PRIVACY
108. Billing Name: REDACTED FOR PRIVACY
109. Billing Organization: REDACTED FOR PRIVACY
110. Billing Street: REDACTED FOR PRIVACY
111. Billing Street: REDACTED FOR PRIVACY
112. Billing Street: REDACTED FOR PRIVACY
113. Billing City: REDACTED FOR PRIVACY
114. Billing State/Province: REDACTED FOR PRIVACY
115. Billing Postal Code: REDACTED FOR PRIVACY
116. Billing Country: REDACTED FOR PRIVACY
117. Billing Phone: REDACTED FOR PRIVACY
118. Billing Fax: REDACTED FOR PRIVACY
119. Billing Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
120. Name Server: ns1.bluehost.com.
121. Name Server: ns2.bluehost.com.
122. DNSSEC: unsigned
123. URL of the ICANN Whois Inaccuracy Complaint Form: <https://www.icann.org/wicf/>
124. >>> Last update of WHOIS database: 2022-08-23T11:46:49Z <<<

Thank you for the email. The matter will be reviewed.

On Fri, Jul 15, 2022 at 6:30 AM David Morsberger <dave@morsberger.com> wrote:

I am submitting a formal complaint against Jason Trott who is currently a member of and candidate for Anne Arundel County Republican Central Committee

The initial complaint:

Mr. Trott used Republican State Leadership Committee, Inc. resources, a 527 group, to send out an email with his authority line. (the From line and the email headers reference annearundel.gov which is a domain owned by Republican State Leadership Committee, Inc.).

I would like at a minimum the relationship and shared resource usage between Jason Trott and the Republican State Leadership Committee, Inc. investigated and each party held accountable if there is a violation of Federal and Maryland election laws.

Please acknowledge receipt and if there is any merit to the complaint.

David Morsberger
[1241 Village Lake Dr](mailto:dave@morsberger.com)
[Davidsonville, MD 21035](mailto:dave@morsberger.com)

P.S. I never received a response to my email below.

Begin forwarded message:

From: David Morsberger <dave@morsberger.com>
Subject: Re: **Republican Central Committee Sample Ballot**
Date: July 8, 2022 at 2:25:57 PM EDT
To: Anne Arundel Republican Leaders <info@annearundel.gov>, jwilliams@rslc.gop, contact@rslc.gop

Dear Anne Arundel Republican Leaders,

Are these endorsements from the current Anne Arundel County Republican Central Committee? I do see the Authority line however, I have also noticed that following items:

- From: Anne Arundel Republican Leaders <info@annearundel.gov>. The annearundel.gov domain is registered and owned by:

Republican State Leadership Committee, Inc.
[1201 F Street NW Suite 675 Washington DC 20004](https://www.rslc.org/)

What is the relationship between the Anne Arundel County Republican Central Committee and the Republican State Leadership Committee? What is the relationship between the Jason Trott campaign and the Republican State Leadership Committee?

- The email states, "These are our recommended candidates for Republican Central Committee in Anne Arundel County." What group is meant by "our" in the statement because the email was authorized by an individual?
- Was this a Republican State Leadership Committee maintained mailing list that was used to send out the email? If not, do you know the source of the email list.

I appreciate your immediate attention and response to these questions.

David Morsberger

On 2022-07-07 08:09, Anne Arundel Republican Leaders wrote:

[Redacted]

[View this email in your browser](#)



Early Voting begins Today. Do you Have a Plan to Vote?

These are our **recommended candidates for Republican Central Committee in Anne Arundel County.**

Early Voting begins July 7 and runs through July 14. Polls are open at 7am through 8pm.

Early Voting Locations -

Arundel Middle School, [1179 Hammond Ln, Odenton, MD](#)

Gladys D. Greene Banquet Hall, [898 Airport Park Rd, Glen Burnie, MD](#)

Magothy River/Severn River Middle School(s), [241 Peninsula Farm Rd, Arnold, MD](#)

Annapolis Middle School, [1399 Forest Dr, Annapolis, MD](#)

Central Middle School, [221 Central Avenue E, Edgewater, MD](#)

Crofton High School, [2291 Davidsonville Rd, Crofton, MD](#)

[Anne Arundel](#) Board of Elections, [6740 Baymeadow Dr, Glen Burnie, MD](#)

Laurel Park Racetrack, [198 Laurel Race Track Rd, Laurel, MD](#)

Deale Elks Lodge, [6022 Drum Point Rd, Deale, MD](#)

Find my district, polling place, and full sample ballot

Request a Mail-in Ballot

Look up your Election Day Polling Place

Authority: Friends of Jason Trott; Robin Bissett, Treasurer.

Our mailing address is:

[1187 Pine Ave, Shady Side, MD 20764](#)

Want to change how you receive these emails?

[You can unsubscribe from this list.](#)



--

Jared DeMarinis
Director of Candidacy and Campaign Finance
Maryland State Board of Elections
151 West Street, Suite 200
Annapolis, MD 21401
410-269-2853

Sent from mobile device.

From: William Voelp <bill@voelpfamily.com>
Sent: Thursday, November 10, 2022 11:06 PM
To: David Morsberger
Subject: Re: Update

I'm actually out of pocket through next week. I went on staff at Redemption City Church in a path to be the executive pastor. We have a staff retreat next week.

Let's see what numbers come out on web naturally. No way to exercise anyone right now anyway. All are working crazy hours.

Blessings

Bill

From: David Morsberger <dave@morsberger.com>
Sent: Thursday, November 10, 2022 12:29:40 PM
To: William Voelp <bill@voelpfamily.com>
Subject: Fwd: Update
Bill,

I hope all is well. I think the election in AACO went great. I watched at multiple locations and it was smooth. I hope the rest of the state went as smoothly even though my guy didn't win. I'm preparing for a wild ride

Can you help me with data to get people off the proverbial cliff? Is it possible to get a report of what and when was reported by the state. Nothing immediate.

I'm thinking

- Time
- Jurisdiction
- Type (early, mail-in, Election Day)
- Precinct
- Votes for R candidate (e.g., Cox)
- Votes for D candidate (e.g., Moore)

I am positive the step functions they are highlighting below are Baltimore City, Montgomery, and Prince George's precincts. It's what I would expect.

I know the times and data will not match exactly however there will be a correlation/association.

David

Sent from my iPhone

Begin forwarded message:

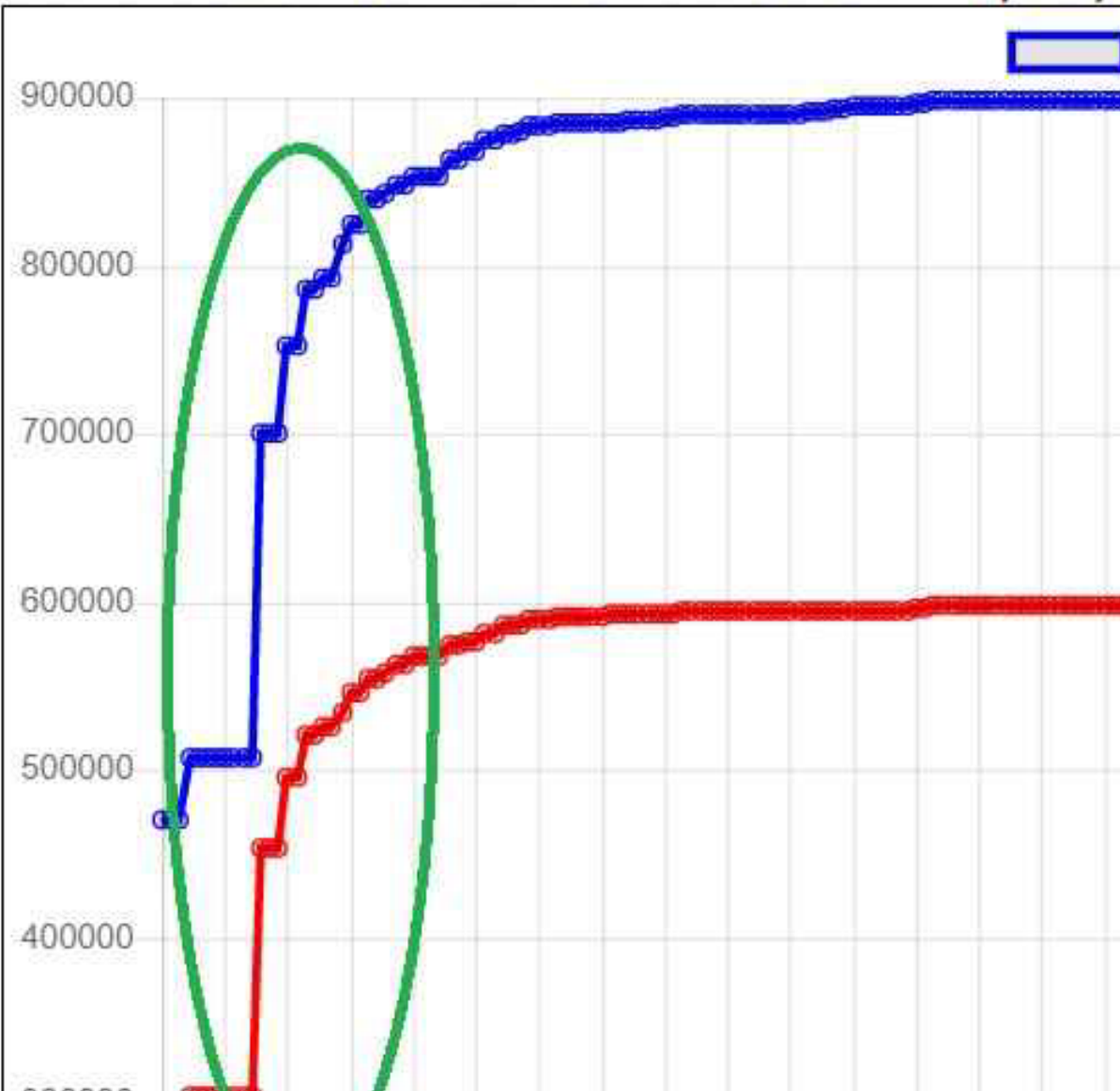
I'll use the latest graphs from drzabot and circle the parts that stand out in each race.

This series of huge vote injections in the AG race is suspicious. Almost half the democrat votes come in three or four big batches where the democrat is getting the vast majority of the votes and the Republican is getting very few. Oddly that big dump happened at the exact same time that we had a huge vote injection in NM.

State: County:

2022 Midterm - Attorney General

Candidate Number of Votes at Display

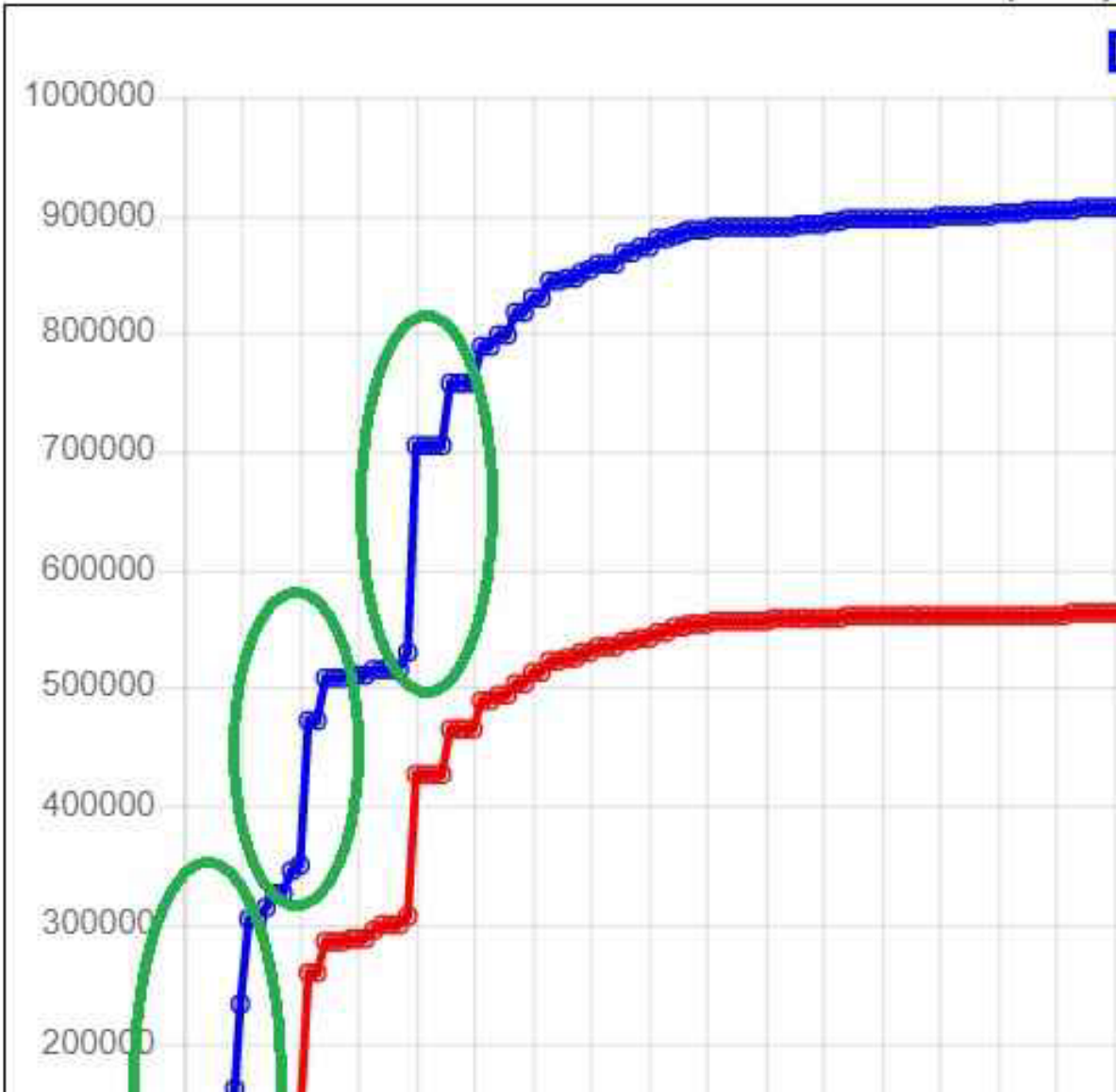


Same thing in the governor race. The democrat totals are increasing at an alarming rate while the R numbers are barely changing at the beginning.

State:	Maryland	County:
--------	----------	---------

2022 Midterm - Governor

Candidate Number of Votes at Display



Same thing with your senate race:

State:

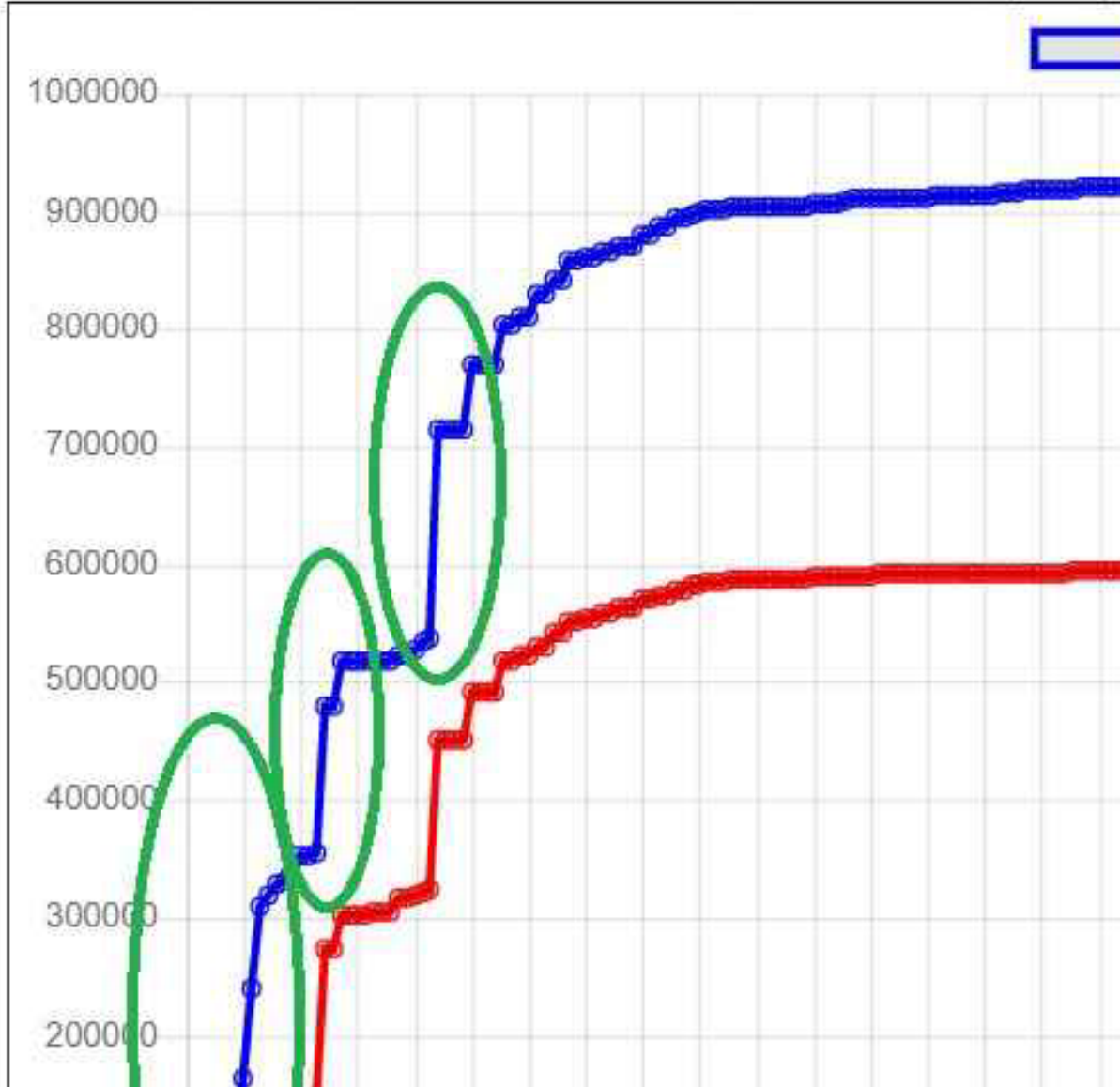
Maryland



County:

2022 Midterm - Senate

Candidate Number of Votes at Display



Same thing here.

State:

Maryland



County:

2022 Midterm - House 1

Candidate Number of Votes at Display



This one looks fairly normal. The vote injections are smaller as expected and they don't dramatically widen the margin between the candidates - when the D gets a vote injection, the R also gets a vote injection.

State:

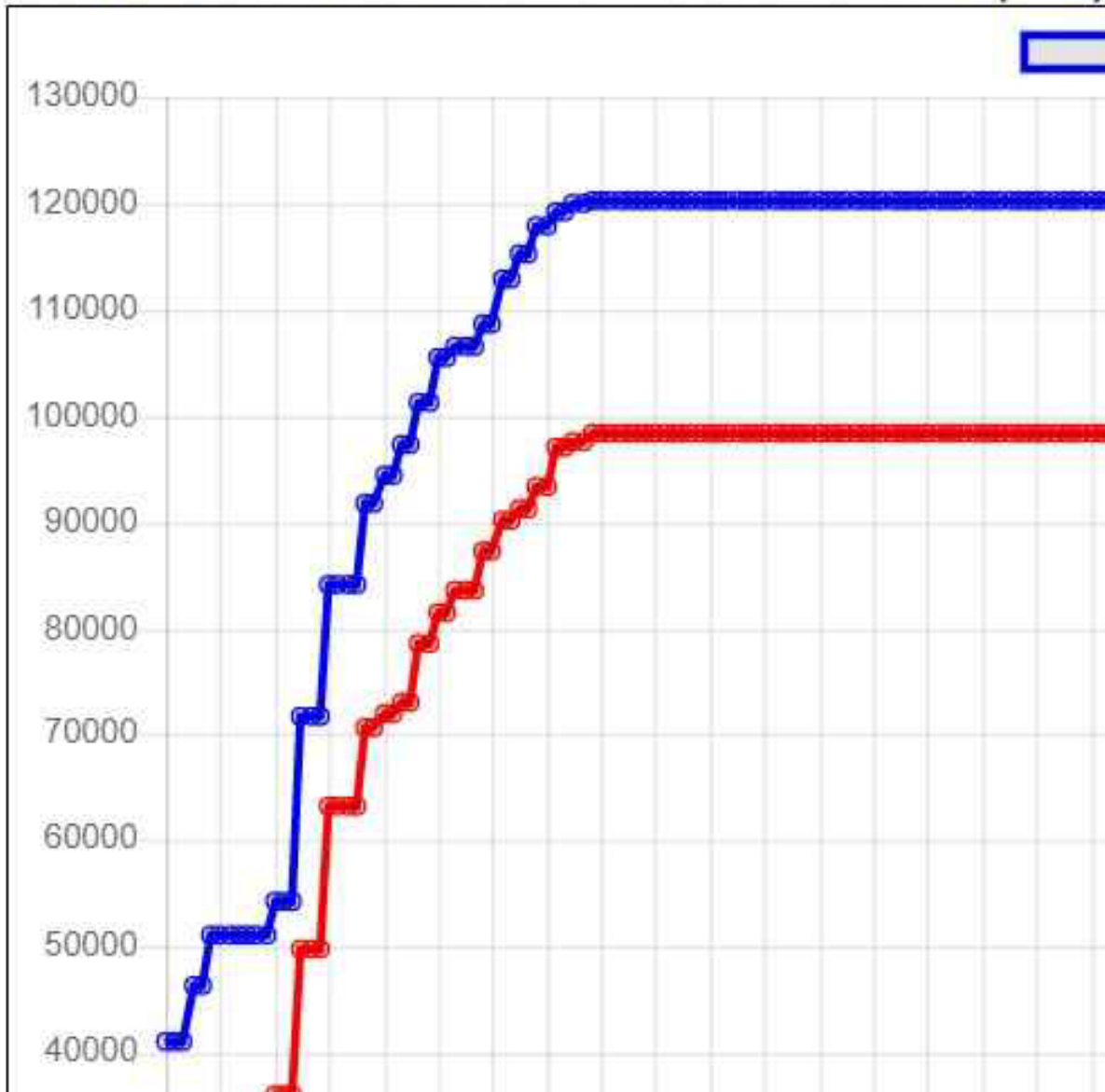
Maryland



County:

2022 Midterm - House 3

Candidate Number of Votes at Display



This one has three large injections for the democrat and almost no change at all for the republican. Highly unlikely:

State: County:

2022 Midterm - House 4

Candidate Number of Votes at Display

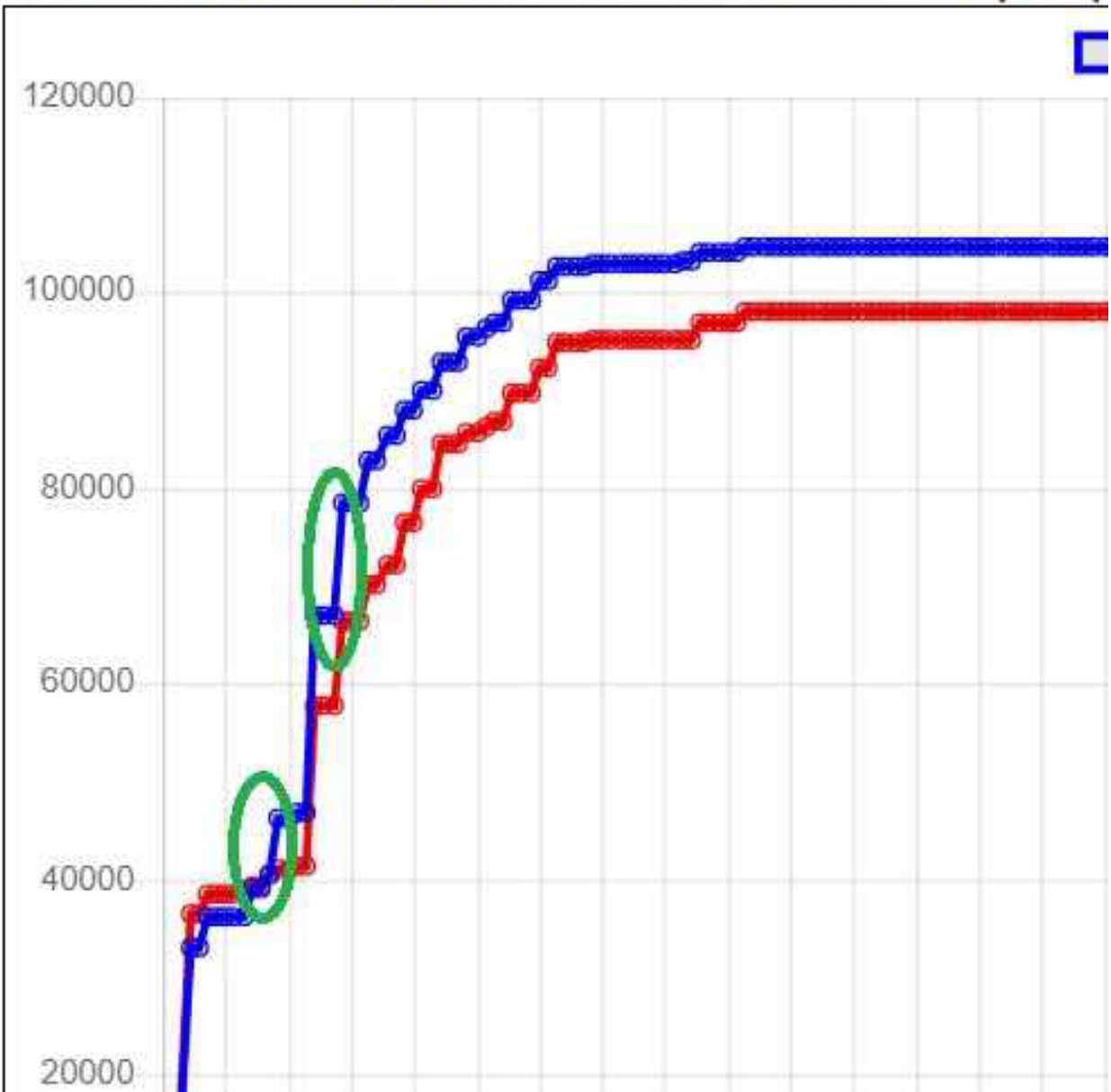


This is the closest race. There are two large injections for the D with no increase for the R. Added up, those look like they nearly exactly equal the final margin between the two. This one might have actually been stolen.

State:	Maryland	County:
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2022 Midterm - House 6

Candidate Number of Votes at Display



Here again, the dem is going vertical while the R hardly cahnges:

State:

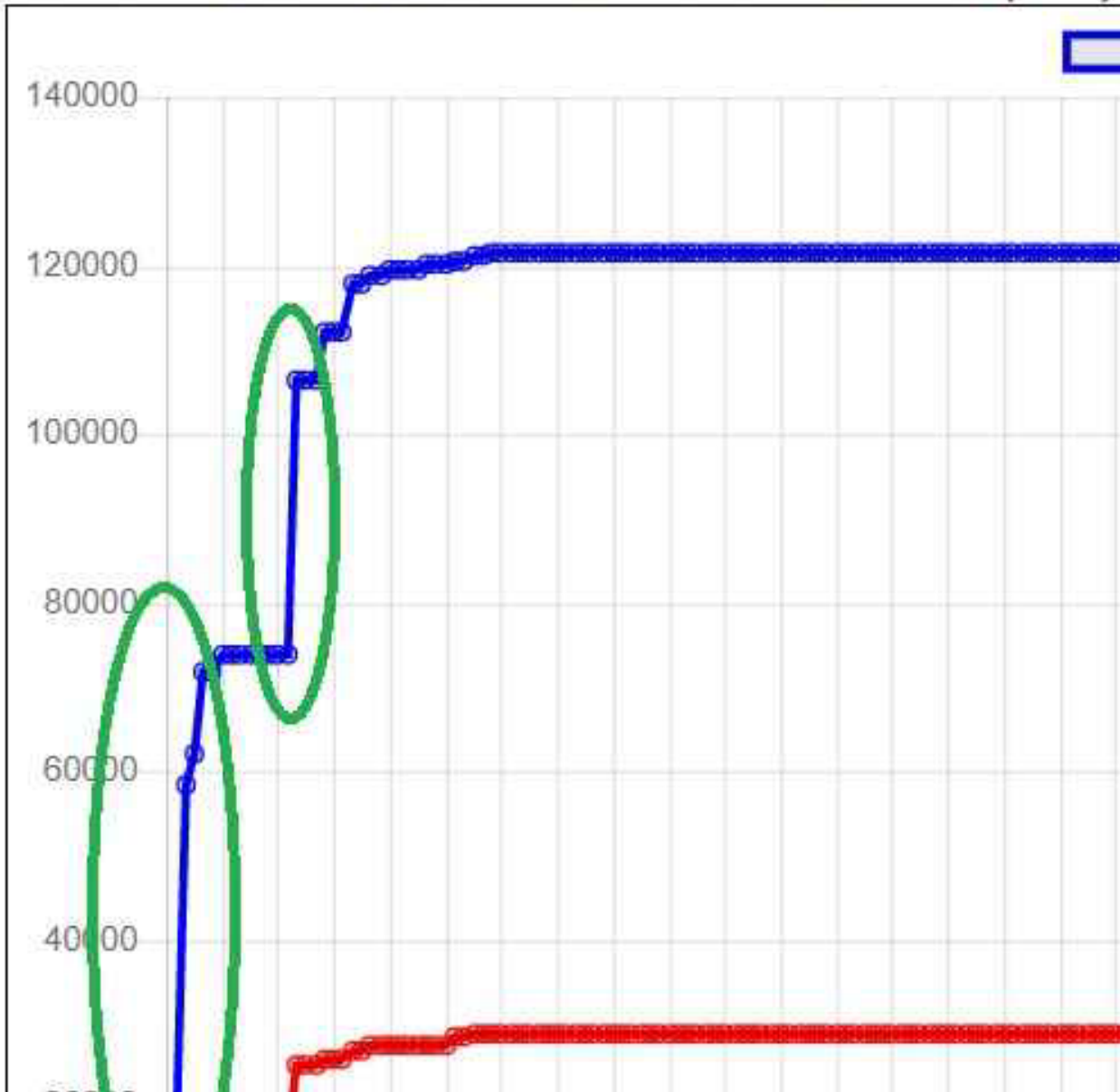
Maryland



County:

2022 Midterm - House 7

Candidate Number of Votes at Display



So overall, the most shocking thing about this election are the spots where the vote injections result in the vote totals for the democrat shooting up dramatically while the R total hardly changes. To me that tells me that the margins for most of these races was probably much smaller in reality, but the D probably did win. I think your House District 6 is an exception - that one was probably stolen from the R.

I would expect that machine manipulation will show up in the cast vote records if you are able to get them.

From: David Garreis -SBE- <david.garreis@maryland.gov>
Sent: Friday, July 15, 2022 12:27 PM
To: David Morsberger
Cc: William Voelp; Brenda Yarema; David Garreis; Ericalee010@gmail.com; Richard Siejack - SBE-; Robert Brady
Subject: Re: Voting Issue

Dear Mr. Morsberger:

Thank you for contacting the Anne Arundel County Board of Elections regarding the voting experience for Ms. Erica Lee. Following your email, we pulled the voter registration file, provisional ballot application, and Chief Judges' Log from the Early Voting site. In reviewing the paperwork and speaking with the Election Judges at Central Middle School, it appears that the Voter Authority Card given to Ms. Lee when she checked-in was misplaced prior to her arriving at the ballot issuing table after she left the Electronic Pollbook station.

Since she had already been issued a Voter Authority Card, the election judges should have cancelled that Voter Authority Card and issued her a new card on the Electronic Pollbook. However, they opted to have her vote provisionally. Our staff person at the site was able, after the fact unfortunately, to cancel the original Voter Authority Card. Her provisional ballot will be accepted in full at the Provisional Canvass on July 27th. We have met with the Election Judges to review the proper business practice to follow in this scenario. We also reviewed our records and verified we do not have a vote by mail application on file for Ms. Lee and her voter registration record was not used to issue a vote by mail ballot.

We apologize for any inconvenience and confusion for the voter and we will contact her to explain the situation as well.

Thank you,
David Garreis

On Thu, Jul 14, 2022 at 8:42 AM David Morsberger <dave@morsberger.com> wrote:

All,

Let me introduce you to Erica Lee who lives in Shady Side. She had to vote provisional because they said she already voted. They asked her repeatedly if she requested a mail-in ballot which she did not.

You asked for evidence of potential fraud.

I request you thoroughly investigate this and report back to Erica. I further request you review all mail-in ballots in the batch retrieved when her fraudulent mail-in was picked up.

Thank You!
David Morsberger

Sent from my iPhone

--

David Garreis, Director
Anne Arundel County Board of Elections
Phone: 410-222-0405
Cell: 443-875-6004