



City of Annapolis

Board of Supervisors of Elections
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January 6, 2014

TO: Regina C. Watkins-Eldridge, MMC
 City Clerk

FROM: Michael R. Parmele, Chairman

RE: Annual Report 2013 – Board of Supervisors of Election

Duties: 4.08.070 Powers and duties generally.

A.

The board shall have charge of and make provisions for all municipal elections to be held in the City, or any part of the City, including every general, primary and special election. The board, by a unanimous vote, shall have authority to reschedule an election to a day within one week of the day prescribed by Article II, Section 5 of the Charter in the event of severe weather or the observance of a religious holiday. The board shall notify the public of any change in the election schedule. In the case of severe weather, the board must act prior to the opening of the polls. The board shall also have charge of and make provisions for all elections in which persons residing outside of the boundaries of the City are to vote on a proposed municipal annexation of land.

B.

The board shall have power to make all necessary rules and regulations, not inconsistent with this chapter, with reference to the registration of voters and the conduct of elections, including special elections. Unless otherwise expressly provided in this chapter, all questions arising with reference to the rules and regulations as to the registration of voters and the conduct of elections shall be decided by a majority of the board.

C.

The board shall have power to summon judges and any witnesses involved and to require their appearance before them, and to administer oaths and record testimony from such judges and witnesses.

Attendance: (please note if any member begins or ends their term during the calendar year)

Members	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Michael R. Parmele, Chair	x	-	x	x	x	x	x	x	X	x	x	x
Peter M. Wirig	x	-	x	-	x	-	x	x	x	x	x	x
Pamela Johnson	x	-	-	x	-	x	x	x	x	x	x	x

The City of Annapolis conducted its municipal election cycle, culminating in the General Election on November 5th, 2013. Generally, the Board of Supervisors of Elections is pleased with the manner in which they were conducted and are satisfied that they were free, fair, and free of substantive error. The Board notes that the election for Mayor was especially close and, therefore, generated additional attention and scrutiny from interested parties and the citizens of Annapolis. The Board welcomed this attention and scrutiny. The Board would like to note that it conducted its supervision and canvassing of the election in the same manner as it has other, less contentious elections.

- Broken Machine (Unit #2; Ward 7; Precinct 17)
 - The Board received a call from the election judges that they were unable to print the results report on election night. Upon notification of the issue, an ES&S technician was dispatched to the precinct in an attempt to assist the election judges with the technical issue and, hopefully, to be able to print the results from Machine #2. However, upon arrival, the technician discovered that the election judges had completed their closing procedures, sealing all election units in the precinct. Learning of this outcome, the Board discussed how best to secure the machine and decided to allow the machine to be collected along with all other machines in the normal course of business. It was decided that the machine should remain sealed and opened during the public canvass. Nathan Robinson was able, at that time, to retrieve the results from that machine and they were added to the count.

- Absentee ballot issues
 - Hand delivered ballots were returned and not time stamped in the election office. The Board determined that this was a clerical oversight and should NOT have happened. However, there appearing no evidence of tampering or impropriety, the Board determined that a clerical oversight did not outweigh the right of a voter to have his/her ballot counted. These ballots were reviewed and, unless some other blatant defect was discovered, added to the count.
 - The Board discovered that tape had been added on many absentee ballots in order to more completely secure them. Testimony before the Board indicated that City election officials applied this tape in some circumstances and that no other alteration was done. In other instances, it is likely that the absentee voter applied this tape as an added security measure, since the adhesive on the ballot envelopes could be unreliable. There being no evidence of tampering or impropriety presented to the Board, absent some other blatant defect, these ballots were accepted and added to the count.
 - It was discovered by the Board after the close of the polls, that the record keeping required by the Code concerning absentee ballot applications was incomplete. This should not have happened. It is the recommendation of the Board that care is taken by election office staff to eliminate this error in the future.

- Provisional Ballot issues
 - There were a number of provisional ballot applications submitted where the election judge did NOT complete the back side, indicating the reason a provisional was issued, the ward and precinct where the provisional was issued, and indicating the initials of the provisional election judge accepting the provisional application/ballot. The City Code requires that a provisional application be fully completed by the voter-applicant, however, there is no language indicating a

clerical error as a fatal defect to the provisional application. Again, in the opinion of the Board, a failure of an election staff member to complete clerical or administrative duties did not outweigh the right of a voter to have his/her ballot counted. Barring some other blatant defect in the provisional ballot application, the Board unanimously voted to accept the provisional application and ballot and add those ballots to the count. It is the recommendation of the Board that the City conduct more extensive training of Election Judges in future elections; including, but not limited to: holding more training sessions, allowing smaller groups of judges at each training session.

- There were a number of provisional ballot applications the Board discovered were submitted by individuals who were not residents of the City of Annapolis. It is the opinion of the Board that this is most likely a result of confusion on the citizens' part. It is possible, due to the boundaries of the City, for a citizen to have a mailing address of "Annapolis, MD" and NOT be a resident of the City. In some instances, this is a matter of on what side of a street someone lives. In the event an application was received from a voter who lived outside of the city limits, the application was unanimously rejected by the Board, in accordance with the City Code.
- There were a number of provisional ballot applications the Board discovered were submitted by citizens who were not registered to vote by the deadline for voter registration. The Board feels that this is, most likely, a result of confusion between the State election law allowing same day registration and the City Code, which does not allow same day registration. After the close of the polls on Election Day and consistent with the normal operations of the City Election office, the names of provisional applicants were submitted to the County Department of Elections, who maintains the voter registration information on behalf of the City, for registration verification. The Board of Canvassers compared the applications to the report generated by the County Department of Elections in order to determine an applicant's eligibility to vote in the 2013 City elections. Those applicants who were not registered by the City's voter registration deadline were not eligible to cast a ballot in the 2013 election and their provisional ballot applications were unanimously rejected by the Board of Canvassers, in accordance with the City Code.
- Campaign Fund Reports
 - There continues to be issues with candidates filing late financial reports and/or financial reports with one or more deficiencies.
 - There was also one instance in which notice of deficiencies in a candidate's financial reports was not given, under the language of the code. While anecdotal evidence suggests that the candidate was made aware of the deficiencies in his report, the Code defines "notice" as "written notice to the candidate AND candidate's treasurer." The Board is pleased that the City Council has instituted monetary fines for late filing of financial reports. The Board is unable, at this time, to suggest additional amendment to the City Code governing campaign finance reports which it feels will have any additional effect without becoming overly punitive to minor, inadvertent, oversights or mistakes. Failing additional amendment to the City Code regarding campaign finance reports, the Board would like to unequivocally demand that all citizens choosing to stand for public office comply with the spirit of campaign finance disclosures, namely, that the People of the City of Annapolis have a right to a candidate's financial support as they consider for whom to cast their ballot.

Since the certification of the election results, the Board of Supervisors of Elections received an email from the Democratic Central Committee, asking the Board's input on the following points. Please find the Board's comments beneath the points.

- Procedures for notifying voters of their correct precinct and polling place, particularly after new districts are drawn.
 - The City sent cards, via First Class post, informing registered voters of their proper voting precincts. The Board approved this mailing in open session and was informed by the City Election Administrator that it was completed.
- Procedures for training election judges on their responsibilities for cooperating with poll watchers representing candidates and campaigns.
 - The City Code explicitly states that election judges have no responsibility to “assist” poll watchers in the performance of their duties. Members of the Board of Supervisors, on more than one occasion, went to polling precincts to ensure that accredited poll watchers were in a position to perform their duties.
- Procedures for training election judges on their responsibility to provide provisional ballots to voters who show up at polling places believing they are registered to vote but aren't listed on the voter rolls.
 - Election judges are informed in training to provide provisional ballots to voters claiming to be eligible to vote but not listed in the voter rolls. To any extent voters were not provided provisional ballots for this reason, the Board feels this was an error on the part of the Election Judges and should not have happened. The Board recommends that this be addressed and emphasized in future judges training.
- Procedures for allowing election judges to vote at the precinct where they work.
 - Not all election judges are placed in the precinct in which they vote. Judges are informed of the necessity to vote by absentee ballot should they not be placed in the precinct in which they vote. To allow election judges to vote in the precinct in which they work could, conceivably, be allowing them to vote in aldermanic races in which they are not entitled to vote. The Board feels that the current procedure, having election judge’s vote via absentee ballot, is satisfactory. The Board would also note that, both during the Primary and General Elections, at-large judges were sent to voting precincts to allow election judges to cast ballots because the election judges had failed to request absentee ballots. Every accommodation was made to ensure that eligible election judges were able to cast their ballots.
- Procedures governing poll watchers, including their training and responsibilities to work with election judges.
 - Neither the City nor the Board of Supervisors has any control over poll watchers or their training. Poll watchers are required by the City Code to present certificates to election judges. The responsibility to train poll watchers rests solely with the candidate, campaign, or party employing them as such. Poll watchers are obligated to follow any lawful order given them by election judges, law enforcement, and/or the Board of Supervisors of Elections.
- Procedures for notifying the public of the deadlines for registering to vote for both the primary and general elections.

- The entire election calendar is available online and City Election staff is always available during business hours to answer any questions the public may have regarding the calendar or any other issue relating to the election.
- Procedures for notifying voters that they are ineligible to vote if they register after the deadline.
 - It would seem to the Board to be intuitive that a voter is ineligible to vote if they register after the voter registration deadline. If a voter was able to vote, having registered after the voter registration deadline, that would seem to nullify having the voter registration deadline in the first place. If the City Council wishes to do away with voter registration deadlines, the Council should address this with relevant legislation.
- Procedures for notifying voters of the deadlines for requesting an absentee ballot, and for returning the ballot.
 - The entire election calendar is available online and City Election staff is always available during business hours to answer any questions the public may have regarding the calendar or any other issue relating to the election.
- Procedures for informing voters that once they receive an absentee ballot they cannot vote at the polls, even if they don't return the absentee ballot.
 - The Annapolis City Code makes this fact clear. It is the responsibility of the citizens of the city to know the Code under which they live and the Board feels that no further procedure is necessary.
- Procedures for documenting receipt of provisional ballots.
 - Provisional ballots are kept in the custody of election judges in the precinct, sealed at the close of the polls, and returned to the Board of Supervisors by the Election Judges. They are never out of the custody of City Election Staff.
- Procedures for disqualifying absentee and provisional ballots.
 - No absentee or provisional ballot may be disqualified except by a unanimous vote of the Board of Canvassers. The absentee and provisional ballots rejected in this election clearly did not conform to the requirements of the City Code. Every effort was made by the Board to accept all ballots cast, unless such blatant defect occurred.
- Procedures for informing voters of their right to vote by provisional ballot if they show up to vote and aren't listed on the voter rolls.
 - The circumstances for receiving a provisional ballot are included and available in the City Code of the City, therefore, it appears to the Board that no procedure of informing voters is necessary. As addressed above, the issuance of provisional ballots should be emphasized in future judges training such that no voter claiming eligibility is turned away from the polls without, at least, being allowed to vote provisionally.