

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Maryland Election Integrity LLC
116 Defense Highway,
Annapolis, MD 21401

Plaintiff

United Sovereign Americans, Inc.
167 Lamp and Lantern Village Suite 194
Chesterfield, MO 63017

Plaintiff

v.

Maryland State Board of Elections
151 West Street #200
Annapolis, MD 21401

SERVE ON: Michael G. Summers,
In his representative capacity as the Chairman
of the Maryland State Board of Elections
151 West Street #200
Annapolis, MD 21401

Defendant

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* Case No.: 1:24-cv-00672-SAG
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AMENDED - COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Maryland Election Integrity LLC, a Maryland limited liability company, and United Sovereign Americans, Inc., a Missouri nonprofit corporation, Plaintiffs, by Hartman, Attorneys at Law, and C. Edward Hartman, III, hereby bring this Complaint for Declaratory and Injunctive Relief, and plead as follows:

PARTIES

1. Maryland Election Integrity LLC is a Maryland limited liability company. Its principal office is located in Maryland.

2. United Sovereign Americans, Inc. is a nonprofit corporation incorporated in the state of Missouri.
3. Maryland State Board of Elections (hereinafter referred to as “MDSBE”) is a government agency that administers elections in Maryland.

JURISDICTION AND VENUE

4. This action seeks declaratory and injunctive relief from deficient voter registration rolls leading to violations of Federal and state laws, the certification of results from a provably flawed, inaccurate, and obscure process outside the view of impartial witnesses or the public, including the use of voting systems in Maryland that are believed to have void EAC certifications in violation of federal law, and the refusal of the Maryland State Board of Elections to comply with Public Information Act (PIA) requests and Federally required transparency. This Court has subject matter jurisdiction over this complaint because the case presents substantial questions of federal law, and the state claims are so related to the federal claims that they form part of the same case or controversy. 28 U.S.C. §§ 1331 and 1367.
5. This court has original jurisdiction for any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the Plaintiffs under 28 U.S.C. § 1361.
6. This court has authority to issue a declaratory judgment and to order injunctive and other relief that is necessary and proper pursuant to 28 U.S.C. §§2201 and 2202 as there exists a case of actual controversy.
7. This court has personal jurisdiction as the Defendant is a Maryland Agency.
8. Venue is proper in this district under 28 U.S.C. § 1391(e)(1).

STANDING

9. Maryland Election Integrity LLC is an organization containing members who are registered voters in the state of Maryland.
10. Kate Sullivan, a member of Maryland Election Integrity LLC, and a Baltimore County resident canvassed Baltimore County and found inaccurate voter registration records and the effect of this on the entire voting process.
11. The members have been and are currently harmed by the MDSBE and the ES&S voting systems currently and formerly in use in Maryland elections. The violations of Maryland election laws, the US Constitution, and Federal civil rights laws pertaining to voter registration rolls, transparency, compliance, and certification of the voting systems, and the serious issues hereinafter discussed with the overall voting systems exemplify their injury. The lack of transparency by MDSBE with respect to the voting systems and the reports generated by them has resulted in Plaintiffs being denied lawful Public Information Act (PIA) requests and the Federally mandated preservation of auditable items.
12. If the Court grants Plaintiffs' requested relief, the injury to the Plaintiffs' members would cease to exist.
13. The Supreme Court has indicated that if one party to a lawsuit has standing, other entities can join as parties without having to satisfy independently the demands of Article III, provided those parties do not seek a distinct form of relief from the party with standing. E.g., *Horne v. Flores*, 557 U.S. 433, 446 (2009).
14. United Sovereign Americans is not seeking a distinct form of relief and, therefore, has standing.

BACKGROUND

15. Article 1 Section 2 of the US Constitution grants the right to choose representatives to the people of the several states, according to the voting eligibility requirements of the state.
16. The Fourteenth Amendment Section 1 defines a citizen as all people born or naturalized in the United States, and subject to the jurisdiction thereof.
17. The Fourteenth Amendment Section 2 protects the eligible citizen voters of a state against both denial, or abridgment in any way, of their vote.
18. The National Voter Registration Act (NVRA) was passed for the purpose of ensuring accurate, current voter registration rolls. Congress' power to pass NVRA comes from Article 1, Section 8, Clause 18 of the US Constitution, the Necessary and Proper Clause, making accurate voter rolls a requirement to uphold the right of the people to choose their representatives.
19. Of the three components of an election, voters, votes, and counts, in that order, each relies on the accuracy of the preceding component(s) in order to be trustworthy. Without all being intact, the system will not meet the requirements for certifying the vote, plainly needing the ability to prove both accuracy and compliance.
20. It is a settled legal principle that dilution of a qualified voter's vote is a form of disenfranchisement, *Ex parte Siebold*, 100 U. S. 371 (1879), *United States v. Saylor*, 322 U. S. 385 (1944), *Reynolds v. Sims*, 377 U.S. 533 (1964).
21. The Help America Vote Act requires that voter roll databases contain only the registrations of qualified citizen voters residing in that state. *52 USC § 21083(a)*. Each qualified voter is granted a unique statewide identifier in the database, averting the risk of double-voting, or extra ballots being cast in the name of a particular voter. Further, the constitutional

mandate is that the election system must only count eligible voters. Maryland cannot demonstrate that there is effective control of eligibility in Federal or State dimensions of those requirements and has implemented a system that does not guarantee accuracy or compliance with only allowing eligible voters to register and vote.

22. The Help America Vote Act requires that federal elections adhere to an accuracy standard, “...set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections.” United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf.
23. For a voting system, accuracy is defined as the ability of the system to capture the intent of the voters without error. United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf.

FACTS

Voter Rolls

24. The National Voter Registration Act of 1993 (NVRA) codified at 52 USC § 20501(a) states, “The Congress finds that the right of citizens of the United States to vote is a **fundamental right** [(emphasis added)] [and] it is the duty of the Federal, State, and local governments to promote the exercise of that right.”

25. The National Voter Registration Act of 1993 (NVRA) states that “[t]he purposes of this act are to ensure that accurate and current voter registration rolls are maintained.” *52 USC § 20501(b)(4)*.
26. The NVRA invariably imposes a duty upon government officials to promote the exercise of citizens’ right to vote through current and accurate voter rolls.
27. The NVRA defers to state voter registration procedures in some instances and generally serves as a guideline for states to implement voter registration practices consistent with the NVRA.
28. As such, Maryland and Federal laws have become intertwined and violations of state law violate the NVRA.
29. A recent audit of the MDSBE voter registration database done by the Maryland General Assembly’s Office of Legislative Audits found numerous instances of inaccuracies and vulnerabilities in the states list maintenance practices, including 2,426 deceased registrants and 327 duplicate voter registrations. See Office of Legislative Audits, Audit Report: State Board of Elections (Oct. 2023), available at <https://www.marylandmatters.org/wp-content/uploads/2024/11/SBE23.pdf> (last accessed Dec. 27, 2023).
30. Meticulous analysis of the official Maryland State Voter Registration Database reveals a minimum of 79,392 current apparent registration violations (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).
31. The analysis revealed 1,699 instances of duplicate registrations, 25,084 instances of registrants with questionable inactive status, 3,366 instances of active registrations without a certified US Post Office mailing address, 5,680 instances of active registrants who moved

at least 4 years ago, 605 instances of registrations with no residential address, 296 instances of active registrants with a nonstandard address, 1,218 instances of active registrants who are deceased, 883 instances of age discrepant registration (younger than 18 or older than 115), and 40,518 instances of questionable registration date. A spreadsheet with the apparent registration violations is attached as **Exhibit A**.

32. **Exhibit A** shows the registration type, the number of apparent violations, and the Maryland election law/rule in violation.
33. The specific violations of the NVRA can be seen under 52 U.S.C. § 20507.
34. 52 U.S.C. § 20507(a)(4) states, each state shall “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 the death of the registrant; or a change in the residence of the registrant.”
35. There were 5,680 instances of active registrants who moved at least 4 years ago and 1,218 active registrants who are deceased in Maryland, based on Plaintiffs’ analysis.
36. The program in place in Maryland has, therefore, not made reasonable efforts to remove the names of moved and deceased voters, based on Plaintiff’s findings and the findings of the legislative audit.
37. 52 U.S.C. § 20507(d) sets requirements for removal of voters from voting rolls. These requirements are essentially the same as Maryland’s.
38. Plaintiffs’ have observed a discrepancy in Maryland that violates 52 U.S.C. § 20507(d), which is voters switching from inactive to active, voting in an election, then switching back to inactive.
39. This quick switching is suspect and Plaintiffs’ allege it violates the removal requirements of the NVRA.

40. The apparent Maryland law violations are pursuant to Md. Election Law Code Ann. §§ 3-101, 102, 502, 503 & 504.
41. These apparent violations above clearly show the voter rolls in Maryland are not accurate and current as required by the NVRA: *52 USC § 20501(b)(4)* and violate specific Maryland laws pertaining to voter registration, i.e. Md. Election Law Code Ann. §§ 3-101, 102, 502, 503 & 504.
42. NVRA grants a private right of action in 52 U.S.C. § 20510(b) in which written notice of a violation must be sent to the chief election official. The election official then has 90 days to correct the violation before the aggrieved party can file suit.
43. Member of Plaintiff's organization, Kate Sullivan, sent a notice of violation to MDSBE in a press release on November 8, 2023. Accordingly, 90 days have passed with no remedy provided by the MDSBE, making this suit proper. The relevant notice of violation of HAVA, NVRA, and Md. Election Law Code Ann. is attached as **Exhibit A-2**.
44. Prior to compiling this data, Kate Sullivan attempted to bring apparent violations to the Baltimore County Board of Elections (BCBOE) attention. A list of anomalies and the BCBOE's responses are attached as **Exhibit A-3**.
45. The MDSBE did not address and correct the violations alleged by Plaintiff and also failed to correct the findings of the Office of Legislative Audits.
46. Kate Sullivan has been personally injured by the inaccurate voter registration records of Baltimore County, and the state, which has allowed otherwise ineligible voters to vote, thus diluting her vote.
47. The Defendant's failure to address known issues with the voter rolls has caused this injury.
48. A favorable decision would help remedy discrepancies.

49. Maryland Election Integrity LLC was created for the purpose of resolving violations of Maryland law and restoring trust in Maryland Elections.
50. The interests at stake in this complaint are germane to Maryland Election Integrity's purpose.
51. This is a complaint for declaratory and injunctive relief and the participation of individual members is not required.
52. Inaccurate voter rolls have significant downstream consequences in elections.
53. The purpose of a voting system is to accurately record, store, consolidate and report the specific selections, and absence of selections, made by the voter as well as to accurately measure the intent of the total body of eligible voters that voted.
54. The definition of a voting system is found in HAVA Section 301. *52 USC § 21081*.
55. Under HAVA, a voting system is defined as “the total combination of mechanical, electromechanical, or electronic equipment (including software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots; to cast and count votes; to report or display election results; and to maintain and produce any audit trail information.” *52 USC § 21081(b)(1)(A)-(D)*.
56. The ability to “cast and count votes” begins with establishing eligibility, including citizenship, and registering only qualified citizens into voter registration databases, thus assuring that all ballots granted, and thereby all votes cast and counted, are lawfully cast and counted according to the US Constitution.
57. Voter registrations are used to create pollbooks, which can either be networked or non-networked. “Networked pollbooks are electronic pollbooks with a connection to an external database, and may include a direct connection to the voter registration database or

a separate server.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul. 28, 2020, at 2-3, https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf.

58. Maryland is a state in which all local jurisdictions use E-Poll books, meaning the pollbooks have a direct connection to the voter registration database.

59. Following pollbook preparation is ballot preparation. Ballot preparation “generates the data necessary for tabulating votes within a voting machine, and aggregating tabulated votes within a jurisdiction or state.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul. 28, 2020, at 3, https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf.

60. Voting machines are used following ballot preparation. “Voting machines encompass both technology and processes used by election officials to prepare voting machines for ballot tabulation, and in some cases presentation. Specifically, this includes loading the ballot files created during ballot preparation onto voting machines.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul. 28, 2020, at 3, https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf.

61. The U.S. election process seen above shows the link between voter registration and the ballot files being loaded onto voting machines.

62. It also shows voter registration is encompassed in the definition of a voting system as defined in *52 USC § 21081(b)* because a voting system consists of documentation required to program the voting machines.

63. As voter registration is part of the voting system, it is subject to the allowable error rates of voting systems as set forth in *52 USC § 21081(a)(5)*.

Error Rates

64. Section 301 of HAVA regarding “Voting System Standards,” states that the “error rate of [a] voting system in counting ballots...shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission[.]” *52 USC § 21081(a)(5)*

65. The accuracy requirements set under the Federal Election Commission (FEC) voting systems standards section 3.2.1 establish that “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.” United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission,
https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf.

66. The Voluntary Voting System Guidelines, Version 1.1, Section **4.1.1 – Accuracy Requirements** states in part, “[a]ll systems shall achieve a report total error rate of no more than one in 125,000.” United States. (2015) *U.S. Election Assistance Commission*. United States. [Web Archive] Retrieved from the Election Assistance Commission,
https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf.

67. The Voluntary Voting System Guidelines, Version 1.1, Section **4.1.1 – Accuracy Requirements** then states, “[t]he benchmark of one in 125,000 is derived from the “maximum acceptable error rate” used as the lower test benchmark in the 2005 Voluntary Voting System Guidelines Version 1.0. That benchmark was defined as a ballot position error rate of one in 500,000. The benchmark of one in 125,000 is expressed in terms of votes, however, it is consistent with the previous benchmark that the estimated ratio of votes to ballot positions is $\frac{1}{4}$.” United States. (2015) *U.S. Election Assistance Commission*. United States. [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf.
68. Maryland voting systems are subject to the error rates defined in the FEC Voting System Standards 3.2.1 and explained in the Voluntary Voting System Guidelines (VVSG).
69. The number of apparent voting system errors in counting votes in the 2020 General Election, according to MDSBE raw data, was 62,075. A spreadsheet is attached showing the apparent voting violations in the 2020 and 2022 General Election as **Exhibit B**.
70. The number of apparent voting system errors in counting votes in the 2022 General Election, according to MDSBE raw data, was 27,623. This can also be seen in **Exhibit B**.
71. The allowable number of voting system errors in counting votes to comply with HAVA is calculated by dividing the total number of Maryland voters who voted in a given election by 125,000.
72. For the 2020 General Election this is $\sim 3,000,000 \text{ votes} / 125,000 = 24$. For the 2022 General election this is $\sim 2,000,000 \text{ votes} / 125,000 = 16$.
73. The number of voting system errors in counting votes for the 2020 General election (62,075) greatly exceeded the maximum allowable error rate (24).

74. The number of voting system errors in counting votes for the 2022 General election (27,623) greatly exceeded the maximum allowable error rate (16).
75. In sum, the voting system error rates are exponentially above the maximum allowable error rates. Inaccuracy and the specter of fraud have irretrievably damaged the reliability and credibility of results.
76. The Members of Plaintiff, and volunteers of their organizations, exhausted every administrative remedy known to them in advance of the 2022 general election, to have these issues repaired. Plaintiffs continued in 2023 to seek redress and repair for these egregious violations through democratic means.
77. Specifically, they filed HAVA complaints and attempted to work with Local Boards of Elections to remedy Plaintiffs' findings to no avail. A HAVA complaint filed by a volunteer of Maryland Election Integrity, LLC is attached as **Exhibit B-2**.
78. The Maryland State Board of Elections dismissed these concerns without any meaningful review or response and intends to administer and certify Maryland's 2024 general election under the same inaccurate conditions.
79. 42 U.S.C.S § 1983 causes every person acting under the color of law who "subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress[.]"
80. As previously mentioned, Congress has declared the right of citizens to vote a fundamental right; accordingly, any violation of HAVA by Defendant is a violation of a fundamental right of Plaintiffs'.

81. Defendant's failure to keep accurate voter rolls has caused an unallowable number of votes in error in the 2020 and 2022 general elections, effectively allowing ineligible voters to vote or be capable of voting.
82. The NVRA violations have led to HAVA violations resulting in ineligible people registering to vote and voting.
83. Kate Sullivan has identified discrepancies and documented the effects of the violations in the State of Maryland in an effort to have Defendant remedy them.
84. As the issues are intertwined and interrelated, her injury, as well as Maryland Election Integrity LLC's is the same under HAVA as it is under NVRA.
85. Plaintiffs also seek a writ of mandamus for violations of HAVA and the NVRA pursuant to 28 U.S.C §1361.

Requirements for Certifying Voting Systems

86. The requirement for certifying voting systems is set forth in Section 231 of the Help America Vote Act ("HAVA"). *52 USC § 20971*.
87. Under HAVA there is a requirement for providing "for the testing, certification, decertification, and recertification of voting systems hardware and software by accredited laboratories." *52 USC § 20971(a)(1)*
88. While HAVA does allow for the "optional use by states," Maryland has adopted the certification requirements: "The State Board may not certify a voting system unless the State Board determines that...the voting system is (i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and (ii) shown by the testing laboratory to meet the performance and test standards for electronic voting

systems established by the Federal Election Commission or the U.S. Election Assistance Commission[.]” *Md. Code Ann., Elec. Law § 9-102*

89. *Md. Code Ann., Elec. Law § 9-102* requires voting systems to conform with standards set by the Federal Election Commission and the U.S. Election Assistance Commission. Maryland also has received HAVA grants; therefore, the State is subject to the requirements set forth by HAVA.

90. Under HAVA, states that receive payments for improving the administration of elections must use the funds “in a manner consistent with each of the laws described in section 21145...and the proposed uses are not inconsistent with the requirements of title III.” *52 USC § 20901(c)*.

91. HAVA also sets forth the requirements for accrediting testing labs that perform certification tests on voting systems.

92. HAVA states that the requirements to be met by testing labs to become accredited are found in the Voluntary Voting Systems Guidelines (“VVSG”).

93. Maryland has also adopted guidelines for certification, which are governed by the Code of Maryland Regulations (COMAR), Title 33, and the Election Law of the Annotated Code of Maryland.

94. COMAR 33.09.03.04 requires that applicants submit a Technical Data Package, a Business Information Package, anti-bribery and anti-debarment affidavits, as well as voting equipment.

95. COMAR 33.09.03.05 details the requirements for the Technical Data Package.

96. Under COMAR 33.09.03.05(A) Required Information “[t]he technical data package shall contain all documentation previously submitted for the qualification testing of the system,

including each of the following...(5) Software Source Code (both in the form of a listing and in a machine-readable form on media acceptable to the evaluation agent)[.]”

97. Election Systems & Software (ES&S) is the manufacturer of the voting systems currently in use in Maryland.

98. Page 4 of the ES&S EVS 5.2.0.0 Maryland State Board of Elections (MDSBE) certification report (the “Report”), dated December 4, 2014, states that the Technical Data Package was submitted.

99. Page 20 of the Report says that all listed requirements were provided **except** the Software Source Code. An excerpt of this report is attached as **Exhibit C**.

100. Under COMAR 33.09.03.05 requirements, Maryland was required to review the source code of the voting systems.

101. Maryland did not review the source code for ES&S EVS 5.2.0.0 as they were required to under Maryland Law and evidenced by the Report.

Modem Use

102. In January 2020, the EAC received complaints about ES&S marketing to their customers that the use of a modem on the voting system is optional. The correspondence between the EAC and ES&S is attached as **Exhibit D**.

103. The EAC determined that ES&S violated Sections 5.14 and 5.15.1 of the EAC Testing and Certification Program Manual Version 2.0 by representing or implying that the DS200 with modem configuration is EAC certified when in fact attachment of a modem is disqualifying.

104. The EAC also determined that ES&S violated Section 5.16 by failing to warn purchasers that adding a modem to the DS200 would void the EAC certification of the voting system in its entirety.
105. This violation led to a number of states using modems on the ES&S voting systems.
106. Eleven of these states acknowledged using ES&S voting systems with attached modems while others have not admitted to using modems.
107. The voting systems with modems attached were likely used for years with void EAC certification.
108. ES&S created a proposal that was used for the purpose of persuading Colorado to use its voting system on December 4, 2013 (the “Colorado Proposal”) the relevant portions of which are attached as **Exhibit E**.
109. In the Colorado Proposal, ES&S sets forth questions and answers.
110. One such question, on page 13 of Section 9.0 - General Questions, asks “[i]s there any remote communication technology associated with your proposed solution?”
111. In response to the question, they state in part “[t]he DS200 Tabulators use wireless modems to connect to the SFTP Server via the Internet.”
112. ES&S unequivocally admits that the voting systems use modems.
113. Contained in the ES&S EVS 5.2.0.0 certification report issued by the EAC, dated July 2, 2014, is a table titled “2005 VVSG Supported Functionality Declaration.” The table states that modems are not a supported functionality of the voting machine. The relevant table from the certification report is attached as **Exhibit F**.

114. Page 10 of the Report for Maryland certification (December 2014) states that “[r]esults can be transferred by **modem** to the EMS server.” The relevant portions of which are attached as **Exhibit G**.
115. Results in fact are not permitted to be transferred by modem as the EAC has never certified a voting system with a modem; further, simply attaching a modem will void the EAC certification.
116. Any voting system with an attached modem has a void EAC certification and is not allowed to be used according to the EAC.
117. The meeting minutes of the MDSBE meeting on July 16, 2015 show that in prior elections, three local boards – Baltimore, Montgomery, and Prince George’s Counties – transmitted unofficial election results from either a polling place or a regional transmission center. The relevant portion of the meeting minutes is attached as **Exhibit H**.
118. Transmitting unofficial election results is typically accomplished by the use of a modem or email.
119. The only way to determine whether Maryland used modems to accomplish the transmission of the unofficial election results in this situation is to examine the various DS200 audit logs and configuration reports the machines generate. The logs and reports were requested from MDSBE and the Local Boards of Election, in at least 22 out of the 23 counties in Maryland, through PIA requests but not produced. The PIA requests and/or responses are attached as **Exhibit I**.
120. Transmitting unofficial election results from a polling place leaves the system vulnerable to cyber-attacks.

121. In an MDSBE meeting dated July 27, 2017, they stated “approximately 1,400 of the DS200 scanners have non-functioning modems installed that have not been used since delivery. ES&S has started removing these modems, which they wish to put back into their own inventory. Once each modem is removed, acceptance testing will be performed on the unit under SBE and local board supervision prior to returning to service.” The relevant portion of the meeting minutes is attached as **Exhibit J**.
122. A voting system with a modem installed on it has a void EAC certification.
123. Approximately 1,400 voting systems being used in Maryland prior to 2017 had void EAC certifications.
124. Maryland. Code, Elec. Law § 9-103 states MDSBE (“(2) **shall** decertify a previously certified voting system if the voting system no longer meets one or more of the standards in § 9 102(d)(1)(i) through (iii) of this subtitle.”) (emphasis added)
125. Md. Code, Elec. Law § 9-102 says (“(d) The State Board may not certify a voting system unless the State Board determines that: (1) the voting system will: (i) protect the secrecy of the ballot; (ii) protect the security of the voting process; (iii) count and record all votes accurately;”)
126. The voting machines did not comply with Md. Code, Elec. Law § 9-102(d)(1)(i) and (ii) considering the transmission of the unofficial results is susceptible to cyber risks.
127. In 2017 machines in Maryland had modems attached which were to be removed prior to “returning to service.” This creates the presumption that the modems on the machines were in use, despite MDSBE claiming the modems were non-functioning and had not been used since delivery. This shows the machines were used in elections with

attached modems. Whether the modems were functioning is irrelevant as attachment of a modem voids the EAC certification.

128. Once again, numerous PIA requests were made for the DS200 audit logs and configuration reports which would tend to show the modems were functioning or non-functioning, but not produced.

129. According to ES&S the configuration reports are automatically printed upon login to the machines; therefore, the PIA requests for these documents should have been fulfilled with responsive documents.

130. The systems were being used in elections with void EAC certifications.

Maryland Public Information Act

131. Maryland's Public Information Act ("PIA") gives the public the right to access government records without unnecessary cost and delay.

132. GP § 4-103(a) provides that "[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees."

133. In response to numerous PIA requests in most Maryland counties, MDSBE and the local Boards of Elections stated that they do not have any responsive documents.

134. The information being requested, audit logs, system logs, error logs, configuration reports, etc. of voting systems, is information that should be available because of the audit requirements set under HAVA and COMAR.

135. ES&S also represents that these reports and logs are either automatically generated by the machines or easily accessed in their Colorado Proposal.

136. In Section 12.0 – UVS System Requirement of The Colorado Proposal ES&S goes into great detail about the audit logs the machines generate. The relevant portions of the Proposal are attached as **Exhibit K**.
137. Req. ID H-1 requires the systems to “Store sufficient data in an unalterable system audit log file to allow the auditing of all operations related to election setup, ballot creation, ballot tabulation, results consolidation and report generation.”
138. ES&S’s response states “[e]ach application has its own audit log to allow the auditing of all operations relating to the election setup, ballot creation, ballot tabulation, results consolidation and report generation. The ES&S proposed voting system audit log provides sufficient information to allow the auditing of all operations related to ballot tabulation, results consolidation, and report generation.”
139. The rest of the response from ES&S goes through the system audit capabilities of all the components of the voting system.
140. ES&S responded to an inquiry for their audit trail techniques and reports in the Colorado Proposal. “Please explain what audit trail techniques and audit reports are incorporated in your proposed system.”
141. For the DS200 Tabulator ES&S stated “[i]n addition to the audit log described previously that records all use operation and substantial application operations or errors, the DS200 has various configuration reports, ballot accounting reports, and results reports, all of which can be used forensically for auditing.”
142. These reports are created by the voting machines and were requested through PIA requests but not produced.

143. ES&S responded to an inquiry into their audit logs files, location, and access to them. “Please provide a list of all audit log files, the file location within the voting system, and the procedures to navigate to and retrieve them from the voting system.”

144. For the DS200 Tabulator ES&S states “[t]he signed audit logs are written to the log directory on the removable media. The audit log events can be accessed on the DS200 onscreen or through a printed report. When the media is read back into the EMS the audit logs are also retrievable from the EMS through a machine audit log report or exported in a comma separated format.”

145. These audit logs are created and were requested through PIA requests but not produced.

146. Next, ES&S addresses Req. ID H-15 in the Colorado Proposal which requires the systems to “[c]reate audit records prior to the initiation of ballot counting to verify hardware and software status. These particular audit records shall include the identification of the software release, the identification of the election to be processed and the results of hardware and software diagnostic tests.”

147. ES&S’s response states in part “[o]n power up, a configuration report is automatically printed to create a hard copy record of the relevant configuration and settings of the particular DS200.”

148. The fact that the configuration reports are automatically printed is confirmed by the Dorchester County Board of Elections Chief Judges’ Manual. The relevant portion of the manual is attached as **Exhibit L**.

149. The configuration reports are **automatically printed** and were requested through PIA requests but not produced. To state there are no responsive documents to this request is clearly false as the voting machines automatically print them.
150. The Election Law of the Annotated Code of Maryland § 9-102(d) says that the “State Board may not certify a voting system unless the State Board determines that: (1) the voting system will... (vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount[.]”
151. Pages 15 and 16 of the Report for Maryland certification (December 2014) analyze the voting system with respect to COMAR 33.09.02.07.
152. COMAR 33.09.02.07 explains the audit trail requirement stating that: “[t]he voting system shall be capable of providing an audit trail of all ballots cast so that, in a recount, the election can be reconstructed, starting with the individual votes of all eligible voters.”
153. The Board of Elections states in the Report that ES&S EVS 5.2.0.0 satisfied the audit requirements: “[a]ll tabulators and the EMS system maintain an audit log for each election.”
154. The information Plaintiffs requested through the PIA requests is not new information that must be created. There are responsive documents to the requests, as opposed to Defendant’s contentions.
155. The information is already available on the voting systems and ES&S details how to print the reports in Chapter 20 of their Electionware Volume V: Results User’s Guide. The relevant portions of the guide are attached as **Exhibit M**.

156. The information is stored in the course of an election on the voting systems and, if not, the systems do not conform to the representations made about their capabilities to create audit logs.

157. The PIA requests have been denied, notwithstanding the laws that were clearly drafted to allow for public review.

Blank Ballots, Undervotes, and Overvotes

158. HAVA Section 301 requires voting systems to “provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.)” *52 USC §21081(a)(1)(A)(ii)*.

159. Maryland creates a Cast Vote Records report for each county in Maryland for each election, which contains the total number of registered voters, the total number of ballots cast, and the results in that county.

160. The Cast Vote Records EL45a report shows the total number of blank ballots cast in each county in the state of Maryland for each election.

161. Upon calculation, the total number of blank ballots cast in the 2022 General Election in Maryland was 82,356.

162. Some counties had much higher percentages of blank ballot than others. Possible reasons for this can be explained below.

163. It is believed that many people did not intend to cast blank ballots in the 2022 General Election, and the settings of the machines were the reason for the ballots being cast blank.

164. Upon further inquiry, it has been discovered that the ES&S DS200 tabulator can be configured to accept blank ballots, undervotes, and overvotes instead of rejecting them and notifying the voter to cure the mistake.
165. According to a DS200 Operators Guide dated July 18, 2019, an admin can establish the ballot handling options. The relevant portions of the guide are attached as **Exhibit N**.
166. Section 7.4.1 – **Establishing Ballot Handling Options** Page 108 of the DS200 Operators Guide states, “[w]hen you create your election definition, your Electionware settings determine for each ballot style how the DS200 handles specific types of ballot conditions. For each of these ballot condition, you can set the DS200 to always accept or always reject ballots with a specified conditions. For some of those conditions, you can instead have the DS200 query the voter to ascertain a voter’s intent. You can set the DS200 to always accept, always reject, or query the voter for the following ballot conditions: Undervoted ballot; Blank Ballot; Overvoted Ballot; and Unreadable Marks on Ballot.”
167. The DS200 operator’s guide then goes to state, “Selecting **Always Accept** for any of these conditions causes the DS200 to skip the voter query function for that condition. The DS200 will not display the query screen for those conditions.”
168. The DS200 operator’s guide then goes through each of the conditions (blank ballots, overvoted ballots, undervoted ballots) to show what the query looks like on the machine if the settings allow for a query.
169. If **Always Accept** is selected on voting machines, voters are not provided the opportunity to change the ballot or correct the error before the ballot is cast and counted. This violates *52 USC §21081(a)(1)(A)(ii)* and creates a cause of action under 42 U.S.C.S

§ 1983 because voters are not notified of their deficient ballot and given a chance to cure the error before the machine accepts it.

170. Kate Sullivan also has standing to raise this issue because 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. A screenshot of the Cast Voted Records from the 2022 Gubernatorial election in Maryland is attached as **Exhibit N-2**.

171. Section 7.11.3 – **Report Options** Page 124 of the DS200 Operators Guide details the reports and audit logs the machine generates.

172. It states that the Configuration Report, Event Log Report and Summary Event Log, and System Log can be generated.

173. Section 9.1 – **Reports Overview** Page 150 of the DS200 Operators Guide states “the DS200 can automatically print the Configuration, Zero Totals, and Ballot Status Accounting reports as part of the poll opening process.”

174. At the bottom of this section Page 151 of the guide states, “[y]ou can also manually request additional copies of any reports that are generated automatically.”

175. Section 9.6 – **Configuration Report** on Pages 158-160 of the DS200 Operators Guide contains a sample Configuration Report. The sample configuration report is attached as **Exhibit O**.

176. The configuration report shows if there is a modem attached on the DS200, whether the Event log will be printed on poll close, as well as the settings for accepting blank ballots, overvotes, and undervotes.

177. As stated previously, and emphasized by this section’s findings, the configuration reports that the machines automatically print will confirm whether modems were in use and if the blank ballots were the product of machine settings.
178. COMAR 33.10.01.03(B) Auditability. “The tabulators shall provide a vote cast record of all ballots cast and audit log of alerts provided to voters and tabulator events and errors.”
179. COMAR 33.10.01.03(B) proves the machine generates audit logs that would show alerts to voters. These alerts would show up for voters if they cast a blank ballot, undervoted, or overvoted. If there are no alerts for these conditions in the audit logs, the machines were set to automatically accept these deficient ballots.
180. The audit logs were, again, requested through PIA requests, which were not fulfilled despite statutory language stating the machines generate them.
181. COMAR 33.10.01.03(g) – **Actions Taken to Change Conditions** is relevant to the blank ballot and PIA issues.
182. COMAR 33.10.01.03(g)(1)(a),(b) states, “The system shall be capable of printing from its audit trail: actions taken by operators to change conditions; and the time of the occurrence.”
183. COMAR 33.10.01.03(g)(2) then states, “System operators shall record in a logbook all actions to change conditions that cannot be printed from the audit trail. That logbook, as well as all reports produced by the printer, shall be retained by the local board.”
184. This unequivocally shows that the reports and logbook must be retained by the local board under Maryland law.

185. These reports were requested from the Local Boards of Elections, they responded stating they had no responsive records.

186. Stating they have no responsive records for reports they are required to retain goes to show they either violated Maryland law and Federal law by failing to retain those records, or they are unlawfully denying PIA requests for the reports.

Count I

Declaratory Judgment – 28 U.S.C. § 2201

187. Plaintiffs incorporates by reference and realleges the averments of paragraphs 1 through 186.

188. 28 U.S.C. § 2201 requires a case of actual controversy.

189. There exists an actual controversy of a justiciable issue between the Maryland State Board of Elections (MDSBE) and Maryland Election Integrity, LLC within the jurisdiction of this Court concerning the interpretation of The National Voter Registration Act of 1993: *52 USC §20501(b)(4)*, Maryland. Code, Elec. Law §§ 3-101, 102, 502, 503 & 504, HAVA: *52 USC §21081*, COMAR 33.09.03.05, Maryland. Code, Elec. Law § 9-103, Md. Code, Gen. Provisions § 4-103, The Election Law of the Annotated Code of Maryland § 9-102(d), COMAR 33.09.02.07, and COMAR 33.10.01.03.

190. Despite mandatory statutory language requiring current and accurate voter rolls, which shall include only the names and registration information of eligible citizen voters, and Maryland law specifying processes to do so, Maryland has failed to keep voter rolls accurate.

191. Despite mandatory statutory language stating the maximum allowable error rate of voting systems, the voting systems in Maryland are still in use in violation of the statutory scheme.
192. Despite mandatory statutory language stating the technical data package shall/must contain all documentation previously submitted, including the software source code, the Board of Elections did not receive and analyze the source code in violation of the statutory scheme.
193. Despite mandatory statutory language stating the MDSBE shall decertify machines that do not protect the secrecy of the ballot and protect the security of the voting process, the Board of Elections did not decertify the machines in violation of the statutory scheme.
194. Despite mandatory statutory language stating all persons are entitled to have access to information about the affairs of government, and in particular, access to an audit trail from elections, the MDSBE is denying PIA requests for this information in violation of the statutory scheme.
195. Despite mandatory statutory language stating voters shall have the opportunity to change their ballot or correct any error before the ballot is cast, Maryland voters have been denied this in violation of the statutory scheme.
196. In accordance with 28 U.S.C. § 2201 claims are present between the parties involved which indicate imminent and inevitable litigation.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

- A. Determine and adjudicate the rights and liabilities of the parties with respect to Maryland laws and Federal laws in the context of voting systems and public access to voting system logs.
- B. Enter a declaratory judgment order against Defendant declaring it did not properly comply with The National Voter Registration Act of 1993: *52 USC § 20501(b)(4)* and Md. Election Law Code Ann. §§ 3-101, 102, 502, 503 and 504 in maintaining accurate voter rolls.
- C. Enter a declaratory judgment order against Defendant declaring the voting machines and the voting system being used in Maryland Elections exceed the maximum allowable error rate as set forth in HAVA: *52 USC § 21081*.
- D. Enter a declaratory judgment order against Defendant declaring the certification of the ES&S EVS 5.2.0.0 voting system violates COMAR 33.09.03.05.
- E. Enter a declaratory judgment order against Defendant declaring they failed to decertify a voting system that did not protect the secrecy of the ballot and security of the voting process, thus violating Maryland. Code, Elec. Law § 9-103.
- F. Enter a declaratory judgment order against Defendant declaring it did not properly comply with Md. Code, Gen. Provisions § 4-103, The Election Law of the Annotated Code of Maryland § 9-102(d), COMAR 33.09.02.07, and COMAR 33.10.01.03. in refusing to produce election-related documents requested through PIA requests.
- G. Enter a declaratory judgment order against Defendant declaring the configuration of the voting systems did not comply with *52 USC § 21081(a)(1)(A)(ii)*.
- H. Grant such other and further relief as the nature of this cause may require.

COUNT II

Injunction

197. Plaintiffs incorporates by reference and realleges the averments of paragraphs 1 through 196.

198. There is a balancing test that courts typically employ in determining whether to issue an injunction. To seek a permanent injunction, the plaintiff must pass the four-step test: (1) that the plaintiff has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for the injury; (3) that the remedy in equity is warranted upon consideration of the balance of hardships between the plaintiff and defendant; and (4) that the permanent injunction being sought would not hurt public interest. See, e.g., *Weinberger v. Romero—Barcelo*, 456 U.S. 305, 311–313, 102 S.Ct. 1798, 72 L.Ed.2d 91 (1982); *Amoco Production Co. v. Gambell*, 480 U.S. 531, 542, 107 S.Ct. 1396, 94 L.Ed.2d 542 (1987).

199. Plaintiffs, as Maryland voters and interested citizens with standing, have been irreparably injured by the voting systems currently in use in Maryland and the MDSBE. Plaintiffs allege that voter rolls are highly inaccurate, error rates on the voting systems exceed the maximum allowable error rates, voting systems were not certified correctly, machines have been used that have VOID EAC certifications, large numbers of blank ballots were cast, and the MDSBE is unlawfully withholding evidence of such. This has caused abridgement to their right to vote “[a]nd the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise” *Reynolds v. Sims*, (377 U.S. 533). The right to vote is paramount “[e]specially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged

infringement of the right of citizens to vote must be carefully and meticulously scrutinized.” *Reynolds v. Sims*, 377 U.S. 533 (1964). Inaccurate voter registration practices have led to voting system error rates well above the statutory threshold causing dilution of eligible voter’s votes. Use of the ES&S Voting Systems in a noncompliant manner has resulted in dilution of Plaintiff’s votes and has resulted in an impaired election process resulting in concrete harm to Plaintiff’s rights to vote. Denial of Plaintiff’s PIA requests resulted in Plaintiffs not being able to access information in which they are entitled.

200. The remedies available at law are wholly inadequate to compensate Plaintiffs for the injuries to their right to vote in a free and unimpaired manner and their statutory right to access public information.

201. Plaintiffs’ harms are to basic rights and the interests are clear whereas Defendant’s interest in using the ES&S voting system is simply for ease of use, despite the inaccuracies and deficiencies. Defendants have no interest in failing to keep accurate voter rolls. Defendants’ interest in not fulfilling PIA requests is unknown. Any abridgment to the right to vote needs to be meticulously scrutinized and this weighs in favor of Plaintiffs.

202. This injunction is necessary for public interest as it would notify millions of Maryland voters their rights are being abridged, and that they will no longer be, thus restoring trust in the voting process. Also, it would definitively give Marylander’s access to certain public information, rather than the illusion of having access.

203. The Defendant failed to follow the statutory scheme requiring them to provide accurate and current voter rolls. The Defendant should be mandated to cure and address any discrepancies in the voter rolls; ensure votes counted are from qualified citizen voters; ensure the number of votes counted is equal to the number of voters who voted; adhere to

the accuracy requirements for federal elections; and ensure systems, machines, security measures, procedures, infrastructure, policy, and conduct are compliant with the law regarding certification, testing, operational validation, and operational implementation.

204. The error rates of the voting system in place in the 2020 and 2022 General Election greatly exceeded the maximum acceptable error rate. The Defendant should be mandated to decertify the machines used in the 2020 and 2022 General Election in Maryland and enjoined from using them in subsequent elections.

205. The Defendant failed to follow the statutory scheme put in place by the state of Maryland which details the procedure to be followed in certifying voting systems. The nonadherence to the statutory scheme creates grounds for the decertification of the voting system ES&S EVS 5.2.0.0. Defendant should be mandated to decertify the voting system ES&S EVS 5.2.0.0 and enjoined from using it in subsequent elections.

206. The Defendant failed to follow the statutory scheme requiring them to protect the secrecy and security of an election. The Defendant should be mandated to decertify the voting system ES&S EVS 5.2.0.3 and enjoined from using it in subsequent elections.

207. The Defendant failed to produce requested documents in response to numerous PIA requests. The Defendant should be mandated to produce, including but not limited to, audit logs, system logs, error logs, configuration reports, etc. of voting systems.

208. The Defendant failed to allow voters the opportunity to change their ballot or correct any error before the ballot is cast. The Defendant should be mandated to configure voting machines to notify voters they are casting blank ballots, overvotes, and undervotes instead of automatically accepting them.

209. The Defendant has shown willful and gross negligence in assuring the system of processes, procedures, human conduct and machines are unable to produce reliable, accurate or compliant measurements of voter intent. The Defendant should be mandated to fix the entire voting system to ensure legal compliance and required functionality. Further, the Defendant should implement a system of comprehensive testing, monitoring and auditing by a certified and accredited independent auditor to ensure the repaired system functions as required. If the electoral process cannot be proven to be accurate and compliant, the election shall not be certified, and a special election shall be held within 30 days correcting any deficits in conduct.
210. The Defendant has flaunted the Constitutional requirement to only allow known citizens eligible to vote, to vote. Registrations, mail-in and in person voting must be required to prove identity, eligibility, and citizenship.
211. Since it is impossible to guarantee that ballots mailed in are not tampered with or lost in transit, the Defendant should be ordered to implement a tracking system first from the printer to the voter, and then from the voter to the tabulator, so that no ballots are lost or tampered with or destroyed. In such cases the voter must be actively notified their ballot is lost and given a chance to submit a new ballot.
212. Since a large number of unexplained blank ballots have been registered, and a larger number of votes were counted than voters that were counted as having voted, the Defendant shall be ordered to implement control mechanisms to insure chain of custody of all ballots is maintained, and forgery protection at least equal to financial security standards with bonds and currency are maintained on ballots and with ballot handling.

213. As demonstrated by irrefutable statistics, the Defendant has lost control of the voting system. The Defendant should be mandated to use comprehensive batch control systems, as in the financial industry with item processing.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

- A. Issue an injunction mandating Defendant update and keep accurate the voter rolls in Maryland as well as address the discrepancies previously shown.
- B. Issue an injunction enjoining Defendant from administering or certifying any election wherein the voter registration database is not certified to contain only qualified citizen voters, with compliant registration records.
- C. Issue an injunction enjoining Defendant from administering or certifying any election where the entire voting system, from the qualified voters' hands to the tabulated count, is not provably secure and compliant.
- D. Issue an injunction enjoining Defendant from administering or certifying any election wherein all system steps and all components thereof are not fully auditable on a transaction/action by action basis.
- E. Issue an injunction enjoining Defendant from administering or certifying any election wherein the entire system is not monitored effectively to detect real time variances from legal conduct.
- F. Issue an injunction enjoining Defendant from administering or certifying any election wherein the entire system is not open and transparent for auditing by trusted parties outside the control of the state election boards and state executives, from qualified voters' hands to the certified count.

- G. Issue an injunction enjoining Defendant from certifying any election wherein the results do not accurately and provably reflect voter intent, individually and collectively, in compliance with the law.
- H. Issue an injunction enjoining Defendant from using the voting systems used in the 2020 and 2022 General Elections in future elections in Maryland due to the exceptionally high error rates and mandating the decertification of the system or systems.
- I. Issue an injunction enjoining Defendant from using the ES&S EVS 5.2.0.0 voting system in future elections in Maryland and mandating the decertification of the system.
- J. Issue an injunction enjoining Defendant from using the ES&S EVS 5.2.0.3 voting system in future elections in Maryland and mandating the decertification of the system.
- K. Issue an injunction mandating Defendant comply with PIA requests for, including but not limited to, audit logs, system logs, error logs, configuration reports, etc. of voting systems.
- L. Issue an injunction mandating Defendant to program voting machines to query voters in the case they are attempting to cast a blank ballot, undervote, or overvote instead of automatically accepting such ballots.
- M. Establish a Special Master to guide the Maryland State Board of Elections to institute change prior to the November 2024 election and subject to the approval of this court to:
 - i. Insure we know who is voting and that each voter is provably a U.S. citizen.

- ii. Insure that the entire system from the Voter's hands to the tabulated count is provably secure including ballots from printer to storage.
 - iii. Insure that all system steps and all components thereof are fully auditable on a transaction/action by action basis.
 - iv. Implement a monitoring system able to effectively detect real-time variances from legal conduct.
 - v. Implement a system that allows end to end insured and certified audits by trusted parties outside the control of the State Election bureaucrats and executives, from the voters' hands to the certified count. Such audits to be paid for by the State. Such audits will be done at sufficient scale to prove the intent of the voters was determined accurately and in compliance with the law.
 - vi. Prevent elections from being certified that are unable to prove they accurately determine voter intent; individually and collectively, in compliance with the law.
- N. Plaintiffs' reasonable costs of bringing this action pursuant to 42 U.S. Code § 1988(b).
- O. Grant such other and further relief as the nature of this cause may require.

Count III

Writ of Mandamus

214. Plaintiffs incorporates by reference and realleges the averments of paragraphs 1 through 213.

215. This complaint also seeks a writ of mandamus under 28 U.S.C. § 1361. According to the U.S. Department of Justice, Mandamus is an extraordinary remedy, which should only be used in exceptional circumstances of peculiar emergency or public importance. *LaBuy v. Howes Leather Co.*, 352 U.S. 249 (1957); *United States v. McGarr*, 461 F.2d 1 (7th Cir. 1972).
216. The NVRA concluded voting is a fundamental right and it is the duty of the government to promote exercise of that right.
217. HAVA creates error rate standards that are designed to limit the errors of voting machines in counting votes, and even sets forth a maximum allowable error rate, imposing a duty on State and local governments to limit errors to a statutory threshold. 52 USC § 21081(a)(5)
218. This is undoubtedly intended to protect citizens' right to vote in a free and unimpaired manner, absent of errors.
219. Further a writ of mandamus is "a personal action, and it rests upon the averred and assumed fact that the defendant has neglected or refused to perform a personal duty, to the performance of which by him the relator has a clear right." *United States ex rel. Bernardin v. Butterworth*, 169 U.S. 600, 602-603 (1898).
220. The defendant has neglected to follow provisions of the NVRA, which was enacted to promote citizens' fundamental right to vote and HAVA which includes mandatory voting system requirements.
221. Plaintiffs have a clear right to vote.
222. The primary election is set for May 14, 2024 and the General Election is set for November 5, 2024.

223. This situation constitutes a peculiar emergency as the Primary and General elections are fast approaching.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

- A. Issue a writ of mandamus compelling Defendant to comply with their duty under NVRA to update and keep accurate the voter rolls in Maryland as well as address the discrepancies previously shown, to promote Plaintiffs' fundamental right to vote.
- B. Issue a writ of mandamus compelling Defendant to comply with their duty under HAVA to keep the error rates of voting machines below the maximum allowable error rate, to promote Plaintiffs' fundamental right to vote.
- C. Issue a writ of mandamus compelling Defendant to comply with their duty under HAVA to allow voters an opportunity to correct errors on their ballot before casting the ballot, to promote Plaintiffs' fundamental right to vote.

Respectfully submitted,

HARTMAN, Attorneys at Law

Date: April 8, 2024

By: /s/ C. Edward Hartman, III
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Respectfully submitted,

HARTMAN, Attorneys at Law

Date: April 8, 2024

By: /s/ C. Edward Hartman, III
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Attorneys for Plaintiff

AFFIDAVIT

I have personal knowledge of the facts alleged in this Complaint. Based on my personal knowledge I verify that the matters stated in this Complaint are true.

I declare under penalties of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: 4/8/24



Kate Strauch Sullivan

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Maryland Election Integrity LLC
 116 Defense Highway,
 Annapolis, MD 21401

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Plaintiff

United Sovereign Americans, Inc.
 167 Lamp and Lantern Village Suite 194
 Chesterfield, MO 63017

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Plaintiff

Case No.:

v.

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*
*

Maryland State Board of Elections
 151 West Street #200
 Annapolis, MD 21401

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*

SERVE ON: Michael G. Summers,
 In his representative capacity as the Chairman
 of the Maryland State Board of Elections
 151 West Street #200
 Annapolis, MD 21401

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*
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*
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Defendant

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Maryland Election Integrity LLC, a Maryland limited liability company, and United Sovereign Americans, Inc., a Missouri nonprofit corporation, Plaintiffs, by Hartman, Attorneys at Law, and C. Edward Hartman, III, hereby bring this Complaint for Declaratory and Injunctive Relief, and plead as follows:

PARTIES

1. Maryland Election Integrity LLC is a Maryland limited liability company. Its principal office is located in Maryland.

2. United Sovereign Americans, Inc. is a nonprofit corporation incorporated in the state of Missouri.
3. Maryland State Board of Elections (hereinafter referred to as “MDSBE”) is a government agency that administers elections in Maryland.

JURISDICTION AND VENUE

4. This action seeks declaratory and injunctive relief from deficient voter registration rolls leading to violations of Federal and state laws, the certification of results from a provably flawed, inaccurate, and obscure process outside the view of impartial witnesses or the public, including the use of voting systems in Maryland that are believed to have void EAC certifications in violation of federal law, and the refusal of the Maryland State Board of Elections to comply with Public Information Act (PIA) requests and Federally required transparency. This Court has subject matter jurisdiction over this complaint because the case presents substantial questions of federal law, and the state claims are so related to the federal claims that they form part of the same case or controversy. 28 U.S.C. §§ 1331 and 1367.

4.5. This court has original jurisdiction for any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the Plaintiffs under 28 U.S.C. § 1361.

5.6. This court has authority to issue a declaratory judgment and to order injunctive and other relief that is necessary and proper pursuant to 28 U.S.C. §§2201 and 2202 as there exists a case of actual controversy.

6.7. This court has personal jurisdiction as the Defendant is a Maryland Agency.

7.8. Venue is proper in this district under 28 U.S.C. § 1391(e)(1).

STANDING

9. Maryland Election Integrity LLC is an organization ~~comprised of members~~containing members who are registered voters in the state of Maryland.

8-10. Kate Sullivan, a member of Maryland Election Integrity LLC, and a Baltimore County resident canvassed Baltimore County and found inaccurate voter registration records and the effect of this on the entire voting process.

9-11. The members have been and are currently harmed by the MDSBE and the ES&S voting systems currently and formerly in use in Maryland elections. The violations of Maryland election laws, the US Constitution, and Federal civil rights laws pertaining to voter registration rolls, transparency, compliance, and certification of the voting systems, and the serious issues hereinafter discussed with the overall voting systems exemplify their injury. The lack of transparency by MDSBE with respect to the voting systems and the reports generated by them has resulted in Plaintiffs being denied lawful Public Information Act (PIA) requests and the Federally mandated preservation of auditable items.

10-12. If the Court grants Plaintiffs' requested relief, the injury to the Plaintiffs' members would cease to exist.

11-13. The Supreme Court has indicated that if one party to a lawsuit has standing, other entities can join as parties without having to satisfy independently the demands of Article III, provided those parties do not seek a distinct form of relief from the party with standing. E.g., *Horne v. Flores*, 557 U.S. 433, 446 (2009).

12-14. United Sovereign Americans is not seeking a distinct form of relief and, therefore, has standing.

BACKGROUND

~~13.15.~~ Article 1 Section 2 of the US Constitution grants the right to choose representatives to the people of the several states, according to the voting eligibility requirements of the state.

~~14.16.~~ The Fourteenth Amendment Section 1 defines a citizen as all people born or naturalized in the United States, and subject to the jurisdiction thereof.

~~15.17.~~ The Fourteenth Amendment Section 2 protects the eligible citizen voters of a state against both denial, or abridgment in any way, of their vote.

~~16.18.~~ The National Voter Registration Act (NVRA) was passed for the purpose of ensuring accurate, current voter registration rolls. Congress' power to pass NVRA comes from Article 1, Section 8, Clause 18 of the US Constitution, the Necessary and Proper Clause, making accurate voter rolls a requirement to uphold the right of the people to choose their representatives.

~~17.19.~~ Of the three components of an election, voters, votes, and counts, in that order, each relies on the accuracy of the preceding component(s) in order to be trustworthy. Without all being intact, the system will not meet the requirements for certifying the vote, plainly needing the ability to prove both accuracy and compliance.

~~18.20.~~ It is a settled legal principle that dilution of a qualified voter's vote is a form of disenfranchisement, *Ex parte Siebold*, 100 U. S. 371 (1879), *United States v. Saylor*, 322 U. S. 385 (1944), *Reynolds v. Sims*, 377 U.S. 533 (1964).

~~19.21.~~ The Help America Vote Act requires that voter roll databases contain only the registrations of qualified citizen voters residing in that state. *52 USC § 21083(a)*. Each qualified voter is granted a unique statewide identifier in the database, averting the risk of

double-voting, or extra ballots being cast in the name of a particular voter. Further, the constitutional mandate is that the election system must only count eligible voters. Maryland cannot demonstrate that there is effective control of eligibility in Federal or State dimensions of those requirements and has implemented a system that does not guarantee accuracy or compliance with only allowing eligible voters to register and vote.

~~20.~~22. The Help America Vote Act requires that federal elections adhere to an accuracy standard, "...set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections." United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf.

~~21.~~23. For a voting system, accuracy is defined as the ability of the system to capture the intent of the voters without error. United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf.

FACTS

Voter Rolls

24. The National Voter Registration Act of 1993 (NVRA) codified at 52 USC § 20501(a) states, "The Congress finds that the right of citizens of the United States to vote is a **fundamental right** [(emphasis added)] [and] it is the duty of the Federal, State, and local governments to promote the exercise of that right."

25. The National Voter Registration Act of 1993 (NVRA) states that “[t]he purposes of this act are to ensure that accurate and current voter registration rolls are maintained.” *52 USC § 20501(b)(4)*.

26. The NVRA invariably imposes a duty upon government officials to promote the exercise of citizens’ right to vote through current and accurate voter rolls.

27. The NVRA defers to state voter registration procedures in some instances and generally serves as a guideline for states to implement voter registration practices consistent with the NVRA.

28. As such, Maryland and Federal laws have become intertwined and violations of state law violate the NVRA.

22:29. A recent audit of the MDSBE voter registration database done by the Maryland General Assembly’s Office of Legislative Audits found numerous instances of inaccuracies and vulnerabilities in the states list maintenance practices, including 2,426 deceased registrants and 327 duplicate voter registrations. See Office of Legislative Audits, Audit Report: State Board of Elections (Oct. 2023), available at <https://www.marylandmatters.org/wp-content/uploads/2024/11/SBE23.pdf> (last accessed Dec. 27, 2023).

23:30. Meticulous analysis of the official Maryland State Voter Registration Database reveals a minimum of 79,392 current apparent registration violations (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).

24:31. The analysis revealed 1,699 instances of duplicate registrations, 25,084 instances of registrants with questionable inactive status, 3,366 instances of active registrations

without a certified US Post Office mailing address, 5,680 instances of active registrants who moved at least 4 years ago, 605 instances of registrations with no residential address, 296 instances of active registrants with a nonstandard address, 1,218 instances of active registrants who are deceased, 883 instances of age discrepant registration (younger than 18 or older than 115), and 40,518 instances of questionable registration date. A spreadsheet with the apparent registration violations is attached as **Exhibit A**.

32. Exhibit A shows the registration type, the number of apparent violations, and the Maryland election law/rule in violation.

33. The specific violations of the NVRA can be seen under 52 U.S.C. § 20507.

34. 52 U.S.C. § 20507(a)(4) states, each state shall “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 the death of the registrant; or a change in the residence of the registrant.”

35. There were 5,680 instances of active registrants who moved at least 4 years ago and 1,218 active registrants who are deceased in Maryland, based on Plaintiffs’ analysis.

36. The program in place in Maryland has, therefore, not made reasonable efforts to remove the names of moved and deceased voters, based on Plaintiff’s findings and the findings of the legislative audit.

37. 52 U.S.C. § 20507(d) sets requirements for removal of voters from voting rolls. These requirements are essentially the same as Maryland’s.

38. Plaintiffs’ have observed a discrepancy in Maryland that violates 52 U.S.C. § 20507(d), which is voters switching from inactive to active, voting in an election, then switching back to inactive.

25.39. This quick switching is suspect and Plaintiffs' allege it violates the removal requirements of the NVRA.

26.40. The apparent Maryland law violations are pursuant to Md. Election Law Code Ann. §§ 3-101, 102, 502, 503 & 504.

41. These numbers-apparent violations above clearly show the voter rolls in Maryland are not accurate and current as required by the NVRA: 52 USC § 20501(b)(4) and violate specific Maryland laws pertaining to voter registration, i.e. Md. Election Law Code Ann. §§ 3-101, 102, 502, 503 & 504.

42. NVRA grants a private right of action in 52 U.S.C. § 20510(b) in which written notice of a violation must be sent to the chief election official. The election official then has 90 days to correct the violation before the aggrieved party can file suit.

43. Member of Plaintiff's organization, Kate Sullivan, sent a notice of violation to MDSBE in a press release on November 8, 2023. Accordingly, 90 days have passed with no remedy provided by the MDSBE, making this suit proper. The relevant notice of violation's of HAVA, NVRA, and Md. Election Law Code Ann. is attached as Exhibit A-2.

44. Prior to compiling this data, Kate Sullivan attempted to bring apparent violations to the Baltimore County Board of Elections (BCBOE) attention. A list of anomalies and the BCBOE's responses are attached as Exhibit A-3.

45. The MDSBE did not address and correct the violations alleged by Plaintiff and also failed to correct the findings of the Office of Legislative Audits.

46. Kate Sullivan has been personally injured by the inaccurate voter registration records of Baltimore County, and the state, which has allowed otherwise ineligible voters to vote, thus diluting her vote.

47. The Defendant's failure to address known issues with the voter rolls has caused this injury.

48. A favorable decision would help remedy discrepancies.

49. Maryland Election Integrity LLC was created for the purpose of resolving violations of Maryland law and restoring trust in Maryland Elections.

50. The interests at stake in this complaint are germane to Maryland Election Integrity's purpose.

27.51. This is a complaint for declaratory and injunctive relief and the participation of individual members is not required.

28.52. Inaccurate voter rolls have significant downstream consequences in elections.

~~29.~~ The purpose of a voting system is to accurately record, store, consolidate and report the specific selections, and absence of selections, made by the voter as well as to accurately measure the intent of the total body of eligible voters that voted.

30.53. The definition of a voting system is found in HAVA Section 301. 52 USC § 21081.

31.54. Under HAVA, a voting system is defined as "the total combination of mechanical, electromechanical, or electronic equipment (including software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots; to cast and count votes; to report or display election results; and to maintain and produce any audit trail information." 52 USC § 21081(b)(1)(A)-(D).

32.55. The ability to "cast and count votes" begins with establishing eligibility, including citizenship, and registering only qualified citizens into voter registration databases, thus assuring that all ballots granted, and thereby all votes cast and counted, are lawfully cast and counted according to the US Constitution.

33.56. Voter registrations are used to create pollbooks, which can either be networked or non-networked. “Networked pollbooks are electronic pollbooks with a connection to an external database, and may include a direct connection to the voter registration database or a separate server.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul. 28, 2020, at 2-3, https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf.

34.57. Maryland is a state in which all local jurisdictions use E-Poll books, meaning the pollbooks have a direct connection to the voter registration database.

35.58. Following pollbook preparation is ballot preparation. Ballot preparation “generates the data necessary for tabulating votes within a voting machine, and aggregating tabulated votes within a jurisdiction or state.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul. 28, 2020, at 3, https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf.

36.59. Voting machines are used following ballot preparation. “Voting machines encompass both technology and processes used by election officials to prepare voting machines for ballot tabulation, and in some cases presentation. Specifically, this includes loading the ballot files created during ballot preparation onto voting machines.” Cybersecurity and Infrastructure Security Agency, *Critical Infrastructure Security and Resilience Note*, Jul. 28, 2020, at 3, https://www.cisa.gov/sites/default/files/publications/cisa-election-infrastructure-cyber-risk-assessment_508.pdf.

~~37-60.~~ The U.S. election process seen above shows the link between voter registration and the ballot files being loaded onto voting machines.

~~38-61.~~ It also shows voter registration is encompassed in the definition of a voting system as defined in *52 USC § 21081(b)* because a voting system consists of documentation required to program the voting machines.

~~39-62.~~ As voter registration is part of the voting system, it is subject to the allowable error rates of voting systems as set forth in *52 USC § 21081(a)(5)*.

Error Rates

~~40-63.~~ Section 301 of HAVA regarding “Voting System Standards,” states that the “error rate of [a] voting system in counting ballots...shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission[.]” *52 USC § 21081(a)(5)*

~~41-64.~~ The accuracy requirements set under the Federal Election Commission (FEC) voting systems standards section 3.2.1 establish that “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.” United States. (2002) *U.S. Federal Election Commission FEC*. United States. [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/Voting_System_Standards_Volume_I.pdf.

~~42-65.~~ The Voluntary Voting System Guidelines, Version 1.1, Section **4.1.1 – Accuracy Requirements** states in part, “[a]ll systems shall achieve a report total error rate of no more than one in 125,000.” United States. (2015) *U.S. Election Assistance Commission*. United

States. [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf.

43.66. The Voluntary Voting System Guidelines, Version 1.1, Section **4.1.1 – Accuracy Requirements** then states, “[t]he benchmark of one in 125,000 is derived from the “maximum acceptable error rate” used as the lower test benchmark in the 2005 Voluntary Voting System Guidelines Version 1.0. That benchmark was defined as a ballot position error rate of one in 500,000. The benchmark of one in 125,000 is expressed in terms of votes, however, it is consistent with the previous benchmark that the estimated ratio of votes to ballot positions is $\frac{1}{4}$.” United States. (2015) *U.S. Election Assistance Commission*. United States. [Web Archive] Retrieved from the Election Assistance Commission, https://www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf.

44.67. Maryland voting systems are subject to the error rates defined in the FEC Voting System Standards 3.2.1 and explained in the Voluntary Voting System Guidelines (VVSG).

45.68. The number of apparent voting system errors in counting votes in the 2020 General Election, according to MDSBE raw data, was 62,075. A spreadsheet is attached showing the apparent voting violations in the 2020 and 2022 General Election as **Exhibit B**.

46.69. The number of apparent voting system errors in counting votes in the 2022 General Election, according to MDSBE raw data, was 27,623. This can also be seen in **Exhibit B**.

47.70. The allowable number of voting system errors in counting votes to comply with HAVA is calculated by dividing the total number of Maryland voters who voted in a given election by 125,000.

48.71. For the 2020 General Election this is $\sim 3,000,000 \text{ votes} / 125,000 = 24$. For the 2022 General election this is $\sim 2,000,000 \text{ votes} / 125,000 = 16$.

49.72. The number of voting system errors in counting votes for the 2020 General election (62,075) greatly exceeded the maximum allowable error rate (24).

50.73. The number of voting system errors in counting votes for the 2022 General election (27,623) greatly exceeded the maximum allowable error rate (16).

51.74. In sum, the voting system error rates are exponentially above the maximum allowable error rates. Inaccuracy and the specter of fraud have irretrievably damaged the reliability and credibility of results.

75. The Members of Plaintiff, and volunteers of their organizations, exhausted every administrative remedy known to them in advance of the 2022 general election, to have these issues repaired. Plaintiffs continued in 2023 to seek redress and repair for these egregious violations through democratic means.

52.76. Specifically, they filed HAVA complaints and attempted to work with Local Boards of Elections to remedy Plaintiffs' findings to no avail. A HAVA complaint filed by a volunteer of Maryland Election Integrity, LLC is attached as Exhibit B-2.

77. The Maryland State Board of Elections dismissed these concerns without any meaningful review or response and intends to administer and certify Maryland's 2024 general election under the same inaccurate conditions.

78. 42 U.S.C.S § 1983 causes every person acting under the color of law who "subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by

the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress[.]”

79. As previously mentioned, Congress has declared the right of citizens to vote a fundamental right; accordingly, any violation of HAVA by Defendant is a violation of a fundamental right of Plaintiffs’.

80. Defendant’s failure to keep accurate voter rolls has caused an unallowable number of votes in error in the 2020 and 2022 general elections, effectively allowing ineligible voters to vote or be capable of voting.

81. The NVRA violations have led to HAVA violations resulting in ineligible people registering to vote and voting.

82. Kate Sullivan has identified discrepancies and documented the effects of the violations in the State of Maryland in an effort to have Defendant remedy them.

83. As the issues are intertwined and interrelated, her injury, as well as Maryland Election Integrity LLC’s is the same under HAVA as it is under NVRA.

53. Plaintiffs also seek a writ of mandamus for violations of HAVA and the NVRA pursuant to 28 U.S.C §1361.

Requirements for Certifying Voting Systems

54.84. The requirement for certifying voting systems is set forth in Section 231 of the Help America Vote Act (“HAVA”). *52 USC § 20971*.

55.85. Under HAVA there is a requirement for providing “for the testing, certification, decertification, and recertification of voting systems hardware and software by accredited laboratories.” *52 USC § 20971(a)(1)*

~~56:86.~~ While HAVA does allow for the “optional use by states,” Maryland has adopted the certification requirements: “The State Board may not certify a voting system unless the State Board determines that...the voting system is (i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and (ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission[.]” *Md. Code Ann., Elec. Law § 9-102*

~~57:87.~~ *Md. Code Ann., Elec. Law § 9-102* requires voting systems to conform with standards set by the Federal Election Commission and the U.S. Election Assistance Commission. Maryland also has received HAVA grants; therefore, the State is subject to the requirements set forth by HAVA.

~~58:88.~~ Under HAVA, states that receive payments for improving the administration of elections must use the funds “in a manner consistent with each of the laws described in section 21145...and the proposed uses are not inconsistent with the requirements of title III.” *52 USC § 20901(c)*.

~~59:89.~~ HAVA also sets forth the requirements for accrediting testing labs that perform certification tests on voting systems.

~~60:90.~~ HAVA states that the requirements to be met by testing labs to become accredited are found in the Voluntary Voting Systems Guidelines (“VVSG”).

~~61:91.~~ Maryland has also adopted guidelines for certification, which are governed by the Code of Maryland Regulations (COMAR), Title 33, and the Election Law of the Annotated Code of Maryland.

~~62.92.~~ COMAR 33.09.03.04 requires that applicants submit a Technical Data Package, a Business Information Package, anti-bribery and anti-debarment affidavits, as well as voting equipment.

~~63.93.~~ COMAR 33.09.03.05 details the requirements for the Technical Data Package.

~~64.94.~~ Under COMAR 33.09.03.05(A) Required Information “[t]he technical data package shall contain all documentation previously submitted for the qualification testing of the system, including each of the following...(5) Software Source Code (both in the form of a listing and in a machine-readable form on media acceptable to the evaluation agent)[.]”

~~65.95.~~ Election Systems & Software (ES&S) is the manufacturer of the voting systems currently in use in Maryland.

~~66.96.~~ Page 4 of the ES&S EVS 5.2.0.0 Maryland State Board of Elections (MDSBE) certification report (the “Report”), dated December 4, 2014, states that the Technical Data Package was submitted.

~~67.97.~~ Page 20 of the Report says that all listed requirements were provided **except** the Software Source Code. An excerpt of this report is attached as **Exhibit C**.

~~68.98.~~ Under COMAR 33.09.03.05 requirements, Maryland was required to review the source code of the voting systems.

~~69.99.~~ Maryland did not review the source code for ES&S EVS 5.2.0.0 as they were required to under Maryland Law and evidenced by the Report.

Modem Use

~~70.100.~~ In January 2020, the EAC received complaints about ES&S marketing to their customers that the use of a modem on the voting system is optional. The correspondence between the EAC and ES&S is attached as **Exhibit D**.

~~71.101.~~ The EAC determined that ES&S violated Sections 5.14 and 5.15.1 of the EAC Testing and Certification Program Manual Version 2.0 by representing or implying that the DS200 with modem configuration is EAC certified when in fact attachment of a modem is disqualifying.

~~72.102.~~ The EAC also determined that ES&S violated Section 5.16 by failing to warn purchasers that adding a modem to the DS200 would void the EAC certification of the voting system in its entirety.

~~73.103.~~ This violation led to a number of states using modems on the ES&S voting systems.

~~74.104.~~ Eleven of these states acknowledged using ES&S voting systems with attached modems while others have not admitted to using modems.

~~75.105.~~ The voting systems with modems attached were likely used for years with void EAC certification.

~~76.106.~~ ES&S created a proposal that was used for the purpose of persuading Colorado to use its voting system on December 4, 2013 (the “Colorado Proposal”) the relevant portions of which are attached as **Exhibit E**.

~~77.107.~~ In the Colorado Proposal, ES&S sets forth questions and answers.

~~78.108.~~ One such question, on page 13 of Section 9.0 - General Questions, asks “[i]s there any remote communication technology associated with your proposed solution?”

~~79.109.~~ In response to the question, they state in part “[t]he DS200 Tabulators use wireless modems to connect to the SFTP Server via the Internet.”

~~80.110.~~ ES&S unequivocally admits that the voting systems use modems.

~~81.111.~~ Contained in the ES&S EVS 5.2.0.0 certification report issued by the EAC, dated July 2, 2014, is a table titled “2005 VVSG Supported Functionality Declaration.” The table states that modems are not a supported functionality of the voting machine. The relevant table from the certification report is attached as **Exhibit F**.

~~82.112.~~ Page 10 of the Report for Maryland certification (December 2014) states that “[r]esults can be transferred by **modem** to the EMS server.” The relevant portions of which are attached as **Exhibit G**.

~~83.113.~~ Results in fact are not permitted to be transferred by modem as the EAC has never certified a voting system with a modem; further, simply attaching a modem will void the EAC certification.

~~84.114.~~ Any voting system with an attached modem has a void EAC certification and is not allowed to be used according to the EAC.

~~85.115.~~ The meeting minutes of the MDSBE meeting on July 16, 2015 show that in prior elections, three local boards – Baltimore, Montgomery, and Prince George’s Counties – transmitted unofficial election results from either a polling place or a regional transmission center. The relevant portion of the meeting minutes is attached as **Exhibit H**.

~~86.116.~~ Transmitting unofficial election results is typically accomplished by the use of a modem or email.

~~87.117.~~ The only way to determine whether Maryland used modems to accomplish the transmission of the unofficial election results in this situation is to examine the various DS200 audit logs and configuration reports the machines generate. The logs and reports were requested from MDSBE and the Local Boards of Election, in at least 22 out of the 23

counties in Maryland, through PIA requests but not produced. The PIA requests and/or responses are attached as **Exhibit I**.

~~88.118.~~ Transmitting unofficial election results from a polling place leaves the system vulnerable to cyber-attacks.

~~89.119.~~ In an MDSBE meeting dated July 27, 2017, they stated “approximately 1,400 of the DS200 scanners have non-functioning modems installed that have not been used since delivery. ES&S has started removing these modems, which they wish to put back into their own inventory. Once each modem is removed, acceptance testing will be performed on the unit under SBE and local board supervision prior to returning to service.” The relevant portion of the meeting minutes is attached as **Exhibit J**.

~~90.120.~~ A voting system with a modem installed on it has a void EAC certification.

~~91.121.~~ Approximately 1,400 voting systems being used in Maryland prior to 2017 had void EAC certifications.

~~92.122.~~ Maryland. Code, Elec. Law § 9-103 states MDSBE (“(2) **shall** decertify a previously certified voting system if the voting system no longer meets one or more of the standards in § 9 102(d)(1)(i) through (iii) of this subtitle.”) (emphasis added)

~~93.123.~~ Md. Code, Elec. Law § 9-102 says (“(d) The State Board may not certify a voting system unless the State Board determines that: (1) the voting system will: (i) protect the secrecy of the ballot; (ii) protect the security of the voting process; (iii) count and record all votes accurately;”)

~~94.124.~~ The voting machines did not comply with Md. Code, Elec. Law § 9-102(d)(1)(i) and (ii) considering the transmission of the unofficial results is susceptible to cyber risks.

~~95.125.~~ In 2017 machines in Maryland had modems attached which were to be removed prior to “returning to service.” This creates the presumption that the modems on the machines were in use, despite MDSBE claiming the modems were non-functioning and had not been used since delivery. This shows the machines were used in elections with attached modems. Whether the modems were functioning is irrelevant as attachment of a modem voids the EAC certification.

~~96.126.~~ Once again, numerous PIA requests were made for the DS200 audit logs and configuration reports which would tend to show the modems were functioning or non-functioning, but not produced.

~~97.127.~~ According to ES&S the configuration reports are automatically printed upon login to the machines; therefore, the PIA requests for these documents should have been fulfilled with responsive documents.

~~98.128.~~ The systems were being used in elections with void EAC certifications.

Maryland Public Information Act

~~99.129.~~ Maryland’s Public Information Act (“PIA”) gives the public the right to access government records without unnecessary cost and delay.

~~100.130.~~ GP § 4-103(a) provides that “[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.”

~~101.131.~~ In response to numerous PIA requests in most Maryland counties, MDSBE and the local Boards of Elections stated that they do not have any responsive documents.

~~102.132.~~ The information being requested, audit logs, system logs, error logs, configuration reports, etc. of voting systems, is information that should be available because of the audit requirements set under HAVA and COMAR.

~~103.133.~~ ES&S also represents that these reports and logs are either automatically generated by the machines or easily accessed in their Colorado Proposal.

~~104.134.~~ In Section 12.0 – UVS System Requirement of The Colorado Proposal ES&S goes into great detail about the audit logs the machines generate. The relevant portions of the Proposal are attached as **Exhibit K**.

~~105.135.~~ Req. ID H-1 requires the systems to “Store sufficient data in an unalterable system audit log file to allow the auditing of all operations related to election setup, ballot creation, ballot tabulation, results consolidation and report generation.”

~~106.136.~~ ES&S’s response states “[e]ach application has its own audit log to allow the auditing of all operations relating to the election setup, ballot creation, ballot tabulation, results consolidation and report generation. The ES&S proposed voting system audit log provides sufficient information to allow the auditing of all operations related to ballot tabulation, results consolidation, and report generation.”

~~107.137.~~ The rest of the response from ES&S goes through the system audit capabilities of all the components of the voting system.

~~108.138.~~ ES&S responded to an inquiry for their audit trail techniques and reports in the Colorado Proposal. “Please explain what audit trail techniques and audit reports are incorporated in your proposed system.”

~~109.139.~~ For the DS200 Tabulator ES&S stated “[i] n addition to the audit log described previously that records all use operation and substantial application operations or errors, the DS200 has various configuration reports, ballot accounting reports, and results reports, all of which can be used forensically for auditing.”

~~110.140.~~ These reports are created by the voting machines and were requested through PIA requests but not produced.

~~111.141.~~ ES&S responded to an inquiry into their audit logs files, location, and access to them. “Please provide a list of all audit log files, the file location within the voting system, and the procedures to navigate to and retrieve them from the voting system.”

~~112.142.~~ For the DS200 Tabulator ES&S states “[t]he signed audit logs are written to the log directory on the removable media. The audit log events can be accessed on the DS200 onscreen or through a printed report. When the media is read back into the EMS the audit logs are also retrievable from the EMS through a machine audit log report or exported in a comma separated format.”

~~113.143.~~ These audit logs are created and were requested through PIA requests but not produced.

~~114.144.~~ Next, ES&S addresses Req. ID H-15 in the Colorado Proposal which requires the systems to “[c]reate audit records prior to the initiation of ballot counting to verify hardware and software status. These particular audit records shall include the identification of the software release, the identification of the election to be processed and the results of hardware and software diagnostic tests.”

~~115.145.~~ ES&S’s response states in part “[o]n power up, a configuration report is automatically printed to create a hard copy record of the relevant configuration and settings of the particular DS200.”

~~116.146.~~ The fact that the configuration reports are automatically printed is confirmed by the Dorchester County Board of Elections Chief Judges’ Manual. The relevant portion of the manual is attached as **Exhibit L**.

~~117.147.~~ The configuration reports are **automatically printed** and were requested through PIA requests but not produced. To state there are no responsive documents to this request is clearly false as the voting machines automatically print them.

~~118.148.~~ The Election Law of the Annotated Code of Maryland § 9-102(d) says that the “State Board may not certify a voting system unless the State Board determines that: (1) the voting system will... (vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount[.]”

~~119.149.~~ Pages 15 and 16 of the Report for Maryland certification (December 2014) analyze the voting system with respect to COMAR 33.09.02.07.

~~120.150.~~ COMAR 33.09.02.07 explains the audit trail requirement stating that: “[t]he voting system shall be capable of providing an audit trail of all ballots cast so that, in a recount, the election can be reconstructed, starting with the individual votes of all eligible voters.”

~~121.151.~~ The Board of Elections states in the Report that ES&S EVS 5.2.0.0 satisfied the audit requirements: “[a]ll tabulators and the EMS system maintain an audit log for each election.”

~~122.152.~~ The information Plaintiffs requested through the PIA requests is not new information that must be created. There are responsive documents to the requests, as opposed to Defendant’s contentions.

~~123.153.~~ The information is already available on the voting systems and ES&S details how to print the reports in Chapter 20 of their Electionware Volume V: Results User’s Guide. The relevant portions of the guide are attached as **Exhibit M**.

~~124.154.~~ The information is stored in the course of an election on the voting systems and, if not, the systems do not conform to the representations made about their capabilities to create audit logs.

~~125.155.~~ The PIA requests have been denied, notwithstanding the laws that were clearly drafted to allow for public review.

Blank Ballots, Undervotes, and Overvotes

~~126.156.~~ HAVA Section 301 requires voting systems to “provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.)” *52 USC §21081(a)(1)(A)(ii)*.

~~127.157.~~ Maryland creates a Cast Vote Records report for each county in Maryland for each election, which contains the total number of registered voters, the total number of ballots cast, and the results in that county.

~~128.158.~~ The Cast Vote Records EL45a report shows the total number of blank ballots cast in each county in the state of Maryland for each election.

~~129.159.~~ Upon calculation, the total number of blank ballots cast in the 2022 General Election in Maryland was 82,356.

~~130.160.~~ Some counties had much higher percentages of blank ballot than others. Possible reasons for this can be explained below.

~~131.161.~~ It is believed that many people did not intend to cast blank ballots in the 2022 General Election, and the settings of the machines were the reason for the ballots being cast blank.

~~132.162.~~ Upon further inquiry, it has been discovered that the ES&S DS200 tabulator can be configured to accept blank ballots, undervotes, and overvotes instead of rejecting them and notifying the voter to cure the mistake.

~~133.163.~~ According to a DS200 Operators Guide dated July 18, 2019, an admin can establish the ballot handling options. The relevant portions of the guide are attached as **Exhibit N**.

~~134.164.~~ Section 7.4.1 – **Establishing Ballot Handling Options** Page 108 of the DS200 Operators Guide states, “[w]hen you create your election definition, your Electionware settings determine for each ballot style how the DS200 handles specific types of ballot conditions. For each of these ballot condition, you can set the DS200 to always accept or always reject ballots with a specified conditions. For some of those conditions, you can instead have the DS200 query the voter to ascertain a voter’s intent. You can set the DS200 to always accept, always reject, or query the voter for the following ballot conditions: Undervoted ballot; Blank Ballot; Overvoted Ballot; and Unreadable Marks on Ballot.”

~~135.165.~~ The DS200 operator’s guide then goes to state, “Selecting **Always Accept** for any of these conditions causes the DS200 to skip the voter query function for that condition. The DS200 will not display the query screen for those conditions.”

~~136.166.~~ The DS200 operator’s guide then goes through each of the conditions (blank ballots, overvoted ballots, undervoted ballots) to show what the query looks like on the machine if the settings allow for a query.

~~167.~~ If **Always Accept** is selected on voting machines, voters are not provided the opportunity to change the ballot or correct the error before the ballot is cast and counted.

This violates *52 USC §21081(a)(1)(A)(ii)* and creates a cause of action under 42 U.S.C.S

§ 1983 because voters are not notified of their deficient ballot and given a chance to cure the error before the machine accepts it.

137.168. Kate Sullivan also has standing to raise this issue because 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. A screenshot of the Cast Voted Records from the 2022 Gubernatorial election in Maryland is attached as **Exhibit N-2**.

138.169. Section 7.11.3 – **Report Options** Page 124 of the DS200 Operators Guide details the reports and audit logs the machine generates.

139.170. It states that the Configuration Report, Event Log Report and Summary Event Log, and System Log can be generated.

140.171. Section 9.1 – **Reports Overview** Page 150 of the DS200 Operators Guide states “the DS200 can automatically print the Configuration, Zero Totals, and Ballot Status Accounting reports as part of the poll opening process.”

141.172. At the bottom of this section Page 151 of the guide states, “[y]ou can also manually request additional copies of any reports that are generated automatically.”

142.173. Section 9.6 – **Configuration Report** on Pages 158-160 of the DS200 Operators Guide contains a sample Configuration Report. The sample configuration report is attached as **Exhibit O**.

143.174. The configuration report shows if there is a modem attached on the DS200, whether the Event log will be printed on poll close, as well as the settings for accepting blank ballots, overvotes, and undervotes.

~~144.175.~~ As stated previously, and emphasized by this section's findings, the configuration reports that the machines automatically print will confirm whether modems were in use and if the blank ballots were the product of machine settings.

~~145.176.~~ COMAR 33.10.01.03(B) Auditability. "The tabulators shall provide a vote cast record of all ballots cast and audit log of alerts provided to voters and tabulator events and errors."

~~146.177.~~ COMAR 33.10.01.03(B) proves the machine generates audit logs that would show alerts to voters. These alerts would show up for voters if they cast a blank ballot, undervoted, or overvoted. If there are no alerts for these conditions in the audit logs, the machines were set to automatically accept these deficient ballots.

~~147.178.~~ The audit logs were, again, requested through PIA requests, which were not fulfilled despite statutory language stating the machines generate them.

~~148.179.~~ COMAR 33.10.01.03(g) – **Actions Taken to Change Conditions** is relevant to the blank ballot and PIA issues.

~~149.180.~~ COMAR 33.10.01.03(g)(1)(a),(b) states, "The system shall be capable of printing from its audit trail: actions taken by operators to change conditions; and the time of the occurrence."

~~150.181.~~ COMAR 33.10.01.03(g)(2) then states, "System operators shall record in a logbook all actions to change conditions that cannot be printed from the audit trail. That logbook, as well as all reports produced by the printer, shall be retained by the local board."

~~151.182.~~ This unequivocally shows that the reports and logbook must be retained by the local board under Maryland law.

~~152.183.~~ These reports were requested from the Local Boards of Elections, they responded stating they had no responsive records.

~~153.184.~~ Stating they have no responsive records for reports they are required to retain goes to show they either violated Maryland law and Federal law by failing to retain those records, or they are unlawfully denying PIA requests for the reports.

Count I

Declaratory Judgment — 28 U.S.C. § 2201

~~154.185.~~ Plaintiffs incorporates by reference and realleges the averments of paragraphs 1 through ~~153.184.~~

~~155.186.~~ 28 U.S.C. § 2201 requires a case of actual controversy.

~~156.187.~~ There exists an actual controversy of a justiciable issue between the Maryland State Board of Elections (MDSBE) and Maryland Election Integrity, LLC within the jurisdiction of this Court concerning the interpretation of The National Voter Registration Act of 1993: *52 USC §20501(b)(4)*, Maryland. Code, Elec. Law §§ 3-101, 102, 502, 503 & 504, HAVA: *52 USC §21081*, COMAR 33.09.03.05, Maryland. Code, Elec. Law § 9-103, Md. Code, Gen. Provisions § 4-103, The Election Law of the Annotated Code of Maryland § 9-102(d), COMAR 33.09.02.07, and COMAR 33.10.01.03.

~~157.188.~~ Despite mandatory statutory language requiring current and accurate voter rolls, which shall include only the names and registration information of eligible citizen voters, and Maryland law specifying processes to do so, Maryland has failed to keep voter rolls accurate.

~~158.189.~~ Despite mandatory statutory language stating the maximum allowable error rate of voting systems, the voting systems in Maryland are still in use in violation of the statutory scheme.

~~159.190.~~ Despite mandatory statutory language stating the technical data package shall/must contain all documentation previously submitted, including the software source code, the Board of Elections did not receive and analyze the source code in violation of the statutory scheme.

~~160.191.~~ Despite mandatory statutory language stating the MDSBE shall decertify machines that do not protect the secrecy of the ballot and protect the security of the voting process, the Board of Elections did not decertify the machines in violation of the statutory scheme.

~~161.192.~~ Despite mandatory statutory language stating all persons are entitled to have access to information about the affairs of government, and in particular, access to an audit trail from elections, the MDSBE is denying PIA requests for this information in violation of the statutory scheme.

~~162.193.~~ Despite mandatory statutory language stating voters shall have the opportunity to change their ballot or correct any error before the ballot is cast, Maryland voters have been denied this in violation of the statutory scheme.

~~163.194.~~ In accordance with 28 U.S.C. § 2201 claims are present between the parties involved which indicate imminent and inevitable litigation.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

- A. Determine and adjudicate the rights and liabilities of the parties with respect to Maryland laws and Federal laws in the context of voting systems and public access to voting system logs.
- B. Enter a declaratory judgment order against Defendant declaring it did not properly comply with The National Voter Registration Act of 1993: *52 USC § 20501(b)(4)* and Md. Election Law Code Ann. §§ 3-101, 102, 502, 503 and 504 in maintaining accurate voter rolls.
- C. Enter a declaratory judgment order against Defendant declaring the voting machines and the voting system being used in Maryland Elections exceed the maximum allowable error rate as set forth in HAVA: *52 USC § 21081*.
- D. Enter a declaratory judgment order against Defendant declaring the certification of the ES&S EVS 5.2.0.0 voting system violates COMAR 33.09.03.05.
- E. Enter a declaratory judgment order against Defendant declaring they failed to decertify a voting system that did not protect the secrecy of the ballot and security of the voting process, thus violating Maryland. Code, Elec. Law § 9-103.
- F. Enter a declaratory judgment order against Defendant declaring it did not properly comply with Md. Code, Gen. Provisions § 4-103, The Election Law of the Annotated Code of Maryland § 9-102(d), COMAR 33.09.02.07, and COMAR 33.10.01.03. in refusing to produce election-related documents requested through PIA requests.
- G. Enter a declaratory judgment order against Defendant declaring the configuration of the voting systems did not comply with *52 USC § 21081(a)(1)(A)(ii)*.
- H. Grant such other and further relief as the nature of this cause may require.

COUNT II

Injunction

~~164.195.~~ Plaintiffs incorporates by reference and realleges the averments of paragraphs 1 through ~~194~~~~163~~.

~~165.196.~~ There is a balancing test that courts typically employ in determining whether to issue an injunction. To seek a permanent injunction, the plaintiff must pass the four-step test: (1) that the plaintiff has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for the injury; (3) that the remedy in equity is warranted upon consideration of the balance of hardships between the plaintiff and defendant; and (4) that the permanent injunction being sought would not hurt public interest. See, e.g., *Weinberger v. Romero—Barcelo*, 456 U.S. 305, 311–313, 102 S.Ct. 1798, 72 L.Ed.2d 91 (1982); *Amoco Production Co. v. Gambell*, 480 U.S. 531, 542, 107 S.Ct. 1396, 94 L.Ed.2d 542 (1987).

~~166.197.~~ Plaintiffs, as Maryland voters and interested citizens with standing, have been irreparably injured by the voting systems currently in use in Maryland and the MDSBE. Plaintiffs allege that voter rolls are highly inaccurate, error rates on the voting systems exceed the maximum allowable error rates, voting systems were not certified correctly, machines have been used that have VOID EAC certifications, large numbers of blank ballots were cast, and the MDSBE is unlawfully withholding evidence of such. This has caused abridgement to their right to vote “[a]nd the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise” *Reynolds v. Sims*, (377 U.S. 533). The right to vote is paramount “[e]specially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged

infringement of the right of citizens to vote must be carefully and meticulously scrutinized.” *Reynolds v. Sims*, 377 U.S. 533 (1964). Inaccurate voter registration practices have led to voting system error rates well above the statutory threshold causing dilution of eligible voter’s votes. Use of the ES&S Voting Systems in a noncompliant manner has resulted in dilution of Plaintiff’s votes and has resulted in an impaired election process resulting in concrete harm to Plaintiff’s rights to vote. Denial of Plaintiff’s PIA requests resulted in Plaintiffs not being able to access information in which they are entitled.

~~167.198.~~ The remedies available at law are wholly inadequate to compensate Plaintiffs for the injuries to their right to vote in a free and unimpaired manner and their statutory right to access public information.

~~168.199.~~ Plaintiffs’ harms are to basic rights and the interests are clear whereas Defendant’s interest in using the ES&S voting system is simply for ease of use, despite the inaccuracies and deficiencies. Defendants have no interest in failing to keep accurate voter rolls. Defendants’ interest in not fulfilling PIA requests is unknown. Any abridgment to the right to vote needs to be meticulously scrutinized and this weighs in favor of Plaintiffs.

~~169.200.~~ This injunction is necessary for public interest as it would notify millions of Maryland voters their rights are being abridged, and that they will no longer be, thus restoring trust in the voting process. Also, it would definitively give Marylander’s access to certain public information, rather than the illusion of having access.

~~170.201.~~ The Defendant failed to follow the statutory scheme requiring them to provide accurate and current voter rolls. The Defendant should be mandated to cure and address any discrepancies in the voter rolls; ensure votes counted are from qualified citizen voters; ensure the number of votes counted is equal to the number of voters who voted; adhere to

the accuracy requirements for federal elections; and ensure systems, machines, security measures, procedures, infrastructure, policy, and conduct are compliant with the law regarding certification, testing, operational validation, and operational implementation.

~~171.202.~~ The error rates of the voting system in place in the 2020 and 2022 General Election greatly exceeded the maximum acceptable error rate. The Defendant should be mandated to decertify the machines used in the 2020 and 2022 General Election in Maryland and enjoined from using them in subsequent elections.

~~172.203.~~ The Defendant failed to follow the statutory scheme put in place by the state of Maryland which details the procedure to be followed in certifying voting systems. The nonadherence to the statutory scheme creates grounds for the decertification of the voting system ES&S EVS 5.2.0.0. Defendant should be mandated to decertify the voting system ES&S EVS 5.2.0.0 and enjoined from using it in subsequent elections.

~~173.204.~~ The Defendant failed to follow the statutory scheme requiring them to protect the secrecy and security of an election. The Defendant should be mandated to decertify the voting system ES&S EVS 5.2.0.3 and enjoined from using it in subsequent elections.

~~174.205.~~ The Defendant failed to produce requested documents in response to numerous PIA requests. The Defendant should be mandated to produce, including but not limited to, audit logs, system logs, error logs, configuration reports, etc. of voting systems.

~~175.206.~~ The Defendant failed to allow voters the opportunity to change their ballot or correct any error before the ballot is cast. The Defendant should be mandated to configure voting machines to notify voters they are casting blank ballots, overvotes, and undervotes instead of automatically accepting them.

~~176:207.~~ The Defendant has shown willful and gross negligence in assuring the system of processes, procedures, human conduct and machines are unable to produce reliable, accurate or compliant measurements of voter intent. The Defendant should be mandated to fix the entire voting system to ensure legal compliance and required functionality. Further, the Defendant should implement a system of comprehensive testing, monitoring and auditing by a certified and accredited independent auditor to ensure the repaired system functions as required. If the electoral process cannot be proven to be accurate and compliant, the election shall not be certified, and a special election shall be held within 30 days correcting any deficits in conduct.

~~177:208.~~ The Defendant has flaunted the Constitutional requirement to only allow known citizens eligible to vote, to vote. Registrations, mail-in and in person voting must be required to prove identity, eligibility, and citizenship.

~~178:209.~~ Since it is impossible to guarantee that ballots mailed in are not tampered with or lost in transit, the Defendant should be ordered to implement a tracking system first from the printer to the voter, and then from the voter to the tabulator, so that no ballots are lost or tampered with or destroyed. In such cases the voter must be actively notified their ballot is lost and given a chance to submit a new ballot.

~~179:210.~~ Since a large number of unexplained blank ballots have been registered, and a larger number of votes were counted than voters that were counted as having voted, the Defendant shall be ordered to implement control mechanisms to insure chain of custody of all ballots is maintained, and forgery protection at least equal to financial security standards with bonds and currency are maintained on ballots and with ballot handling.

~~180.211.~~ As demonstrated by irrefutable statistics, the Defendant has lost control of the voting system. The Defendant should be mandated to use comprehensive batch control systems, as in the financial industry with item processing.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

- A. Issue an injunction mandating Defendant update and keep accurate the voter rolls in Maryland as well as address the discrepancies previously shown.
- B. Issue an injunction enjoining Defendant from administering or certifying any election wherein the voter registration database is not certified to contain only qualified citizen voters, with compliant registration records.
- C. Issue an injunction enjoining Defendant from administering or certifying any election where the entire voting system, from the qualified voters' hands to the tabulated count, is not provably secure and compliant.
- D. Issue an injunction enjoining Defendant from administering or certifying any election wherein all system steps and all components thereof are not fully auditable on a transaction/action by action basis.
- E. Issue an injunction enjoining Defendant from administering or certifying any election wherein the entire system is not monitored effectively to detect real time variances from legal conduct.
- F. Issue an injunction enjoining Defendant from administering or certifying any election wherein the entire system is not open and transparent for auditing by trusted parties outside the control of the state election boards and state executives, from qualified voters' hands to the certified count.

- G. Issue an injunction enjoining Defendant from certifying any election wherein the results do not accurately and provably reflect voter intent, individually and collectively, in compliance with the law.
- H. Issue an injunction enjoining Defendant from using the voting systems used in the 2020 and 2022 General Elections in future elections in Maryland due to the exceptionally high error rates and mandating the decertification of the system or systems.
- I. Issue an injunction enjoining Defendant from using the ES&S EVS 5.2.0.0 voting system in future elections in Maryland and mandating the decertification of the system.
- J. Issue an injunction enjoining Defendant from using the ES&S EVS 5.2.0.3 voting system in future elections in Maryland and mandating the decertification of the system.
- K. Issue an injunction mandating Defendant comply with PIA requests for, including but not limited to, audit logs, system logs, error logs, configuration reports, etc. of voting systems.
- L. Issue an injunction mandating Defendant to program voting machines to query voters in the case they are attempting to cast a blank ballot, undervote, or overvote instead of automatically accepting such ballots.
- M. Establish a Special Master to guide the Maryland State Board of Elections to institute change prior to the November 2024 election and subject to the approval of this court to:
 - i. Insure we know who is voting and that each voter is provably a U.S. citizen.

- ii. Insure that the entire system from the Voter's hands to the tabulated count is provably secure including ballots from printer to storage.
- iii. Insure that all system steps and all components thereof are fully auditable on a transaction/action by action basis.
- iv. Implement a monitoring system able to effectively detect real-time variances from legal conduct.
- v. Implement a system that allows end to end insured and certified audits by trusted parties outside the control of the State Election bureaucrats and executives, from the voters' hands to the certified count. Such audits to be paid for by the State. Such audits will be done at sufficient scale to prove the intent of the voters was determined accurately and in compliance with the law.
- vi. Prevent elections from being certified that are unable to prove they accurately determine voter intent; individually and collectively, in compliance with the law.

N. Plaintiffs' reasonable costs of bringing this action pursuant to 42 U.S. Code § 1988(b).

N.O. Grant such other and further relief as the nature of this cause may require.

Count III

Writ of Mandamus

212. Plaintiffs incorporates by reference and realleges the averments of paragraphs 1 through 211.

213. This complaint also seeks a writ of mandamus under 28 U.S.C. § 1361. According to the U.S. Department of Justice, Mandamus is an extraordinary remedy, which should only be used in exceptional circumstances of peculiar emergency or public importance. LaBuy v. Howes Leather Co., 352 U.S. 249 (1957); United States v. McGarr, 461 F.2d 1 (7th Cir. 1972).

214. The NVRA concluded voting is a fundamental right and it is the duty of the government to promote exercise of that right.

215. HAVA creates error rate standards that are designed to limit the errors of voting machines in counting votes, and even sets forth a maximum allowable error rate, imposing a duty on State and local governments to limit errors to a statutory threshold. 52 USC § 21081(a)(5)

216. This is undoubtedly intended to protect citizens' right to vote in a free and unimpaired manner, absent of errors.

217. Further a writ of mandamus is "a personal action, and it rests upon the averred and assumed fact that the defendant has neglected or refused to perform a personal duty, to the performance of which by him the relator has a clear right." United States ex rel. Bernardin v. Butterworth, 169 U.S. 600, 602-603 (1898).

218. The defendant has neglected to follow provisions of the NVRA, which was enacted to promote citizens' fundamental right to vote and HAVA which includes mandatory voting system requirements.

219. Plaintiffs have a clear right to vote.

220. The primary election is set for May 14, 2024 and the General Election is set for November 5, 2024.

221. This situation constitutes a peculiar emergency as the Primary and General elections are fast approaching.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

A. Issue a writ of mandamus compelling Defendant to comply with their duty under

NVRA to update and keep accurate the voter rolls in Maryland as well as address the discrepancies previously shown, to promote Plaintiffs' fundamental right to vote.

B. Issue a writ of mandamus compelling Defendant to comply with their duty under

HAVA to keep the error rates of voting machines below the maximum allowable error rate, to promote Plaintiffs' fundamental right to vote.

C. Issue a writ of mandamus compelling Defendant to comply with their duty under

HAVA to allow voters an opportunity to correct errors on their ballot before casting the ballot, to promote Plaintiffs' fundamental right to vote.

Respectfully submitted,

HARTMAN, Attorneys at Law

Date: ~~April 8~~~~March 5~~, 2024

By: /s/ C. Edward Hartman, III
C. Edward Hartman, III, No. 07716
116 Defense Highway, Suite 300
Annapolis, Maryland 21401-8962
Telephone: (410) 266-3232
Facsimile: (410) 266-5561
Email: Ed@Hartman.law
Attorneys for Plaintiff

AFFIDAVIT

I have personal knowledge of the facts alleged in this Complaint. Based on my personal knowledge I verify that the matters stated in this Complaint are true.

I declare under penalties of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: _____

**MEDIA CONTACT:**

Patriot Club America (PCA)
 Kate Sullivan, PCA Media and Community Action
Media@patriotclubusa.com

Republican Women of Baltimore County (RWBC)
 Jolie McShane RWBC President
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The Patriot Club of America, Republican Women of Baltimore County, and Maryland Voter Integrity Group Demand State and Local Board of Election Members Uphold Their Affirmative Duty to Maintain Accurate Maryland State Voter Registration Records

Response to Legislative Auditor's report for the period from December 3, 2018, through July 31, 2022

TOWSON, MD – November 8, 2023 – The Patriot Club of America, Republican Women of Baltimore County, and Maryland Voter Integrity Group demand further clarity, transparency, and action to result from the Legislative Audit Report dated October 2023. We want to thank the Joint Audit and Evaluation Committee for performing the audit on this very important matter however, based on findings from an independent analysis of the official Maryland State voter registrations records (MDVOTER), the report appears to be incomplete.

- The Legislative Audit Report dated October 2023 disclosed 327 potential duplicate records. The SBE Agency Response, found in exhibit B, did not dispute inaccuracies were found, but rather, disputed the report's findings of 327 duplicate voters claiming instead the number of duplicate voters on record is 268.
- Our independent analysis of the MDVOTER found that number to be more than 3x higher at 1021 duplicate records.

Additionally, notably missing from the report for which data is readily available and easily verified* are the following findings:

- 8455 registered voters who do not have verified mailing addresses.
- 831 registered voters who list a UPS, Fed Ex, or P.O. Box mailing address.
- 177 individuals under the age of 18 who voted within the same timeframe delineated by the audit report.
- 6588 individuals who voted before they registered in Federal elections within the same timeframe delineated by the audit report.

**Complete report is available upon request*

Pursuant to Maryland Election Law Article §3-505(b)(1) and §3-505(c)(1) and the Federal National Voter Registration Act of 1993 Section 2(b)(4), **State and Local Board of Election Members have an affirmative duty to maintain the accuracy of our voter registration records (MDVOTERS).**

The Help America Vote Act Title 52 USC Ch 209 Sec. 21081 Voting systems standards states, "The error rate of the voting system in counting ballots ... shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission" which is 1/125,000 allowable errors in our Federal elections.

In the most recent 2022 election, according to the Official Turnout report dated December 8, 2022, there were 2,031,635 recorded votes. Therefore, the highest number of "allowable errors" is 16. We have reason to believe the 2022 error rate was in excess of this rate and we welcome the State Board of Elections to respond to this claim.

The Voting rights act of 1965 informs us "the right of suffrage is the first and primary right from which all other rights ensue." We must demand accuracy in our voter rolls in order to ensure our election process yields accurate results and is properly protected from fraudulent voting or votes in error.

Without accurate voter registration records, we cannot conduct accurate elections; without accurate elections, the people's voices are not represented.

In accordance with Maryland Election Law, the State Board of Election is to provide the essential evidence demonstrating the resolution of the errors highlighted in this release. Additionally, we call for a comprehensive review of their existing voter registration maintenance practices and protocols by December 31, 2023 in preparation for the 2024 primary elections.

We look forward to the Joint Audit and Evaluation Committee's response so that we may find resolution in these matters of supreme importance to the accuracy of our elections.

About Patriot Club of America

Patriot Club of America is a community of individuals who prioritize traditional values and the well-being of our country.

About Republican Women of Baltimore County

Republican Women of Baltimore County (RWBC) is a politically active group of conservative women. "The truth is like a lion; you don't have to defend it. Set it free; it will defend itself."

About The 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 www.mdvoter.org and the organization's [Facebook page](#).

**BALTIMORE COUNTY BOARD OF ELECTIONS ANOMALIES FOR CONSIDERATION
BASED ON STATE OF MARYLAND VOTER REGISTRATION DATA**

[Sourced Data Documents available upon request]

1. VOTE POST REGISTRATION

Voted in 11/3/2020 election and registered after 11/3/2020

- State: 13,032 (11/4/2020 – 11/12/2021)
- Baltimore County: 1,772 (11/4/2020 – 7/1/2021)

Can you explain how there were this many registrations after they voted?

Explanation: Provisional Ballots. When someone votes provisionally (there is a list of 15 or so conditions upon which someone may vote provisionally) the vote is entered into the system provisionally while the system checks for the validity of the vote (identity, residency, etc). Once verified, that is the date their registration becomes complete which is clearly after the date they are in the system as having voted.

2. DUPLICATE VOTERS/ADDRESSES

Voted in 11/3/2020 election with duplicate address and Date Of Birth (DOB)

- State: 10,813
- Baltimore County: 1,487

Can you explain what is done to validate that these voters with the same address and DOB are not duplicates?

Voted in 11/3/2020 election with duplicate address and full name (first, middle, last, and suffix)

- State: 758
- Baltimore County: 128

Can you explain? What is done to validate that these voters with the same name are not duplicates?

Explanation: BOE is aware of these numbers and has a system of checks and balances to verify each and every vote which includes:

1. *Computer system identifies duplicate voters*
2. *"Hit" triggers Maryland State Election Board to conduct a post vote investigation via phone calls to verify.*

3. *If phone call does not match, authorities are called in.*

Follow up Question: Where are the results of these investigations quantified and documented?

3. OUT OF STATE MAILING ADDRESS

Voted in 11/3/2020 election with out of state mailing address

- State: 19,109
- Baltimore County: 2,035

What has been done to determine that they are not registered and/or voted in another state? We have found numerous occurrences where voters are registered AND voters have voted in other states.

Explanation: *Maryland is a part of ERIC (Electronic Information Registration Center) a non-profit organization with the sole mission of assisting states to improve the accuracy of America's voter rolls and increase access to voter registration for all eligible citizens. The Maryland State Election Board is continuously reviewing potential duplicate registrations and clearing them off the rolls. 8000+ records were fixed after the 2020 election.*

Follow up Question: Where can we view proof of these 8000+ corrected records?

4. MULTI-FAMILY RESIDENCE VOTER

Between six and fifteen residents who voted in the 11/3/2020 election from the same address

- State: 5,334
- Baltimore County: 552

What is done to evaluate the makeup of a residence prior to approving a voter's registration?

Explanation: *Same process outlined in question 2*

Follow up Question: Where are the results of these investigations quantified and documented?

5. INACTIVE/ACTIVE VOTERS

Active 11/3/2020 and are marked as Inactive in 12/2021

- State: 51,651

- Baltimore County: 4, 820

What are potential reasons for making a voter inactive that voted in the last election?

Explanation: *Explanation unclear. Circled back to Bruce for further explanation.*

Inactive Voters to Active (2008,2012,2016 no vote...2020 voted)

- Baltimore County: 47,045

What is the process for verifying voter rolls?

Explanation: A registration is changed to "Inactive" if a voter doesn't vote for two Federal elections. Post cards are mailed with the expectation that the voter will respond. No response will result in the voter being taken off the voter roll. Every attempt is made to contact and verify voter before taking them off the rolls. If by end of year, no response, the voter is taken off the rolls. State is very reluctant to take voters off the roll.

Follow up Question: Where are the results of these investigations quantified and documented?

6. DEAD VOTERS

Voted in 11/3/2020 election and was over 100 years old

- State: 3,406
- Baltimore County: 216

What is the process to determine if the very elderly voters are still alive AND mentally competent to vote?

Explanation: Just before 2020 Maryland Department of Health tightened up their relationship with the BOE. BOE receives a monthly report from Department of Health Vital Records to match and remove dead voters. As well, there is a specific point person in charge of verifying nursing home data.

Follow up Question: Where are the results of these investigations quantified and documented?

7. BAD REGISTRATIONS

We have detected voters who voted in the 11/3/2020 election that are registered at post office boxes, other mail box locations, and storage units. Some of the box

numbers are listed as units or suites that show intent. More voters than beds in nursing homes, etc.

What is done to validate the address when approving a voter's registration?

Explanation: *Same processes outlined in question 2*

Follow up Question: Where are the results of these investigations quantified and documented?

8. LEGAL RESIDENCY VOTING

***How do we ensure only legal residents are voting & not non-citizens?
The only way I know to check this is see who was called for Jury Duty but
couldn't serve because they are not US citizens.***

Explanation: *BOE works closely with MVA and Courts to determine potential illegal voter registration.*

Follow up Question: Where are the results of these investigations quantified and documented?

9. REGISTRATION CHANGES

I have several friends who have switched from I to R, received email confirmation process was complete but when official card was received, the registration had not indeed changed

This is an ongoing issue I have been dealing with as recently as last week (i.e. Tony DeCesare)

***What assurances can you give me that these issues are being resolved?
If they are not resolved, I'd like to know what happens when we show up on June
28th and the voter disputes the party we have on record for them.***

Explanation: *Baltimore County BOE has had an interim Director of Elections for the past 2 months. A new director, Ruie Lavoie, was just hired. I have requested a meeting with Ruie offer my feedback on the user experience with registrations. Tony De Cesare will attend meeting with me.*

In the event someone shows up and there is conflicting data regarding a voter registration status, the voter will be allowed to vote provisionally. It is also strongly recommended one show up with your voter registration card to prove your registration status.

tabbles

ADMINISTRATIVE

This form may be used by any person alleging a violation of the Help America Vote Act.

PLEASE PRINT ALL INFORMATION

Name of Complainant JEAN M. BENDHOFF
Street Address 14224 SALMUL COURT State MD
City PHOENIX
Daytime Phone Number 410-746-3473 Fax Number
E-mail Address jmberhoff@gmail.com

Section of Title III of the Help America Vote Act allegedly violated: VOTE INACCURACY
Please explain the basis for your complaint. If necessary, attach additional sheets.

- 1. MARYLAND PRIMARY JULY 19, 2022 ACTUAL ELECTION DATA HAD VOTES DECLINE AT TIMES WHILE ALL CANDIDATES VOTE TALLIES MOVED LIKE SYNCHRONIZED SWIMMERS
- 2. FACT 1: MARYLAND BOE 2022 PRIMARY DATA ILLUSTRATES 2,789 MORE VOTES THAN 2022 BALTIMORE COUNTY BOE OFFICIAL/CERTIFIED RESULTS.
- FACT 2: MARYLAND STATE BOARD OF ELECTION OFFICIAL OVER-VOTE AND UNDER-VOTE COUNTS DO NOT EQUAL OR IN ANY WAY JUSTIFY THE MD BOE VOTE DISCREPANCIES.

Date alleged violation occurred: JULY 19, 2022
PLEASE REFER TO ATTACHED ADDENDUM A.
Would you like the State Board of Elections to conduct a hearing on the record? Yes No

Jean M. Bendhoff
Signature of Complainant

11/7/2022
Date

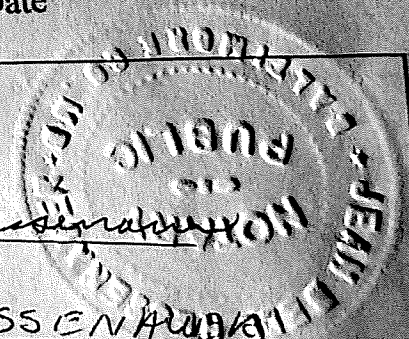
County/City of: Baltimore, Maryland

Sworn and subscribed to before me this 7th day of Nov., 2022

Jean Bell Hessenauer
Signature of Notary Public

JEAN BELL HESSEN AUER
Printed Name of Notary Public

My Commission expires January 9, 2025



HAVA COMPLAINT: ADDENDUM A: Clean and Transparent Elections Matter

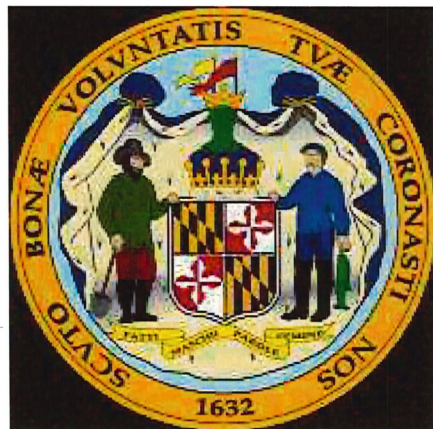
*Let each citizen remember
at the moment he is offering
his vote... that he is executing
one of the most solemn
trusts in human society for
which he is accountable to
God and his country.*

Founding Father Samuel Adams, 1781



*“We Have the Most Extensive and Inclusive Voter Fraud
Organization.” Oct. 25, 2020 Candidate Joe Biden*

*“It’s not who can vote, but who gets to count the vote.
Who counts the vote—that’s what this is about.” Jan. 20,
2021 President Joe Biden*



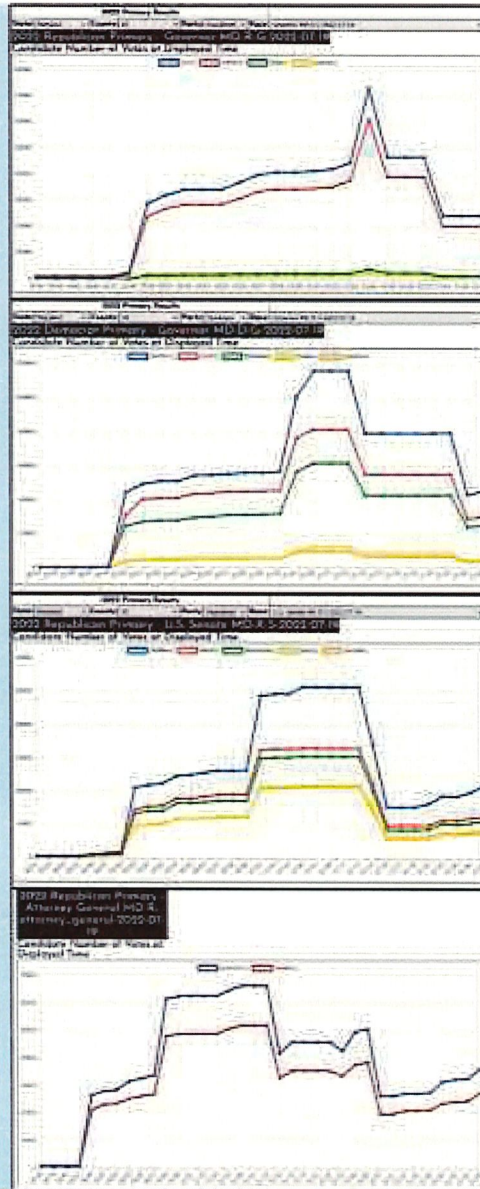
Maryland Primary July 19, 2022 Actual Election Data

Why seemingly did vote count manipulation occur?

Coming into Edison Data on Election Night

These are the raw votes coming in via Edison Data:

- 1) Why is everything moving like synchronized swimmers?
- 2) Why are votes going down at times (that should NEVER HAPPEN IN AN ELECTION.)



FACT 1: The Maryland State Board of Election 2022 official Baltimore County vote counts disagree with the Certified Baltimore County Board of Election results.

Data Source: 8/19/22 Maryland State Board of Election
 Voter Info and Voter History Snapshot:

party	count
DEM	97480
GRN	20
LIB	52
OAL	1
OBAR	4
OCS	1
OIN	37
OPE	1
OTH	69
REP	38706
UNA	2303
WCP	22

State of Maryland BOE Data illustrates 2,789 more 2022 Baltimore County Primary Votes than 2022 Baltimore County BOE Official/Certified Results. Errors in Vote Counts suggest Voter Fraud.

Office Name	Office District	Candidate Name	Party	Winner	Early Votes	Election Night Votes	Mail-In Ballot 1 Votes	Provisional Votes	Mail-In Ballot 2 Votes	Total Votes	
Governor / Lt. Governor		Dan Cox and Gordana Schifanelli	REP	Y	3377	11824	1963	582	383	18129	
Governor / Lt. Governor		Robin Ficker and LeRoy F. Yegge, Jr.	REP		138	353	247	60	44	842	
Governor / Lt. Governor		Kelly Schulz and Jeff Woolford	REP		3106	9623	3924	911	683	18247	
Governor / Lt. Governor		Joe Werner and Minh Thanh Luong	REP		91	299	174	55	30	649	37867

Republican Votes Note: 38,706 (MD State) = 37,867 (BC results) votes is 839 Vote Difference.
https://elections.maryland.gov/elections/2022/election_data/GP22_03RepublicanResults.csv

Office Name	Office District	Candidate Name	Party	Winner	Early Votes	Election Night	Mail-In Ballot	Provisional V	Mail-In Ballot	Total Votes	
Governor / Lt. Governor		Rushern L. Baker, I	DEM		219	591	505	81	25	1421	
Governor / Lt. Governor		Jon Baron and Nat	DEM		205	615	486	61	32	1399	
Governor / Lt. Governor		Peter Franchot and	DEM		4948	8809	11533	1081	578	26949	
Governor / Lt. Governor		Douglas F. Gansler	DEM		553	1392	1735	161	80	3921	
Governor / Lt. Governor		Ralph W. Jaffe and	DEM		81	195	171	22	14	483	
Governor / Lt. Governor		Ashwani Jain and I	DEM		194	619	547	67	29	1456	
Governor / Lt. Governor		John King and Mich	DEM		315	879	836	92	28	2150	
Governor / Lt. Governor		Wes Moore and Ar	DEM	Y	6910	14357	10079	1304	486	33136	
Governor / Lt. Governor		Tom Perez and Sha	DEM		4086	8159	10467	923	417	24052	
Governor / Lt. Governor		Jerome M. Segal a	DEM		104	273	150	20	16	563	95530

Democrat Votes Note: 97,480 (MD State) = 95,530 (BC results) votes is 1,950 Vote Difference
https://elections.maryland.gov/elections/2022/election_data/GP22_03DemocraticResults.csv

FACT 2: The Maryland State Board of Election official Over-Vote and Under-Vote counts do NOT equal or justify the MD BOE vote discrepancies.

Source: 8/19/2022 Maryland State Board of Election Voter Info and Voter History Snapshot

Data Source: 8/19/22 Maryland State Board of Election Voter Info and Voter History Snapshot:

party	count
DEM	97480
GRN	20
LIB	52
OAL	1
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OCS	1
OIN	37
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OTH	69
REP	38706
UNA	2303
WCP	22

State of Maryland BOE Data Illustrates 2,789 more 2022 Baltimore County Primary Votes than 2022 Baltimore County BOE Official/Certified Results. Errors in Vote Counts suggest Voter Fraud.

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https://elections.maryland.gov/elections/2022/election_data/GP22_03RepublicanResults.csv

Republican Votes Note: 38,706 (MD State) = 37,867 (BC results) votes is 839 Vote Difference.

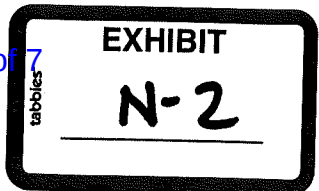
Republican Over Votes:76 and Under Votes: 898

Office Name	Office District	Candidate Name	Party	Winner	Early Votes	Election Night	Mail-In Ballot	Provisional V	Mail-In Ballot	Total Votes	
Governor / Lt. Governor		Rushern L. Baker, I	DEM		219	591	505	81	25	1421	
Governor / Lt. Governor		Jon Baron and Nat	DEM		205	615	486	61	32	1399	
Governor / Lt. Governor		Peter Franchot and	DEM		4948	8809	11533	1081	578	26949	
Governor / Lt. Governor		Douglas F. Gansler	DEM		553	1392	1735	161	80	3921	
Governor / Lt. Governor		Ralph W. Jaffe and	DEM		81	195	171	22	14	483	
Governor / Lt. Governor		Ashwani Jain and L	DEM		194	619	547	67	29	1456	
Governor / Lt. Governor		John King and Mich	DEM		315	879	836	92	28	2150	
Governor / Lt. Governor		Wes Moore and Ar	DEM	Y	6910	14357	10079	1304	486	33136	
Governor / Lt. Governor		Tom Perez and She	DEM		4086	8159	10467	923	417	24052	
Governor / Lt. Governor		Jerome M. Segal a	DEM		104	273	150	20	16	563	95530

https://elections.maryland.gov/elections/2022/election_data/GP22_03DemocraticResults.csv

Democrat Vote Note: 97,480 (MD State) = 95,530 (BC results) votes is 1,950 Vote Difference.

Democrat Over Votes: 268 and Under Votes: 898



Ballots Cast by Precinct/Party
UNOFFICIAL RESULTS

Gubernatorial General Election

Baltimore County, Maryland
November, 8 2022

RUN DATE:11/21/22 10:45 AM
REPORT-EL52 PAGE 0001

	TOTAL	PERCENT	
01 = REGISTERED VOTERS - TOTAL	563,463		03 = BALLOTS
CAST - BLANK	19,678		
02 = BALLOTS CAST - TOTAL	277,788		04 = VOTER
TURNOUT - TOTAL	49.30		
	01	02	03
0101 001-001	2823	1856	. 813 65.75
0102 001-002	1639	. 687	. 50 41.92
0103 001-003	3652	1881	. 105 51.51
0104 001-004	3440	1581	. 110 45.96
0105 001-005	3877	1709	. 132 44.08
0106 001-006	3880	1645	. 78 42.40
0107 001-007	2105	. 959	. 64 45.56
0108 001-008	3899	2011	. 144 51.58
0109 001-009	2351	1120	. 71 47.64
0110 001-010	2353	1558	. 72 66.21
0111 001-011	2699	1492	. 110 55.28
0112 001-012	4149	2693	. 148 64.91
0113 001-013	1735	1149	. 40 66.22
0114 001-014	2014	1305	. 91 64.80
0115 001-015	1691	. 969	. 49 57.30
0116 001-016	2279	1637	. 236 71.83
0117 001-017	4257	1672	. 80 39.28
0118 001-018	251	. 73	. . 8 29.08
0119 001-019	88	. 52	. . 2 59.09
0120 001-020	1262	. 676	. 38 53.57
0121 001-021	1325	. 594	. 31 44.83
0122 001-022	50	. 32	. . 4 64.00
0123 001-023	2143	1106	. 57 51.61
0201 002-001	1713	. 858	. 47 50.09
0202 002-002	3331	1415	. 88 42.48
0203 002-003	343	. 153	. . 4 44.61
0204 002-004	3216	1434	. 111 44.59
0205 002-005	2202	. 992	. 58 45.05
0206 002-006	3503	1655	. 105 47.25
0207 002-007	1809	. 695	. 42 38.42
0208 002-008	3106	1768	. 78 56.92
0209 002-009	2199	. 907	. 60 41.25
0210 002-010	4154	1977	. 104 47.59
0211 002-011	4129	1412	. 113 34.20

0212	002-012	4650	2033	. 137	43.72
0213	002-013	3522	1702	. 99	48.32
0214	002-014	3970	1931	. 89	48.64
0215	002-015	4850	2367	. 116	48.80
0216	002-016	1576	. 805	. 28	51.08
0217	002-017	3006	1327	. 68	44.15
0218	002-018	1372	. 802	. 40	58.45
0219	002-019	1104	. 643	. 45	58.24
0220	002-020	944	. 530	. 38	56.14
0221	002-021	1100	. 647	. 42	58.82
0222	002-022	2248	. 995	. 61	44.26
0223	002-023	718	. 335	. 37	46.66
0224	002-024	2728	1342	. 81	49.19
0225	002-025	311	. 236	. 25	75.88
0226	002-026	2226	1174	. 55	52.74
0227	002-027	2322	1145	. 54	49.31
0228	002-028	505	. 232	. 19	45.94
0229	002-029	2857	1338	. 54	46.83
0230	002-030	433	. 272	. . 9	62.82
0301	003-001	3735	1878	. 133	50.28
0302	003-002	2531	1051	. 131	41.53
0303	003-003	2524	1271	. 79	50.36

Ballots Cast by Precinct/Party
UNOFFICIAL RESULTS

Gubernatorial General Election
Baltimore County, Maryland
November, 8 2022

RUN DATE:11/21/22 10:45 AM
REPORT-EL52 PAGE 0002

	TOTAL	PERCENT	TOTAL	PERCENT
01 = REGISTERED VOTERS - TOTAL			563,463	
CAST - BLANK	19,678			
02 = BALLOTS CAST - TOTAL			277,788	
TURNOUT - TOTAL		49.30		

03 = BALLOTS
04 = VOTER

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03	04
0304	003-004	1811	. 944	. 38 52.13
0305	003-005	3020	1642	. 162 54.37
0306	003-006	2780	1649	. 123 59.32
0307	003-007	4316	2214	. 327 51.30
0308	003-008	3011	1729	. 132 57.42
0309	003-009	3593	1802	. 163 50.15
0310	003-010	2651	1660	. 124 62.62
0311	003-011	2944	1774	. 168 60.26
0312	003-012	3486	1445	. 63 41.45
0313	003-013	2455	1463	. 77 59.59
0314	003-014	1407	. 687	. 116 48.83
0401	004-001	3339	1496	. 48 44.80
0402	004-002	3361	1442	. 80 42.90

0403 004-003	725	.	391	.	21	53.93
0404 004-004	3951		2097	.	120	53.08
0405 004-005	2557		1078	.	50	42.16
0406 004-006	2858		1122	.	59	39.26
0407 004-007	2602		1526	.	119	58.65
0408 004-008	3695		1855	.	113	50.20
0409 004-009	1856		1011	.	70	54.47
0410 004-010	4074		1753	.	140	43.03
0411 004-011	482	.	265	.	19	54.98
0412 004-012	4938		2476	.	132	50.14
0413 004-013	3416		1986	.	150	58.14
0414 004-014	2844		1009	.	59	35.48
0415 004-015	162	.	71	.	3	43.83
0416 004-016	122	.	74	.	12	60.66
0501 005-001	3647		2216	.	121	60.76
0601 006-001	2204		1297	.	71	58.85
0602 006-002	2446		1444	.	120	59.04
0701 007-001	3144		1908	.	109	60.69
0702 007-002	1205	.	779	.	26	64.65
0703 007-003	2660		1661	.	88	62.44
0801 008-001	2722		1667	.	109	61.24
0802 008-002	2139		1482	.	145	69.28
0803 008-003	2995		1679	.	92	56.06
0804 008-004	2207		1367	.	69	61.94
0805 008-005	657	.	420	.	67	63.93
0806 008-006	4826		1512	.	98	31.33
0807 008-007	1326	.	584	.	35	44.04
0808 008-008	2308		1302	.	70	56.41
0809 008-009	3076		1837	.	149	59.72
0810 008-010	2406		1509	.	105	62.72
0811 008-011	1481	.	770	.	42	51.99
0812 008-012	3029		1952	.	152	64.44
0813 008-013	2641		1650	.	94	62.48
0814 008-014	2545		1651	.	95	64.87
0815 008-015	194	.	112	.	4	57.73
0816 008-016	1780		1061	.	54	59.61
0817 008-017	2030		1312	.	64	64.63
0818 008-018	981	.	658	.	36	67.07
0819 008-019	2553		1519	.	140	59.50
0820 008-020	1574	.	914	.	60	58.07
0821 008-021	678	.	411	.	16	60.62
0822 008-022	1484	.	944	.	78	63.61
0823 008-023	795	.	504	.	23	63.40
0824 008-024	1141	.	731	.	29	64.07

Ballots Cast by Precinct/Party
UNOFFICIAL RESULTS

Gubernatorial General Election

RUN DATE:11/21/22 10:45 AM

Baltimore County, Maryland
November, 8 2022

REPORT-EL52

PAGE 0003

	TOTAL	PERCENT	TOTAL	PERCENT
01 = REGISTERED VOTERS - TOTAL			563,463	
CAST - BLANK	19,678			
02 = BALLOTS CAST - TOTAL			277,788	
TURNOUT - TOTAL		49.30		

03 = BALLOTS
04 = VOTER

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03	04
0825 008-025	1770	1024	86	57.85
0826 008-026	289	116	8	40.14
0827 008-027	670	403	20	60.15
0828 008-028	418	246	20	58.85
0829 008-029	651	393	14	60.37
0901 009-001	2613	1656	127	63.38
0902 009-002	1285	805	70	62.65
0903 009-003	2830	1804	85	63.75
0904 009-004	632	411	25	65.03
0905 009-005	4477	2480	168	55.39
0906 009-006	2718	1321	119	48.60
0907 009-007	1651	1022	51	61.90
0908 009-008	2536	1651	125	65.10
0909 009-009	2045	1322	74	64.65
0910 009-010	1824	1068	103	58.55
0911 009-011	2506	1244	85	49.64
0912 009-012	1718	1105	51	64.32
0913 009-013	2505	1769	87	70.62
0914 009-014	2435	1549	79	63.61
0915 009-015	2834	1116	66	39.38
0916 009-016	1744	914	54	52.41
0917 009-017	1296	564	32	43.52
0918 009-018	2220	874	44	39.37
0919 009-019	2217	1004	73	45.29
0920 009-020	1771	652	35	36.82
0921 009-021	3332	1760	93	52.82
0922 009-022	3551	1533	110	43.17
0923 009-023	2242	1093	62	48.75
0924 009-024	4516	2333	136	51.66
0925 009-025	1487	673	47	45.26
0926 009-026	819	319	8	38.95
0927 009-027	1651	769	45	46.58
0928 009-028	2243	858	50	38.25
0929 009-029	2105	1336	80	63.47
0930 009-030	654	427	36	65.29
0931 009-031	584	364	25	62.33
1001 010-001	2767	1725	98	62.34
1002 010-002	1783	1153	56	64.67
1003 010-003	1573	1027	74	65.29
1004 010-004	2210	1476	87	66.79
1005 010-005	339	229	13	67.55

1006 010-006	633 . 360 . 18 56.87
1101 011-001	2141 1378 . 117 64.36
1102 011-002	2922 1885 . 125 64.51
1103 011-003	4193 2617 . 235 62.41
1104 011-004	2852 1377 . 88 48.28
1105 011-005	2599 1444 . 95 55.56
1106 011-006	1915 1090 . 103 56.92
1107 011-007	2532 1343 . 88 53.04
1108 011-008	3325 1668 . 130 50.17
1109 011-009	2567 1174 . 81 45.73
1110 011-010	2057 1001 . 59 48.66
1111 011-011	3508 1567 . 111 44.67
1112 011-012	3817 1982 . 163 51.93
1113 011-013	811 . 341 . 24 42.05
1114 011-014	2584 1519 . 112 58.78
1115 011-015	1825 1258 . 172 68.93

Ballots Cast by Precinct/Party

UNOFFICIAL RESULTS

Gubernatorial General Election

Baltimore County, Maryland

November, 8 2022

RUN DATE:11/21/22 10:45 AM

REPORT-EL52

PAGE 0004

	TOTAL	PERCENT	
01 = REGISTERED VOTERS - TOTAL		563,463	03 = BALLOTS
CAST - BLANK	19,678		
02 = BALLOTS CAST - TOTAL		277,788	04 = VOTER
TURNOUT - TOTAL		49.30	

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03	04
1116 011-016	1899 . 538 . 29 28.33			
1117 011-017	3192 1702 . 119 53.32			
1118 011-018	822 . 473 . 25 57.54			
1119 011-019	2297 1079 . 75 46.97			
1120 011-020	1296 . 682 . 46 52.62			
1121 011-021	667 . 248 . 14 37.18			
1122 011-022	4187 2344 . 238 55.98			
1123 011-023	551 . 344 . 18 62.43			
1124 011-024	361 . 159 . . 7 44.04			
1125 011-025	225 . 104 . . 7 46.22			
1126 011-026	321 . 205 . . 7 63.86			
1201 012-001	2049 . 703 . 68 34.31			
1202 012-002	2414 . 774 . 65 32.06			
1203 012-003	3049 1157 . 120 37.95			
1204 012-004	3521 1348 . 107 38.28			
1205 012-005	2728 1028 . 87 37.68			
1206 012-006	2627 . 791 . 46 30.11			
1207 012-007	3702 1389 . 108 37.52			
1208 012-008	2198 . 905 . 64 41.17			

1209 012-009	1099 . 358 . 24 32.58
1210 012-010	2352 . 920 . 58 39.12
1211 012-011	3258 1129 . 83 34.65
1212 012-012	2178 . 951 . 77 43.66
1213 012-013	1483 . 455 . 26 30.68
1301 013-001	2638 . 935 . 64 35.44
1302 013-002	2401 1181 . 92 49.19
1303 013-003	3968 2074 . 141 52.27
1304 013-004	1386 . 772 . 35 55.70
1305 013-005	2145 1028 . 53 47.93
1306 013-006	940 . 352 . 35 37.45
1307 013-007	1847 . 516 . 21 27.94
1308 013-008	1684 . 698 . 54 41.45
1309 013-009	3631 1079 . 86 29.72
1401 014-001	2099 1087 . 92 51.79
1402 014-002	2602 1358 . 92 52.19
1403 014-003	3947 1753 . 127 44.41
1404 014-004	1275 . 465 . 45 36.47
1405 014-005	1018 . 332 . 19 32.61
1406 014-006	3870 1917 . 147 49.53
1407 014-007	2454 1047 . 78 42.67
1408 014-008	2680 1155 . 59 43.10
1409 014-009	3892 1588 . 102 40.80
1410 014-010	3666 1668 . 178 45.50
1411 014-011	2126 . 682 . 36 32.08
1412 014-012	2080 1035 . 43 49.76
1413 014-013	2512 . 840 . 73 33.44
1501 015-001	1548 . 468 . 34 30.23
1502 015-002	2369 . 999 . 85 42.17
1503 015-003	2658 1197 . 139 45.03
1504 015-004	3425 1031 . 65 30.10
1505 015-005	4714 1635 . 114 34.68
1506 015-006	2452 1400 . 103 57.10
1507 015-007	3479 1213 . 103 34.87
1508 015-008	2696 1152 . 82 42.73
1509 015-009	1194 . 586 . 26 49.08
1510 015-010	2692 . 881 . 62 32.73
1511 015-011	2928 1009 . 76 34.46

Ballots Cast by Precinct/Party
UNOFFICIAL RESULTS

Gubernatorial General Election

Baltimore County, Maryland
November, 8 2022

RUN DATE:11/21/22 10:45 AM

REPORT-EL52

PAGE 0005

	TOTAL	PERCENT	
01 = REGISTERED VOTERS - TOTAL	563,463		03 = BALLOTS
CAST - BLANK	19,678		
02 = BALLOTS CAST - TOTAL	277,788		04 = VOTER
TURNOUT - TOTAL	49.30		

(CONTINUED FROM PREVIOUS PAGE)	01	02	03	04
1512 015-012	1986	. 853	. 69	42.95
1513 015-013	1645	. 754	. 78	45.84
1514 015-014	953	. 354	. 22	37.15
1515 015-015	2268	. 855	. 73	37.70
1516 015-016	2313	. 786	. 78	33.98
1517 015-017	3186	1035	. 85	32.49
1518 015-018	2381	1070	. 69	44.94
1519 015-019	3618	2065	. 106	57.08
1520 015-020	4055	1638	. 129	40.39
1521 015-021	4812	2194	. 174	45.59
1522 015-022	2720	1323	. 100	48.64
1523 015-023	3979	. 915	. 69	23.00
1524 015-024	889	. 461	. 34	51.86
1525 015-025	4436	2156	. 138	48.60
1526 015-026	1995	1168	. 81	58.55
1527 015-027	714	. 357	. 20	50.00

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