

# Maryland Primary Watch — 2008

Lessons Learned from  
the Maryland Primary Election, 2008

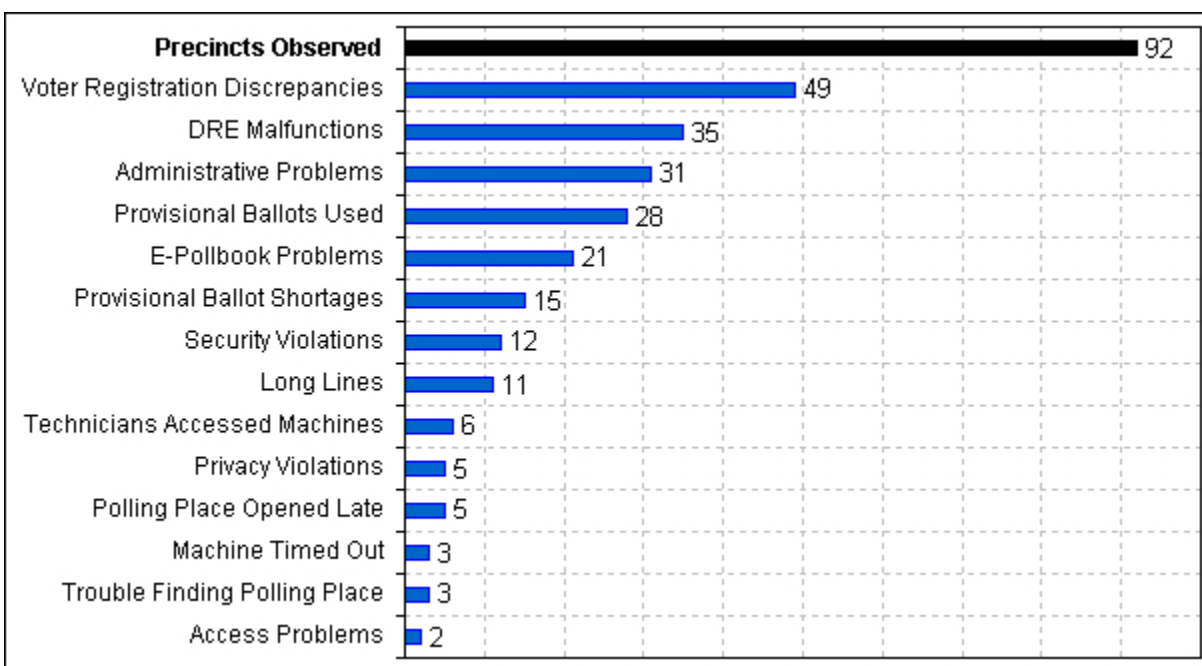
Information collected and reported by:  
SAVEourVOTES,  
(Secure, Accessible, Verifiable Elections for Maryland)  
VotersUnite.Org, & VoterAction



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VoterAction coordinated with the Maryland organization SAVEourVotes and VotersUnite.Org to survey poll watchers and election judges about the conduct of the February 12 primary. Election judges and poll watchers filed reports regarding a total of 92 precincts across the state, with the bulk of them in Congressional District 4, which was expected to be a close race in which the outcome had the potential to be affected by voting irregularities. These reports represent nearly half of the 179 precincts in that district. This document summarizes the findings in the reports.

The chart below shows fourteen categories in which problems were observed, and the number of reports in each category. Note that some respondents listed multiple problems.



## *Voter Registration Database Discrepancies*

The most prevalent problem involved discrepancies between the voter registration database and the claims made by voters. Thirty-six reports indicated that many voters believed they were registered with a party, but the database listed them as unaffiliated or, in some cases, registered with a different party.

For example, one respondent said:

“Chief Judge told me there were many, perhaps 30, voters who insisted they were registered Democrats, but e-pollbook said they were Republican or unaffiliated.”

In thirteen precincts, voters who claimed to be registered were not found in the database. Two reports point to severe flaws in the database, or in the operation of the e-pollbooks:

“Voter was not found in state search but claims to be registered. Voter's name only comes after it has been entered the third time.”

“3 voters who live in the neighborhood and have voted in that precinct for several years were not listed in the e-pollbooks. One had her voter registration confirmation card from 2006.”

When these problems occurred, the voters could only vote provisional ballots. The fact that provisional ballot issues were reported in 30% of the survey responses and shortages were reported in 16% of them illustrates the large numbers of voters who decided to vote in the Presidential Primary even though they had to vote on provisional ballots, which were unlikely to count.

### ***Malfunction of Voting Machines and/or Voter Access Cards***

Over a third of the reports listed problems with machines and/or voter access cards, which included:

- ◆ Flipping votes from one candidate to another.
- ◆ Failing to start up.
- ◆ Freezing.
- ◆ Shutting down unexpectedly.
- ◆ “Crashing” or “dying” because of power supply problems.
- ◆ Refusing to print zero tapes.
- ◆ Printing the wrong time on the zero tapes.
- ◆ Failing to read voter access cards.
- ◆ Failing to eject voter access cards.
- ◆ Voter access cards failing to accept data.

In one case: “The screen turned bright pink, but still worked fine, and no one complained.”

### ***Administrative Issues***

Problems with election administration procedures were reported in a third of the precincts. In some cases, voters’ rights were violated. The issues reported included:

- ◆ Elections judges being instructed to use machines whose tamper seals or locks were compromised.
- ◆ Violating voters’ privacy.
- ◆ Failing to print and/or sign zero tapes.
- ◆ Failing to post zero tapes or turnout figures as required.
- ◆ Failing to post end-of-day reports.
- ◆ Using a machine that was flipping votes.
- ◆ Failing to tell unaffiliated voters that provisional ballots for President would not count unless the voter registration database was found to be in error.

In one case, a Voter Access Card didn’t work, and the voter was told to vote on a provisional ballot.

### ***Provisional Ballot Issues: Shortages and Unclear Policies***

Problems with provisional ballots were reported in 30% of the precincts. These ballots were used for several reasons:

- ◆ Voters insisted they were registered with a particular party, but the database showed otherwise.
- ◆ Voters insisted they were registered, but the database did not list them. Some of these voters said they had registered through the Department of Motor Vehicles.
- ◆ Voters voted after hours.
- ◆ As previously noted, in one case, a voter access card didn't work and the voter was given a provisional ballot.

The high number of provisional ballots issued to voters suggests possible errors in the voter registration database. Typical statements in the responses were:

“started day with 100 provisional ballots & now only had 25 left as the evening rush was starting.”

“Polling place was issued an insufficient number of provisional ballots (50 Dem & 25 Rep).”

Severe shortages of provisional ballots were reported in fourteen precincts — either they were running very low by the end of the day or they ran out entirely. Two reports from Prince George's County stated that the election judges were not informed about, or were not authorized to use, the additional paper ballots contained in an emergency ballot packet included in their supplies:

“They had frantically called for extra provisional ballots all day, but never received any and were never told about the ‘contingency ballots’ until the very end when they informed the Board that 4 voters would have to leave the polling place without being able to vote.”

“Polling place was issued an insufficient number of provisional ballots (50 Dem & 25 Rep) and 100 application envelopes, of which half were in Spanish. The inventory in the bag said 300. All day long we called for more and were told they were on the way, but we were not authorized to open the emergency supply. A nearby precinct ran out and sent over a provisional voter to us. We finally received our re-supply about 4:15pm just before we ran out.

In addition, policies regarding provisional voting were not consistent from precinct to precinct. In some precincts, unaffiliated voters were allowed to vote provisionally; in others, they were not. In some precincts, voters were warned that their provisional ballot was unlikely to count; in others, they were not. In some precincts, ID was required of all provisional voters, rather than just those to which the ID law applies.

### ***E-Pollbook Problems***

Eleven precincts experienced e-pollbook malfunctions, and ten had too few e-pollbooks. Malfunctions included:

- ◆ Freezing.
- ◆ Not booting properly.
- ◆ Becoming unsynchronized with one another.

- ◆ Displaying the wrong time.
- ◆ Printer jams.
- ◆ Printers not working correctly.
- ◆ Problems replacing the paper rolls.

Also, as previously noted, in one case, the e-pollbook failed to find a registered voter in the database until the third search for the voter's name.

In seven of the ten polling places with too few e-pollbooks, long lines formed. One poll watcher reported:

"They had no e-pollbooks at opening. Polls were opened 1/2 hour late."

### *Security Violations*

Recent investigations by government officials have discovered more and more vulnerabilities of voting systems to undetectable tampering that could impact an election. In Maryland, additional security procedures have been introduced with each successive election in an attempt to safeguard the electronic data and machines.

However, reports from twelve precincts indicate that these security procedures were not always followed:

- ◆ Tamper-evident seals were missing, broken, or marked with the wrong number. In many cases, the machines were used anyway.
- ◆ Doors to the polling places were not locked overnight.
- ◆ Incorrect times were printed on zero tapes, indicating that the internal clocks had been programmed with the wrong time — an error apparently not noted or corrected during pre-election testing of the machines. The significance of this discrepancy is not clear.

At poll closing, some judges found that they didn't have the materials they needed to properly secure the equipment for transport. One election judge reported:

"We were not provided with enough numbered wire security seals to lock up our equipment and bags correctly at closing. We had to improvise a wire seal from a paper clip and a tamper tag for one of our DREs. ... We improvised seals for our bags and e-pollbooks out of tamper tags, which we had lots of. When we turned in our supplies and results, we were told that lots of other judges had brought in their bags unsealed, so we believe it was a wide-spread problem, at least in our part of the county."

### *Privacy*

Privacy violations were primarily caused by the placement of the e-voting machines. One election judge reported that such violations are inevitable:

"Some voters complained that others could see their selections as they walked past to get to their machines, but there is no way to set up the machines to prevent this."

Other reports indicated that provisional voters weren't given privacy, and in one particularly troubling report, it appears that an election judge may have deliberately violated the voters' privacy:

“Machines were not angled. Judge hid behind the screen instead of positioning it for voters.”

### *Conclusion*

Since our sampling includes approximately half of the precincts in Congressional District 4 and span the broad geographic range of that district, the survey responses can be considered representative of the conduct of the elections in Prince George’s and Montgomery counties, the densely populated counties that comprise Maryland’s share of the Washington, DC metropolitan region. These responses provide valuable information about problems to watch for in the general election and areas that must be addressed before November.

The most urgent concern revealed by the respondents regards errors in the voter registration database. News reports indicate that, not only in Maryland but also in a large number of other states, voter registration databases are severely flawed. It is crucial that voters check their registration before November. Reports of voters missing from the e-pollbooks may indicate either voter registration database errors or possible e-pollbook operating problems that should be investigated.

Other major concerns revealed by the reports are machine malfunctions and the resulting long lines; inconsistencies in provisional ballot procedures; and violations of security procedures.

The survey information illustrates the importance of continuing to have citizen groups monitoring elections and calling attention to the problems observed, in order to shine light on the areas that warrant investigation or improvement.