

# VOTERS ORGANIZED FOR THE INGRITY OF CITY ELECTIONS



May 4, 2016

Office of the State Prosecutor

300 East Joppa Road - Suite 410 (Hampton Plaza)

Towson, Maryland 21286

Dear Mr. Davitt,

As a group of concerned Baltimore City voters, Voters Organized for the Integrity of City Elections, we are humbly asking that you ensure that our VOICE is heard, by addressing the following request.

Upon the completion of the Maryland Presidential Primary elections on Tuesday, April 26<sup>th</sup>, we have received numerous complaints of voter irregularities that have risen to the level of possible voter suppression; therefore, we are asking that your office to conduct an independent investigation into the dozens of voter complaints levied against the Baltimore City Board of Elections, in order to uphold the integrity of Tuesday's Primary election.

We have detailed accounts of campaign workers, hired to man the polls on behalf of an individual candidate, who were allowed to work as an election judge, and even given authorization to assist voters in uploading their ballots into the state's DS-200 ballot counting machines, even though they were never hired, trained or certified by the Board of Elections to conduct such activities. We also have numerous complaints of voters being given the wrong district ballots, former felons restricted from voting and not being sent their voter cards even though they registered to vote before the voter registration deadline and were authorized to be able to vote due to the recent actions of the Maryland General Assembly.

We have issues ranging from possible voter fraud, where a mayoral candidate's sister was offered a provisional ballot on Election Day due to someone fraudulently voting



in her name during Early Voting, to numerous polling locations being open anywhere between a half hour to an hour and a half late, causing voters undue hardship and pitting their fundamental right to vote against that of having to report to work.

We also know that eight voting precincts went missing on the night of the election, only to be found a day later, which causes concern as to whether or not the chain of custody was broken and if the votes on these thumb-drives were in fact compromised? Attached you will find a detailed account of the numerous accounts of voting irregularities that we have received thus far, which has led us to call for a citywide town-hall meeting later this week to detail the accounts of voters we may be unaware of, in order to present to your office and/or any independent investigator or prosecutor. (Thursday, May 5<sup>th</sup> at 7:00P at Sharon Baptist Church in Baltimore)

We believe that the cumulative effect of the totality of these actions have led to a 21<sup>st</sup> century version of voter suppression, and are imploring your office to intervene in order to ensure the integrity of this election is upheld and guaranteeing the voters of Baltimore, and the State of Maryland, that every vote indeed counts. Pursuant to Election Law, COMAR, Section 1-201, it states that the intention of the article in question was “that the conduct of elections should inspire public confidence and trust” which we would argue the level of irresponsible irregularities and the gross negligence of an untrained crew of election judges goes contrary to the overall intentions of said article.

We do not believe that all persons served by the election system were treated fairly and equitably, as required under subsection 1 of said article, nor do we believe that citizen convenience was emphasized in all aspects of the election or that the security and integrity of all the ballots being cast were maintained, as spelled out in subsections 5 and 6 of said article. We would argue that subsection 7 of this article requires your office to intervene and offer such an investigation based on the requirement that “the prevention of fraud and corruption be diligently pursued”, and that any offenses that occur be prosecuted to the fullest extent of the law.



We will respectfully await your decision, which we ask occurs before the official certification of the Primary election results. If you decide not to intervene on behalf of the voters of Baltimore, we ask that you contact us immediately and let us know your decision so as to allow us to challenge these actions in a court of law.

Warmest regards,

Hassan Giordano, Cortly 'C.D.' Witherspoon, Doni Glover, J. Wyndal Gordon Esq.  
on behalf of the voters of Baltimore City



### **Some Examples of the Two Dozen Reports of Voting Irregularities:**

- ➔ 18-year old Western High School student Kennedi Peacock, hired to work as a Dixon for Mayor poll worker, was allowed by election judges to work the DS-200 ballot scanner machine the entire day at the Jewish Community Center which host two major voting precincts (27-059 and 27-060) in NW Baltimore
- ➔ Another Dixon for Mayor poll worker, Antonio McCain, was also put to work as an election judge at Langston Hughes Elementary school, which was at the center of much of the voting irregularities, before a Dixon poll captain realized McCain was mistakenly working as judge when he (and Peacock) were never hired, trained or certified to work as an election judge by the city Board of Elections.
- ➔ Langston Hughes elementary, home to precincts 27-055, 27-056 and 27-057, served as polling location for two separate council districts, the 5<sup>th</sup> and the 6<sup>th</sup>, and voters were consistently given the wrong district ballots. The previous polling location for two of those three precincts was at Bel Park Towers, which was closed down, sending people to a new voting location. Three 5<sup>th</sup> district candidates reported issues all day that election judges were turning voters away due to the confusion of having multiple tables for various precincts and districts. The Chief Election Judge Gal instructed 5<sup>th</sup> district poll workers that they shouldn't be handing out literature for their candidates because they weren't on the ballot at this location, until one candidate (Betsy Gardner) showed her the ballot from 27-057 where they in fact were on the ballot, but this was hours after the election judges turned several voters away.
- ➔ Eight voting precinct thumb drives, which held the votes from those various polling locations, went missing for over 24-hours, breaking the customary 'chain of custody' and leaving election supervisor Armstead Jones baffled as to where they were
- ➔ A dozen polling locations opened anywhere between a half an hour to an hour and a half late, contrary to the constitutional specification that all polls open at 7A and close at 8P, while Judge Handy only allowed four of these twelve polling locations to stay open an extra hour. Of those dozen, Pimlico Elementary, did not open until 9:00A, and according to Mary Culp, their voting machines kept shutting down, as election judges were reportedly



- telling voters that their vote could not be cast due to the machines being down, forcing some voters to leave without casting their ballot.
- ➔ Janice Dixon, the sister of mayoral candidate Sheila Dixon, was forced to vote via provisional ballot on Election Day, because someone voted in her name during Early Voting.
  - ➔ Multiple Independent (Unaffiliated) voters, who are prevented from voting in a closed primary election, were given Republican ballots and allowed to vote in the GOP Primary elections (picture attached to this article provides proof of one)
  - ➔ Ertha Harris, a candidate for city council in the 12<sup>th</sup> council district, was told that she was not in the voter rolls, forcing her to go to two different polling locations before an hour long argument declaring she was in fact a registered voter before being allowed to cast her vote.
  - ➔ Pamela Curtis-Massey, a voter in the 6<sup>th</sup> council district, was given a 5<sup>th</sup> district ballot during Early Voting at the Coldspring EV location, where she caught the error, and then was forced to capture her vote via phone imaging, because the judges tried preventing her from casting her ballot because they weren't sure if her address was right and whether an election judge handled her ballot
  - ➔ Multiple polling locations had no pens available, leaving voters to use pencil or marker to mark their ballots before loading into the DS-200 scanner machines, which we don't know if the new voting machine can read such markings
  - ➔ Hundreds, if not thousands, of provisional ballots were left unattended in polling locations (i.e. schools) across the city with no supervision by Board supervisors, leaving into question whether or not these votes were compromised



**Election Law §1–201.**

The intention of this article is that the conduct of elections should inspire public confidence and trust by assuring that:

- (1) all persons served by the election system are treated fairly and equitably;
- (2) all qualified persons may register and vote and that those who are not qualified do not vote;
- (3) those who administer elections are well trained, that they serve both those who vote and those who seek votes, and that they put the public interest ahead of partisan interests;
- (4) full information on elections is provided to the public, including disclosure of campaign receipts and expenditures;
- (5) citizen convenience is emphasized in all aspects of the election process;
- (6) security and integrity are maintained in the casting of ballots, canvass of votes, and reporting of election results;
- (7) the prevention of fraud and corruption is diligently pursued; and
- (8) any offenses that occur are prosecuted.

**(The highlighted provisions of Maryland's Election Law under COMAR (§1–201) were clearly violated, and therefore should mandate an independent investigation and any subsequent penalties and/or criminal prosecution if any of these actions are deemed willfully fraudulent and/or corrupt)**

