



**NATIONAL FEDERATION
OF THE BLIND**
MARYLAND

Live the life you want.

Subject: Support for SB 757

To: Members of the Senate Education, Health, and Environmental Affairs Committee

From: Members of the National Federation of the Blind of Maryland

Contact: Sharon Maneki, Director of Legislation and Advocacy
National Federation of the Blind of Maryland
9013 Nelson Way
Columbia, MD 21045
Phone: 410-715-9596
Email: nfbmd@earthlink.net

Date: March 5, 2020

Members of the National Federation of the Blind of Maryland urge the Senate Education, Health, and Environmental Affairs Committee to end voting discrimination on the basis of disability by voting in favor of SB 757. This problem has occurred in the last five elections held in Maryland from the primary in 2016 through the special election for the congressman in District 7 held on February 4, 2020. This bill will end segregated voting in Maryland by requiring the use of one uniform voting system for all citizens. Here is a review of how disabled voters have been deprived of a secret ballot.

As you know, since you heard this bill last year and you studied it in the summer, the ballots cast by using the Ballot Marking Device (BMD) look very different, both in size and content, from ballots that are marked by hand. In the 2016 and 2018 elections the State Board of Elections (SBE) required poll workers in each precinct to encourage only two voters to use the BMD. A review of the data from these elections clearly shows that this policy was a failure because in many precincts only one voter used the BMD, and in some precincts no one used the BMD (see appendices A,B, and C in our testimony). BMD ballots are easily identifiable during recounts and when they are placed on the internet to demonstrate that election results were correct. In June 2019, SBE changed its policy raising the number of voters in each precinct that would be encouraged to use the BMD from two to five. In the small special election on February 4, 2020, this policy also failed.

The National Federation of the Blind and the National Federation of the Blind of Maryland are in the process of suing the Maryland State Board of Elections. The attached evidence collected for this lawsuit concerning the February 4, 2020 elections clearly demonstrates the continued failure of the policies of the SBE. It also demonstrates that discrimination will never be eliminated until the state adopts one voting system. Please read these declarations to see how little knowledge the poll workers have on how to work the BMD. The declarations

are only a sample of the problems that blind and disabled voters experienced at the polls. Even sighted voters who wished to use a BMD to cast their vote could not do so.

These problems will not be solved by the courts quickly. However, they can be solved by the Maryland General Assembly if you have the will to do so. Members of the National Federation of the Blind of Maryland urge the Maryland General Assembly to enact legislation that creates one voting system for all voters in Maryland. The Supreme Court ruled that separate is not equal, 65 years ago. It is time for Maryland to recognize this truth by eliminating discrimination against voters with disabilities. If the ballots of any other protected class of citizen were identifiable, the General Assembly would surely insist that SBE revise its policies. Blind and disabled voters deserve the right to equality in voting and a secret ballot, too. Please vote in favor of SB 757 .

Declaration of Anne Blackfield.

On February 4, 2020, at around 1:00 p.m., I voted in the Special Congressional District 7 Primary Election at my assigned polling place, Enoch Pratt Free Library Central Branch, 400 Cathedral Street, Baltimore, MD 21201.

I am legally blind with limited useable vision. I do not have sufficient useable vision to hand mark a paper ballot. When I go to vote on election day, I need to use an accessible voting machine to mark my ballot privately and independently. I use the machine's enlargement capability to allow me to read my ballot in large print.

Previously, I used the ballot marking device (BMD) to vote privately and independently in the 2016 general election, but had to prompt the poll workers that the machine was available before being permitted to use it.

On February 4, 2020, when my partner, who is sighted, and I arrived at our polling place, the poll worker with whom we checked in first asked my partner whether he (my partner) would be helping me vote. After a pause, the poll worker then said that there was a "ballot thing" available for me to use. I asked if she was referring to the ballot marking device and she said yes.

I provided the poll worker with my name and address to check in and was given a piece of paper to sign and an empty folder.

A different poll worker (male) showed me to the BMD. When we got there, a female poll worker was sitting in the chair in front of the BMD. She got up from the chair and I sat down.

The male poll worker stated that he was putting a blank ballot into the machine. He asked me if I had a "device to plug into the machine." I said I did not. I assumed that he meant headphones or a braille device. I had not brought either, since I had planned to use the BMD's enlargement capability and am not familiar with using the audio/tactile interface.

I asked the poll workers if they could enlarge the text on the screen or tell me how to enlarge the text because I couldn't remember how the machine worked. Both poll workers responded that there was no way to enlarge the text.

The male poll worker walked away. The female poll worker began asking me if I was a Democrat or a Republican. I repeated my request that I be allowed to use the machine with enlarged text, and she said again that there was no way to enlarge the text. She said she would enter the information for me. She did not call anyone for assistance.

I eventually decided to accept her offer of assistance and told her my party and then the name of the candidate for whom I was voting, which she audibly confirmed in a loud voice that would have been loud enough for others standing nearby to hear.

I was upset that I could not vote privately and independently and that my ballot was not secret. It is important to me to be able to have a secret ballot.

Declaration of William Jacobs.

On February 4, 2020, I voted in the Special Congressional District 7 Primary Election at my assigned polling place, Edmondson Heights Elementary School, 1600 Langford Road, Baltimore, MD 21207. I arrived at my polling place with my wife, Bernadette Jacobs, who is blind, at approximately 6:00 PM.

When I arrived to vote in the February 4 election, the poll worker first asked me if I was there to assist my wife with voting. When we went to the table where ballots are distributed, the poll worker started to hand me a ballot to hand mark for her. We informed the poll worker that she wanted to use the accessible method of voting. The poll worker then replaced the paper ballot for hand-marking with paper to insert into the ballot marking device (“BMD”).

Bernadette then went to the BMD to vote, while I went to go mark my ballot by hand. I finished marking my ballot quickly, scanned it in, and then went over to Bernadette when I saw she was still at the BMD.

Bernadette told me that the BMD’s audio was not working. I read the screen and saw that she was being asked to select her ballot type. I selected her ballot type, but the audio and tactile control still would not work. I left to get a poll worker.

The poll worker came back to the BMD with me and asked Bernadette if he could use the BMD to vote for her. She told him that she wanted to vote independently. The poll worker then asked if I could vote for Bernadette. She refused and asked if he could get the BMD to work so that she could use it on her own.

The poll worker then left to do something and after trying to get the machine to work a little bit more on our own, I went to go find him. I suggested that he turn the BMD off and restart it. The poll worker returned to the BMD with me, powered it down, and restarted it. He then left again while the machine restarted. I had to go find him to enter the security code. Once the machine was running again, I saw that the screen said “remove device.” We again called the poll worker over, but he gave up and said that I would just have to mark a paper ballot for my wife.

We returned to the ballot distribution table to get a new paper ballot for me to use to mark Bernadette’s vote. I eventually marked Bernadette’s ballot for her. We spent a total of about 45 minutes at the polling place, even though I was done voting much earlier.

None of the poll workers ever called for any outside help to fix the BMD, nor did they give us any timeframe for when the BMD would be fixed or replaced.

During my time at the polling place, I went up to the ballot distribution table about three or four times. Each time, I observed the poll worker distributing ballots to voters. I did not hear the poll worker offer the BMD to anyone. Instead, the poll worker simply gave everyone a paper ballot to hand mark.

Declaration of Lizabeth Braun.

I am registered to vote in Maryland and my assigned polling place is Commodore John Rodgers Elementary School, 100 N. Chester Street, Baltimore, MD 21231. I voted there in the February 4, 2020 Special Congressional District 7 Primary Election.

I am sighted and can hand mark a paper ballot, but wanted to vote using the ballot marking device (“BMD”).

I arrived to vote in the February 4 election at approximately 6:00 P.M. The poll worker at first handed me a paper ballot and directed me to a booth where I could hand mark it. No poll worker informed me that I also had the option of using the BMD to mark my ballot.

I then requested to use the BMD and was directed to the machine by a poll worker. When the poll worker tried to insert a paper into the BMD to activate it for me, he received an error message indicating there was a paper jam. Other poll workers came over to assess the situation and they called for a tech person already at the polling place to come fix the machine. While the tech person attempted to fix the machine, a poll worker told me that the machine had jammed when a previous voter had tried to use it.

Although I waited about 20 minutes for the BMD to be fixed, the same error message kept appearing after the tech person had managed to reboot the BMD. Because I had a meeting to attend at 7:00 P.M. that night, I gave up and decided to hand-mark a paper ballot. I was thus unable to use the BMD.

Appendix A

2016 GENERAL ELECTION DATA

According to the Maryland State Board of Elections (SBE)¹ data, 12 of the 24 counties or county equivalents in Maryland had at least one precinct where only one voter used the BMD machine. Those locations are:

County	Poll Name	Expressvote Ballot Cast ²
Anne Arundel	Earleigh Heights VFD	1
Anne Arundel	Southern Middle School	1
Anne Arundel	Odenton Regional Library	1
Baltimore City	Engine House No. 2	1
Baltimore City	Murty Center- Poe Auditorium	1
Baltimore County	Kingsville Elementary School	1
Baltimore County	Hernwood ES Cafeteria	1
Baltimore County	Stembridge Community Center	1
Baltimore County	Middle River VFD Hall	1
Baltimore County	Long Green VFC Hall A	1
Baltimore County	Gunpowder ES Gym	1
Baltimore County	Pinewood ES Cafeteria	1
Baltimore County	Warren ES Gym	1
Baltimore County	Owings Mills HS Senior Café	1
Baltimore County	Wards Chapel Methodist Church Hall	1
Baltimore County	Church Lane ES M/P Rm	1
Carroll	Francis Scott Key HS Band Room	1
Charles	LaPlata High School Commons Area	1
Cecil	Bayview Elementary School S	1
Dorchester	North Dorchester MS Foyer	1
Dorchester	South Dorchester K-8 School	1
Harford	Old Post Road Elementary School	1
Howard	Northfield ES Cafeteria	1
Howard	Lisbon VFD Hall	1
Howard	Howard HS Gym	1
Prince George's	Kettering Elementary School	1
Prince George's	Greater Lighthouse Church	1
Prince George's	Cesar Chavez Elementary SCHL	1
Prince George's	Hyattsville Public Library	1
Washington	Washington County Technical HS	1
Washington	Williamsport High School	1
Wicomico	Faith Baptist Church Salisbury	1
Wicomico	East Side VFW Memorial Post 2996	1
Wicomico	Sharptown Firemens Memorial Bldg	1

¹This chart was created from an SBE data export for each county with the ExpressVote (the trade name of the ballot marking device machine) filter applied. The cells indicate voting locations where only one vote was cast using the Ballot Marking Device.

² This chart does not include the precincts where no ballots were cast using the ExpressVote BMD.

Appendix B

2018 PRIMARY ELECTION DATA

According to SBE data, nine counties had polling places where only one vote was cast using the BMD.

County	Poll Name	Expressvote ³ Ballot Cast	Total Ballot Cast
Anne Arundel	Brooklyn Park Community Library	1	159
Anne Arundel	Northeast High School	1	205
Baltimore City	Murty Ctr-Poe Auditorium	1	71
Baltimore City	School #27 Rodgers Elem	1	76
Baltimore City	School #13 Tench Tilghman Elem	1	13
Baltimore City	School #7 Cecil Elem	1	54
Baltimore City	School #122 - Samuel Coleridge-Taylor Elem	1	7
Baltimore City	School #53 Brent Elem	1	373
Baltimore City	School #53 Brent Elem	1	214
Baltimore City	School #39 Dallas F. Nicholas Sr. Elem	1	132
Baltimore City	Enoch Pratt Free Library Pennsylvania Ave Br	1	67
Baltimore City	School #28 William Pinderhughes Elem	1	9
Baltimore City	School #4 Steuart Hill Elem	1	172
Baltimore City	School #4 Steuart Hill Elem	1	52
Baltimore City	Mary E. Rodman Rec Ctr	1	300
Baltimore City	Academy of Success	1	19
Baltimore City	Community Building	1	54
Baltimore City	School #235 Glenmount Elem/Mid	1	156
Baltimore City	Govans Boundary Umc	1	253
Baltimore County	Maiden Choice School - Gym	1	250
Cecil	5-5 Bayview Elementary School	1	332
Harford	Magnolia Elementary School	1	235
Harford	Edgewood Elementary School Cafeteria	1	137
Harford	Edgewood Recreation & Community Center	1	174
Harford	Emmorton Elementary School	1	431
Harford	Joppatowne High School	1	368
Harford	Aberdeen Senior High School Cafeteria	1	321
Harford	Forest Lake Elementary School	1	557
Howard	Running Brook Elem School - Cafeteria	1	255
Montgomery	Chevy Chase United Methodist Church	1	320
Montgomery	Stedwick Elementary School	1	429
Prince Georges	Harmony Hall Regional Center	1	509
Prince Georges	William Beanes Elem Sch	1	289
Prince Georges	Pgcps Bldg.	1	480
Prince Georges	Benjamin D. Foulois Creative & Performing Arts	1	100
Prince Georges	Northview Elem. Sch. Cafe. - A.	1	199
Prince Georges	Benjamin Tasker Middle Sch	1	175
Prince Georges	Waldon Woods Elem Sch	1	751
Washington	Washington County Technical Hs	1	119
Washington	Big Pool Community Hall	1	242

³ This chart does not include the precincts where no ballots were cast using the ExpressVote BMD.

Appendix C

2018 GENERAL ELECTION DATA

In the 2018 general election, nine counties had at least one precinct where only one voter used the BMD machine. Nine counties also had at least one precinct where zero voters used the BMD machine.

County	Poll Name	Expressvote Ballot Cast	Total Ballot cast
Anne Arundel	Annapolis Middle School	0	549
Anne Arundel	Roger "pip" Moyer Recreation Center	0	320
Anne Arundel	Roger "pip" Moyer Recreation Center	0	11062
Anne Arundel	Lindale Middle School	1	806
Anne Arundel	Severna Park Middle School	1	656
Baltimore City	Engine House #5	0	744
Baltimore City	School #16 Johnston Sq Elem	0	156
Baltimore City	School #55 Hampden Elem	0	49
Baltimore City	School #28 William Pinderhughes Elem	0	27
Baltimore City	School #122 Samuel Coleridge-Taylor Elem	0	41
Baltimore City	School #225 Westport Elem	0	276
Baltimore City	Engine House #51	0	130
Baltimore City	Engine House #42	0	599
Baltimore City	Grace United Methodist Church (040)	0	765
Baltimore City	Grace United Methodist Church (041)	0	822
Baltimore City	School #122 Samuel Coleridge-Taylor Elem	1	15
Baltimore City	Solo Gibbs Rec Ctr	1	466
Baltimore City	St Nicholas Church Hall	1	417
Baltimore City	Carroll Cook Rec Ctr	1	259
Baltimore City	Open Bible Baptist Church	1	330
Baltimore County	Ridge Ruxton School- Multi Purpose Rm	0	899
Baltimore County	Colgate Elementary School - Cafe	0	454
Baltimore County	Sussex Elementary School-Gym	0	765
Baltimore County	Warren Elementary - Gym	1	1199
Baltimore County	White Marsh Library-Meeting Room	1	187
Charles	St Ignatius Church Hall, Hilltop	0	650
Charles	Trinity Church Hall, Newport	0	1034
Charles	St Marys School Bryantown	1	194
Frederick	Mt Pleasant Ruritan Club	1	2212
Harford	Trinity Lutheran School	0	1510
Harford	Edgewood Elementary School Cafeteria	0	462
Harford	Joppatowne Elementary School	0	1207
Harford	Deerfield Elementary School	0	672
Harford	Abingdon Fire Hall	0	1274
Harford	Old Post Road Elementary School	0	1834
Harford	Church Creek Elementary School	0	2456
Harford	Highlands School	0	782
Harford	St. Mary's Episcopal Church Emmorton	0	323
Harford	Riverside Elementary School	0	889
Harford	Level Fire Hall	0	1661
Harford	Aberdeen Vfw 10028	0	534

County	Poll Name	Expressvote Ballot Cast	Total Ballot cast
Harford	Hickory Elementary School	0	818
Harford	Forest Hill Elementary School	0	1951
Harford	Mountain Christian Church	0	1288
Harford	Newport Terrace	0	1302
Harford	Forest Lake Elementary School	0	1541
Harford	Bel Air Elementary School Gym	0	987
Harford	Mt. Ararat Lodge	0	808
Harford	Bel Air Middle School	0	843
Harford	Red Pump Road Elementary School	0	1360
Harford	Bel Air High School	0	837
Harford	Southampton Middle School	0	2007
Harford	Wakefield Elementary School	0	995
Harford	C. Milton Wright High School	0	1267
Harford	Prospect Mill Elementary School	0	1029
Harford	Fountain Green Elementary School	0	1303
Harford	St. Matthew Lutheran Church-Great Hall	0	1188
Harford	Victorious Faith Fellowship Church	0	949
Harford	Jarrettsville Elementary School Cafeteria	0	1108
Harford	Youth's Benefit Elementary School	0	1154
Harford	Norrisville Elementary School	0	1297
Harford	North Bend Elementary School	0	1067
Harford	Veronica 'roni' Chenowith Activity Center	0	1245
Harford	Jarrettsville Library	0	723
Harford	North Harford Elementary Cafeteria	0	1193
Harford	Darlington Elementary School	0	717
Harford	Havre De Grace High School	0	768
Harford	Meadowvale Elementary School	0	1120
Harford	Havre De Grace Elementary School	0	859
Harford	Havre De Grace Middle School	0	1557
Harford	Abingdon Elementary School Gym	1	2118
Harford	Fallston Senior High School Cafeteria	1	1737
Harford	Ring Factory Elementary School	1	838
Harford	Harford Technical High School	1	1374
Harford	Dublin Elementary School	1	1270
Harford	North Harford High School	1	1123
Howard	Manor Woods Elem School - Cafeteria	0	852
Montgomery	Martin Luther King, Jr. Middle School	0	1256
Montgomery	Capt. James E. Daly, Jr. Elementary School	0	1074
Montgomery	Tilden Middle School/Gym	1	1207
Prince Georges	Green Valley Academy	0	669
Prince Georges	Dwight D. Eisenhower Middle School	0	489
Prince Georges	Melwood Church of the Nazarene	0	1045
Prince Georges	Harmony Hall Regional Center	1	686
Prince Georges	F.T. Evans Elem Sch - M/P Rm	1	132
Washington	Girls' Inc.	0	318
Wicomico	Wicomico High School - Cafeteria	1	552
Wicomico	East Side Vfw Memorial Post	1	314

