



**NATIONAL FEDERATION
OF THE BLIND**
MARYLAND

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Subject: Support for HB 1314

To: Members of the House Ways and Means Committee

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

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Members of the National Federation of the Blind of Maryland urge the House Ways and Means Committee to end voting discrimination on the basis of disability by voting in favor of HB 1314. 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 HB 1314.

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 #5 l | 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 |

