



MARYLAND 20-20 WATCH

www.maryland20-20watch.org

contact:mosby@maryland20-20watch.org

June 20, 2017

Linda H. Lamone, Administrator
Maryland State Board of Election
151 West Street, Suite 200
Annapolis, MD 21401

Ms. Lamone,

Maryland 20-20 Watch (M20-20W) is an all-volunteer civic organization dedicated to the American principle that good government is a product of an involved and vigilant citizenry. We have actively promoted citizen awareness of government action and inaction over the past several years.

Most recently our focus has been on the failed 2016 Baltimore City Primary election and the stunning absence of real and public analysis of the causes of that failure and plans for corrective actions to prevent it happening again. There has been no public accountability from the Baltimore City Board of Elections, the State of Maryland Board of Elections or the Governor's Office. Secure and legitimate elections are the foundation upon which all government legitimacy lies and to sweep the causes of the recent election problems under the rug is unacceptable.

M20-20W provided a valuable public service for the citizens of Maryland by conducting and publishing, at no cost to the citizenry, our analysis of the Baltimore City 2016 Primary Reconciliation Report and its discrepancies. Our analysis was so informational that it served as the basis for Baltimore City Council's inquiry into those election processes. Unfortunately, though, even they could not get quality answers from election officials, so we are continuing our investigation.

We are writing in response to Mr. Jones' outrageous answer to one of our recent Public Information Act (PIA) requests. Mr. Jones' reply obfuscates our request and is a blatant attempt to dissuade our interest in these documents. Please see second enclosed letter to your attention regarding this.

The Mission Statement of the State Board of Elections is "...to maintain registration records, campaign fund reports, and other election-related data accurately and in a form that is accessible to the public."

According to COMAR 33.03.01.02 "The State Administrator shall establish and supervise an Election Records Management Program for the continual, economical, secure, and efficient management of all records of the State Board and local boards."

According to COMAR 33.04.01.01 “It is the policy of the State Board to facilitate access to public records by minimizing costs and time delays to persons requesting information.”

So, it is *your* responsibility that election documents be held in an organized manner and easily obtained. Logic demands that if the State Administrator is responsible for the Election Records Management Program then she would also be responsible for answering requests made for documents in that program. Each time we submit a PIA, however, we are given the run around as to who has responsibility for answering these requests. This is another form of unacceptable push back on our right to obtain these documents in a timely manner.

Our PIA requests are targeted to specific documents produced as part of the standard operating procedure of the Board of Election’s staff and Election Judges. Many of these documents are mandated by statute, COMAR or policy. The need to *search* for this information should be minimal, no more than an organization should need to *search* for a set of minutes to an open meeting, so the cost should be minimal.

COMAR charges you to maintain documents economically and efficiently and to facilitate access at minimum cost for those requesting it. To have documents mandated to be held but not easily accessed, causing delay and large costs to the requestor specifically undermines governing regulations.

Why are these documents not scanned into a database for easy retrieval after each election? Ultimately your duty is oversight. If State Board personnel cannot easily look through the paperwork from an election, especially a problematic election, then you cannot possibly perform adequate oversight, nor can the local boards. Paperwork checks are a means of controlling the process. If checks are not done then processes break down due to lack of oversight and accountability.

The 2016 election was both a state and federal election, and federal candidates were impacted, so our PIAs go far beyond local interest.

Since we have had to continually ask for assistance from the State’s Attorney’s Ombudsman in obtaining our PIAs, we are requesting that going forward your correspondence be sent to us via Ombudsman Lisa Kershner.

Thank you.

Lewis T. Porter, Leader

Enclosure – Letter to Ms. Lamone in response to Armstead Jones

Cc: Lisa Kershner, Ombudsman, Office of MD State Attorney General