

Carroll Board of Canvassers  
The Robert Moton Building Training Room  
300 South Center Street  
Westminster, Maryland 21157

November 16, 2018 – Minutes for 2<sup>nd</sup> Absentee Canvass & Certification of Results

**ATTENDEES:**

Board of Canvassers: Griffith Manahan, Chair, Republican  
Laura O’Callaghan, Democrat  
Harvey Tegeler, Republican  
Samuel Foster, Democrat

LBE Staff: Terry A Berger, Board Attorney  
Katherine Berry, Director  
Paula Troxell, Deputy Director  
Alice Dutterer, Staff  
Lydia Trester, Staff  
Eduardo DeLima, Staff  
Kimberly Jones, Staff  
Lisa Hutchinson, Staff  
Jennifer Bartholow, Staff  
Zoe Benner, Staff  
Maria Padula, Staff

Public: Wendy Raith, Eleanor Lynn Shaw, Linda Gosnell, Patricia Goff,  
Roseann Rossell, Becky Ritterhouse, Julianne Devilbiss, Doris  
Leppo, Margaret Pherigo, Josephine Billings, Byron Ricketts,  
Andrew DeMario, Anna Marie Voight, William Lyon-Vaiden, Kay  
Benton, Precious Morrison, Barbara Partenope, Thomas  
Partenope, Robert Caples, Janet Houseman, Audrey Traff, Rita  
O’Malley, Debbie Palm, Denise VanWingerden, Ann Marie Iacono

Absent: Larry Shipley

**DECLARATION OF QUORUM PRESENT**

The meeting of the Board of Canvassers began at 10:00 a.m. on Friday November 16, 2018, at the Carroll County Board of Elections, Training Room, The Robert Moton Building, 300 South Center Street, Westminster, Maryland 21157. There was a quorum of the Board of Canvassers, and at least one member of the Board of Canvassers who is a registered voter of the principal minority party was present.

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### **CONFIRMATION OF OATH**

Donald B. Sealing, the Clerk of the Court for Carroll County, administered and recorded the oath of each member of the Board of Canvassers on October 17, 2018, except Larry W Shipley, who was sworn in on Monday, October 22, 2018.

### **ANNOUNCEMENT OF OFFICERS**

At a meeting on Tuesday, November 6, 2018, the Board of Canvassers elected Griffith Manahan as Chairman of the Board of Canvassers and Larry W. Shipley as Secretary. The first order of business was to take a special motion from the floor to elect a substitute Secretary of the Board of Canvassers due to the absence of Larry Shipley. Samuel Foster made a motion to nominate Harvey Tegeler as Secretary of the Board of Canvassers, seconded by Laura O'Callaghan. The motion carried unanimously.

### **PUBLIC NOTICE OF CANVASS**

Katherine Berry noted that public notice of the first absentee canvass was provided and that the notice was provided by posting the agenda on the website of the Carroll County Board of Elections and in writing to the Republican and Democratic Central Committees.

### **VERIFICATION OF BALLOT SCANNER(S)**

Katherine Berry presented documents to the Board of Canvassers showing that the ballot scanner(s) being used in the canvass successfully passed Logic and Accuracy Testing on October 13, 2018. Katherine Berry reported that the memory device(s) created for this canvass were placed in the ballot scanner(s) and sealed. Katherine Berry provided the Board of Canvassers with the results from the Logic and Accuracy Testing. Katherine Berry noted the following information from Logic and Accuracy Testing documentation for each ballot scanner being used in the canvass:

Ballot Scanner Serial Number(s)	Seal Number(s)
<b>DS0315330445</b>	<b>1023610</b>
<b>DS0315330600</b>	<b>1023603</b>
<b>DS0315330359</b>	<b>1023654</b>

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Kimberly Jones and Eduardo DeLima explained the test deck verification process, verified that the seal(s) on the ballot scanner(s) were intact, and recorded the ballot scanner's serial number and seal number.

Ballot Scanner Serial Number(s)	Seal Number(s)
<b>DS0315330445</b>	<b>1023610</b>
<b>DS0315330600</b>	<b>1023603</b>
<b>DS0315330359</b>	<b>1023654</b>

Kimberly Jones and Eduardo DeLima noted that the ballot scanner(s) serial number(s) and seal number(s) from Logic and Accuracy Testing matched the ballot scanner (s) serial number(s) and seal number(s) before the canvass began.

The Board of Canvassers confirmed that the count(s) on the ballot scanner(s) were zero. The Board of Canvassers posted one copy of the Zero Report from the ballot scanners on the wall of the Training Room where the canvass was being conducted. Kimberly Jones and Eduardo DeLima printed a second copy of the Zero Report, which remained attached to the ballot scanner(s). The Board of Canvassers signed the Zero Report attached to the ballot scanner(s).

## **CANVASSING**

### Overview of Canvass Process

Katherine Berry explained the rules concerning public observation of the canvass, provided an overview of the canvassing process and noted that the rules were posted in the canvass room. Absentee ballots are distributed to the ballot processing teams in batches. Each team reviews the envelope first to determine whether it was timely received.

For timely received ballots, each team opens the flap of the envelope determines whether the voter signed the oath. After verifying that the oath is signed, each team opens the envelopes. With the envelope face down, each team removes the ballot, taking care that the envelope stays face down. After removing all of the ballots in the batch, the ballot envelopes are set aside. Each team reviews the ballots for compliance and tabulating acceptability.

Ballots that were marked using the online ballot marking wizard are duplicated and verified by a ballot duplication team. The election official responsible for ballot duplication uses a barcode reader to read the barcode printed on the voter's ballot, prints a ballot that will have the voter's selections marked, and refers the two ballots to a ballot verification team. The ballot verification team compares the two ballots to ensure that the ballot printed during the canvass matches the ballot returned by the voter.

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Those timely ballots that are in compliance and can be read by the ballot scanner are referred to the Board of Canvassers for acceptance. All other ballots are placed in a plain envelope, with the team number, ballot style or district or precinct, or other information identifying the group or unit to which the ballot belongs, and the reason(s) for the referral to the Board of Canvassers written on the envelope. The envelope with the ballots inside is referred to the Board of Canvassers.

The Board of Canvassers rules on whether to accept or unanimously reject the referred ballots.

Katherine Berry explained that each provisional ballot application was reviewed prior to canvassing to determine the voter's eligibility to vote in this election and the voter's correct ballot style. At this canvass, the provisional ballot applications will be presented to the Board of Canvassers with a recommendation. The recommendations will be to:

1. Accept provisional ballot application in full – recommend counting all votes cast on the provisional ballot.
2. Accept provisional ballot application in part – recommend counting some but not all votes cast on the provisional ballot. This is because the voter voted in the wrong precinct.
3. Reject provisional ballot application – recommend not counting the provisional ballot.

The Board of Canvassers will vote to accept in full, accept in part, or reject the provisional ballots. The provisional ballots for which the Board voted to accept in full or accept in part are distributed to the bi-partisan ballot processing teams to open and review the ballots. The "accepted in full" ballots are scanned into the ballot scanner, and the "accepted in part" ballots are referred to a duplicating team. The duplicating team will copy onto the voter's correct ballot style the votes for the contests for which the provisional voter is eligible to vote.

Katherine Berry explained that, to verify the accuracy of the voting system, some absentee ballots will be hand counted and the results of that hand count will be compared against the results from the voting system. The number of absentee ballots to be hand counted is at least 1% of the number of absentee ballots cast in the 2014 General Election. For this election, 15 absentee ballots will be hand counted. The first absentee ballots to be reviewed and counted will be the absentee ballots randomly selected for this audit. Once these ballots are scanned, results will be printed and the results and the ballots will be stored for the manual audit. The manual audit will be conducted no later than 120 days after the general election.

Katherine Berry explained the process to provide information to the Board of Canvassers or challenge a decision of the Board.

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Canvass Participants

The members of the ballot processing, duplicating, and ballot scanner operating teams are listed below.

Team	Names of Bi-Partisan Ballot Processing Team Members
Team #1	Wendy Raith, Dem & Jennifer Bartholow, Rep
Team #2	Eleanor Lynn Shaw, Dem & Linda Gosnell, Rep
Team #3	Patricia Goff, Dem & Roseann Rossell, Rep
Team #4	Becky Ritterhouse, Dem & Julianne Devilbiss, Rep
Team #5	Doris Leppo, Dem & Margaret Pherigo, Rep
Team #6	Josephine Billings, Dem & Byron Ricketts, Rep
Team # 7	Andrew DeMario, Dem & Anna Marie Voight, Rep
Team # 8	William Lyon-Vaiden, Dem & Kay Benton, Rep
Team # 9	Precious Morrison, Dem & Barbara Partenope, Rep
Team # 10	Zoe Benner, Dem & Thomas Partenope, Rep
Team # 11	Robert Caples, Dem & Janet Houseman, Rep
Team # 12	Audrey Traff, Dem & Rita O'Malley, Rep
Team # 13	Debbie Palm, Dem & Denise VanWingerden, Rep
Team # 14	Ann Marie Iacono, Dem & Lydia Trester, Rep
Team # 15	Samuel Foster, Dem & Griffith Manahan, Rep
Team # 16	Laura O'Callaghan, Dem & Harvey Tegeler, Rep

Team	Names of Bi-Partisan Duplicating Team Members
Team #1	Wendy Raith, Dem & Jennifer Bartholow, Rep
Team #2	Eleanor Lynn Shaw, Dem & Linda Gosnell, Rep
Team #3	Patricia Goff, Dem & Roseann Rossell, Rep
Team #4	Becky Ritterhouse, Dem & Julianne Devilbiss, Rep
Team #5	Doris Leppo, Dem & Margaret Pherigo, Rep
Team #6	Josephine Billings, Dem & Byron Ricketts, Rep
Team # 7	Andrew DeMario, Dem & Anna Marie Voight, Rep
Team # 8	William Lyon-Vaiden, Dem & Kay Benton, Rep
Team # 9	Precious Morrison, Dem & Barbara Partenope, Rep
Team # 10	Zoe Benner, Dem & Thomas Partenope, Rep
Team # 11	Robert Caples, Dem & Janet Houseman, Rep
Team # 12	Audrey Traff, Dem & Rita O'Malley, Rep
Team # 13	Debbie Palm, Dem & Denise VanWingerden, Rep
Team # 14	Ann Marie Iacono, Dem & Lydia Trester, Rep
Team # 15	Samuel Foster, Dem & Griffith Manahan, Rep
Team # 16	Laura O'Callaghan, Dem & Harvey Tegeler, Rep

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Team	Names of Ballot Scanner Operating Team Members
Team #1	Kimberly Jones, Staff
Team #2	Eduardo DeLima, Staff
Team #3	Paula Troxell, Staff
Team # 4	Lisa Hutchinson, Staff

### Canvassing of Absentee Ballots

Katherine Berry reported that, to preserve the secrecy of the ballot, five absentee ballots of each ballot style were held back from the first absentee canvass and will be canvassed during this canvass. 1,458 absentee ballots were presented for canvassing at this canvass.

Samuel Foster made a motion to accept and approve the opening and tabulation of the ballots. Laura O'Callaghan seconded the motion. The motion passed unanimously.

Katherine Berry presented 45 ballots for review that did not contain a postmark or the postmark was after Election Day. The first pack contained 20 ballots:

1. Katherine Berry presented 11 ballots with a recommendation to reject because the ballots contained a postmark after Election Day. Laura O'Callaghan made a motion to reject, seconded by Samuel Foster. The motion passed unanimously.
2. Katherine Berry presented 9 ballots with a recommendation to accept because the ballots had been opened and signed before Election Day, but did not contain postmarks. Griffith Manahan made a motion seconded by Samuel Foster to accept these ballots for scanning. The motion passed unanimously.

Katherine Berry presented the second pack of ballots that contained 25 ballots:

3. Katherine Berry presented 1 ballot with a recommendation to reject because the postal envelope from San Diego, California contained our election cover envelope postmarked 11/9/2018. Laura O'Callaghan made a motion to reject as untimely, seconded by Samuel Foster. The motion passed unanimously. Terry Berger referenced Maryland Law Co-Mar #33.11.03.06C as reference for this rejection.
4. Katherine Berry presented 5 ballots with a recommendation to accept because the ballots did not contain a postmark, but the oath was signed before Election Day. Griffith Manahan made a motion to accept these, seconded by Samuel Foster. The motion passed unanimously.
5. Katherine Berry presented 19 ballots with the recommendation to reject because the ballots contained postmarks after Election Day. Griffith Manahan made a motion to reject, seconded by Samuel Foster. The motion passed unanimously.
6. Katherine Berry presented 2 envelopes with a recommendation to reject because the envelopes did not contain ballots. Samuel Foster made a motion to reject seconded by Laura O'Callaghan. The motion passed unanimously.
7. Katherine Berry presented 2 ballots with a recommendation to reject because the ballots were left at the polling place on Election Day. Laura O'Callaghan made a motion to reject, seconded by Griffith Manahan. The motion passed unanimously.

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8. Katherine Berry presented 3 ballots with a recommendation to reject because there was no signature on the oath. Griffith Manahan made a motion, seconded by Samuel Foster to reject these ballots. The board voted unanimously to reject these ballots.
9. Katherine Berry presented 1 federal ballot to be rejected as too late. In addition to this federal ballot there were 2 federal ballots that were recommended for rejection because they had returned state issued ballots which were timely. Griffith Manahan made a motion to reject the 3 federal ballots, seconded by Laura O'Callaghan. The motion passed unanimously.
10. Katherine Berry presented 1 envelope that had 2 oaths and 2 ballots inside. A motion was made by Laura O'Callaghan seconded by Samuel Foster to accept the ballots. The motion passed unanimously. Terry Berger referenced Maryland law, CO-Mar 33.11.5.4A for this decision.
11. Katherine Berry presented ballot #1504B for the board to decide if there was an identifiable mark on the ballot. Laura O'Callaghan made a motion seconded by Samuel Foster that there was no identifiable mark on the ballot. On this same ballot, a decision of the voter's intent for the office of the U.S. Senate was required. Laura O'Callaghan made a motion seconded by Samuel Foster that the vote was for Ben Cardin. The motion passed unanimously and the ballot was sent to the Ballot Duplicating Team.
12. Katherine Berry presented the board with ballot #217A for a vote regarding the voter's intent for the office of the Board of Education. Laura O'Callaghan made a motion, seconded by Griffith Manahan that the voter intended to vote for the three clearly marked candidates and the voter did not intend to over vote with a lesser mark for the fourth candidate. The motion passed unanimously and the ballot was sent to the Duplicating Team.
13. Katherine Berry presented the board with ballot #1026A for the voter's intent for the office of the Board of Education. Griffith Manahan made a motion, seconded by Samuel Foster that the three candidates intended were clearly marked and the other slight marking was not intended. The motion passed unanimously and the ballot was sent to the Duplicating Team.

#### Canvassing of Provisional Ballots

Paula Troxell reported that 131 provisional ballots will be canvassed during this canvass because the voter requested an absentee ballot, but the voter voted a provisional ballot during early voting or on Election Day and did not return the requested absentee ballot by 11/16/2018. 131 provisional ballots were presented for canvassing at this canvass.

Samuel Foster made a motion to begin presenting provisional ballot applications. Griffith Manahan seconded the motion, and the motion passed unanimously.

1. Paula Troxell presented 127 provisional ballots with the recommendation to accept them in full. The recommendation was based on the fact that staff had confirmed

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that each provisional application was submitted by a registered voter and was cast in the correct precinct where that voter currently resides. Laura O'Callaghan made a motion to accept the ballots, seconded by Samuel Foster. The Board unanimously voted to accept the recommendation and accept and count the provisional ballots in full.

2. Paula Troxell presented 3 provisional ballots with the recommendation to accept them in part. The recommendation was based on the fact that staff had confirmed that each provisional application was submitted by a registered voter and the provisional ballot was cast in the wrong precinct. Griffith Manahan made a motion to accept in part and duplicate, seconded by Samuel Foster. The Board unanimously voted to accept the recommendation, and the ballots were referred to the duplicating team.
3. Paula Troxell presented 1 provisional ballot from early voting at the Swim Club where the voter did not sign the oath (Reason Code #4) with the recommendation to reject the ballot. Griffith Manahan made a motion to reject, seconded by Samuel Foster. The board voted unanimously to reject this ballot.

#### Printing Canvass Results

After scanning all accepted ballots, Kimberly Jones and Eduardo DeLima locked the ballot scanner and printed a Voting Results Report. The Board of Canvassers confirmed that the number of accepted ballots equaled the number of ballots counted by the ballot scanner(s). The Board of Canvassers signed the Voting Results Report and posted them on the wall of the Training Room where the canvass was being conducted.

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### **RELEASE OF UNOFFICIAL RESULTS**

Griffith Manahan announced the results from the second absentee canvass. Griffith Manahan announced the following statistics from the second absentee canvass:

Absentee 2 Canvass Statistics	Number of Ballots
Total Ballots Presented at 2 <sup>nd</sup> Absentee Canvass	1,589
Total Absentee Ballots Presented	1,458
Total Provisional Ballots Presented	131
Total Accepted Ballots	1,550
Accepted Absentee Ballots	1,420
Accepted in Full Provisional Ballots	127
Accepted in Part Provisional Ballots	3
Total Rejected Ballots	42*
Rejected Absentee Ballots	38
Rejected Provisional Ballots	1

**\* 3 FWABs were presented at this canvass for rejection (see line item 12 above). The total rejected ballots in MDVOTERS do not include the 3 FWABs, but they are included in the rejected totals above to reflect what was rejected during this canvass.**

### **VERIFICATION OF VOTE COUNT**

Katherine Berry explained that staff conducted several post-election verifications and audits performed. Staff manually added the Voting Results Reports from each ballot scanner in the precincts previously randomly selected by the local board of elections and compared the manually added totals with the totals produced by the election database for those precincts. Katherine Berry confirmed that all of the numbers matched.

Katherine Berry explained that a similar verification was performed on each ballot scanner used for the first absentee canvass. Staff manually added the Voting Results Reports printed from each ballot scanner used for the first absentee canvass and compared the manually added totals to a report printed from the election database for the first absentee canvass. Katherine Berry confirmed that all of the numbers matched.

Katherine Berry presented the Board of Canvassers with the verification results, and the Board of Canvassers reviewed the results. Griffith Manahan made a motion to accept the verification results. Samuel Foster seconded the motion, and the motion passed unanimously.

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### **POST ELECTION AUDIT**

Katherine Berry explained that post-election audits were performed on certain precincts and absentee and provisional ballots. For the randomly selected precincts and any precinct where the difference between the number of voters checked-in to vote and ballots cast is 5 or more, staff compared the number of signed voter authority cards for each ballot scanner against the number of ballots cast. Katherine Berry confirmed that all of the numbers matched.

Katherine Berry explained that staff reviewed a sample of accepted absentee ballots to determine if there was a timely absentee ballot request on file and the absentee ballot was timely received. Staff also reviewed a sample of rejected absentee ballots to determine if the ballot was untimely received or was rejected for another valid reason. Katherine Berry confirmed that all of the numbers matched.

Katherine Berry explained that a sample of accepted provisional ballots were reviewed to determine whether the provisional voter was registered to vote at the time of the election, voted the ballot for the precinct in which the voter resides, and all other applicable criteria were met. A sample of partially accepted provisional ballots was also reviewed to confirm that a voter was registered to vote at the time of the election, did not vote the ballot for the precinct in which the voter resides, and all other applicable criteria were met. Staff also reviewed a sample of rejected provisional ballots to confirm that the voter was not registered to vote at the time of the election or the voter's ballot was rejected for another valid reason. Katherine Berry confirmed that all of the numbers matched.

### **CERTIFICATION OF ELECTION RESULTS**

Katherine Berry explained that the post-election verifications and audits had no discrepancies and presented the Board of Canvassers with the election results. The Board of Canvassers reviewed the election results.

Griffith Manahan made a motion to certify the results of the gubernatorial election, November 6, 2018. Harvey Tegeler seconded the motion, and the motion passed unanimously.

Samuel Foster made a motion authorizing Griffith Manahan, President and Harvey Tegeler, Secretary of the board of canvassers, respectively, to sign the canvass sheets when the sheets are ready. Laura O'Callaghan seconded the motion, and the motion passed unanimously.

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**NEXT BOARD OF CANVASSERS' MEETING**

If additional absentee ballots are received, the Board of Canvassers will convene at the next meeting of local board of elections. The next meeting is scheduled for December 19, 2018 at 10:00 a.m.

**ADJOURNMENT**

The meeting was adjourned at 2:38 p.m.