

From: J.H. Snider
Sent: Friday, February 08, 2013 4:53 PM
To: Ross Goldstein -SBE-
Subject: RE: PIA Request

Categories: Red Category

Dear Mr. Goldstein:

It has now been more than three months since I submitted my Public Information Request to you (see below). If I don't hear back from you by the end of the business day next Wednesday (exactly fifteen weeks since you received the Request and one week from my most recent email explaining in detail what I believe still hasn't been fulfilled), I will assume that from your perspective, as you stated in your January 15, 2013 email to me (see below), the Maryland State Board of Elections has already fulfilled my Request.

Sincerely,

--Jim Snider

From: J.H. Snider
Sent: Wednesday, February 06, 2013 9:24 AM
To: 'Ross Goldstein -SBE-'
Subject: RE: PIA Request

Dear Mr. Goldstein:

Thank you for providing the GEMS User Manual and fulfilling my request #2. Regarding my November 1, 2012 Public Information Act request, here is the disposition of the 7 requested items:

- 1) Not provided.
- 2) Provided.
- 3) Not provided. Please see my comments contained in my December 18, 2012 email to you (copied below). For example, regarding the document you sent me, no date is provided or otherwise mentioned regarding when the document was created; the document is undated. Similarly, the input parameters filled out don't correspond to those that should be filled out based on the GEMS User Manual. It's unclear whether you provided me with an original document or some other type of document, such as a document created in response to my Public Information Act request. If the original document with input parameters for my Public Information Request 3) does not exist, you may comply with 3) by saying that no original document currently exists with the input parameters used to calculate the relevant majority denominator. If you claim that the provided document complies with 3), please provide an exact replica of the report that is generated using those input parameters.

- 4) Not provided. There is no one-to-one to one or even logical relationship between this set of guidelines and the document provided in 3) above. Nor are these the proper parameters to derive the desired majority denominator. If the requested written document (or documents) doesn't exist, I need a clear statement from you to that effect; namely, that Paul Aumayr received no written guidance on how to calculate the relevant majority denominator.
- 5) Not provided. I checked the GEMS User Manual and the output you provided does not correspond to any output provided by that program. I am looking for the actual output of that program; that is, the document from November 2010 that was presumably the basis of the document you sent me. If you don't have such a document, please comply with my request by saying so explicitly.
- 6) Provided. The claim you explicitly made here is that no such correspondence exists.
- 7) May or may not have been provided. In any case, the information provided was not what I was looking for, so I decided to seek it directly from the U.S. Election Assistance Commission. The Maryland State Board of Elections submitted the relevant information to the U.S. Election Assistance Commission on the 2010 Election Administration & Voting Survey.

Sincerely,

--J.H. Snider

From: Ross Goldstein
Sent: Tuesday, January 15, 2013 9:17 AM
To: J.H. Snider
Cc: Paul Aumayr; Jared DeMarinis
Subject: PIA Request

Mr. Snider,

Attached is the full un-redacted GEMS User Manual. Also attached is a spreadsheet from 2010 that is responsive to question #5. This completes SBE's response to your request.

Ross Goldstein
Deputy Administrator
Maryland State Board of Elections
P.O. Box 6486, Annapolis, MD 21401
(o) [410.269.2877](tel:410.269.2877)
(c) [410-507-5036](tel:410-507-5036)
NEW - ross.goldstein@maryland.gov

From: J.H. Snider
Sent: Monday, January 07, 2013 9:44 PM

To: 'Ross Goldstein'
Subject: RE: PIA Request

Thanks, and I'll look forward to receiving the remaining missing items.

-J.H. Snider

From: Ross Goldstein
Sent: Monday, January 07, 2013 4:42 PM
To: J.H. Snider
Subject: PIA Request

Mr. Snider,

Thank you for the phone call earlier today. We actually met to discuss the outstanding issues with your request earlier today. First, regarding item #7, please see the attached document. This is the presentation outline Ms. Lamone used for a briefing and it contains information about MOVE Act compliance.

Regarding the GEMS manual, we have a request in to the vendor to get permission to release the entire document to you. We told them to provide us with a response no later than Wednesday of this week.

Paul Aumayr is working on compiling the documentation for item #5 - which will also be completed by no later than Wednesday of this week.

Finally, on questions #3 and 4, we have reviewed your response, and note that the documents provided are the only documents responsive to your request.

Ross Goldstein
Deputy Administrator
Maryland State Board of Elections
P.O. Box 6486, Annapolis, MD 21401
(o) 410.269.2877
(c) 410-507-5036
NEW - ross.goldstein@maryland.gov

----- Forwarded message -----

From: **Donna Duncan** <donna.duncan@maryland.gov>
Date: Mon, Jan 7, 2013 at 4:25 PM
Subject: Briefing doc from last year

To: Ross Goldstein

Do you think this is what JHSnider wanted - it's not specific to MOVE but does address the issue

From: J.H. Snider
Sent: Monday, January 07, 2013 4:21 PM
To: J.H. Snider
Subject: RE: Public Information Act request

On January 7, 2012, I followed up with a voice message seeking a status update on my PIA request. --Jim

From: J.H. Snider
Sent: Tuesday, December 18, 2012 4:22 PM
To: 'Ross Goldstein'
Subject: RE: Public Information Act request

Dear Mr. Goldstein:

It has been 48 days since I submitted my Public Information Act request, and I am still awaiting more than a token response.

In response to your December 7, 2012 email, partially fulfilling my request:

1. See Attachment - PIA Q1

Your response indicates that question #2 was not complied with; that is, no attempt was made to request from the GEMS database provider that I have access to the GEMS Training Guide, other than the single chapter provided to me.

2. The manual you are requesting is proprietary material of the vendor and we cannot provide you with a copy.

See my response to #1 above. If the response is currently not in writing, then please provide me with a written response as to the precise question asked to the GEMS database provider, when the question was asked to the GEMS database provider, and to whom the question was asked at the GEMS database provider.

3. See Attachment - PIA Q3

Five observations: a) There is no date, as requested. b) I do not believe these are the correct settings. For example, the question was not votes cast but ballots cast, but what you have sent me is votes casts. c) The page is clearly incomplete, as the windows with scroll bars are only partially shown; see the so-called how-to guide in #4 below to see the clear omissions. d) It is odd that all the "show" items are left unmarked; again, see #4 below. e) Without the code explanations provided in the GEMS Training Guide, this information is not meaningfully public.

4. See Attachment - PIA Q4

Unless the directions accompanying this page are provided, this document is not meaningfully public. The directions are the Rosetta Stone, without which this document

would be gibberish not only to me but the person entering the data. See #1, #2, and #3 above.

5. Still searching.

I await your reply.

6. Ms. Duncan has searched her records. There were no records that are responsive to your request.

Your response indicates that the 2010 election is the first time this phrase was used.

7. Still searching.

You subsequently in an email addressed to that subject included a Powerpoint presentation from Linda Lamone. But the provided presentation was not the one I thought I had requested. The one I requested was her Powerpoint presentation *after* the 2010 election concerning the compliance of the State Board of Elections with the MOVE Act. I am specifically interested in any information the State Board of Elections collected and compiled for the 2010 elections on Federal only MOVE Act ballots. If that information is in a separate document from Linda Lamone's Powerpoint presentation, you may send me that document in lieu of her presentation.

After the State Board of Elections meeting on December 6, 2012, we chatted and you said that you thought Paul Aumayr had already fulfilled my Public Information Act request (and then graciously agreed it hadn't after I explained the discrepancy between my request and what Mr. Aumayr had sent). After yesterday's meeting of the Maryland Electoral College at the Maryland State House, I asked Donna Duncan about the status of my Public Information Act request, and she said she thought you had already fulfilled it. Your December 7, 2012 reply also asserts that five of the seven requests were fulfilled.

It is a longstanding complaint among Maryland Public Information Act requesters that Maryland public officials, for shrewd legal and PR reasons, pretend to fulfill a request when that is not in fact their intent. I trust that that is not your intent here and that, in addressing any remaining omissions, you intend to comply in good faith with both the spirit and letter of the law on this important electoral issue of public concern.

Sincerely,

--J.H. Snider

From: Ross Goldstein
Sent: Friday, December 07, 2012 4:34 PM
To: J.H. Snider
Cc: Donna Duncan
Subject: Re: Public Information Act request

Mr. Snider,

1. See Attachment - PIA Q1

2. The manual you are requesting is proprietary material of the vendor and we cannot provide you with a copy.
3. See Attachment - PIA Q3
4. See Attachment - PIA Q4
5. **Still searching.**
6. Ms. Duncan has searched her records. There were no records that are responsive to your request.
7. **Still searching.**

Ross Goldstein

Deputy Administrator

Maryland State Board of Elections

P.O. Box 6486, Annapolis, MD 21401

(o) 410.269.2877

(c) 410-507-5036

NEW - ross.goldstein@maryland.gov

From: J.H. Snider
Sent: Friday, December 07, 2012 10:16 AM
To: Ross Goldstein
Subject: RE: Public Information Act request

Dear Mr. Goldstein:

It was good to chat with you after yesterday's State Board of Elections meeting and hear of your intent to fulfill my Public Information Act request. Please let me know when you intend to send me the seven requested documents (see below).

Sincerely,

J.H. Snider

From: J.H. Snider
Sent: Friday, November 30, 2012 4:03 PM
To: 'Ross Goldstein'
Cc: Donna Duncan; 'Paul Aumayr'
Subject: RE: Public Information Act request

Dear Mr. Goldstein:

We're approaching the 30-day mark, and I wanted to remind you of this PIA request.

If you need more time to fulfill it, please let me know.

Sincerely,

J.H. Snider

From: J.H. Snider
Sent: Thursday, November 01, 2012 3:24 PM
To: 'Ross Goldstein'
Cc: Donna Duncan; 'Paul Aumayr'
Subject: Public Information Act request

J.H. Snider
945 Old County Road
Severna Park, MD 21146

November 1, 2012

Ross Goldstein
Deputy Administrator
Maryland State Board of Elections
151 West Street, Suite 200 - PO Box 6486
Annapolis, MD 21401-0486

Re: Public Information Act Request

Dear Mr. Goldstein:

In accordance with Sections 6-112 et seq. of the State Government Article of the Annotated Code of Maryland, I request the following information from the Maryland State Board of Elections:

- 1) Email correspondence from and to (including cc'd and bcc'd) Maryland State Board of Elections Voting System Director Paul Aumayr with the word "GEMS" included in the text of the email, from October 15, 2012, when I requested GEMS related information to Maryland State Board of Elections Election Management Division Director Donna Duncan, to the date when this Public Information Act is complied with. I'm attaching below my written correspondence with Mr. Aumayr and Ms. Duncan. I followed up with three voice messages to Mr. Aumayr requesting the status of his inquiry to ES&S (see email attached below) but received no reply. I suggest doing a direct electronic query in Mr. Aumayr's email program to access this information with a few keyboard strokes. The resulting filtered emails can then be selected based on the date range (October 15, 2012 to the present) and then forwarded to a single email by hitting the forward button.
- 2) A copy of the most recent version of the GEMS Training Guide currently in the possession of the Maryland State Board of Elections. In my initial conversation with

- Mr. Aumayr, he indicated that the State Board of Elections is using an earlier version of the GEMS Training Guide. He also said he needed to confer with Election Systems and Software (ES&S), the owner of the GEMS Training Guide, before he could send me any part of it (see email attached below describing the proprietary nature of GEMS documentation).
- 3) A copy of the GEMS software settings to determine the number of “times blank voted” at the November 2, 2010 General Election on Question #1, the referendum on convening a state constitutional convention. This should include a copy of the computer screen or screens where such settings were entered. Please include the dates when the settings were entered. Many software utility programs make such screen capture easily. A utility within the Windows operating system to do this is the snipping tool. To find it easily, go to the Windows search box on the Start Menu and enter “Snipping Tool.”
 - 4) A copy of any instructions the GEMS database administrator, currently Mr. Aumayr, was given on how to fill the GEMS settings to tally the number of “times blank voted” at the November 2, 2010 General Election on Question #1, the referendum on convening a state constitutional convention. This should include handwritten notes as well as email correspondence.
 - 5) A copy of the GEMS output used by Maryland’s State Board of Canvassers concerning the number of “times blank voted” at the November 2, 2010 General Election on Question #1, the referendum on convening a state constitutional convention. Please include the dates on which such output was generated, including preliminary versions of the output that were later modified or otherwise discarded.
 - 6) Email correspondence from and to (including cc’d and bcc’d) Maryland State Board of Elections Election Management Division Director Donna Duncan with the phrase “times blank voted” any time during 2010. It is my understanding that this is a new term, first used in 2010, by Maryland’s State Board of Canvassers. If I am wrong about the introduction of this particular phraseology, please let me know. I suggest doing a direct electronic query in Ms. Duncan’s email program to access this information with a few keyboard strokes. The resulting filtered emails can then be selected based on the date range (2010) and then forwarded to a single email by hitting the forward button.
 - 7) Maryland State Board of Elections State Administrator’s Linda Lamone’s Powerpoint presentation and any accompanying report concerning the Maryland State Board of Elections implementation during Maryland’s 2010 General Election of the Federal government’s MOVE Act of 2009.

Any redacted information from documents provided in response to this Public Information Act request should be noted and justified with reference to the specific law allowing the redaction.

If possible, please email me the requested documents as attachments. To the extent this isn’t feasible, please mail me the documents at the physical address at the top of this email.

In regards to any copying fees, I request that all fees be waived: the information will be broadly disseminated to the public.

Please respond within the 30 calendar days provided by the law.

Sincerely,

J.H. Snider

From: Paul Aumayr
Sent: Friday, October 19, 2012 2:34 PM
To: J.H. Snider
Subject: GEMS Training Guide

Mr Snider,

Following our discussion earlier on GEMS Training material. While we do have documentation on GEMS, it is proprietary, and may not be disclosed without the express permission of Diebold Election Systems. Diebold Election Systems was acquired by Election Systems and Software. We will contact ES&S and determine whether they will agree to grant this permission or not.

Best Regards

Paul Aumayr
Voting System Director
Maryland State Board of Elections
151 West Street, Ste. 200
Annapolis MD 21401

From: J.H. Snider
Sent: Wednesday, October 17, 2012 4:48 PM
To: 'Donna Duncan'
Subject: PIA request for part of GEMS Training Guide

Hi Donna:

Following up on our conversation this afternoon, I'm sending you a link to the table of contents of the current version of the GEMS Training Guide (version 1.20.2), which is available on the Premier Elections website. Here is the link:

http://www.premierelections.com/training/slideshows/Manuals/samples/GEMS_sample.html

I am seeking a copy of pages 205-220. Here is the relevant snippet:

LXV. Election Night Reporting.....

- A. Add a Reporting Set
- B. Modify a Reporting Set.....
- C. Delete a Reporting Set.....
- D. Define Report Settings
- E. Cards Cast Report
- F. AccuVote-OSX Status Report
- G. Election Summary Report
- H. Statement of Votes Cast Report.....

If you don't use this version of the GEMS Training Guide, the contents of any section named "Election Night Reporting" would be an adequate substitute. An email with the relevant document as an attachment would be ideal. Alternately, I could pick up the relevant pages at your office.

If you have any questions, please do not hesitate to contact me.

Sincerely,

--Jim Snider