David J. McManus, Chairman
Patrick J. Hogan, Vice Chairman
Michael R. Cogan
Malcolm L. Funn
Kelley Howells

Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

To: Linda Lamone, Agency Administrator

From: Whitney LeRoux, Director of Procurement, and Tracey Hartman, Special Projects Director

Date: 07/03/2019

Subject: Clear Ballot Sole Source Determination Recommendation for Post-Election Automated Ballot Tabulation Audit

---

SBE is recommending a sole source contract with Clear Ballot Group Inc. (Clear Ballot) for the 2020 Election Cycle, with an Option Period for the 2022 Election Cycle. Currently, Clear Ballot is the only vendor with an independent, market ready automated solution to audit voted ballot images.

In December 2015, SBE posted a Request for Information (RFI) on *eMaryland Marketplace* and directly contacted vendors to explore what, if any, companies have software to support an automated, independent verification of voted ballot images. SBE received three responses. One of the companies, ES&S, is the manufacturer of the Statewide voting system, so its results would not fulfill SBE's criteria to have a review that is entirely independent from the voting system. A second vendor, ITNOVA, provided information about a system that is not yet built. The third vendor was Clear Ballot.

After the 2016 Primary Election, SBE conducted a pilot post-election tabulation audit program to evaluate three possible methods of auditing voted ballots. After piloting the three different audit methods in two pilot jurisdictions (Carroll and Montgomery Counties), SBE thoroughly assessed and evaluated the methods. Of the three audit methods piloted, only Clear Ballot's solution adequately satisfied SBE's stated criteria that the audit: 1) maximize the technological functions of the new voting system; 2) minimize human error and eliminate chain of custody issues by using securely stored ballot images; 3) be conducted at the ballot level; and 4) be entirely independent of the voting system.

Following this evaluation, SBE recommended that an independent automated audit, namely Clear Ballot's ClearAudit solution, be implemented for the 2016 General Election and awarded a sole source contract to Clear Ballot for that election Statewide (all 24 jurisdictions). The work performed by Clear Ballot satisfied SBE's requirements and enabled election officials to verify the accuracy of 100% of the results before the election was certified. Additionally, the audit solution identified ballots that were not counted accurately (these ballots were counted again and included in the results), components of the voting system that needed maintenance or repair, and identified areas where election judges and voters needed more instruction.

FAX (410) 974- 2019
MD Relay Service (800) 735-2258

Toll Free Phone Number (800) 222-8683
http://www.elections.maryland.gov

151 West Street Suite 200
Annapolis, Maryland 21401

In August 2017, SBE reached out to ITNOVA and they confirmed that since their response to our 2015 RFI, they still do not have a market ready solution. SBE then conducted its own market research to determine that no other market ready solutions had been developed since the 2016 RFI. As a result, Clear Ballot was awarded in September 2017 the Sole Source contract for the 2018 elections.

In 2019, SBE issued another RFI to assess the marketplace for an automated audit software product and asked for an update from ITNOVA. After posting the RFI, SBE received and answered questions from three companies, namely CJIS Group, Deltek, and Seven Outsource, regarding various aspects of the a post-election automated ballot tabulation audit. The questions and answers were posted to *eMaryland Marketplace* for the duration of the request period of the RFI. The request period closed on May 1, 2019, at 5 pm. The only response to the RFI received was from Clear Ballot. SBE received no response from ITNOVA.

Since the RFI was issued and previous sole source contract was awarded to Clear Ballot for the 2016 General Election and the 2018 Primary and General Elections, SBE has conducted additional market research, which has confirmed that no new vendors have entered the market with a solution in the past 21 months. Based on our research and requests for information, SBE believes that Clear Ballot is still the only vendor with a commercially available, ready for use, independent, automated solution to audit voted ballot images.

Some beneficial aspects of Clear Ballot's Clear Audit solution are:
- Experience performing post-election audits in Maryland and other states, namely New York, Connecticut, Vermont, and Florida.
- Technical ability to scan and tally another vendor's ballot images, which research has shown other solutions cannot.
- Fully automated system for an efficient audit.
- Eliminates subjective human element in ballot counting and handling.
- Ability to examine specific ballot images to determine if marks can – under State law – be counted.
- Flexibility on when audit can be performed – either before or after election certification.
- Ability to identify voting equipment needing maintenance or repair
- Provide information on what additional information election judges and voters need to know.

Based on information gathered from the RFI process and SBE's own research, Clear Ballot is the only company that has a proven solution that can scan and tally ballot images from another vendor's system to provide a truly independent review of the election results.

For this reason, it is recommended that a sole source procurement be awarded to Clear Ballot for SBE's 2020 Election Cycle post-election automated ballot tabulation audit, with an option period for the 2022 elections.

W deRoux

_____

Whitney LeRoux, Director of Procurement

Tracey C Hartman

_____

Tracey Hartman, Special Projects Director

Approved by:

Linda Lamone

_____

Linda Lamone, Agency Administrator