

October 7, 1932

Hon. Howard W. Jackson,  
Mayor of Baltimore,  
City Hall,  
Baltimore, Maryland.

Dear Mr. Mayor:

Referring to the correspondence passing between yourself and the Board of Supervisors of Election relative to the use of Voting Machines at the approaching election, particularly as to the power of the Supervisors to determine the number of such machines for each polling place.

It appears from the correspondence that the Supervisors have been advised by the Attorney General of Maryland that it is mandatory upon them to require five Voting Machines in each precinct.

You have requested me to consider this matter and advise you whether the City has any remedy or right of appeal from the decision of the Supervisors in the premises.

In the first place, I must say, with all due respect, that I entirely disagree with the argument and conclusions expressed by the Attorney General in his opinion to the Supervisors.

Under Section 222 of the Election Law (Article 33 Annotated Code of Maryland), the Election Supervisors of Baltimore City and of the respective Counties are authorized and empowered to use Voting Machines in primary and general elections "under such rules and regulations as said Election Supervisors may deem advisable or necessary".

By Section 223 of the Code it is provided that: "All elections held through the medium of Voting Machines shall have the same validity in law as elections held by means of paper ballots."

Under these two Sections of the Election Law, the Supervisors are authorized and empowered to substitute Voting Machines for balloting with paper ballots.

If they exercise this authority, and make such substitution, it is obvious that, as a necessary and inevitable consequence, the use of paper ballots as a