

SALLIE TAYLOR, et al.,	IN THE
Plaintiffs	CIRCUIT COURT
v.	FOR
MARYLAND STATE BOARD OF ELECTIONS	ANNE ARUNDEL COUNTY
Defendant	CASE C-02-CV-26-001574

ORDER DENYING TEMPORARY RESTRAINING ORDER

This matter came before the Court on June 23, 2026 (Primary Election Day in Maryland) when Plaintiffs filed a Complaint for Declaratory Judgment and a Motion for Temporary Restraining Order (TRO) and Preliminary Injunction. Plaintiffs are represented by C. Edward Hartmann III, Esquire, and Defendants are represented by Assistant Attorney General Daniel Kobrin, Esquire. Counsel appeared in chambers on June 24, 2026, to advocate their positions regarding the request for TRO.

The Rule that governs Temporary Restraining Orders in Maryland is Rule 15-504. The Maryland Rules are promulgated by the Supreme Court of Maryland and must be applied by Maryland Courts.

Rule 15-504 reads in pertinent part:

RULE 15-504. TEMPORARY RESTRAINING ORDER

(a) Standard for Granting. A temporary restraining order may be granted only if (1) it clearly appears from specific facts shown by affidavit or other statement under oath that immediate, substantial, and irreparable harm will result to the party seeking the order before a full adversary hearing can be held on the propriety of a preliminary or final injunction, and (2) the court examines and makes appropriate findings regarding:

- (A) the likelihood that the moving party will succeed on the merits;
- (B) the balance of harm to each party if relief is or is not granted;
- (C) whether the moving party will suffer irreparable injury unless the order is granted; and

(D) a determination that granting the order is not contrary to the public interest.¹

Without deciding the merits of the case, and without having conducted an evidentiary hearing, this court does not find the Plaintiff will have a great likelihood of success on the merits in this matter. While most of the facts are not in dispute in this case², and, while conspiracy theories abound, the court finds that the printing and distribution of erroneous ballots was an honest mistake, which, when brought to SBE's attention, has been remedied to the extent possible. SBE sent new ballots to all 490,000 recipients. Those replacement ballots indicated that the previous ballots should not be used. In addition, SBE followed up with another mailing to those same voters notifying them of the mistake, and urging them to vote only the corrected ballots. On top of all of that, SBE has invalidated all the ballots from the first (erroneous) tranche, and, if and as returned, those ballots are quarantined, and not counted except perhaps in non-partisan races.

¹ The balance of the Rule has been purposefully omitted from this Memorandum Order because those provisions of the Rule do not impact on the Court's reasoning.

² A brief synopsis of the relevant facts: The Maryland State Board of Elections ("SBE") is responsible for supervising elections, including primary elections and mail-in ballots. Maryland has a closed primary election, meaning only persons of the designated party can vote in that party's primary election.

Earlier this year, SBE, through a vendor, mailed an initial lot of approximately 490,000 mail-in ballots for the Primary Election, but it cannot be sure whether correct ballots (by political party) were sent to each voter. In an attempt to remedy this error, SBE issued an entire replacement set of 490,000 mail-in ballots, along with multiple communications to those who received ballots from that first issuance.

With the help of barcodes and markings on the ballots, the initial tranche of ballots have been invalidated by SBE. If and when received by return mail, invalidated ballots are quarantined, that is, not included in the count until such time as those ballots can be examined and a decision can be made regarding whether the voter cast a replacement ballot. For those voters who did not cast a replacement ballot, or vote in person or by some other means, the SBE may determine that the votes in those ballots may be counted in non-partisan races such as School Board, but not in the Democratic or Republican Primaries, because only voters who are registered to one of those parties may participate in that party's Primary Election.

This court does not find that the potential for harm is substantial and immediate under the circumstances as SBE began preparing corrective measures as soon as it became aware of the (possibly) defective ballots. The court does have some concerns about the possibility that a voter may have received a bad ballot, voted it, and left the country on an extended vacation or the like, and thus would have missed the corrected ballot and the ability to vote. To the degree that is disenfranchisement of the right to vote, of course the court is concerned and takes that possibility very seriously. However, Plaintiffs have no example of a scenario anything like this and have not shown that the result of any of yesterday's Primary Election contests has been affected. Should they, in the next ten days or so, be in a position to show the likelihood of some form of voter disenfranchisement, there are existing remedies in law that may be applied.

The court finds that the balance of inconvenience weighs in favor of SBE at this point because of the remedial measures it began building into place once it discovered the problem. The court also finds that the remedies requested by Plaintiffs, such as the right of voters, candidates, and their representatives to observe the ballot count, are already enshrined in law. This court would not be granting them something they don't already enjoy (if they chose to avail themselves of it) by operation of law. The lone exception might be Plaintiff's request that all local election boards live stream their ballot count, but because the law already allows for live observers, this court will respectfully decline to order the ballot counts across the State of Maryland to be live streamed.

Finally, the court does not find this order to be contrary to the public interest. The court does find that the remedial measures put in place by SBE and the extra scrutiny the ballot counters are sure to experience in light of the printing and distribution of

erroneous ballots may encourage the public to take a closer look at election integrity and may encourage SBE in the future to avoid the embarrassment of another such event.

For the above reasons, the Motion of the Plaintiffs for a Temporary Restraining Order in this case is respectfully **DENIED**.

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Robert J. Thompson

Robert J. Thompson, Judge
Circuit Court for Anne Arundel County