

**Congress of the United States**  
Washington, DC 20510

June 16, 2020

The Honorable Bill Ferguson  
President of the Senate  
H-107 State House  
Annapolis, Maryland

The Honorable Adrienne Jones  
Speaker of the House  
H-101 State House  
Annapolis, Maryland

Dear President Ferguson & Speaker Jones:

We write in support of your thorough review of Maryland’s recent primary election and its administration. As you continue your oversight efforts, we look forward to discussing how federal resources can be brought to bear to ensure that Maryland – and states across the nation – have the capacity to provide all voters a free, fair and safe election this November.

Earlier this month, Maryland held its rescheduled primary election in the midst of the COVID-19 public health crisis. Time and resource constraints created significant logistical challenges for officials charged with administering the election and it is clear that, under this pressure, there were several breakdowns in the process. We applaud the General Assembly for swiftly announcing joint hearings to examine the problems that occurred and to work towards solutions in advance of the November general election. Your inquiry, inclusive of input from the Maryland State Board of Elections (“SBE”) and its staff, as well as local election boards, will reveal what worked and what did not. It will ensure that Maryland is able to conduct the November election with the confidence that every voter will have access to the ballot box and that every vote cast will be counted.

At the federal level, we are working to ensure additional support for election preparedness. Already, Congress has provided states and local governments with an initial \$400 million in emergency election security grants, disbursed on a per capita basis to the states and United States territories.<sup>1</sup> Maryland, as you know, was eligible for \$7,452,501 in supplemental assistance. As Congress considers additional measures to respond to the voting challenges presented by the COVID-19 outbreak, it is critical to understand the obstacles that state and local election officials face and how we can work together to overcome them.

Drawing on press reports and official statements from the SBE, as well as input received from our constituents, we have enumerated below a set of discrete issues of interest and concern that arose during

---

<sup>1</sup> The Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (“CARES Act”). Pub.L. 116–136. <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>

the recently conducted primary election in Maryland. With respect to these various categories of challenges, we welcome your continued attention – as well as those of the Board and its staff – as to what federal guidance, data or funding would help to strengthen the State’s election effort.

**Deployment and Location of In-Person Voting Sites and Ballot Drop Boxes:** Public reporting indicated the SBE originally intended to suspend all in-person voting in the primary. Ultimately, the Board’s plan did provide for some, very limited in-person voting and the deployment of a number of ballot drop boxes. The demand for in-person voting in the fall is expected to be much greater and SBE must work with Maryland jurisdictions to ensure that the demand is met. We appreciate your continued attention to the basis upon which the Board made its decisions regarding the number and particular location of the in-person voting sites and what, if any, resource limitations informed those decisions.

**Sanitization Supplies for Safety of In-Person Voting Sites:** In requesting federal monies from the Election Assistance Commission (“EAC”) for the COVID-19 election preparedness response, the SBE cited its intent to purchase “personal protective equipment (PPE) and cleaning supplies for staff, poll workers and volunteers.”<sup>2</sup> We appreciate your continued attention to the adequacy of the federal support, how the SBE procured the requisite PPE and cleaning supplies for the primary election, whether the State of Maryland supported these efforts, and what plans the SBE has to augment the procurement and disbursement of PPE and cleaning supplies for the November general election.

**Expanding Vote By Mail, Including the Printing, Mailing & Tracking Measures Required:** Given public health concerns, the SBE proactively mailed ballots to all “eligible voters” and “strongly encouraged” voters to vote by mail.<sup>3</sup> We appreciate your continued attention to the universe of voters that was mailed a ballot for the June 2<sup>nd</sup> primary, who did not receive a ballot, how the SBE conducted voter registration list maintenance prior to ballot mailing and the extent to which “undeliverable” ballots will inform any future voter registration list maintenance.

Many eligible voters experienced significant delays in the receipt of their mailed ballots, creating confusion about the process adopted by the SBE. Public reporting indicates the SBE relied on a third-party vendor to initially mail ballots to Maryland voters, while the SBE – in conjunction with local boards – mailed supplemental or replacement ballots to those voters in need. We appreciate your continued attention to how many ballots were initially mailed by the third-party vendor to various Maryland jurisdictions, what the delays were in the receipt of those ballots, and how many replacement ballot requests were received (and replacement ballots mailed) by the SBE and by local boards of election. Additionally, we appreciate additional insight into SBE plans to strengthen its vote by mail operation for the November election and provide assurances that its use of vendors will satisfy public demand for this voting modality.

---

<sup>2</sup> Maryland State Board of Elections, “Comprehensive Plan for the 2020 Primary Election (June 2, 2020).” April 2020: [https://elections.maryland.gov/elections/2020/Comprehensive\\_June\\_2\\_Plan.pdf](https://elections.maryland.gov/elections/2020/Comprehensive_June_2_Plan.pdf)

<sup>3</sup> Maryland State Board of Elections, “How do we keep voter registration lists “clean” in Maryland?.” September 2017: [https://elections.maryland.gov/voter\\_registration/documents/Voter%20Registration%20List%20Maintenance.pdf](https://elections.maryland.gov/voter_registration/documents/Voter%20Registration%20List%20Maintenance.pdf)

**Overcoming Election Workforce Limitations & Shortfalls:** The SBE and local election boards rely on an expansive workforce of election judges and poll workers to administer our elections – many of whom are temporary volunteers that skew older in age, making much of the election workforce particularly vulnerable to COVID-19. We appreciate your continued attention to the SBE forecasting of what the workforce demands will be for the fall election, what shortages are likely to occur and how to ensure that all necessary coverage is available for early voting and election day voting sites. Additionally, we welcome your insight into the potential need for federal resources to support an alternative election workforce.

**Cost & Efficacy of Public Communications Regarding Election Changes:** In light of the many changes to the primary election, the SBE engaged in a series of public communications across several types of media and platforms to inform Maryland voters of the changes. Despite these efforts, it is clear some of our constituents remained confused regarding the opportunity and process to register online, vote in-person, delivery of mailed ballots, etc. We appreciate your continued attention to the SBE’s plans to deploy a robust voter education campaign for the November election, the availability of telephone hotlines or voter online services to field voter questions, and potential partnerships with civic organizations.

**Tabulation & Reporting Protocols:** The increased deployment and utilization of mailed ballots predictably altered the traditional tabulation processes deployed by the SBE and presented significant challenges in both the timeliness and granularity of results provided to the public. We appreciate your continued attention to the ballot design errors that occurred in Baltimore City District 1, and when, how and subject to what security protocols, the impacted ballots were copied into machine-readable format. In November, there will be tremendous pressure to report election results quickly and accurately. Again we are interested in what additional federal resources may be needed to ensure the SBE has the capacity to meet that expectation.

**Adequacy & Deployment of Federal Election Preparedness Funding:** As discussed above, the CARES Act (H.R. 748) provided states and local governments with an initial \$400 million in emergency election security grants, dispersed on a per capita basis to the states and United States territories.<sup>4</sup> In requesting Maryland’s share of the monies from the Election Assistance Commission, the SBE indicated it would use the funds for “the increase printing and mailing of absentee ballots,” “pre-paid postage,” “personal protective equipment (PPE) and cleaning supplies for staff, poll workers and volunteers,” “public communications,” and telework capacity for the SBE, including “laptops and mobile IT equipment.”<sup>5</sup> We appreciate your continued attention to what expenses in these categories the SBE incurred relative to the rescheduled primary election, as well as the special election for the 7<sup>th</sup> Congressional District; and whether there were any unforeseen expenses that were not included in the request to the Election Assistance Commission.

---

<sup>4</sup> The Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (“CARES Act”). Pub.L. 116–136. <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>

<sup>5</sup> Maryland State Board of Election, “Notice of Grant Award, Agreement# MD20101CARES.” April 2020: [https://www.eac.gov/sites/default/files/paymentgrants/cares/MD\\_CARES\\_Disbursement\\_RequestLetter.pdf](https://www.eac.gov/sites/default/files/paymentgrants/cares/MD_CARES_Disbursement_RequestLetter.pdf)

As indicated throughout, Congress continues to consider additional election preparedness funding as part of the ongoing COVID-19 legislative relief and response effort. On May 15, the United States House of Representatives passed the Heroes Act, which included an additional \$3.6 billion in supplemental election assistance funding to the states. This legislation awaits consideration by the Senate. As SBE and its staff anticipates the opportunity for additional funding, it should provide a clear picture of how and when the Board would need to deploy that funding in order to be fully prepared for the November election.

Once again, we applaud and appreciate the General Assembly's decision to conduct a thorough review of Maryland's primary election with an eye towards ensuring that our state is ready for November. Maryland voters, and Americans across the country, deserve and expect free, fair and safe elections. We must deliver.

Sincerely,

/s/John P. Sarbanes  
Member of Congress

/s/ Benjamin L. Cardin  
United States Senator

/s/ Chris Van Hollen  
United States Senator

/s/ Steny H. Hoyer  
Member of Congress

/s/ C.A. Dutch Ruppersberger  
Member of Congress

/s/ Anthony G. Brown  
Member of Congress

/s/ Jamie Raskin  
Member of Congress

/s/ David Trone  
Member of Congress

/s/ Kweisi Mfume  
Member of Congress