

BILL FERGUSON
PRESIDENT OF THE SENATE



ADRIENNE A. JONES
SPEAKER OF THE HOUSE

MARYLAND GENERAL ASSEMBLY
STATE HOUSE
ANNAPOLIS, MARYLAND 21401-1991

May 19, 2020

State Board of Elections
151 West Street Suite 200
Annapolis, Maryland 21401

Dear Members of the State Board of Elections,

As we quickly approach the Presidential Primary Election on June 2nd, we understand these unprecedented circumstances and the challenges facing the election system amid a global pandemic. We do have serious concerns, though, with the impacts that may result from administrative processes leading up to Election Day if remedial efforts to enhance voter confidence are not undertaken as soon as possible.

In partnership with the State Board, we hope to receive timely clarification of five key issues outlined below. Necessary steps must be taken to ensure voter confidence and make sure all eligible voters can cast a ballot, in as safe and effective manner as possible. Some of the issues raised below were also included in our letter to Governor Hogan on March 31st, as important precautions and points of effort for the State Board to incorporate to make this election inclusive and successful.

1. Additional Voting Centers

Due to the late delivery of mail-in ballots to Baltimore City and Montgomery County, it is much more likely that voters in these jurisdictions will encounter substantial hurdles to cast a ballot by Election Day. Maryland cannot afford a repeat of last month's special election on a statewide scale where over forty-thousand ballots were not delivered to voters. We applaud the State Board for moving quickly to increase the amount of ballot drop boxes, however, we do not believe this will be enough for eligible voters who do not receive a ballot, particularly in jurisdictions where mail-in ballots have not yet reached voters' mailboxes.

To remedy this situation, we ask the State Board to increase the current cap on in-person voting locations from a maximum of four to six sites per jurisdiction. We also ask the State Board to increase the number of drop-off locations for ballots in jurisdictions with delayed ballot delivery so that we reduce the risk of local boards disqualifying ballots returned late. The cost for any additional voting or drop-off sites should be largely covered by the State Board, since the local boards are not responsible for this shortcoming. We believe federal funds are available to offset the costs. In the best interests of public health and democracy, the further expansion of in-person polling locations and ballot drop-off locations will result in shorter lines and decrease chances of large crowds.

2. Undelivered Mail-In Request List

We understand that during last month's Special Election there was a batch of mail-in ballots, that despite being requested appropriately on-time, were delivered late to voters. Last Wednesday at a joint hearing between House and Senate members, your staff informed the group that the State Board "forgot" to deliver updated ballot request lists to the printer.

This information is incredibly disheartening and damages the public confidence in the State Board's ability to conduct a fair and secure election. The State Board cannot afford to let this happen again. No Marylander should lose their right to vote due to administrative negligence.

Please provide us with an account of how many ballots were undelivered and when they ultimately arrived to voters due to these specific circumstances.

3. Special Election Undelivered Ballots

Nearly one in ten (20,367) ballots went undelivered to Baltimore City voters during the Special Election due to address changes and other missing information. Additionally, over eight-thousand ballots were not delivered in Baltimore and Howard Counties.

The data shows those who are most adversely affected by a mail-in system are traditionally disenfranchised communities. Significant research shows minority voters are less likely to vote by mail, and that transient and low income populations are less likely to participate or even receive ballots – as we see here. As we transition to a primarily mail-in ballot election, there must be a comprehensive plan in place to direct resources to these communities and target voters individually to communicate alternatives to still vote if unable to cast a ballot by mail.

Please provide a response with how the State Board plans to address this issue for the June 2nd election.

4. Voter Communications Strategy

A robust communications program is the centerpiece to educating the public of the significant changes made to the voting system, and the public and legislature deserves to know for certain that such public outreach is occurring. In addition, the outreach should include a component to inactive voters who are not receiving ballots, as well as to active voters who are.

In addition to addressing the particular concern above, we request that the State Board provides a detailed account of the \$1.1 million in communications spending, including budget allocation, and messaging strategy ahead of the June election. Furthermore, we strongly encourage the State Board to implement a robust communications and education campaign in jurisdictions where ballot delivery has been delayed. We expect this voter education campaign to be targeted to our communities that are most likely to experience a negative impact from delayed ballot delivery.

5. Federal Funding

The Federal CARES Act included funding for states to improve election safety and security measures during the COVID-19 pandemic. Please provide more information on how much funding Maryland received as part of this package and how the State Board has prioritized its use.

We understand that you and your staff have been given a very difficult task. Governor Hogan's deliberations took longer than anyone expected and it has compacted your timeline considerably. Members of both parties and both chambers are rooting for a successful election and should be used as a conduit to voters. Improving communication and dialogue will be critical to success in June.

Please let us know how we can help get the word out for the June 2nd election.

Thank you,



William C. Ferguson, IV
President of the Maryland Senate



Adrienne A. Jones
Speaker of the Maryland House of Delegates