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GOVERNOR

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

August 3, 2020

Linda H. Lamone
State Administrator
State Board of Elections
151 West Street, Suite 200
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Administrator Lamone:

With Election Day fast approaching, I am very concerned that the State Board of Elections (SBE) appears to be on a path to repeating the massive failures of the June 2 primary election. As you will no doubt recall, tens of thousands of Marylanders received their ballot late or not at all, received incorrect ballots, or were forced to endure hours-long crowded lines at the handful of open polling places—it was an unmitigated disaster. State leaders in both parties were outraged by the failures and demanded answers. A number of them even called for your immediate resignation.

Sixty-one days ago, I directed you to give a full and complete report detailing the failures of the June primary and your plans to correct them to me, the Board of Public Works, the Secretary of State, the presiding officers of the Maryland General Assembly, and the public. Thirty days later, SBE sent a report which deflected blame for the mistakes of the primary election and failed to reach a consensus on any recommendation for a plan to move forward.

As you know, existing state law requires polling places to be open on Election Day. It also requires eight days of early voting and opportunities for voters to request applications for absentee mail-in ballots. Under existing law, and to save voters the extra step of having to request an application for an absentee ballot, I directed you to promptly mail applications to every single Maryland registered voter. It has now been 26 days, and you have failed to take this action.

I am now giving SBE 48 hours to report to me, the Board of Public Works, the Secretary of State, the presiding officers of the Maryland General Assembly, and the public explaining why those applications have not been mailed to Marylanders. In addition, we expect you to provide your plan for how to conduct the election under existing law, including the minimum number of polling places that you will be able to open in each county.

While SBE has the sole responsibility and authority to conduct the election, as governor I am committed to ensuring that every eligible voter in Maryland is given the ability to cast their vote, whether by mail, early voting, or by voting in person on Election Day. Let me be clear—this is not ‘my plan,’ it is what Maryland law requires you to do.

Our administration and the entire state government is going to great lengths in an effort to help you fulfill your responsibility. We have already begun an outreach campaign to encourage all Marylanders to vote by mail. We are actively encouraging state employees and students at Maryland universities and colleges to assist you by serving as poll workers. State officials are working in coordination with SBE to assist local boards of election in procuring PPE, and budget officials are working closely with you to ensure that you have the resources needed

to conduct the election.

Under existing state law, local boards do have the authority to make decisions regarding the consolidation of polling places in the case of an emergency. However, merging two polling places into one is very different than closing 90% of all of the polling places in a county. We are very concerned about recent attempts to deny Marylanders the right to vote. Local leaders have suggested massive closures of polling places, particularly in some of our minority communities. This would likely result in voter suppression and disenfranchisement on a significant scale, disparately impacting Marylanders of color. Last week, we received a letter from Prince George's County—one of the nation's most predominant African American counties with a total of 900,000 residents—saying that they want to close 229 precincts and only open 15. Imagine 244 polling places all trying to jam into 15 locations while trying to distance and keep people safe.

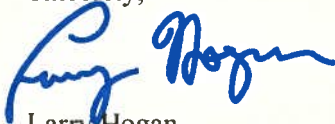
“Even as we sit here,” President Obama said in his eulogy last week for Congressman John Lewis, “there are those in power who are doing their darndest to discourage people from voting by closing polling locations, and targeting minorities and students with restrictive ID laws, and attacking our voting rights with surgical precision...” A new report from the Associated Press details how African Americans are skeptical about mail-in ballots and remain concerned about institutional obstacles to casting their ballots. In the report, a community organizer notes that many people either didn't receive a ballot or simply wanted to vote in a way that felt familiar to them.

The Voting Rights Act of 1965 explicitly prohibits “deny[ing] or abridg[ing] the right of any citizen of the United States to vote on account of race or color.” Section 1983 prohibits depriving any person “of any rights, privileges, or immunities secured by the Constitution and laws.” Any attempt to close 90% of our minority precincts would likely result in the filing of a civil rights violation with the U.S. Department of Justice. At the very least, it would justifiably result in allegations of voter suppression, and it would be unconscionable.

More than two months have passed, and you still have not provided a plan for how you are going to conduct an election. This is your sole responsibility and your only job. Instead, we have seen two months of delay and deflection about why polls can't be opened, and why applications for ballots can't be mailed. There are media reports indicating that those who attempt to volunteer to staff the polls are being told that there is uncertainty about if there is any need and that they should call back at a later time.

The November election is just 92 days away. As I said 26 days ago, the applications should be mailed immediately. Further attempts to suppress the vote by massive closures of polls must be stopped or there will be serious consequences. Without your immediate action to fix these issues, it is very likely that you will again have massive failures of the June primary repeated in November. We await your report no later than Wednesday, August 5.

Sincerely,



Larry Hogan
Governor

cc: The Honorable Robert K. Hur, United States Attorney, District of Maryland
The Honorable Adrienne Jones, Speaker, Maryland House of Delegates
The Honorable Bill Ferguson, President, Maryland Senate
The Honorable Michael R. Cogan, Chairman, Maryland State Board of Elections
Board of Public Works