

Congress of the United States
Washington, DC 20515

August 15, 2019

The Honorable Lawrence J. Hogan Jr.
Governor
State of Maryland
100 State Circle
Annapolis, Maryland

Dear Governor Hogan:

We write to request information regarding the State of Maryland's efforts to address problems that occurred during the 2018 elections and to make meaningful improvements to voter registration, voter access, and election security to ensure that Marylanders can exercise their constitutional right to vote in the 2020 elections.

Maryland voters faced significant, preventable barriers to voting on Election Day 2018. In various counties throughout Maryland, particularly in Prince George's and Montgomery Counties, precincts did not have enough printed ballots for voters, outdated and broken voting equipment resulted in delays, and many voters waited in line for longer than two hours to vote. In fact, some voters were still waiting in line when the media announced election results.¹ Moreover, during the 2018 primaries, state agencies failed to update voter registrations for more than 70,000 eligible voters who had recently moved, forcing those voters to use provisional ballots.²

Both before and after the 2018 elections, concerns have also been raised about whether voters with disabilities are able to vote privately using the state's electronic ballot-marking devices.³ In particular, the ballot-marking devices used by voters with disabilities, but not by most other voters, print paper ballots that are distinguishable from the state's standard paper ballots. In addition, poll workers have reportedly had difficulty operating the ballot-marking

¹ *'Totally unacceptable': Polling problems in Maryland leave voters waiting for hours*, Washington Post (Nov. 7, 2018) (online at www.washingtonpost.com/local/md-politics/totally-unacceptable-polling-problems-in-maryland-leave-voters-waiting-for-hours/2018/11/06/d01cad6c-e227-11e8-8f5f-a55347f48762_story.html).

² *'We failed': Officials explain error that could have affected 72,000 Maryland voters*, Washington Post (July 12, 2018) (online at www.washingtonpost.com/local/md-politics/we-failed-officials-explain-error-that-could-have-affected-72000-maryland-voters/2018/07/12/af709122-8558-11e8-8f6c-46cb43e3f306_story.html).

³ *Lawmakers, Advocates Say Election Board's Accessible Ballot Efforts Not Enough*, Maryland Matters (July 26, 2019) (online at www.marylandmatters.org/2019/07/26/lawmakers-advocates-say-election-boards-accessible-ballot-efforts-not-enough/).

devices, and the multiple screens used to navigate between candidates on the ballot may create an additional barrier for people with disabilities.⁴

Serious concerns regarding the security of Maryland's elections were also raised in 2018, and a post-election report by the U.S. Department of Homeland Security, working with state officials, recommended "cybersecurity improvements."⁵

In Maryland, approximately 54% of eligible voters—more than 2.3 million people—voted in the 2018 elections.⁶ Historically, voter turnout is even higher during a presidential year.⁷ With nearly 4 million active registered voters in Maryland, it is essential that the voting problems that occurred last year are not repeated in 2020, and that any security vulnerabilities are addressed before next year's elections.

Given the difficulties the State of Maryland faced during last year's elections and the importance of the upcoming elections in 2020, we urge you to work with the Maryland State Board of Elections and other state and federal agencies to resolve any outstanding issues. We also request a written response in a timely manner, with the following information:

1. Please describe the state's efforts to improve election security since the 2018 election, including a current accounting of how Maryland has spent federal election security funding that was appropriated in 2018, as well as any other federal funds that have gone to election equipment or services in Maryland. Please also provide information on the state's oversight mechanisms for election security matters.
2. Since the 2018 elections, what specific steps has Maryland taken to ensure that any new systems related to election management will properly process and count ballots ahead of the 2020 primary and general elections?
3. Since the 2018 elections, what specific steps has Maryland taken to ensure that absentee ballots will be delivered securely to its eligible voters during the 2020 primary and general elections?

⁴ *Blind Voters Sue Maryland Board of Elections, Alleging Discrimination at the Ballot Box*, Baltimore Sun (Aug. 2, 2019) (online at www.baltimoresun.com/politics/bs-md-pol-blind-election-lawsuit-20190803-b3grd2ey4rhvzajc4p4rkzt7hm-story.html); *National Federation of the Blind Sues Md. State Board of Elections Over Ballot Privacy*, WTOP (Aug. 4, 2019) (online at <https://wtop.com/maryland/2019/08/national-federation-of-the-blind-sues-md-state-board-of-elections-over-ballot-privacy/>).

⁵ Maryland State Board of Elections, *Engagement Report No. INC00001021672* (Nov. 2, 2018) (online at https://elections.maryland.gov/about/documents/HIRT_Engagement_Report_Maryland_State_Board_of_Elections_FINAL.pdf); *Election System Firm With Maryland Contract has Ties to Russian Oligarch, FBI Tells State*, Washington Post (July 13, 2018) (online at https://www.washingtonpost.com/local/md-politics/marylands-election-system-tied-to-russian-oligarch-fbi-tells-state/2018/07/13/89b8ce56-86fa-11e8-8f6c-46cb43e3f306_story.html);.

⁶ *2018 November General Election Turnout Rates*, United States Election Project (Dec. 14, 2018) (online at www.electproject.org/2018g).

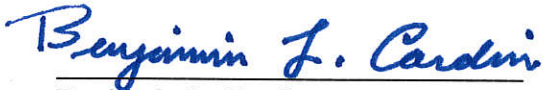
⁷ Christine Zhang, *Voter registration hits record high in Maryland*, Baltimore Sun (Oct. 16, 2018) (online at www.baltimoresun.com/politics/bs-md-voter-registration-record-high-20181016-story.html).

4. Since the 2018 election, what specific steps has Maryland taken to ensure every area of the state will have a sufficient number of voting locations in the 2020 primary and general elections to ensure access for every voter in that area?
5. Since the 2018 election, what specific steps has Maryland taken to ensure every voting location will have a sufficient number of fully working voting machines in the 2020 primary and general elections, including any backup plans if voting machines fail?
6. Since the 2018 election, what specific steps has Maryland taken to ensure every voting location will have a sufficient number of printed ballots and printed informational materials during the 2020 primary and general elections?
7. Since the 2018 election, what specific steps has Maryland taken to ensure that eligible voters with disabilities will have equal access to voting systems with anonymous ballots during the 2020 primary and general elections?
8. Since the 2018 election, what specific steps has Maryland taken to ensure that voters will be able to vote without long wait times during the 2020 primary and general elections? Please also provide information on how the state will ensure that all voters who are in line before polls close will be able to cast their vote.

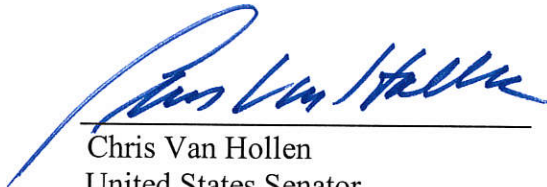
Additionally, we request a briefing from your office on these issues in a timely manner.

Thank you for your attention to this request.

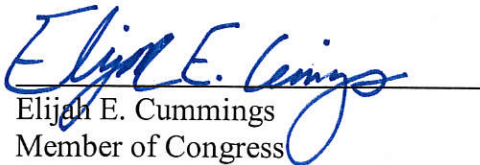
Sincerely,




Benjamin L. Cardin
United States Senator



Chris Van Hollen
United States Senator



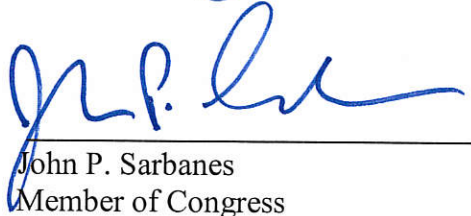
Elijah E. Cummings
Member of Congress



Steny H. Hoyer
Member of Congress





C.A. Dutch Ruppersberger
Member of Congress



John P. Sarbanes
Member of Congress


Jamie Raskin
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Anthony Brown
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David Trone
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