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PRESIDENT OF THE SENATE

ADRIENNE A. JONES
SPEAKER OF THE HOUSE

MARYLAND GENERAL ASSEMBLY
STATE HOUSE
ANNAPOLIS, MARYLAND 21401-1991

March 31, 2020

The Honorable Lawrence J. Hogan
Governor
State House
Annapolis, MD 21401

Dear Governor Hogan:

Last week, the State Board of Elections voted to make the June 2nd primary vote-by-mail without early voting or any Election Day in-person voting. While we share the Board's concern for poll workers, we do not agree that *at this point*, we should be closing off the opportunity to allow for some kind of limited in-person voting on election day to ensure all citizens have the ability to exercise a fundamental right safely and securely.

We are certain you agree that in-person voting is as essential an activity as many of the businesses currently being allowed to service customers across our state. The state must explore potential options for in-person voting opportunities for a limited number of our citizens to ensure that we are demonstrating that democracy can still flourish in the midst of a public health emergency. Furthermore, the vote-by-mail elections on April 28th and June 2nd will be important demonstrations of protocols and processes that may be necessary in November 2020 for the General Election – an election day with enormous consequence for Maryland and the entire country. The uncertainty around the length of phases of impact from the spread of COVID-19 necessitate state efforts to be as prepared as possible with all options available should a state of emergency still exist or get reinstated during a second phase of the virus' spread.

The Maryland General Assembly has considered and has elected not to move on statewide vote-by-mail election legislation on multiple occasions in the past. Concerns that have been raised in committees include the significant research that 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. A Pew Charitable Trust study from 2011 reported that a mandatory switch to vote-by-mail reduces the chance that an individual will vote by 13.2% and the chance of voting decreases 50% for urban voters.

Most vote-by-mail only states are overwhelmingly white and took years, not months, to transition. States like Colorado, a vote-by-mail state, do have Election Day options to register and vote. Under the current guidance from the State Board of Elections, we would be ignoring our state law requiring Maryland to have Election Day registration. The Board considered an option to have vote centers and to allow for options to maximize voter participation, but these suggestions were rejected after consulting with Maryland's Department of Health.

We are not opposed to vote-by-mail for this election, and we recognize the context of these decisions in the midst of this extraordinary public health event. However, we oppose the elimination of all forms of in-person voting accommodations for the June 2nd Primary Election unless there is a demonstration that no in-person options are reasonably viable without seriously jeopardizing public health. Ultimately, we would prefer the June 2nd Primary Election include some form of in-person voting options on election day itself to ensure that every citizen can exercise his or her fundamental right safely and securely. While the Board makes a recommendation, the choice is in your hands, Governor Hogan, and we hope that whatever option you choose effectively balances the public health risks with maximized voter access and participation. We also stand ready to assist the Administration in furthering such a policy for the June 2nd Primary Election and the potential application of these methods for the November 2020 General Election should such methods be necessary.

Our concerns aside, if you determine that the Board's current recommendation is the correct path to take, there are a significant number of tasks that must be accomplished between now and June 2nd to make this election as inclusive and successful as possible. These precautions and efforts include, but are not limited to:

- Mailing inactive voters on how to vote and requesting voters to update their mailing and voter status;
- Running a National Change of Address search/match with our active and inactive voter rolls and contacting those voters whose address appears to have changed;
- Allowing ballots to be dropped off on election day until midnight at secure, handicap accessible locations across the state;
- Initiating a paid media campaign on broadcast, cable and social media announcing the changes and requesting voters update their information;
- Conducting further advertising to encourage voters to fill out and return their ballots;
- Ensuring such advertising is widely accessible and targeted at all populations across the state;
- Utilizing email, text and phones to directly communicate deadlines to voters and potential voters;
- Allowing disabled voters on election day to vote in-person, as required by the Americans with Disabilities Act;
- Allowing delivery of online absentee ballot applications up to the day of the election;

- Changing the voter registration deadlines to just one week prior to the election; and,
- Requiring the State Board of Elections to accommodate individuals moving into the state to register to vote since the Motor Vehicle Administration is closed.

We expect a vote-by-mail election on short notice will mean an electorate of older and less racially and economically diverse voters. The impact of the public health emergency on our state will inevitably create undue burdens; however, voting is a fundamental right. Together, we must do everything possible to ensure the voting electorate is as broad as possible. The faith and trust Marylanders place in our democracy depends on it.

Respectfully,

William C. Ferguson, IV
President of the Senate

Adrienne A. Jones
Speaker of the House