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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

June 1, 2022

The Hon. Lawrence J. Hogan, Jr.
Governor of Maryland
100 State Circle
Annapolis, MD 21401

Dear Governor Hogan:

I was surprised and disappointed by your veto of [SB163](#) (and [HB862](#))-- my **emergency** legislation to ensure that Maryland's elections run smoothly in 2022 and beyond. I am writing to implore you to address the impending electoral crisis by declaring a State of Emergency based on Section 8-103 of the Code and allowing the canvassing of ballots to begin 8 days before the start of Early Voting, as permitted in the vetoed bills.

During this election cycle, our Local Boards of Election (LBEs) are struggling with unprecedented challenges, including but not limited to:

- Delays in the approval of redistricting maps, leading to a later start in preparation;
- A rescheduled Primary Election Day that leaves significantly less time between the Primary and General elections;
- A perception of poor performance by the U.S. Postal Service related to ballot deliveries (in both directions) leading to a lack of confidence in its reliability; and
- Historic increases in requests for both mail-in and Internet-delivered ballots.

To make matters worse, your veto will **guarantee** the impossibility of timely reporting of comprehensive election results. Data released after polls close on July 19 and November 8, 2022 will include only the ballots cast in person, either during Early Voting or on Election Day itself. With the growing popularity of voting remotely, it won't be until Thursday morning at 10am (July 21 and November 10th) that regulations allow the canvass to begin. (This includes opening envelopes and processing, scanning, and tabulating ballots). With each of our 24 LBEs manually processing ballots, we will be well into August before Primary Election winners in close contests can be certified. (The certification deadlines are supposed to be July 29 and November 18. It's hard to imagine these dates being realistic under these circumstances.)

Another cause of delays in reporting election results stem from the large number of Internet-delivered ballots. As you know, every home-printed and mailed ballot must be hand-copied onto an official, scannable ballot by two election officials (from different parties). This ensures accuracy and helps prevent allegations of impropriety. There are nearly 40,000 such requests... and that is just as of May 30th. This will add a staggering challenge for our LBEs without the advance processing time permitted in 2020, especially for smaller counties.

Yet another worrisome threat from this veto occurs when voters decide to cast provisional ballots out of concern that their mailed-in ballots won't arrive in time to be counted. Current law requires our LBEs to reject both ballots. This is more common than one might expect— potentially affecting thousands of ballots statewide.

Curing was addressed in SB163, which would apply if the oath on the ballot envelope had not been signed. In 2020, the State Board of Elections issued emergency regulations that set a statewide standard for curing. We want all valid votes to be counted!

Aside from the frustration, there are many serious repercussions from delayed election results, including:

- Maryland could be at risk of violating the [MOVE Act](#) requirement to mail ballots overseas not later than 45 days before a federal election. With a shorter timeline between elections, delayed Primary results could make it impossible for our LBEs to meet this deadline for the General Election in November.
- The State Board of Elections oversees and handles the proofing and printing of all ballot styles for all 24 jurisdictions. If, for example, there is a recount in one election in one county, other jurisdictions may be precluded from printing and mailing General Election ballots.
- Without early canvassing of ballots in the General Election, we might not know who our County Executives, County Councilmembers, and County Commissioners are before they are required to be sworn in on the first Monday in December.

These are **PROBLEMS**.

Maryland has generally had a history of voter confidence in our election systems. Late reporting of results could provoke unfounded cynicism and doubt. We watched as conspiracy theorists inspected machines and ballots in Arizona, Pennsylvania, Georgia, and elsewhere. This is not the way that our elections should attract national attention.

By declaring a State of Emergency that would allow canvassing to begin 8 days before the start of Early Voting, you can help avoid the disastrous outcomes described above. I am hopeful that you will act quickly so that we don't become the next national mockery for our maddening delays in knowing who our legislative and executive leaders will be. I look forward to your response and prompt action.

Best,

Cheryl

Cheryl C. Kagan
Maryland State Senator
District 17

cc:

*Lt. Governor Boyd Rutherford
Amelia Chasse Alcivar, Chief of Staff, Office of Gov. Hogan
Hon. Keiffer Mitchell Jr., Chief Legislative Officer, Office of Gov. Hogan
Linda Lamone, State Administrator, State Board of Elections
Bill Voelp, Chair, Maryland State Board of Elections*