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Baltimore City

Health and Government Operations  
Committee

*Chair*

Government Operations and Estates  
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*House Chair*

Joint Committee on Administrative,  
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Testimony of Delegate Samuel I. Rosenberg  
Before the House Ways and Means Committee In Support Of  
**House Bill 392**  
**Election Law – Security of Election Systems**

Madam Chair and Members of the Committee:

Upon the ratification of the federal Constitution, Elizabeth Powel famously asked Benjamin Franklin, "What have we got, a republic or a monarchy?" Mr. Franklin responded, "A republic, if you can keep it."

Today, amidst an unprecedented threat of foreign election interference and politically motivated cybercrime, the question is as potent as ever. We will continue to live in the world's greatest democracy, only if we can keep it.

"Election security should not be a partisan issue."

Congressman John Sarbanes, the lead sponsor of H.R. 1, the For the People Act of 2019, wrote that in his attached letter in support of House Bill 392. This legislation is modeled upon H.R. 1.

Cong. Sarbanes further wrote, "All Americans deserve and expect their votes to count, unencumbered by foreign or domestic interference. While partisanship has, for the time being, delayed comprehensive federal reform efforts, Maryland has an opportunity to once again lead the nation by adopting common-sense reforms to ensure the integrity of the vote and our elections."

As policymakers we must take into consideration the unique threat of election technology produced in foreign countries, which have no duty to uphold and protect our democracy. HB 392 would help secure the supply chain of our election infrastructure and require our State's election system to comply with the guidelines issued by the United States Election Assistance Commission.

Currently, the State Board of Elections may not certify a voting system unless it accurately counts and records the vote, protects the secrecy and security of the ballot, and protects all other

rights of voters and candidates. The existing law requires disclosure only of foreign ownership of an election system, and not of the foreign manufacture of its components.

This bill would enhance security by requiring SBE to deny contracts to election service providers if the contract does not include a clause mandating disclosure of the foreign manufacture of any component of the voting system. The service provider must also disclose all measures taken to ensure that the manufacturing process is secure. Furthermore, the election system provider must have hardware and software developed to optimize security and minimize risk of malfunction.

HB 392 is a logical next step after the enactment last session of Senate Bill 743, Election Law - Election Service Providers - Contract Clauses and Termination of Contract, which prohibited the State Board of Elections from approving a contract with an election service provider unless the contract includes a clause regarding notice of ownership of, investment in, or control of the election service provider by a foreign national.

As our law currently stands, SBE could get trapped in a contract with an election system service provider that changes its manufacture process after being awarded the contract. HB 392 requires that if a previously approved election service provider changes its manufacture process in a way that would compromise any aspect of its security or make it more vulnerable to foreign interference, the provider must disclose the changes, new manufacture process, and new measures taken to ensure security. Failure to disclose the changes, or failure to adequately protect the security of the election system may result in a voided contract.

Our democracy is too precious to be taken for granted. To ensure the continued vitality of our free, honest, and fair elections, I urge your favorable vote on House Bill 392.

February 6, 2020

JOHN P. SARBANES

3RD DISTRICT, MARYLAND

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# Congress of the United States

House of Representatives

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February 4, 2020

Delegate Samuel I. Rosenberg  
Democrat, District 41, Baltimore City  
House Office Building, Room 365  
6 Bladen St., Annapolis, MD 21401

Dear Delegate Rosenberg:

I write to commend your efforts to ensure the integrity of Maryland election systems. It is critical that officials at every level of government take seriously the threat of election interference and work to ensure free and fair elections.

During the 2016 election cycle, the United States experienced unprecedented attacks on our nation's election infrastructure. State and local election systems across the country were breached by hostile foreign actors.<sup>1</sup> While there is no evidence that any vote tallies were ultimately altered, the experience was a stark reminder that election officials and policymakers must remain vigilant.<sup>2</sup> Given the decentralized nature of our nation's election systems, state and local policymakers have a special responsibility to ensure that our elections remain secure and that best security practices are adopted.

House Bill 392 embraces that responsibility, requiring the Maryland State Board of Elections to certify that the State's election systems comply with the guidelines issued by the United States Election Assistance Commission (EAC), pursuant to the Help America Vote Act. HB392 also takes important steps to secure the supply chain of our election infrastructure, while simplifying election system software oversight.

In Congress, we have vigorously pursued complementary reforms to ensure the integrity of our elections. I have been proud to help lead this work as Chair of the Democracy Reform Task Force in the House of Representatives. This past December, we were successful in securing \$425 million in election security funding for states to upgrade and secure existing election

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<sup>1</sup> See "REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE UNITED STATES SENATE ON RUSSIAN ACTIVE MEASURES CAMPAIGNS AND INTERFERENCE IN THE 2016 U.S. ELECTION, United States Senate Committee on Intelligence (July 2019).

[https://www.intelligence.senate.gov/sites/default/files/documents/Report\\_Volume1.pdf](https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf)

<sup>2</sup> *Ibid.*

systems. This critical support builds on the previously appropriated \$380 million to the EAC for allocation to states to improve election security in 2018, of which the State of Maryland received approximately \$7 million. Still, we must do more to increase the oversight and security of our election system. For example, I strongly support the creation of a national certification program to provide routine monitoring of election infrastructure vendors in an effort to inspire greater confidence in the companies that help execute our elections. At the same time, we must work as a nation to close loopholes that allow foreign disinformation and illicit foreign campaign activity.<sup>3</sup> Such legislative reforms were included in the For the People Act (H.R. 1), the SAFE Act (H.R. 2722) and the SHIELD Act (H.R. 4617). I was proud to help author and pass these critical measures in the House of Representatives. Unfortunately, these reforms – and others like them – have been opposed by the Republican-controlled Senate.

Election security should not be a partisan issue. All Americans deserve and expect their votes to count, unencumbered by foreign or domestic interference. While partisanship has, for the time being, delayed comprehensive federal reform efforts, Maryland has an opportunity to once again lead the nation by adopting additional common-sense reforms to ensure the integrity of the vote and our elections.

I applaud your efforts.

Sincerely,



John P. Sarbanes (MD-03)  
Member of Congress

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<sup>3</sup> The Senate has refused to take up either piece of legislation, nor have they considered for a vote any alternative election security reform proposals.