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Testimony of Delegate Samuel I. Rosenberg
Before the Senate Education, Health, and Environmental Affairs Committee
In Support of House Bill 428
**Election Law – Foreign Manufacture of Election Systems –
Notification and Termination of Contract**

“The vote is precious. It is the most powerful non-violent tool we have in a democratic society, and we must use it.”
- Congressman John Lewis

Mister Chairman and Members of the Committee:

Interference with an election by a hostile foreign national is an ongoing threat to our democracy. The possibility of a foreign national accessing components of election equipment exists no matter where these components are manufactured, but the risk is undoubtedly higher if these components are made or modified abroad.

This bill is comparable to House Bill 369 (2021), which was favorably acted upon by this committee last year. It was supported in 2020 (HB 392) by Congressman John Sarbanes, who commended the effort “to ensure the integrity of Maryland election systems.”

“Election systems” include the voting machines themselves, but also the online registration databases, the online ballot request, electronic pollbooks, election management systems, or systems for reporting and tabulating data.

House Bill 428 would require election service providers to report to the State Board of Elections if any component of an election system was manufactured or modified abroad. The providers would have to report to the State Board of Elections what modifications or manufacturing were made and in which country. Further, election service providers must explain

which components were involved and what was done to protect the security of the components while they were abroad.

If the State administrator receives a report from a provider that components were modified or manufactured abroad, the administrator would forward the report to the State Board of Elections, the Governor, President of the Senate, Speaker of the House, Attorney General, and the Department of Information Technology within five days.

If the administrator determines that “a foreign national has the ability to control, influence, or direct the manufacturing of an election system in any manner that would compromise or influence, or give the appearance of compromising or influencing, the independence and integrity of an election,” the administrator can terminate the contract with the election service provider in question.

Should this occur, the administrator would have seven days to notify the State Board of Elections, the Governor, President of the Senate, Speaker of the House, Attorney General, and the Department of Information Technology of the contract termination, and the reasons for the termination.

HB 428 is important to safeguarding the security of our elections from foreign actors who could better access critical data and equipment if voting systems were manufactured or modified abroad.

Efforts to compromise the legitimacy of our elections come in many forms. Some use propaganda to influence people not to vote. Others attempt to nefariously access and disseminate political party information. Still others attempt to make voting more difficult. All of these misdeeds threaten our democracy.

This legislation addresses one type of election interference—foreign actors accessing voting systems—by allowing the State to cancel contracts with election service providers that modify or manufacture components abroad and do not adequately demonstrate the security of that process.

Even the appearance that foreign access to components of election systems is possible undermines faith in the democratic process. I urge favorable action on House Bill 428.

March 23, 2022