

**HB 859: Election Law - Absentee Ballot Requests, Delivery, and Marking**  
House Ways & Means Committee, February 18, 2020  
**Position: Favorable**

Limiting vulnerabilities is a fundamental principle of security policy. Maryland's online absentee ballot delivery system, because it is Internet-based, increases the vulnerabilities of our voting system in very dangerous ways. In order to limit the attractiveness of this system to bad actors, it is necessary to limit the voters who may receive their ballots online to the absentee ballots to voters for whom it is essential, as this legislation does.

In addition to vulnerabilities that arise when absentee ballots are delivered via email accounts over the Internet, there is a second vulnerability that arises during the absentee ballot canvass, when all online delivered ballots must be hand-transcribed onto official ballot stock.

This testimony focuses on the vulnerabilities that arise after the absentee ballot is received at the Local Board of Elections (LBE). The LBEs have ten days to complete the election canvass; and the additional staff and man-hours that must be dedicated to transcribing and canvassing large numbers of online-delivered absentee ballots reduces the time and staff that could be dedicated to other important post-election procedures such as audits.

**Voter-printed ballots must be hand-transcribed**

When a regular absentee ballot (a blank ballot that has been mailed to the voter) is received at the LBE facility and accepted at the canvass, it can be fed directly into the



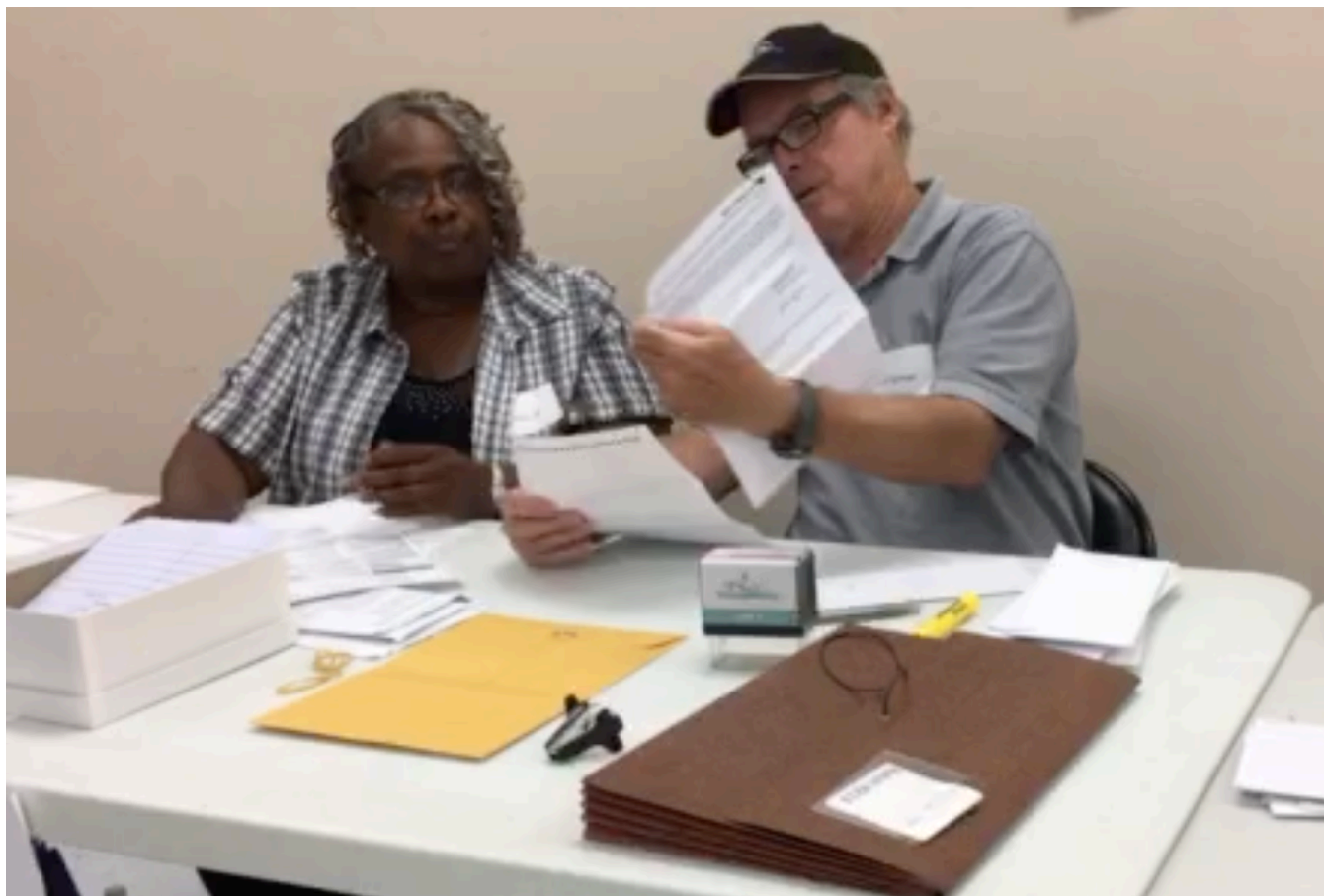
Election workers transcribing absentee ballots that voters received online, printed, and mailed in.

scanner for counting, just like the ballots cast by voters who mark them by hand in the polling place.

However, an absentee ballot delivered to the voter online, and then printed by the voter and mailed in, cannot be read by the scanners. It must be hand-transcribed onto an official ballot before it can be counted. Two-person teams at the LBEs transferr each selection the voter has made onto a new blank ballot and then check to make sure the transcription has been done accurately. This is an extremely tedious, time-consuming, and costly process and places a significant burden on the resources of the LBEs at their busiest time.

### **Ballot secrecy can be compromised**

The transcription process also compromises the secrecy of the ballot cast. Regular absentee ballots preserve secrecy by placing the voter's oath on the outside of the pre-printed return envelope. The signature of the voter and the date can be confirmed when the ballot arrives at the LBE without opening the envelope and exposing the ballot. Accepted mailed ballots are opened at the canvass, separated from the envelopes, and scanned. Ballots printed by the voter, however, arrive inside the same envelope with an oath page containing the voter's printed name and signature. The voter's identity and ballot choices can be exposed and identified with the voter when the envelope is opened at the canvass and the oath is checked to confirm that it is signed and dated correctly.



**The page in the election worker's left hand is the oath page with the voter's name. In his right hand is the ballot.**

## Transcribed ballots cannot be voter-verified

These transcribed ballots are not “voter-verified”, as a regular absentee ballot would be. The voter has no way to know if the transcription of their votes was done accurately because they never see the finished product. In addition, the automated computer audit of the election results does not look at the original ballot completed by the voter, but only at the transcribed ballot that was scanned.

## Possibilities for errors and fraud are increased

The volume of online absentee ballots makes it difficult to supervise the integrity of the transcription process as additional staff, perhaps lacking experience, must be hired. The possibility of mistakes being made during transcription multiply; and the possibility that unvoted races may be fraudulently marked and counted increases, as occurred in Oregon: *“Clackamas election worker gets jail time for election fraud”*  
<https://www.bizjournals.com/portland/news/2013/04/25/clackamas-election-worker-gets.html>

When election fraud has occurred in the US, it has most often involved absentee ballots. An organized effort in a 2018 North Carolina Congressional race led to fraudulently marked and signed absentee ballots being counted. As a result, North Carolina authorities have ordered a new election. That fraud was accomplished with traditional absentee ballots. An online absentee ballot delivery system would increase the opportunities to commit organized election fraud without detection, from anywhere in the world. *“New Election Ordered in North Carolina Race at Center of Fraud Inquiry”*  
<https://www.nytimes.com/2019/02/21/us/mark-harris-nc-voter-fraud.html>



Public observation often takes place from too far away to see whether ballots are transcribed accurately.

## **Processing voter-printed ballots places a huge burden on local Boards of Elections**

The transcription of ballots delivered online is a time-consuming process for LBEs. In Montgomery County's 2016 Presidential Election, more than 40 teams of temporary staff working in 3 rooms over 5 days were needed to hand-transcribe all of the online-delivered absentee ballots received. This has become an unfunded mandate on local governments.

## **Transcription of online-delivered ballots means less time for real election audits**

As the Department of Homeland Security and the National Academy of Sciences have stated, to really secure our elections and increase confidence in the accuracy of election results, we must have risk-limiting, hand-counted audits of voter-verified paper ballots. The more time LBEs must devote to the laborious process of transcribing ballots, the less time will be available to devote to risk-limiting audits before the certification deadline proscribed by law.

The increased security risks of Maryland's on-line ballot delivery system outweigh the undocumented benefits of offering online delivery to all voters. We would be better served by limiting online absentee ballot delivery to those voters for whom access is critical. Under current conditions, Maryland's system becomes a very attractive target for those wishing to interfere in our elections.

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