

**SB362**  
Election Law – Absentee Ballots – Timing of Canvass  
Senate Education Health and Environmental Affairs Committee  
**SUPPORT**

To whom it may concern:

My name is Alex Garcia, and I am a resident of Ednor Gardens-Lakeside in Baltimore City. I am a resident of the 7<sup>th</sup> Congressional District, and serve as a member of the 43<sup>rd</sup> District Democratic State Central Committee, to which I was elected in June of 2018.

On the evening of Tuesday, February 4<sup>th</sup>, 2020, I arrived at my polling place, Mergenthaler Vocational Technical High School, at approximately 6 P.M. to cast my vote in the special election for the seat held by the late Congressman Elijah Cummings. Turnout for the election was low, and there were very few voters in the building when I arrived. One voter was ahead of me in line to check in; I noticed that it was taking an inordinately long time for the election judges to retrieve her voter information. As she waited to have her information pulled up, I overheard two judges talking to one another; one of them asked if the equipment was “being slow again.” The other replied to the effect that it was, and they both shook their heads. I estimate that it took over 2 minutes to access the voter’s information, by which time approximately 10 other voters had arrived and were waiting in line behind me.

When the voter moved on to cast her ballot, it was my turn. Again, it took over 2 minutes to simply access my information. While waiting, I asked the judge whether the electronic pollbook she was attempting to access was causing any issues. She replied that it was loading information for each voter very slowly. I asked whether, as a result, she was able to access voter information more slowly than usual. “Much, much more slowly,” she replied. When I inquired whether this had been the case all day, she said it had not consistently been slow, but had slowed down dramatically on and off at several points. It seemed to have worsened, she said, after about 5 P.M.

This issue gave me great concern. The Maryland Board of Elections’ plan to place the electronic pollbooks on a network—and to do so only in the six most populous jurisdictions in the state—is one that I first learned about last August, and have studied in the context of my work to promote voter protection in our state. The delays which I myself experienced as a voter were sadly not surprising. They were anticipated and forecast by many individuals, myself included, and the warnings were sounded, and the delays are not the only problematic aspects of the proposal.

This measure’s threat to the uniformity of the electoral system is a serious concern. The imposition of particular requirements on only six counties—and counties which lean Democratic, for that matter—raises questions about the disparate impact that any issues with the system would have on these counties’ voters on Election Day. If only jurisdictions with Democratic-leaning electorates are impacted by problems with the Board’s plan, the result will not only warp the results of one election, but will undermine Marylanders’ faith in the process as a whole.

The specter of 2016’s election, and the numerous cybersecurity issues subsequently revealed to have occurred, should also prompt a high degree of caution as this plan is considered and re-evaluated. Foreign actors sought on a large scale to influence not only the result of that election, but the confidence that Americans had in the electoral system itself. They were arguably successful in both respects. We now know from the Mueller report that Russian actors targeted all 50 states, and that the information of Maryland voters was very likely accessed by malicious agents. As the Board of Elections begins to network the electronic pollbooks, and attempts to maintain functionality on this network in real-time

during elections, we should be very mindful that to network a system means to expose it to a host of potential attacks.

The most obvious and banal threat—the one which was materialized on Tuesday, and which will very likely recur in April and November—is that this electronic network simply won't work as well as we have been told. We have a very recent and very instructive example to consider here; the failure of an app during the Iowa caucuses, a simple technical issue with an app which developers assured everyone was ready to roll out, has for days now thrown uncertainty on the state of the Democratic primary elections. In Tuesday's special election, the electronic network did not work as the Board of Elections promised that it would. This has been reported in Wednesday's Baltimore Sun article by Kevin Rector; system issues were widespread, and several counties had to take the pollbooks off the network entirely.

In a sparsely attended special election, the impact on the voting experience was fortunately minimal. If similar issues occur during the April primary, or during the presidential elections in November, when lines will be far longer and the demands placed on the system much more extensive, the impact of such failures will be catastrophic. Delays and slowdowns will have a cascade effect on voters in these six counties, inconveniencing them, lengthening lines, driving down turnout, and skewing the eventual results. There is no redress for these voters; it is not as though we can simply hold a new election, so it's imperative for our state to get it right the first time. Tuesday's special elections demonstrated that the introduction of an electronic network of pollbooks into the voting system is a dangerous endeavor. We should be mindful of the threats I delineate above, heed the recent examples in Iowa and in 2016, and take action accordingly.

The rationale cited by the Board of Elections for this electronic network is a need to comply with deadlines for the post-election canvass of ballots. Our recent voting experiences—in Maryland, in Iowa, in 2016—should underscore that accuracy, and that the integrity of our election system, should be the paramount concerns in the administration of the vote. Haste should not enter into the equation. For this reason, I strongly support SB 362. It is my sincere hope that the removal of the stated rationale for this network will eliminate the need to implement it during the April and November elections. I thank you for your consideration of this bill, and this important issue.