

HB 859: Election Law – Absentee Ballot Requests, Delivery, and Marking

Ways & Means Committee, February 18, 2020

Position: FAVOR

Chair Kaiser, Vice-Chair Washington, and Esteemed Committee Members,

This bill seeks to limit the delivery of absentee ballots over the internet to those who need to receive them that way. Federal law mandates the availability of electronic delivery for military and overseas voters, and a federal court ruling in Maryland requires it for voters with disabilities. This bill would limit the online delivery of absentee ballots to these categories of voters and to any others who would not be able to receive a ballot by mail in time to vote in an election.

MD's current absentee ballot request form (see page 5) presents the choice of receiving a ballot by mail or via the internet as a matter of preference, as if there is little difference between them. But there is actually a great deal of difference between these two options.

Ballots delivered over the internet:

- **Require far more processing when they are received** by the elections office — they must be hand-transcribed onto scannable blank ballots for counting;
- **Compromise the privacy of voters** — the envelope has to be opened, exposing the voter's votes, before the ballot can be accepted for counting;
- **Are not verifiable by the voter** since the voter never sees the ballot cast as theirs, and transcription errors or fraud would not be detected by MD's automated audit;
- **Are more vulnerable to fraud and error** than ballots mailed to voters;
- **Are less likely to be returned voted** — on average about 12% lower for internet-delivered ballots in Maryland compared with ballots mailed to voters; and
- **Demonstrate no increase in turnout or convenience for most voters.** In fact, the lower return rate would seem to indicate the opposite.

Pages 3 and 4 show the differences in how absentee ballots are delivered, returned, adjudicated, processed, and counted depending on how they are sent to the voter. The labor-intensive processing required for internet-delivered ballots means that **election certification could be jeopardized** if the quantity of ballots increased dramatically.

A traditional absentee ballot mailed to the voter is sent with a pre-addressed return envelope that has a bar code with the voter ID number and a place for the voter to sign and date the oath. When the elections office receives the voted ballot, they use a barcode scanner to enter the receipt of the ballot into the voter's record. When these absentee ballots are canvassed, the envelope is opened and separated from the ballot, which is put into a batch to be counted by the scanner.

Delivery and processing of a ballot sent via the internet is much more complex:

1) The SBE sends the voter an email saying that their ballot is ready. This email may go to the voter's spam folder or may not be noticed by the voter. Worse still, it could be sent to a fraudulent email address without the voter knowing it was ever requested.

2) The email contains a link to a web site where the voter downloads the ballot. It would be possible for the voter to receive a "spear-phishing" email sending them to a site that looks real but is actually a "spoof" site where their credentials could be stolen.

3) To log in, the voter enters their first and last name, birth date, and zip code. This information is widely available on the internet, so a criminal could easily access a voter's ballot.

4) The voter may mark their ballot online (which is vulnerable to hacking and privacy violations beyond the scope of this bill) or may download it and mark it by hand. Either way, the voter needs to print the ballot and return it. The online ballot has more pages than the scannable ballot because the pages are smaller. Additional pages contain instructions and the oath the voter needs to sign for the ballot to be accepted. The voter mails all these pages in an envelope which they supply and address themselves. Election officials cannot adjudicate the ballot using the information on the envelope.

5) The oath is inside the envelope, so the votes on the ballot are exposed to election workers when the oath is checked for a signature and date. The voter's identity is also known while the ballot is transcribed, violating the privacy of the voter.

6) The voter-printed ballot cannot be counted by the scanner. It must first be hand-transcribed onto a ballot the scanner can read. In 2016 Montgomery County required 40+ pairs of election judges working for 5 very long days to transcribe tens of thousands of ballots. The transcribed ballots are counted by the scanners, so MD's automated audit would not detect transcription errors or fraud.

Some voters would not be able to vote unless they can receive their ballots electronically, and this option should be reserved solely for them. Most other voters would be better served in receiving their ballots by mail. Our proposed revisions (shown on page 6) to the current absentee ballot request form that this bill would require are very minor, but they would make it clearer that this option should not be used unless there is a valid reason for doing so. We also propose better informing voters about how their online-delivered ballots are processed and warning them that the secrecy of their ballots may be compromised.

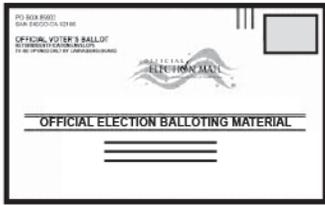
We urge you to deliver a favorable report on HB859 to make our elections safer and more efficient.

Rebecca Wilson, Co-Director
SAVE our Votes: Secure, Accessible, Verifiable Elections for Maryland
rebecca@SAVEourVotes.org 202.601.8182 cell

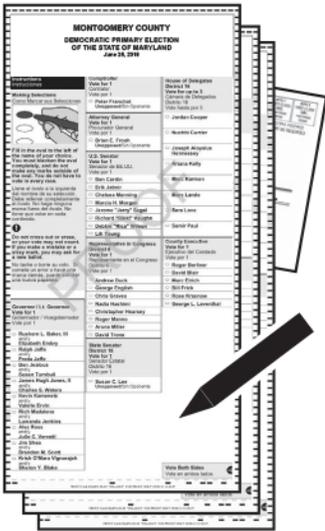
DELIVERING AN ABSENTEE BALLOT

BOARD OF ELECTIONS

BY MAIL



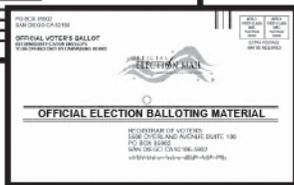
Voter's ballot is mailed to postal address specified by the voter.



A pre-addressed return envelope is sent with the ballot.

Voter marks the ballot by hand.

Voter returns ballot to LBE in the envelope provided, which has the absentee voter ID# with a matching barcode and an oath that be signed and dated.



NOTE:
All forms must be signed but signatures are not matched to signatures on record.

BY INTERNET



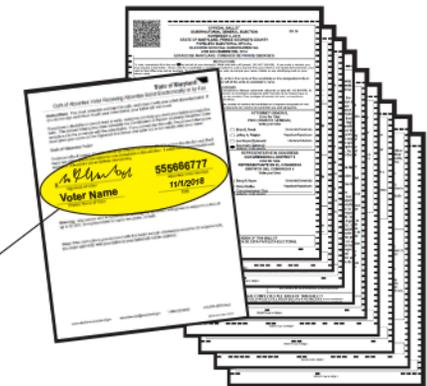
Voter receives an email with a link to the ballot.



To access the ballot, voter must enter **first and last name, birth date, and zip code.**

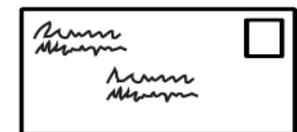


Voter may **mark the ballot online** and print it, or may print the ballot and mark it by hand.



The ballot documents, printed on letter-size paper, include an oath that must be signed and dated.

Voter returns the ballot and signed oath to LBE in an envelope supplied by the voter.

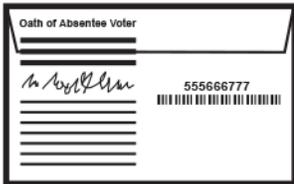


LOCAL BOARD OF ELECTIONS

Text in bold red indicates areas of vulnerability.

COUNTING AN ABSENTEE BALLOT

LOCAL BOARD OF ELECTIONS

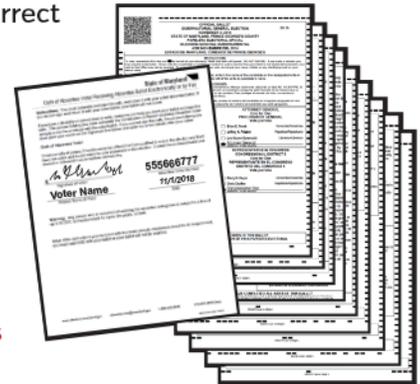
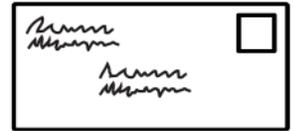


DELIVERED TO THE VOTER BY MAIL

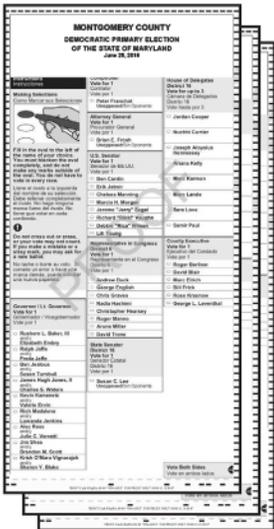
The LBE stamps the arrival time on the envelope, checks that the oath is signed and dated, and uses a barcode reader to enter the receipt of the ballot into the voter's record.

DELIVERED TO THE VOTER BY INTERNET

The LBE stamps the arrival time on the envelope. If the voter has put the correct information on the envelope, the LBE enters the receipt of the ballot into the voter's record.

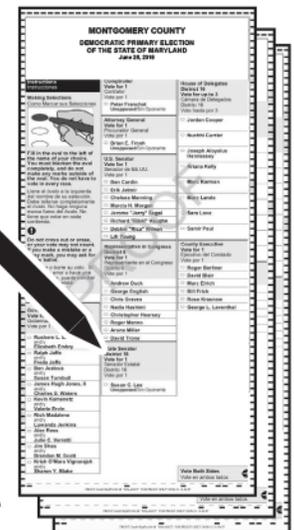


During canvassing, **the oath, which includes the voter's printed name, must be retrieved from the envelope containing the ballot.** LBE checks that the oath is signed and dated before accepting the ballot.



If the ballot is accepted, it is scanned and counted by the scanner during the absentee ballot canvass.

Ballots printed by the voter cannot be read by the ballot scanner. They must first be **hand-transcribed onto an official ballot** that the scanner can read.



The transcribed ballot is scanned and counted by the scanner.



Text in bold red indicates areas of vulnerability.

Maryland Application for an Absentee Ballot

CURRENT

Register to Vote 1 You must be registered to vote to get an absentee ballot. If you are not registered to vote in Maryland and want to register, contact your local county board of elections office listed on the attached sheet or go to www.elections.maryland.gov.

Print your name Use black or blue ink. 2 Last name _____ Jr Sr II III IV
First name _____ Middle name or initial _____

Election 3 I want an absentee ballot for
 Primary Election General Election Both Elections

About you 4 Party Affiliation: Democrat Republican Other: Specify _____
Email Address _____
Birthdate | M | M | / | D | D | / | Y | Y | Y | Y | Phone | | | | - | | | | - | | | |

Your current address 5 Print your current residential address.
DO NOT write a temporary address used for school, work, or travel. If you want to get your ballot by U.S. Mail, you can put that address in Section 6.
Address _____ Apt. number _____
City/Town _____ State _____ Zip Code | | | | | |
When did you move here? | M | M | / | D | D | / | Y | Y | Y | Y | If you do not remember the exact date, give the month and year.

How do you want to receive your ballot? 6 Choose one:
 U.S. MAIL
I want my ballot for the PRIMARY ELECTION mailed to:
 Same as above The address below
Address _____ Apt. number _____
City/Town _____ State _____ Zip Code | | | | | |
I want my ballot for the GENERAL ELECTION mailed to:
 Same as above The address below
Address _____ Apt. number _____
City/Town _____ State _____ Zip Code | | | | | |
 INTERNET DELIVERY We will email you an internet link to open your ballot and print it yourself.
email address _____
Maryland Driver's License or ID Card Number | - | | | | - | | | | - | | | | - | | | |
Issue Date | M | M | / | D | D | / | Y | Y | Y | Y |
Last 4 digits of Social Security number XXX-XX - | | | |
 FAX fax number | | | | - | | | | - | | | |

Signature 7 (required)
Anyone can help you fill out this form except
• A candidate on your ballot
• Your employer or an agent of your employer
• An officer or agent from your union
Voter's Signature (required) _____
Assistance Signature (required if you had help) _____
Under penalty of perjury, I hereby certify that this voter needed help with this form because he or she has a disability or is unable to read or write. The voter authorized me to complete this form. If the voter could not sign this form, I printed the voter's name and wrote my initials.
sign: _____
print: _____
Today's Date | M | M | / | D | D | / | Y | Y | Y | Y |

