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MARYLAND

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Subject: Support for HB 1314

To: Members of the House Ways and Means Committee

From: Lou Ann Blake

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My name is Lou Ann Blake, I reside in Baltimore City, and I am a member of the National Federation of the Blind of Maryland. I am appearing before the House Ways and Means committee to urge members to support HB1314 and restore voters with print disabilities to the status of first class citizenship that we enjoyed prior to 2016 when all Maryland voters used the same system to mark and cast their ballot.

By implementing a segregated voting system that poll workers do not know how to set up or operate, and that does not provide a secret ballot, the Maryland State Board of Elections has turned Maryland voters with print disabilities, like myself, into second class citizens, and, as a result, is violating the Americans with Disabilities Act. Requiring SBE to implement one voting system with an accessible ballot marking device (BMD) as the primary method for all voters to mark their ballot in all early voting centers and all polling places, will restore first class citizenship to voters with disabilities by providing them a voting experience that is equal to the experience of voters without disabilities.

Data from the Maryland State Board of Elections (SBE) demonstrates the failure of SBEs policy to require at least two voters per precinct mark their ballot using the ExpressVote BMD. The November 5, 2019, report prepared by Legislative Services under-reported the number of precincts that failed to meet this minimum. For the 2016 general election, the Legislative Services Report states that only 34 precincts failed to meet the minimum, while the actual

number was 151 precincts. The Legislative Services report failed to include that a total of 417 precincts did not meet the minimum requirement for the 2016 primary election. For the 2018 primary and general elections, the Legislative Services report states that 40 precincts and 22 precincts, respectively, failed to meet the two voter minimum requirement, while the actual numbers were 159 and 78.

In addition to providing all voters with an equal voting experience, accessible BMDs are a superior method for marking ballots over hand-marking. BMDs will not allow a voter to over-vote a contest, and will warn the voter if they have under-voted a contest. In addition, the use of accessible BMDs as the primary method of ballot marking eliminates the stray marks associated with the hand-marking of ballots. Finally, a voter who uses an accessible BMD to mark their ballot can change their mind and select a different candidate before the ballot is printed, while a voter who changes their mind about which candidate to vote for while hand-marking their ballot will have to spoil that ballot and start over.

The Legislative Services report claims that requiring all voters to use a BMD to mark their ballot will result in longer lines and longer waiting times, as well as, insufficient warehouse space and insufficient space in some polling places. From 2002 through 2014, all Maryland voters used the accessible touchscreen Diebold voting system. The use of the system did not cause long lines, and the warehouse space and polling space requirements were probably similar to those of the ExpressVote. Finally, the issues related to the number of candidates displayed on the touchscreen, and navigating between multiple screens within a contest would be resolved if the Maryland State Board of Elections would install the updated software on the existing BMDs.

The second generation of BMDs currently on the market are more secure than the direct recording electronic machines they replaced. In addition to producing a paper record, BMDs are not connected to the internet. There has been no documented case of a BMD being hacked in an election setting.

I urge you to restore first class citizenship in voting to voters with print disabilities, and to provide all Maryland voters with a superior ballot marking experience by supporting HB1314.