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Dear Chair Pinsky, Vice Chair Kagan and Committee Members:

For over a dozen years, I have worked as a volunteer to improve election administration. I am unaffiliated with any organization. My focus is on election accuracy and security, ballot secrecy, and polling place wait-time reduction.

I would like to highlight some of this bill's many excellent parts that I support:

**Support: Opening early voting sites at 7:00 am** [§10–301.1 [d] (2)(ii)]

Long lines can disenfranchise voters who do not have the physical stamina or the flexibility in their schedules to wait. Long wait times disproportionately affect elderly voters and those in minority communities. Maryland's longest lines on Election Day have occurred early in the morning. Opening Early Voting Centers at 7:00 am to accommodate these voters would help alleviate long lines on Election Day and provide more voting capacity when it is most needed. Extending early voting hours is a more cost effective way to expand capacity than adding costly machines.

**Support: Protecting ballot secrecy** [§9–310 [a](B)]

Ballot secrecy is a cornerstone of democracy. It was a major innovation in the late 1800's intended to impede vote buying, vote selling and coercion. Democracies throughout the world now ensure ballot secrecy. Privacy sleeves prevent election officials and observers from seeing how people voted. While the voter's identity is visible on the returned ballot envelope, the marked ballot is hidden by the privacy sleeve. The ballot is only revealed once the voter's identity has been physically separated and disassociated from the marked ballot. With Maryland's increased vote-by-mail usage, strengthening its ballot secrecy protections is especially important.

**Support: Reducing the use of internet-delivered ballots** [§ 9–306 [b](2)]

Canvassing internet-delivered ballots is much more labor intensive than counting mailed absentee ballots; they are more vulnerable to attack; and they are returned at a lower rate than mailed ballots. Nearly all other states reserve internet-delivery of blank absentee ballots to military, overseas voters and voters with disabilities.

Maryland did not finish counting ballots until November 23, 2020, one of the last states to do so, even though it was allowed to start processing its absentee ballots on October 1, the earliest date of any state. This delay was due primarily to the quantity of internet-delivered ballots.

Each internet-delivered ballot must be hand copied onto a traditional paper ballot to be scanned, a lengthy process leading to delayed results, increased costs for counties and the potential for inaccuracies. Voters do not see the ballot that is cast on their behalf; and audits will not detect a discrepancy in this process.

Large-scale absentee ballot fraud is far simpler to accomplish with ballots delivered over the internet than with paper ballots mailed to brick-and-mortar addresses. One smart hacker with resources could attack Maryland's online ballot delivery system on a large scale without detection.<sup>i</sup> Top computer scientists have repeatedly warned that the credentials (social

security number, date of birth, driver's license number...) needed to impersonate Maryland voters are widely available on the internet. Reducing internet ballot delivery is key to reducing the attack surface.

Each election cycle, voters return the internet delivered ballots at a much lower rate than traditionally mailed ballots.<sup>ii</sup> In the 2020 general election, the return rate for internet-delivered ballots in Montgomery County, for instance, was only 74%, compared to an overall return rate of 89%.<sup>iii</sup>

In 2020, anticipating the large increase in absentee ballots and the enormous workload to hand copy the internet-delivered ones, the SBE discouraged voters from requesting internet-delivered ballots through voter outreach: "*Get Your Ballot Sent by Mail, Not Email, to Save Time and Money* ... Receiving your ballot by mail is free and more convenient than receiving it by email," said Linda Lamone, Administrator of the State Board of Elections. "To save time and money, request that your ballot be mailed. This will also make Maryland's vote counting process more efficient because local election judges will not have to hand copy ballots."<sup>iv</sup> The voter outreach campaign reduced the percentage of absentee voters requesting internet delivery from 36% in 2018 to 10% in 2020. But there were still 163,907 internet ballot delivery requests in 2020 compared to 55,988 in 2018.<sup>v</sup>

#### **Support: Processing absentee ballots prior to Election Day [§11-302(b)(1)&(3)]**

With early processing of absentee ballots, election officials have more time to cure those envelopes/oaths that have problems. Early processing also helps election officials meet the certification deadlines despite the demanding workload of canvassing and auditing. Although early processing is helpful, it is essential that results not be tabulated prior to Election Day to prevent any possible leakage of election results. Early leakage of election results can facilitate fraud.

#### **Support: Mandating precinct-level reporting [§11-402 (b)]**

Precinct-level reporting helps identify anomalies (ballot programming errors, mischief etc.) that may go undetected with less granular reporting. The data is also helpful to candidates.

#### **Support: Increasing SBE transparency [§2-102 [d](2)]**

Increased transparency, especially the early release of meeting materials, informs the public about SBE's issues so that the public can contribute in a more helpful way.

#### **Support with Amendment: Fairness to candidates in BMD ballot presentations**

[§ 9-102[d](1)VI & § 9-210 (B-1)]

Maryland's past BMD limit of 7 candidates per page was not fair to all candidates. I agree that *any new voting system should present the candidate choices in such a way to enable the voter to consider each candidate as equally as possible, for instance on the same screen if possible*. However, the wording in the bill is too prescriptive and should allow flexibility for various technical solutions. Placing this requirement in the voting system certification section of the law may overly constrain the already limited choices for new voting systems.

Please support these parts of SB831 to help improve Maryland's elections.

Lynn Garland  
Independent Advisor on Voting Systems Security and Accuracy  
Bethesda, Maryland

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<sup>i</sup> NIST IR 7711, Sept 2011, "Security Best Practices for the Electronic Transmission of Election Materials for UOCAVA Voters": "In most cases, any mechanism used to remotely authenticate voters will serve as a secondary method to authenticate returned ballots, with voter signatures generally providing the primary mechanism to authenticate returned ballots."

<sup>ii</sup> STATEWIDE RETURN RATE OF ABSENTEE BALLOTS IN MARYLAND

	Ballots sent by mail	Ballots sent electronically	Difference
2016 primary	76.45 %	62.55%	13.90%
2016 general	82.03%	70.98%	11.05%
2018 primary	72.92%	58.71%	14.21%
2018 general	81.29%	69.55%	11.74%

The 2016 and 2018 figures are from a Jan 3, 2019 email from Erin Peronne. Throughout the states, "Contrary to expectations of many in the election community, the preliminary data indicate that in most states (11 of the 16 respondents) electronic ballots had lower return rates." ([https://www.overseasvotefoundation.org/files/OVF\\_research\\_newsletter\\_2013\\_summer\\_corrected.pdf](https://www.overseasvotefoundation.org/files/OVF_research_newsletter_2013_summer_corrected.pdf) page 3)

<sup>iii</sup> The overall absentee ballot return rate for Maryland in the 2020 general election was 89%. p21

[https://elections.maryland.gov/press\\_room/2020\\_stats/Nov%203%20Election%20Report\\_Final.pdf](https://elections.maryland.gov/press_room/2020_stats/Nov%203%20Election%20Report_Final.pdf)

The 2020 state return rates for internet delivered ballots have not yet been published.

<sup>iv</sup> SBE Voter Outreach, September, 2020, "Get Your Ballot Sent by Mail, Not Email, to Save Time and Money"

<sup>v</sup> [https://elections.maryland.gov/press\\_room/2020\\_stats/Mail-in%20Ballot%20Request%20Counts%20with%20Chart.pdf](https://elections.maryland.gov/press_room/2020_stats/Mail-in%20Ballot%20Request%20Counts%20with%20Chart.pdf)