

HB 955: Election Law – Absentee Ballot Delivery and Marking

Ways & Means Committee, February 16, 2021

Position: FAVOR

This bill seeks to reserve the delivery of absentee ballots via the internet for voters who need to receive their ballots 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 reserves the online delivery of ballots for those categories of voters and for any other absentee voters for whom it would not be feasible to receive their ballots by mail.

Ballots delivered over the internet:

- **Require far more processing when they are received** by the elections office. Because voter-printed ballots cannot be tabulated by the ballot-scanners, each ballot must be hand-transcribed onto a scannable blank ballot for counting.
- **Compromise the privacy of voters.** Because the voter's oath is inside the envelope containing the ballot, the envelope has to be opened before the ballot can be accepted for counting, thus exposing the voter's votes with their identity.
- **Are not verifiable by the voter.** Since the voter never sees the transcribed ballot counted as theirs, transcription errors or fraud would not be detected by the voter or by Maryland's automated audits.
- **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.
- **Demonstrate no increase in turnout or convenience for most voters.** In fact, the lower return rate would seem to indicate the opposite.
- **Could jeopardize the timely certification of an election.** In 2016 and 2018, almost 40% of absentee ballots were delivered via the internet. Transcribing the huge quantity of mail-in ballots in 2020 would have been an insurmountable task if the SBE and many others had not launched a public education campaign urging voters to receive their ballots by mail, which reduced the volume to about 10%.

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 off receiving their ballots by mail, as the 2020 elections demonstrated. We urge you to return a favorable report on HB955 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

Pages 3 & 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 left side of the page shows a ballot delivered to the voter by mail and the right side shows a ballot delivered via the internet. The labor-intensive processing required for internet-delivered ballots places a huge burden on local election officials and could jeopardize timely election certification if the quantity of ballots is substantial.

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, once the envelope has been accepted, it is opened and separated from the ballot, which is put into a batch to be counted by the scanner.

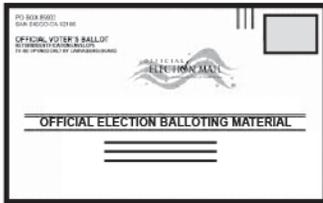
Delivery and processing of a ballot sent via the internet is much more complex:

- 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 outside of 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.
- 6) The voter-printed ballot cannot be counted by the scanner.** It must first be hand-transcribed onto a ballot the scanner can read. **The voter's identity is known while the ballot is transcribed,** violating the privacy of the voter. The transcribed ballots are counted by the scanners, so **Maryland's automated audit would not detect transcription errors or fraud.**

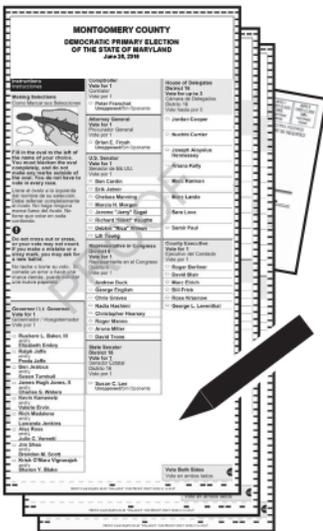
DELIVERING AN ABSENTEE BALLOT

BOARD OF ELECTIONS

BY MAIL



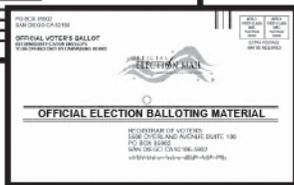
Voter's ballot is mailed to postal address specified by the voter.



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.

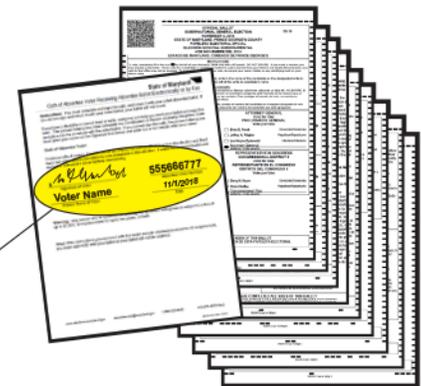


To access the ballot, voter must enter **first and last name, birth date, and zip code.**

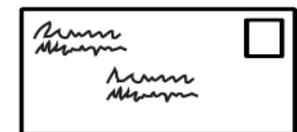


Voter may **mark the ballot online** and print it, or may print the ballot and mark it by hand.

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.

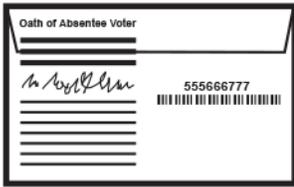


LOCAL BOARD OF ELECTIONS

Text in bold red indicates areas of vulnerability.

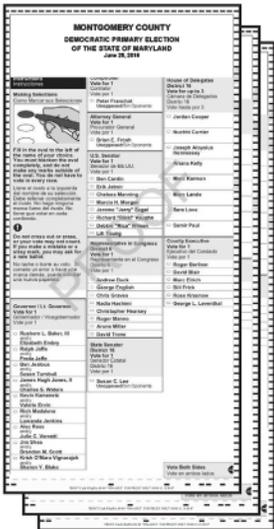
COUNTING AN ABSENTEE BALLOT

LOCAL BOARD OF ELECTIONS



DELIVERED TO THE VOTER BY MAIL

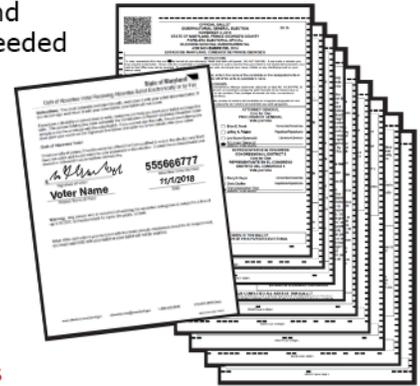
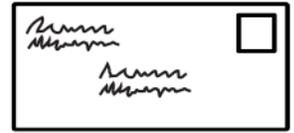
The LBE stamps the arrival time on the envelope, checks that the oath is signed and dated, and uses a barcode reader to enter the receipt of the ballot into the voter's record for ballot tracking.



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

DELIVERED TO THE VOTER BY INTERNET

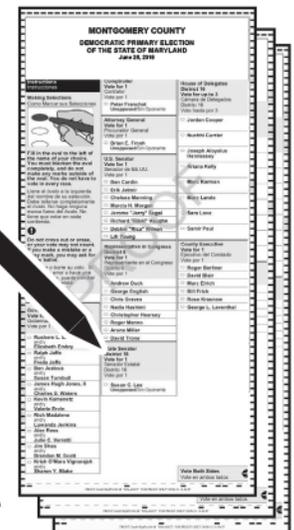
The LBE stamps the arrival time on the envelope. Because the oath and other information needed to accept the ballot are inside the envelope, **these ballots are more difficult to track and process.**



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

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, often after the other absentee ballots are canvassed.

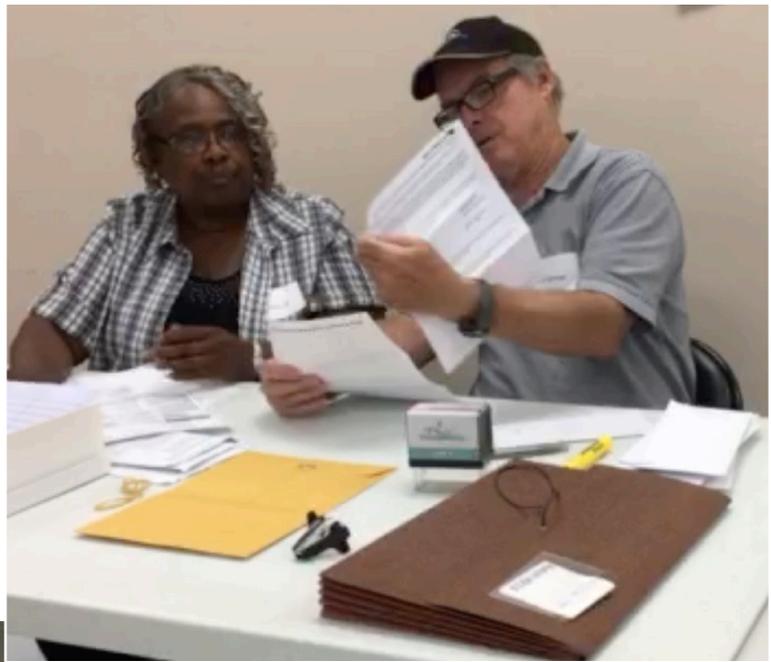


Text in bold red indicates areas of vulnerability.



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

RIGHT: The first thing election workers must check is that the oath inside the envelope with the ballot has been signed. The page in the election worker's left hand is the oath page. In his right hand is the ballot, so the voter's identity is known during the transcription of the ballot



BELOW: Public observers are usually too far away to verify that ballots are being transcribed accurately.

