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Maryland Cybersecurity Council Critical Infrastructure Subcommittee

Testimony in Support of

HB 0955, **"Election Law – Absentee Ballot Delivery and Marking"**
Sponsor: Delegate Alonzo T. Washington

House Ways and Means, February 16, 2021

Honorable Chair and members of the committee, thank you for the opportunity to present my testimony **in _support_ of House Bill 955 pertaining to election law.**

My name is Cyril Draffin. I serve as a member of the Maryland Cybersecurity Council, and its critical infrastructure subcommittee, and was a Project Advisor to the Massachusetts Institute of Technology (MIT) with focus on cybersecurity.

Last year I testified that the Maryland absentee system could be subjected to major stresses if the number of absentee ballot skyrocketed. What I warned about occurred—there was a huge increase in absentee ballots.

I have four points:

1) Maryland's absentee ballot system is the least secure of any state in the United States.

Prior to 2020 when many processes were changed, my understanding is that 47 states did not allow delivery of absentee ballots by Internet other than for military voters, overseas voters, and voters with disabilities. Only 3 states (Alaska, Washington, Maryland) allow, but Alaska and Washington require witnesses or signature comparisons before ballots are counted. Risk is that social security or other personal data can be easily and cheaply purchased on the black market, and very difficult to determine if a submitted ballot came from a specific registered voter if printed via the internet, or to do an audit on a disputed ballot.

Maryland's election outcomes could be affected by flaws in current absentee ballot system that allows many people to request **and print** absentee ballots on-line with credentials that can be purchased on the black market.

2) Maryland election process can be overwhelmed if majority of voters stay switched to absentee ballots.

I hope after the November 2020 election, you have a greater appreciation for the burden on the local boards with current absentee system—**because each internet**

delivered ballot must be hand copied over for the voting machines to read. Every voter in Maryland is currently allowed to vote absentee. There is no ceiling on the number of voters who could use this system. Although only about 5% of voters have been voting absentee up until 2020, nothing precludes it from going up ten-fold to 50% or more (like in other states)—and in fact due to Coronavirus the number of absentee voters skyrocketed to almost exactly 50%. If absentee ballot usage stays very high, this could be a hardship for local election officials to meet deadlines and to counties who must pay.

3) Regular voters can still get an absentee ballot by mail or in-person. And **qualified U.S. Uniformed Service Voters and overseas voters, and voters with a disability and any other voter who needs one in order to vote will be able to get an absentee ballot by internet.**

HB 955 still allows voting by absentee ballots to encourage registered voters to vote, and still allows special qualified people who need internet access to have it.

4) Maryland legislators may be perceived as unwilling to address election security if they do not make the changes incorporated in HB 955, especially if there is a hacking problem or an election challenge (if absentee ballots cannot be defended due to current procedural vulnerability).

Because of the need for improved election security and avoiding non-machine-readable ballots, I encourage a favorable report on House Bill 955, and the committee's continued attention to election cybersecurity.

Summary of current Maryland absentee ballot procedure:

1) *All registered voters can use a paper form or an online tool to choose to have ballot mailed to them or sent on-line.*
2) *For on-line ballots, a person (or autonomous system filling out the form electronically) provides some personal information (e.g. social security number) which hopefully is for a real voter validly requesting an on-line ballot; and that requester is then sent an email with instructions to download a ballot from a website.*
3) *Voters (or organizations with access to the email instructions) print their online delivered ballot and mail it back to Local Board of Elections.*
4) *Ballots are accepted without any signature comparison or other authentication.*
5) *Local board of elections take each online delivered ballot and manually transfer that information onto ballot stock (potentially introducing clerical errors) that can be read by the voting machines.*

[Note: Maryland's use of paper ballots is more secure than paperless voting machines of some other states, but we do not want Maryland's total vote undermined by an insecure absentee ballot system]