

Brooks_SB488.pdf

Uploaded by: Benjamin Brooks

Position: FAV

BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee



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TESTIMONY IN SUPPORT OF SB488
Election Law- Electronic Ballot Return System – Study and Request for Proposals

Education, Energy and the Environment Committee
February 24, 2023

Chair Feldman, Vice-Chair Kagan and Members of the Committee,

Thank you for the opportunity to testify before you on SB488, Election Law - Electronic Ballot Return System - Study and Request Proposals. The purpose of this bill is to have the Department of Legislative Services (DLS) conduct a study on the creation of an electronic ballot return system and require the State Board of Elections to issue a request for proposals for the implementation of an electronic voting return system. If there is a way to make participation in the electoral process easier and more accessible for our constituents, I believe it is our duty as elected officials to explore all possibilities.

Maryland gives its voters many options when casting their ballot. Individuals can vote in person, vote by mail, or vote by absentee ballot. However, members of the military serving overseas and citizens with disabilities are limited by the ballot return systems currently available. An online electronic ballot return system could improve voting accessibility for disabled, overseas, and absent uniformed services voters. Maryland voters can already fill out their absentee ballots online, but to return the ballot, they must print, sign, and mail their ballot to the State Board of Elections. A study of allowing voters to return their ballots online would act to close the loop of Maryland's electronic ballot process.

In studying the creation of an electronic ballot return system, the DLS would work closely with experts representing disability rights groups and military communities to adequately address their concerns. Through the current process of returning electronic ballots, blind voters lose their right to ballot secrecy, and overseas voters risk their ballot being lost or not returned in time. I would ask members of the committee: How are the results of this inadequate system different from the denial of a voter's civil rights? As a veteran myself, I believe we should make the fulfillment of civic duties as easy as possible for those that have already gone above and beyond their duties as citizens. It is inexcusable that the voices of our service members may never be heard simply because their ballot was not delivered on time.

Security concerns may be the first thing that comes to mind upon hearing this proposal. This is of concern to me as well, which is why I believe it is important to study the implementation and vendors of electronic ballot return technology prior to its deployment. Thirty-one states, Washington, D.C., and the Virgin Islands allow certain voters to return voted absentee/mail ballots electronically, via fax, email, or online portal. Twelve of these states allow their voters to submit their ballot online: Colorado, Delaware, Hawaii, Louisiana, Maine, Massachusetts, North Carolina, North Dakota, Rhode Island, Utah, and West Virginia. Recent developments in cybersecurity, such as end-to-end encryption and blockchain systems, are encouraging and would provide online voting with much more security than email and fax. On the other hand, ballot returns over fax and email lack security and are vulnerable to phishing or impersonation by bad actors.

I think members of the committee will agree with me in saying that an online ballot return system has too much merit to not be considered, but the potential security risks to voter information and our elections warrant a comprehensive study.

For these reasons, I am requesting a favorable report.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin T. Brooks". The signature is written in black ink and is positioned below the text "With kindest regards,".

Benjamin Brooks

Candice Kerestan - SB 488 - FAVORABLE.pdf

Uploaded by: Candice Kerestan

Position: FAV

**TESTIMONY TO THE SENATE EDUCATION, ENERGY AND ENVIRONMENT COMMITTEE
SB 488 – Election Law – Electronic Ballot Return System - Study and Request for Proposals**

POSITION: Favorable

NAME: Candice Kerestan

HEARING DATE: February 24, 2023

Committee Chair Feldman and Distinguished Committee members,

My name is Candice Kerestan, and I am calling in today from Munich, Germany. Thank you for allowing me to testify remotely.

I currently serve as the State Party Chair of Democrats Abroad, one of the Democratic National Committee’s 57 state parties. Democrats Abroad is the largest organization of U.S. citizens outside of the United States, and represents the millions of Americans living permanently or temporarily abroad, including many from Maryland.

At the center of our mission is ensuring that U.S. citizens overseas – regardless of party – can and do exercise their constitutional right to vote. That is why I am asking you to please support Senate Bill 488, which prescribes a study be implemented on creating an electronic ballot return system for Maryland voters.

Overseas voters – including active duty military, military families, veterans, and civilians like myself – are guaranteed the right to vote under current U.S. law. The majority of U.S. states permit their citizens abroad with the right to return their ballots via electronic methods, such as by fax, email or online upload. This is not the case in Maryland. In fact, all Maryland voters abroad are required to return their ballots exclusively by postal mail.

Maryland voters abroad live all around the world. While hard to imagine, U.S. citizens live in countries that lack reliable postal service. They also live in remote places where even if the mail service works, the time between sending and receiving mail can take weeks or months. During the COVID-19 pandemic, some countries suspended international airmail entirely.

In addition to barriers of functionality and time, cost is also a problem. We often hear that voters return their ballots by courier services to ensure their ballot will be received and counted. This can be very expensive, \$50 or more. Voters report that these costs mean they cannot afford to vote.

Senate Bill 488 paves the way for Maryland to join the majority of states that ensure their citizens abroad can have a say in their government without logistical or financial obstacles. Being able to vote is a pillar to our democracy - and both a responsibility and privilege of being a US citizen.

As I recently traveled the roads of Maryland, Governor Moore’s name along with the phrase, “Leave No One Behind” stood out. In advocating for the voting rights of Marylanders living all around the world, I ask you to not leave your overseas voters and their rights behind. Thank you.

Sincerely,

Candice Kerestan

RESIDES IN: Munich, Germany

VOTES IN: Pennsylvania

SB 488.pdf

Uploaded by: Hindley Williams

Position: FAV



SB488- Electronic Ballot Return System - Study and Request for Proposals

Support

Testimony of Maryland Centers for Independent Living

Senate Education, Energy, and the Environment, February 24, 2023

The seven Centers for Independent Living (CIL) were established by federal law and work to ensure the civil rights and quality services of people with disabilities in Maryland. Centers for Independent Living are nonprofit disability resource and advocacy organizations located throughout Maryland operated by and for people with disabilities. CIL staff and Boards are at least 51% people with disabilities. We are part of a nationwide network which provides Information and Referral, Advocacy, Peer Support, Independent Living Skills training, and Transition Services.

The current system for Vote by Mail strips the right from individuals with disabilities to vote privately and independently. The mailing system is extremely unreliable because of the time it takes for the election board to receive the information. Their vote may never be received and may never be counted. People with print disabilities must return their ballot at the cost of losing privacy and ballot secrecy. The ballot can be marked online accessibly but must be printed and signed before it can be sent by mail or dropped in a ballot box. They require assistance from another person in finding where to sign their ballot and preparing it for delivery by mail or by drop box. Those who assist them are able to see for whom the voter voted, which is inconsistent with voter privacy and independence principles. The voter must coordinate transportation to a drop box, which places undue burden on the voter.

The Maryland Centers for Independent Living support electronic ballot return because it would remove transportation and accessibility barriers by transmitting the ballot to the Board of Elections. The Board of Elections would still process the ballots in the same way they process those coming through the mail, but the burden would not be on the disabled voter to get the ballot there or to interact with the document in an inaccessible way. Many states are currently exploring electronic ballot return procedures and election security experts are confident there are secure platforms that are not vulnerable to hacking. Other groups, such as voters overseas and military personnel, would benefit from electronic ballot return, which would diversify the voter groups using this method and make the ballots of individuals less identifiable.

The Maryland Centers for Independent Living ask the Maryland General Assembly to ensure mail in voting is accessible and private for all people with disabilities. The Centers support

survey efforts to determine if and how electronic ballot return can be implemented in Maryland.

Contact Information:

Sarah Basehart
Independence Now
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Hindley Williams
The IMAGE Center
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Jarryd M. Rauch - SB 488 - FAVORABLE.pdf

Uploaded by: Jarryd Rauch

Position: FAV

TESTIMONY TO THE SENATE EDUCATION, ENERGY AND ENVIRONMENT COMMITTEE
SB 488 – Election Law – Electronic Ballot Return System - Study and Request for Proposals

POSITION: Favorable
NAME: Jarryd M. Rauch
DATE: February 24, 2023

Committee Chair Feldman and Committee members,

My name is Jarryd Rauch. I am here in support of SB 488, and wish to extend my gratitude to Senator Brooks for introducing this important legislation.

As Executive Director of Democrats Abroad, I am intimately familiar with how states manage and facilitate the voting process for their uniformed and overseas civilian voters. One of the primary reasons overseas ballots are rejected is they arrive after the ballot return deadline. Mail disruptions during the 2020 election cycle, domestically and internationally, demonstrated how easily voters can be disenfranchised if mail service is not functioning properly.

Even with optimal mail service or utilizing U.S. Embassy mail pouches, from many countries it can take weeks or even months for mail to reach the United States, especially with the COVID-19 pandemic and resulting logistical disruptions. In addition to the slow pace and the risk of ballot loss en-route, postal mail can be prohibitively expensive. If a voter opts to use a courier service to ensure their ballot arrives by the deadline, it can cost the voter anywhere from \$40 to over \$100.

Voting in every election could cost an overseas voter hundreds of dollars a year. This is quite plainly a poll tax on voting that disenfranchises Maryland voters all around the world.

To ensure all U.S. voters abroad can return their ballots without undue cost or delay, it is crucial to allow them to return paper overseas absentee ballots via electronic transmission. The requisite study outlined in SB 488 is an important first step for Maryland to join the two-thirds of U.S. states and the District of Columbia which already permit secure electronic ballot transmission, thus eliminating known barriers for overseas voters to exercise their right to vote.

Many did not have a voice in the election of representation in this General Assembly, but it is the responsibility of this body to grant that all Marylanders, and US citizens, have that capability going forward.

We urge a favorable report for SB 488. Thank you for your time, and I'm glad to take questions from the committee.

Sincerely,

Jarryd M. Rauch

RESIDES AND VOTES IN: New York City, New York

MTaube-SB488-EEE-testimony-24feb2023.pdf

Uploaded by: Michelle Taube

Position: FAV

SB 488 Election Law – Electronic Ballot Return System - Study and Request for Proposals
Testimony to the Senate Education, Energy and Environment Committee
Michelle Taube, Favorable

Committee hearing February 24, 2023

Dear Committee Chair Feldman and distinguished Committee members,

My name is Michelle Taube. I am a Montgomery County voter. I moved to Copenhagen, Denmark 15 years ago to take a job at the National Museum of Denmark. I travel back to Maryland at least once every year to visit family and friends, and I keep up with current events. I vote in every election because I feel a close connection to Maryland and the US.

I always ask to receive my blank ballot electronically so that I do not have to worry about delays or about it getting lost in the mail. But, I do not have that luxury in returning my voted ballot. All I can do is put it in the post and hope that it doesn't get damaged or stuck to another envelope and that it is received on time.

I am fortunate to live in a country with a reliable postal system. However, as Denmark has gone more electronic, many of the postboxes have been removed. Collection at the few that remain is usually only once a week, so it is necessary to make a special trip to a postal counter to send my voted ballot.

One of the worst parts about having to return my voted ballot by mail is that the timing makes it difficult to be an informed voter. As an overseas voter, I receive my ballot 45 days before Election Day, but voting guides typically only come out about 30 days before the election. It is difficult to balance the timing of voting and returning my ballot with learning about the issues on the ballot.

My friends who vote in states that utilize electronic ballot return have the possibility of waiting until almost the last minute to return their voted ballots. In fact, I know a voter who had just moved to Denmark, but was able to request, vote, and return her ballot on Election Day itself. I am glad that Maryland has a generous ballot receipt deadline, but I don't dare to wait until the last minute to send my ballot.

Thank you for the opportunity to add my testimony. I hope that the legislature passes this bill and that the proposed study leads to an electronic ballot return system for Maryland.

Sincerely yours,
Michelle Taube

Votes in: Montgomery County (district 16)
Resides in: Copenhagen, Denmark

SB488_ DD Council_Support.pdf

Uploaded by: Rachel London

Position: FAV



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Education, Energy, and Environment Committee

SB 488: Election Law – Electronic Ballot Return System – Study and Request for Proposals

February 24, 2023

Position: Support

The Maryland Developmental Disabilities Council (DD Council) is an independent, public policy organization that creates changes to make it possible for people with developmental disabilities to live the lives they want with the support they need. People with developmental disabilities and their families lead the DD Council. **From that perspective, the DD Council supports SB 488 because the potential increase in options for voting helps people with disabilities.**

WHAT does this legislation do?

SB 488 requires:

- The Department of Legislative Service, in consultation with experts in the disability rights and military communities, to complete a study on the creation of an electronic ballot system.
- The study to include the impact on voters with disabilities and service members; best practices for electronic ballot return systems; implementation; the cost; and whether changes to the existing processes are needed.

WHY is this legislation important?

- All Marylanders must have equitable access to their fundamental right to vote.
- All Marylanders, including those with disabilities must be able to vote easily and privately, and fairly participate in the electoral process.
- Twelve states already introduced electronic ballot return.

SB 488 is an important step to ensure that people with disabilities have the options and opportunities necessary to exercise their fundamental right to vote. For that reason, the DD Council supports SB 488.

Contact: Rachel London, Executive Director, RLondon@md-council.org

DRM_SB 488_FAV .pdf

Uploaded by: Samuela Ansah

Position: FAV

EDUCATION, ENERGY AND ENVIRONMENT COMMITTEE**February 23, 2023****SB 488 Election Law - Electronic Ballot Return System - Study and Request for Proposals****Position: SUPPORT**

Disability Rights Maryland supports SB 488 to establish a study on electronic ballot returns in Maryland. Both voters with disabilities and Uniform overseas voters currently face barriers to the ballot that affect their participation in our elections. For voters with disabilities, this includes physical accessibility concerns that prevent access to an in person voting experience to being unable to physically mark a ballot with a traditional writing utensil. For overseas voters, their location and unreliability of postal services make it hard to ensure their votes will be counted on time.

Voters with disabilities can request a web delivered ballot where a ballot will be sent to their email and allow them to mark their ballot through a computer or by hand. Either way, a voter has to print off their web delivered ballot and return it by mail, at a drop box or to their local board of elections. Currently, voters cannot send a marked ballot online. Voters with disabilities use this option as evidenced by the 14.8% of requests for a web delivered ballot during the 2022 General Election and the 39% who marked their ballot using the online ballot marking device. For voters abroad, the process is much more archaic where they must request a ballot to be mailed to them either directly or through a proxy and must be returned through the mail. Although Maryland provides a variety of ways to cast a ballot, some people are still excluded from participating or have to rely on others to complete their ballot. Allowing the Department of Legislative Services to conduct a study to assess the barrier voters abroad and with disabilities would allow for Maryland to review a variety of policy options to ensure access and privacy in voting.

Although, the 2020 election cycle was rife with allegations and concerns of election fraud due to the massive use of absentee ballots required to mitigate effects of the pandemic, election officials were able to conduct elections under these contentious conditions and administered a safe, reliable, and secure election. These same fears are echoed about electronic ballot returns.

SB 488 only grants the Department of Legislative Services the authority to convene a comprehensive study on the use of electronic ballot return in the country and how it could work in Maryland. The study will include impacted communities that would benefit from electronic ballot returns such as voters with disabilities and voters living abroad. The study will discuss the complexity of the technology that can enable electronic ballot return for voters in Maryland. Additionally, the study will discuss the balance of election security and integrity with the needs of voters with disabilities and abroad that will benefit from electronic ballot returns. The study should describe the current landscape of electronic ballot returns that are currently implemented in 31 states that have some form of electronic ballot return, specifically for those in uniform abroad and voters with disabilities¹.

Pilot programs in Denver and West Virginia delivered electronic ballot return through software that uses blockchain technology, an encrypted type of ledger that can create a secure database required of elections. West Virginia piloted this technology in their 2018 General Election specifically for 183 eligible voters abroad in 31 different countries. They received about 98% of the ballots with this technology and those ballots were counted². In Denver used the technology in their 2019 Municipal Election for 156 eligible voters in. That election saw an 82% return rate for the pilot program compared to about 54% return rate of ballots in Colorado³. These pilot programs underwent strict scrutiny from their state board of elections and Secretary of States to ensure security and privacy were not compromised in administration of electronic ballot return.

There is a benefit of voters abroad and with disabilities to use technology to increase participation in elections. To that end, we recommend the participation of cybersecurity and election security personnel to the table alongside disability and military organizations. Maryland has the opportunity to explore the great advantages technology affords us to assist voters with disabilities and those abroad increase their access to the ballot. For these reasons, Disability Rights Maryland urges a favorable report on SB 488. For any questions, please contact SamuelaA@DisabilityRightsMD.Org or 443-692-2512.

¹ [Electronic Ballot Return \(ncsl.org\)](http://ncsl.org)

² [Under the hood \(wv.gov\)](http://wv.gov)

³ [Mobile-Voting-Audit-Report-on-the-Denver-County-Pilots-FINAL.pdf \(cyber-center.org\)](http://cyber-center.org)

Maryland State Senate Testimony.pdf

Uploaded by: Sarah Streyder

Position: FAV

Testimony for the Maryland State Education, Energy, and the Environment Committee

Hearing on SB0488 – Electronic Ballot Return System, Study and Request for Proposals

Friday, February 24th at 1:00pm

Good afternoon. My name is Sarah Streyder, and I am the spouse of an active-duty U.S. Space Force Guardian. I am also the Executive Director of Secure Families Initiative – a nonpartisan nonprofit organization committed to elevating military partners and family members as voters and advocates for their communities. Last year, I was awarded AFI Military Spouse of the Year for this work.

SFI supports Senate Bill 488 and thanks Senator Brooks for sponsoring it. This legislation is a promising first step in the direction of securely easing the voting process for absentee military voters.

When military service members and their families are stationed far away from home, it can be an isolating and frustrating experience. Getting to vote in elections back home can help families stay connected and ease the transition – it’s a reminder of where we belong and an affirmation that our input matters.

Unfortunately, absentee military voters face high logistical barriers to cast our ballots through existing methods. Military families stationed overseas or in rural domestic locations often face long wait times for mail delivery and return – and that was true even before the COVID-19 pandemic exacerbated this problem. Additionally, overseas military families who aren’t stationed near a U.S. military installation don’t have access to military postal services, which requires them to pay steep international postage fees just to vote.

As a result, military voters have shockingly low voter participation rates. In 2020, only 47% of uniformed service members and a mere 8% of overseas citizens voted, compared to 74% of our civilian counterparts. Many of us wanted to vote but were unable due to unnecessary and arbitrary obstacles.

SFI is confident that a study of electronic voting methods will illuminate numerous examples where this is already being done smoothly and securely. We strongly encourage Maryland to take this step toward joining the 32 other states and D.C. that allow military service members and dependents to cast their ballot electronically. Doing so would lift a huge weight off our shoulders.

When we move every few years, we already have to worry about finding work, picking the best school for our kids, and meeting our new doctor, often while bridging a language barrier. On top of all that, voting requires the added hassle of finding a post office, calculating proper postage, paying out of pocket, and keeping track of state-specific deadlines – all just to participate in the very democracy we serve to protect.

Thank you for listening. We are invested in this issue and plan to continue monitoring this legislation’s process.

Sarah Streyder

Executive Director

Secure Families Initiative

Elizabeth Landry - SB 488 - FAVORABLE W AMENDMENT.

Uploaded by: Elizabeth Landry

Position: FWA

SB 488 Election Law - Electronic Ballot Return System - Study and Request for Proposals
TESTIMONY TO THE SENATE EDUCATION, ENERGY AND ENVIRONMENT COMMITTEE
Elizabeth Landry, Favorable with Amendment

February 24, 2023

Dear Committee Chair Feldman and Distinguished Committee members,

My name is Elizabeth Landry. Thank you for the opportunity to speak today. I am here in support of SB 488, and I want to thank Senator Brooks for sponsoring this bill. I live abroad in Sweden, and I vote in Frederick.

I was born, raised, and received my Nursing degree in Salisbury. At the end of 2018, my partner and I moved abroad to Sweden for their work. Maryland voters like me are dependent on mailing in our ballots. Fortunately, I am able to receive my ballot by email, but as a Maryland voter I must return my ballot by postal mail.

In 2020, postal systems around the world were upended due to the COVID-19 pandemic. With so much uncertainty around the length of time postal mail would require, I ended up paying a courier service to make sure my ballot was returned by the deadline – this cost over \$50. Having to pay this much just to vote was a modern-day poll tax.

Having the ability to electronically return my ballot would save me money and stress of worrying whether or not my ballot will make it back to Maryland. Additionally, Maryland voters abroad are not always as privileged as I to have a reliable postal mail system where they live. Maryland voters who may live in Central America or Oceania may not be able to mail their ballot back, or the cost may be prohibitive and they decide they cannot afford to vote.

I am grateful for the study outlined in SB 488, and my position is Favorable with an Amendment requesting the inclusion of a public forum available online so that Maryland voters living overseas can give input on how such an electronic ballot return system would improve their ability to vote from their host countries.

Thank you again for the opportunity to speak to the committee and for your time.

Respectfully Yours,

Elizabeth Landry

RESIDES IN: Malmö, Sweden

VOTES IN: Frederick County Voter (District 3)

LWVMD testimony - SB 488 – Election Law - Electron

Uploaded by: Janet Millenson

Position: FWA



**TESTIMONY TO THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND
THE ENVIRONMENT**

**SB 488 – Election Law - Electronic Ballot Return System - Study and Request for
Proposals**

POSITION: Support ONLY if amended

BY: Nancy Soreng – President

Date: February 24, 2023

The League of Women Voters of Maryland adopted a position as long ago as 1999 to support efforts to determine the feasibility of internet voting via studies, research, and pilot projects. If safely implemented, it would benefit overseas voters and people with certain disabilities.

However, in recent years the internet's vulnerabilities have become more apparent, especially in the context of elections. Disinformation and hacking by domestic and foreign bad actors are serious threats of concern at both the federal and state levels.

A blue-ribbon group of experts hosted by the University of California, Berkeley Center for Security in Politics recently issued a concise and non-technical paper on this topic: "[Working Group Statement on Developing Standards for Internet Ballot Return](#)." It concludes that **"Implementing widespread adoption of secure and accessible internet ballot return requires technologies that do not currently exist and others that have not been fully tested."**

We strongly recommend incorporating the findings of this working group into any Department of Legislative Services study of the feasibility of internet voting in Maryland. The bill must be amended to say, **"If and only if a secure system for internet delivery and return of ballots can be identified, the State Board of Elections shall issue a request for proposals for an electronic ballot return system."**

We urge a favorable report on SB 488 only IF amended.

MD.SB0488.testimony.pdf

Uploaded by: Susan Greenhalgh

Position: UNF

Testimony of Susan Greenhalgh
Senior Advisor on Election Security
Free Speech For People
before the
Education, Energy and the Environment Committee
Maryland State Senate
Contact: susan@freespeechforpeople.org

Re: SB0488-UNFAVORABLE

February 24, 2023

Thank you for the opportunity to submit testimony on SB0488.

Free Speech For People is a national, non-profit, non-partisan public interest legal organization that works to renew our democracy and our United States Constitution for the people. As part of our mission, we are committed to promoting, through legal actions and advocacy, secure, transparent, trustworthy, and accessible voting policies for all voters. For example, we launched a legal challenge to voter registration restrictions in Arizona, resulting in tens of thousands of additional voters being able to register to vote. We avidly support the responsible use of technology to improve access to the ballot for all voters, of all abilities, and support the exploration of increased accessible voting options and improvements for voters with disabilities. But we vigorously oppose the adoption of policies that permit electronic return of voted ballots because ballots transmitted electronically, by email, fax and online ballot portal, are all at high risk for privacy risks, manipulation and fraud. At a time when election confidence is under attack, expanding dangerously insecure electronic ballot return will degrade not just the security of Maryland's elections, but also confidence in elections and trust in government. We urge the Committee to vote NO on SB0488 and not advance it from Committee.

Ballots returned online are at high risk for manipulation or fraud.

Quite plainly, ballots cannot be securely returned electronically. Proponents of electronic ballot return may suggest, erroneously, that secure online return of voted ballots is possible with today's computer security tools, or that the use of

cloud storage or a portal will adequately protect ballot security. All this is incorrect.

In 2020, the **Department of Homeland Security, the Federal Bureau of Investigation, the National Institute of Standards and Technology and the U.S. Election Assistance Commission** published a [risk-assessment](#)¹ which *"recommends paper ballot return, as electronic ballot return technologies are high risk even with controls in place."*² [Emphasis added.] **In other words, the Department of Homeland Security recommends states should continue to use paper ballots because there are serious and significant security risks introduced with the electronic transmission of marked ballots that cannot be adequately mitigated with the security tools and controls available, and ballots returned online are at high risk of tampering or manipulation.**

DHS's blunt warning against the use of online voting echoed bipartisan recommendations from the U.S. Senate Select Committee on Intelligence, published in response to findings that foreign governments were actively trying to attack U.S. election systems. The Committee explicitly wrote: "States should resist pushes for online voting."³

In 2018, the National Academies of Sciences, Engineering and Medicine (NASEM) released a report stating that the technology to return marked ballots securely and anonymously over the internet does not exist.⁴ Many studies have reviewed specific internet voting systems and consistently, all have found that despite their claims of innovation and security, these systems have fundamental vulnerabilities.

At a time when election security and public confidence in our elections are under attack, increased electronic return of voted ballots, whether from a phone, tablet, or computer, is simply not safe or secure in any form. Furthermore, with the ongoing conflict in Ukraine, the threat of Russian cyber attacks on our election

¹ Available at: <https://www.politico.com/f/?id=00000172-9406-dd0c-ab73-fe6e10070001>

² *Ibid.*

³ Report of the Select Committee on Intelligence, United States Senate on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure with Additional Views, 2019, Available at https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf

⁴ National Academies of Science, Engineering, and Medicine, 2018. "Securing the Vote: Protecting American Democracy." Washington, DC: The National Academies Press. Available at: <https://www.nap.edu/catalog/25120/securing-the-vote-protecting-american-democracy>

infrastructure has increased.⁵ Election security is a matter of the highest U.S. national security, so we would be taking a very grave risk to our democracy any time the threat of foreign interference is escalated, as it is now.

Online voting is not comparable to online banking.

The public may ask, ‘I can bank online, why can’t I vote online?’ But voting involves critical differences that make it a much more difficult enterprise to secure than online banking or commerce.⁶ Online transactions are not secret or anonymous; a customer can check her statement to detect and address fraudulent charges. But we vote by secret ballot; there is no mechanism for the voter or election official to check to ensure ballots were not manipulated or hacked in transit and that the votes are legitimate. This makes online elections especially vulnerable to undetected hacking.

And even if an attack was detected, there would be no way for election officials to determine which ballots were manipulated and which are legitimate, making an online attack uncorrectable. Such systems are, by definition, not auditable; since there is no indelible, source record of voter intent, there is no audit record. In addition, banks may calculate an acceptable level of fraud and factor that into the cost of doing business, or take out insurance to cover their losses, but we cannot accept any illegitimate ballots. Finally, the assumption that online banking can be done securely is faulty. It is estimated that banks lose millions or even billions of dollars every year to online attacks.⁷ High profile hacks like that on Citibank, JP Morgan Chase, and Bank of America prove that even system with high cyber security budgets (much higher than Washington’s), cannot resist determined attackers.

Use of online voting is not evidence that it is secure.

It’s true that over two dozen states currently permit electronic ballot return, but that does not mean it’s secure or trustworthy.

⁵ Joseph Marks, “Russian hacking threats aren’t over, Congress was warned last night,” *The Washington Post*, March 9, 2022. Available at: <https://www.washingtonpost.com/politics/2022/03/09/russian-hacking-threats-arent-over-congress-was-warned-last-night/>

⁶ “If I Can Shop and Bank Online, Why Can’t I Vote Online?” by David Jefferson, Computer Scientist, Lawrence Livermore National Laboratory, member, Verified Voting Foundation Board, Board of Directors, California Voter Foundation <https://www.verifiedvoting.org/resources/internet-voting/vote-online/>

⁷ <https://www.iii.org/fact-statistic/facts-statistics-identity-theft-and-cybercrime>

During the early 2000's, Congress tasked the Department of Defense, through the National Defense Authorization Act, to develop a secure online voting system for military voters. Consequently, many states passed laws to permit electronic ballot return, planning to opt into the system provided by the Department of Defense. A system was developed in 2004, but was never deployed because a security evaluation determined that illegitimate ballots could be cast undetectably. Subsequently, after years of federal research that concluded electronic ballot return could not be made secure,⁸ the Department of Defense and federal government abandoned the effort.

It's important to also understand that most of these states enacted policies to allow online return of voted ballots when cyber crime was much less commonplace and mature. Cyber crime has advanced significantly in the last decade, and by expert accounts, the expertise and sophistication of today's cyber criminals has far out-paced our defenses. We know much more today than we did then, and today's policy decisions should be based on the current threat model.

Alternative accessible voting options should be explored.

At present, voters with disabilities still experience significant barriers to casting their votes privately and securely,⁹ and we should make efforts to resolve these challenges. We understand the profound difficulties you face to assure every voter's ability to vote and strongly support interventions to assure voters' equal opportunity and access to cast their vote – securely and verifiably. Recognizing that no current solution is ideal for all voters, we support thoughtful consideration to improve secure innovations, such as mobile accessible voting. Mobile accessible voting is offered in some states where election workers bring accessible ballot marking devices to the residences and workplaces of voters with disabilities. These accessible devices allow disabled voters to privately and independently cast a secured, verifiable paper ballot with accessible technology. (Currently Oregon and San Francisco and its neighboring counties have launched such an effort.¹⁰)

⁸ <https://www.nist.gov/itl/voting/uocava-voting>

⁹ "Disability and Voting Accessibility in the 2020 Elections, Final Report on Survey Results." February 16, 2021. Rutgers University; U.S. Election Assistance Commission. Available at:

https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/Disability_and_voting_accessibility_2020_election_Final_Report_survey_results.pdf

¹⁰ San Francisco, Oakland, San Jose and some of the twelve counties that surround it have invested a \$1 million federal grant to provide Mobile Voting Vehicles to increase voting access to disabled and underserved voters. See: http://www.bayareauasi.org/sites/default/files/resources/approval_2022_january_meeting_master.pdf, page 57.

However, electronic ballot return is not the answer. The 2020 election underscores the importance of being able to examine voted paper ballots, not just digital artifacts. A recent report published in the Journal of Cybersecurity warns, “While current election systems are far from perfect, Internet- and blockchain-based voting would greatly increase the risk of undetectable, nation-scale election failures.”¹¹

We would welcome the opportunity to provide the Committee with further information on technical aspects of electronic ballot return. We strongly urge the Committee to vote NO on SB0488, and seek alternative, accessible voting options.

Thank you for your consideration.

¹¹ Sunoo Park, Michael Specter, Neha Narula, Ronald L Rivest, MIT, Going from bad to worse: from Internet voting to blockchain voting, Journal of Cybersecurity, Volume 7, Issue 1, 2021, <https://doi.org/10.1093/cybsec/tyaa025>

SB.488.Coalition.Testimony.pdf

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Position: UNF



February 23, 2023

Oppose Senate Bill 488 and House Bill 645
AN ACT concerning Election Law – Electronic Ballot Return System – Study and Request for Proposals

Dear Legislators:

Thank you for your work to expand and enhance voting access for Maryland voters. We applaud the reforms enacted recently to make voting safe and accessible, including expanding access to mail-in voting, early voting, and voting in correctional facilities throughout the state. We are committed to ensuring that all voters, including those with disabilities and military voters overseas, can exercise their right to vote.

However, we write to you with grave concerns about SB 488 and HB 645 as drafted. If passed at this time, this legislation will put the security of Maryland's election infrastructure at risk and undermine public confidence in election results.

The legislation requires the State Board of Elections to issue a request for proposals for an "electronic ballot return" voting system.

Four federal government agencies have concluded in a recent [risk assessment](#) that "electronic ballot return" is "High" risk. The agencies warn that electronic ballot return "faces significant security risks to the confidentiality, integrity, and availability of voted ballots," and that these risks can "**ultimately affect the tabulation and results and can occur at scale.**" The risk assessment was issued

by the Federal Bureau of Investigation (FBI), the Department of Homeland Security's Cybersecurity Infrastructure Security Agency (CISA), the U.S. Elections Assistance Commission (EAC) and the National Institute for Standards and Technology (NIST).

This risk assessment was issued to address the fact that state policy makers like yourselves are facing pressure to allow internet voting for certain classes of voters.

At a time where the integrity and veracity of election results are continuously called into question, it would not be prudent to ignore the security warning issued by the four government agencies charged with protecting our nation's election infrastructure.

Furthermore, there is broad consensus that electronic ballot return presents severe security risks to the integrity of our elections, because ballots cast over the internet can be intercepted, deleted and altered at scale – and can therefore change election results.

- NIST, the federal agency responsible for issuing cybersecurity standards, has also conducted research on ways to enhance accessibility for voters with disabilities. Its 2022 report, *Promoting Access to Voting*, did not recommend electronic ballot return, instead concluding, “there remain **significant security, privacy, and ballot secrecy challenges.**”
- In 2019, the bipartisan **U.S. Senate Select Committee on Intelligence** reported on its findings that foreign governments were actively trying to attack American election systems. As part of that report, the Committee determined “**States should resist pushes for online voting.** ... While the Committee agrees states should take great pains to ensure members of the military get to vote for their elected officials, no system of online voting has yet established itself as secure.”
- Just weeks ago, experts convened by the University of California's Berkeley Center for Security in Policy concluded that creating standards for online ballot return so that it can be done securely and privately *was not feasible*. “When internet ballot return is employed,” the Working Group wrote, “**it may be possible for a single attacker to alter thousands or even millions**

of votes. And this lone individual could perpetrate an attack from a different continent from the one where the election is being held – perhaps even while under the protection of a rogue nation where there is no concern of repercussions.”

Senate Bill 488 and House Bill 645 also propose a study of electronic ballot return systems currently available. The study directions do not instruct the Department of Legislative Services to consider security or to consult the the government agencies charged with protecting our national election infrastructure, i.e. DHS’ CISA, the FBI, EAC and NIST. These agencies - especially the FBI and CISA - routinely track the escalating threats to our election infrastructure - both foreign and domestic - and advise election policy makers on how to address these threats. Any study should absolutely include a review of the recommendations of these agencies and a consultation with their personnel. Moreover, a study should review the conclusions of the University of California at Berkeley [Working Group](#), the [National Academy of Sciences](#), and other election security experts. Finally, the study should stand alone and not be linked to a request for proposal.

The accessibility issues some voters, especially voters with print disabilities, face are real. Various programs that help address these challenges are already in use in other jurisdictions, like bringing poll workers and accessible systems to voters who need them. We urge the legislature to invest resources in examining alternative accessible absentee voting methods that will improve access for voters with disabilities, without returning ballots over the internet. Other technologies are being developed and piloted that may be able to help address these challenges – and their promise is very exciting, but today these technologies are in their infancy. No standards have yet been developed that these systems could be certified to. Any new voting system deployed by the State of Maryland should undergo the rigorous testing and certification that Maryland requires for its polling place ballot marking systems.

Furthermore, at a minimum, there are additional steps Maryland should take to improve voting accessibility – which do not create security risks. As noted above, NIST produced a detailed report of recommendations that we urge you to consider, such as:

- ensuring that county elections websites are accessible;
- providing election-related information in accessible formats, through a variety of channels including social media, radio, text and phone;
- providing physical descriptions of each polling place, indicating accessible entrances, exits, public transit, and parking;

- providing voting education classes for voters with disabilities in collaboration with local disability support agencies;
- implementing alternative attestation methods for voters who cannot sign their mail-in ballot oaths;
- including tactile marks, such as punched holes, to guide blind voters where to sign; and
- establishing a workgroup or task force made up of representatives from voting and disability rights communities to explore and recommend additional accessibility improvements that are secure.

Other jurisdictions are innovating solutions to ensure access to all voters. San Francisco County, the State of Arizona, and the State of Vermont offer in-person accessibility assistance in voters’ homes – and we would be happy to provide you with more information about those programs.

We are very interested in working collaboratively and creatively with you to improve voting accessibility in ways that do not create risk to our elections.

We would welcome the opportunity to provide you – or other lawmakers – further information about the technical aspects and unavoidable and severe inherent risks of electronic ballot return. We would also welcome the opportunity to collaborate with you on implementing accessibility improvements that do not present security risks.

Respectfully submitted,

Joanne Antoine
Executive Director
Common Cause Maryland

Yanet Amanuel
Public Policy Director
ACLU Maryland

Pamela Smith
President
Verified Voting

Aquene Freechild
Co-Director, Democracy Campaign
Public Citizen

Alexandra Chandler
Policy Advocate
Protect Democracy

Susan Greenhalgh
Senior Advisor on Election Security
Free Speech for People

Lawrence Norden
Director, Elections and Government Program
The Brennan Center for Justice

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Uploaded by: Katherine Berry

Position: INFO



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

February 23, 2023

Senator Brian J. Feldman, Chair
Maryland House Ways and Means Committee
Room 131, House Office Building
Annapolis, MD 21401-1991

SB0488: Information Only

Chair Feldman, Vice Chair Kagan, and Committee Members:

My name is Katherine Berry. I am the Election Director in Carroll County and the chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. MAEO represents the local boards of elections throughout the State of Maryland. I am writing today to represent MAEO with information regarding Senate Bill 488: Election Law - Electronic Ballot Return System - Study and Request for Proposals.

We, the Local Boards of Elections, recognize the importance of updating and adapting our election systems and processes to meet new realities. To better serve our voters, we support any measures that can achieve this goal. Therefore, we respectfully request that MAEO be included as a member of the study group in the proposed bill. Our input is crucial as we will be responsible for administering the proposed electronic ballot return system.

We would also like to emphasize the need for adequate funding for this significant update, as our current Voter Registration system has been in use for 17 years since its implementation in 2006. Such funding is necessary to ensure a higher level of security for the new technology that may be required.

Thank you for your time. If you have any questions, please contact me at (410)386-2958 or Katherine.berry@maryland.gov.