

Subject: Support for SB488 - Feasibility of an Electronic Online Ballot Return System for Maryland  
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To: Members of the Maryland General Assembly  
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## **THE PROBLEM**

Maryland claims that it wishes to make casting the ballot as easy as possible for the voter in order to maximize participation in the voting process. Overseas voters, members of the military, and persons with disabilities have been left behind in making voting convenient. In the case of voters with disabilities, the current system for Vote by Mail strips them of their right to vote privately and independently. The Senate Judicial Proceedings Committee should vote in favor of SB488.

## **PROPOSED ACTION**

The Maryland General Assembly should conduct a study of the question of whether an online ballot return system is feasible for Maryland voters. The study should be completed by December 1, 2023. It should include such aspects as cost, security and which class of voters should be covered. In addition, the Legislature should direct the Maryland State Board of Elections (MSBE) to issue a Request for Proposals (RFP) to assess what vendors are able to create the electronic ballot return system with sufficient time for implementation by the 2024 General Election.

## **BACKGROUND**

Maryland voters have many choices when casting their ballot. They may vote in person or vote by mail. Voters may submit a permanent request so that they automatically receive an absentee ballot each election. After the ballot is submitted, the election officials can inform the voter that their ballot was

received by the Board of Elections in several ways. The voter selects these methods of contact and can even be notified by text message. While these technological advances have improved the voting process, more needs to be done in order to ensure that all voices are heard. For example, the State of Maryland lacks an electronic ballot return system, creating an obstacle for overseas and disabled voters attempting to cast their ballot.

Overseas and military voters must return their ballot by mail. 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 but must be printed and signed before it can be sent by mail or dropped in a ballot box. Many people have no access to a printer, so they must have someone else print their ballot. 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.

#### **QUESTIONS TO BE ANSWERED IN THE STUDY CALLED FOR SB488**

- Does the current system deprive some voters of their civil rights?

To answer this question, the study should look at the impact of hard copy electronic ballot returns as the sole method for ballot delivery on voters with disabilities and UOCAVA voters. In the 21<sup>st</sup> century, the Board of Elections should be able to do a better job without leaving voters behind.

- How do other states handle electronic online ballot returns?

Twelve states have already introduced electronic online ballot return, including Colorado, Delaware, Hawaii, Louisiana, Maine, Massachusetts, North Carolina, North Dakota, Rhode Island, Utah, and West Virginia; the study should gain insight from the experiences of these states. The study should also examine best practices in terms of accessibility for electronic return of ballots.

- How could an online ballot system fit into the current election infrastructure?

The study should determine the cost of adopting an online ballot system in Maryland and whether existing processes would have to be expanded or changed. The study should also develop a plan for how security concerns should be addressed.

#### **CONCLUSION**

The question of whether Maryland should have an online ballot return system for certain classes of voters must receive careful consideration through a study as called for in SB488 conducted by the Maryland General Assembly. Failure to conduct a study would be irresponsible and negligent. Cost, integration, and security are important factors which impact the taxpayers and public trust in the voting system. The study must be completed by December 1, 2023 to ensure that the results can be incorporated into the 2024 election, avoiding another useless study. However, these concerns must be balanced with the right to a secret, private ballot. Moreover, in order for the work of the study to be

meaningful and not to disadvantage impacted voters, the General Assembly should require MSBE to issue a nonbinding RFP for a platform which will operationalize electronic ballot return with sufficient time for Maryland to implement this system prior to the 2024 General Election. In a democracy, voting should be as easy and convenient as possible in order to maximize voter turnout. Barriers which diminish civil rights should be eliminated. Everyone's voice should have the opportunity to be heard. No voter should be left behind. Please vote in favor of SB488.