

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)