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Education, Energy, and the
Environment Committee
Energy Subcommittee

Chair, Joint Electric Universal
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TESTIMONY IN SUPPORT OF SB802
Election Law- Voters with Disabilities – Electronic Ballot Return

Education, Energy and the Environment Committee
February 21, 2024

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

Thank you for the opportunity to testify in favor of SB802, Election Law – Voters With Disabilities – Electronic Ballot Return. The purpose of this bill is to require the State Board of Elections (SBE) to establish a process by which an individual with disabilities may return an electronically marked ballot to a local board of elections using an accessible, non-paper-based method. Participation in the electoral process should be simple and accessible to all eligible voters. Maryland claims that it wishes to make casting the ballot as easy as possible for the voter to maximize participation in the voting process. SB802 can help Maryland become one step closer in accomplishing that goal.

Currently, Marylanders may vote in person or by mail. Voters may submit a permanent request so that they automatically receive an absentee ballot each election. After the ballot is submitted, election officials can inform the voter that their ballot was received by SBE 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 to ensure that all voices are heard.

Maryland lacks an electronic ballot return system, creating an obstacle for disabled voters who want to cast their ballot. Currently, an estimated 235,930 voters or 3.8% of Maryland's population have a disability which may affect their ability to fill out a paper ballot or return a ballot on election day. This number is too large to be ignored and we should not disenfranchise an entire population solely based on their disability.

People with print disabilities must return their ballot at the cost of losing privacy and ballot secrecy. Their ballot can be marked online 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 drop box. Those who assist disabled voters can see for whom the vote was casted, which is inconsistent with voter privacy and independence principles. In addition, because their ballots are neither private nor independent, they are susceptible to tampering and suspicious altering inconsistent with the voter's preferences.

Thirteen states allow disabled voters to submit their ballots electronically either through email, fax, or a secure web portal. However, in January 2024, the Department of Legislative Services released some concerning findings regarding the security of these electronic ballot returns. While online electronic ballot return systems may improve voting accessibility for those with print-reading disabilities, there are still many security concerns with online voting. I am a staunch believer that our elections should be safe from any interference, and I have considered this reality heavily when drafting this amended legislation.

SB802, as amended, requires SBE to develop ways for disabled voters to receive, mark, and return electronically marked ballots without internet exposure. Marked ballots would be returned in a secure physical form, either with a flash drive or some other physical electronic media. In fact, the bill specifically requires SBE to not have ballots transmitted over the internet until this method is deemed safe and secure. Additionally, SBE will also develop these regulations with stakeholder input from the disability community to ensure that these new methods are accessible as well as secure.

Election integrity is not just about protecting the ballot box from interference— it is also about ensuring the right to vote for Marylanders. Voters with disabilities, in particular, are subject to security threats now, as their inability to vote privately and independently requires the assistance of others who can tamper with their ballots.

SB802 balances these two realities to ensure that tens of thousands of disabled Marylanders can vote securely and secretly while maintaining the integrity of the electoral process. There does not need to be a trade off when it comes to making our elections secure and accessible, for all. We can and we must do both.

For these reasons, I am requesting a favorable report on SB802.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin T. Brooks".

Benjamin Brooks