

**Testimony of Susan Greenhalgh  
Senior Advisor on Election Security  
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before the  
Maryland Senate  
Education, Energy and Environment Committee  
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**Re: SB0802-UNFAVORABLE -Unless Amended**

**February 21, 2024**

Thank you Chair Feldman, Vice Chair Kagon, and members of the Committee for the opportunity to testify today on SB0802. We urge you to amend SB0802 to provide voters with print disabilities alternative methods of accessible voting that do not include electronic ballot return which will introduce grave security risks to Maryland's elections.

I serve as the Senior Advisor on Election Security for Free Speech For People, a national, non-profit non-partisan legal advocacy organization dedicated to defending our democracy and our Constitution. We are committed to protecting the security and integrity of all ballots.

Cyber threats to elections remain intense. Representatives of both the FBI and the Department of Homeland security recently warned election administrators that our elections remain under attack. Adopting electronic ballot return will indisputably increase Maryland's vulnerability to attacks and errors that could upend an election, not just a few votes.

The Maryland Department of Legislative Services provided an excellent presentation on electronic ballot return last month on January 30<sup>th</sup> which detailed these security challenges. The presentation also noted that Maryland is unlikely to face successful litigation to force a move to electronic ballot return under the ADA because Maryland does not currently permit electronic ballot return for any voters.

We strongly oppose electronic ballot return, because over the last two decades, multiple scientific studies in both the public and private sectors have concluded that it is just too vulnerable to undetectable manipulation or tampering.

The most notable security assessment was issued in 2020 by the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency or CISA.

(For clarity, CISA is the agency within the Department of Homeland Security that is responsible for securing critical infrastructure, including cybersecurity of election systems.)

The [risk-assessment](#) was issued not just by CISA, but also by the FBI, the National Institute of Standards and Technology or NIST (which also has responsibilities over election system security), and the US Election Assistance Commission. It is not common to have four federal agencies endorse a risk assessment like this, which underscores its importance. We've shared copies of this risk-assessment with the Committee.

The study determined that email and electronic ballot return is “High Risk” even with security controls and tools in place. In other words, even with the cyber security protections, our federal security agencies warn that there is a high risk of cyber attacks on the security, confidentiality, integrity, and availability of voted ballots, which could “ultimately affect the tabulation and results and, can occur at scale.”

The agencies expressly recommend paper ballots verified by the voter.

Though these warnings are grave, it's important to understand that DHS/CISA can't lobby on legislation. It can only provide its analysis. CISA will not contact you to warn you of these security issues. So, we urge the Committee to carefully examine the federal agencies' conclusions that electronic ballot return is high risk, regardless of the security protections promised.

It is true that over two dozen states currently allow electronic ballot return, but this should not be taken as evidence that it's secure or advisable. Most states passed laws to allow electronic return during the 90's and early 2000's, while the Department of Defense was actively developing a “secure” electronic ballot return system for military and overseas voters. The project was scrapped after it underwent a review which detailed the fundamental, unsolvable security problems. After several years of study and multiple reports, they concluded it could not develop a framework for secure electronic ballot return, because it couldn't be made secure. In 2015, Congress repealed the project and it was abandoned. But it was during this time, before this research was done, that most states passed these laws. Instead of expanding it, we advocate that these states should repeal electronic ballot return voting.

We understand that the sponsor may amend this bill to explore alternative accessible voting methods and we strongly support that path. We welcome the opportunity to work together to seek and offer additional accessible voting options.

Thank you again for the opportunity to offer testimony. I welcome your questions and any opportunity to provide additional information.