

February 20, 2024

Maryland State Senate  
Education, Energy, and the Environment Committee  
Maryland State House  
100 State Circle  
Annapolis, MD 21401

## **RE: Verified Voting Urges Rejection of Senate Bill 802**

Dear Chair Feldman and Committee Members,

On behalf of Verified Voting, I write in opposition to Senate Bill 802, which would allow electronic return of voted ballots. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since our founding in 2004 by computer scientists, we have acted on the belief that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast. With this in mind we oppose allowing voted ballots to be returned electronically through insecure means.

Four federal government agencies have concluded in a recent risk assessment that electronic ballot return is "High" risk, even with security safeguards and cyber precautions in place. 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,"** and explicitly recommends paper ballots.<sup>1</sup> 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).

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.

We recently learned that "the F.B.I., working with other countries, disrupted a Russian hacking operation that infiltrated more than 1,000 home and small-business internet routers in the United States and around the world."<sup>2</sup> This is just another example, in a long string of examples, of how the U.S. is under persistent threat from bad actors attempting to disrupt our critical infrastructure, including election infrastructure, and must be ever vigilant in pushing back on such actions.

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<sup>1</sup> U.S. Cybersecurity and Infrastructure Security Agency, Federal Bureau of Investigation, National Institute of Standards and Technology and the U.S. Election Assistance Commission, Risk Management for Electronic Ballot Delivery, Marking, and Return, available at

<https://www.cisa.gov/resources-tools/resources/risk-management-electronic-ballot-delivery-marking-and-return>.

<sup>2</sup> See <https://www.nytimes.com/2024/02/15/us/politics/hacking-russian-intelligence-routers.html>.

In late 2022, a blue ribbon panel convened by the University of California, Berkeley’s Center for Security in Politics 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.”<sup>3</sup>

Attached as a part of my testimony is a report that was given to the House Ways and Means Committee by the Maryland Department of Legislative Services. The report is about the accessibility and security of electronic ballot return. While potential benefits might exist, I think it is clear from the report that **electronic ballot return in any form is not ready for use in Maryland; the security risks are simply too high.**

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 because we understand the profound challenges you as representatives of the people face to assure every voter’s ability to cast their secure, secret and verifiable ballot.

At a time when election security and public confidence are under relentless attack, Maryland should not rely on insecure technology for voters that produces unprovable election results. Again, we urge you to vote “no” on SB 802 and reject any other proposal that includes electronic return of voted ballots.

Respectfully submitted,

C.Jay Coles  
Senior Government Relations Associate

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<sup>3</sup> Casting Votes Safely: Examining Internet Voting’s Dangers and Highlighting Safer Alternatives, available at <https://verifiedvoting.org/wp-content/uploads/2023/10/VerifiedVoting-CastingVotesSafely-2023-FIN.pdf>