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MARYLAND

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**Subject:** Support with Amendments for HB775 Accessible Electronic Ballot Return System for Voters with Disabilities

**To:** House Ways and Means Committee

**From:** Members of the National Federation of the Blind of Maryland

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## **THE PROBLEM**

The current by mail ballot return process in Maryland is a paper-based system that discriminates against blind voters and those with other print disabilities. Maryland's system strips these voters of their right to vote privately and independently and has the impact of disenfranchising voters.

## **PROPOSED ACTION**

The House Ways and Means Committee must pass the amended version of HB775 that requires the Maryland State Board of Elections to establish an accessible physical return of an electronic ballot process for voters with disabilities for use beginning in the 2026 primary 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 a by mail 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 all voices are heard. For example, the state of Maryland lacks an accessible electronic

ballot return system, requiring blind and low-vision voters and those with print disabilities to need assistance printing, signing and certifying, and mailing in or dropping off their ballots. As a result, the voter's privacy and independence are compromised, meaning others see the voter's choices and can even alter the voter's selections without their knowledge.

People with print disabilities must return their ballots at the cost of losing privacy and ballot secrecy. The ballots can be marked online but must be printed and signed before they 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 — and even alter — for whom the voter voted, which is inconsistent with voter privacy and independence principles and compromises the security of these voters' ballots.

Thirteen states currently have electronic ballot return systems in place for voters with disabilities, including: Alaska, Colorado, Delaware, Hawaii, Indiana, Louisiana, Maine, Massachusetts, North Carolina, North Dakota, Rhode Island, Utah, and West Virginia. In addition, 33 states and territories offer electronic ballot return for military and overseas voters, including: Alabama, Alaska, Arizona, California, Colorado, Delaware, District of Columbia, Florida, Hawaii, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Utah, Virgin Islands, Washington, and West Virginia.

Opponents of electronic ballot return cite security concerns as the reason why Maryland should not establish such a system. However, 33 states and territories operate such a system, some of them for well over a decade, and there have been no security breaches. Moreover, voters with disabilities who cannot, without assistance, read, sign, certify, or submit a paper ballot due to their disabilities are themselves vulnerable to having their ballots changed without their knowledge or consent; consequently, forcing people with disabilities to vote by paper achieves the same vulnerability for disabled voters in terms of security that opponents argue is the obstacle to implement such a system. In fact, electronic ballot return is far more secure for voters with disabilities than paper ballots because safeguards will be in place to prevent outside interference with those ballots.

**Nonetheless, the amended version of this bill addresses the security concerns that some have raised about internet transmittal of an electronic ballot. The amendment would require:**

- **The Maryland State Board of Elections to promulgate regulations that implement a method for people with disabilities to physically returning an electronic ballot, e.g. using some sort of physical media like a flash drive;**
- **Implementing a mechanism for individuals with disabilities to opt into this method of ballot return;**
- **The Maryland State Board of Elections to issue the media and a pre-addressed envelop to return the voted ballot on that media;**

- **The local boards of elections to have a computer read the media and from which the ballot would be printed that is not connected to the internet or otherwise networked in order to prevent hacking or malicious software from being loaded into the technology infrastructure of that local board; and**
- **A mechanism to ensure that the returned ballot can be tracked just like other ballot types.**

**This amendment ensures that individuals with disabilities who cannot independently or privately return a paper ballot are able to do so, as they can on their own still vote the ballot, certify the ballot, and save the ballot to the media such as a flash drive to transmit it. It also addresses the security concerns related to internet transmittal of ballots, and it mitigates for risks such as having the computer processing these ballots be disconnected from the internet or other networks. The cost is expected to be minimal compared with the continued discrimination against voters with disabilities. The needed resources would include the flash drive or other media for each voter who opts into the process, envelopes, potentially storage space for returned media (flash drives, SD cards, and other such media are quite small), two computers per local board (one as the primary and the other as a backup in case the first is infected with malware or some other technology issues); two printers per local board, and a little time and energy to ensure the ballots are printed when they arrive. The number of users is also small, and we estimate it will be fewer than 5,000 statewide.**

**In this iteration of the process, the worst thing that can happen is the flash drive that a voter sends back contains a virus or malware. In that instance, the local board will scan it upon arrival, remove the virus if possible, work with the voter to cure the ballot if the problem couldn't be resolved, and if the computer was infected have someone from IT wipe the computer and put it back into circulation once it has been wiped.**

## **CONCLUSION**

In order to ensure voters with disabilities have access to a private, independent, and secure ballot, the Maryland General Assembly must pass legislation directing the Maryland State Board of Elections to establish an accessible physical return of an electronic ballot system for use beginning the 2026 primary election. This will remedy the lack of privacy and independence that such voters face when using the vote by mail process. It will also resolve the lack of security that these voters face due to the number of hands and eyes to which their ballots are exposed during the printing, signature and certification, and submission process. It also addresses the security concerns – valid or not – concerning internet transmittal of voted ballots. Maryland cannot sacrifice disabled voters' civil rights based on some nebulous, unproven, and overblown fear about security, particularly when this solution solves for those concerns. Please vote in favor of the amended HB775 and show your support for the civil rights of persons with disabilities.