

**Testimony of Susan Greenhalgh
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before the
Maryland Senate
Education, Energy and Environment Committee
Contact: susan@freespeechforpeople.org**

Re: SB 0929-UNFAVORABLE

February 26, 2024

Thank you Chair Feldman, Vice Chair Kagon, and members of the Committee for the opportunity to testify today on SB 0929.

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.

We recognize and agree with the intent of SB 0929 but do not support the approach and method that SB 0929 would provide.

There's no question that voters with print disabilities face unique challenges in returning an absentee ballot and that there should be exploration to address those challenges. SB 0929 is not the best way to do that.

It is well-researched, settled science that returning ballots electronically over the internet is dangerously and unacceptably insecure. This has been established by the Department of Homeland Security, the National Institute of Standards and Technology, the FBI, and U.S. Election Assistance Commission, as well as the National Academies of Science, Engineering and Medicine, and countless public and private studies. Furthermore, the Maryland Department of Legislative Services has already conducted extensive and exhaustive research into this matter and presented its findings to the Committee last year, concluding that electronic return was unacceptably insecure. The Department of Legislative Services also concluded that Maryland was unlikely to face successful litigation to force online ballot return under the Americans with Disabilities Act.

In order to be productive, any attempt to seek accessible mail-in voting solutions should clearly lay aside the question of electronic ballot return entirely and focus

exclusively on accessible mail-in voting solutions that do not include any form of electronic ballot return or internet voting. SB 0929 unfortunately does not recognize the extensive work already done to examine online ballot return. It would be unhelpful for any work commission created by the legislature to get bogged down reexamining electronic ballot return at this point.

Thank you for the opportunity to provide this testimony. We welcome any questions you may have.