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Subject: SB0929: Accessible Electronic Ballot Return System for Voters with Disabilities

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

To: Members of the Maryland Senate Committee on Education, Energy, and the Environment

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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 Senate Committee on Education, Energy, and the Environment should vote in favor of SB929, a bill to establish a work group/commission whose charge it will be to study the impact on the current mail-in system on persons with disabilities, assess solutions that take accessibility and security into account, and make recommendations for overcoming this problem. The workgroup must make its recommendations to the governor and the General Assembly by December 31, 2025.

BACKGROUND

Maryland voters have many choices for methods to cast their ballots. 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 using secure technology but must be physically printed and signed before the ballot can be returned by mail or dropped in a ballot box. Many people with disabilities 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 paperless 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, paperless 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.

CONCLUSION

The workgroup that will be created by SB929 will have representation of all stakeholders that can answer the question of what to do for persons with disabilities concerning the mail-in ballot. The workgroup must make its recommendations to the general assembly and to the governor by December 31, 2025. This will make it possible for a solution to be developed for future primaries and future general elections. This problem has gone on for too long. It must be solved in 2025. Please vote in favor of SB929. There must be a balance between the need for security and the rights of persons with disabilities. The need for security can no longer be provided without any protections of the civil rights of disabled people to a secret and private ballot.

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