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**Subject:** SB0929: Work Group on 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 House Ways and Means Committee

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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 Committee on Ways and Means 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 paperless 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 paperless 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.

**There are a myriad of ways to return a ballot that don't include the voter with a print disability having to use a paper process. We recognize that the current state of affairs in Maryland is such that internet-based ballot return is not a feasible solution. However, there are other solutions available that will enable a voter with a print disability to return a ballot in an accessible way, and some states use these methods. For example, some states use a phone system wherein a voter receives a unique code, calls a number, uses an automated phone system to vote the ballot, uses a voice confirmation to certify the ballot, and then later confirms that they were the voter who voted the ballot with their local Boards of Election. This is just one of several alternatives to a paper ballot that does not need to transmit the ballot over the internet.**

**The work group will explore this and other methods that may be available to enable a voter with a print disability to accessibly, privately, independently, and securely return their ballot.**

**Additionally, though some may believe that curbside voting solves the problem for voters with print disabilities, it does not, and the assertion that curbside voting is an acceptable substitute for accessible absentee voting for someone with a print disability demonstrates a severe lack of understanding of both print disabilities and the barriers such voters face with regard to transportation. While curbside voting is certainly going to be beneficial for some voters with physical disabilities such as walking, standing, etc., blind, low vision, and others with print disabilities can't drive. This means we'd still be dependent on someone to take us to the polls, we'd often need to pay someone to do so or rely on public transportation, and curbside voting is not useful or necessary for us. If we make it to a polling location in person, then our disabilities don't preclude us from going in, standing at a ballot marking device, and casting our ballot.**

**However, we should have the ability to vote in all the ways that every Marylander gets to vote, including absentee. We should have the ability to vote privately and independently, even when voting absentee. We should have the right to vote – like every other Marylander – with dignity and respect and without falling under power dynamics of those upon whom we rely for assistance in other areas of our lives who may influence for whom we cast a ballot. We should be able to vote free from discrimination because of our disabilities. Currently, we are forced to trade our privacy and independence for the ability to vote absentee, and the rest of the state without a disability has to make no such sacrifice. This is the definition of discrimination.**

## **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. A solution that ensures both security and accessibility exists – we just need to put the right people in the room to find it.