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The Honorable Brian Feldman, Chair  
The Honorable Cheryl Kagan, Vice Chair  
Education, Energy, and the Environment Committee  
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**SB0727 Municipal Elections – Qualified Electronic Transmission Systems – Authorization for Use**

Chair Feldman, Vice Chair Kagan, and esteemed colleagues,

Under current Maryland law, there are limited options for blind and print disabled voters to cast a *private* ballot in municipal elections. Additionally, for members of the military and their families deployed overseas, there are obstacles to voting in their hometown elections. Senate Bill 727 is a bill that enables, but does not require, municipalities to utilize a “qualified electronic transmission system” if, and only if, they determine it makes sense for their community.

A “qualified electronic transmission system” often takes the form of an application for a mobile device like a cellular telephone or tablet, by which residents can receive, mark, and return a ballot. Importantly, this legislation is built around modern security standards. SB727 requires that any system used meets strict qualifications. These include:

- End-to-end encryption,
- Multifactor authentication,
- Auditability for security purposes,
- A process for decrypting ballots by which to create a paper record; and,
- Biometric or equivalent digital identity verification.

The process begins with residents entering identifying information to look up their voter registration. Tools like two-factor authentication and biometric identities are used to confirm their identity. Next, voters mark their ballot and sign their absentee affidavit, similar to voting by mail. The ballot and affidavit are encrypted, and then the voter submits their vote directly to election officials.

Once submitted, the digital ballot box is disconnected from the internet for added security, and ballots are decrypted and printed to create an auditable paper trail. Further, many applications include a

means through which the voter can track their ballot for added oversight. Standard cybersecurity infrastructure, like that used in sensitive institutions like banks and healthcare systems, mitigates the threat of attacks.<sup>1</sup>

The concept of using a mobile device to receive a ballot is not new to Maryland. In 2016, the U.S. 4th Circuit Court of Appeals affirmed a district court ruling in *National Federation of the Blind v. Lamone*<sup>2</sup> requiring the State to implement electronic ballot delivery for all voters. The court found that an “online ballot marking tool” would enable disabled voters to mark their ballots electronically and privately in Maryland and “was a reasonable modification that did not fundamentally alter Maryland’s absentee voting program.” Indeed, the State Board of Elections offers a process whereby a voter can request an e-mail through which they can access the State’s secure online ballot delivery system. From there, the voter is able to mark their ballot in private before printing it out and returning it to the State.

Unfortunately, under current law, the process for a voter to electronically receive and mark a ballot in private is only available for elections conducted by the State. Further, without State-level resources, municipalities face practical challenges. By enabling municipalities, they are free to implement mobile voting using tools within their means and on a timeline that accommodates their needs. Just as this legislation does not require municipalities to use mobile voting, neither does it require the use of any specific vendor or qualified electronic transmission system.

Beyond Maryland, 32 states allow electronic ballot returns for certain voters. In 2019, Denver, Colorado implemented mobile voting city-wide for military and overseas voters. Just last year, Anchorage, Alaska followed suit by offering all eligible voters the option of mobile voting in city elections.

Senate Bill 727 burdens neither municipalities nor the State. It offers a path towards enfranchisement for all voters, especially disabled voters and military families deployed overseas, while respecting local control. SB727 requires multifactor authentication of the voter’s identity and end-to-end encryption to protect the integrity of their ballot. At the same time, by requiring the system to be auditable, it ensures the process is ultimately accountable to the public. I request a favorable report.

Sincerely,



Senator Karen Lewis Young

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<sup>1</sup> “[How Mobile Voting Works](#).” *The Mobile Voting Project*.

<sup>2</sup> *National Federation of the Blind v. Lamone*, 813 F.3d 494 (4th Cir. 2016).