Subject: Necessity of an Electronic Online Ballot Return System for Maryland

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

To: Members of the Montgomery County Board of Elections

Contact: Ronza Othman, President

               National Federation of the Blind of Maryland

               15 Charles Plaza, #3002

               Baltimore, MD 21201

               Phone: 443-426-4110

               Email: President@nfbmd.org

Date: February 2023

THE PROBLEM

Maryland claims that it wishes to make casting the ballot as easy as possible for the voter in order to maximize participation in the voting process. Overseas voters, members of the military, and persons with disabilities have been left behind in making voting convenient. In the case of voters with disabilities, the current system for Vote by Mail strips them of their right to vote privately and independently. Military and overseas voters are disenfranchised because they are at the mercy of significantly earlier voting deadlines prior to all the information being available about candidates, the broken mail system, and costly mailing fees that are basically a poll tax.

Requested ACTION

We are requesting that the Montgomery County Board of Election support instituting an electronic ballot return system in the State of Maryland for use by disabled, military, and overseas voters. The Maryland General Assembly has before it this session a bill – SB 488 / HB 645 – that, if adopted, would require a feasibility study of the question of whether an online ballot return system is feasible for Maryland voters as well as a non-binding Request for Proposal (RFP) that the Maryland State Board of Elections (MSBE) would issue to further develop the question of feasibility of an electronic ballot return system. The study would be completed by December 1, 2023.
It would include such aspects as cost, security and which class of voters should be covered. It would also examine how the 32 states that already implement electronic ballot return systems for military and overseas voters and the 12 states who already do so for voters with disabilities, implemented those systems accessibly and securely. The hope is to have a system in place prior to the 2024 Maryland General 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 an absentee 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 that all voices are heard. For example, the State of Maryland lacks an electronic ballot return system, creating an obstacle for overseas and disabled voters attempting to cast their ballot.

Overseas and military voters must return their ballot by mail. The mailing system is extremely unreliable because of the time it takes for the election board to receive the information. Their vote may never be received and may never be counted.

People with print disabilities must return their ballot at the cost of losing privacy and ballot secrecy. The ballot can be marked online but must be printed and signed before it 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 for whom the voter voted, which is inconsistent with voter privacy and independence principles. In addition, because their ballots are neither private nor independent, they are susceptible to interference and being changed inconsistent with the voter's preferences.

Challenges to be resolved by implementing electronic ballot return in Maryland for limited use (voters with disabilities and military and overseas voters only):

- The current system deprives some voters of their civil rights. The impact of hard copy electronic ballot returns as the sole method for ballot delivery on voters with disabilities and UOCAVA voters deprives them of their civil rights to vote privately, independently, and for their votes to count. In the 21st century, the Board of Elections should be able to do a better job without leaving voters behind.
- Maryland voters with disabilities and those who are military and overseas would have the same access to vote by mail as others from different states. 32 other states have electronic ballot return for military and overseas voters and 12 for voters with disabilities. Most have enacted legislation and established such systems in the last four years. Colorado, Delaware, Hawaii, Louisiana, Maine, Massachusetts, North Carolina, North Dakota, Rhode Island, Utah, and West Virginia provide such systems for voters with disabilities. Maryland could learn best practices, as well as how to implement secure and accessible vote by mail electronic ballot return from these states.
- Security cannot trump civil rights, and the information being shared by fearmongers is not accurate. Given the number of states that have implemented electronic ballot return, most of them in the last four years, it is incumbent on Maryland to ensure both civil rights and security, not to violate civil rights of voters based on misinformation.

- Voters with disabilities in particular are subject to security threats now, as their inability to vote privately and independently necessitates the assistance of others who can tamper with their ballots on three different occasions for each election: 1) most disabled voters do not own a printer or have access to one that is private, so they would need assistance printing a ballot they voted using the web-based system (which is the only accessible method for many); 2) most voters with print disabilities including blindness need assistance signing the proper place on the ballot once printed or risk their ballot being considered invalid – and thus they lose privacy and confidentiality when someone sees their ballot; and 3) most voters with print disabilities including blindness cannot independently mail or deliver their ballot to a dropbox, creating a third touch-point when someone else would have to assist giving that person access to their ballot. All three steps create the opportunity for others to see and change the voter's choices.

CONCLUSION

Maryland should have an online ballot return system for certain classes of voters. Cost, integration, and security are important factors which impact the taxpayers and public trust in the voting system, and all can be achieved while ensuring the civil rights of voters.