



**Verified Voting statement on Maryland HB706/SB919
Online Delivery and Marking of Absentee Ballots
March 26, 2019**

Verified Voting supports Maryland House Bill 706 (Senate Bill 919) as an immediate, short-term mitigation to reduce risks inherent in Maryland's current online absentee ballot system by limiting its use to only those who would otherwise be unable to vote. Going forward, substantial changes are necessary to provide Maryland's voters with secure, reliable, accessible means of voting absentee.

Verified Voting supports the objective of helping voters to obtain their ballots and cast their votes, but any technology used for this purpose must be carefully evaluated. Regrettably, computer scientists and others have found that Maryland's system has several grave shortcomings.

- Because Maryland does not check signatures on returned absentee ballots, there is no way to distinguish legitimate from illegitimate ballots. Using information that is widely available¹, an attacker could readily request, electronically receive (at multiple fake email addresses), and cast any number of absentee ballots. Even if the attacker did not cast the ballots, any voters purported to have requested absentee ballots would be required to cast provisional ballots, creating chaos and suspicion and increasing the likelihood that the voter will be disenfranchised.
- Ballots marked online create further dangers. The marking software sends information to the server that could allow anyone with access to the data (even en route) to determine how individual voters voted. When these ballots are returned, they must be copied onto regular, scannable ballots that the voters have never seen, a laborious and error-prone process. Moreover, these ballots are returned with oath pages that identify the voters, further jeopardizing voter privacy. (With regular absentee ballots, the signature envelopes can readily be separated from the ballots without examining the ballots.) This process does not create a trustworthy record that supports post-election audits.
- Evaluated as a means of improving access to the franchise, the system performs reasonably well for military and overseas (UOCAVA) voters, but poorly for other voters overall. In 2018, UOCAVA voters who requested online ballot delivery returned their ballots at about the same rate as those who requested that their ballots be mailed to them. However, among non-UOCAVA voters, the return rate for ballots delivered online was 12 percentage points lower than the return rate for ballots delivered by mail. This data suggests that some voters may actually be

¹ This information includes personal identifiers that in principle are private, but in practice can be inexpensively purchased in bulk.

deterred from voting by the additional steps required to cast a ballot delivered online. Verified Voting suggests that Maryland determine the specific needs of UOCAVA voters and craft a solution that addresses it. These preliminary data do not indicate that such voters' needs are met with online delivery, but more robust research is necessary.

HB 706 restricts online delivery and marking of absentee ballots to uniformed and overseas voters as defined in UOCAVA, voters who cannot mark a ballot independently by hand, and other voters who would otherwise be unable to vote. These provisions will limit the use of Maryland's system as it exists today. Verified Voting recommends that *only* voters who have no alternative – for whatever reason – should use the Maryland system until it is substantially improved. We look forward to supporting substantive changes that enable remote accessible ballot marking² without the need for non-private and insecure online ballot marking.³

Please contact us if we may answer any questions or provide additional information.

² As stated in the “Principles for remote ballot marking systems” (Dawkins, Laskowski, Smith, and Quesenbery), “If remote ballot marking systems are not designed well, there can be a conflict between providing access for all voters and a system that preserves election integrity for privacy and anonymity of the voter, the secret ballot, and security of the process.” <https://civicdesign.org/wp-content/uploads/2015/09/Principles-for-remote-ballot-marking-systems-16-0210.pdf>

³ The most current draft of the Voluntary Voting System Guidelines (VMSG 2.0) requires that “...the voting process preserves the privacy of the voter's interaction with the ballot, modes of voting, and vote selections.” https://www.eac.gov/assets/1/6/TGDC_Recommended_VMSG2.0_P_Gs.pdf Maryland's system does not meet this standard, nor does it meet the intent of Maryland's statutory requirements to preserve the secrecy of the ballot.