

May 10, 2021

The Honorable Jared Polis
Governor, State of Colorado
200 E Colfax Avenue
Denver, CO 80203
Via email

RE: Verified Voting Urges Veto of Senate Bill 21-188

Dear Governor Polis,

On behalf of Verified Voting, I write urging a veto of Senate Bill 21-188 regarding electronic ballot return. Verified Voting is a nonpartisan nonprofit organization with a mission to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since our founding in 2004 by computer scientists, we have acted on the belief that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast. With this in mind we oppose allowing voted ballots to be returned electronically through insecure means, a dangerous practice that SB 21-188 regrettably expands.

Multiple cybersecurity experts have concluded that internet voting is insecure. The National Academies of Sciences, Engineering and Medicine released a report in 2018 stating that the technology to return marked ballots securely and anonymously over the internet does not exist.¹ Additionally, in the lead up to the 2020 General Election, the Department of Homeland Security, the Election Assistance Commission, the Federal Bureau of Investigation, and the National Institute of Standards and Technology told states and election officials that electronic ballot return "creates significant security risks to the confidentiality of ballot and voter data (e.g., voter privacy and ballot secrecy), integrity of the voted ballot, and availability of the system. We view electronic ballot return as high risk. **Securing the return of voted ballots via the internet while ensuring ballot integrity and maintaining voter privacy is difficult, if not impossible, at this time** [emphasis added]."² Nothing has changed; no new internet technology has been created to mitigate this risk.

We understand the profound challenges state and local governments face to assure every voter's ability to vote. Verified Voting strongly supports interventions to assure voters' equal opportunity and access to cast their vote -- securely and verifiably. Electronic return fails to confer this equality, and it threatens the trustworthiness of the election itself. We can appreciate the intent of amendment L.003, which attempts to limit electronic return to voters whose disabilities make paper ballots most challenging to use. However, this does not go far enough in mitigating the dangers of electronic ballot return.

¹ National Academies of Science, Engineering, and Medicine, 2018. "Securing the Vote: Protecting American Democracy." Washington, DC: The National Academies Press. <https://doi.org/10.17226/25120>.

² DHS Memo. <https://www.politico.com/f/?id=00000172-9406-dd0c-ab73-fe6e10070001>

We realize that Colorado UOCAVA voters are currently permitted to return their voted ballots electronically. We regard this as a dangerous precedent to be reversed, not expanded. At a time when election security and public confidence are under attack, electronic return of voted ballots presents a slippery slope to vulnerable and untrustworthy elections. We therefore urge that SB 21-188 be vetoed.

Respectfully,

Mark Lindeman
Acting Co-Director

