

February 14, 2020

Testimony on HB 859
Election Law – Absentee Ballot Requests, Delivery, and Marking
Ways and Means

Position: unfavorable

Common Cause Maryland is concerned that the legislation could be ineffective at the security it attempts to provide while creating difficult practical realities related to implementation.

HB 859 comes in the context of the aftermath of widely spread attempts by a foreign nation state to depress election participation, hack into our voting infrastructure and otherwise sow discord in our politics. It has been confirmed by the State Board of Elections attempts were made to breach Maryland's online voter registration system. These events should be taken seriously by the legislature, and the body must ensure that steps necessary to ensure the integrity of our future elections are taken.

HB 859 seeks to fulfil another recommendation of DLS, tightening security around applications for electronically delivered absentee ballots. HB 859 does this by limiting the persons eligible for electronically delivered ballots to only overseas or disabled voters.

While this alteration would help to address the concerns presented by DLS, it is unclear how effective they would be. As overseas and disabled voters would still have the same access to the system that anyone else has currently, the effect this change would have on someone being able to "hack" into the system and, for instance, delete or create fake electronic ballot delivery requests, is likely minimal – though it would likely make illicitly requested ballots easier to distinguish because of the smaller population of voters partaking in that system. It should be noted, however, that the SBE believes they have systems to detect the latter type of tampering already.

Practical concerns also exist: Over 250,000 Marylanders have used online delivered ballots combined in the 2014, 2016, and 2018 election cycles. Removing this process could reduce participation through the absentee balloting program. Additionally, restricting this program to only disabled voters creates practical enforcement and privacy concerns – how will the State Board verify disability?

The requirement that a Maryland ID or Driver's License number must be provided on absentee ballot applications is limiting and unnecessary. In order to vote using an absentee ballot in Maryland, voters must be registered to vote. During the voter registration process, voters must provide a Maryland ID or license if registering online. If not online, there are options for Marylanders to register through mail or in person. With this legislation, voters who may not have needed a Maryland ID to register to vote, must then provide a Maryland ID or license to apply for an absentee ballot regardless of whether they are applying online, through mail, or in person. This is an issue for residents who want to take advantage of absentee voting but may not have a Maryland ID or license.

Finally, Common Cause Maryland is always reticent to reduce access and convenience of electoral participation by Marylanders. We can only support such changes when there is no other way to uphold the integrity of our

elections. Election security and accessibility are in constant tension, and we urge the committee to thoughtfully consider the balance being made here.

