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Testimony in Support of

**HB 0859, “Election Law – Absentee Ballot Requests, Delivery, and Marking”**

Sponsor: Delegate Alonzo T. Washington, Vice Chairman

House Ways and Means, February 18, 2020

Honorable Chair and members of the committee, thank you for the opportunity to present my testimony **in support of House Bill 859 pertaining to election security.**

My name is Cyril Draffin. I am a Project Advisor to the Massachusetts Institute of Technology (MIT) with focus on cybersecurity. I also serve as a member of the Maryland Cybersecurity Council.

I have four points:

**1) Maryland’s absentee ballot system is the least secure of any state in the United States.**

My understanding is that 47 states do not allow delivery of absentee ballots by Internet other than for military voters, overseas voters, and voters with disabilities. Only 3 states (Alaska, Washington, Maryland) do allow, but Alaska and Washington require witnesses or signature comparisons before ballots are counted. Risk is that social security or other personal data can be easily and cheaply purchased on the black market, and very difficult to determine if a submitted ballot came from a specific registered voter if printed via the internet, or to do an audit on a disputed ballot.

Maryland's election outcomes, like those in North Carolina in 2018, could be affected by flaws in current absentee ballot system that allows many people to request and print absentee ballots on-line with credentials that can be purchased on the black market.

**2) Maryland election process would be overwhelmed if majority of voters switched to absentee ballots.**

Every voter in Maryland is currently allowed to vote absentee. There is no ceiling on the number of voters who could use this system. Although only about 5% of voters have been voting absentee, nothing precludes it from going up ten-fold to 50% or more (like in other states). Maryland’s absentee system is already a burden because each internet delivered ballot must be hand copied over for the voting machines to read. If absentee ballot usage quadrupled or had a ten-fold increase (perhaps through a popular candidate encouraging everyone to vote absentee), this could be a disaster.

**3) Regular voters can still get an absentee ballot by mail or in-person. And qualified U.S. Uniformed Service Voters and overseas voters, and voters with a disability and any other voter who needs one in order to vote will be able to get an absentee ballot by internet.**

HB 859 still allows voting by absentee ballots to encourage registered voters to vote, and still allows special qualified people who need internet access to have it.

**4) Maryland legislators may be perceived as unwilling to address election security** if they do not make the changes incorporated in HB 859, especially if there is a hacking problem or an election challenge (where difference in a 2018 Maryland delegate primary election was as narrow as 12 votes) if absentee ballots cannot be defended due to current procedural vulnerability.

The risks from internet hacking of Maryland's current absentee ballot procedure is getting press attention, such as the NBC October 18, 2018 report on Maryland election security:

<https://www.nbcwashington.com/investigations/In-Wake-of-Russian-Meddling-Critics-Say-Marylands-Online-Ballot-System-Is-Potential-Target-497948281.html?amp=y>

Because of the need for improved election security, I encourage a favorable report on House Bill 859, and the committee's continued attention to election cybersecurity.

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***Summary of current Maryland absentee ballot procedure:***

- 1) *All registered voters can use a paper form or an online tool to choose to have ballot mailed to them or sent on-line.*
- 2) *For on-line ballots, a person (or autonomous system filling out the form electronically) provides some personal information (e.g. social security number) which hopefully is for a real voter validly requesting an on-line ballot; and that requester is then sent an email with instructions to download a ballot from a website.*
- 3) *Voters (or organizations with access to the email instructions) print their online delivered ballot and mail it back to Local Board of Elections.*
- 4) *Ballots are accepted without any signature comparison or other authentication.*
- 5) *Local board of elections take each online delivered ballot and manually transfer that information onto ballot stock (potentially introducing clerical errors) that can be read by the voting machines.*

*[Note: Maryland's use of paper ballots is more secure than paperless voting machines of some other states, but we do not want Maryland's total vote undermined by an insecure absentee ballot system]*