

# HB859

## Absentee Ballot Requests, Delivery, and Marking

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Support

Dear Chair Kaiser and Members of the House Ways and Means Committee:

### **Maryland's absentee ballot system is the most insecure in the US.**

47 states have limited the internet delivery of blank absentee ballots to military, overseas voters and voters with disabilities. Limiting usage is key to reducing the attack surface. The other two states, Alaska and Washington, discourage its usage and conduct signature comparisons. Maryland does not.<sup>i</sup>

### **Absentee ballot systems are usually the most vulnerable part of voting systems.**<sup>ii</sup>

The ballot fraud committed with paper absentee ballots in North Carolina in 2018 was detectable because many people had to be involved. Large-scale absentee ballot fraud is far simpler to accomplish with ballots delivered over the internet than with paper ballots mailed to brick-and-mortar addresses. One smart hacker with resources could attack Maryland's online ballot delivery system on a large scale without detection.

### **The credentials needed to impersonate Maryland voters are on the internet.**

Top computer scientists have repeatedly warned that the wide availability of credentials (social security number, date of birth, driver's license number...) makes Maryland's system extremely vulnerable. The U.S. Senate Intelligence Committee Report on Foreign Interference indicates that the necessary credentials have already been collected by Russia. Voters' email addresses have also been collected.<sup>iii</sup> Bad actors can use voters' credentials to impersonate voters and:

- Register unregistered voters and then request and vote their absentee ballots.
- Intercept emails sent to voters who requested internet-delivered absentee ballots and vote their absentee ballots.
- Request absentee ballots for registered voters to be sent to fake email addresses. If those voters vote at a polling place, they would have to vote provisionally, creating chaos. If a fraudulent absentee ballot and provisional ballot were both received, neither ballot would be counted, disenfranchising the real voter.
- Spoof the board of elections and email incorrect links to voters.

### **An election in Alberta, Canada involved fraud similar to that risked by Maryland.**

A political party replaced citizens' email addresses with fake email addresses controlled by that party, enabling it to receive and vote those citizens' ballots.<sup>iv</sup>

### **Maryland's SBE cannot prevent, and may not even detect, an attack.**

When Russian attackers probed Maryland's online voter registration and online ballot delivery system in 2016, the attack was not detected for weeks. ByteGrid, the company that hosted this system, was partially owned by a Russian oligarch. In addition for 13 months in 2017 the SBE did not receive 80,000 voters' change of addresses from the MVA because of a bug in the programming. The SBE detected the problem, only by chance, 3 days before the 2018 primary.

**Voting machines cannot read voter-printed ballots, causing many problems.**

Each voter's selections must be hand-copied onto a traditional paper ballot that the scanner can read. The large number of ballots that must be hand-copied in a very short time creates numerous opportunities for error or tampering. If the remade ballot does not accurately reflect the voter's choices, the voter will never know, and Maryland's automated audit will not detect this type of discrepancy. Moreover, election results may be delayed when a high percentage of ballots must be hand-copied.

**If many voters switched to absentee voting, the volume would be unmanageable.**

Some counties have barely been able to hand-copy and process the voter-printed ballots in time for certification. Nothing precludes absentee ballot usage from going up, even ten-fold to 50% of the voted ballots.

**There is no evidence that internet ballot delivery increases voter participation.**

Voters who receive their ballots online are about 12% less likely to return their ballot than those who receive traditional paper absentee ballots by mail, which come with a return envelope.<sup>v</sup>

**Risks of internet delivery outweigh benefits.** HB859 reduces the impact of an attack without reducing participation. This bill will allow online delivery of absentee ballots to voters who need them, while still allowing all voters the convenience of using the online tool to request absentee ballots that, in most cases, would be sent to them by mail.

Please safeguard Maryland's elections and support HB859,

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i. [NIST IR 7711](#), Sept 2011, "Security Best Practices for the Electronic Transmission of Election Materials for UOCAVA Voters": "In most cases, any mechanism used to remotely authenticate voters will serve as a secondary method to authenticate returned ballots, with voter signatures generally providing the primary mechanism to authenticate returned ballots."

ii Heather Gerken, Yale law professor (now Dean) said: "all the evidence of stolen elections involves absentee ballots and the like."  
<https://www.nytimes.com/2012/10/07/us/politics/as-more-vote-by-mail-faulty-ballots-could-impact-elections.html>

iii Excerpts from an alleged leaked NSA document indicate that the hackers might have been exploring vulnerabilities associated with online delivery of absentee ballots. The top of the leaked document says: "Russia/Cybersecurity: Main Intelligence Directorate Cyber Actors...Research Absentee Ballot email addresses."

iv Absentee Ballot Election Fraud in Alberta Canada by Impersonating Voters Using Their Credentials.  
[www.salon.com/2019/03/06/why-an-overlooked-digital-election-theft-controversy-offers-important-lessons-for-democrats\\_partner/](http://www.salon.com/2019/03/06/why-an-overlooked-digital-election-theft-controversy-offers-important-lessons-for-democrats_partner/)

<sup>v</sup> STATEWIDE RETURN RATE OF ABSENTEE BALLOTS IN MARYLAND

	Ballots sent by mail	Ballots sent electronically	Difference
2016 primary	76.45 %	62.55%	13.90%
2016 general	82.03%	70.98%	11.05%
2018 primary	72.92%	58.71%	14.21%
2018 general	81.29%	69.55%	11.74%

The 2016 and 2018 figures are from a Jan 3, 2019 email from Erin Peronne. Throughout the states, "Contrary to expectations of many in the election community, the preliminary data indicate that in most states (11 of the 16 respondents) electronic ballots had lower return rates." ([https://www.overseasvotefoundation.org/files/OVF\\_research\\_newsletter\\_2013\\_summer\\_corrected.pdf](https://www.overseasvotefoundation.org/files/OVF_research_newsletter_2013_summer_corrected.pdf) page 3)