

Ways and Means Committee
Maryland House of Delegates
February 18, 2020

Testimony in support of House Bill 859:
Election Law – Absentee Ballot Requests, Delivery, and Marking

Darian Unger, Ph.D.,
Howard University Professor
DWUnger@Howard.edu
301-741-5634
8204 Cedar St.
Silver Spring, MD 20910

Thank you for your consideration. I write to testify in favor of House Bill 859, Election Law – Absentee Ballot Requests, Delivery, and Marking, and *urge a favorable report* to improve elections and voting in Maryland.

For background, I am a professor at Howard University, and completed my doctoral studies in Technology Policy at MIT. My specialty includes technology management, and I began working on the technology of voting and fair elections in 2001 as part of the CalTech/MIT Voting Technology Project¹ following the problems that threatened the 2000 presidential elections. Our work warned about the need for major architectural changes for greater security if electronic voting were to be expanded. As a former co-chair of Montgomery County Chapter of the ACLU of Maryland, I led the committee dedicated to fair elections.

Voting is the cornerstone of our democracy and the fundamental right upon which all our civil liberties rest. The ACLU works to protect and expand Americans' freedom to vote so that voting will be more accessible, secure, and fair.^{2,3} Fair voting requires, among other factors, voting rights, access to the ballot, a lack of voter suppression, and voting secrecy. Voting is a fundamental right, and the right to cast a secret ballot is part of that right. A secret ballot protects against two things: undue influence and manipulation in casting a vote, and retaliation because of how one voted.⁴

This bill can help fix the dangerously flawed current Maryland online ballot delivery system, which exposes the potential for election fraud. To demonstrate the problem, we can review the directions (Step 7, Page 5) in

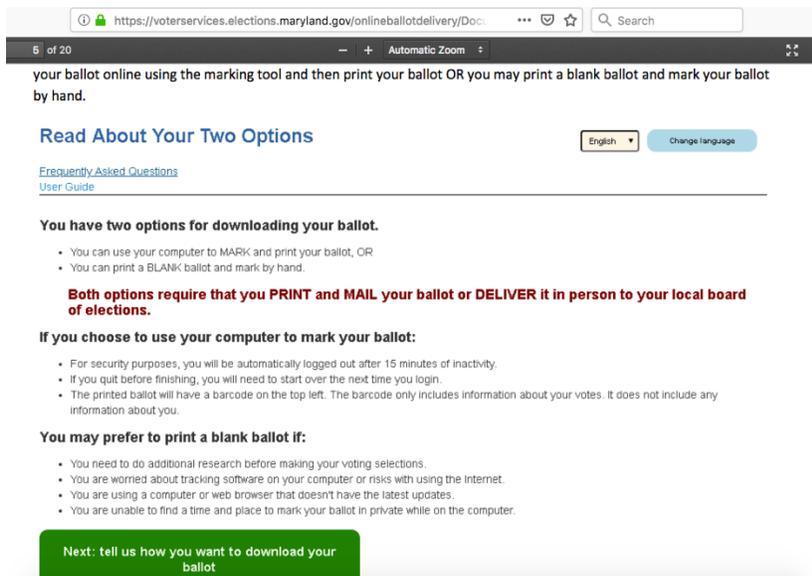
https://voterservices.elections.maryland.gov/onlineballotdelivery/Documents/User_Guide_2018General.pdf
from Maryland's own state site:

¹ *CalTech/MIT Voting Technology Project, Voting: What is, What Could Be*, July 2001,
<http://vote.caltech.edu/reports/1>

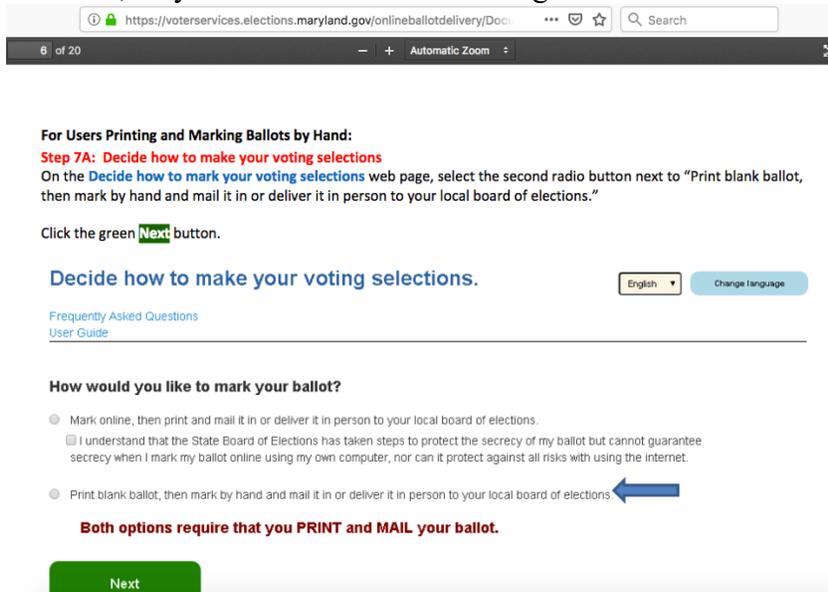
² <https://www.aclu.org/issues/voting-rights?redirect=voting-rights>

³ <https://www.aclu.org/blog/voting-rights/promoting-access-ballot/its-time-make-voting-more-accessible-and-secure-michigan>

⁴ <https://www.aclu.org/other/why-absentee-voting-military-should-be-kept-secret>



which specifically suggests that voters “may prefer to print a blank ballot if,” among other concerns, they are “worried about tracking software or risks with using the internet.” It goes on:



to require voters to check a box saying “I understand that the State Board of Elections has taken steps to protect the secrecy of my ballot, but cannot guarantee secrecy when I mark my ballot online using my own computer, nor can it protect all the risks of using the Internet.”

This is not acceptable when we consider the importance of both secret ballots *and* absentee ballots in fair voting. We can and should expand voting accessibility through increased voting hours, early voting opportunities, and absentee voting. However, the technical flaws demonstrated here can allow election abuse. Given the decision by the North Carolina Board of Elections to order a new election in that state’s recent 9th Congressional District race because of absentee ballot election fraud⁵ (note that that was election fraud, not individual voter fraud, which is exceedingly rare and not a threat), the improvements made by HB 706 are timely and necessary.

⁵ <https://www.charlotteobserver.com/news/politics-government/article226561504.html#topicLink=election-fraud-investigation>