



TO: The Honorable Louis Luchini
The Honorable Chris Caiazzo, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: March 4, 2021

RE: LD 451 - An Act To Remove the Party Designation from Return Envelopes for Absentee Ballots for the General Election

LD 456 - An Act To Protect Voter Identification by Prohibiting a Voter's Party Designation from Appearing on Absentee Ballot Envelopes

My name is Debra McDonough and I am a resident of Scarborough and a volunteer with the League of Women Voters of Maine.

Thank-you for the opportunity to testify on LD 451 and LD 456 during the hearing held March 3. We are submitting this addendum to our testimony to address issues raised later in the hearing. The League of Women Voters of Maine will have a representative at the work session to address any additional questions you may have.

First, I would like to extend my response to Rep. Caiazzo's question regarding the extent to which this vulnerability may have compromised past elections. Again, I am not aware of evidence that any Maine election has been compromised by our practice of printing party affiliation on the barcode stickers. But now that the vulnerability has been identified, we do not recommend delayed implementation to coincide with anticipated 2023 replacement of the CVR. In the programming world, best practice is to embargo security bugs until a patch is available. While it appears that this vulnerability went undetected for many years - and by Secretaries of State from both parties - it has now been made public, and we know how to fix it. Any elections conducted before this issue is addressed will be at increased risk because the vulnerability is now public knowledge.

For additional context, we encourage you to review this [AP Fact Check](#) from August 2020, which addresses concerns fueled by a viral video in which a Florida voter displayed envelopes with barcode stickers similar to ours. The envelopes in question turn out to have been from the Florida primary, and as discussed in the hearing, party affiliation belongs on a primary envelope. You'll further note that the election experts quoted in the article state that they are not aware of any jurisdiction that includes party affiliation on general election envelopes.

The quoted experts, like the rest of us, don't seem to have been aware that this has been the practice in Maine since 2007. It does appear that this video and resulting media attention may have led Maine voters to identify the vulnerability when they received their own absentee ballots for the 2020 General Election.

We want to thank Rep. Tuttle for requesting an estimate of the cost to modify the existing CVR in order to protect elections. This data will allow you to balance the cost against the risk. We also appreciated Rep. Corey's suggestion that a black sharpie may be sufficient. If the committee determines that it will not be feasible to modify the existing CVR, we hope that you will call on the SOS to direct clerks to black out the party affiliation designation on the barcode stickers used in any general election. If you consider this approach, we would encourage you to consider the additional burden on the clerks and their staff. We are more skeptical of the suggestion that voters may be able to obscure the party affiliation on their own ballot envelope. Once they start, some voters will also obscure the district designation, making it more difficult for election officials to confirm that the correct ballots are in the envelope. Others will obscure the barcode, preventing staff from efficiently logging the returned ballot.

In oral testimony, we indicated that the League would support an amendment extending this provision to the outer mailing envelope. Re-reading the bill after the hearing, we find that an amendment may be required for the provision to apply to the barcode stickers, which were the focus of committee discussion. As Deputy Flynn mentioned, party designation has never been printed on the envelope, but it has been printed on the barcode sticker in municipalities that have been using this technology.

Recommendation: In line 6, replace the phrase "return envelope" with the phrase "envelope system".

Rationale: The phrase "envelope system" would cover the return envelope, the outer mailing envelope, the barcode sticker and any features, such as security sleeves, that may be added in the future. I didn't hear substantive discussion of the outer mailing envelopes during the hearing and do not believe that party affiliation has been printed on the address labels affixed to the outer envelope, but given that the vulnerability is comparable, it would seem reasonable to extend the prohibition on party designation to the complete envelope system.

Thank you for the opportunity to submit this additional testimony.