



TESTIMONY TO THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SB 901 Election Law - Telephone Voting System - Requirements

Position – Opposed

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The League of Women Voters of Maryland follows the SARAT model for elections, believing they should be secure, accurate, recountable, accessible, and transparent. While the League can appreciate the nature of SB 901, we believe the bill would introduce unnecessary risk to voters at large.

SB 901 proposes allowing Marylanders with print disabilities to use a phone to cast their ballots during elections. This would mean that at several points, voting would have to happen either via the internet or on a public network. According to multiple sources, there is currently no way to securely cast a secret, risk-free ballot via the internet or a public network. Verified Voting, a nonpartisan election integrity group, claims that internet-transmitted voting is not only not a credible method but also opens the door to bad actors seeking to hack our election system.¹ This is a risk that Maryland voters should not have to assume at this time without significant guardrails.

Furthermore, SB 901 attempts to soft-launch phone voting by stating that “air-gap” computers will be used and that any technology must be vetted. It’s important to note that while it would be possible to eventually store voter data on an air-gap computer, it would be impossible to have an automated phone-voting system that was not, at some point, connected to a public network in order to receive information from outside. Beyond that, SB 901 also sought to circumvent the need to vet a secure phone system, stating that public interest alone is sufficient to trigger its use. That would lead Maryland voters to rely on and trust a system that has not been properly studied for security.

Typically, public interest should be enough to encourage openness to new and innovative ideas. However, in the case of phone voting, several documented cases demonstrate that it is not ready for use. The Department of Homeland Security, the National Institute of Standards and Technology, the Elections Assistance Commission, the Cybersecurity and Infrastructure Security Agency, and the FBI have all reached the same conclusion. Voting over the internet,

¹ <https://verifiedvoting.org/internet-voting-faq/>



Even via a phone system, it opens the door to unnecessary and well-recognized risks. In addition to security risks, election workers must verify that the vote is from a qualified voter and not from someone who has borrowed the voter's phone.

In some testimony, you will hear or read that this vote-by-phone system was implemented in states like West Virginia, municipalities like Denver, or countries like New Zealand. Some of these stories can be misleading. In West Virginia, the system was first implemented in 2018 with fewer than 20 people using it. When it was used again, it was less than 150 people, all of whom were serving overseas. Denver did institute a vote-by-phone for one election, but has since done away with the program. In New Zealand, the system was only designed to handle a "yes" or "no" ballot question - not a full ballot with candidates.

The League of Women Voters of Maryland applauds any effort to make elections more accessible. Which is why we have been on the front lines of passing legislation such as the Help America Vote Act, Motor Voter, and Vote-by-Mail initiatives. Unfortunately, SB 901 fails any security or voter safety metric. In a time when voters are hearing disinformation about election integrity, we should not introduce new risks.

For the above reasons, LWVMD must ask for an unfavorable report on SB 901.