



HB 1172: Election Law – Postelection Tabulation Audits – Risk-Limiting Audits

House Ways & Means Committee, February 27, 2020

Position: FAVOR

Chair Kaiser, Vice-Chair Washington, and Committee Members,

In 2016 Maryland moved to paper ballots, now acknowledged as the most reliable way to protect elections from electronic tabulation errors or fraud because election outcomes are based on the original voter-verifiable record of the votes. But those paper records are meaningless unless we use them to verify that election results are accurate by manually auditing a sample of the ballots.

This bill would improve the method Maryland uses to audit its election results, replacing the current requirement for a flat-percentage manual audit with the far more efficient and statistically valid method of Risk-Limiting Audits (RLAs). RLAs determine the quantity of ballots to be manually counted based on the margin of victory in the contest being audited, which enables election officials to focus more effectively on contests where a small amount of error or manipulation could change the election outcome. For more information about Risk-Limiting Audits, please see the resources listed on the next page.

This bill would also make other important changes:

- It requires completion of the audit before the election is certified;
- It makes the outcome of the audit the official result of the election if the outcome differs from that of the electronic tabulating machines;
- It requires that the audits be publicly observable; and
- It requires the State Board of Elections to post a report on its website describing the audit process and results.

Pre-certification audits are essential for ensuring public confidence in election results. If an audit detected errors after the election results were certified or if the results were not corrected based on the audit's findings, voters would be justifiably angry that the outcome did not reflect the will of the electorate. (It is worth noting that these audits might be difficult to conduct on this schedule in counties where election officials are hand-transcribing large numbers of voter-printed ballots that were delivered to voters via the internet.) Public observability and reporting are essential for voters to trust that the audit was conducted fairly and accurately.

We strongly urge the committee to return a favorable report on this excellent bill.

Respectfully,

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A Smart and Effective Way to Safeguard Elections

<https://www.brennancenter.org/our-work/analysis-opinion/smart-and-effective-way-safeguard-elections>

Pennsylvania to Test an Extra Layer of Election Security — Math

<https://www.nbcnews.com/tech/tech-news/pennsylvania-test-extra-layer-election-security-math-n1068596>

California Doesn't Need Better Voting Machines — It Needs Better Audits, Experts Say

<https://blog.sfgate.com/inthepeninsula/2018/11/08/california-doesnt-need-better-voting-machines-it-needs-better-audits-experts-say/>

Risk-limiting Audits: A Statistical Method to Ensure Election Quality

<http://qppreview.com/2020/02/10/risk-limiting-audits-statistical-method-ensure-election-quality/>

Voting with Risk-Limiting Audits: Better, Faster, Cheaper

<https://www.eff.org/deeplinks/2016/12/audit-better-faster-cheaper>

'Risk-Limiting' Audits Could Provide Election Assurances

<https://www.govtech.com/security/Risk-Limiting-Audits-Could-Provide-Election-Assurances.html>

Knowing It's Right: Limiting the Risk of Certifying Elections

<https://www.democracyfund.org/blog/entry/knowning-its-right-limiting-the-risk-of-certifying-elections>

Colorado Secretary of State - Understand Risk Limiting Audits

<https://www.sos.state.co.us/pubs/elections/VotingSystems/riskAuditFiles/UnderstandingRiskLimitingAudits.pdf>