

February 23, 2022

Testimony on SB 742
Election Law – Postelection Tabulation Audits – Risk-Limiting Audits
Education, Health, and Environmental Affairs

Position: Favorable

Common Cause Maryland supports Senate Bill 742 which requires the State Board of Elections (SBE), in collaboration with the local boards of elections, to conduct specified risk-limiting audits following each statewide election of a statewide contest and a countywide contest. This legislation is a critical first step needed to ensure that the results of the election reflect the will of Maryland voters.

This legislation should help ensure that if and when our vote counting machines fail, whether due to foreign interference or simple programming errors, that we have an automatic process in place to check on the software counts and correct them if they are wrong.

We know from experience in other states that the will of the voters can be thwarted due to a simple miscount. In November 2016, North Kingstown, RI, a simple programming error led to the wrong result. An incorrect version of the ballot was printed, and the ballot scanner could not properly read the voter's marks. The results were so lopsided that the election officials conducted a recount. And after that, Rhode Island adopted a risk-limiting audit requirement similar to the one being considered in this legislation.

The Rhode Island chapter of Common Cause and other groups released a [report](#) detailing the success of three pilot risk-limiting audits conducting in 2019. It provides a roadmap on how to design and implement effective risk-limiting audits that can be applied here in Maryland. Rhode Island's voting system is similar to Maryland's and provides a good lesson. Recently, Rhode Island election officials have collaborated with computer scientists on new [ways](#) to conduct risk limiting audits even more efficiently.

In Maryland, we mark and cast paper ballots. Paper ballots are a wonderful deterrent to any kind of cyber-attack. Paper ballots can be manually reviewed and recounted, and election results can be determined to ascertain the will of the voters.

However, as is known, hand counting thousands of paper ballots is time consuming. That's where this legislation comes in. If the state establishes that instead election officials may use a risk-limiting audit, the workload is significantly diminished. With a risk limiting audit, election officials need only manually review and tally as many ballots as are needed to provide strong evidence that the machine-generated counts are correct.

Think of the risk-limiting audit as a "smart" audit. Risk-limiting audits determine precisely how much hand counting is necessary to confirm election results to a given level of confidence. The closer the contest, the more ballots must be examined to have strong evidence of the result. Fewer errors can change the outcome. The

higher the desired confidence (say 99 percent versus 90 percent) the more ballots must be examined – because higher confidence requires more evidence.

Election administration and security experts agree that RLAs are the “gold standard” of post-election audits in an era when the integrity of our election systems face unprecedented domestic and international threats. These audits will provide an added layer of election protection to provide confidence that the reported winner is the actual winner.

We urge a favorable report.

