

April 2, 2024

House Ways and Means General Fund Committee  
Alabama Legislature  
11 South Union Street  
Montgomery, AL 36130  
*Via email*

Dear Chairman Reynolds and Committee Members,

On behalf of Verified Voting, I submit these comments on House Bill 259 which would require a post-election audit after each county and statewide general election. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters and has particular expertise in post-election auditing. Since our founding in 2004 by computer scientists, we have acted on the belief that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast. We applaud your consideration to implement routine post-election audits in Alabama, and offer some suggestions in alignment with best practices.

This bill would require an audit in every county, after a countywide or statewide election, of all ballots in at least one randomly selected precinct for one randomly selected countywide or statewide race that appeared on the ballot. According to Principles and Best Practices for Post-Election Tabulation Audits, “A healthy democracy requires widespread trust in elections. In particular, people need to be sure that the official election outcomes match the will of the voters. Election audits that examine voted ballots provide direct evidence that the people who take office and the ballot measures enacted were in fact chosen by the voters.”<sup>1</sup>

Language from the bill appears to suggest the audit will be conducted post-certification, “[t]he post-election audit shall commence within five days after certification of results by the canvassing board and shall be completed within 14 days of commencement.” **Post-election audits ideally occur prior to certification in order to correct outcomes, if necessary.** Sound post-election audits should be able to scale all the way up to and include a manual recount of all ballots, should the audit find discrepancies that require a full recount. If an audit finds an outcome-changing discrepancy, the opportunity *must* exist to correct it so that the audit results are binding on the official certified results. Experts agree that audit results should be binding.<sup>2</sup>

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<sup>1</sup> Principles and Best Practices for Post-Election Tabulation Audits, page 4  
<https://verifiedvoting.org/wp-content/uploads/2020/05/Principles-and-Best-Practices-For-Post-Election-Tabulation-Audits.pdf>.

<sup>2</sup> Principles and Best Practices for Post-Election Tabulation Audits, page 17.  
<https://verifiedvoting.org/wp-content/uploads/2020/05/Principles-and-Best-Practices-For-Post-Election-Tabulation-Audits.pdf>.

The current text of the bill would allow “[a]s an alternative to the manual tally audit, the judge of probate may conduct the post-election audit by use of a precinct ballot counter or counters...” We suggest removing the provision to allow an audit to be conducted through the use of tabulation equipment; experts agree that post-election audits should be conducted with a manual hand-to-eye examination of the paper ballots. The National Academies of Sciences, Engineering, and Medicine recommend, “Audits of election outcomes should include **manual examination** of statistically appropriate samples of paper ballots cast (emphasis added).”<sup>3</sup>

As Alabama considers improvements to its post-election audit practices, we would recommend provisions allowing for study and practice (pilots) of risk-limiting audits (RLAs), which have been endorsed by the U.S. Senate Select Committee on Intelligence, American Statistical Association, R Street Institute, and many others.<sup>4</sup> In fact, several states, including Georgia, Texas, and South Carolina, have passed laws authorizing RLA pilots and/or post-election RLAs. Our organization would be happy to provide more information about RLAs, which are considered the most robust post-election audit.

When implemented alongside other best practices, post-election audits of paper ballots provide solid evidence for the initial election outcome when it is correct—and an opportunity to correct the outcome when it is not. In addition to confirming outcomes and detecting errors (whether accidental or intentional), good tabulation audits can deter hacking, malware, and fraud and help foster continuous improvement in elections administration.

We urge you to consider these recommendations to HB 259, and our organization stands ready to provide guidance to Alabama on best practice post-election audits.

Sincerely,

C.Jay Coles  
Senior Government Relations Associate

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<sup>3</sup> National Academies of Sciences, Engineering, and Medicine. 2018. Securing the Vote: Protecting American Democracy. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25120>.

<sup>4</sup> See <https://verifiedvoting.org/publication/verified-votings-risk-limiting-audit-rla-communications-guide/>.