Verified Voting

January 31, 2025

Maryland House Ways and Means Committee
Room 130
House Office Building
Annapolis, MD 21401
via electronic submission

Verified Voting Testimony on House Bill 426
Postelection Tabulation Audits – Risk-Limiting Audits
Position: Favorable

Dear Chair Atterbeary and Members of the Committee:

On behalf of Verified Voting, I write in support of HB 426 regarding Postelection Tabulation Audits – Risk-Limiting Audits. Verified Voting's mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. 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. As such, we welcome and support HB 426, which would implement highly effective routine manual checks on machine counts, called risk-limiting audits, in Maryland's statewide elections. Simply put, risk-limiting audits (RLAs) can help Maryland election officials show that reported winners received the most votes.

RLAs and other routine manual audits address two distinct challenges to U.S. elections: the chance that voting technology will misreport results, and the spread of baseless accusations that vote counts are rigged. Well-designed audits provide routine, efficient, and timely quality assurance. They take a "show, don't tell" approach to confirming vote counts.

More specifically, RLAs can confirm that one or more election outcomes match what a full hand count of those ballots would reveal, before results are made final. RLAs provide strong evidence that a full hand count would confirm the reported election outcomes while checking a small fraction of the voted ballots. If necessary, RLAs can check more ballots, up to a full hand count if needed to establish the correct outcome.

RLAs are widely endorsed by security specialists and election officials. In fact, RLAs and other robust post-election audits are recommended by the American Statistical Association, U.S. Department of Homeland Security, the U.S. Senate Select Committee on Intelligence, and many other experts as one element of a strong and resilient election infrastructure. Election officials across the country have taken the lead in

piloting and implementing RLAs. Colorado, Georgia, Pennsylvania, Rhode Island, and Virginia regularly conduct RLAs prior to the finalization of election results. Verified Voting has worked closely with election officials on many of these implementations, helping to tailor the methods to each state's distinctive circumstances and needs.

HB 426 takes a measured approach to enacting RLAs in Maryland, establishing broad requirements without micromanaging details. It requires RLAs to be conducted by hand, to be observable by the public, to follow regulations to be promulgated by the State Board, and to be completed before results are certified—with the results promptly reported. These requirements will promote public confidence in Maryland elections. Sensibly, the bill provides that the audit method should be specified in regulation, not in law, as new approaches are continually being developed to fit the varied needs and circumstances of election officials around the country. Maryland election officials deserve room to adapt and innovate.

We see room for adjusting a couple of the bill's provisions. While we support auditing both statewide and local contests, applying a risk limit to audits of local contests may be premature. An RLA of a local contest can require as much work as an entire statewide RLA of a contest with a similar margin, thus proving burdensome for election officials. Local contests can still be audited in conjunction with an RLA of a statewide contest—for instance, on the ballots that appear in the statewide sample—without enforcing a risk limit for the local contests.

We also suggest clarifying the deadline for audit completion, especially for local contests. The bill appears to require that audits of local contests be completed by the local certification deadline, which is only 10 days after the election. We suggest extending the audit deadline for all contests to fall between local and state certification.

We applaud you for considering this bill and encourage you to support it. We would be delighted to discuss these topics with committee members, election officials, and other Maryland stakeholders.

Respectfully,

Chrissa LaPorte
Deputy Policy & Strategy Director