

Delegate Kaiser Testimony in Support of HB 572 for

Uploaded by: Anne Kaiser

Position: FAV

ANNE R. KAISER
Legislative District 14
Montgomery County

Health and Government
Operations Committee

House Chair
Joint Committee on Cybersecurity,
Information Technology and
Biotechnology



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 572: Election Law - Postelection Tabulation Audits -
Risk-Limiting Audits
March 22, 2023**

Chair Feldman and distinguished members of the Education, Energy, and Environment Committee, it is my pleasure to come before you and offer testimony in favor of **House Bill 572**, to require risk-limiting audits (RLAs) for our elections. This legislation is about election integrity. Nothing matters more to our democracy than free and fair elections AND citizens' belief that our elections are free and fair.

RLAs are the *gold standard* for ballot auditing because it uses statistical means to confirm election results and takes full advantage of paper ballots. RLAs are recommended by election experts as the preferred way to verify election outcomes and to confirm that results have not been corrupted by hacking. RLAs manually examine randomly chosen individual paper ballots or batches of paper ballots until there is sufficiently strong evidence that a full hand count would confirm the electronic tabulation, or until there has been a full hand count.

RLAs are far superior to our current auditing procedures. Only an RLA can correct a wrong election outcome and ensure that the proper winners are certified. In contrast, our current automated software audit cannot correct a wrong election outcome because it relies on recounting potentially inaccurate ballot images rather than actual physical ballots. Also, our current manual audit is not completed until months after the election results are certified. Furthermore, our current audit is only used to gauge the performance of the voting system and not to correct any problems with our election results.

I'd like to share what the National Academy of Sciences has to say about the need for RLAs. They say: "the design and development of current computer systems, no matter how well constructed, cannot anticipate and prevent all the possible means of attack". They further say, "There is no realistic mechanism to fully secure vote casting and tabulation computer systems from cyber threats." Therefore, manual auditing is necessary.

HB 572 passed the House of Delegates by a vote of 131-4.

I urge a favorable report on **House Bill 572**. Thank you.

HB0572 Risk Limiting Audits FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0572
ELECTION LAW – POSTELECTION TABULATION AUDITS – RISK-LIMITING AUDITS

Bill Sponsor: Delegate Kaiser

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0572 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Maintaining the integrity of the vote is one of the most important tasks of the Board of Elections in Maryland. Current election law requires a full audit of the election results after the primary and general elections. This is an important step in ensuring confidence in the vote. However, we have seen with the 2020 election, that the longer it takes to audit the results, the more concerned the general public gets with voter fraud.

This bill would require the Board of Elections, in conjunction with local Boards, to immediately conduct a risk-limiting audit of the vote. The audit would involve not more than 25% of the ballots cast in at least one statewide contest, and at least one countywide or local contest. The audit would require manually examining randomly chosen voter-verifiable paper records or batches of paper records until there is sufficiently strong statistical evidence that a full manual count would confirm the electronic count, or until there has been a full manual count.

This method would quickly provide the clarity about the election results required and would help the public have more confidence in the validity of the electoral process.

We support this bill and recommend a **FAVORABLE** report in committee.

Verified Voting Support_MD HB 572_2023.pdf

Uploaded by: Chrissa LaPorte

Position: FAV

March 21, 2023

Maryland Senate Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, MD 21401
via electronic submission

**Verified Voting Testimony on HB 572
Postelection Tabulation Audits – Risk-Limiting Audits
Position: Favorable**

Dear Chair Feldman and Members of the Committee:

On behalf of Verified Voting, I write in support of HB 572 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 572, 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 can help Maryland election officials efficiently show that reported winners really got more votes.

Risk-limiting audits 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, risk-limiting audits (RLAs) are designed to efficiently confirm that one or more election outcomes match what a full hand count of those ballots would reveal, *before results are certified*. Normally, RLAs provide strong evidence that a full hand count would confirm the reported election outcomes. If necessary in extraordinary cases, RLAs lead to a full hand count to determine the correct outcome. RLAs often require far less work than audits of a fixed percentage of ballots – such as Maryland's current manual audit, which can occur months after an election.

Risk-limiting audits have been widely endorsed by security specialists and election officials. In fact, risk-limiting audits and other robust post-election audits have been recommended by the American Statistical Association, U.S. Department of Homeland Security, the U.S. Senate Select Intelligence Committee, 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. Virginia is phasing in a new law requiring risk-limiting audits, joining Colorado, Georgia, and Rhode Island. Pennsylvania and Michigan both have trialed statewide RLAs. 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 572 takes a wise approach to enacting risk-limiting audits in Maryland, establishing broad requirements without micromanaging details. It requires auditing at least one statewide contest as well as at least one local contest in each county. 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. All 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. 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 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
Senior Policy & Technical Associate

LWVMD testimony for EEE - HB 572 - Election Law -

Uploaded by: Janet Millenson

Position: FAV



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

HB 572 - Election Law - Postelection Tabulation Audits - Risk-Limiting Audits

POSITION: Favorable

BY: Nancy Soreng – President

Date: March 22, 2023

The League of Women Voters supports measures that ensure the accurate counting of all votes and that protect the integrity of our elections. Risk-limiting audits can be a useful tool in this effort and are well worth funding.

HB 572 would replace certain existing requirements for the auditing of election systems with a more modern, statistically proven risk-limiting audit (RLA). Colorado and Rhode Island already require risk-limiting audits, and other states have implemented pilot RLA projects in selected jurisdictions.

Risk-limiting audits are more efficient than the current mandate to audit a fixed percentage of ballots. Instead, they only sample as many voter-verified paper ballots as are necessary according to the margin of victory in each contest, similar to certain quality assurance measures in manufacturing. At least one statewide contest must be audited this way, plus at least one local contest in each county. Pre-determined guidelines for expanding the audit, up to a full recount if necessary, preclude the need for making arbitrary, case-by-case decisions.

Another advantage of HB 572 is that it would require risk-limiting audits to be completed before the election is certified, rather than up to 120 days after the election. This rapid turnaround will help reassure candidates and voters that ballots were counted correctly.

Finally, HB 572 proposes a transparent process for conducting the audits and posting a report on the State Board of Elections website describing the process and the results. These measures will help maintain public confidence in the integrity of Maryland's elections.

The League of Women Voters of Maryland urges a favorable report on HB 572.

2023-03-21 MD RLA HB 572 testimony (1).pdf

Uploaded by: John Marion

Position: FAV

March 21, 2023

**Testimony on HB 572
Election Law – Postelection Tabulation Audits – Risk-Limiting Audits
Education, Energy, and the Environment Committee**

Position: Favorable

Dear Chair and Committee members:

Common Cause enthusiastically supports HB 572 and urges this committee to report it favorably.

Risk-limiting audits are considered the “gold standard” of post-election audits because they help answer the fundamental question: *did the announced winner really win?* And they’re the only type of post-election audit that addresses that question based on hand-eye examination of actual paper ballots.

There are a variety of other types of audits. Some verify the accuracy of a limited number of voting machines, or precincts, or a sample of ballots – such as Maryland’s current Ballot Tabulation Audit.¹ Other types of audits double-check procedures. Maryland also has an audit based on ballot *images*² – but since machines can be compromised, image-based audits are not as reliable as human eyes reviewing voter-verified paper ballots. We expect that, once the risk-limiting audits are permanently in place, the Legislature would repeal requirements for other types of audits.

These other types of audits have their uses – but we are seeing more and more states replacing them with risk-limiting audits, because risk-limiting audits can:

- confirm, to a high degree of statistical certainty, that the announced result for the contest was in fact the correct result
- create a process for identifying discrepancies in election results that will, when the audit is completed, result in a full hand tally of the contest that will become the certified result.

We urge Maryland to join the other states that are moving to risk-limiting audits. Concerns that election results could be hacked or manipulated have been growing, especially in the wake of

¹ described at https://elections.maryland.gov/voting_system/ballot_audit_plan_manual.html

² described at https://elections.maryland.gov/voting_system/ballot_audit_plan_automated.html

the 2020 election; and federal officials³ and Microsoft⁴ have recently elevated concerns about Russian interference heading into the 2024 election cycle.

Risk-limiting audits can also provide a safeguard against administrative errors that lead to incorrect outcomes, and might not be caught by pre-election logic and accuracy testing. In 2016 in North Kingstown, RI, the wrong ballot style was used for logic and accuracy testing, resulting in an incorrect result on election night. Similarly, a 2012 Palm Beach County, FL election was incorrectly reported after a synchronization problem with election management software allotted voters to the wrong candidate and the wrong contest.

In 2019, in its report reviewing *Russian Active Measures Campaigns and Interference in the 2016 U.S. Election*, the U.S. Senate Select Committee on Intelligence determined that “Risk-limiting audits, or some similarly rigorous alternative, are the future of ensuring that votes cast are votes counted.”⁵

We urge this committee to follow that advice and report HB 572 favorably.

³ Federal briefings described in <https://www.penncapital-star.com/government-politics/feds-push-local-election-officials-to-boost-security-ahead-of-2024/>

⁴ Microsoft Threat Intelligence issued March 15, 2023, described by NBC News at <https://www.nbcnews.com/tech/security/russia-hackers-microsoft-outlook-rcna75181> and available at https://www.microsoft.com/en-us/security/business/security-insider/wp-content/uploads/2023/03/A-year-of-Russian-hybrid-warfare-in-Ukraine_MS-Threat-Intelligence-1.pdf

⁵ Page 59, Report of the Select Committee on Intelligence, United States Senate on *Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1* (2019), available at https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf

HB572 - RLA Crossover Document.pdf

Uploaded by: Katherine Berry

Position: INFO



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

March 22, 2023

Senator Brian E. Feldman, Chair
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: HB572 - Information

Senator Feldman and Committee Members:

My name is Katherine Berry, the Election Director in Carroll County, and the chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. I am writing on behalf of MAEO to provide you with information and suggested amendments regarding HB572 – Election Law – Post-election Tabulation – Risk Limiting Audits.

Maryland has a rigorous audit system in place, which was developed following studies of various audit methods in 2016, based on the recommendation of the State Board of Elections. One of the methods includes a 100% automated audit of all scanned ballot images, conducted by a third-party. This audit independently tabulates every contest for every county in Maryland, and the results are reported to the State Board of Elections before the actual results are shared for comparison. Along with the *Comprehensive Audit*, the *Automated Ballot Tabulation Audit* and post-election *Manual Audit Tabulation* were conducted in 2022 on randomly selected precincts, including provisional and mail-in ballot votes. These audits confirmed that the voting system accurately counted over 2 million ballots in the General Election.

If the will of the General Assembly is to alter the methods by which we perform audits, we have some recommendations that should be considered before the bill's passage:

1. If all counties are required to perform an RLA, these audits may require significant time to complete which may exceed current election certification deadlines. In the event of a close election, the sample size required to be manually tabulated increases exponentially. Consideration of **altering the certification deadline** may be needed in addition to **ensuring that pre-election mail-in ballot canvass can occur** to allow adequate time in the days following an election to perform all required tasks including preparation for provisional ballot canvass, existing audits (if required) and remaining mail-in ballot canvass.
2. Since all ballots from the 2022 election have been placed into storage and we expect a new voting system to be implemented in 2026, consideration should be given to requiring a **pilot program following the 2024 election** with the knowledge that processes can still change with the **new voting system in 2026**.
3. Keep all current audits in place, but require a Risk Limiting Audit be completed if the existing initial phase of the Automated Ballot Tabulation Audit of Early Voting results, a portion of mail-in ballot results, and all Election Day results show a **variance greater than 5%** in any contest on the ballot.

MAEO has a strong desire to complete our jobs efficiently and effectively with absolute accuracy in the election results. We hope you will consider our recommendations to help establish best practices for implementing risk limiting audits in Maryland. Thank you for your attention to this important matter. If you have any questions, please contact me at (410)386-2958 or Katherine.berry@maryland.gov.