

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