

January 30, 2024

**Testimony on HB 40**  
**Election Law - Postelection Tabulation Audits - Risk-Limiting Audits**  
**Ways & Means**

**Position: Favorable**

**Common Cause Maryland supports House Bill 40, which would require the State Board of Elections, in collaboration with the local boards of elections, to conduct a risk-limiting audit after each statewide election.**

**In the current political environment, post-election audits can be a highly effective method of increasing public trust in elections. But in Maryland, our statutes don't allow for an audit to *correct* an election outcome, if the audit discovers that the initial election result was wrong.**

**Wrongly calculated results happen from time to time: for instance, in 2022, the wrong candidate was temporarily declared the winner in the Ocean Township, New Jersey Board of Education race; in July 2020, votes for Appleton, Maine Select Board seats were miscounted; and in 2016, votes for a North Kingstown, Rhode Island ballot question were not correctly counted the first time.**

**A post-election audit should be able to *fix* the outcome, if the audit determines that the initial election outcome was not correct. House Bill 40 would allow an audit that discovers a tabulation problem to also *correct* the election outcome – so that the final outcome truly reflects the will of voters.**

**A growing number of states are moving to risk-limiting audits, because they are a “smarter” type of audit that minimizes the burden on local election officials. With a risk-limiting audit, election officials manually review and tally only as many ballots as are needed to provide strong evidence that the machine-generated counts are correct.**

**Risk-limiting audits have been endorsed by a wide variety of organizations, including federal agencies and advocacy groups from across the political spectrum. Endorsers include the U.S. Senate Select Intelligence Committee; the Presidential Commission on Election Administration;**

**the National Academies of Sciences, Engineering and Medicine; the Cybersecurity and Infrastructure Security Agency (CISA); the American Statistical Association; the League of Women Voters of the United States; the Brennan Center for Justice; the Center for Democracy and Technology; National Election Defense Coalition; Protect Democracy; Public Citizen; Verified Voting Foundation; Americans for Tax Reform; R Street Institute; Liberty Coalition; FreedomWorks; Business for America; and, of course, Common Cause.**

**We would be pleased to provide you with additional information.**

**We urge a favorable report.**