



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

February 26, 2025

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

SB313 - Information

Dear Chair Feldman, Vice Chair Kagan, and Committee Members,

The Maryland Association of Election Officials (MAEO) is the professional membership organization representing local election officials and Election Boards across all 24 jurisdictions in Maryland. Our members are committed to ensuring the smooth and effective administration of elections and are deeply dedicated to making Maryland elections accessible, secure, and fair.

MAEO wishes to provide information on Senate Bill 313, which requires Local Boards of Elections to complete Risk Limiting Audits (RLAs) prior to election certification of statewide elections.

In December 2024, a Risk Limiting Audit pilot was conducted in Harford County in collaboration with the State Board of Elections and several Local Boards of Elections. The pilot, performed after state certification, focused on just 3 precincts out of 64 and took 1 hour and 45 minutes to complete. For a medium-sized jurisdiction like Harford County, a full audit under this legislation could reasonably take up to 32 hours. Additionally, during this time, a Manual Audit was also conducted, which remains the current standard practice for ballot auditing. This process audited a significantly higher number of ballots—covering Election Day, early voting, provisional, and mail-in ballots—and took 1 hour to complete, with 12.5 hours of preparation required.

The data and information gleaned from the pilot experience speak to the concerns that MAEO wishes to express, namely issues of timing and logistics. SB 313 requires that an RLA be completed prior to election certification, but does not clarify which certification, whether that of the state or local boards. The time period after Election Day and before election certification is a very busy time for our local boards and election officials, which includes preparing for mail-in ballot canvasses and reviewing and preparing provisional ballot applications for their canvasses. With that current workload, local jurisdictions have numerous administrative strains placed upon them that already make it difficult to certify elections on time without the requirement of conducting a Risk Limiting Audit. Concerns exist if it is feasible to meet mandated certification deadlines under this legislation.

Additionally, we would like to address a potential litigation concern that may arise from this legislation. Specifically, on Page 5, Lines 5-8, where the bill states that if a Risk Limiting Audit finds discrepancies that alter the outcome of the election, the official results should be changed accordingly. This provision could open the door to litigation, especially in tight races or contested elections. The possibility of overturning election results post-certification based on the findings of an RLA could lead to legal challenges and disputes regarding the accuracy and validity of the audit process and its outcomes.

MAEO supports the ongoing goals of improving election administration and increasing transparency and accountability and appreciates the initiatives of this legislation. However, we respectfully request clarification on some of these details in order to better fulfill its requirements. For these reasons, we respectfully provide this information for consideration on Senate Bill 313.

Thank you for your time and consideration of this information for Senate Bill 313.