

February 24, 2025

Testimony on SB 313
Election Law - Postelection Tabulation Audits - Risk-Limiting Audits
Education, Energy, and the Environment

Position: Favorable

Common Cause and Common Cause Maryland strongly support Senate Bill 313, 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, the manual audit isn't held until months after the election – and the automated software audit does not provide a path to *correct* an election outcome, if it uncovers evidence that the initial election result was wrong. Tabulation errors do happen from time to time. For instance, in 2016, ballots in North Kingstown, Rhode Island were not counted correctly, and that incident prompted the state's General Assembly to pass Rhode Island's risk-limiting audit law.

Senate Bill 313 would establish an audit structure that can escalate, so that the same audit that discovers a tabulation problem can also *correct* the election outcome – ensuring that the final outcome truly reflects the will of voters.

It would add Maryland to the growing list of states that 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 Committee on Intelligence; 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 appreciate that this bill authorizes the State Board to continue the current automated software audit after a statewide election. To provide continuity and maintain voter confidence, we would recommend that the State Board should exercise that authority and perform the automated software audits for at least the next few election cycles, allowing voters time to become more familiar with the risk-limiting audit process.

We do, however, recommend that you consider adjusting the bill's language regarding audits of local contests. While we support auditing of local contests, the current language could – in some circumstances – create significantly more work for election officials. We would be happy to work with the Committee on specific wording to make this adjustment.

Again, we strongly support Senate Bill 313, and we urge a favorable report.

