

SB0313_Election_Law_Risk_Limiting_Audits_MLC_FAV.p

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0313 ELECTION LAW – POST ELECTION TABULATION AUDITS - RISK-LIMITING AUDITS

Bill Sponsor: Senator Washington

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0313 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 reviewing a percentage of the ballots cast in at least one statewide contest, and at least one countywide or local contest. The percentage (risk limit) would be a small pre-determined number of total ballots received.

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.

DRM Testimony - Favorable - SB 313 Post Election R

Uploaded by: Gillian Justice

Position: FAV



Empowering People to Lead Systemic Change

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DisabilityRightsMD.org

EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE
February 26, 2025
Senate Bill 313: Election Law – Postelection Tabulation Audits –
Risk-Limiting Audits
POSITION: SUPPORT

Disability Rights Maryland (DRM, formerly Maryland Disability Law Center) is the Protection & Advocacy agency of Maryland, federally mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities through voting by advocating for equal and equitable access to the ballot. DRM submits this testimony in support of Senate Bill 313.

DRM supports Senate Bill 313, which requires the State Board of Elections to conduct a risk-limiting audit after each statewide election, as well as authorizing risk-limiting audits for special and statewide elections. This bill also authorizes, but does not require, automated software audits after elections. As proposed in the bill, risk-limiting audits will follow each statewide election, and will be required for one statewide contest and at least one local contest in each county. The bill also requires that the State Board of Elections post information about the audit's process and results within 10 days of completion.

Risk-limiting audits play a crucial role in ensuring that every Marylander's vote is accurately counted. Maryland offers multiple voting options—early voting centers, election day polling places, paper ballots, ballot-marking devices, and mail-in voting—all of which help provide access for voters with disabilities. By implementing risk-limiting audits, Maryland can more efficiently verify that all ballots, regardless of how they were cast, are counted correctly. Additionally, these audits enhance transparency and accountability by requiring the public release of both the audit methods and results, reinforcing trust in the electoral process.

SB 313 is an important bill that will efficiently verify election results, benefiting all Marylanders while empowering the public to understand the processes that ensure their votes are accurately counted. For these reasons, we urge a favorable report on SB 313. Please don't hesitate to contact me at GillianJ@DisabilityRightsMD.org or by phone at 443-692-2498.

Respectfully Submitted,

Gillian Justice
Community Engagement Coordinator
Disability Rights Maryland

BCJ Written Testimony - MD SB 313.pdf

Uploaded by: Jiyeon Park

Position: FAV

Brennan Center for Justice
Written Testimony in Support of Senate Bill 313
Election Law – Postelection Tabulation Audits – Risk-Limiting Audits

Submitted to the Education, Energy, and the Environment Committee

February 24, 2025

The Brennan Center submits this testimony in support of SB 313, “an act concerning Election Law – Postelection Tabulation Audits – Risk-Limiting Audits.” The Brennan Center is a national nonpartisan law and policy institute affiliated with NYU School of Law that seeks to improve our systems of democracy and justice.¹ The Brennan Center has a long history of partnering with election administrators, legislators, and other elected officials at the local, state, and federal levels to reform and improve our elections and election administration. **The Brennan Center strongly supports adoption of risk-limiting audits in Maryland.**

Post-election tabulation audits, of which risk-limiting audits are one type, are a critical tool for detecting ballot-counting errors, discouraging fraud, and improving the security and reliability of – and confidence in – both machine and hand counts in elections. Reliable post-election audits are conducted in a transparent manner by impartial election officials, often in bipartisan teams, according to pre-determined rules, with a documented process to ensure security of voting equipment, maintain chain of custody of voted ballots, and protect voters’ personal information. By providing a post-election check on election outcomes, post-election tabulation audits increase voter confidence. In this age of election denialism and skepticism about election outcomes, tabulation audits are an especially important tool.

Risk-limiting audits are the gold standard of post-election tabulation audits. Risk-limiting audits are designed to detect unintentional errors, intentional attacks, and any other causes that result in tabulation errors leading to an incorrect election outcome. In straightforward terms, a risk-limiting audit is an easy and efficient method for double-checking the election outcome. By hand counting a statistically meaningful sample of the votes cast, the risk-limiting audit can determine whether the original vote tally matched the correct outcome.

¹ The Brennan Center is a nonpartisan law and policy institute that works to strengthen the systems of democracy and justice so they work for all. The opinions expressed in this testimony are only those of the Brennan Center and do not purport to convey the views, if any, of the New York University School of Law.

One of the differences between a traditional tabulation audit and a risk-limiting audit is in the *sample*: Risk-limiting audits rely on statistical principles to determine the random sample of ballots that need to be examined and counted by hand to provide evidence that election outcomes are accurate. In plain terms, more ballots are examined by hand in a close race, while a race with a larger margin requires fewer ballots to be examined. If testing of the sample is consistent with the preliminary outcome, it is almost certain that the initially declared winner won the race. If, on the other hand, the sample has substantial discrepancies with the original tally, then more ballots are sampled until there is enough evidence to provide the desired level of confidence in the declared election result, or until all the ballots have been manually counted.

Risk-limiting audits are one of the critical measures necessary to secure elections and a key component of a broader cybersecurity defense.² They can be conducted publicly and can provide voters with confidence that a counting error or malicious attack has not changed the election outcome. As a risk-limiting audit has the capacity to detect whether any outcome-determinative interference has occurred, routine risk-limiting audits are highly recommended by numerous security experts as a method of protecting the integrity of elections. Political scientists, statisticians, and election-security experts have all lauded the benefits of post-election, risk-limiting audits.³

Beyond Brennan Center's strong endorsement of risk-limiting audits as a best practice in election administration, it is worth highlighting a few key aspects of SB 313. First, the bill creates a timely post-election tabulation audit that relies on paper ballots rather than ballot images. Experts widely recognize that paper ballots are one of the most important security measures that states can adopt because voters can easily verify that their ballot accurately reflects their choices.⁴ Election administrators and the public can be confident that any particular paper ballot (as opposed to digital images created by software) accurately reflects a voter's intent. Because voters' paper ballots provide the most trustworthy record of voters' intentions, an audit relying on them should be performed soon after the election.

² Brennan Center for Justice et al., *Securing the Nation's Voting Machines: A Toolkit for Advocates and Election Officials*, May 31, 2018, <https://www.brennancenter.org/publication/securing-nations-voting-machines>; Brennan Center for Justice, "National Security, Tech, and Election Officials to States: Best Practices Should Guide How New Voting System Security Funds Are Spent," April 23, 2018, <https://www.brennancenter.org/our-work/analysis-opinion/national-security-tech-and-election-officials-states-best-practices>.

³ Mark Lindeman and Philip B. Stark, "A Gentle Introduction to Risk-limiting Audits," *Security & Privacy, IEEE*, no. 10 (March 16, 2012): 42-49, <https://www.stat.berkeley.edu/~stark/Preprints/gentle12.pdf>; Philip B. Stark, *An Introduction to Risk-Limiting Audits and Evidence-Based Elections*, Department of Statistics, University of California, Berkeley, July 2, 2018, <https://www.stat.berkeley.edu/~stark/Preprints/lhc18.pdf>; Lawrence Norden and Christopher Famighetti, *America's Voting Machines at Risk*, Brennan Center for Justice, September 15, 2014, <https://www.brennancenter.org/publication/americas-voting-machines-risk>.

⁴ Derek Tisler & Turquoise Baker, *Paper Ballots Helped Secure the 2020 Election – What Will 2022 Look Like?*, Brennan Center for Justice (May 10, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/paper-ballots-helped-secure-2020-election-what-will-2022-look>.

Second, this bill specifies the timing of the risk-limiting audit to occur before certification of election results.⁵ This is important because, if the audit detects the likelihood of counting errors (and therefore the possibility that the outcome is inaccurate), those errors can be effectively addressed. Similarly, with this timing, risk-limiting audits can confirm the electoral outcome for the public and perform the confidence-building and remedial functions for which it is intended.

Finally, and relevant to any reconsideration of an election outcome, Brennan Center understands new subsection (b)(5) within the bill to have a very specific meaning that may not be readily understood upon a facial reading. New subsection (b)(5) states, “If a risk-limiting audit finds that the election outcome determined by the electronic count is incorrect, the official result of the election shall be altered to match the outcome determined by the risk-limiting audit.” Notably, this language does *not* mean that the election outcome will be modified by reliance on a count and comparison with the risk limiting audit’s initial sample alone. Rather, when the initial risk-limiting audit sample detects the likelihood of tabulation problems, the audit will continue to be expanded –including to a full count of paper ballots. Thus, if the risk-limiting audit “finds the election outcome determined by the electronic count is incorrect,” it will be because of the escalation of the audit *to a full count* that identified the contrary outcome. This is the exact role a post-election tabulation audit should play.

For these reasons, Brennan Center urges this body to vote in favor of SB 313.

⁵ S. 313, 2025 Sess. § 1(b)(4)(ii) (Md. 2025), <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0313F.pdf>.

Common Cause MD SB 313 RLA testimony.pdf

Uploaded by: Liz Iacobucci

Position: FAV

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.



Verified Voting Favorable SB 313.pdf

Uploaded by: Mark Lindeman

Position: FAV

February 24, 2025

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

**Verified Voting Testimony on Senate Bill 313
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 SB 313 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 SB 313, 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 (RLAs) can help Maryland election officials show that reported winners received the most votes.

RLAs 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, RLAs can confirm that one or more election outcomes match what a full hand count of those ballots would reveal, before results are made final. RLAs provide strong evidence that a full hand count would confirm the reported election outcomes while checking a small fraction of the voted ballots. If necessary, RLAs can check more ballots, up to a full hand count if needed to establish the correct outcome.

RLAs are widely endorsed by security specialists and election officials. In fact, RLAs and other robust post-election audits are recommended by the American Statistical Association, U.S. Department of Homeland Security, the U.S. Senate Select Committee on Intelligence, 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. Colorado, Georgia, Pennsylvania, Rhode Island, and Virginia regularly conduct RLAs prior to the finalization of election results. 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.

SB 313 takes a measured approach to enacting RLAs in Maryland, establishing broad requirements without micromanaging details. 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. 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, as 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 see room for adjusting a few of the bill's provisions. While we support auditing both statewide and local contests, applying a risk limit to audits of local contests may be premature. An RLA of a local contest can require as much work as an entire statewide RLA of a contest with a similar margin, thus proving burdensome for election officials. Local contests can still be audited in conjunction with an RLA of a statewide contest—for instance, on the ballots that appear in the statewide sample—without enforcing a risk limit for the local contests.

We also suggest clarifying the deadline for audit completion, especially for local contests. The bill appears to require that audits of local contests be completed by the local certification deadline, which is only 10 days after the election. We suggest extending the audit deadline for all contests to fall between local and state certification.

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,



Mark Lindeman
Policy & Strategy Director

Indivisible position on S313.pdf

Uploaded by: Marna Brown-Krausz

Position: FAV



**Testimony to the Education, Energy and the Environment Committee
S0313 Election Law – Postelection Tabulation Audits – Risk-Limiting Audits
Bill Sponsor: Senator M. Washington**

POSITION: FAVORABLE

By: Marna Brown-Krausz, Defend Democracy Team Member, Indivisible, Howard County

Date: February 26, 2025

On behalf of our 900+ Indivisible Howard County members, I am writing in support of SB313. We believe this bill will improve the integrity of our elections by enabling quicker results while maintaining election integrity and safety.

Indivisible Howard County urges a favorable report on SB0313.

Thank you for your consideration.

SB0313_FAV_mgoldstein 2025.pdf

Uploaded by: Mathew Goldstein

Position: FAV



<https://docs.google.com/forms/d/e/1FAIpQLSfU0l1WSdNHoXUz2uYdt4zf-ztmwuTz-rdKJ59WbJstj1Ylw/viewform>

February 26, 2025

SB 313 - SUPPORT

Election Law - Postelection Tabulation Audits - Risk-Limiting Audits

Dear Chair Brian J. Feldman, Vice-Chair Cheryl C. Kagan, and Members of the Education, Energy, and the Environment Committee,

The American Statistical Association endorses and recommends risk-limiting audits (RLA). The Brennan Center for Justice, Common Cause, Public Citizen, and Verified Voting advocate for RLA. When risk-limiting audit procedures are followed, there is only a limited chance that an incorrectly reported outcome could go undetected. RLAs can adapt to various kinds of voting systems, as long as there are voter-verified ballots to audit. Contests with a wide margin can be audited with very few ballots, freeing up resources for closer contests. The election schedules in Maryland can be re-defined if needed to allow for sufficient time to complete an RLA for close contests before the certification deadline. Colorado, Georgia, Pennsylvania, Rhode Island, and Virginia have successfully implemented RLA's.

Secular Maryland advocates for best overall fit with the relevant empirical evidence based laws. Accordingly, we endorse this bill and request that it be enacted into law.

Mathew Goldstein
3838 Early Glow Ln
Bowie, MD

2-26-25 SB 313 - Election Law - Post Election Tabu

Uploaded by: Nancy Soreng

Position: FAV



TESTIMONY TO THE SENATE EDUCATION, ENERGY AND HEALTH COMMITTEE

SB 313 - Election Law - Post Election Tabulation Audits - Risk-Limiting Audits

POSITION: Favorable

BY: Linda Kohn, President

Date: February 26, 2025

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.

SB 313 would replace certain existing requirements for the auditing of election systems with a more modern, statistically proven risk-limiting audit (RLA). [Thirteen states](#) now use Risk Limiting Audits.

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. 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 SB 313 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, SB 313 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 SB 313.

Comments on SB0313.pdf

Uploaded by: Michael Fletcher

Position: FWA

Comments of Michael Fletcher on SB0313, Election Law - Risk Limiting Audits

Favorable with amendments

While the introduction of Risk Limiting Audits, (RLAs) in MD elections is an admirable goal, SB0313, in its present form, is a flawed vehicle for this purpose. SB0313 requires the SBE and LBEs to implement and conduct RLAs with insufficient guidance to assure high-quality RLAs are implemented in Maryland.

The main problem with SB0313 is that it provides too much latitude to the State Board of Elections (SBE) to define the parameters for the new RLAs. The bill should better define the requirements that the new RLAs should meet. As written, SB0313 fails to define important requirements that characterize a quality RLA. For example, the report, *Principles and Best Practices for Post-Election Tabulation Audits* was published in 2018. This report was endorsed by the American Statistical Association, Brennan Center for Justice, Common Cause, Public Citizen and several election integrity groups. The report lists nine principles that a sound RLA should meet. The first five of these are:

1. **EXAMINATION OF VOTER-VERIFIABLE PAPER BALLOTS:** Audits require human examination of voter-marked paper ballots – the ground truth of the election. Voter-marked paper ballots may be marked by hand or by ballot marking device. Audits cannot rely on scanned images or machine interpretations of the ballots to accurately reflect voter intent.
2. **TRANSPARENCY:** Elections belong to the public. The public must be able to observe the audit and verify that it has been conducted correctly, without interfering with the process.
3. **SEPARATION OF RESPONSIBILITIES:** Neither the policy and regulation setting for the audit, nor the authority to judge whether an audit has satisfied those regulations, shall be solely in the hands of any entity directly involved with the tabulation of the ballots or the examination of ballots during the audit.
4. **BALLOT PROTECTION:** All the ballots being tabulated and audited must be verifiably protected from loss, substitution, alteration or addition.
5. **COMPREHENSIVENESS:** All jurisdictions and all validly cast ballots, including absentee, mail-in and accepted provisional ballots, must be taken into account. No contest should be excluded a priori from auditing, although some contests may be prioritized.

While SB0313 addresses principles 1 and 2, it fails to define the limitations for principles 3 through 5.

Regarding Principle 3, Separation of Responsibilities, the bill should require that certain aspects of the RLA be defined by an entity independent of the SBE. These aspects are

selection of races, risk limits, and type of RLA to be implemented. Possible independent parties could be the Office of Legislative Audits or an outside organization familiar with statistical analysis and auditing. This independent party would select races, set risk limits, and oversee the conduct of the RLA by the SBE and local boards. Public trust in the results of the audit would be enhanced if the RLA were not conducted by the same entity, i.e., the SBE, that conducts the election. A further benefit of this would be to avoid the tendency observed in other states where RLAs are employed to select races that have large margins so that fewer ballots need to be reviewed to meet the risk limits thus reducing the effort of the election staff.

The Fiscal and Policy Note for SB0313 states that there are two types of RLAs. The bill should prescribe the type to be used in Maryland.

Regarding Principle 4, Ballot Protection, the bill should specify ballot protection measures to be used to ensure the ballots chosen for the audit are protected from loss or alteration. Auditors must have timely access to Cast Vote Records to assure that the votes cast agree with the eligible ballots received.

Regarding Principle 5, Comprehensiveness, the bill also should require all types of ballots to be audited including provisional, web, and UOCAVA ballots.

To minimize the chances of fraud, SB0313 should specify that the races to be audited remain undisclosed until after the initial results of the election have been made public.

In addition, the provision in SB0313 that allows the outcome of an election to be changed based on the outcome of the RLA should be removed or revised. The outcome of a statistically based audit should not be able to overturn an election. This could disenfranchise voters. In accordance with RLA methodology, adverse audit results should require an audit of more ballots up to and including all ballots in a race as necessary. So rather than allowing the RLA to overturn a race, the bill should allow the RLA process to proceed to its ultimate conclusion. Only the voter verified paper records should be able to determine the outcome of an election.

2025 SB0313 Testimony Against 2025-02-26.pdf

Uploaded by: Alan Lang

Position: UNF

Testimony Against SB0313

Honorable Senators

Please enter an unfavorable report against SB0313.

I am against:

- Requiring the State Board of Elections, in collaboration with the local boards of elections, to conduct a risk-limiting audit after each statewide election;
- authorizing the State Board, in collaboration with the local boards, to conduct a risk-limiting audit after a special general election;
- authorizing, rather than requiring, the State Board, in collaboration with the local boards, to conduct an automated software audit after a statewide election.

Like last year, please enter an unfavorable report. Unlike last year, this bill is not proposing a pilot study before implementation.

I have done federal audits for 40 years based on statistical sampling, and I find the material in the new section (B), subsection (1) beginning on page 4, line 10, to be extremely hard to understand. The bill puts a lot of faith in the State Board of Elections to design a complicated sampling process so reliable that its results could be substituted for the election results being tested.

I am deeply concerned that the process for conducting these risk-limiting audits in Section 1 could result in the actual voting totals produced by the election software being replaced by the sampling results. Last year, the sampling was to be done on a pilot basis, before adoption was considered.

Section 1, subsection (b)(5) on page 5, lines 5-8 states

If a risk-limiting audit finds that the election outcome determined by the electronic count is incorrect, **the official result of the election shall be altered** to match the outcome determined by the risk-limiting audit. **Changing the results of an election based on sample results is a radical statement, in my opinion.**

Sampling results involve sampling error and confidence ranges. Usually, one would state something to the effect that we are 95 percent confident that at least x more people voted for candidate A than the results shown by the electronic software (the lower bound of the confidence interval). We could also state we are 90 percent confident that the estimated number of votes received for candidate A are between x and y, with a sample mean of n votes. If the lower bound of the interval (x) is materially larger/smaller than the actual votes cast, then we have some basis to cast doubt on the software election results. The required materiality and confidence levels desired would impact the sample size needed.

It would seem to me, that if the sample shows a big enough error to change the election results, that one would want a 100 percent recount of the ballots and moreover, it could cast doubt on all the results not tested that used the election software.

Testimony Against SB0313

I am in favor of doing the audits to test the election results, but I believe using section 1, subsection (B)(5) to use the audit sample results instead of the count being tested, is far too risky for me to support the bill with amendments.

Please vote against HB0313.

Alan Lang
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February 26, 2025

SB313 - 2025.pdf

Uploaded by: Stephen Feryus

Position: INFO



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.