

January 31, 2025

**Testimony on HB 426**  
**Election Law - Postelection Tabulation Audits - Risk-Limiting Audits**  
**Ways and Means**

**Position: Favorable**

Common Cause and Common Cause Maryland strongly support House Bill 426, 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.

Risk-limiting audits are widely considered the “gold standard” of post-election audits. They help support public trust in elections by checking a random sample of voter-verifiable paper ballots, giving strong evidence to support the reported election results — or, if the originally reported outcome was *not* correct, they provide a mechanism to revise the outcome before the election results are certified.

Maryland’s current law doesn’t allow for a post-election audit to change an election outcome, if the audit discovers problems with the initial tally. One of the reasons we support this legislation is because it creates a way for the post-election audit to replace incorrect outcomes. Unfortunately, there have been problems with vote tabulation from time to time. For example, ballots in North Kingstown, Rhode Island were not counted correctly in 2016; that incident prompted the state’s General Assembly to pass Rhode Island’s risk-limiting audit law.

House Bill 426 would add Maryland to the growing number of states moving to risk-limiting audits, which are a “smarter” type of audit that minimizes the burden on local election officials. With a risk-limiting audit, audit workers manually review and tally only as many ballots as are needed to provide strong evidence that the machine-generated counts are correct. This type of audit has 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; the 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 – and for the purpose of continuity and maintaining 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 also suggest adjusting the bill’s language regarding audits of local contests, either to make it a local option, or to integrate the audit of the local contest into the required statewide audit. 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 House Bill 426, and we urge a favorable report.

