

HOUSE BILL 426

G1

(5lr1806)

ENROLLED BILL

— *Ways and Means/Education, Energy, and the Environment* —

Introduced by **Delegates Kaiser and Wilkins**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Postelection Tabulation Audits – Risk-Limiting Audits**

3 FOR the purpose of requiring the State Board of Elections, in collaboration with the local
4 boards of elections, to conduct a risk-limiting audit after each statewide election;
5 authorizing the State Board, in collaboration with the local boards, to conduct a
6 risk-limiting audit after a special general election; authorizing, rather than
7 requiring, the State Board, in collaboration with the local boards, to conduct an
8 automated software audit after a statewide election; authorizing a local board to
9 conduct a risk-limiting audit of a local contest under certain circumstances; repealing
10 a requirement to conduct a manual audit after each statewide general election; and
11 generally relating to postelection tabulation audits.

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section 11-309

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2022 Replacement Volume and 2024 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Election Law**

6 11–309.

7 (a) (1) In this section the following words have the meanings indicated.

8 **(2) “AUTOMATED SOFTWARE AUDIT” MEANS AN AUDIT OF**
9 **ELECTRONIC IMAGES OF BALLOTS CAST IN AN ELECTION USING SOFTWARE THAT IS**
10 **INDEPENDENT OF THE VOTING SYSTEM.**

11 **(3) “ELECTRONIC COUNT” MEANS THE VOTE TOTALS PRODUCED BY**
12 **THE VOTING SYSTEM.**

13 **(4) “LOCAL CONTEST” MEANS A CONTEST THAT:**

14 **(I) IS NOT A STATEWIDE CONTEST; AND**

15 **(II) APPEARS ON THE BALLOT IN ALL OR PART OF A COUNTY,**
16 **INCLUDING A CONTEST TO REPRESENT A DISTRICT THAT INCLUDES MORE THAN ONE**
17 **COUNTY.**

18 **[(2)] (5) “Manual [audit] COUNT” means inspection of voter–verifiable**
19 **paper records by hand and eye to obtain vote totals in a contest [that are compared to the**
20 **vote totals produced for that contest by the electronic voting system].**

21 **[(3)] “Previous comparable general election” means:**

22 **(i) in a presidential election year, the presidential election held 4**
23 **years earlier; and**

24 **(ii) in a gubernatorial election year, the gubernatorial election held**
25 **4 years earlier.]**

26 **(6) “RISK LIMIT” MEANS THE SMALL, PREDETERMINED MAXIMUM**
27 **CHANCE THAT A RISK–LIMITING AUDIT WILL NOT REQUIRE A FULL MANUAL COUNT**
28 **OF VOTER–VERIFIABLE PAPER RECORDS IN AN AUDITED CONTEST IF A FULL**
29 **MANUAL COUNT OF THE VOTER–VERIFIABLE PAPER RECORDS WOULD FIND A**
30 **DIFFERENT OUTCOME THAN THE OUTCOME DETERMINED BY THE ELECTRONIC**
31 **COUNT.**

1 (2) The manual audit shall be completed within 120 days after the general
2 election.

3 (3) If the manual audit shows a discrepancy, the State Board may:

4 (i) expand the manual audit; and

5 (ii) take any other actions it considers necessary to resolve the
6 discrepancy.

7 (4) Within 14 days after the conclusion of the audit, the State Board shall
8 post on its website a report that describes:

9 (i) the precincts and number of votes selected for the manual audit
10 in each county and the manner in which the precincts and votes were selected;

11 (ii) the results of the manual audit; and

12 (iii) any discrepancy shown by the manual audit and how the
13 discrepancy was resolved.

14 (5) The State Board shall allow for public observation of each part of the
15 manual audit process to the extent practicable.

16 (e) An audit under this section:

17 (1) may not have any effect on the certified election results; and

18 (2) shall be used to improve the voting system and voting process for future
19 elections.]

20 **(B) (1) FOLLOWING EACH STATEWIDE ELECTION, THE STATE BOARD, IN**
21 **COLLABORATION WITH ~~THE LOCAL BOARDS~~ EACH LOCAL BOARD, SHALL AUDIT THE**
22 **ACCURACY OF THE VOTING SYSTEM'S TABULATION OF VOTES IN EACH COUNTY BY**
23 **CONDUCTING A RISK-LIMITING AUDIT OF:**

24 **(I) AT LEAST ONE STATEWIDE CONTEST; AND**

25 **(II) ~~AT LEAST ONE LOCAL CONTEST IN EACH COUNTY; AND~~**

26 **(~~III~~) ANY OTHER CONTESTS SELECTED FOR AUDIT BY THE STATE**
27 **BOARD.**

1 (2) FOLLOWING A SPECIAL GENERAL ELECTION, THE STATE BOARD,
2 IN COLLABORATION WITH THE LOCAL BOARDS, MAY CONDUCT A RISK-LIMITING
3 AUDIT.

4 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
5 STATE BOARD SHALL SELECT THE SPECIFIC CONTESTS TO BE AUDITED UNDER
6 PARAGRAPH (1) OF THIS SUBSECTION.

7 (II) A CONTEST FOR AN OFFICE FOR WHICH THE TERM BEGINS
8 IN THE MONTH OF DECEMBER MAY NOT BE SELECTED FOR AUDIT UNLESS THE
9 ELECTION DIRECTOR FOR THE COUNTY AGREES TO AUDIT THE CONTEST.

10 (4) A RISK-LIMITING AUDIT SHALL:

11 (I) MANUALLY EXAMINE RANDOMLY CHOSEN INDIVIDUAL
12 VOTER-VERIFIABLE PAPER RECORDS OR BATCHES OF VOTER-VERIFIABLE PAPER
13 RECORDS UNTIL THE RISK LIMIT IS MET OR THE CORRECT ELECTION OUTCOME IS
14 ESTABLISHED;

15 (II) BE COMPLETED BEFORE ~~CERTIFICATION OF THE ELECTION~~
16 ~~RESULTS~~ THE BOARD OF STATE CANVASSERS TRANSMITS A CERTIFIED STATEMENT
17 OF THE ELECTION RESULTS TO THE STATE BOARD UNDER § 11-503(A) OF THIS
18 TITLE; AND

19 (III) BE OBSERVABLE BY THE PUBLIC TO THE MAXIMUM EXTENT
20 PRACTICABLE.

21 (5) (I) IF A RISK-LIMITING AUDIT FINDS THAT THE ELECTION
22 OUTCOME DETERMINED BY THE ELECTRONIC COUNT IS INCORRECT, ~~THE OFFICIAL~~
23 ~~RESULT OF THE ELECTION SHALL BE ALTERED TO MATCH THE OUTCOME~~
24 ~~DETERMINED BY THE RISK-LIMITING AUDIT.~~

25 (6) ~~WITHIN 10 DAYS AFTER THE CONCLUSION OF THE RISK-LIMITING~~
26 ~~AUDIT, THE STATE BOARD SHALL POST ON THE STATE BOARD'S WEBSITE A REPORT~~
27 ~~THAT DESCRIBES THE AUDIT PROCESS AND THE RESULTS OF THE AUDIT~~
28 INACCURATE, THE STATE ADMINISTRATOR, IN CONSULTATION WITH THE STATE
29 BOARD, SHALL DIRECT THE RELEVANT BOARD OF CANVASSERS TO IMMEDIATELY
30 INVESTIGATE THE MATTER TO DETERMINE AN ACCURATE ELECTION RESULT.

31 (II) THE BOARD OF CANVASSERS SHALL CONCLUDE THE
32 INVESTIGATION WITHIN 3 DAYS.

1 (III) THE BOARD OF CANVASSERS SHALL CORRECT THE
2 ELECTION RESULT IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE
3 BOARD.

4 (6) THE STATE ADMINISTRATOR SHALL REPORT THE RESULTS OF
5 THE RISK-LIMITING AUDIT TO THE BOARD OF STATE CANVASSERS AND THE STATE
6 BOARD.

7 (C) IN ADDITION TO THE RISK-LIMITING AUDIT REQUIRED UNDER
8 SUBSECTION (B) OF THIS SECTION, THE STATE BOARD, IN COLLABORATION WITH
9 THE LOCAL BOARDS, MAY CONDUCT AN AUTOMATED SOFTWARE AUDIT AFTER A
10 STATEWIDE ELECTION.

11 (D) A LOCAL BOARD MAY CONDUCT A RISK-LIMITING AUDIT OF A LOCAL
12 CONTEST AT THE DISCRETION OF THE LOCAL BOARD.

13 [(f)] ~~(E)~~ (1) The State Board shall adopt regulations to carry out this section.

14 (2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
15 SUBSECTION TO CARRY OUT RISK-LIMITING AUDITS IN ACCORDANCE WITH
16 SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

17 (I) CRITERIA FOR DETERMINING THE CONTESTS TO BE
18 AUDITED;

19 (II) THE RISK LIMIT; AND

20 (III) THE AUDIT METHOD.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
22 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.