Common Cause
Maryland
Holding Power Accountable

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Testimony on HB 1172
Election Law – Postelection Tabulation Audits – Risk–Limiting Audits
Ways and Means

Position: Favorable

Common Cause Maryland supports House Bill 1172 which requires the State Board of Elections (SBE), in collaboration with the local boards of elections, to conduct a specified risk-limiting audit following each statewide election. This legislation is a critical reform needed to ensure that the results of the election reflect the will of Maryland voters.

This legislation is a critical step to ensuring that IF and WHEN our vote counting machines fail, whether due to foreign interference or simple programming errors, that we have an automatic process in replace to check on the software counts and correct them if they are wrong.

We know from experience in other states that the will of the voters can be thwarted due to a simple miscount. In November 2016, North Kingstown RI, a simple programming error led to the wrong result. A ballot font was changed after the scanner was calibrated. The results were so lopsided that the election officials conducted a recount. And after that, Rhode Island adopted a risk limiting audit requirement similar to the one being considered in this legislation

In Maryland, we mark and cast paper ballots. Paper ballots are a wonderful deterrent to any kind of cyber-attack. Paper ballots can be manually reviewed and recounted, and election results can be determined to ascertain the will of the voters.

However, as is known, hand counting thousands of paper ballots is time consuming. That's where this legislation comes in. If the state establishes that instead election officials may use a risk limiting audit, the workload is significantly diminished. With a risk limiting audit, election officials need only manually review and tally as many ballots as are needed to provide strong evidence that the software generated counts are correct.

Think of the risk limiting audit as a "smart" audit. Risk-limiting audits determine precisely how much hand counting is necessary to confirm election results to a given level of confidence. The closer the contest, the more ballots must be examined to have strong evidence of the result. Fewer errors can change the outcome. The higher the desired confidence (say 99 percent versus 90 percent) the more ballots must be examined – because higher confidence requires more evidence.

Let's ensure that our elections are safe and secure.

We urge a favorable report.