



Maryland Association of Election Officials

Representing the Local Election Boards of the State of Maryland

February 11, 2021

Delegate Anne Kaiser, Chair
Maryland House Ways and Means Committee
Room 131, House Office Building
Annapolis, MD 21401-1991

RE: HB759 – Information

Delegate Kaiser and Committee Members:

My name is Katherine Berry. I am the Election Director in Carroll County and the co-chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. MAEO represents the local boards of elections throughout the State of Maryland. I am writing today representing myself and MAEO with information and an amendment regarding HB759 – Election Law – Post-election Tabulation – Risk Limiting Audits.

This bill would require that automated software be used to conduct an audit of not more than 25% of ballots cast using ballot images, that the audit be completed before the certification of the election and it be done with at least one statewide office and one county office with the option of any other offices deemed necessary by the State Board of Elections.

The local boards of election offices conduct a series of audits before and after each election to ensure that the voting system is properly tabulating ballots. Before the election, the scanning units, ballot marking devices and electronic pollbooks endure a series of testing called Logic and Accuracy Testing. Each machine can endure up to 5 hours of testing due to the amount of ballot styles each county has to test for early voting centers and vote centers, if applicable. If results are not accurate and problems occur, the machine is pulled out of deployment until it can be fixed. Immediately following election day, local boards of elections are tasked with conducting a random audit of a certain percentage of early voting centers and polling places. This compares the number of ballots cast and the number of voters who checked in. Also, after the election, 100% of the ballot images statewide are uploaded and sent to a third-party vendor, Clear Ballot so that they can conduct an audit comparing the voting system's results with the Clear Ballot results using the ballot images. Post-certification, local boards of elections are required to conduct a manual hand tally audit of a certain office on the ballot and randomly selected ballots cast at early voting, during election day, absentee canvass, and provisional canvass.

In the days after the election, staff are busy preparing for absentee canvass, reviewing, and preparing provisional ballot applications for the canvass and conducting the random audits required before certification among other things. If there are any close races, we are also concerned about recounts that may be requested and the delicate timeline that it must follow since elected officials are sworn into their positions beginning in early December. All of these things are to be conducted in specific timeframes laid out in law and require an immense amount of staff attention and space – all of which local boards of elections do not have enough of.

MAEO recommends consideration of initiating a task force from June 2021-December 2021 that would be able to put together a plan to successfully implement risk limiting audits. Logistical concerns must be addressed for the local boards of elections to be able to adequately do the task being requested. The biggest topics of concern include permanent election staff needs, more warehouse and office space requirements and additional funding. Recommendations from this task force could be presented in time for the 2022 Legislative Session.

MAEO has a strong desire to be able to complete our jobs, do it well and do it efficiently and to do that, the items above must be addressed. We are hopeful that you will consider our recommendation for an amendment to only initiate a task force in 2021.

Thank you for your time. If you have any questions, please contact me at (410)386-2958 or Katherine.berry@maryland.gov.