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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 742 – Election Law – Postelection Tabulation Audits – Risk–Limiting Audits
Testimony of Senator Mary Washington
February 22, 2022

Dear Colleagues,

SB 742 requires the State Board of Elections (SBE), in collaboration with the local boards of elections, to audit the accuracy of the voting system's tabulation of votes by completing a risk-limiting audit (RLA).

SB 742 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 examining random ballots in at least one statewide contest, and at least one countywide or local contest. RLAs manually examine randomly chosen individual paper ballots or batches of paper ballots until there is sufficiently strong evidence that a full hand count would confirm the electronic tabulation, or until there has been a full hand count.

RLAs are the *gold standard* for ballot auditing, because it uses statistical means to confirm election results and takes full advantage of paper ballots. RLAs are recommended by election experts as the preferred way to verify election outcomes and to confirm that results have not been corrupted by hacking.

RLAs are far superior to our current auditing procedures. Only an RLA can correct a wrong election outcome and ensure that the proper winners are certified. Our current automated software audit cannot correct a wrong election outcome because it relies on recounting potentially inaccurate ballot images rather than actual physical ballots.

SB 742 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 and give voters greater confidence in the entire electoral process.

Our current manual audit is not completed until months after the election results are certified. Furthermore, our current audit is only used to gauge the performance of the voting system and not to correct any problems with our election results.

Finally, SB 742 ensures a transparent process for conducting the audits and posting a report describing the process and results. These measures will help to further voter's confidence in the integrity of Maryland's elections.

Maintaining the integrity of the vote is one of the most important tasks of the Board of Elections in Maryland. As you know, current election law requires a full audit of the election results after the primary and general elections. This is an important first step in ensuring confidence in the vote. However, we have seen after the 2020 election that the longer it takes to audit the results, the more concerned the general public gets with voter fraud.

SB 742 would improve our election system by shifting the focus from auditing the machines, to auditing the election outcomes. A truly robust post-election audit should check whether the outcome of the election is correct.

RLAs are a simple way to confirm whether voting machines are recording and tallying votes correctly. It is one of the critical measures necessary to secure elections and a key component of a broader cybersecurity defense.

I respectfully request a favorable report on SB 742.

In Partnership,

Senator Mary Washington
Maryland 43rd District