

February 21, 2024

**Testimony on SB 523**  
**Election Law - Postelection Tabulation Audits - Risk-Limiting Audits**  
**Education, Energy, and the Environment**

**Position: Favorable**

Common Cause Maryland strongly supports Senate Bill 523, 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 because they are based on human review of a random sample of voter-verified paper ballots – and they either provide strong evidence that the originally reported outcome was correct; or they provide a mechanism to correct a wrongly reported initial outcome before the election results are certified.

They have 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 Intelligence Committee; 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; 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.

A growing number of states are moving to risk-limiting audits, because they are a “smarter” type of audit that is rigorous while also minimizing the burden on local election officials. With a risk-limiting audit, election officials manually review and tally only as many ballots as are needed to provide strong evidence that the machine-generated counts are correct.

Even voting machine infrastructure is being changed to reflect the move toward risk-limiting audits: the newest standards for voting machines issued by the United States Election Assistance Commission (EAC) – [VVSG 2.0](#) – were written to ensure that future voting systems would support risk-limiting audits.

Senate Bill 523 would replace the current “manual audit” of ballots, which are currently completed months after the election, with risk-limiting audits that are completed *before certification*. It would also allow the State Board of Elections the option to continue the “automated software audit” that is currently conducted. And it would authorize pilot risk-limiting audits, which are basically dress rehearsals, to be done in the months after the 2024 elections using ballots from that election. **Common Cause Maryland strongly supports such pilots**, because they allow elections officials to become familiar with audit processes in a “test run” environment. Colorado, Georgia, Michigan, Pennsylvania, Rhode Island, Texas and Virginia have all successfully piloted risk-limiting audits to prepare for full statewide implementation.

The Senate may want to consider extending the deadlines for the pilots to be completed and reports filed with the Legislature, to move those deadlines a bit further out from the 2024 general election and avoid overlap with the time periods during which the current post-election audits will be performed. But the piloting process provided by this bill is a good one; and it has worked well in other states.

In the current political environment, post-election audits can be a highly effective method of increasing public trust in elections. Risk-limiting audits are robust and rigorous, while also being efficient and cost-effective. We strongly endorse them, and so we strongly support this bill.

We would be pleased to provide you with additional information.

We urge a favorable report.

