

SB0523_Postelection_Tabulation_Audits_Risk-Limitin

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0523
ELECTION LAW – POSTELECTION TABULATION AUDITS
RISK-LIMITING AUDITS**

Bill Sponsor: Senator M. Washington

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0523 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

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

This bill 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 a small but significant number of the ballots cast in at least one statewide contest, and at least one countywide or local contest. The audit would require manually examining randomly chosen voter-verifiable paper records or batches of paper records until there is sufficiently strong statistical evidence that a full manual count would confirm the electronic count, or until there has been a full manual count.

This method would quickly provide clarity about the election results required and would help the public have more confidence in the validity of the electoral process.

We support this bill and recommend a **FAVORABLE** report in committee.

GMOM_SB523_022124.pdf

Uploaded by: Charlie Cooper

Position: FAV



Board of Directors

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Renaud Brown

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Sheila Ruth
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Ashley Sparks
Martin Wulfe

**TESTIMONY BEFORE THE EDUCATION, ENERGY, AND THE
ENVIRONMENT COMMITTEE IN SUPPORT SENATE BILL 523 –
ELECTION LAW – POSTELECTION TABULATION AUDITS – RISK-
LIMITING AUDITS
February 21, 2024**

Get Money Out (GMOM) is an all-volunteer organization seeking to get big money out of our political system and make elections fairer. Every citizen should have equal access to the ballot as a voter or as a candidate and an equal say in governance. In our 11 years of work, we have signed up over 10,000 supporters.

The integrity of elections must be of paramount concern to State government. Cynicism about government and elections is already rampant for a variety of reasons. Computer security experts have advised that automated election technologies suffer from several kinds of vulnerabilities. In addition to simple mechanical failure or software bugs, these vulnerabilities can exist in the machines which record or tally the votes or in the network by which the tallied votes are reported to the State Board of Elections, and threats could come conceivably from inside an equipment or software maker or from an election administration organization. The fact that untrue charges have been made along these lines – and thoroughly disproven – does not mean that problems cannot occur in the future.

Maryland has increased election security by switching to optical scan machines that have a paper trail for every vote cast. We are enthusiastic about the audit procedures proposed in SB 523 that will take full advantage of the paper trail in order to verify that votes are recorded, tallied, and reported accurately. It is our understanding that the risk-limiting audit procedure required by this legislation meets the accepted standards of election security, balanced with economy, according to science and engineering principles.

The regulations required in section (D)(2) of the bill on page 5 will be critical in determining that the audit procedures actually perform their protective function. Therefore, we applaud the creation of a workgroup to assure that the State Board receives a wide range of advice in setting criteria and procedures for the risk-limiting audits.

We enthusiastically urge a favorable report on SB 523 in order to verify the accuracy of our election tallies and to chart a course where the public can have more confidence in the security of our elections.

Verified Voting Favorable SB 523.pdf

Uploaded by: Chrissa LaPorte

Position: FAV

February 20, 2024

Maryland Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401
via electronic submission

**Verified Voting Testimony on SB 523
Postelection Tabulation Audits – Risk-Limiting Audits
Position: Favorable**

Dear Chair Feldman and Members of the Committee:

On behalf of Verified Voting, I write in support of SB 523 regarding Postelection Tabulation Audits - Risk-Limiting Audits. Verified Voting's mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since our founding in 2004 by computer scientists, we have acted on the belief that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast. As such, we welcome and support SB 523, which would implement highly effective routine manual checks on machine counts, called risk-limiting audits, in Maryland's statewide elections. Simply put, risk-limiting audits can help Maryland election officials efficiently show that reported winners really got more votes.

Risk-limiting audits and other routine manual audits address two distinct challenges to U.S. elections: the chance that voting technology will misreport results, and the spread of baseless accusations that vote counts are rigged. Well-designed audits provide routine, efficient, and timely quality assurance. They take a "show, don't tell" approach to confirming vote counts.

More specifically, risk-limiting audits (RLAs) can efficiently confirm that one or more election outcomes match what a full hand count of those ballots would reveal, before results are made final. Typically, RLAs provide strong evidence that a full hand count would confirm the reported election outcomes while checking a small fraction of the voted ballots. (If necessary, RLAs can check more ballots, up to a full hand count if needed to establish the correct outcome.)

RLAs have been widely endorsed by security specialists and election officials. In fact, RLAs and other robust post-election audits have been recommended by the American Statistical Association, U.S. Department of Homeland Security, the U.S. Senate Select Intelligence Committee, and many other experts as one element of a strong and resilient election infrastructure. Election officials across the country have taken the lead in piloting and implementing RLAs. Colorado, Georgia, Pennsylvania, Rhode Island, and Virginia are now regularly conducting RLAs prior to the finalization of election results. Verified Voting has worked closely with election officials on many of these implementations, helping to tailor the methods to each state's distinctive circumstances and needs.

SB 523 takes a measured approach to enacting risk-limiting audits in Maryland, establishing broad requirements without micromanaging details. It requires RLAs to be conducted by hand, to be observable by the public, to follow regulations to be promulgated by the State Board, and to be completed before results are certified—with the results promptly reported. These requirements will promote public confidence in Maryland elections. Sensibly, the bill provides that the audit method should be specified in regulation, not in law. New approaches are continually being developed to fit the varied needs and circumstances of election officials around the country. Maryland election officials deserve room to adapt and innovate.

We see room for adjusting a few provisions of the bill. In particular, we support auditing both statewide and local contests, but applying a risk limit to audits of local contests may be premature. An RLA of a local contest can require as much work as an entire statewide RLA of a contest with a similar margin, thus proving burdensome for election officials. Local contests can still be audited in conjunction with the RLA—for instance, on the ballots that appear in the statewide sample—without enforcing a risk limit for the local contests. If RLAs of local contests are required, we suggest giving election officials additional time to conduct them. The bill appears to require that RLAs of local contests are completed by the local certification deadline, which is only 10 days after the election. We suggest extending this deadline until after local certification, though still with enough time to correct the outcome.

We applaud you for considering this bill and encourage you to support it. We would be delighted to discuss these topics with committee members, election officials, and other Maryland stakeholders.

Respectfully,

Chrissa LaPorte
Senior Policy & Technical Associate

2024-02-21 MD SB 523 RLA testimony.pdf

Uploaded by: Liz Iacobucci

Position: FAV

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.



TESTIMONY FOR SB523 - Google Docs - Google Docs.pdf

Uploaded by: Marijane Mnck

Position: FAV



TESTIMONY FOR SB523

ELECTION LAW – POST ELECTION TABULATION AUDITS – RISK-LIMITING AUDITS

Bill Sponsor: Senator M. Washington

Committee: Education, Energy, and the Environment

Organization Submitting: Indivisible Howard County

Person Submitting: Marijane Monck - Co-Facilitator Defend Democracy Team

Position: FAVORABLE

I am submitting testimony in favor of Senate Bill 0523 on behalf of Indivisible Howard County. Indivisible Howard County is a 700+ member organization comprising numerous action teams. The Defend Democracy Team works on issues involving campaign finance and election integrity.

Although audits occur for every primary and general election, the longer they take the more likely some in the electorate may question the validity of the election results.

This bill authorizes the Board of Elections, in conjunction with local Boards, to conduct a risk-limiting audit immediately after the election. The audit requires a manual examination of randomly chosen voter-verifiable paper records or batches of records until there is statistical evidence that it would confirm the electronic vote.

We support this bill and recommend a FAVORABLE report in committee.

SB0523_FAV_mgoldstein 2024.pdf

Uploaded by: Mathew Goldstein

Position: FAV



Secular Maryland

<https://secularmaryland.dorik.io> secularmaryland@tutanota.com

February 21, 2024

SB 523 - SUPPORT

Election Law - Postelection Tabulation Audits - Risk-Limiting Audits

Dear Chair Brian J. Feldman, Vice-Chair Cheryl C. Kagan, and Members of the Education, Energy, and the Environment Committee,

The American Statistical Association endorses and recommends risk-limiting audits (RLA). The Brennan Center for Justice, Common Cause, Public Citizen, and Verified Voting advocate for RLA. When risk-limiting audit procedures are followed, there is only a limited chance that an incorrectly reported outcome could go undetected. RLAs can adapt to various kinds of voting systems, as long as there are voter-verified ballots to audit. Contests with a wide margin can be audited with very few ballots, freeing up resources for closer contests. The election schedules in Maryland should be re-defined if needed to allow for sufficient time to complete an RLA for close contests before the certification deadline. Other states have successfully implemented RLAs.

Secular Maryland advocates for empirical evidence based laws. Accordingly, we endorse this bill and request that it be enacted into law.

Mathew Goldstein
3838 Early Glow Ln
Bowie, MD

2-21 NS_LTK SB 523 - Election Law - Post Election

Uploaded by: Nikki Tyree

Position: FAV



TESTIMONY TO THE HOUSE WAYS AND MEANS COMMITTEE

SB 523 - Election Law - Post Election Tabulation Audits - Risk-Limiting Audits

POSITION: Favorable

BY: Linda Kohn, President

Date: February 21, 2024

The League of Women Voters supports measures that ensure the accurate counting of all votes and that protect the integrity of our elections. Risk-limiting audits can be a useful tool in this effort and are well worth funding.

SB 523 would replace certain existing requirements for the auditing of election systems with a more modern, statistically proven risk-limiting audit (RLA). Colorado and Rhode Island already require risk-limiting audits, and other states have implemented pilot RLA projects in selected jurisdictions.

Risk-limiting audits are more efficient than the current mandate to audit a fixed percentage of ballots. Instead, they only sample as many voter-verified paper ballots as are necessary according to the margin of victory in each contest. At least one statewide contest must be audited this way, plus at least one local contest in each county. Pre-determined guidelines for expanding the audit, up to a full recount if necessary, preclude the need for making arbitrary, case-by-case decisions.

Another advantage of SB 523 is that it 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.

Finally, SB 523 proposes a transparent process for conducting the audits and posting a report on the State Board of Elections website describing the process and the results. These measures will help maintain public confidence in the integrity of Maryland's elections.

The League of Women Voters of Maryland urges a favorable report on SB 523.

SB0523 Risk Limiting Audit.pdf

Uploaded by: Robert Atkins

Position: FAV

SB0523 Election Law - Postelection Tabulation Audits - Risk-Limiting Audits

My understanding is that this audit would take place before an election is certified and would involve manually counting some portion of the ballots. This would replace the manual audit that takes place well after the election. Based upon the contest outcome the sample size of the audit would be set. If the contest being audited is close, a larger sample size would be required than if the contest were not close. The actual process and confidence limits to determine sample size would be determined by SBE.

This process could be good depending upon the confidence limits set. It would give us an actual hand count of ballots before certifying the results. And it may inspire greater confidence in the election results. It all depends upon the numbers and process used. Don't see a negative to this pilot process. The existing manual ballot audit in February has always shown good results yet it's so far after the election that most people question its utility.

The section which gives the State Board of Elections the power to alter the results of the election upon the basis of a statistical test is very problematic. However, the candidates would absolutely request a recount if the results of the audited contest were altered such that the order of finish changed.

Robert Atkins

2024 SB0523 Testimony against 2024-02-21.pdf

Uploaded by: Alan Lang

Position: UNF

Testimony Against SB0523

Please vote against SB0523.

I have done federal audits for 40 years based on statistical sampling, and I find the material in the new section 1, subsection b to be extremely hard to understand. The bill puts a lot of faith in the State Board of Elections to design a complicated sampling process so reliable that its results could be substituted for the election results being tested.

I am deeply concerned that the process for conducting these risk-limiting audits in Section 1 will be enacted with the contingency that the results of the pilot in section 2 may require changing them.

Section 1, subsection (b)(5) on page 5, lines 7-10 states

“If a risk-limiting audit finds that the election outcome determined by the electronic count is incorrect, **the official result of the election shall be altered** to match the outcome determined by the risk-limiting audit.”

Changing the results of an election based on sample results is a radical statement, in my opinion.

Sampling results involve sampling error and confidence ranges. Usually, one would state something to the effect that we are 95 percent confident that at least x more people voted for candidate A than the results shown by the electronic software (the lower bound of the confidence interval). We could also state we are 90 percent confident that the estimated number of votes received for candidate A are between x and y, with a sample mean of n votes. If the lower bound of the interval (x) is materially larger/smaller than the actual votes cast, then we have some basis to cast doubt on the software election results. The required materiality and confidence levels desired would impact the sample size needed.

It would seem to me, that if the sample shows a big enough error to change the election results, that one would want a 100 percent recount of the paper ballots and moreover, it could cast doubt on all the results not tested that used that software.

I am in favor of the pilot process, but I believe the risk of putting section 1, subsection b in place to be possibly modified by the pilot results, is too risky for me to support the bill with amendments.

Please vote against HB0040.

Alan Lang
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SB0523.pdf

Uploaded by: Suzanne Duffy

Position: UNF

SB0523 has the potential to create more problems and issues than solve them. SAY NO to this bill, most of us have more faith in our local county and city election offices than we do with the state overseeing and possible mismanagement and overreach they are becoming known for. SB0523 is a bad bill ripe for trouble and way too risky from a public perspective.

Don't give us more reason to question election outcomes.

“Public trust in the federal government, which has been low for decades, has returned to near record lows following a modest uptick in 2020 and 2021. Currently, fewer than two-in-ten Americans say they trust the government in Washington to do what is right “just about always” (1%) or “most of the time” (15%). This is among the lowest trust measures in nearly seven decades of polling. Last year, 20% said they trusted the government just about always or most of the time.” PEW Research, Sept 2023
<https://www.pewresearch.org/politics/2023/09/19/public-trust-in-government-1958-2023/>

Suzanne Price
AACo