



Legislation Summary:

An Act protecting elections using risk-limiting audits

Initial bill number(s): H.726/S.423

Sponsors: Senator Edward J. Kennedy and Rep. Andres X. Vargas

What the bill does, why LWVMA supports or opposes it, and the League position relative to this bill.

The bill would require post-elections audits after every regular state primary and biennial state election, a change from the current schedule of audits only after presidential elections. It would require those audits to use a technique known as “risk-limiting audits” (RLA) to conduct the elections. RLA is considered the “gold standard” of post-election auditing. More comprehensive and more frequent post-election audits can increase voter confidence in the accuracy of elections. Audits not only confirm the vote totals used to count votes immediately after elections, but also can flag problems with election equipment and ballot design.

The bill defines risk-limiting audit (RLA), as “a manual tally employing a statistical method that ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the vote tabulating system for the audited contest...”. It consists of a manual count of the votes in audit units and “shall continue to hand tally votes in additional audit units until there is strong statistical evidence that the electoral outcome is correct.” If this does not provide strong statistical evidence that the electoral outcome is correct, the audit shall continue until there has been a full manual tally to determine the correct electoral outcome of the audited contest.

A special League task force studied and issued a detailed report on post-election audits in January 2009. The 30-page report recommends “risk-limiting audits with escalation protocols... Audits should be designed and implemented so that there is great confidence that any significant error will be detected... Fixed percentage audits include insufficient audit units...in small or close races and unnecessarily many units for landslide or large races.” The report recommended audits for “selected races and ballot questions in all elections - primary, general and special.”

<https://www.lwv.org/sites/default/files/2018-07/report-electionaudits.pdf>

For more details see National Conference of State Legislatures webpage on [Risk-Limiting Audits](#) and on post-election audits [Post-Election Audits \(ncsl.org\)](#).

Three states, Colorado, Rhode Island and Virginia, have laws requiring RLAs. Eight more—Georgia, Indiana, Kentucky, Michigan, Nevada, New Jersey, Pennsylvania and Texas—have pilot programs. Maine will start an RLA pilot program after the 2024 election.