



**Testimony in support of  
H.726/S.423 An Act Protecting Elections using Risk-Limiting Audits  
By Nancy Brumback, LWVMA Elections and Voting Legislative Specialist  
September 19, 2023**

This bill would require post-election audits after every regular state primary and biennial state election, a change from the current schedule requiring audits only after presidential elections. Audits not only confirm vote counts but can also flag problems with election equipment and ballot design. More comprehensive and more frequent post-election audits can increase voter confidence in the accuracy of elections.

This bill would also require that audits use a technique known as “risk-limiting audits” (RLA) to confirm the accuracy of election results. RLA is considered the “gold standard” of post-election auditing by the National Conference of State Legislatures.

The League of Women Voters supports the use of risk-limiting audits. A special national 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>

The National Conference of State Legislatures offers this clear description of how RLAs work: “As the name suggests, an RLA is designed to limit the risk that a contest is certified with the wrong winner. It does this by increasing the initial sample when discrepancies are found until either the level of confidence has been met or a full recount has been performed. RLAs are an incremental audit system: If the margin of an election is wide, very few ballots must be reviewed. If the margin is narrow, more will be reviewed up to the point that enough evidence is provided to confirm the declared election result.”

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.

For more details see NCSL’s webpage on [Risk-Limiting Audits](#) and on post-election audits [Post-Election Audits \(ncsl.org\)](#).

The League of Women Voters of Massachusetts urges you to upgrade the state’s current post-election audit system to incorporate the best practice of risk-limiting audits and to increase the frequency of those audits. At a time when election integrity is being questioned, however erroneously, an improved election auditing system is one way to reinforce the fairness and security of Massachusetts elections. The state League and our 44 local Leagues from Cape Cod to the Berkshires encourage you to report this bill favorably.

Thank you for your consideration.