

**SB 2175 (Relating to conducting and reporting postelection audits)
Support with amendments
Senate State and Local Government hearing, 1/23/2025**

On behalf of Verified Voting, I applaud the introduction of SB 2175, which would require a post-election audit after each election. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters. Since our founding in 2004 by computer scientists, we have acted to promote justified public confidence that each vote is counted as cast. As part of this work, we have helped many states implement routine post-election audits. Routine audits using voter-verified paper ballots (not test ballots) can provide assurance that tabulators are producing trustworthy counts. Thirty-seven states require post-election audits—and every state should. SB 2175 can materially enhance election security in North Dakota.

Several aspects of SB 2175 deserve particular praise. The routine audits are to be completed before election results are certified, so that if problems are found, the results can be corrected before they are made final. The audits cover up to four contests: one federal, one statewide, one legislative (if applicable), and one county contest in each county. Such audits require greater effort but provide greater assurance than audits that examine just one contest. The public notice requirement and the use of election boards (as per N.D.C.C. § 16.1-05-01) also are well considered.

We believe that some parts of SB 2175 merit review. Randomly selecting one polling location per county means hand-counting ballots from about 30% of polling locations statewide. This sample seems excessive, and it tends to burden counties with large polling locations and counties that have just one polling location. At the same time, the requirement appears to exclude absentee, vote-by-mail, and early voting ballots, although over half of North Dakota voters used one of these methods last November. Given these concerns, we suggest that the Legislative Assembly, in consultation with state and county officials, consider amending SB 2175 along these lines:

- Include absentee, vote-by-mail, and early voting ballots in the sampling pool.
- Allow any set of ballots for which vote totals are available—not just entire polling locations—to be selected and audited. (For instance, a set of mail ballots scanned together can be audited as a “batch.” In-person ballots often also can be divided into smaller batches.)
- Select some specified percentage, such as 10%, of all auditable batches per county—or statewide, *optionally* requiring at least one batch per county (perhaps only for county contests).

While SB 2175 reasonably grants the secretary of state broad discretion to define the audit procedure, you may wish to clarify some procedural questions or direct the secretary to address them. For instance, who selects the contests to be audited, and how? Are audits open to public observers, and to what extent?

We wholeheartedly support routine post-election audits in North Dakota, and we encourage further consultation with state and county officials and other stakeholders on possible refinements of this important legislation. One audit model does not fit all states. I would be happy to discuss any questions you may have about audit design, drawing upon our knowledge of laws and practices in various states.

Sincerely yours,



Mark Lindeman
Policy & Strategy Director
Verified Voting

