SB 2175 (Relating to conducting and reporting post-election audits)
Support with amendments
House Government and Veterans Affairs hearing, 3/6/2025

On behalf of Verified Voting, I offer these comments on SB 2175, which would require a routine post-election audit to check vote tabulations 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. For this reason, we support the aim of SB 2175, which can materially enhance election security in North Dakota. However, to be reliable, post-election tabulation audits must include manually examining some of the paper ballots to check the machine counts. We recommend amending SB 2175 to explicitly require manually examining either all, or a representative random sample of, the paper ballots selected for the audit.

We suggest this flexible requirement because North Dakota already has at least two good methods to manually verify vote counts. The most common method is to hand-count all the ballots selected for the audit. Audit hand-counts provide a direct check of the original totals, but they can be labor-intensive and error-prone if the batches are large. An alternative method involves retabulating each batch of ballots selected for the audit on a central-count scanner, then manually inspecting a random sample of ballots, one ballot at a time, to check the retabulation. North Dakota's DS450 scanners can imprint serial numbers in the ballot margins to facilitate this check. We believe that the law need not prescribe—or preclude—either of these methods, but it should explicitly require manually examining paper ballots. Merely retabulating ballots, even using different hardware or software, has far less value for validating the original results.

The legislature should also consider alternatives to randomly selecting one polling location per county to audit. This approach tends to burden counties that have just one polling location—almost half of North Dakota's counties—and appears to exclude absentee, vote-by-mail, and early voting ballots, although a majority of North Dakota voters used one of these methods last November. We suggest dividing all valid ballots into auditable batches—such as all the ballots counted on a specific scanner, or a set of vote-by-mail ballots that were scanned together—and randomly selecting batches for

audit.

We applaud the legislature's commitment to election verification by requiring a post-election tabulation audit after each election, and welcome the opportunity to discuss our suggestions with legislators, election officials, and other stakeholders to further strengthen SB 2175's efficacy.

Sincerely yours,

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