

# SB 944 (Risk Limited Audit legislation) Hearing

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I am Sherry Healy, a longtime election integrity advocate since 2003. For a quick summary of my credentials to speak on this topic: I co-founded the California Election Protection Network, and have worked for the Election Defense Alliance, VotersUnite, and many others over the years. Currently I am chair of the Election Integrity Caucus of the Democratic Party of Oregon—though I am not representing my caucus in these comments.

More importantly I have a long history advocating for election audits including co-authoring the “The Titanium Standard,” which was the basis for the current audits in the Oregon Election Code. I have also made a video outlining the security loopholes in our current election code that can be remedied with a Risk Limiting Audit, as well as the public access to our ballot images.

After reading the proposed legislation, I have a few concerns that I hope can be addressed with a few minor revisions to the bill.

We know that two critical components in a Risk Limited Audit (an “RLA”) is its independence and its random sample selection.

## 1. Independence of Auditors.

To be genuinely independent, the equipment, personnel, and affiliations of those entrusted in the RLA process must separate from those who conducted the initial tabulation. Bank audits, for example, are necessarily performed by an external agency. A major concern here is the apparent interest of election equipment vendors in offering tools and equipment enhancements to help the RLA process. Both equipment and personnel should not be shared between the auditing and original vote tallying processes.

## 2. Random Sample Selection:

The core component of the RLA is the selection of ballots and/or precincts to audit, which must be genuinely random. I believe that the sample selection method should be defined in the bill. The current Oregon election code does not spell out the random selection process for the Secretary of State's “administrative audit,” that occurs in the general election, which is a loophole that could be easily exploited.

The current election code merely states the Secretary of State is to select a panel and that one member should be a statistician. It doesn't specify the method or whether it must be open to the public. For RLA purposes, there are many low tech ways to create a genuinely **random selection of precincts** with method that could be done in public.

As for the **random selection of ballots**, Colorado, which is also a vote by mail state, now uses Philip B. Stark's handy selection tool. Stark's tool has the advantage that its implementation is completely open source.

Finally, the bill now provides an either/or proposition as to whether there will be a random selection of *ALL* ballots cast—or- whether it will be a *percentage* of precincts. If it is to be a selection from all ballots cast, we have the code giving the numbers needed for various confidence levels (risk limits). These have been provided by various statisticians and confirmed many times over the years. Alternatively, if it is going to be a percentage ballots from selected precincts, then we do know that most of the voting equipment in Oregon can provide us ballot images sorted by precinct—but only if we insist upon it. FYI: I currently have all >300,000 ballot images from all the ballot cast in the November 2019 Clackamas County election, which was unfortunately not sorted by precinct for an easy audit access.

Thank you for listening!