



# Montgomery County

## Office of Intergovernmental Relations

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SB 101

DATE: January 26, 2022

SPONSOR: Senator Kagan

ASSIGNED TO: Education, Health, and Environmental Affairs

CONTACT PERSON: Kathleen Boucher (kathleen.boucher@montgomerycountymd.gov)

POSITION: Support

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### Election Law – Contested Elections

This bill prohibits a person from accepting a donation or making a disbursement relating to a contested election (i.e., potential or actual recount situation) unless the person first establishes a contested election committee and complies with comprehensive rules governing donation limits, bank accounts, deposits, disbursements, acceptance of loans, disposal of surplus funds, recordkeeping, and reporting. The bill also establishes a prohibition against a candidate petitioning for a recount if the margin of difference between the number of votes received by an apparent winner and the losing candidate with the highest number of votes for the office is greater than 5% of the total votes cast for those candidates and increases the margin of difference that triggers public funding of a recount from .10% to .25% of the total votes cast for the two candidates.

Importantly, the bill grants enabling authority for a county to provide public funds to a publicly financed candidate's contested election committee. The bill also includes three amendments that Montgomery County requested during the 2021 Session for **SB 632 - Election Law - Contested Elections**, which clarify that: (1) a county may allow a publicly financed candidate to transfer any amount of funds from the candidate's campaign finance entity to the candidate's contested election committee; (2) the definition of "contested election" includes elections where there is a potential for a recount that eventually does not materialize because neither candidate decides to file a formal recount petition or initiate a judicial action; and (3) that a candidate may create a contested election committee at any time (i.e., before or after the original certification of the votes).

The County believes that the bill fills important gaps in State law governing contested elections at both the State and local levels and respectfully requests that the Education, Health, and Environmental Affairs Committee give the bill a favorable report.