

SENATE BILL 339

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3lr0501
CF 3lr2619

By: **Senator Kagan**

Introduced and read first time: January 30, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Recounts – Procedures**

3 FOR the purpose of requiring a petitioner for a recount to select the method for conducting
4 the recount; limiting the methods from which the selection must be made; requiring
5 a local board of elections to preserve and store certain voter–verifiable paper records
6 in a certain manner and count only voter–verifiable paper records in a manual
7 recount; and generally relating to recount procedures.

8 BY repealing and reenacting, without amendments,

9 Article – Election Law

10 Section 9–102(a)

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2022 Supplement)

13 BY adding to

14 Article – Election Law

15 Section 12–108

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2022 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

21 9–102.

22 (a) In this section, a “voter–verifiable paper record” includes:

23 (1) a paper ballot prepared by the voter for the purpose of being read by a
24 precinct–based optical scanner;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) a paper ballot prepared by the voter to be mailed to the applicable local
2 board, whether mailed from a domestic or an overseas location; and

3 (3) a paper ballot created through the use of a ballot marking device.

4 **12-108.**

5 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 **(2) “DUPLICATE BALLOT” MEANS A PAPER BALLOT THAT:**

8 **(I) IS A FACSIMILE OF A VOTER-VERIFIABLE PAPER RECORD;**
9 **AND**

10 **(II) IS CREATED BY A LOCAL BOARD FOR PURPOSES OF**
11 **MACHINE TABULATION BECAUSE THE VOTER-VERIFIABLE PAPER RECORD**
12 **SUBMITTED BY THE VOTER IS NOT ACCEPTABLE FOR MACHINE TABULATION.**

13 **(3) “VOTER-VERIFIABLE PAPER RECORD” HAS THE MEANING STATED**
14 **IN § 9-102 OF THIS ARTICLE.**

15 **(B) (1) IN A RECOUNT UNDER THIS SUBTITLE, SUBJECT TO PARAGRAPH**
16 **(2) OF THIS SUBSECTION, THE PETITIONER SHALL SELECT THE METHOD FOR**
17 **CONDUCTING THE RECOUNT.**

18 **(2) THE PETITIONER MAY SELECT ONLY ONE OF THE FOLLOWING**
19 **METHODS:**

20 **(I) RESCANNING THE BALLOTS USING:**

21 **1. THE SAME VOTE TABULATING EQUIPMENT THAT WAS**
22 **USED IN THE ELECTION; OR**

23 **2. ALTERNATIVE VOTE TABULATING EQUIPMENT, IF**
24 **ALTERNATIVE EQUIPMENT IS AVAILABLE AND ITS USE IS FEASIBLE, AS DETERMINED**
25 **BY THE STATE BOARD;**

26 **(II) A MANUAL RECOUNT OF VOTER-VERIFIABLE PAPER**
27 **RECORDS; OR**

28 **(III) ANY OTHER RECOUNT METHOD APPROVED BY THE STATE**
29 **ADMINISTRATOR.**

1 **(C) A LOCAL BOARD SHALL:**

2 **(1) PRESERVE THE VOTER-VERIFIABLE PAPER RECORD**
3 **CORRESPONDING TO EACH DUPLICATE BALLOT THAT IS CREATED;**

4 **(2) STORE EACH DUPLICATE BALLOT THAT IS CREATED TOGETHER**
5 **WITH THE CORRESPONDING VOTER-VERIFIABLE PAPER RECORD; AND**

6 **(3) COUNT ONLY THE VOTER-VERIFIABLE PAPER RECORD, NOT THE**
7 **DUPLICATE BALLOT, IN A MANUAL RECOUNT UNDER THIS SUBTITLE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2023.