

SENATE BILL 339

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3lr0501
CF HB 642

By: **Senator Kagan**

Introduced and read first time: January 30, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2023

CHAPTER _____

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~~ duplicate ballots
7 in a manual recount after a certain review; and generally relating to recount
8 procedures.

9 BY repealing and reenacting, without amendments,
10 Article – Election Law
11 Section 9–102(a)
12 Annotated Code of Maryland
13 (2022 Replacement Volume and 2022 Supplement)

14 BY adding to
15 Article – Election Law
16 Section 12–108
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2022 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9–102.

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

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

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

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

8 12–108.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

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

12 ~~(I) IS A FACSIMILE OF A VOTER–VERIFIABLE PAPER RECORD;~~
13 ~~AND~~

14 ~~(II) (I) IS CREATED BY A LOCAL BOARD FOR PURPOSES OF~~
15 ~~MACHINE VOTE TABULATION BY AN OPTICAL SCANNER BECAUSE THE~~
16 ~~VOTER–VERIFIABLE PAPER RECORD SUBMITTED BY THE VOTER IS NOT ACCEPTABLE~~
17 ~~FOR MACHINE VOTE TABULATION BY AN OPTICAL SCANNER; AND~~

18 (II) IS A COPY OF A VOTER–VERIFIABLE PAPER RECORD THAT:

19 1. FOR AN ABSENTEE BALLOT RETURNED BY MAIL,
20 REFLECTS THE INTENT OF THE VOTER; OR

21 2. FOR A PROVISIONAL BALLOT, INCLUDES ONLY THE
22 VOTES FOR CONTESTS FOR WHICH THE VOTER IS ELIGIBLE TO VOTE.

23 (3) “VOTER–VERIFIABLE PAPER RECORD” HAS THE MEANING STATED
24 IN § 9–102 OF THIS ARTICLE.

25 (B) (1) IN A RECOUNT UNDER THIS SUBTITLE, SUBJECT TO PARAGRAPH
26 (2) OF THIS SUBSECTION, THE PETITIONER SHALL SELECT THE METHOD FOR
27 CONDUCTING THE RECOUNT.

28 (2) THE PETITIONER MAY SELECT ONLY ONE OF THE FOLLOWING
29 METHODS:

1 (I) RESCANNING THE BALLOTS USING:

2 1. THE SAME VOTE TABULATING EQUIPMENT THAT WAS
3 USED IN THE ELECTION; OR

4 2. ALTERNATIVE VOTE TABULATING EQUIPMENT, IF
5 ALTERNATIVE EQUIPMENT IS AVAILABLE AND ITS USE IS FEASIBLE, AS DETERMINED
6 BY THE STATE BOARD;

7 (II) A MANUAL RECOUNT OF VOTER-VERIFIABLE PAPER
8 RECORDS; OR

9 (III) ANY OTHER RECOUNT METHOD APPROVED BY THE STATE
10 ADMINISTRATOR.

11 (C) A LOCAL BOARD SHALL:

12 (1) PRESERVE THE VOTER-VERIFIABLE PAPER RECORD
13 CORRESPONDING TO EACH DUPLICATE BALLOT THAT IS CREATED;

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

16 (3) IN A MANUAL RECOUNT UNDER THIS SUBTITLE, COUNT ONLY THE
17 VOTER-VERIFIABLE PAPER RECORD, NOT THE DUPLICATE BALLOT, IN A MANUAL
18 RECOUNT UNDER THIS SUBTITLE AFTER REVIEW OF THE VOTER-VERIFIABLE PAPER
19 RECORD.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.