

CHERYL C. KAGAN
Legislative District 17
Montgomery County

Vice Chair
Education, Health, and
Environmental Affairs Committee

Joint Audit Committee
Joint Committee on Federal Relations



Miller Senate Office Building
11 Bladen Street, Suite 2 West
Annapolis, Maryland 21401
301-858-3134 · 410-841-3134
800-492-7122 Ext. 3134
Fax 301-858-3665 · 410-841-3665
Cheryl.Kagan@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB632: Election Recount Committee Reforms
Senate Education, Health, & Environmental Affairs Committee
Thursday, February 18, 2021 | 1:00 PM

Close elections at the national, state, and local levels have spurred conversations about recounts. Any Maryland candidate who has been defeated can request a recount within three days of the results being certified. Additionally, any registered voter may file for a recount for a ballot question. Unfortunately, our law is largely silent on how to handle “contested election committees,” which are used to fund recounts.

In 2018, there were several close primary elections. David Blair narrowly lost to Marc Elrich by 77 votes (a .1% margin) for Montgomery County Executive. Johnny Olszewski beat Sen. Jim Brochin by only 17 votes (a .03% margin) for Baltimore County Executive. Elizabeth “Liz” Walsh edged out Councilmember Jon Weinstein by just 6 votes (a .1% margin) in Howard County Council District 1. In each of these instances, the results were certified by a recount.

After discussing the current process with the State Board of Elections (SBE), Ways & Means Committee Chair Anne Kaiser and I learned that our current laws in this area are insufficient. The bill attempts to mirror regular campaign committee requirements for candidates and ballot questions while keeping the accelerated schedule of a recount in mind by:

- Establishing thresholds for recounts at:
 - .25% margin for state-funded recounts for candidates; and
 - 5% margin for all other recounts;
- Obligating the Treasurer of the contested election committee to open a new bank account and file a statement of organization with SBE;
- Restricting campaign donations to \$2,000 per individual for candidates. Committees for ballot questions would have no limit;
- Restricting campaigns to accepting loans only from financial institutions or personal funds;
- Creating a timeline for reporting contributions to SBE;
- Requiring any unused funds from the recount to be returned to donors on a pro rata basis;
- Instituting publicly funded contested election committees in counties with public campaign financing systems;
- Authorizing counties to impose more stringent regulations; and
- Retaining records for at least two years after the committee files its final report.

Howard, Montgomery, and Prince George's Counties allow public campaign financing for candidates but do not account for recounts filed by publicly financed candidates. SB632 would require counties with public campaign financing to establish publicly funded contested election committees and enact stricter reporting requirements if they choose.

Montgomery County is proposing two clarifying amendments related to public campaign finance. The first specifically includes contested election committees for campaigns using public financing. The second allows a county to decide the amount of money publicly funded candidates can transfer from their campaign account to the contested election account. This would give counties flexibility to ensure that taxpayer money is used responsibly.

I urge a favorable with amendments report on SB632 to establish needed guardrails for recount committees.