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SB632: Election Recount Committee Reforms

House Ways & Means Committee
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Close elections at the federal, 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, current 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 .103% 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. As amended, [SB632](#) would provide needed clarity for recounts. The bill increases the threshold for county-funded recounts when the margin is less than .25% (previously .1%). A recount could not be requested if the margin is greater than 5%.

SB632 would allow a candidate that does not accept (or lives in a County without) public financing to use money from their regular campaign committee to pay for the expenses associated with a recount. This bill does not change the contribution limits and reporting requirements for regular campaigns.

Howard and Montgomery Counties (and potentially others in the future) already allow public campaign financing. Publicly funded candidates would be required to establish a separate campaign account. Candidates must follow the contribution limits established by their respective County. Additionally, they would be required to disclose contributions when the recount is filed; the Monday 30 days after the first report; the Monday 60 days after the first report; and the third Wednesday in January that the committee exists. When the account is closed, remaining funds must be returned to the County first, and given back to donors on a *pro rata basis*.

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