

**HB 291: Election Law – Contested Elections**  
**February 1, 2022**

Madam Chair Atterbeary and members of the Ways & Means Committee, I urge you give favorable consideration to my bill, **HB 291**. This bill has two main components: 1) to change the threshold related to election recounts; and 2) to create a legal process for publicly funded candidates to create a recount committee.

This bill was brought to my attention by Montgomery County Government, last year, in response to the 2018 primary election when the top two candidates for County Executive differed by 77 votes, of nearly 130,000 votes cast. The county government was initially concerned about the cost of a recount, but in conversation, we also realized that the recount threshold needed to increase.

Current law says that a candidate can petition for a recount if the differential between the top candidates is 0.1% of the total votes cast for those candidates. Given the total 74,987 votes shared by the two candidates, 0.1% was just 75 votes, therefore, the losing candidate did not meet the threshold and had to pay for their recount. Even more starkly, in a race for County Council in Prince George's County in 2014, the candidates differed by 6 votes of nearly 5,000 votes cast, and the threshold was also not met. We need to increase the threshold to 0.25% of votes cast for the top candidates. This will not impact too many races, but will clearly ensure that close races are properly determined.

In jurisdictions with public financing, where recounts might occur, a candidate who took public financing has limited resources to deal with a recount. This bill would create a process for publicly funded candidates to be able to quickly create a new campaign finance entity to pay for costs associated with a recount. The recount committees, as described in the legislation, are designed to follow all other laws related to campaign financing.

Our democracy depends on free and fair elections *and* the public's perception that our elections are free and fair. This bill is designed to ensure that our election results are correct and to add to our confidence in those elections. I urge your favorable report on **HB 291**. Thank you for your consideration.