



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB0371: Recount Law Revisions

Ways and Means Committee

February 6, 2024: 1:00 PM

HB0371 would provide an overdue update to Maryland's recount laws. In recent years, we have had several extraordinarily close elections. This includes races for Baltimore County Executive (2018) and Montgomery County Executive (2018 and 2022).

This bill would simplify MD's Recount Law, which should be revised:

1. A rescan of voted paper ballots involved in the recount using precinct tabulators or a high-speed scanner (if available) to reproduce early voting, precinct or mail-in, or provisional ballot canvass totals; or
2. Conduct a manual recount of voted paper ballots involved in the recount.
3. A manual tabulation of printed reports from early voting, election day, and the mail-in and provisional ballot canvasses. Under this option, printed reports from precinct tabulators and high-speed scanners (if available) are examined and manually tabulated.
4. Any other recount method approved by the State Administrator.

This bill would also clarify that candidates may request either a full or partial recount of votes. Additionally, it requires that Local Boards of Elections maintain standards for scanning and storing Internet-delivered ballots. Specifically, they would:

- Maintain the original source documents for any ballot requiring manual duplication
- Keep each sheet batched with the duplicated ballots that were scanned; and
- Rely only on the original source documents in any manual recount.

To make sure the certification of our election results goes smoothly, this change to recount procedures establishes a process with a clear framework for Local Boards of Elections to follow.

An amendment to this bill clarifies that:

- In the case of a manual recount, the voter-verifiable paper ballot, not the copy, shall be counted; and
- For automated recounts, both the copy and the original must be examined by the Local Board of Elections. If the copy and the original agree, the copy may be used in the automated recount. If the two disagree, then the LBE must manually count the original.

The Senate version of this bill (SB339) passed the Senate unanimously in 2023.

I urge a favorable report on HB0371.