



House Bill 767

Election Law - Securing Elections From Foreign Interference

MACo Position: **OPPOSE**

To: Ways & Means Committee

Date: February 27, 2018

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **OPPOSES** HB 767. This bill would impose a variety of onerous and costly changes on state election law relating to post-election audits, voter registration infrastructure, and voting machines. Counties are concerned this legislation places a substantial administrative and cost burden onto local Boards of Election, whose operations are supported by county funding. Without state resources to offset these potentially large costs, the bill represents a potentially dramatic unfunded mandate on local governments.

Under current election procedures, the local Boards of Election are required to verify a defined number of precincts within 10 days following any election. This number is to be determined by the local board after 8 pm on Election Day and must be the greater of 3 precincts or 5% of all precincts. HB 767 would require local Boards of Election, in addition to complying with current auditing procedures, to conduct a manual audit of a random sample of paper ballots. The bill also mandates that election infrastructure, such as Maryland's voter registration database and voting machines, be updated or replaced at least once every ten years.

As a rule, MACo resists state policies that result in costly or burdensome local implementation. This bill would result in substantial costs to local Boards of Election. Incorporating a new manual count process of this magnitude would require significant staff overtime or additional staff to perform the audit within the 10-day timeframe to certify an election. Furthermore, local Boards of Election indicate that upgrading or replacing the State's election infrastructure would cost taxpayers millions of dollars, even without any documented concerns about system vulnerability.

Under state law, counties have no choice but to fund these costs – competing for limited local funds against education, public safety, roadway maintenance, and other essential public services.

This bill would place a costly mandate on county governments to carry out new state policy. Accordingly, without funds and possible technical assistance to suitably implement the bill's requirements, MACo urges the Committee to issue an **UNFAVORABLE** report on HB 767.