



House Bill 1064

Election Law – Audits of Election Results

MACo Position: **OPPOSE**

Date: March 11, 2015

To: Ways and Means Committee

From: Michael Sanderson and Andrea Mansfield

The Maryland Association of Counties (MACo) **OPPOSES** HB 1064. This bill would mandate an onerous auditing procedure to be completed prior to an election certification, which occurs only 10 days after an election.

Under current election procedures, the local boards of election are required to verify a defined number of precincts directly following the 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 1064 would alter this process to require a manual count of ballots at randomly selected precincts now that the State is moving back to a paper ballot voting system. This would be in addition to any auditing function incorporated into the new voting machines. MACo is concerned with the potential fiscal effects of this change.

Typically, the Directors and Deputy Directors of the local boards of election carry out the auditing function to certify votes for an election. Other elections staff are overwhelmed processing provisional ballots and conducting final preparation for the absentee ballot canvass. 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.

In addition, the bill further specifies that if there is a discrepancy between the machine count and the manual count, the manual count should be considered the official result. The bill also allows individuals to challenge results. Election officials are concerned that these provisions could lead to numerous time-consuming hand-counts over even trivial differences.

The State Board of Elections (SBE) does plan to incorporate a manual ballot certification process into the audit procedures. MACo would prefer that sufficient time be given to SBE to work with the local boards to develop a manageable manual count process, instead of mandating one that would be difficult to perform properly in the allotted time.

For these reasons, MACo would urge the Committee to issue an **UNFAVORABLE** report on HB 1064.