

SENATE BILL 158

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EMERGENCY BILL
(PRE-FILED)

2lr0584
CF HB 35

By: **Senator Kagan**

Requested: September 28, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Elections – Contracts and Invoices – Requirements**

3 FOR the purpose of establishing certain duties of the State Board of Elections and the State
4 Administrator of Elections related to the consideration of and reporting on contracts
5 and related items; requiring the State and counties to pay certain costs related to
6 election-related goods and services; requiring that an invoice for payment sent to a
7 local board by the State Board itemize certain information and costs; and generally
8 relating to the State Board of Elections and contracts and invoices.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 2-102, 2-202(b)(3), 2-203, and 9-311(b)
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Election Law
16 Section 2-103.1, 2-110, and 2-111
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2021 Supplement)

19 BY repealing
20 Chapter 564 of the Acts of the General Assembly of 2001
21 Section 4, 5, and 6

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2–102.

2 (a) The State Board shall manage and supervise elections in the State and ensure
3 compliance with the requirements of this article and any applicable federal law by all
4 persons involved in the elections process.

5 (b) In exercising its authority under this article and in order to ensure compliance
6 with this article and with any requirements of federal law, the State Board shall:

7 (1) supervise the conduct of elections in the State;

8 (2) direct, support, monitor, and evaluate the activities of each local board;

9 (3) have a staff sufficient to perform its functions;

10 **(4) REVIEW AND VOTE ON EACH CONTRACT WITH A VALUE OF \$50,000**
11 **OR MORE;**

12 **[(4)] (5)** adopt regulations to implement its powers and duties;

13 **[(5)] (6)** receive, or in its discretion audit, campaign finance reports,
14 account books and records kept under § 13–221 of this article, independent expenditure
15 reports filed and records kept under § 13–306 of this article, electioneering communication
16 reports filed and records kept under § 13–307 of this article, and statements filed and
17 records kept under § 14–105 of this article;

18 **[(6)] (7)** appoint a State Administrator in accordance with § 2–103 of this
19 subtitle;

20 **[(7)] (8)** maximize the use of technology in election administration,
21 including the development of a plan for a comprehensive computerized elections
22 management system;

23 **[(8)] (9)** canvass and certify the results of elections as prescribed by law;

24 **[(9)] (10)** make available to the general public, in a timely and efficient
25 manner, information on the electoral process, including a publication that includes the text
26 of this article, relevant portions of the Maryland Constitution, and information gathered
27 and maintained regarding elections;

28 **(11) ENSURE THE COST-EFFECTIVE USE OF FEDERAL, STATE, AND**
29 **COUNTY RESOURCES IN ADMINISTERING ELECTIONS;**

30 **[(10)] (12)** subject to § 2–106 of this subtitle and § 13–341 of this article,
31 receive, maintain, and serve as a depository for elections documents, materials, records,
32 statistics, reports, certificates, proclamations, and other information prescribed by law or

1 regulation;

2 [(11)] (13) prescribe all forms required under this article; and

3 [(12)] (14) serve as the official designated office in accordance with the
4 Uniformed and Overseas Citizens Absentee Voting Act for providing information regarding
5 voter registration and absentee ballot procedures for absent uniformed services voters and
6 overseas voters with respect to elections for federal office.

7 (c) The powers and duties assigned to the State Board under this article shall be
8 exercised in accordance with an affirmative vote by a supermajority of the members of the
9 State Board.

10 (d) (1) The State Board shall make publicly available on its website:

11 (i) each open meeting agenda:

12 1. at least 48 hours in advance of each meeting; or

13 2. if the meeting is being held due to an emergency, a natural
14 disaster, or any other unanticipated situation, as far in advance of the meeting as
15 practicable;

16 (ii) meeting minutes from the portions of a meeting that were held
17 in open session, not more than 2 business days after the minutes are approved; and

18 (iii) live video streaming of each portion of a meeting that is held in
19 open session.

20 (2) The State Board shall maintain on its website:

21 (i) meeting minutes made available under paragraph (1)(ii) of this
22 subsection for a minimum of 5 years after the date of the meeting; and

23 (ii) a complete and unedited archived video recording of each open
24 meeting for which live video streaming was made available under paragraph (1)(iii) of this
25 subsection for a minimum of 1 year after the date of the meeting.

26 (3) The Department of Information Technology shall provide to the State
27 Board the technical staff, support, and equipment necessary to stream live video of the open
28 meetings of the State Board.

29 **2-103.1.**

30 **(A) THE STATE ADMINISTRATOR SHALL REPORT EACH PROPOSED**
31 **CONTRACT, CONTRACT RENEWAL, AND CHANGE ORDER TO THE STATE BOARD.**

1 **(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**
2 **SHALL INCLUDE:**

3 **(1) THE PURPOSE OF THE CONTRACT, CONTRACT RENEWAL, OR**
4 **CHANGE ORDER;**

5 **(2) HOW THE PROPOSED CONTRACT, CONTRACT RENEWAL, OR**
6 **CHANGE ORDER WILL BE FUNDED;**

7 **(3) THE DISTRIBUTION OF ANY FEDERAL OR STATE FUNDS RELATING**
8 **TO THE PROPOSED CONTRACT, CONTRACT RENEWAL, OR CHANGE ORDER; AND**

9 **(4) A LIST OF ANY SHARED COSTS WITH LOCAL BOARDS.**

10 **(C) THE STATE ADMINISTRATOR MAY FINALIZE A CONTRACT, CONTRACT**
11 **RENEWAL, OR CHANGE ORDER ONLY AFTER AN AFFIRMATIVE VOTE BY THE STATE**
12 **BOARD.**

13 **2-110.**

14 **A STATE BOARD REPORT TO THE BOARD OF PUBLIC WORKS ON A PROPOSED**
15 **CONTRACT, CONTRACT RENEWAL, OR CHANGE ORDER:**

16 **(1) SHALL INCLUDE:**

17 **(I) THE PURPOSE OF THE CONTRACT, CONTRACT RENEWAL, OR**
18 **CHANGE ORDER;**

19 **(II) HOW THE PROPOSED CONTRACT, CONTRACT RENEWAL, OR**
20 **CHANGE ORDER WILL BE FUNDED;**

21 **(III) THE DISTRIBUTION OF ANY FEDERAL OR STATE FUNDS**
22 **RELATING TO THE PROPOSED CONTRACT, CONTRACT RENEWAL, OR CHANGE**
23 **ORDER; AND**

24 **(IV) A DESCRIPTION OF ANY SHARED COSTS WITH LOCAL**
25 **BOARDS; AND**

26 **(2) MAY NOT ITEMIZE FUNDING AS “SPECIAL FUNDS”.**

27 **2-111.**

1 **(A) (1) THE COUNTIES SHALL REIMBURSE THE STATE BOARD FOR 50%**
2 **OF THE STATE'S COST OF ALL ELECTION-RELATED GOODS AND SERVICES**
3 **MANDATED BY THE STATE BOARD.**

4 **(2) ALL OF THE COSTS OF ANY ELECTION-RELATED GOODS AND**
5 **SERVICES NOT MANDATED BY THE STATE BOARD SHALL BE PAID FOR BY COUNTY**
6 **FUNDS.**

7 **(B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE STATE**
8 **BOARD FROM FACILITATING THE PROCUREMENT OF SUPPLIES, EQUIPMENT, OR**
9 **MATERIALS AT LOCAL EXPENSE THAT IS NOT MANDATED BY THE STATE BOARD OR**
10 **IN A QUANTITY OR AN AMOUNT IN EXCESS OF THAT DETERMINED NECESSARY BY THE**
11 **STATE BOARD, AT THE REQUEST OF A LOCAL BOARD.**

12 **(C) AN INVOICE FOR PAYMENT SENT TO A LOCAL BOARD BY THE STATE**
13 **BOARD SHALL ITEMIZE THE GOODS AND SERVICES AND COST OF EACH ITEM FOR**
14 **WHICH THE STATE BOARD IS REQUESTING PAYMENT.**

15 2-202.

16 (b) Each local board, in accordance with the provisions of this article and
17 regulations adopted by the State Board, shall:

18 (3) maintain an office and be open for business as provided in this article,
19 and, **SUBJECT TO § 2-111 OF THIS TITLE**, provide the supplies and equipment necessary
20 for the proper and efficient conduct of voter registration and election, including:

21 (i) supplies and equipment required by the State Board; and

22 (ii) office and polling place equipment expenses;

23 2-203.

24 Each county shall appropriate the funds essential for the operations of its local board
25 to enable the local board to pay the reasonable expenses incurred by the local board to
26 exercise the powers and perform the duties prescribed for it by law, including:

27 (1) personnel expenses, such as compensation, workers' compensation, and
28 unemployment insurance;

29 (2) **SUBJECT TO § 2-111 OF THIS TITLE**, polling place operation
30 expenses; and

31 (3) **SUBJECT TO § 2-111 OF THIS TITLE**, supplies and equipment
32 required under § 2-202(b)(3) of this subtitle.

1 9–311.

2 (b) [The] **SUBJECT TO § 2–111 OF THIS ARTICLE, THE** governing body of a
3 county shall provide to the local board of the county an amount that is reasonable and
4 necessary to pay for expenses, including the employment of temporary personnel, required
5 for performing the duties required under this subtitle.

6 **Chapter 564 of the Acts of 2001**

7 [SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 5 of this
8 Act, each county shall pay its share of one–half of the State’s cost of acquiring and operating
9 the uniform statewide voting systems for voting in polling places and for absentee voting
10 provided for under this Act, including the cost of maintenance, storage, printing of ballots,
11 technical support and programming, related supplies and materials, and software licensing
12 fees. A county’s share of the cost of acquiring and operating the uniform statewide voting
13 systems shall be based upon the county’s voting age population.]

14 [SECTION 5. AND BE IT FURTHER ENACTED, That:

15 (a) A county that has purchased a voting system for voting at polling places
16 within the last 10 years and before December 31, 2000 is not required to implement the
17 uniform statewide voting system for voting at polling places provided for under this Act
18 until July 1, 2006, and is not required to pay a share of the cost of acquiring and operating
19 the uniform statewide voting system for voting at polling places until the system is
20 implemented in the county; and

21 (b) A county that has purchased a voting system for absentee voting within the
22 last 10 years and before December 31, 2000 is not required to implement the uniform
23 statewide system for absentee voting provided for under this Act until July 1, 2006, and is
24 not required to pay a share of the cost of acquiring and operating the uniform statewide
25 system for absentee voting until the system is implemented in the county.]

26 [SECTION 6. AND BE IT FURTHER ENACTED, That fifty percent of any federal
27 funds received for improvements in voting systems and equipment shall be distributed to
28 the State and fifty percent of any federal funds received for improvements in voting systems
29 and equipment shall be distributed, on the basis of a county’s voting age population, to the
30 counties that have implemented the uniform statewide voting system provided for under
31 this Act in the fiscal year in which the funds are received.]

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
33 measure, is necessary for the immediate preservation of the public health or safety, has
34 been passed by a yea and nay vote supported by three–fifths of all the members elected to
35 each of the two Houses of the General Assembly, and shall take effect from the date it is
36 enacted.