

SENATE BILL 743

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9lr0744

By: **Senators Pinsky, Kagan, King, Lam, Lee, Rosapepe, West, Young, and Zucker**
Introduced and read first time: February 4, 2019
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Election Service Providers – Contract Clauses and Termination**
3 **of Contract**

4 FOR the purpose of prohibiting the State Board of Elections from approving a contract with
5 an election service provider unless the contract includes a certain clause regarding
6 notice of ownership of or investment in the election service provider or control of the
7 election service provider by a foreign national; requiring that the notice include
8 certain information; authorizing the State Administrator of Elections to terminate,
9 in whole or in part, the contract with an election service provider on the making of a
10 certain determination; defining certain terms; and generally relating to election
11 service provider contracts.

12 BY adding to
13 Article – Election Law
14 Section 2–109
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2018 Supplement)

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

19 **Article – Election Law**

20 **2–109.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(2) “CONTRACT” MEANS AN AGREEMENT IN ANY FORM ENTERED**
24 **INTO BY A GOVERNMENTAL ENTITY FOR A PROCUREMENT AS DEFINED IN §**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **11-101(M)(1) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

2 **(3) (I) "ELECTION SERVICE PROVIDER" MEANS ANY PERSON**
3 **PROVIDING, SUPPORTING, OR MAINTAINING AN ELECTION SYSTEM ON BEHALF OF**
4 **THE STATE BOARD.**

5 **(II) "ELECTION SERVICE PROVIDER" INCLUDES A CONTRACTOR**
6 **AND VENDOR.**

7 **(4) "ELECTION SYSTEM" INCLUDES:**

8 **(I) A VOTING SYSTEM;**

9 **(II) AN ELECTION MANAGEMENT SYSTEM;**

10 **(III) A VOTER REGISTRATION WEBSITE OR DATABASE;**

11 **(IV) AN ELECTRONIC POLLBOOK;**

12 **(V) A SYSTEM FOR TABULATING OR REPORTING ELECTION**
13 **RESULTS; AND**

14 **(VI) ANY OTHER INFORMATION SYSTEM THAT IS DETERMINED**
15 **TO BE CENTRAL TO THE MANAGEMENT, SUPPORT, OR ADMINISTRATION OF AN**
16 **ELECTION.**

17 **(5) "FOREIGN NATIONAL" INCLUDES:**

18 **(I) AN INDIVIDUAL WHO IS A CITIZEN OF A FOREIGN COUNTRY;**
19 **AND**

20 **(II) AN INDIVIDUAL, A PARTNERSHIP, AN ASSOCIATION, A**
21 **CORPORATION, AN ORGANIZATION, OR ANY OTHER COMBINATION OF INDIVIDUALS**
22 **ORGANIZED UNDER THE LAWS OF OR HAVING ITS PRINCIPAL PLACE OF BUSINESS IN**
23 **A FOREIGN COUNTRY.**

24 **(B) THE STATE BOARD MAY NOT APPROVE A CONTRACT WITH AN ELECTION**
25 **SERVICE PROVIDER UNLESS THE CONTRACT INCLUDES A CLAUSE REQUIRING THE**
26 **ELECTION SERVICE PROVIDER TO PROVIDE THE STATE BOARD NOTICE OF:**

27 **(1) ANY OWNERSHIP OF OR INVESTMENT IN THE ELECTION SERVICE**
28 **PROVIDER OR CONTROL OF THE ELECTION SERVICE PROVIDER BY A FOREIGN**
29 **NATIONAL AT THE TIME OF THE AWARD OF THE CONTRACT; AND**

1 **(2) ANY MATERIAL CHANGE IN ANY OWNERSHIP OF OR INVESTMENT**
2 **IN THE ELECTION SERVICE PROVIDER OR CONTROL OF THE ELECTION SERVICE**
3 **PROVIDER BY A FOREIGN NATIONAL AT ANY TIME FOR THE DURATION OF THE**
4 **CONTRACT.**

5 **(C) THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION**
6 **SHALL INCLUDE:**

7 **(1) THE NAME AND NATIONALITY OF THE FOREIGN NATIONAL THAT**
8 **HAS OWNERSHIP OF OR INVESTMENT IN OR CONTROL OF THE ELECTION SERVICE**
9 **PROVIDER; AND**

10 **(2) THE NATURE AND EXTENT OF THE OWNERSHIP, INVESTMENT, OR**
11 **CONTROL.**

12 **(D) ON A DETERMINATION BY THE STATE ADMINISTRATOR THAT THE**
13 **FOREIGN NATIONAL HAS THE ABILITY TO CONTROL, INFLUENCE, OR DIRECT THE**
14 **ELECTION SERVICE PROVIDER IN ANY MANNER THAT WOULD COMPROMISE OR**
15 **INFLUENCE, OR GIVE THE APPEARANCE OF COMPROMISING OR INFLUENCING, THE**
16 **INDEPENDENCE AND INTEGRITY OF AN ELECTION, THE STATE ADMINISTRATOR MAY**
17 **TERMINATE, IN WHOLE OR IN PART, THE CONTRACT WITH THE ELECTION SERVICE**
18 **PROVIDER.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2019.