

# SENATE BILL 743

G1

(9lr0744)

## ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senators Pinsky, Kagan, King, Lam, Lee, Rosapepe, West, Young, and Zucker**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

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; *requiring the State Administrator to notify certain persons in*  
11 *writing of the termination, in whole or in part, of a contract with an election service*  
12 *provider and the State Administrator’s reasons for terminating the contract within a*  
13 *certain period of time;* defining certain terms; and generally relating to election  
14 service provider contracts.

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY adding to  
 2 Article – Election Law  
 3 Section 2–109  
 4 Annotated Code of Maryland  
 5 (2017 Replacement Volume and 2018 Supplement)

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

8 **Article – Election Law**

9 **2–109.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 11 INDICATED.

12 (2) **“APPROPRIATE PERSONS” MEANS:**

13 **(I) THE STATE BOARD;**

14 **(II) THE GOVERNOR;**

15 **(III) THE PRESIDENT OF THE SENATE OF MARYLAND;**

16 **(IV) THE SPEAKER OF THE HOUSE OF DELEGATES;**

17 **(V) THE ATTORNEY GENERAL; AND**

18 **(VI) THE DEPARTMENT OF INFORMATION TECHNOLOGY.**

19 ~~(2)~~ **(3) “CONTRACT” MEANS AN AGREEMENT IN ANY FORM**  
 20 **ENTERED INTO BY A GOVERNMENTAL ENTITY FOR A PROCUREMENT AS DEFINED IN**  
 21 **§ 11–101(M)(1) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

22 ~~(3)~~ **(4) (I) “ELECTION SERVICE PROVIDER” MEANS ANY PERSON**  
 23 **PROVIDING, SUPPORTING, OR MAINTAINING AN ELECTION SYSTEM ON BEHALF OF**  
 24 **THE STATE BOARD.**

25 **(II) “ELECTION SERVICE PROVIDER” INCLUDES A CONTRACTOR**  
 26 **AND VENDOR.**

27 ~~(4)~~ **(5) “ELECTION SYSTEM” INCLUDES:**

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

- 1                   (II) AN ELECTION MANAGEMENT SYSTEM;
- 2                   (III) A VOTER REGISTRATION WEBSITE OR DATABASE;
- 3                   (IV) AN ELECTRONIC POLLBOOK;
- 4                   (V) A SYSTEM FOR TABULATING OR REPORTING ELECTION  
5 RESULTS; AND
- 6                   (VI) ANY OTHER INFORMATION SYSTEM THAT IS DETERMINED  
7 TO BE CENTRAL TO THE MANAGEMENT, SUPPORT, OR ADMINISTRATION OF AN  
8 ELECTION.

9                   ~~(5)~~ (6)       “FOREIGN NATIONAL” INCLUDES:

- 10                   (I) AN INDIVIDUAL WHO IS A CITIZEN OF A FOREIGN COUNTRY;  
11 AND
- 12                   (II) AN INDIVIDUAL, A PARTNERSHIP, AN ASSOCIATION, A  
13 CORPORATION, AN ORGANIZATION, OR ANY OTHER COMBINATION OF INDIVIDUALS  
14 ORGANIZED UNDER THE LAWS OF OR HAVING ITS PRINCIPAL PLACE OF BUSINESS IN  
15 A FOREIGN COUNTRY.

16                   (B) THE STATE BOARD MAY NOT APPROVE A CONTRACT WITH AN ELECTION  
17 SERVICE PROVIDER UNLESS THE CONTRACT INCLUDES A CLAUSE REQUIRING THE  
18 ELECTION SERVICE PROVIDER TO PROVIDE THE STATE BOARD NOTICE OF:

19                   (1) ANY OWNERSHIP OF OR INVESTMENT IN THE ELECTION SERVICE  
20 PROVIDER OR CONTROL OF THE ELECTION SERVICE PROVIDER BY A FOREIGN  
21 NATIONAL AT THE TIME OF THE AWARD OF THE CONTRACT; AND

22                   (2) ANY MATERIAL CHANGE IN ANY OWNERSHIP OF OR INVESTMENT  
23 IN THE ELECTION SERVICE PROVIDER OR CONTROL OF THE ELECTION SERVICE  
24 PROVIDER BY A FOREIGN NATIONAL AT ANY TIME FOR THE DURATION OF THE  
25 CONTRACT.

26                   (C) THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION  
27 SHALL INCLUDE:

28                   (1) THE NAME AND NATIONALITY OF THE FOREIGN NATIONAL THAT  
29 HAS OWNERSHIP OF OR INVESTMENT IN OR CONTROL OF THE ELECTION SERVICE  
30 PROVIDER; AND

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

3                   **(D) ON A DETERMINATION BY THE STATE ADMINISTRATOR THAT THE**  
4 **FOREIGN NATIONAL HAS THE ABILITY TO CONTROL, INFLUENCE, OR DIRECT THE**  
5 **ELECTION SERVICE PROVIDER IN ANY MANNER THAT WOULD COMPROMISE OR**  
6 **INFLUENCE, OR GIVE THE APPEARANCE OF COMPROMISING OR INFLUENCING, THE**  
7 **INDEPENDENCE AND INTEGRITY OF AN ELECTION, THE STATE ADMINISTRATOR MAY**  
8 **TERMINATE, IN WHOLE OR IN PART, THE CONTRACT WITH THE ELECTION SERVICE**  
9 **PROVIDER.**

10                   **(E) WITHIN 7 DAYS AFTER THE STATE ADMINISTRATOR EXERCISES THE**  
11 **AUTHORITY TO TERMINATE, IN WHOLE OR IN PART, A CONTRACT WITH AN ELECTION**  
12 **SERVICE PROVIDER UNDER SUBSECTION (D) OF THIS SECTION, THE STATE**  
13 **ADMINISTRATOR SHALL NOTIFY THE APPROPRIATE PERSONS IN WRITING OF THE**  
14 **TERMINATION OF THE CONTRACT AND THE STATE ADMINISTRATOR’S REASONS FOR**  
15 **TERMINATING THE CONTRACT.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.