

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1457

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Maryland)” insert “and Delegates Eckardt, McIntosh, Bobo, and Dypski”.

AMENDMENT NO. 2

On page 1, in line 4, after “select” insert “and certify”; strike beginning with “repealing” in line 5 down through “boards” in line 7 and substitute “requiring the State Board to acquire the voting system selected and certified for voting in polling places in consultation with the local boards; requiring the State Board to provide for the operation and maintenance costs, storage, and staff training associated with the voting system acquired by the State Board under certain circumstances; defining certain terms; authorizing the State Board to request payment from each county for certain fiscal years for the voting system acquired by the State Board in accordance with certain provisions; requiring each county to pay a certain cost component of the voting system acquired by the State Board under certain circumstances; altering the factors that the State Board shall consider in determining whether a voting system meets certain standards”; in line 12, after “boards;” insert “clarifying the authority of a county to borrow money for the acquisition of a voting system under certain circumstances;”; in line 18, after “9-102,” insert “9-103,”; and in line 23, strike “, 9-103,”.

AMENDMENT NO. 3

On page 2, in line 18, after “SELECT” insert “AND CERTIFY”; in lines 20 and 21, in each instance, after “SELECTED” insert “AND CERTIFIED”; in line 22, strike “JURISDICTIONS” and substitute “COUNTIES”; in lines 24 and 28, in each instance, strike the bracket; in line 26, strike the first bracket; in line 28, strike “(B)”; and in the same line, strike “SELECT”.

On page 3, in lines 9, 11, and 25, in each instance, strike the bracket; in line 9, strike “SELECTION”; in line 11, strike “(C)”; in line 25, strike “(D)”; in line 26, strike the first bracket; in the same line, before “certified” insert an opening bracket; in the same line, strike “THE”; and in line

28, after “SELECTED” insert “AND CERTIFIED”.

On page 4, in lines 25 and 32, in each instance, strike the bracket; and in line 27, before “(f)” insert an opening bracket.

On page 5, in line 8, before “(c)” insert an opening bracket; and in line 26, strike “9-103.” and substitute “9-104.”.

On page 6, in line 3, strike “9-104.” and substitute “9-105.”; in lines 4, 38, and 39, in each instance, strike “purchase” and substitute “ACQUISITION”; and in line 8, strike “purchase” and substitute “ACQUIRE”.

On page 7, in line 14, strike “9-105.” and substitute “9-106.”; in line 25, strike “UNTIL A” and substitute “UNTIL:

(1) A” ;

in line 26, after “SELECTED” insert “AND CERTIFIED”; in line 27, strike “§§” and substitute “§”; in the same line, strike “AND 9-102”; and in the same line, strike “SUBTITLE AND” and substitute “SUBTITLE; AND

(2)”.

#### AMENDMENT NO. 4

On page 2, after line 22, insert:

“(C) (1) (I) THE STATE BOARD SHALL ACQUIRE THE VOTING SYSTEM SELECTED AND CERTIFIED FOR VOTING IN POLLING PLACES.

(II) IN ACQUIRING THE EQUIPMENT AND SYSTEM UNDER THIS PARAGRAPH, THE STATE BOARD SHALL CONSULT WITH LOCAL BOARDS OF ELECTIONS AND COUNTY GOVERNMENTS TO ENSURE THAT LEVELS OF VOTER SERVICE ARE NOT DIMINISHED.

(III) UNLESS THE STATE BOARD AND THE ELECTION BOARD OF A COUNTY AGREE OTHERWISE, EACH COUNTY WILL BE PROVIDED SUFFICIENT EQUIPMENT TO PROVIDE THE SAME NUMBER OF VOTER STATIONS PER PRECINCT AS WERE IN PLACE PRIOR TO THE STATE BOARD’S ACQUISITION OF A STATEWIDE

VOTING SYSTEM.

(2) THE STATE BOARD SHALL, EITHER WITHIN A LEASE CONTRACT USED TO ACQUIRE THE SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION OR BY A SEPARATE CONTRACT, PROVIDE FOR THE OPERATION AND MAINTENANCE COSTS OF THE SYSTEM ACQUIRED.

(3) THE STATE BOARD SHALL PROVIDE FOR STORAGE OF THE EQUIPMENT AND SYSTEM ACQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, OR SHALL PROVIDE FUNDING FOR LOCAL BOARDS OF ELECTION FOR EQUIPMENT STORAGE.

(4) THE STATE BOARD SHALL PROVIDE ANY STAFF TRAINING OR EDUCATION NECESSARY TO PROPERLY IMPLEMENT AND ADMINISTER THE EQUIPMENT AND SYSTEM ACQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) (1) (I) IN THIS SUBSECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "PRIOR LEASE COSTS" MEANS:

1. FOR A COUNTY LEASING A VOTING SYSTEM AS OF FISCAL YEAR 2001, THE ANNUAL LEASE AMOUNT FOR FISCAL YEAR 2001; OR

2. FOR A COUNTY OWNING A VOTING SYSTEM AS OF FISCAL YEAR 2001, THE PRODUCT OF:

A. THE FISCAL YEAR 2001 AVERAGE AMOUNT PER VOTING AGE RESIDENT SPENT IN THOSE COUNTIES EMPLOYING THE MOST COMMONLY USED LEASED VOTING SYSTEM IN FISCAL YEAR 2001; AND

B. THE NUMBER OF VOTING AGE RESIDENTS IN THE COUNTY.

(III) “TOTAL SHARED COSTS” MEANS:

1. IF THE STATE BOARD ACQUIRES ELECTION SYSTEMS BY LEASE OR OTHER ONGOING PAYMENT MECHANISM, THE ANNUAL COST TO THE STATE, NET OF ANY FEDERAL CONTRIBUTIONS, FOR ACQUISITION, OPERATION, AND MAINTENANCE OF ELECTION SYSTEMS UNDER SUBSECTION (C)(1) AND (2) OF THIS SECTION; OR

2. IF THE STATE BOARD ACQUIRES ELECTION SYSTEMS BY PURCHASE OR OTHER ONE TIME PAYMENT MECHANISM;

A. FOR ANY OF THE FIRST SIX YEARS OF A SYSTEM’S USE FOLLOWING THE PURCHASE, ONE-SIXTH OF THE STATE BOARD’S TOTAL PURCHASE COST, NET OF ANY FEDERAL CONTRIBUTIONS, UNDER SUBSECTION (C)(1) OF THIS SECTION; AND

B. THE ANNUAL COST TO THE STATE, NET OF ANY FEDERAL CONTRIBUTIONS, FOR ONGOING OPERATION AND MAINTENANCE UNDER SUBSECTION (C)(2) OF THIS SECTION.

(2) FOR FISCAL YEAR 2003 AND EACH FISCAL YEAR THEREAFTER, THE STATE BOARD MAY REQUEST PAYMENT FROM EACH COUNTY IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION.

(3) (I) UPON REQUEST BY THE STATE BOARD, EACH COUNTY SHALL PAY ITS SHARED COST COMPONENT AS DETERMINED UNDER THIS PARAGRAPH.

(II) FOR EACH COUNTY RECEIVING VOTING SYSTEMS FROM THE STATE BOARD, THE COUNTY SHARED COST COMPONENT IS THE LESSER OF:

1. ONE HALF OF THE PRODUCT OF:

A. THE STATE'S TOTAL SHARED COSTS PER VOTING MACHINE; AND

B. THE NUMBER OF VOTING MACHINES ACQUIRED BY THE STATE BOARD FOR USE IN THE COUNTY; AND

2. THE COUNTY'S PRIOR LEASE COSTS.

(III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE BOARD MAY NOT REQUEST PAYMENT FROM A COUNTY IF THAT COUNTY, WITHIN THE PRECEDING 10 YEARS, PURCHASED VOTING SYSTEMS THAT WERE CERTIFIED BY THE STATE BOARD.

(4) (I) IN THE ABSENCE OF AN AGREEMENT BETWEEN THE STATE BOARD AND THE GOVERNING BODY OF A COUNTY, THE STATE BOARD SHALL PROVIDE FUNDING ASSISTANCE TO A COUNTY AS SPECIFIED IN THIS PARAGRAPH.

(II) FOR A COUNTY WHICH PURCHASED A VOTING SYSTEM THAT MEETS THE SPECIFICATIONS OF THE ADOPTED STATEWIDE VOTING SYSTEM, THE STATE BOARD SHALL PROVIDE FUNDING IN AN AMOUNT EQUIVALENT TO ONE-HALF THE ANNUAL PAYMENT AMOUNT BORNE BY THAT COUNTY FOR ITS VOTING SYSTEM PURCHASE.

(III) THE FUNDING UNDER THIS PARAGRAPH SHALL REMAIN FOR AS MANY YEARS AS THE JURISDICTION'S ORIGINAL PAYMENTS FOR ITS VOTING SYSTEM PURCHASE."

AMENDMENT NO. 5

On page 3, in line 23, after "for" insert "ALL"; and in the same line, after "voters" insert "AS PROVIDED UNDER THE AMERICANS WITH DISABILITIES ACT".

AMENDMENT NO. 6

On page 7, strike beginning with the second “THE” in line 27 down through “ACQUIRED” in line 28 ; and in line 28, after “SYSTEM” insert “IS AVAILABLE FOR USE BY THE VOTERS IN THE COUNTY”.