

# SENATE BILL 743

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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

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 5, 2019

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## 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; 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.**

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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.



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

3                   **(2) “CONTRACT” MEANS AN AGREEMENT IN ANY FORM ENTERED**  
4 **INTO BY A GOVERNMENTAL ENTITY FOR A PROCUREMENT AS DEFINED IN §**  
5 **11-101(M)(1) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

6                   **(3) (I) “ELECTION SERVICE PROVIDER” MEANS ANY PERSON**  
7 **PROVIDING, SUPPORTING, OR MAINTAINING AN ELECTION SYSTEM ON BEHALF OF**  
8 **THE STATE BOARD.**

9                               **(II) “ELECTION SERVICE PROVIDER” INCLUDES A CONTRACTOR**  
10 **AND VENDOR.**

11                   **(4) “ELECTION SYSTEM” INCLUDES:**

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

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

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

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

16                               **(V) A SYSTEM FOR TABULATING OR REPORTING ELECTION**  
17 **RESULTS; AND**

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

21                   **(5) “FOREIGN NATIONAL” INCLUDES:**

22                               **(I) AN INDIVIDUAL WHO IS A CITIZEN OF A FOREIGN COUNTRY;**  
23 **AND**

24                               **(II) AN INDIVIDUAL, A PARTNERSHIP, AN ASSOCIATION, A**  
25 **CORPORATION, AN ORGANIZATION, OR ANY OTHER COMBINATION OF INDIVIDUALS**  
26 **ORGANIZED UNDER THE LAWS OF OR HAVING ITS PRINCIPAL PLACE OF BUSINESS IN**  
27 **A FOREIGN COUNTRY.**

28                   **(B) THE STATE BOARD MAY NOT APPROVE A CONTRACT WITH AN ELECTION**  
29 **SERVICE PROVIDER UNLESS THE CONTRACT INCLUDES A CLAUSE REQUIRING THE**

1 ELECTION SERVICE PROVIDER TO PROVIDE THE STATE BOARD NOTICE OF:

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

5 (2) ANY MATERIAL CHANGE IN ANY OWNERSHIP OF OR INVESTMENT  
6 IN THE ELECTION SERVICE PROVIDER OR CONTROL OF THE ELECTION SERVICE  
7 PROVIDER BY A FOREIGN NATIONAL AT ANY TIME FOR THE DURATION OF THE  
8 CONTRACT.

9 (C) THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION  
10 SHALL INCLUDE:

11 (1) THE NAME AND NATIONALITY OF THE FOREIGN NATIONAL THAT  
12 HAS OWNERSHIP OF OR INVESTMENT IN OR CONTROL OF THE ELECTION SERVICE  
13 PROVIDER; AND

14 (2) THE NATURE AND EXTENT OF THE OWNERSHIP, INVESTMENT, OR  
15 CONTROL.

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 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.