

# SENATE BILL 129

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EMERGENCY BILL  
(PRE-FILED)

4lr1035

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By: **Senator Kagan**

Requested: October 18, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Election Costs and Administration**

3 FOR the purpose of requiring that each member of the State Board of Elections receive a  
4 stipend as provided in the State budget; requiring the State Administrator of  
5 Elections or the procurement officer for the State Board to disclose requests for  
6 proposals, invitations for bids, and proposed procurement contracts to the State  
7 Board; requiring the State Board to vote to approve or reject certain requests for  
8 proposals, invitations for bids, and procurement contracts; establishing  
9 requirements for invoices for payment sent by the State Board to a local board of  
10 elections and payments by a local board to the State Board; establishing  
11 requirements relating to security cameras for ballot drop boxes and video recordings  
12 made by the security cameras; altering the amount paid by the State Board and local  
13 boards for certain election-related expenses; and generally relating to election costs  
14 and administration.

15 BY repealing and reenacting, without amendments,  
16 Article – Election Law  
17 Section 2-101(a)  
18 Annotated Code of Maryland  
19 (2022 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Election Law  
22 Section 2-101(i), 2-203, 2-305, 9-106, and 10-205  
23 Annotated Code of Maryland  
24 (2022 Replacement Volume and 2023 Supplement)

25 BY adding to  
26 Article – Election Law  
27 Section 2-110, 2-111, 2-112, and 10-201.1

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2022 Replacement Volume and 2023 Supplement)

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

5 **Article – Election Law**

6 2–101.

7 (a) There is a State Board of Elections consisting of five members.

8 (i) **(1)** Each member shall receive:

9 **[(1)] (I)** per diem compensation as provided in the State budget for each  
10 day that the member is actually engaged in the discharge of official duties, as authorized  
11 by the State Board and in accordance with the State budget; **[and]**

12 **[(2)] (II)** reimbursement for all necessary and proper expenses, as  
13 provided in the State budget; **AND**

14 **(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**  
15 **STIPEND AS PROVIDED IN THE STATE BUDGET.**

16 **(2) (I) THE AMOUNT OF THE STIPEND UNDER PARAGRAPH (1)(III)**  
17 **OF THIS SUBSECTION SHALL EQUAL:**

18 **1. THE AVERAGE SALARY FOR ALL MEMBERS OF LOCAL**  
19 **BOARDS; OR**

20 **2. IF THE STATE BOARD ADOPTS REGULATIONS**  
21 **SETTING THE AMOUNT, THE AMOUNT SET IN REGULATIONS.**

22 **(II) 1. BEGINNING JANUARY 31, 2025, THE STATE BOARD**  
23 **MAY ADOPT REGULATIONS SETTING THE STIPEND UNDER PARAGRAPH (1)(III) OF**  
24 **THIS SUBSECTION AT AN AMOUNT THAT IS MORE THAN THE AVERAGE SALARY FOR**  
25 **ALL MEMBERS OF THE LOCAL BOARDS.**

26 **2. IF THE STATE BOARD ADOPTS REGULATIONS UNDER**  
27 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE STATE BOARD SHALL**  
28 **REEVALUATE THE AMOUNT OF THE STIPEND AT LEAST EVERY 2 YEARS.**

29 2–110.

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

3                   (2) “INVITATION FOR BIDS” HAS THE MEANING STATED IN § 11-101  
4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5                   (3) “PROCUREMENT” HAS THE MEANING STATED IN § 11-101 OF THE  
6 STATE FINANCE AND PROCUREMENT ARTICLE.

7                   (4) “PROCUREMENT CONTRACT” HAS THE MEANING STATED IN §  
8 11-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9                   (5) “REQUEST FOR PROPOSALS” HAS THE MEANING STATED IN §  
10 11-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

11           (B) (1) BEFORE ISSUING A REQUEST FOR PROPOSALS OR AN INVITATION  
12 FOR BIDS, THE STATE ADMINISTRATOR OR THE PROCUREMENT OFFICER FOR THE  
13 STATE BOARD SHALL DISCLOSE THE REQUEST FOR PROPOSALS OR INVITATION FOR  
14 BIDS TO THE STATE BOARD.

15                   (2) BEFORE EXECUTING A PROCUREMENT CONTRACT, THE STATE  
16 ADMINISTRATOR OR THE PROCUREMENT OFFICER FOR THE STATE BOARD SHALL  
17 DISCLOSE THE PROPOSED PROCUREMENT CONTRACT TO THE STATE BOARD.

18           (C) (1) THIS SUBSECTION DOES NOT APPLY TO A PROCUREMENT MADE:

19                           (I) LESS THAN 45 DAYS BEFORE THE DATE OF A PRIMARY  
20 ELECTION OR GENERAL ELECTION; AND

21                           (II) USING EMERGENCY PROCUREMENT PROCEDURES  
22 PROVIDED UNDER § 13-108 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23                   (2) IF A PLANNED REQUEST FOR PROPOSALS OR AN INVITATION FOR  
24 BIDS RELATED TO A CONTRACT THAT IS REASONABLY EXPECTED TO EXCEED  
25 \$200,000, THE STATE BOARD SHALL VOTE TO APPROVE OR REJECT THE PLANNED  
26 REQUEST FOR PROPOSALS OR INVITATION FOR BIDS BEFORE THE STATE  
27 ADMINISTRATOR OR PROCUREMENT OFFICER FOR THE STATE BOARD MAY ISSUE  
28 THE REQUEST FOR PROPOSALS OR INVITATION FOR BIDS.

29                   (3) IF A PROPOSED PROCUREMENT CONTRACT HAS A VALUE  
30 GREATER THAN \$200,000, THE STATE BOARD SHALL VOTE TO APPROVE OR REJECT  
31 THE PROPOSED PROCUREMENT CONTRACT BEFORE THE STATE ADMINISTRATOR

1 OR PROCUREMENT OFFICER FOR THE STATE BOARD MAY SUBMIT THE PROPOSED  
2 PROCUREMENT CONTRACT TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.

3 2-111.

4 THE STATE BOARD SHALL PAY 100% OF THE COST OF:

5 (1) ACQUIRING AND OPERATING:

6 (I) THE ELECTION MANAGEMENT SYSTEM; AND

7 (II) BALLOT DROP BOXES; AND

8 (2) DEVELOPING:

9 (I) THE MARKETING CAMPAIGN TO RECRUIT INDIVIDUALS TO  
10 SERVE AS ELECTION JUDGES IN ACCORDANCE WITH § 10-201.1 OF THIS ARTICLE;  
11 AND

12 (II) A STATEWIDE GET-OUT-THE-VOTE CAMPAIGN.

13 2-112.

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

17 (B) INTEREST RATES FOR PAYMENTS OF GOODS AND SERVICES UNDER  
18 SUBSECTION (A) OF THIS SECTION MAY NOT EXCEED THE CURRENT MAXIMUM  
19 FEDERAL FUNDS INTEREST RATE SET BY THE FEDERAL OPEN MARKET  
20 COMMITTEE.

21 (C) ON ISSUANCE OF AN INVOICE FOR PAYMENT BY THE STATE BOARD, A  
22 LOCAL BOARD SHALL SUBMIT PAYMENT WITHIN 90 DAYS AFTER RECEIPT OF THE  
23 INVOICE FOR PAYMENT.

24 2-203.

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

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

1 (2) subject to § 9–106 of this article, polling place operation expenses; [and]

2 (3) subject to § 9–106 of this article, supplies and equipment required  
3 under § 2–202(b)(3) of this subtitle; AND

4 (4) **100% OF THE COST OF:**

5 (I) **PRINTING AND MAILING SPECIMEN BALLOTS;**

6 (II) **MAINTAINING THE STATEWIDE VOTER REGISTRATION LIST;**  
7 **AND**

8 (III) **DISSEMINATING A MARKETING CAMPAIGN DEVELOPED BY**  
9 **THE STATE BOARD TO RECRUIT INDIVIDUALS TO SERVE AS ELECTION JUDGES IN**  
10 **ACCORDANCE WITH § 10–201.1 OF THIS ARTICLE.**

11 2–305.

12 (a) (1) A local board shall ensure the security of ballot drop boxes, including  
13 through the use of the following:

14 (i) monitoring by security cameras at all times; and

15 (ii) periodic in–person visits by appropriate personnel.

16 (2) A local board shall have immediate access or access within a reasonable  
17 amount of time to a security camera used for monitoring a ballot drop box under paragraph  
18 (1)(i) of this subsection.

19 (3) **A LOCAL BOARD SHALL DETERMINE THE LOCATION OF A**  
20 **SECURITY CAMERA UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION AND INSTALL**  
21 **THE SECURITY CAMERA.**

22 (b) (1) Except as otherwise provided in law, a local board shall remove the  
23 election–related materials from each ballot drop box at least once each day that the ballot  
24 drop box is open in accordance with the chain of custody procedures established in  
25 accordance with paragraph (2) of this subsection.

26 (2) The State Board shall:

27 (I) establish chain of custody procedures governing removal of  
28 election–related materials from ballot drop boxes and the return of the materials to the  
29 local board; AND

1                   **(II) ADOPT REGULATIONS GOVERNING THE USE OF SECURITY**  
2 **CAMERAS BY A LOCAL BOARD UNDER SUBSECTION (A)(1)(I) OF THIS SECTION.**

3           **(C) (1) A LOCAL BOARD SHALL SHARE A RECORDING MADE BY A**  
4 **SECURITY CAMERA UNDER SUBSECTION (A)(1)(I) OF THIS SECTION:**

5                   **(I) WITH THE STATE BOARD; AND**

6                   **(II) ON RECEIPT OF A SUBPOENA OR COURT ORDER, WITH LAW**  
7 **ENFORCEMENT.**

8                   **(2) A RECORDING UNDER THIS SUBSECTION IS CONFIDENTIAL AND**  
9 **EXEMPT FROM DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.**

10           **(D) IF THE STATE BOARD MAKES A FINDING THAT A RECORDING RECEIVED**  
11 **UNDER SUBSECTION (C) OF THIS SECTION SHOWS A VIOLATION OF A PROVISION OF**  
12 **THIS ARTICLE RELATING TO BALLOT DROP BOXES, THE STATE BOARD SHALL**  
13 **FORWARD TO THE STATE PROSECUTOR A COPY OF THE RECORDING.**

14 9–106.

15           (a) Each county shall pay for its share of 50% of the State’s cost of acquiring and  
16 operating the uniform statewide voting systems for voting in polling places and for absentee  
17 voting provided for in this title, including:

18                   **(1) the cost of maintenance, storage, PROGRAMMING AND printing of**  
19 **ballots, technical support and programming, related supplies and materials, and software**  
20 **licensing fees;**

21                   **(2) ELECTRONIC POLL BOOKS;**

22                   **(3) VOTING MACHINES; AND**

23                   **(4) BALLOT MARKING DEVICES.**

24           (b) A county’s share of the cost of acquiring and operating the uniform statewide  
25 voting systems shall be based on the county’s voting age population.

26 **10–201.1.**

27           **(A) THE STATE BOARD SHALL DEVELOP AND PROVIDE TO THE LOCAL**  
28 **BOARDS A MARKETING CAMPAIGN TO RECRUIT INDIVIDUALS TO SERVE AS ELECTION**  
29 **JUDGES IN POLLING PLACES IN THE STATE.**

1           **(B) THE MARKETING CAMPAIGN SHALL:**

2                   **(1) DISSEMINATE INFORMATION ON THE IMPORTANCE OF ELECTION**  
3 **JUDGES;**

4                   **(2) DISSEMINATE INFORMATION ON HOW TO APPLY TO BE AN**  
5 **ELECTION JUDGE, ELIGIBILITY REQUIREMENTS, AND COMPENSATION; AND**

6                   **(3) TARGET DIVERSE VOTER POPULATIONS, INCLUDING**  
7 **MULTILINGUAL INDIVIDUALS.**

8 10–205.

9           (a) In this section, “compensation” includes stipends for transportation, training,  
10 and bonus payments.

11           (b) (1) (i) The county governing body shall provide sufficient funding to  
12 meet the minimum compensation levels required under this section.

13                               (ii) Within the limits authorized by the county governing body, a  
14 local board may fix the compensation of election judges above the minimum compensation  
15 levels required under this section.

16           (2) A local board shall pay an election judge for:

17                               (i) each course of instruction required under § 10–206(g)(1) of this  
18 subtitle that the election judge completes; and

19                               (ii) each election day and each early voting day that the election  
20 judge actually serves.

21           (3) (i) For each election judge who has not previously served as an  
22 election judge, the compensation for each election day and each early voting day actually  
23 served shall be:

24   **1. at least \$250 per day; OR**

25   **2. IF THE STATE BOARD ADOPTS REGULATIONS**  
26 **SETTING THE AMOUNT, THE AMOUNT SET IN REGULATIONS.**

27                               (ii) For each election judge who has previously served as an election  
28 judge, the compensation for each election day and each early voting day actually served  
29 shall be at least \$100 more per day than the compensation provided to an election judge  
30 who has not previously served as an election judge.

1                   **(III) 1. BEGINNING JANUARY 31, 2025, THE STATE BOARD**  
2 **MAY ADOPT REGULATIONS SETTING THE COMPENSATION UNDER SUBPARAGRAPH**  
3 **(I) OF THIS PARAGRAPH AT AN AMOUNT THAT IS MORE THAN \$250.**

4                   **2. IF THE STATE BOARD ADOPTS REGULATIONS UNDER**  
5 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE STATE BOARD SHALL**  
6 **REEVALUATE THE AMOUNT OF THE STIPEND AT LEAST EVERY 2 YEARS.**

7                   (4) The compensation for each completed course of instruction required  
8 under § 10–206(g)(1) of this subtitle shall be at least \$50.

9                   (c) The State Board shall reimburse each local board for ~~[\$50]~~ **50%** of the [extra]  
10 compensation required under subsection [(b)(3)(ii)] **(B)(3)(I)** of this section that is paid to  
11 each [returning] election judge.

12                   [(d) (1) The State Board shall develop and provide to the local boards a  
13 marketing campaign to recruit individuals to serve as election judges in polling places in  
14 the State.

15                   (2) The marketing campaign shall:

16                   (i) disseminate information on the importance of election judges;

17                   (ii) disseminate information on how to apply to be an election judge,  
18 eligibility requirements, and compensation; and

19                   (iii) target diverse voter populations, including multilingual  
20 individuals.]

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