



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 35  
State Board of Elections – Contracts and Invoices – Requirements**

This legislation seeks to enhance the transparency and accountability of the State Board of Elections. This bill was developed in partnership with the Maryland Association of Counties and is one of their four legislative priorities for this session.

**Ensuring Fiscal Responsibility**

Transparency is key to effective and trusted government. Significant state procurements should be subject to public transparency and input by the State Board of Elections. This bill would require the Board to vote on contracts and purchases exceeding \$50,000.

Too often, board members have discovered that a significant contract had already been signed without their consideration or approval. For example, the state's previous ballot printing contractor, SeaChange, backed out and staff signed a contract with Taylor Corp without consulting or informing the Board beforehand.<sup>1</sup>

An additional concern is that the State Board of Elections categorizes purchases and contracts as being paid for with "special funds," which in the past has meant that local governments would pay. Under this legislation, the Board would be required to make clear where the money is coming from, why the money is being spent, and how any state or federal funds will be distributed.

This bill would also require the State Board of Elections to itemize what goods and services are included in invoices sent to local boards of elections. This information would help counties to verify they are being charged accurately for the goods and

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<sup>1</sup> "Maryland ballot vendor abruptly quits as printing was to get underway; state signs deal with new firm". Baltimore Sun.  
<https://www.baltimoresun.com/politics/bs-md-pol-maryland-ballot-contract-20200911-4kqskyykyrfgnpfrde6txiicxa-story.html>

services for which the state has a fiduciary duty. Unfortunately, this is not the current practice.

### **Clarifying Financial Obligations**

Maryland currently relies on uncodified language from 20 years ago to determine how much counties must pay towards election costs. This leaves local boards of election without protection against unfunded mandates from the state.

For instance, the postage-paid legislation (SB 145 of 2020) requires that the cost be split evenly between the State and local boards. For the 2020 General Election, Governor Hogan directed the State Board of Elections to send every voter an application for a ballot—rather than the ballot itself. This extra mailer imposed a fiscal burden on counties through both postage and staff time. Without a standard set in law, the State Board of Elections could continue to dictate unfunded mandates to local governments.

This bill would codify the 20-year precedent that governs the funding obligations between the State and counties for voting machines and related systems so that counties have a reasonable expectation for the costs they must bear.