

SENATE BILL 860

G1, P2

3lr1353
CF HB 752

By: **Senator Kagan**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Elections – Procurement Oversight**

3 FOR the purpose of requiring the State Administrator of Elections or the procurement
4 officer for the State Board of Elections to disclose requests for proposals, invitations
5 for bids, and proposed procurement contracts to the State Board; requiring the State
6 Board to vote to approve or reject certain requests for proposals, invitations for bids,
7 and procurement contracts; and generally relating to procurement oversight by the
8 State Board of Elections.

9 BY adding to

10 Article – Election Law

11 Section 2–110

12 Annotated Code of Maryland

13 (2022 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Election Law**

17 **2–110.**

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

20 (2) “INVITATION FOR BIDS” HAS THE MEANING STATED IN § 11–101
21 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (3) “PROCUREMENT” HAS THE MEANING STATED IN § 11–101 OF THE
23 STATE FINANCE AND PROCUREMENT ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(4) “PROCUREMENT CONTRACT” HAS THE MEANING STATED IN §**
2 **11-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

3 **(5) “REQUEST FOR PROPOSALS” HAS THE MEANING STATED IN §**
4 **11-101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

5 **(B) (1) BEFORE ISSUING A REQUEST FOR PROPOSALS OR AN INVITATION**
6 **FOR BIDS, THE STATE ADMINISTRATOR OR THE PROCUREMENT OFFICER FOR THE**
7 **STATE BOARD SHALL DISCLOSE THE REQUEST FOR PROPOSALS OR INVITATION FOR**
8 **BIDS TO THE STATE BOARD.**

9 **(2) BEFORE EXECUTING A PROCUREMENT CONTRACT, THE STATE**
10 **ADMINISTRATOR OR THE PROCUREMENT OFFICER FOR THE STATE BOARD SHALL**
11 **DISCLOSE THE PROPOSED PROCUREMENT CONTRACT TO THE STATE BOARD.**

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

13 **(I) LESS THAN 45 DAYS BEFORE THE DATE OF A PRIMARY**
14 **ELECTION OR GENERAL ELECTION; AND**

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

17 **(2) IF A PLANNED REQUEST FOR PROPOSALS OR AN INVITATION FOR**
18 **BIDS RELATES TO A CONTRACT THAT IS REASONABLY EXPECTED TO EXCEED**
19 **\$200,000, THE STATE BOARD SHALL VOTE TO APPROVE OR REJECT THE PLANNED**
20 **REQUEST FOR PROPOSALS OR INVITATION FOR BIDS BEFORE THE STATE**
21 **ADMINISTRATOR OR PROCUREMENT OFFICER FOR THE STATE BOARD MAY ISSUE**
22 **THE REQUEST FOR PROPOSALS OR INVITATION FOR BIDS.**

23 **(3) IF A PROPOSED PROCUREMENT CONTRACT HAS A VALUE**
24 **GREATER THAN \$200,000, THE STATE BOARD SHALL VOTE TO APPROVE OR REJECT**
25 **THE PROPOSED PROCUREMENT CONTRACT BEFORE THE STATE ADMINISTRATOR**
26 **OR PROCUREMENT OFFICER FOR THE STATE BOARD MAY SUBMIT THE PROPOSED**
27 **PROCUREMENT CONTRACT TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2023.