



Maryland Chamber of Commerce

Legislative Position

**SB 814
OPPOSE**

**Ed., Hlth., &
Env. Affairs
Committee
3/12/09**

SB 814

Election Law – Voting Machines – Voting System Warranty Requirement

Bill Summary: This emergency bill would require specified warranties in the procurement of a voting system by the State Board of Elections and create a private cause of action allowing an individual to sue for a breach of the warranty.

Chamber Position: The Maryland Chamber opposes this bill. While we offer no view on the type of voting system the state should have, nor the warranties appropriate for that system, we strongly object to creating a private right of action for individuals to sue businesses for the enforcement of state contracts.

It is the job of state government to enforce its contracts, not private individuals. The Attorney General's Office has a large and capable staff, including a Contract Litigation Division. State agencies, represented by Assistant Attorneys General, are best suited to determine when a breach has occurred in their contracts and to litigate for enforcement of the warranty. As stated in the fiscal note, this bill could increase contract costs as bidders consider the increased potential for litigation and associated costs.

For these reasons, the Maryland Chamber urges that this bill be given an unfavorable report.

Contact: Ronald W. Wineholt, rwineholt@mdchamber.org