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## State of Maryland

### Preliminary State Plan

As required by Public Law 107-252,  
Help America Vote Act 2002, Section 253 (b)

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## **INTRODUCTION BY THE STATE ADMINISTRATOR OF ELECTIONS**

I am pleased to offer the Maryland Preliminary State Plan. Section 253(b) of the Help America Vote Act of 2002 (HAVA) requires each state to develop a long-range plan for implementing the Act. HAVA requires the state and local governments to significantly reform election processes and systems. On behalf of the Maryland elections community, I am proud to say that we, with the support of both the Governor and the General Assembly, began election reform well before the enactment of HAVA. With the appropriate federal financial support, the State of Maryland will have the opportunity to build upon our strong foundation of current election reform and accomplishments.

The Preliminary State Plan, developed in conjunction with the State Plan Committee, establishes a framework for continuing progress in election reform and achieving compliance with HAVA. The Committee is comprised of a cross-section of the Maryland election community and other stakeholders.

Although HAVA increases responsibility for election administration at the State level in order to establish consistency across localities, the State Board of Elections acknowledges that the local boards of elections are charged with the conduct of elections and are critical to the elections process. Throughout the election reform efforts, the State Board will continue to encourage coordination with the local boards of elections and knowledge sharing on local innovations and successes.

Within the Preliminary State Plan, Maryland also encourages election accessibility for individuals with disabilities and those with alternative language considerations. Maryland has already taken significant steps to improve polling place accessibility and is in the process of implementing an accessible, uniform statewide voting system. We will continue to strive toward accessibility throughout all aspects of the elections process.

Maryland will update and refine the State Plan as necessary over time, to reflect election reform progress and future plans. We welcome the challenges of HAVA and the financial support from the federal government in our continuing efforts to lead the nation in election reform.

Linda H. Lamone, Esq.  
State Administrator of Elections



## STATE PLAN APPROACH

The Maryland State Board of Elections (SBE), comprised of the Administrator as the chief State election official, the five-member State Board as the principal authority, and 30 employees, is responsible for administering and supervising elections conducted by the 24 Local Boards of Elections (LBEs) in the State. The LBEs and their respective local governments have the majority of fiscal responsibility for elections. Collaboration between the LBEs and SBE is essential to the conduct of successful elections. In addition to fulfilling federal election responsibilities, the State's elections community works cooperatively to serve State government, approximately 2.8 million registered voters, and over 1,700 political campaigns.

Before the State's 2002 Gubernatorial Election, SBE successfully adopted a number of election reforms. SBE introduced provisional balloting and a new voter registration system (VRS), replaced the remaining punch card and lever machines with Direct Recording Electronic (DRE) voting units, expanded physical accessibility of polling places, and implemented continuous voter registration from one local jurisdiction to another (eliminating the need for re-registration when a voter moves within the State). Through these programs, SBE has shown that it has a vision for election reform. The challenge for the State is to implement that vision in compliance with the Help America Vote Act (HAVA).

Despite these election reform efforts already complete or in progress, considerable effort and resources are necessary for the State to meet HAVA requirements. SBE will need to upgrade systems, redesign processes, and revamp training. SBE's ability to provide ongoing operations and maintenance of new capabilities is dependent on adequate resources and funding. In addition, SBE must address core infrastructure needs to provide a solid foundation to sustain new technology and processes. Additionally, the success of the State's election reform efforts requires implementation at an appropriate point in the election cycle, so that LBEs may utilize new processes in a timely manner.

This State Plan is organized as specified in HAVA §254. Each section of this document corresponds to a subsection of §254 and addresses a State Plan requirement specified in HAVA. The plan outlines program milestones to address large-scale system or procedural changes. Additionally, where appropriate, compliance matrices are included to outline the detailed requirements of HAVA, describe the State's current status in regard to those requirements, and define the actions planned to help the State meet those requirements.

In developing the Maryland State Plan, the State Plan Committee used the following themes as a guide:

- Emphasize collaboration with stakeholder community
- Include steps to get the answers
- Focus on accessibility for individuals with disabilities and alternative language needs
- Centralize responsibility, accountability, and authority



## STATE PLAN REQUIRED ELEMENTS (HAVA §254)

### 1. Title III Requirements and Other Activities

*How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(b)(2), to carry out other activities to improve the administration of elections. -- HAVA §254 (a)(1)*

#### **1.A §301(a), Voting Systems Standards Requirements**

*Deadline for Compliance: January 1, 2006; no waiver permitted.*

The State currently uses four polling place voting systems in its 24 jurisdictions, including two optical scan systems (ES+S Optech III-P Eagle and Diebold Model ES-2000) and two Direct Recording Electronic (DRE) systems (Diebold AccuVote TS and Sequoia AVC Advantage). In addition, the State uses four optical scan voting systems for absentee balloting (ES+S Optech III-P Eagle, ES+S Optech IV-C, ES+S Model 315, and Diebold Model ES-2000).

Before the passage of HAVA, the State enacted legislation mandating that, by 2006, all jurisdictions implement a uniform voting system for polling places and a uniform voting system for absentee voting. SBE began to implement this new legislation in 2001. Because SBE closely tracked innovations in voting as well as the developing federal election reform legislation, the polling place voting system selected is compliant with the HAVA requirements that were introduced a year later.

Four of the State's 24 jurisdictions, comprising approximately 32% of its registered voters, transitioned polling place equipment to the new uniform State and HAVA-compliant, DRE voting system (AccuVote TS) in 2002. This new voting system enables a voter to correct ballot errors before casting a ballot. The system also prevents a voter from over-voting, provides for accessibility for individuals with disabilities, and allows for alternative language accessibility. These four jurisdictions also transitioned to uniform absentee voting equipment (Model ES-2000). The implementation of the uniform polling place and absentee voting systems cost the State and counties approximately \$15 million for hardware and services; significant costs above that amount were absorbed by the State and counties, not to mention volunteer resources (manpower and supplies). Additionally, the significant effort and cost required to train poll workers and election officials and to conduct adequate voter outreach for the new equipment drew State, local, and volunteer resources away from other important election activities.

Maryland's early and active pursuit of voting system improvements now mandated by HAVA has placed the State on course to fulfill HAVA requirements within the statutory timeframes. SBE plans to proceed with the implementation of uniform State voting systems for the remaining 20 local jurisdictions that do not currently meet HAVA §301(a) requirements. Funding is necessary for the non-compliant jurisdictions to transition to the uniform State voting systems and meet HAVA §301(a) requirements over the next three years.



State legislation mandates a uniform absentee voting system, and SBE is in the process of phasing out all other systems and implementing Model ES-2000 as the absentee voting system. This absentee system will be used in conjunction with the AccuVote TS in all polling places, satisfying HAVA requirements.

In addition to numerous voting system requirements, §301(a) also requires states to define what constitutes a legal vote for each type of voting system used in the state. In the 2002 Standardized Election Recount Procedures for Optical Scan Automatically Tabulated Systems, the State defined what constitutes a legal vote in the case of a manual recount for optical scan ballots. The State will define a legal vote in a uniform manner for each voting system as a regulation in the Code of Maryland Regulations (COMAR) Title 33.

### **Uniform State Voting Systems Program Milestones**

As demonstrated in the above description of the current state of voting systems, the State is on its way to meeting HAVA §301(a) requirements. Phase I of SBE's uniform State voting systems program is already complete.

- 1) Planning voting system compliance -- Maryland passed legislation in 2001 requiring all jurisdictions to have a uniform system for polling place voting and a uniform system for absentee voting. The uniform systems, selected by SBE, when implemented statewide, will bring the State into full compliance with HAVA. SBE assessed available options and selected the appropriate delivery method for implementation.
- 2) Implementing voting systems -- In 2002, four jurisdictions replaced punch-card or mechanical lever voting system with the uniform state systems.

The State is taking actions to ensure full compliance with HAVA §301(a) requirements. Phase II of SBE's uniform State voting systems program is in progress:

- 1) Planning voting system compliance
  - Assess procurement options
  - Establish user group of relevant internal stakeholders to discuss next phase of implementation, lessons learned from Phase I, and guide the voting system program through planning, managing and implementing phases
  - Create schedules, milestones, and work plans
- 2) Managing the implementation effort through a standardized project management framework
  - Develop reporting structures and performance measures to track progress
  - Track issues and risks to ensure smooth transition to new uniform voting systems
- 3) Implementing compliant voting systems
  - Procure equipment and services pursuant to the State's procurement law
  - Deliver equipment and services to remaining 20 jurisdictions
  - Ensure proper training and change management for stakeholders using new uniform systems



Phase III of SBE's uniform State voting systems program will be operations and maintenance:

- 1) Operating & Maintaining new uniform State voting systems
  - Maintain and improve voting system software
  - Maintain technical infrastructure for software

The matrix on the following pages outlines the HAVA §301(a) requirements, the "State of Maryland's Current Status" related to these requirements, and the "Actions Planned", where applicable. As the matrix indicates, the four jurisdictions using the uniform State voting systems are currently compliant with HAVA.



Requirement	State of Maryland's Current Status			
SEC. 301. VOTING SYSTEMS STANDARDS	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned		
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements				
(1) IN GENERAL-				
(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall				
(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;			Meets.	No action needed.
(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and			Meets.	No action needed.
(iii) if the voter selects votes for more than one candidate for a single office-- (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	Partially Meets. <ul style="list-style-type: none"> <li>• Non-compliant systems identify over-voting</li> <li>• Require poll workers to inform voter of error</li> <li>• Systems do not show error to voter directly</li> </ul>	The State will meet this requirement upon implementation of the uniform State voting systems program described above.		
(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by				





Requirement	State of Maryland's Current Status	
	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and	Meets.	No action needed.
(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)	Meets.	No action needed.
(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.	Does Not Meet. <ul style="list-style-type: none"> <li>Non-compliant systems require poll workers to inform voter of error</li> </ul>	The State will meet this requirement upon implementation of the uniform State voting systems program described above.
<b>(2) AUDIT CAPACITY-</b>		
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets.	No action needed.
<b>(B) MANUAL AUDIT CAPACITY-</b>		
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Meets.	No action needed.
(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.	Meets.	No action needed.
(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.	Meets.	No action needed.
<b>(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES-</b> The voting system shall-		



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;	Partially Meets. <ul style="list-style-type: none"> <li>• Optech III-P Eagle and Model ES-2000 do not meet requirements; require human assistance</li> <li>• AVC Advantage does not meet requirements; has Braille key capabilities, but requires human assistance</li> <li>• AccuVote TS meets requirements (has audio ability, keypad, option to enlarge font size)</li> </ul>	The State will meet this requirement upon implementation of the uniform State voting systems program described above.
(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and	Partially Meets. <ul style="list-style-type: none"> <li>• At least one machine per polling place configured to provide accessibility for disabled individuals in precincts that have AccuVote TS machines</li> <li>• Precincts with no AccuVote TS machines -- not compliant</li> </ul>	The State will meet this requirement upon implementation of the uniform State voting systems program described above.
(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).	N/A	The State will meet this requirement upon implementation of the uniform State voting systems program described above.
(4) ALTERNATIVE LANGUAGE ACCESSIBILITY- The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	Meets.	No action needed.



<b>Requirement</b>	<b>State of Maryland's Current Status</b> (Meets Requirement, Partially Meets, Does Not Meet)	<b>Actions Planned</b>
(5) ERROR RATES- The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.	Meets.	No action needed.
(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE- Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.	Partially Meets. <ul style="list-style-type: none"><li>Standardized Recount Procedures modified in 2002 define a legal vote in case of manual recounts of optical scan ballots</li><li>No standardized definition exists.</li></ul>	The State will meet this requirement upon implementation of the uniform State voting systems program described above.



## **1.B §302, Provisional Voting and Voting Information Requirements**

*Deadline for Compliance: January 1, 2004; no waiver permitted.*

HAVA addresses the process of provisional voting to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to do so. Before the passage of HAVA, the State attended to this issue – the Maryland General Assembly enacted provisional voting legislation in 2001. In developing the State Plan, SBE assessed the State’s recent provisional voting legislation to determine those elements needing modification in order to fully comply with HAVA.

Currently, the State’s provisional voting laws allow a voter whose name does not appear on the precinct register to cast a provisional ballot, provided the voter completes a certification in which he or she affirms under penalty of perjury that he or she is either registered in another county or made a good faith effort to register at a voter registration agency. In any election conducted under the Maryland Election Law Article, election officials must provide provisional voters with provisional ballots identical to the ballots issued to other voters in the precinct. Each LBE is required to maintain a full record of provisional ballot voting, including voter information, the action taken in canvassing the ballot, the ballot style issued, and any other information requested by SBE. On request, a provisional voter may learn whether the voter’s ballot was counted and, if not, why.

The intent of the State’s recent provisional voting legislation – to reduce the number of individuals unable to participate on election day – is similar to the intent of HAVA §302. However, the new HAVA requirements differ in some respects from the State’s procedure, so the State must make some modifications to its legislation and processes. Through these modifications, the State will change its procedures for the issuance of provisional ballots, provide “free access” to its canvass reporting system, and assure the privacy of that reporting system.

### **Provisional Voting Program Milestones**

SBE is in the process of proposing updates to legislation governing the State’s provisional voting program:

1. Conducting an Impact Assessment
  - Assess the requirements of HAVA §302 in collaboration with the State Attorney General’s office
  - Review and compare existing State legislation with HAVA to determine gaps
2. Implementing Revisions
  - Develop revisions to State law with input from LBEs and other key stakeholders
  - Facilitate passage of law in State legislature
  - Put new law into operation with revised procedures, training, and outreach mechanisms
3. Managing
  - Track and report on provisional voting



Details on the current status of provisional voting and actions planned are found in the compliance matrix on the following pages.

In addition to provisional voting requirements, HAVA §302 mandates that states publicly post specific information at the polls on election day. The State currently displays voting information at each polling place, though SBE must adjust the content slightly to comply with HAVA.

### **Voting Information Program Milestones**

SBE will comply with HAVA requirements for voting information through the following program:

1. Conducting an Impact Assessment

- Assess the requirements of HAVA §302 in cooperation with the Attorney General's office
- Review and compare existing voting information posted with HAVA to determine gaps

2. Implementing Revisions

- Develop revisions to voter information materials posted on election day with input from LBEs and other key stakeholders
- Put new voting information into operation with revised procedures, election day materials, training, and outreach mechanisms

3. Managing

- Track and report on success of posted voting information

Details on the current status of voting information and actions planned are found in the compliance matrix on the following pages.

HAVA §302 further provides that voters who vote (pursuant to a court or other order), during extended hours after the normal close of a polling place, cast provisional ballots. These ballots must be kept separate from other provisional ballots. The State did not previously include this requirement as part of its provisional voting law and procedures, and consequently, SBE is updating the law and procedures as described above.

The compliance matrix on the following pages includes the specific requirements of HAVA §302, as well as the "State of Maryland's Current Status" related to these requirements. The "Actions Planned" column includes next steps for the State.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
<b>SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.</b>		
(a) PROVISIONAL VOTING REQUIREMENTS- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:		
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	Partially Meets. <ul style="list-style-type: none"> <li>Individual may cast provisional ballot</li> <li>State is more restrictive about when provisional ballots are issued than implied in HAVA</li> </ul>	The State will meet this requirement upon implementation of the provisional voting program described above.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--		
(A) a registered voter in the jurisdiction in which the individual desires to vote; and	Partially Meets. <ul style="list-style-type: none"> <li>To receive provisional ballot, individual must:               <ul style="list-style-type: none"> <li>Fill out application and temporary certificate of registration,</li> <li>Provide proof of identity, and</li> <li>Sign oath stating that individual is registered voter in State</li> </ul> </li> </ul>	The State will meet this requirement upon implementation of the provisional voting program described above.
(B) eligible to vote in that election.	Partially Meets. <ul style="list-style-type: none"> <li>Text of written affirmation differs from HAVA requirements</li> </ul>	The State will meet this requirement upon implementation of the provisional voting program described above.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	Meets.		No action needed.
(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	Meets.		No action needed.
(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	Meets.		No action needed.
(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Partially Meets. <ul style="list-style-type: none"> <li>• A provisional voter can call the LBE or SBE to find out if individual's ballot was counted; current system not necessarily toll free</li> <li>• If ballot is not counted, form letter is mailed to provisional voter, on request, explaining reason</li> <li>• Voter may appeal canvassing decision to appropriate circuit court within five days after completion of canvass</li> </ul>		The State will meet this requirement upon implementation of the provisional voting program described above.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.	N/A	Maryland is not a state described in §4(b) of the NVRA.
<b>(b) VOTING INFORMATION REQUIREMENTS-</b>		
(1) PUBLIC POSTING ON ELECTION DAY- The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.	Meets.	The State complies in terms of posting information, but actual details posted will be adjusted. See below for further detail.
<b>(2) VOTING INFORMATION DEFINED-</b> In this section, the term 'voting information' means--		
(A) a sample version of the ballot that will be used for that election;	Meets.	No action needed
(B) information regarding the date of the election and the hours during which polling places will be open;	Meets.	No action needed
(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	Partially Meets. • Needs update to reach full compliance	The State will meet this requirement upon implementation of the voting information program described above.
(D) instructions for mail-in registrants and first-time voters under section 303(b);	Does Not Meet. • Information not included in current posting	The State will meet this requirement upon implementation of the voting information program described above.





Requirement	State of Maryland's Current Status		Actions Planned
	(Meets Requirement, Partially Meets, Does Not Meet)		
(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and	Partially Meets.	<ul style="list-style-type: none"> <li>Need more detail for full compliance</li> </ul>	The State will meet this requirement upon implementation of the voting information program described above.
(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.	Does Not Meet.	<ul style="list-style-type: none"> <li>Information not included in current posting</li> </ul>	The State will meet this requirement upon implementation of the voting information program described above.
(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE- Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.	Does Not Meet.	<ul style="list-style-type: none"> <li>No procedures exist currently for this requirement</li> </ul>	The State will meet this requirement upon implementation of the provisional voting program described above.



### **1.C §303, Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail**

*Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will move the deadline for §303(a) compliance to January 1, 2006.*

Currently, official State voter registration records are created and maintained at the local jurisdiction level. Each LBE updates and separately maintains voter registration records for its jurisdiction, with 19 of the State's 24 jurisdictions using a uniform local system. SBE does, however, maintain an aggregate list, referred to as the centralized voter registration database (CVRDB). On a weekly basis, LBEs send data files to SBE, and these are merged into the read-only CVRDB. CVRDB is accessible to the LBEs and SBE through a read-only Intranet server. SBE performs multiple checks for voter registration duplicates and distributes reports to the LBEs, which then manually update their databases by removing the duplicates.

As explained above, the State's CVRDB is not the "single, uniform, official, centralized, interactive, computerized statewide voter registration list" required by HAVA. Moreover, information gathered and maintained on State voters does not uniformly include driver's license numbers or partial social security numbers, as required by HAVA.

The mail-in voter registration process in Maryland also currently does not meet HAVA requirements. The mail-in voter registration form requires redesign to accommodate information required by HAVA. Also, the voter registration and polling place voter qualification processes must be modified to allow for the verification of identification provided by first-time voters who register by mail.

#### **Voter Registration System (VRS) Program Milestones**

SBE's VRS program, which will ensure HAVA compliance in both technical and procedural areas of voter registration, is in progress:

- 1) Planning HAVA voter registration compliance
  - Assess HAVA §303 to determine requirements for system and necessary changes in procedures and regulations/legislation
  - Establish a user group of key stakeholders to guide the VRS program through all phases and milestones
  - Develop a training plan, leveraging expertise from the LBEs (Note: refer to Section 3 Voter Education, Election Official Education and Training, and Poll Worker Training)
  - Research and assess VRS options (upgrade current system, build new system, acquire replacement system, etc.)
  - Determine options for development of interfaces and data integration between SBE and Motor Vehicle Administration (MVA), Department of Health and Mental Hygiene (DHMH), Administrative Office of the Courts (AOC), and other appropriate agencies
  - Develop VRS approach (selection of option, risks, pros and cons, cost benefit analysis, rough order of magnitude, level of effort)



- 2) Managing the voter registration system effort through a standardized project management framework
  - Create a comprehensive resource plan, schedule, and work plan
  - Develop reporting structures and performance measures to track progress
  - Monitor issues and risks to ensure smooth transition to new voter registration system
- 3) Implementing the new voter registration system
  - Implement necessary changes to procedures and regulations/legislation
  - Select and procure software and services
  - Design, build, test, and deploy VRS
  - Develop and deliver appropriate training and outreach to ensure successful VRS transition
- 4) Operating and Maintaining the voter registration system
  - Maintain and improve voting system software
  - Utilize the user group to assist SBE in maintaining and improving voting system software
  - Maintain technical infrastructure and accessibility for software

Based on SBE review of HAVA §303, the State's voter registration system will require technological and procedural upgrades to comply with the Act. The compliance matrix on the following pages includes the specific requirements of HAVA §303, as well as the "State of Maryland's Current Status" related to these requirements. The "Actions Planned" column includes next steps for the State.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
<b>SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.</b>		
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS-		
(1) IMPLEMENTATION-		
(A) IN GENERAL- Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the computerized list), and includes the following:	Does Not Meet. <ul style="list-style-type: none"> <li>Not all registration data in central database</li> <li>19 counties -- uniform local systems feed into the central database; other five counties interface with State's central database from their own applications</li> <li>Official voter registration records are those maintained at the local level</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above. Also, legislation will be needed.
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Does Not Meet. <ul style="list-style-type: none"> <li>Official voter registration records are those maintained at the local level</li> <li>Statewide list is stored centrally, but managed locally</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above. Also, legislation will be needed.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Meets.	No action needed.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Does Not Meet. <ul style="list-style-type: none"> <li>19 of 24 counties have potential for duplicate numbers, as systems assign unique numbers locally. No truly unique number assigned.</li> <li>Five counties are not part of this system</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned	
	(iv) The computerized list shall be coordinated with other agency databases within the State.	Does Not Meet. <ul style="list-style-type: none"> <li>No direct, coordinated link with all NVRA agencies</li> <li>Currently some coordination with DHMH and AOC (receive text file from them monthly)</li> </ul>	SBE will work to the extent possible with other State agencies to meet this requirement.
	(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	Partially Meets. <ul style="list-style-type: none"> <li>Local election officials have read-only access to continuous voter registration database (CVRDB), but data is not necessarily current</li> <li>Batch uploads performed weekly</li> <li>Election management modules of software not functioning at efficiency and effectiveness levels for access</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
	(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	Does Not Meet. <ul style="list-style-type: none"> <li>Assumes uploading data daily is "expedited" method of entering information into list</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
	(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).	Does Not Meet. <ul style="list-style-type: none"> <li>Assumes uploading data daily is "expedited" method of entering information into list</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
	(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Does Not Meet. <ul style="list-style-type: none"> <li>Official list currently created and maintained at local level</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above. Also, legislation is required.
(B) EXCEPTION- The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.			



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(2) COMPUTERIZED LIST MAINTENANCE-		
(A) IN GENERAL- The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:		
(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).	Meets.	No action needed.
(ii) For purposes of removing names of ineligible voters from the official list of eligible voters-- (I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death	Partially Meets. <ul style="list-style-type: none"> <li>• Convictions sent to State in text file, processed against voter registration rolls</li> <li>• Death information database sent monthly from DHMH to LBEs for processing</li> </ul>	SBE will work to the extent possible with other State agencies to meet this requirement.
(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.	N/A	Maryland is not a state described in 4(b) of the NVRA.
(B) CONDUCT- The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that--		
(i) the name of each registered voter appears in the computerized list;	Meets.	No action needed.
(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Meets.	No action needed.
(iii) duplicate names are eliminated from the computerized list.	Partially Meets. <ul style="list-style-type: none"> <li>• SBE calculates approx. 7000 of 2.7 million names on local voter registration lists are duplicates</li> <li>• Data entry methods of names not standardized</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST- The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	Does Not Meet. <ul style="list-style-type: none"> <li>Each county establishes its own process for administering security</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS- The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:		
(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.	Meets.	No action needed.
(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Meets.	No action needed.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION-		
(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS-		
(i) IN GENERAL- Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes-- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.	Does Not Meet. <ul style="list-style-type: none"> <li>No procedures for this currently</li> <li>Storage of driver's license number planned</li> <li>System stores social security number, but providing social security number voluntary on current voter registration forms</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.





Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
<p>(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER- If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.</p>	Does Not Meet.	The State will meet this requirement upon implementation of the VRS program described above.
<p>(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED- The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.</p>	N/A	The State will consider what verification of voter identification information is necessary and adopt appropriate laws.
<b>(B) REQUIREMENTS FOR STATE OFFICIALS-</b>		
<p>(i) SHARING INFORMATION IN DATABASES- The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.</p>	<p>Does Not Meet.</p> <ul style="list-style-type: none"> <li>No current Memorandum of Understanding (MOU) between MVA and SBE; no technology in place to support this</li> </ul>	SBE will work to the extent possible with MVA to meet this requirement.
<p>(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY- The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).</p>	<p>Partially meets.</p> <ul style="list-style-type: none"> <li>Three MOUs between the two parties; additional MOU may be necessary to comply with HAVA</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
<b>(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL-</b>		
<p>(1) IN GENERAL- Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--</p>		
<p>(A) the individual registered to vote in a jurisdiction by mail; and</p>		





Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(B)(i) the individual has not previously voted in an election for Federal office in the State; or		
(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).		
(2) REQUIREMENTS-		
(A) IN GENERAL- An individual meets the requirements of this paragraph if the individual--		
(i) in the case of an individual who votes in person-- (I) presents to the appropriate State or local election official a current and valid photo identification; or (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;	Does Not Meet. <ul style="list-style-type: none"> <li>Current voter registration and polling place voter identification procedures do not meet this requirement</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
(ii) in the case of an individual who votes by mail, submits with the ballot-- (I) a copy of a current and valid photo identification; or (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter	Does Not Meet. <ul style="list-style-type: none"> <li>Current voter registration and absentee voting procedures do not meet this requirement</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
(B) FAIL-SAFE VOTING-		
(i) IN PERSON- An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).	Does Not Meet. <ul style="list-style-type: none"> <li>No procedures exist for this requirement</li> </ul>	The State will meet this requirement upon implementation of the Provisional Voting Program in section 1.B of this Plan.
(ii) BY MAIL- An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).	Does Not Meet. <ul style="list-style-type: none"> <li>No procedures exist for this requirement</li> </ul>	The State will meet this requirement upon implementation of the Provisional Voting Program in section 1.B of this Plan.
(3) INAPPLICABILITY- Paragraph (1) shall not apply in the case of a person--		



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either--		
(i) a copy of a current and valid photo identification; or	Partially Meets. <ul style="list-style-type: none"> <li>• LBEs are now prepared to accept identification information if voluntarily provided</li> <li>• Voter registration procedures being updated to advise mail-in registrants of HAVA requirements</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;	Partially Meets. <ul style="list-style-type: none"> <li>• LBEs are now prepared to accept identification information if voluntarily provided</li> <li>• Voter registration procedures being updated to advise mail-in registrants of HAVA requirements</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either-- (I) a driver's license number; or (II) at least the last 4 digits of the individual's social security number; and	Does Not Meet. <ul style="list-style-type: none"> <li>• Voter registration forms and procedures being updated to collect the appropriate numbers</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or	Does Not Meet. <ul style="list-style-type: none"> <li>• Voter registration forms and procedures being updated to require the matching of records</li> </ul>	The State will meet this requirement upon implementation of the VRS program described above.
(C) who is--		
(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	N/A	The State procedure will recognize this exemption.
(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or	N/A	The State procedure will recognize this exemption.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned		
	(iii) entitled to vote otherwise than in person under any other Federal law.	N/A	The State procedure will recognize this exemption.	
<b>(4) CONTENTS OF MAIL-IN REGISTRATION FORM-</b>				
	(A) IN GENERAL- The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:			
	(i) The question 'Are you a citizen of the United States of America?' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.		Meets.	No action planned.
	(ii) The question 'Will you be 18 years of age on or before Election Day?' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on Election Day.		Does Not Meet. • Updates necessary, planned in 2003	The State will meet this requirement upon implementation of the VRS program described above.
	(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'		Partially Meets. • Question of citizenship is asked; question of age to be added in 2003	The State will meet this requirement upon implementation of the VRS program described above.
	(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.		Does Not Meet. • Updates necessary to meet requirement	The State will meet this requirement upon implementation of the VRS program described above.
	(B) INCOMPLETE FORMS- If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).	Partially Meets. • LBEs obtain information missing or correct incomplete information on the form, but LBEs may not require re-submission of voter registration form.	The State will meet this requirement upon implementation of the VRS program described above.	



### **1.D §304, Minimum Requirements**

The State understands that the requirements laid out in HAVA Title III are minimum requirements, and that the State may establish election technology and administration requirements that are more stringent. Any more stringent requirement that the State imposes will comply with all Title III requirements, as well as the laws described in HAVA §906. For example, the State has passed legislation requiring uniform statewide voting systems by 2006. HAVA does not require statewide voting system uniformity, and therefore the Maryland legislation could be considered more rigorous than HAVA. The State legislation is in full compliance with all HAVA requirements and with the relevant laws listed in HAVA §906.

### **1.E §305, Methods of Implementation Left to Discretion of State**

The State chose various means to comply with the requirements of HAVA Title III. Specific details on the implementation methodology chosen can be found in Sections 1.A through 1.C of this State Plan.

### **1.F §311, Adoption of Voluntary Guidance by Commission**

Once the federal Election Assistance Commission (EAC) has issued its voluntary recommendations with respect to Title III, the State will consider that guidance in updating the State Plan. The State will incorporate those recommendations deemed appropriate into subsequent versions of the State Plan.

### **1.G §312, Process for Adoption**

The State will stay aware of the progress of the EAC on developing the Title III recommendations. If appropriate, the State will provide feedback during the public comment period after the recommendations are published in the Federal Register and participate in public hearings regarding the recommendations.

### **1.H HAVA §251(b) (2) – Other Activities**

The State currently does not have the personnel and technical capacity required to fully achieve HAVA compliance. Ongoing operations and maintenance of the new capabilities required by HAVA cannot be supported with the current SBE and LBE technical infrastructure and resources. The State proposes to establish a solid foundation to build and sustain the people, processes, and technology necessary to maintain the new capabilities. The following activities are thus proposed to improve the election system:

- Conduct an assessment of the current technical infrastructure and establish a strategy to standardize technical infrastructure;
- Conduct process redesign;
- Research the possibility of integration of key election management systems;
- Continue expanding polling place accessibility; and
- Document job descriptions and staff positions with resources qualified to conduct election reform activities.



## 2. Maryland's Distribution of Requirements Payment

*How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of--*

- (A) *the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and*
- (B) *the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). -- HAVA §254 (a)(2)*

### **2.A Eligibility of local units to receive the payment**

SBE will centrally manage initiatives funded by requirements payments. SBE will be responsible to account for all expenditures, funding levels, program controls, and outcomes. The State, in conjunction with the LBE director, will determine the appropriate level of support for special local initiatives. The State will follow applicable Maryland law regarding the distribution of federal reimbursements.

Note: The State will provide such support as is feasible and appropriate to the LBEs if they seek HAVA grants outside the scope of requirements payments.

### **2.B Performance measures for local units**

Funds will be centrally managed as described in Section 2.A, and SBE will monitor the initiatives for which those funds are authorized.

SBE will monitor the performance of each initiative that is funded by requirements payments in three areas: financial controls, compliance with standards, and program results.

Financial Controls: SBE will develop and use standard financial reporting for all initiatives funded by requirements payments.

Compliance with Standards: SBE will develop and use standard program management reporting for all initiatives that are funded by requirements payments.

Program Results: SBE will develop key performance indicators (KPI) for each initiative funded by requirements payments. See Section 8 of this document for specific performance goals and measures.



### **3. Voter Education, Election Official Education and Training, and Poll Worker Training**

*How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. -- HAVA §254 (a) (3)*

Education and training programs are critical to a successful program of election reform in Maryland. The proposed milestones in this document will require change management to ensure that all stakeholders (poll workers, election officials, voters, etc.) are comfortable with the new processes and supporting technologies that HAVA requires.

Currently, training programs in the State are predominantly localized and, in some cases, informal. SBE distributes policies and procedures to each LBE, and the LBE director is then responsible for how the messages are delivered to staff members, poll workers, and the public. Often, knowledge is distributed informally, in meetings and at conferences, rather than in formal training sessions. There are no SBE personnel available to take sole responsibility for training. Training conducted at the State level is usually organized by each distinct area (provisional ballots, voter registration, voting systems, etc.). Formal training is usually presented in a paper-based, person-to-person format; there is little to no use of technology in creating or delivering training.

In general, voter outreach programs within the State are limited. Each voter receives a specimen ballot in the mail before each general election. Voters can also obtain voting information through the SBE website and other State websites, as well as through public service announcements. However, when new voting systems or regulations directly affect the voter, outreach increases exponentially. For example, in the recent implementation of the new DRE voting system in four State jurisdictions, SBE worked with the voting system contractor to produce cable commercials and radio spots advertising town meetings. SBE contracted for the development of a website specifically for the new voting system, targeting messages to individuals with alternative language needs and the disabled. Also, LBEs, sometimes with corporate assistance conducted demonstrations of the new voting system to educate voters. This type and level of outreach is both cost and resource intensive.

A thorough and thoughtful training and outreach program increases the buy-in of all affected stakeholders. It is important to develop the training and outreach program with the participation of the LBEs, as they are a critical component to the current and future process and will provide valuable expertise on previous training initiatives. Also the program must account for the changing poll worker and election official workforce, so that training is effective for a group with diverse skills. Finally, HAVA brings increased accessibility to elections. Training programs must address the needs of the disabled community and individuals with alternative language considerations. In collaboration with the LBEs, effective training and outreach will help provide for smooth implementation of the State Plan.

#### **Training and Outreach Program Milestones**

To ensure the success of election reform programs, SBE needs a standard and centralized approach to training and outreach. To this end, SBE will execute a three-step program:





### 1. Managing Training and Outreach Program

- Establish a central training and outreach organizational unit within SBE. This organizational unit will serve as the liaison among all LBEs regarding training: ensuring LBE participation in training development, statewide standardization, coordination among LBEs and vendors responsible for new technologies, and general consistency of message and delivery across the State. This entity will also coordinate with the Election Reform Program Management Office (as described in Section 11 of this plan) to track progress and report on effectiveness of training and outreach efforts.
- Acquire necessary resources for training and outreach. The current resource levels at SBE cannot support this kind of comprehensive training program. SBE will bring on personnel qualified in the areas of adult education and marketing to coordinate the training and outreach efforts.

### 2. Planning Training and Outreach Program

- Conduct a training needs assessment based on the actions planned to address HAVA requirements. The assessment will include identifying current stakeholders, and documenting current and desired skill levels for each stakeholder group. LBE training expertise will be leveraged in the development of this document.
- Base training on research and proven methods. Research training delivery options and methods used in other organizations. HAVA compliance requires that the State use a training delivery method that is easily accessed and re-used by trainees, is flexible enough to accommodate updates and changes, and is effective in the trainee's retention of information. This research will help address the best means for adult learning, taking into consideration the wide variety of skill levels within the State's training audience.
- Using the training needs assessment and research, create a user group of relevant stakeholders to develop a training approach document for election officials and poll workers. This document will establish a standard, yet flexible training approach that outlines a strategic direction for training over time, addressing both training content and delivery methods. The approach will cover a variety of topics: the identification of organization(s) responsible for developing training; a matrix of the stakeholders receiving training, the content to be delivered, and phases for training delivery; a discussion of training objectives; a description of the delivery methods for training; and an outline of the types of feedback mechanisms that SBE will use to evaluate the effectiveness of training.
- Develop a State outreach and communication plan. Outreach actively provides the voter, the end recipient of State election services, information regarding new election procedures. Increased awareness (and ultimately ownership and sponsorship) on the part of voters will correspondingly increase the success of election reform programs. An outreach and communication plan will describe the strategy for developing and delivering messages to a variety of stakeholder groups. Specifically, the document will outline the proposed audience, the party responsible for delivery, the expected outcome, the key messages, the medium for delivery, and the timing of the communication event.

### 3. Implementing Training and Outreach Program



- Design, build, test, and implement training delivery method, leveraging previous training experience. This method will vary dependent on approach determined in planning phase. Regardless of whether training is instructor-led, online, paper-based, etc., the training must still go through the design and build phases, and be subject to testing to ensure its success before it is delivered to trainees.
- Implement outreach and communication plan. Those responsible for delivering various communication messages must ensure that events occur on a timely basis.





#### **4. Voting System Guidelines and Processes**

*How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301. -- HAVA §254 (a) (4)*

The State has adopted legislation mandating uniform voting systems for polling place and absentee voting by 2006. The uniform system mandated by the State will meet the requirements of HAVA §301. For the 2002 implementation of the HAVA-compliant DRE system, SBE established procedures for system certification and recounts. SBE also created operational standards for the system at that time. As the implementation of the new voting systems continues, SBE will maintain these and create any new guidelines and processes as necessary. New processes at SBE can take the form of either internal procedures, regulations in the Code of Maryland Regulations (COMAR), or State legislation. SBE will determine the appropriate method to publicize any new voting system guidelines and processes.



## 5. Maryland's HAVA Fund Management

*How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. -- HAVA §254 (a) (5)*

Working with the legislature, SBE will establish a new program for election reform that is kept separate and distinct from all other programs within the agency. This program will contain both federal and general funds. The federal fund portion will be used to maintain federal fund receipts and to expend federal funds. The general fund portion will be used to budget and expend general funds representing the 5% match required under HAVA.

The SBE Administrator and Budget Officer will work with the State Comptroller and Department of Budget and Management to follow and enforce all mandated fiscal controls and policies.



## 6. Maryland's HAVA Budget

The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on –

- (A) the costs of the activities required to be carried out to meet the requirements of title III;
  - (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and
  - (C) the portion of the requirements payment, which will be used to carry out other activities.
- HAVA §254 (a)(6)

At the time of the writing of this plan, HAVA appropriations were significantly less than amounts authorized. The following table outlines the assumptions regarding federal funding that the State used in creating its budget for HAVA activities.

**Table 6.1: Federal Funding Assumptions for Maryland**

<b>Federal Fiscal Year</b>	<b>Total Federal Funds</b>	<b>Maryland Share</b>	<b>5% State Match Requirement**</b>
<b>Early Payments</b>	<b>\$650</b> (appropriated)	<b>\$7.29</b>	<b>n/a</b>
<b>2003</b>	<b>\$833</b> (appropriated)	<b>\$15.16</b>	<b>\$0.8</b>
<b>2004</b>	<b>\$500</b> (President's Budget; authorized at \$1,000)	<b>\$8.94</b>	<b>\$0.47</b>
<b>2005</b>	<b>\$600</b> (authorized)	<b>\$10.84</b>	<b>\$0.57</b>
<b>Total</b>	<b>\$2,560</b>	<b>\$42.2</b>	<b>\$1.8</b>

\*\*5% State Match Requirement is calculated as 5% of the total of the State Match portion plus the federal requirements payment portion of cost. To determine the 5% State Match based on federal requirements payment amount, use .0526 as the multiplier (i.e., 5/95 ~ 0.0526). Example from Maryland FY 2003: \$15.16M x 0.0526 = \$0.8M

Based on these funding levels, the State HAVA budget is representative of the activities to implement and conduct operations and maintenance through calendar year 2005 for the HAVA Title III requirements and "other" activities. The budget will be revised over time based on the most current information available regarding federal funding.

The duration for the State's budget is based on HAVA deadlines and funding. The State is concerned, however, that beyond the three years of federal funding, the ongoing costs of operating and maintaining the new voting system and statewide voter registration list will be



considerably higher than the State's maintenance of effort level (see Section 7 of the State Plan). The operation and maintenance of the new systems will be the financial burden of the State when HAVA funding is no longer available.

The State made the following additional assumptions in preparing the budget:

- The State is planning to implement a uniform voting system.
- The cost for the statewide voter registration list (§303(a)) is presented as a range, because it is unclear if the State can upgrade its current system to meet HAVA requirements. If so, the cost will be in the lower end of the range. If not, the cost will be in the higher end. The higher end cost is based on the projected cost of the Pennsylvania system, adjusted based on the number of registered voters in Maryland compared to the number in Pennsylvania.
- The cost for education, training, and outreach (§254 (3)) is presented as a range due to the uncertainty of the State's approach for the statewide voter registration list. Additionally, the State anticipates concurrent initiatives to implement the voting system and statewide voter registration list, which will overextend the State's current education, training, and outreach resources. The State will need to develop a core curriculum and central delivery capabilities (see Section 3 of this plan) to respond to these increased demands on resources.
- One Presidential primary and general election are factored into the budget.

The State's budget to carry out activities to meet HAVA requirements is provided in table 6.2. Except for costs already incurred for the DRE implementation in four counties, the State's 2003 and 2004 budgets do not include the following costs:



**Table 6.2: Maryland's budget for HAVA Activities**

HAVA Requirements	Total Cost	Funding Source (note 1)					Duration (note 3)	
		HAVA §101	HAVA §102	HAVA §252 & §257	State 5% Match	Unfunded (note 2)	Implementation	Operations & Maintenance (note 4)
<b>Title III Requirements</b>								
§301 Voting system (note 5)	\$57.5	\$2.2	\$2.1	\$26.07	\$1.37	\$25.76	5/2001 to 12/2005	9/2002 to 12/2005
§302 Provisional voting and voting information requirements	\$0.5	-	-	\$0.48	\$0.02	-	1/2001 to 12/2003	1/2004 to 12/2005
§303 Computerized statewide voter registration list requirements and requirements for voters who register by mail	\$6 to \$12	\$1.0	-	\$4.7	\$0.25	up to \$6	1/2003 to 12/2005	Not included in budget.
<b>Other Election Reform Activities</b>								
§254 (3) Voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III	\$3 to \$5	\$1.0	-	\$1.85	\$0.10	up to \$2	5/2001 to 12/2005	1/2003 to 12/2005
§402 Establishment of State-based administrative complaint procedures to remedy grievances.	\$0.1	-	-	\$0.095	\$0.005	-	1/2003 to 9/2003	10/2003 to 12/2005
State Plan, Section 6 Budget and Fiscal Controls	\$0.5	-	-	\$0.475	\$0.025	-	6/2003 to 12/2003	1/2004 to 12/2005
State Plan, Section 1.H Technical Infrastructure Strategy	\$0.1	-	-	\$0.095	\$0.005	-	6/2003 to 12/2003	1/2004 to 12/2005
State Plan, Section 1.H End-to-End Process Redesign	\$0.3	-	-	\$0.285	\$0.015	-	6/2003 to 12/2003	1/2004 to 12/2005
State Plan, Section 11 Election Reform Program Management	\$2 to \$3	\$1.0	-	\$0.9	\$0.047	up to \$1	6/2003 to 12/2003	1/2004 to 12/2005
<b>TOTALS</b>	<b>\$70 to \$79</b>	<b>\$5.2</b>	<b>\$2.1</b>	<b>\$34.94</b>	<b>\$1.84</b>	<b>\$25.92 to \$34.92</b>		

**Notes:**

1. State's portion of HAVA funding is estimated based on the funding assumptions outlined in table 6.1. Source for the State's portion of these funds is the Congressional Research Service, *Funds Allocations to States Based on P.L. 107-252: the Help America Vote Act of 2002* (November 15, 2002).
2. Funding source options: State funding other than 5% match, local jurisdiction funding, and/or additional federal funding.
3. Duration for each budget activity is through calendar year 2005.
4. Operation and maintenance for the voting system implemented in the four counties began in September 2002 (after the Gubernatorial Primary). The cost associated with this activity is factored into the total cost.
5. In 2001, Maryland implemented the HAVA-compliant DRE voting system in four counties (representing 32% of the registered voters in the State). Included in the cost of the voting system is \$13.8 M that the State already expended in those four counties.



## 7. Maintenance of Effort

*How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. -- HAVA §254 (a)(7)*

Consistent with HAVA §254(a)(7), in using any requirements payment, Maryland will maintain expenditures of the State for activities funded by the payment at a level equal to or greater than the level of such expenditures in State FY 2000 -- a total of \$1,994,914.

As in many states, however, this level of funding represents only a small portion of the statewide aggregate operating budget expenditures needed to sustain elections in a given fiscal year, as the great majority of election administration resources have historically been allocated at the county level. Maryland's 24 local election office budgets typically support year-round core staff and operating expenses for continuous functions such as voter registration, information services, and IT support. In addition, LBEs provide the significant increase in funding associated with each specific election -- for poll workers, temporary office staff, ballot production, mass mailings, election day support (including personnel, equipment, and supplies), etc. In some cases, key election support resources provided at the county level may not even be included within election office budgets, but are provided through other county agencies and donations.

It is therefore important to note that the projected HAVA budget set forth in Section Six of this Plan is based on the critical budget assumption that the State will maintain this foundation of county-funded election operating expenditures at existing levels. Without this foundation in place, the short-term infusion of funds HAVA provides would not be sufficient to maintain the new State election environment in the long term.



## 8. HAVA Performance Goals and Measures

*How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. -- HAVA §254 (a)(8)*

SBE, in collaboration with LBEs, will establish performance goals and will institute a process to measure progress toward the achievement of these goals. This process will provide LBEs with structure and continued measurable targets for accomplishment. The performance goals and measures will align with the State's "Managing for Results" initiative, which seeks to "establish and ensure accountability for results by setting targets for performance" (*Maryland Managing for Results Guidebook, 2001*).

As detailed in Section 11 of this document, SBE will establish an Election Reform Program Management Office (PMO) to oversee continuous management of the State Plan. This PMO, in coordination with SBE and LBE personnel, will be responsible for developing and monitoring a uniform performance evaluation process. In measuring progress, the PMO will continue to revisit original goals and objectives and make adjustments as appropriate.

### Performance Goals

Performance goals provide a high-level view of a project's direction. The State's goal is to achieve election reform and compliance with HAVA requirements through the successful implementation of the programs outlined in the State Plan. On the following page is a matrix that details each element of the Plan, the title of the official who is responsible for ensuring that each plan element is met, and the timeframe for meeting each of the elements of the Plan.



Plan Elements	State Official	Time frame
<b>Voting Systems:</b> -- §301	David Heller, Project Manager, Voting Systems and Joe Torre, Procurement Officer	To be implemented by January 1, 2006
<b>Provisional Voting:</b> -- §302	Ross Goldstein, Director, Candidacy and Campaign Finance Division	To be implemented by January 1, 2004
<b>Voter Registration:</b> -- §303(a) -- §303(b)	Brad Barkey, Project Manager, Voter Registration Division	§303(a) to be implemented by January 1, 2006* §303(b) to be implemented by January 1, 2004
<b>Other Activities</b> -- §101 (b)(1), §251(b)(2)		
Technical Infrastructure	Pam Woodside, CIO	TBD by SBE
End to End Process Redesign	Tim Augustine, Deputy Administrator	TBD by SBE
Election Reform Program Management	Tim Augustine, Deputy Administrator	TBD by SBE
<b>Education and Training:</b> -- §254 (a)(3)	Tim Augustine, Deputy Administrator	TBD by SBE
<b>Budget and Fiscal Controls:</b> -- §254 (a)(6) -- §254 (a)(2) -- §254 (a)(7) -- §254 (a)(10)	Rick Danaher, Budget Development, Fiscal Management Division	TBD by SBE
<b>Complaint Procedures:</b> --Title II, §254 (a)(9) --Title IV, §402	Tim Augustine, Deputy State Administrator	TBD by SBE
		*The State will certify good cause for a waiver.

### Performance Measures

The State will measure the following five critical areas of each project: scope, schedule, resources, quality, and risk. The appropriate SBE and LBE personnel will develop detailed metrics to collect data to report on performance. The measures will provide the State with the ability to understand, predict, and improve overall performance and communicate expectations at the State and local levels.

- **Scope:** measures internal or external events (resource changes, political decisions, changes to funding streams, etc.) that may affect cost, implementation schedule, or quality;
- **Schedule:** measures progress toward goals (target start and stop dates, actual start and stop dates, percent complete, etc.);
- **Resources:** measures personnel and financial investment to ensure that right people are on project at right time (estimated and actual cost, estimated and actual project resource needs);
- **Quality:** measures effectiveness of project to ensure that it meets expectations (error rates, deliverable quality, value to client); and
- **Risk:** measures likelihood and impact of certain events on operations.





## 9. State-Based Administrative Complaint Procedures

*A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. -- HAVA §254 (a)(9)*

*Deadline for Compliance: Prior to certification of State Plan, but no later than January 1, 2004; no waiver permitted.*

SBE has developed and adopted a procedure for complaints that meets HAVA requirements. Before the adoption of the procedures, State election laws provided for the processing of certain specific complaints, both at the administrative level and in court. These complaints were infrequent, as SBE received informal complaints mainly by phone, email, or the SBE website. Formal complaints will now follow the procedures adopted by SBE and codified as regulations in the Code of Maryland Regulations (COMAR).

The following matrix outlines HAVA requirements related to complaint procedures and the corresponding current status for the State.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
<b>SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES</b>	Meets.	No Action Required.
(a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES		
(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS- If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2)	Meets.	No Action Required.
(2) REQUIREMENTS FOR PROCEDURES- The requirements of this paragraph are as follows:		
(A) The procedures shall be uniform and nondiscriminatory.	Meets.	No Action Required.
(B) Under the procedures, any person who believes that there is a violation of any provision of title III (including a violation, which has occurred, is occurring, or is about to occur) may file a complaint.	Meets.	No Action Required.
(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.	Meets.	No Action Required.
(D) The State may consolidate complaints filed under subparagraph (B).	Meets.	No Action Required.
(E) At the request of the complainant, there shall be a hearing on the record.	Meets.	No Action Required.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(F) If, under the procedures, the State determines that there is a violation of any provision of title III, the State shall provide the appropriate remedy.	Meets.		No Action Required.
(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.	Meets.		No Action Required.
(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period, which begins on the date, the complaint is filed, unless the complainant consents to a longer period for making such a determination.	Meets.		No Action Required.
(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.	Meets.		No Action Required.



## 10. Effect of Title I Payments

*If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. -- HAVA §254 (a)(10)*

To date, the State of Maryland has not received Title I payments.

§101. Payments to States for activities to improve administration of elections.

Maryland is eligible for approximately \$5.2M under §101. These funds will be used for activities to meet the following requirements:

§301 Voting system	\$2.2M
§303 Voter registration system	\$1.0M
§254 (3) Training & outreach	\$1.0M
HAVA program management	<u>\$1.0M</u>
<b>Total</b>	<b>\$5.2M</b>

§102. Replacement of punch card or lever voting machines.

Maryland is eligible for approximately \$2.1M under §102, as calculated in the following chart. The State understands that there will be a pro rata reduction to the maximum payment amount based on the total national participation under this section. State legislation makes local jurisdictions eligible to receive 50% of any federal funds “received for improvements in voting systems and equipment” under certain circumstances.

Locality	Number of Precincts	Maximum Payment Amount (\$4,000 per precinct)
Allegany County	41	\$164,000
Dorchester County	38	\$152,000
Montgomery County	237	\$948,000
Prince George’s County	209	\$836,000
<b>Total</b>	<b>525</b>	<b>\$2,100,000</b>



## 11. Maryland's HAVA State Plan Management

How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change –

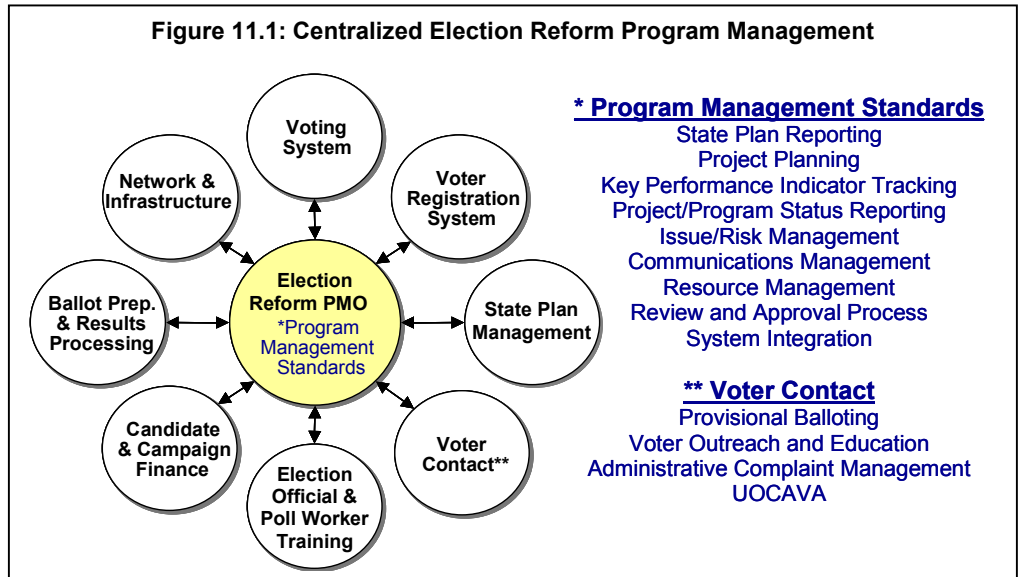
- (A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;
- (B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
- (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). -- HAVA §254 (a)(11)

The State intends to use the State Plan as the foundation for its future strategic direction. Consequently, sound and responsible management of the State Plan will be an essential component of the State election community's future success.

Due to the complexity of HAVA and the potential variety of projects it encompasses, SBE will

establish an Election Reform Program Management Office (PMO). The Election Reform PMO will conduct ongoing management of the State Plan, including project planning (for all HAVA-related and other election reform projects) and establishing and implementing program management standards (i.e. performance measures, review and approval processes, issue/risk management, etc.). The PMO will also be

responsible for other election functions, including: budget and fiscal, personnel, and office support functions. The illustration provided on the right represents some of the projects that the PMO will coordinate to ensure the successful implementation of HAVA requirements.



The State understands and agrees to comply with HAVA requirements related to ongoing management of the State Plan. More specifically, the State agrees that it may not make any material change in the administration of the State Plan unless the change:

- (A) is developed and published in the Federal Register in accordance with HAVA §255 in the same manner as the State Plan;
- (B) is subject to public notice and comment in accordance with HAVA §256 in the same manner as the State Plan; and
- (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).



## **12. Changes to State Plan from Previous Fiscal Year**

*In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year. -- HAVA §254 (a) (12)*

This FY 2003 Plan is the State's inaugural plan under HAVA. This section will be updated in the FY 2004 Plan, reflecting changes to the Plan, as well as a summary of 2003 successes.



### **13. State Plan Development and Committee**

*A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section 255 and section 256. - HAVA §254 (a)(13)*

The State's committee consists of individuals representing a cross-section of election stakeholders. The State Plan Committee was selected by the chief State election official, Linda Lamone, State Administrator for SBE.

Members of the State Plan Committee, and the primary qualification of each for being a committee member, are as follows:

- Linda Lamone, State Administrator, State Board of Elections;
- William E. Anderson, Department of Aging ADA Coordinator, Anne Arundel County;
- Jacqueline McDaniel, Baltimore County Election Director;
- Margaret Jurgensen, Montgomery County Election Director;
- Robin Downs, Maryland Association of Election Officials (MAEO) President/ Prince George's County Election Director;
- Linda Pierson, League of Women Voters;
- Michael Sanderson, representative of Maryland Association of Counties (MACo);
- James McCarthy, representative of National Federation of the Blind; and
- Kibbe Turner, Registered Voter.

In creating the State Plan, the State Plan Committee worked with Accenture, a project management vendor. The vendor was contracted to facilitate working sessions and to offer a fair and balanced assessment regarding the impact of HAVA requirements and proposed compliance steps. Based on an objective analysis of the State's current status, this State Plan highlights necessary adjustments and potential next steps in Maryland's election reform process.

The State Plan Committee will comply with the requirements of §255 and §256 of HAVA.