



State of Maryland State Plan

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

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INTRODUCTION BY THE GOVERNOR OF MARYLAND

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August 10, 2009

U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005

Dear Commissioners:

I am pleased to submit a revised Maryland State Plan that reflects the current state of election reform in the State of Maryland. This plan demonstrates how the State complies with the requirements of the federal Help America Vote Act of 2002 and the State's commitment to improvement in election administration.

The recent revisions to the State Plan reflect the State's movement towards statewide implementation of a paper-based, optical scan voting system for the 2010 elections and the possibility of full funding by the United States Congress. Although it is not known whether the U.S. Congress will fully fund the Help America Vote Act, the State of Maryland stands ready to implement additional improvements to election administration if the federal funds become available.

Lastly, I would like to thank the individuals who serve on the State Plan Committee and who reviewed and updated the State Plan. These individuals represent State and local election officials, county government officials, and advocates who have an interest in elections and are dedicated to improving election administration for Maryland's voters.

If you would like to learn more about elections in Maryland, please visit the State Board of Elections' website at www.elections.state.md.us or call 1-800-222-8683.

Sincerely,


Martin O'Malley
Governor





INTRODUCTION BY THE STATE ADMINISTRATOR OF ELECTIONS

I am pleased to offer the Maryland 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 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 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.

Improving the military and overseas voting process is an important element of HAVA, though separate from the State Plan. The State Board of Elections will serve as the central point of contact in the State for all issues related to military and overseas voting.

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 about 40 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, over 4 million registered voters, and over 2,200 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 the 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 use 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.

When the initial State Plan was adopted, the State used 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 used 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. *See* Chapter 564 of the 2001 Acts of Maryland. 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 in 2001 was compliant with the HAVA requirements that were introduced a year later.

The voting system selected as the statewide voting system for polling place voting 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.

In 2002, four of the State's 24 jurisdictions, comprising approximately 32% of its registered voters, implemented the uniform State and HAVA-compliant, DRE voting system (AccuVote TS) for polling place voting and the uniform State absentee voting equipment (Model ES-2000). For the 2004 elections, nineteen counties implemented the uniform State voting systems, and in 2006, the remaining jurisdiction – Baltimore City – implemented the system. By the January 1, 2006, deadline established by HAVA, all 24 jurisdictions had a HAVA-compliant voting system.

In 2007, legislation was enacted requiring that the State's voting system include a voter verifiable paper trail, comply with the Americans with Disabilities Act, and meet the accessibility standards adopted as part of the Voluntary Voting System Guidelines. *See* Chapters 547 and 548 of the 2007 Acts of Maryland. Because of how "voter verifiable paper trail" was defined, this law requires the implementation of an optical scan voting system for polling place voting. Since the State's current voting system does not meet the requirements of the Chapters 547 and 548, the State will implement a new voting system for polling place voting.



Because of the uncertainty about whether any voting systems met the requirements of Chapters 547 and 548 of the 2007 Legislative Session, legislation was enacted in the 2009 Legislative Session that permits the State to implement an optical scan voting system and use at least one DRE voting unit in each polling place to accommodate voters with disabilities. See Chapter 428 of the 2009 Legislative Session. The DRE voting system can be used for polling place voting until a voting machine meets the accessibility requirements of Chapters 547 and 548 of the 2007 Legislative Session and State certification requirements and is compatible with the State's optical scan voting system for polling place voting. Funds have been allocated to SBE in the State's Fiscal Year 2014 and 2015 budgets to prepare for a 2016 implementation of a new voting system.

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. Prior to the passage of HAVA, the State defined, in the 2002 Standardized Election Recount Procedures for Optical Scan Automatically Tabulated Systems, what constitutes a legal vote in the case of a manual recount for optical scan ballots. Subsequently, the State defined a legal vote in a uniform manner for each voting system as a regulation in Title 33 of the Code of Maryland Regulations (COMAR).

Uniform State Voting Systems Program Milestones

As demonstrated in the above description of the current state of voting systems, the State is in compliance with HAVA §301(a) requirements. The State is currently in the procurement and planning stages of implementing the voting system required by Chapters 547 and 548 of the 2007 Legislative Session and Chapter 428 of the 2009 Legislative Session and will ensure that the selected voting system will be compliant with HAVA §301(a) requirements.

- 1) Planning voting system compliance
 - Assess procurement options
 - Establish user group of relevant internal stakeholders to discuss implementation, lessons learned from prior voting system implementations, 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 all 24 jurisdictions
 - Ensure proper training and change management for stakeholders using new uniform systems
- 4) 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 and the “State of Maryland’s Current Status” and the “State of Maryland’s Status with the New Voting System” related to these requirements. As the matrix indicates, all 24 jurisdictions are currently compliant with HAVA and will continue to be compliant with the implementation of the optical scan voting system for the 2016 elections.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
SEC. 301. VOTING SYSTEMS STANDARDS		
(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.	Will meet. The voter will be able to verify his or her selections either on the review screen of the DRE voting unit or by reviewing the paper ballot.
(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.	Will meet. On the DRE voting unit, the voter can change any selection or correct an error at any time before pressing the "cast ballot" button. A pollworker can issue a voter a replacement ballot if the voter using a paper ballot needs to change a selection or correct an error.
(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.	Meets.	Will meet. The DRE voting unit prevents a voter from making more selections than permitted for that contest. The optical scan voting unit will return a ballot if one or more contests have more selections than permitted, and a pollworker will offer the voter another ballot.



Requirement		State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
	(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		
	(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.	Will meet. This information will be included in the voter education program to educate Maryland voters about the new voting system.
	(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.	Will meet. This information will be included in the voter education program and on instructions on the ballot and in the polling place.
	(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.	Meets.	Will meet. Notification on the DRE voting unit preserves the privacy of the voter and the confidentiality of the voter. For voters using the optical scan voting system, pollworkers will be instructed to provide notice in a manner that preserves the privacy of the voter and the confidentiality of the ballot.
	(2) AUDIT CAPACITY-		
	(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets.	Will meet. Both systems meet this requirement.
	(B) MANUAL AUDIT CAPACITY-		
	(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Meets.	Will meet. Both systems meet this requirement.
	(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.	Will meet. Both systems meet this requirement.



Requirement		State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
	(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.	Will meet. Both systems meet this requirement.
	(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES- The voting system shall-		
	(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;	Meets.	Will meet. The DRE voting unit meets these requirements. When a voting unit that meets the accessibility requirements of State law is available, the unit will also meet these requirements.
	(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	Meets.	Will meet. There will be at least one DRE voting unit in each polling place. When a voting unit that meets the accessibility requirements of State law is available, there will be at least one unit in each polling place.
	(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 because the State's current voting system was purchased before January 1, 2007	N/A because the new voting system being implemented for the 2016 elections will not be purchased with federal funds. State and county funds will be used to purchase the new system.
	(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.	Will meet. The DRE voting unit is capable to providing bilingual ballots in those jurisdictions submit to the section 203 of the Voting Rights Act. Bilingual paper ballots will also be provided in those jurisdictions.



Requirement		State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
		(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.
(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.	Meets.	No action needed as current regulations already define what constitutes a vote on a DRE voting unit and on a paper ballot.	



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.

When HAVA was enacted, the State’s provisional voting laws allowed 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 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 prior provisional voting legislation – to reduce the number of individuals unable to participate on election day – was similar to the intent of HAVA §302. However, the HAVA requirements differed in some respects from the State’s procedure, so the State made some modifications to its legislation and processes. The State changed its procedures for the issuance of provisional ballots, provides “free access” to its canvass reporting system, and assures the privacy of that reporting system.

Provisional Voting Program Milestones

SBE used the following processes to implement the provisional voting program.:

1. Conducting an Impact Assessment
 - Assess the requirements of HAVA §302 in collaboration with the 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 the required voting information at each polling place.

Voting Information Program Milestones

SBE's voting information program included the following steps:

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 requires that voters who vote under 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 but SBE has updated 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
SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.			
(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.	Meets.	No action needed.	
(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	Meets.	No action needed.	
(B) eligible to vote in that election.	Meets.	No action needed.	
(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.	



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(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.	Meets.	No action needed.	
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.	



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
(b) VOTING INFORMATION REQUIREMENTS-			
(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.	
(2) VOTING INFORMATION DEFINED- 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;	Meets.	No action needed	
(D) instructions for mail-in registrants and first-time voters under section 303(b);	Meets.	No action needed	
(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	Meets.	No action needed	
(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.	Meets.	No action needed	



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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.	Meets.	No action needed



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.

At the time of the State's initial State Plan, official State voter registration records were created and maintained at the local jurisdiction level. Each LBE updated and separately maintained voter registration records for its jurisdiction, with 19 of the State's 24 jurisdictions using a uniform local system. SBE, however, maintained an aggregate list, referred to as the centralized voter registration database (CVRDB). On a weekly basis, LBEs sent data files to SBE, and these were merged into the read-only CVRDB. CVRDB was accessible to the LBEs and SBE through a read-only Intranet server. SBE performed multiple checks for voter registration duplicates and distributed reports to the LBEs, which then manually updated their databases by removing the duplicates.

As explained above, the State's CVRDB was not the "single, uniform, official, centralized, interactive, computerized statewide voter registration list" required by HAVA. Moreover, information gathered and maintained on State voters did 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 previously did not meet HAVA requirements. The mail-in voter registration form required redesign to accommodate information required by HAVA. Also, the voter registration and polling place voter qualification processes needed modification 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 ensures HAVA compliance in both technical and procedural areas of voter registration, followed the steps described below.

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 required technological and procedural upgrades to comply with the Act. SBE submitted a "good cause" certification moving the deadline to January 1, 2006. The State implemented a HAVA compliant voter registration system in December 2005. 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
<p>SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.</p>		
<p>(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS-</p>		
<p>(1) IMPLEMENTATION-</p>		
<p>(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:</p>	Meets.	No action needed.
<p>(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.</p>	Meets.	No action needed.
<p>(ii) The computerized list contains the name and registration information of every legally registered voter in the State.</p>	Meets.	No action needed.
<p>(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.</p>	Meets.	No action needed.



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.	Meets.		No action needed.
(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.	Meets.		No action needed.
(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.	Meets.		No action needed.
(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).	Meets.		No action needed.
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Meets.		No action needed.
(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.			
(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:			



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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	Meets.	No action needed.
(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.	Meets.	No action needed.
(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.	Meets.	No action needed.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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.	Meets.	No action needed.



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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.	Meets.	No action needed.
(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.	N/A	The State will consider what verification of voter identification information is necessary and adopt appropriate laws.
(B) REQUIREMENTS FOR STATE OFFICIALS-		
(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.	Meets.	No action needed.
(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)).	Meets.	No action needed.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL-		
(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--		
(A) the individual registered to vote in a jurisdiction by mail; and		



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;	Meets.	No action needed.
(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	Meets.	No action needed.
(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).	Meets.	No action needed.
(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).	Meets.	No action needed.
(3) INAPPLICABILITY- Paragraph (1) shall not apply in the case of a person--		
(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--		



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(i) a copy of a current and valid photo identification; or	Meets.	No action needed.
(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;	Meets.	No action needed.
(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	Meets.	No action needed.
(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	Meets.	No action needed.
(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.);	State procedures recognize this exemption.	No action needed.
(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	State procedures recognize this exemption.	No action needed.
(iii) entitled to vote otherwise than in person under any other Federal law.	State procedures recognize this exemption.	No action needed.
(4) CONTENTS OF MAIL-IN REGISTRATION FORM-		
(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:		



Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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.	Meets.	No action planned.
(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'	Meets.	No action planned.
(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.	Meets.	No action planned.
(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).	Meets.	No action planned.



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

2.B Performance measures for local units

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

SBE monitors 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 developed and uses standard financial reporting for all initiatives funded by requirements payments.

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

Program Results: SBE developed 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 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.

Historically, training programs in the State are predominantly localized and, in some cases, informal. SBE distributed 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.

In 2009, SBE created the Election Preparedness and Professional Development (EPPD) program for the LBEs. This program consists of formal training opportunities on election-related topics and other professional development topics (e.g., project management) for LBE management and staff. Trainings are offered annually, and certification is available upon completion of a certain number of trainings. SBE staff members also offer additional trainings in distinct areas (provisional ballots, voter registration, voting systems, etc.). Formal training is usually presented in a paper-based, person-to-person format or via online meeting software.

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 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 voters with disabilities. 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 similar outreach effort is planned with the implementation of a new voting system for the 2016 elections.

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



and outreach programs must address the needs of the disabled community and individuals with alternative language considerations. These programs ensure that poll workers and other election personnel are fully aware of and sensitive to the needs of persons with disabilities, and that election materials and outreach include formats accessible to those persons. In collaboration with the LBEs, effective training and outreach help provide for smooth implementation and maintenance of the State Plan.

Training and Outreach Program Milestones

To ensure the success of election reform programs, SBE developed a standard and centralized approach to training and outreach. In developing this program, SBE executed the following 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 organizations 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. These uniform systems 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 and maintained operational standards for the system at that time. New processes at SBE can take the form of either internal procedures, regulations in the Code of Maryland Regulations (COMAR), or State legislation. SBE determines 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 established a new program for election reform that is kept separate and distinct from all other programs within the agency. This program contains 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 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)

Table 6.1 outlines the federal funds authorized to the State for HAVA activities. These figures are the basis for the HAVA budget in Table 6.3.

Table 6.1: Authorized Federal Funds

in millions

Federal Fiscal Year	Total Federal Funds	Maryland Share	5% State Match Requirement*
Early Payments	\$650	\$7.27	n/a
2003	\$1,400	\$15.20	\$0.80
2004	\$1,000	\$27.28	\$1.44
2005	\$600	\$11.16	\$0.59
2008	\$115	\$2.08	\$0.11
2009	\$100	\$1.81	\$0.10
2010	\$70	\$1.27	\$0.66
Total	\$3,935	\$66.07	\$3.7

*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: \$15.20M x 0.0526 = \$0.8M



HAVA originally authorized funding for three fiscal years (2003-2005). Because there was no appropriation in fiscal year 2005, the U.S. Congress appropriated funding in fiscal years 2008, 2009, and 2010 in an effort to move toward the full funding of HAVA. It is unlikely that Maryland will receive the full \$64.80 million shown in Table 6.1, as appropriations after fiscal year 2005 will not likely exceed the fiscal year 2005 appropriation for requirements payments. If HAVA is funded at the level established by HAVA, Maryland’s share of the requirements payments would equal \$53.64 million or the Maryland’s total share of all payments would equal \$60.91 million. The State’s 5% match would be \$2.83 million.

Table 2 shows the amount of federal funds appropriated to Maryland for HAVA activities.

Table 6.2: Appropriated Federal Funds

in millions

Federal Fiscal Year	Total Federal Funds	Maryland Share	5% State Match Requirement*
Early Payments	\$650	\$7.27	n/a
2003	\$830	\$15.20	\$0.80
2004	\$1,489	\$27.28	\$1.44
2005	\$0	\$0	\$0
2008	\$115	\$2.08	\$0.11
2009	\$100	\$1.81	\$0.10
2010	\$70	\$1.27	\$0.066
Total	\$3,184	\$53.64	\$2.45

*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: \$15.20M x 0.0526 = \$0.8M

Note: In 2011, SBE received \$22,413 in requirements payments. These funds were the result of returned unspent \$102 funds from other states. Maryland’s 5% match for this payment was \$1,232.



Based on the amount of federal funds appropriated, the State HAVA budget represents the activities to implement and conduct operations and maintenance for the HAVA Title III requirements and other activities to improve the administration of elections in Maryland. The budget will continue to be monitored and revised, when necessary, to reflect any material changes. The State’s budget to carry out activities to meet HAVA requirements is provided in table 6.3.

Table 6.3 Maryland’s Budget for HAVA Activities

HAVA Requirements	HAVA Funding Source (note 1)			
	§ 101 (note 2)	§ 102	§ 252	Total
TITLE III Requirements				
§ 301 Voting Systems (note 3)	\$1,000,000	\$1,637,609	\$31,150,865	\$33,788,474
§ 302 Provisional Voting & Voting Info Requirements	\$0	-	\$203,500	\$203,500
§ 303 Statewide Voter Registration List (note 4)	\$2,000,000	-	\$13,358,430	\$15,358,430
Other Election Reform Activities				
§ 254(3) Education: Voter, Election Officials, Pollworkers	\$1,675,000	-	\$0	\$1,675,000
§ 402 Administrative Complaint Procedures	\$5,000	-	\$0	\$5,000
Election Reform Program (note 5)	\$12,703,869	-		\$12,703,869
GRAND TOTAL HAVA	\$17,383,869	\$1,637,609	\$44,712,795	\$63,734,273

Notes:

1. Based on the amount of federal funding originally authorized in HAVA and the State’s 5% state match. Maryland’s share of the original authorizations is \$53.64 million. The amount of federal funds authorized by HAVA by fiscal year is provided in table 6.1.
2. On May 15, 2007, the State of Maryland certified that all of the Title III requirements had been met. As a result, the State can use all remaining and any future requirements payments to fund other activities to improve election administration. For the purposes of this budget, the requirements payments initially authorized for fiscal year 2005 and appropriated in subsequent fiscal years are shown in this column, since these funds – when received – can be used for any purpose authorized by § 101.
3. In 2001, Maryland implemented a HAVA-compliant statewide voting system in four counties. Included in the cost of the voting systems is \$13.8 M that the State already expended in those four counties for implementation and operation of the compliant voting system.
4. Section 101 funds allocated to the voter registration system include: (1) funds to develop an interface between the statewide voter registration system and the Maryland Motor Vehicle Administration (MVA) to decrease the number of individuals who have a transaction at MVA but whose information is not received by election officials; (2) develop and implement on-line voter registration; (3) develop and implement an interface between the statewide voter registration system and an in-house election



management system to combine multiple polling place databases; and (4) other enhancements to the statewide voter registration system.

5. Projects included in the Election Reform Program include: (1) development, maintenance, and enhancements (including on-line delivery of absentee ballots) to voter-look-up on website; (2) enhanced election night reporting; (3) project management office, including personnel to conduct business process reviews and assist with training and corrective actions and election-related audits according to the pilot audit program developed by SBE with a grant from the Pew Charitable Trust's Make Voting Work Project; (4) data entry center to process voter registration applications submitted immediately prior to the voter registration deadline; (5) an absentee ballot tracking system; (6) salaries and associated benefits for personnel; and (7) expenditures concerning election-related equipment.



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, established performance goals and instituted a process to measure progress toward the achievement of these goals. This process provided LBEs with structure and continued measurable targets for accomplishment. The performance goals and measures 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 established an Election Reform Program Management Office (PMO) to oversee continuous management of the State Plan. This PMO, in coordination with SBE and LBE personnel, is responsible for developing and monitoring a uniform performance evaluation process. In measuring progress, the PMO continues 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
Voting Systems: -- §301	Paul Aumayr, Director of Voting Systems	Implemented by January 1, 2006
Provisional Voting: -- §302	Nikki Baines Charlson, Deputy Adminsitrator	Implemented by January 1, 2004
Voter Registration: -- §303(a) -- §303(b)	Mary Cramer Wagner, Director, Voter Registration Division	§303(a): Implemented by January 1, 2006* §303(b): Implemented by January 1, 2004
Other Activities -- §101 (b)(1), §251(b)(2)		
Technical Infrastructure	Vince Omenka, Director, Information Technology	On-going
End to End Process Redesign	Various SBE Employees	On-going
Election Reform Program Management	Sarah Hilton, Election Reform and Management Director	On-going
Education and Training: -- §254 (a)(3)	Sarah Hilton, Election Reform and Management Director	On-going
Budget and Fiscal Controls: -- §254 (a)(6) -- §254 (a)(2) -- §254 (a)(7) -- §254 (a)(10)	Shelly Holland, Budget and Finance Division	TBD by SBE
Complaint Procedures: -- Title II, §254 (a)(9) -- Title IV, §402	Nikki Charlson, Deputy Administrator	On-going

*The State certified good cause for a waiver.

Performance Measures

The State measures the following five critical areas of each project: scope, schedule, resources, quality, and risk. The appropriate SBE and LBE personnel develop detailed metrics to collect data to report on performance. The measures 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
SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES	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 received \$7,274,340 of Title I funds.

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

Maryland received \$5,636,731 under §101. These funds will be used for activities to meet the following requirements:

§301 Voting systems	\$1,000,000
§254 (3) Education	\$ 800,000
HAVA program management	\$3,831,731
Administrative complaint process	\$ 5,000
Total	\$5,636,731

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

Maryland received \$1,637,609 under §102.

Locality	Number of Precincts	Maximum Payment Amount (\$3,192.22 per precinct)
Allegany County	37	\$118,112
Dorchester County	38	\$121,304
Montgomery County	234	\$746,979
Prince George's County	204	\$651,213
Total	513	\$1,637,609



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 –

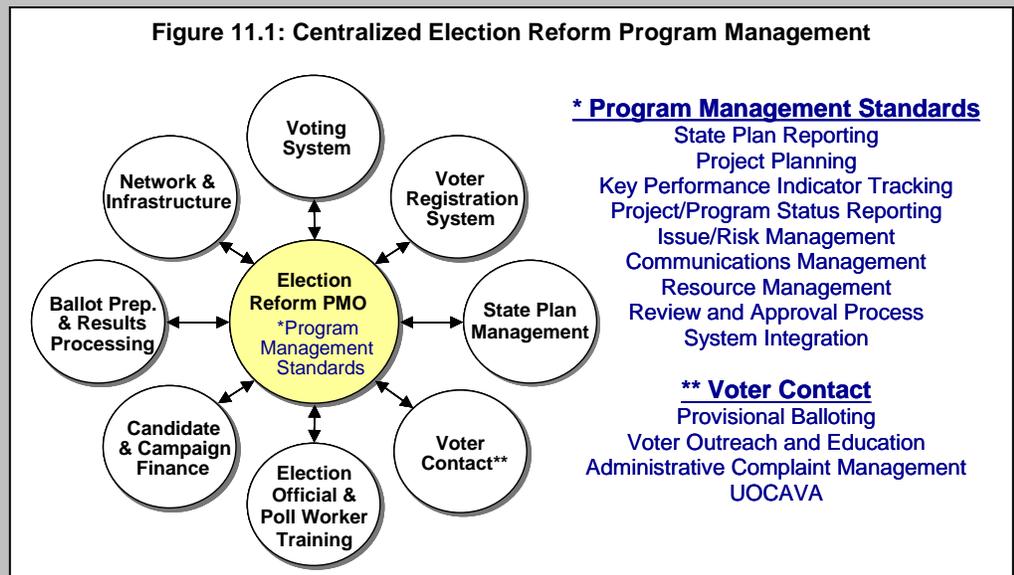
- (A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;
- (B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
- (C) takes effect only after the expiration of the 30-day 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 established an Election Reform Program Management Office (PMO).

The Election Reform PMO conducts 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 is also be responsible for other election functions, including: budget and fiscal, personnel, and office support functions. The illustration in Figure 11.1 represents some of the projects that the PMO coordinates 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)

The inaugural State Plan was amended in 2005 to reflect the actual amount of funds received to implement the requirements of HAVA and the actual costs of major contracts to comply with the Act. Amendments to the State Plan were made in Sections 6, 10, 12, and 13.

The State Plan amended in 2005 was amended again in 2009. The 2005 version was amended to reflect the amount of funds authorized under the HAVA and to reflect the anticipated implementation of a HAVA-compliant voting system (funded exclusively by State and county funds) for the 2010 elections. Amendments to the State Plan were made in Sections 1A, 6, 12, and 13.

Since the submission of the amended State Plan, the State of Maryland has:

1. Implemented a HAVA-compliant voting system in all 24 jurisdictions for the 2006 elections. Four jurisdictions implemented the system in 2002, nineteen counties implemented in 2004, and the remaining jurisdiction – Baltimore City – implemented the system by January 1, 2006.
2. Administered four statewide elections and seven special elections using the State regulations that define what constitutes a vote and what will be counted as a vote for each voting system used in Maryland. *See Code of Maryland Regulations 33.08.02.*
3. Continued provisional voting based on the standards required by HAVA and provided a “free access system” for each statewide election and five special elections. In the 2008 General Election, over 51,000 individuals voted by provisional ballot, and over 34,000 voters had their provisional ballots counted.
4. Printed, distributed, and mandated posting of voting information in every precinct in Maryland. This information included instructions on how to vote, identification requirements for certain voters, and general information about voting rights and federal and State laws prohibiting acts of fraud and misrepresentation.
5. Implemented by January 1, 2006, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level. The HAVA-compliant system has been successfully used in four statewide elections, seven special elections, and numerous municipal elections. Enhancements and modifications continue to improve its usability.
6. Reviewed regulations requiring first-time voters who registered to vote by mail to satisfy the identification requirement established by HAVA. *See Code of Maryland Regulations 33.07.06.*



7. Updated and distributed State's pollworkers' manual, initially developed by a professional graphic design firm. The manual incorporates graphic design principles that foster learning by adults. The new manual was initially used in the 2006 elections and was updated for use in the 2008 elections. Other forms were also redesigned, using the same principles.
8. Developed and distributed a statewide pollworkers' training curriculum and instructor's guide for use in all jurisdictions for the 2006 and 2008 elections. The State conducted train-the-trainer sessions for the individuals who conduct pollworkers' training for the local boards of elections.
9. Reviewed and proposed amendments to the regulations establishing a State-based administrative complaint procedure. *See* Code of Maryland Regulations 33.01.05. After conducting several hearings under this procedure, several shortcomings in the regulations were identified, and the amendments addressed these shortcomings. The amendments included:
 - a. Expanding the window (from 10 days to 20 days) during which a hearing must be conducted;
 - b. Limiting witnesses to those individuals called by either the complainant or respondent;
 - c. Requiring parties to provide the hearing officer and other party a list of the witnesses each party intends to call and documents or other evidence the parties intend to present at the hearing;
 - d. Permitting the hearing officer to question witnesses and, with the consent of all parties, extend any deadline or waive or modify any requirement not specified by law;
 - e. Clarifying that a determination is not provided at the end of the hearing; and
 - f. Permitting the hearing officer to take judicial notice of certain facts.

These amendments were adopted under the State's Administrative Procedures Act and were effective as of March 9, 2009.

In 2014, the State Plan was amended to reflect accomplishments not previously reported in the State Plan, the requirements payments Maryland received for 2010 and 2011, and changes to the implementation schedule of a HAVA-compliance voting system. Non-materials changes to the State Plan were made in Sections 1A, 1B, 1C, 3-6, 8, 11, and 12.



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.

The Preliminary State Plan was published on the Maryland State Board of Elections' website, following a public notice in the Maryland Register. The Preliminary Plan was available for 30 days of public comment, as required by HAVA. The State Plan submitted to the Election Assistance Commission for publication in the Federal Register incorporated the feedback from the 30-day period. The State Plan was published in the Federal Register on March 24, 2004, for a 45-day public comment period.

The State Plan Committee reconvened in October 2005 to review the State's HAVA activities and revise the HAVA budget to reflect the federal funds received and the known costs of implementing HAVA activities. Notice of the revisions and the opportunity for public comment was published in Volume 32, Issue 25 of the *Maryland Register* (December 9, 2005). Public comment was received and considered by the State Plan Committee, and the revised State Plan was submitted to the U.S. Election Assistance Commission on January 26, 2006, for



publication in the *Federal Register*. Notice of the revised State Plan was published in Volume 71, No. 38 of the *Federal Register* (February 27, 2006). The revised State Plan became effective March 30, 2006.

The membership of the State Plan Committee was updated to reflect change in personnel at two local boards of elections, removal of a member who moved out of state, and removal of another member who no longer serves in his prior capacity. The members of the State Plan Committee that reviewed the 2009 revisions to the State Plan are:

- Linda Lamone, State Administrator, State Board of Elections;
- Tracy Dickerson, Charles County Election Director;
- Margaret Jurgensen, Montgomery County Election Director;
- Alisha Alexander, Prince George's County Election Director;
- Linda Pierson, League of Women Voters;
- Michael Sanderson, representative of Maryland Association of Counties (MACo);
and
- James McCarthy, representative of National Federation of the Blind.

The State Plan Committee reconvened to review the State's HAVA activities and update the State Plan to reflect the federal funds appropriated and the anticipated implementation of a HAVA-compliant voting system (funded exclusively by State and county funds). Notice of the revisions and the opportunity for public comment was published in Volume 36, Issue 13 (June 19, 2009) and Volume 36, Issue 14 (July 6, 2009) of the *Maryland Register*. No public comment was received. The revised sections of the State Plan were submitted to the U.S. Election Assistance Commission on August 25, 2009, for publication in the *Federal Register*.