

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

Before the passage of HAVA, the State enacted legislation mandating that, by 2006, all jurisdictions implement a uniform voting system for polling places and a uniform voting system for absentee voting. 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.

Four of the State's 24 jurisdictions, comprising approximately 32% of its registered voters, transitioned polling place equipment to the new uniform State and HAVA-compliant, DRE voting system (AccuVote TS) in 2002. This new voting system 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 These four jurisdictions also transitioned to 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.

The implementation of the uniform polling place and absentee voting systems cost the State and counties approximately \$15 million for hardware and services; significant costs above that amount were absorbed by the State and counties, not to mention volunteer resources (manpower and supplies). Additionally, the significant effort and cost required to train poll workers and election officials and to conduct adequate voter outreach for the new equipment drew State, local, and volunteer resources away from other important election activities.

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

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

In 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 be implementing a new voting system for polling place voting for the 2010 elections.

Because of the uncertainty about whether any voting systems currently on the market meet 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.

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, the State defined what constitutes a legal vote in the case of a manual recount for optical scan ballots. Subsequently, the State will define a legal vote in a uniform manner for each voting system as a regulation in Title 33 of the Code of Maryland Regulations (COMAR) Title 33.

Uniform State Voting Systems Program Milestones

As demonstrated in the above description of the current state of voting systems, the State is in compliance with ~~is on its way to meeting~~ HAVA §301(a) requirements. ~~Phase I of SBE's uniform State voting systems program is already complete.~~ 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—Maryland passed legislation in 2001 requiring all jurisdictions to have a uniform system for polling place voting and a uniform system for absentee voting. The uniform systems, selected by SBE, when

implemented statewide, will bring the State into full compliance with HAVA. SBE assessed available options and selected the appropriate delivery method for implementation.

2) Implementing voting systems — In 2002, four jurisdictions replaced punch card or mechanical lever voting systems with the uniform State systems.

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

1) Planning voting system compliance

- Assess procurement options
- Establish user group of relevant internal stakeholders to discuss next phase of implementation, lessons learned from prior voting system implementations Phase I, and guide the voting system program through planning, managing, and implementing phases
- Create schedules, milestones, and work plans

2) Managing the implementation effort through a standardized project management framework

- Develop reporting structures and performance measures to track progress
- Track issues and risks to ensure smooth transition to new uniform voting systems

3) Implementing compliant voting systems

- Procure equipment and services pursuant to the State's procurement law
- Deliver equipment and services to all 24 remaining 20 jurisdictions
- Ensure proper training and change management for stakeholders using new uniform systems

4)

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

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" related to these requirements, and the "State of Maryland's Status with the New Voting System Actions Planned" related to these requirements where applicable. As the matrix indicates, all 24 the four jurisdictions using the uniform State voting systems are currently compliant with HAVA and will continue to be compliant with the implementation of the optical scan voting system for the 2010 elections.

Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
<p>SEC. 301. VOTING SYSTEMS STANDARDS</p> <p>(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements</p> <p>(1) IN GENERAL-</p> <p>(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</p>		
<p>(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;</p>	Meets.	No action needed. 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.
<p>(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</p>	Meets.	No action needed. 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.
<p>(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.</p>	Partially-Meets. <ul style="list-style-type: none"> — Non-compliant systems identify voter voting — Require poll-workers to inform voter of error — Systems do not show error to voter directly 	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

Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
		The State will meet this requirement upon implementation of the uniform State voting systems program described above offer the voter another ballot.
(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. No action needed.
(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)	Meets.	Will meet. This information will be included in the voter education program and on instructions on the ballot and in the polling place. No action needed.
(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.	Meets. Does Not Meet. Non-compliant systems require poll workers to inform voter of error	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 in the State will meet this requirement upon implementation of the uniform State voting systems program described above structured to provide notice in a manner that

Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
(2) AUDIT CAPACITY-		preserves the privacy of the voter and the confidentiality of the ballot.
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets.	No-action-needed. 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. No-action needed.
(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.	Meets.	Will meet. Both systems meet this requirement. No-action needed.
(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.	Meets.	Will meet. Both systems meet this requirement. No-action needed.
(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;	Partially-Meets; Optech III-P Eagle and Model ES-2000 do not meet requirements; require human-assistance AVC Advantage does not meet requirements; has Braille-key capabilities, but requires human assistance AccuVote TS meets requirements (has audio-ability, keypad, option to enlarge font-size)	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. The State will meet this requirement upon implementation of the uniform State voting systems program described above.

Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions-Planned State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
<p>(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</p>	<p>Partially Meets. - At least one machine per polling place configured to provide accessibility for disabled individuals in precincts that have AccuVote-TS machines - Precincts with no AccuVote-TS machines -- not compliant</p>	<p>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. The State will meet this requirement upon implementation of the uniform State voting systems program described above.</p>
<p>(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).</p>	<p>N/A because the State's current voting system was purchased before January 1, 2007.</p>	<p>The State will meet this requirement upon implementation of the uniform State voting systems program described above. N/A because the new voting system being implemented for the 2010 elections will not be purchased with federal funds. State and county funds will be used to purchase the new system.</p>
<p>(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).</p>	<p>Meets.</p>	<p>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. No action needed.</p>

Requirement	State of Maryland's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned/State of Maryland's Status with New Voting System (Will Meet Requirement, Will Partially Meet, Will Not Meet)
<p>(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.</p>	<p>Meets.</p>	<p>Will meet. Both systems will meet this requirement. No action needed.</p>
<p>(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.</p>	<p>Partially Meets. Standardized Recount Procedures modified in 2002 define a legal vote in case of manual recounts of optical scan ballots No standardized definition exists.</p>	<p>The State will meet this requirement upon implementation of the uniform State voting systems program described above. No action needed as current regulations already define what constitutes a vote on a DRE voting unit and on a paper ballot.</p>

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 the following table outlines the federal funds authorized to received by the State for HAVA activities. These figures are the basis for the HAVA budget in Table 6.3.-

Table 6.1: Authorized Federal Funding Received by Maryland
in millions

Federal Fiscal Year	Total Federal Funds	Maryland Share	5% State Match Requirement*
Early Payments	\$650	\$7.275	n/a
2003	\$8301,400	\$15.20	\$0.80
2004	\$1,040089	\$27.287	\$1.44
2005	\$6000	\$11.160	\$0.590
2008	\$115	\$2.08	\$0.11
2009	\$100	\$1.81	\$0.10
Total	\$2,9693,865	\$64.8049.75	\$3.02.24

*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 and 2009 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 6.21: Appropriated Federal Funding Received by Maryland

in millions

Federal Fiscal Year	Total Federal Funds	Maryland Share	5% State Match Requirement*
Early Payments	\$650	\$7.275	n/a
2003	\$830,830	\$15.20	\$0.80
2004	\$1,489,899	\$27.287	\$1.44
2005	\$00	\$00	\$00
2008	\$115	\$2.08	\$0.11
2009	\$100	\$1.81	\$0.10
Total	\$2,969,184	\$53.6449.75	\$2.4524

*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

Based on the amount of federal funds received and 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 is concerned that the ongoing costs of operating and maintaining the new voting system and statewide voter registration list are considerably higher than the State's maintenance of effort level (see Section 7 of the State Plan). With respect to the voting system, the increased scrutiny about voting system security and the need to upgrade the system to reflect the latest security measures has resulted in costs higher than anticipated in the previous budget in the State Plan. The operation and maintenance of both systems will be the financial burden of the State when HAVA funding is no longer available.

The State's budget to carry out activities to meet HAVA requirements is provided in table 6.32.

Table 6.32: Maryland's Budget for HAVA Activities[S1]

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; and (6) salaries and associated benefits for personnel.

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 inaugural amended State Plan, the State of Maryland has:

1. Implemented a HAVA-compliant voting system in all 19 of its 24 jurisdictions for the 20064 elections. Four jurisdictions implemented the system in 2002, nineteen counties implemented in 2004, and the remaining jurisdiction – Baltimore City – implemented the system will have implemented the compliant voting system by January 1, 2006.
2. Administered four statewide elections and seven special elections using the Adopted 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 Implemented 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 20084 General Election, over almost 4951,000 individuals voted by provisional ballot, and over 314,8000 voters had their provisional ballots counted.
4. Printed Designed, 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 Completed testing and will have completed by January 1, 2006, the statewide implementation of the 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 Adopted 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 Using a professional graphic design firm, redesigned the State’s pollworkers’ manual, initially developed by a professional graphic design firm. The redesigned manual incorporates graphic design principles that foster learning by adults. The new manual was initially will be used in the 2006 elections and was updated for use in the 2008 elections. Other forms were will also be redesigned, using the same principles.

8. Developed and distributed ~~Began developing~~ a statewide pollworkers' training curriculum and instructor's guide for use in all jurisdictions for the 2006 and 2008 elections. The State ~~will be conducting~~ train-the-trainer sessions for the individuals who conduct pollworkers' training for the local boards of elections.

9. Reviewed and proposed amendments to the ~~Adopted~~ regulations establishing a State-based administrative complaint procedure. *See Code of Maryland Regulations 33.01.05.* ~~In 2004, the State conducted 4 hearings and received two additional complaints, one of which was resolved without a hearing and one that was not timely.~~ 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.

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.

The original 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 Colbert, 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).