

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2005.

May 20, 2005

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 849 – *Election Law – Voting System – Study of Independent Verification Systems*.

Senate Bill 849 requires the State Administrator of Elections to study, review, and evaluate independent verification systems, including at least one system that includes a voter verified paper trail. The required study would be conducted during municipal elections in specified counties. To assist with the evaluation, Senate Bill 849 establishes an Advisory Committee that will provide guidance to the State Administrator concerning the evaluation of independent verification systems. The Advisory Committee is comprised of members who would be appointed by the Speaker of the House and the President of the Senate. The State Administrator of Elections has the option of seeking assistance with the study from computer specialists, academic professionals, and community activists and is required to submit the findings of the study to the General Assembly by December 1, 2005.

While I support the concept of utilizing independent verification systems and understand the importance of examining our recent integration of new computer technology into the administration of elections, the analysis of these systems to protect the integrity of the process should be conducted in a process that is directed by the Executive Branch. Senate Bill 849 fails to provide a role for the Administration in this evaluation. Furthermore, it eliminates the Governor's ability to appoint members to the Advisory Committee that is responsible for this study.

The procurement of touch-screen electronic voting systems was conducted by the prior Administration. When these systems came under attack for their veracity and reliability last year, the information technology unit at the Department of Budget and Management (DBM) managed the State's program to have an independent analysis and risk assessment to test the system's vulnerability to tampering or fraud. Through this analysis, DBM lead the effort to rebut the challenges to the system's security and provide the factual analysis to assuage public concerns.

Please be assured that the Administration is committed to instilling public confidence in elections and ensuring that all Marylanders have the opportunity to cast a ballot and have their ballot fairly counted. To this end, I will appoint a Commission to examine and evaluate all of the election law bills passed this session and make recommendations concerning our State's election process. Specifically, this Commission will work with DBM and the Board of Elections to conduct such a study as proposed by this legislation. I am confident the Commission will develop policies