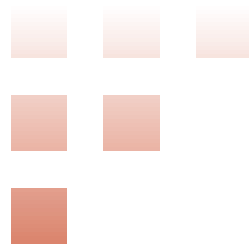


# HAVA•NJ



## State Plan



*Improving  
the Shape of  
New Jersey's  
Voting  
Experience*



*Prepared by the New Jersey  
Office of the Attorney General  
as required by Public Law 107-252,  
Help America Vote Act 2002,  
Section 253 (b)*



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# introduction



## Introduction

*It is fundamental to a free and democratic society that elections are conducted in a fair manner, with all qualified citizens having an equal opportunity to vote and to have their votes counted. It is for this reason that as the Chief Election Official of New Jersey, I welcome the unprecedented federal support that the states will receive under the “Help America Vote Act of 2002” (HAVA). Enacted on October 29, 2002, HAVA is intended to provide federal monies to assist in the upgrading of a state’s voting equipment and to provide for the implementation of procedures that will protect each citizen’s right to vote, while maintaining confidence in the integrity of the state’s election system.*

*HAVA provides, among other things, for the replacement of the antiquated lever voting machines and punch card machines. It sets forth voting system standards to assure accurate vote counts. It mandates the creation of a statewide voter registration system. It sets forth identification requirements for first-time mail registrants and for the use of provisional ballots, with the provisional ballot voter to be given the opportunity to ascertain the disposition of her or his ballot. Polling places will have additional notices to inform voters as to voting procedures and rights. It is further intended that voters with disabilities will be able to vote confidentially and independently in fully accessible polling places.*

*Under Section 101 of Title I of HAVA, states can receive funds for a broad range of activities for the overall improvement of their election structure and administration. Section 102 of Title I provides for funding for the replacement of lever and punch card machines. Title II of HAVA establishes the Election Assistance Commission, a federal agency charged with a variety of election-related responsibilities. For example, it will act as an informational resource, conduct studies relating to voting technology and promulgate guidelines and recommendations to the states.*

*Title III of the Act sets forth substantive electoral requirements for the states, such as statewide voter registration systems, provisional balloting, identification requirements for first-time mail registrants and additional notices in polling places of voter rights. Title III also provides for the largest portion of federal funding to assist the states in implementing HAVA. Title III provides for a three-year plan for receipt of federal funds. To receive a share of section 252, Title III monies, commonly referred to as “requirements payments”, a state must submit a written plan known as a State Plan, setting forth the manner in which the State intends to comply with Title III and detailing the contemplated use of the federal funds. Funds distributed to a state pursuant to HAVA can be used for the Title III requirements relating to voting systems, statewide voter registration, provisional balloting and can also be used for voter education efforts, election official training and overall improvement of a state’s election administration.*

*States also will receive under section 261 of Title III monies to be used for voters with disabilities, for the purpose of polling place accessibility, equal access to voting, voting information and sensitivity training for district board workers.*

*New Jersey has a strong record of commitment to the election process through the efforts of its election officials and the interest and participation of our voters and various constituency groups. It has been a long-standing requirement to*



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send sample ballots to registered voters before each election. New Jersey has used provisional ballots since the 1996 General Election and in 2001, it replaced punch card voting machines that had been used for decades in two counties. HAVA will now provide the State with the ability to further strengthen its electoral commitment. New Jersey has already received \$16,836,817 under Title I. A large portion of Title I monies will be used for the replacement of the lever voting machines that are now used in seven counties. Under Section 252 of Title III, it is estimated that the State is eligible to receive, for the federal fiscal year of 2003, approximately \$23 million. Under Section 261 of Title III, New Jersey will be eligible to receive \$352,485.00. The State applied for Section 261 funds on July 7, 2003.

This State Plan details how New Jersey intends to further comply with HAVA requirements in order to receive Title III funds. It specifically addresses the thirteen requisite categories, in accordance with Section 254 of Title III of HAVA. In accordance with HAVA, in my capacity as New Jersey's Chief Election Official, I appointed a diverse group of election officials and other citizens to assist in the preparation of the State Plan. I asked this group, the New Jersey State Plan Committee ("SPC"), to take this opportunity to not only consider how New Jersey can meet the specific mandates of HAVA, but how we can provide for even greater improvement in the manner in which elections are conducted. We are particularly mindful that one of the fundamental goals of HAVA is to promote statewide uniformity and that this goal can be met if we move toward a more coordinated and centralized system at the state level.

As further required by HAVA, there was a public comment period. Although the federal law only required a 30-day public comment period, we decided to extend this time by an additional 15 days, from June 20 through August 4. The Preliminary State Plan was posted on the State's website. I further directed that "we take the plan to the people" by way of public hearings of which there were eight, conducted throughout the State. We heard a variety of comments, particularly from members of advocacy groups for persons with disabilities as well as persons with disabilities. They expressed the need for their direct input on such matters as polling place accessibility and district board worker training. This proposal had already been stated in the Preliminary Plan. It remains in the final State Plan and will be the cornerstone of New Jersey's efforts to ensure that all persons with disabilities have equal and fair access to each aspect of the electoral process. It need not be stated that the efforts to improve such access will have a positive effect for all voters, as noted by one of the members of the SPC.

The two most common themes heard throughout the public hearings, as well as the SPC work sessions, were: one, the necessity for continued and effective communication between and among all election officials, from the municipal clerks to State officials, and interested members of the public; and two, the need for effective voter education that reaches all segments of our society. These interests are reflected in the State Plan and will be the guiding principals as we move forward into the implementation phase of HAVA.

That being said, we are mindful that the changes required under HAVA will not occur overnight. All states, including New Jersey, will have until no later than January 1, 2006 to replace antiquated lever voting machines and implement a statewide voter registration system. The required "free access system," which will

# introduction

*enable provisional ballot voters to check the disposition of their ballots, will be available in New Jersey as of the 2004 June Primary. Some of the changes proposed for our State will require legislation and regulatory changes. Our ability to fully realize all of the contemplated modifications to our electoral system is dependent upon full federal funding over the next three year period, as set forth in HAVA. You have our assurances, however, that we will work to achieve these goals to better serve our citizens, as we appreciate that an informed and involved citizenry is an indispensable part of a viable election process.*



*Peter C. Harvey  
Attorney General  
State of New Jersey*



## Section One

How the State will use the requirements payments to meet the requirements of Title III to improve the administration of elections.

### Voting Systems

Section 301 of Title III of HAVA sets forth the standards for voting equipment and voting procedures to be used in federal elections, for the purpose of protecting the individual right to vote and assuring the accuracy of, and confidence in, the electoral process.

First, all voting systems in the United States must provide for the following: 1) a system which allows voters to review the accuracy of their selections indicated on the voting machine before the ballot is finally cast; 2) a means to allow the voter to correct any votes, including any overvotes; 3) the provision of an audit of the votes cast, or a “permanent paper trail” of the votes cast, which would facilitate a more efficient and reliable recount; 4) a means to ensure that voters with disabilities, including voters with visual impairments, will be able to vote independently without third party assistance by providing each polling place with at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities; 5) the furnishing of multi-lingual ballots in required election districts; 6) a system which produces an error rate that does not exceed the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission; 7) establishment of uniform and non-discriminatory standards as to what constitutes a “vote.”

These voting system requirements must be achieved no later than January 2006. If a state applies for funds under Title I to replace lever and punch card voting machines, it must replace them in time for the November 2004 general election, unless the state applies for a waiver until January 1, 2006.

Although HAVA provides that no state is necessarily required to replace any existing lever machines or punch card machines used in the polling places, New Jersey, like other states, has determined that the lever machines will be not able to meet the new federal standards and, therefore, must be replaced. While no punch card machines are in use in the polling places in New Jersey, some counties use them for counting absentee ballots.

Under Title 19, Election Laws of New Jersey, the current statutory authority for the purchase and maintenance of voting machines in New Jersey lies with each of the State’s twenty-one counties. An individual county can purchase a machine that is on the list certified by the Attorney General. Once a voting machine has been subjected to examination by a Committee appointed by the Attorney General and approved by this Office, the machine may legally be used in any election within the State.

As of this date, there are seven counties in New Jersey that use lever voting machines: Camden, Cape May, Cumberland, Essex, Hudson, Mercer<sup>1</sup> and Monmouth Counties. Currently, these counties own a total of approximately 3,588 voting machines, corresponding to 2,296 election districts total. These seven counties use a total of 1,402 polling places.

<sup>1</sup>Mercer County has contracted to purchase electronic voting machines which shall be in use in 2004.



As previously indicated, there are no counties that currently use punch card machines in the polling places. Salem and Sussex Counties had used such machines up until the November 2001 General Election. After the 2000 Presidential Election, the New Jersey Legislature determined that the use of punch card machines should no longer be permitted in the polling places, and opted to purchase electronic voting equipment for those two counties. There are still two New Jersey counties, Cape May and Somerset<sup>2</sup>, that continue to use punch card machines for absentee ballots. These machines should also be replaced.

In terms of an accessible voting system for voters with disabilities, including voters with visual impairments, Salem and Sussex Counties are the only two counties in the State that are fully compliant. Each of the voting machines in those two counties is fully accessible for voters with disabilities.

<sup>2</sup>While Mercer County currently has a punch card system for absentee ballots, it has just purchased an optical scan system which will be in use for the November 2003 general election.

## Electoral Process Statistics by County

	Number of Registered Voters	Number of Election Districts	Number of Polling Places	Type of Voting Machine in Polling Place	Number of Voting Machines
<b>Atlantic</b>	136,660	161	125	Electronic	230
<b>Bergen</b>	476,631	554	394	Electronic	1200
<b>Burlington</b>	237,903	359	170	Electronic	500
<b>Camden</b>	292,658	331	219	Mechanical	730
<b>Cape May</b>	63,823	131	50	Mechanical	167
<b>Cumberland</b>	74,663	93	68	Mechanical	110
<b>Essex</b>	382,443	568	335	Mechanical	695
<b>Gloucester</b>	154,273	231	115	Electronic	510
<b>Hudson</b>	265,323	452	258	Mechanical	530
<b>Hunterdon</b>	72,888	111	43	Electronic	127
<b>Mercer</b>	186,200	284	170	Mechanical	599
<b>Middlesex</b>	405,706	597	245	Electronic	662
<b>Monmouth</b>	370,189	437	302	Mechanical	757
<b>Morris</b>	288,085	395	198	Electronic	805
<b>Ocean</b>	319,803	326	346	Electronic	704
<b>Passaic</b>	228,206	288	170	Electronic	420
<b>Salem</b>	39,051	45	132	Electronic	160
<b>Somerset</b>	149,266	277	132	Electronic	290
<b>Sussex</b>	79,746	107	78	Electronic	351
<b>Union</b>	257,300	443	190	Electronic	500
<b>Warren</b>	56,327	85	49	Electronic	95
<b>Total</b>	<b>4,537,144</b>	<b>6,275</b>	<b>3,789</b>	-	<b>10,142</b>



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In compliance with Title I and Title III of HAVA, all lever machines will be replaced with voting machines capable of meeting all of the federal standards. Furthermore, Atlantic County has older electronic voting equipment, which is in constant need of repair and for which some of the parts can no longer be obtained. Therefore, this is an appropriate time for that county's voting systems to be replaced. Atlantic County currently owns 230 voting machines for 161 election districts. It now has 125 polling places.

The remaining eleven counties in the State have electronic machinery. Nine of these counties have the capability to modify their existing systems to accommodate voters with disabilities, including the capacity to install audio assistance. These include Bergen, Burlington, Gloucester, Hunterdon, Middlesex, Morris, Ocean, Somerset and Union Counties. There are currently a total of 5,298 voting machines owned by these counties for a total of 3,293 election districts. There is a total of 1,833 polling places in these counties.

Passaic County and Warren County have voting machines that cannot be retrofitted to fully accommodate voters with disabilities, particularly voters with visual impairments. Passaic County currently owns 420 voting machines for 288 election districts and has 170 polling places. Warren County owns 95 voting machines for 85 election districts and has 49 polling places.

It will have to be determined if these two counties should obtain a new set of voting machines or whether they can continue to use their current machines in conjunction with a separate accessible voting system for each election district. There is legitimate concern as to whether using a different voting machine for voters with disabilities, in particular voters with visual impairments, will compromise the secrecy of their votes. There is also the administrative concern of having to program and set up two types of voting machines for each election district. These issues will require further study and input from all interested persons, including members of the disability community. Any decision must be based on the overriding interest in assuring voters with disabilities the realization of their rights as protected under HAVA. The cost differential between the two proposals should not determine the outcome of this decision.

Funds should also be dedicated for the replacement the punch card absentee ballot counters.

Because the replacement and/or modification of the above-noted affected voting machines is one of the highest priorities under HAVA, and because of the number of voting machines involved, it is anticipated that a significant amount of the replacement monies will need to be dedicated to this purpose. While the State has already received close to \$17 million of Title I funding, it is believed that amount will not be sufficient to fully cover the cost of voting machine replacement. Accordingly, a portion of Title III funds will be required for voting machine replacement and adaptation purposes. The Attorney General will develop a formula, in a manner to be determined, which will be based upon appropriate need factors to allocate a fair proportional share of federal funds. Dependent upon full federal funding over the three year period for which monies have been authorized under HAVA, it is anticipated that dedicated-HAVA funds can absorb, at a minimum, half of the counties' voting machine replacement and adaptation expenses.

*It is the further intention of the Attorney General to undertake a study of the recent national discussion by computer scientists regarding the security of software programs for voting systems and the capability of a voter to view a “paper verification” of his or her votes before casting the ballot. To elaborate, there is an articulated position that all voting machines should be capable of allowing the voter to see his or her votes on a secured piece of paper. The voter would only be allowed to view this document, but not to take it out of the polling place. The document would remain in the custody of the election officials. Any such procedure would have to appropriately safeguard the secrecy of the ballot. Congressman Rush Holt of New Jersey has recently introduced federal legislation on this matter.*

## **Statewide Voter Registration**

*Section 303 of Title III requires that each state implement a “single, uniform, official, centralized, interactive, computerized state-wide voter registration list that is defined, maintained and administered at the state level.” Such a system must provide for the elimination of duplicate registrations and the purging of ineligible voters, in accordance with the National Voter Registration Act, 42 U.S.C.A. 1973gg-1 et. seq. (“NVRA”).*

*The system must interface with the computerized records of other State agencies, such as the New Jersey Motor Vehicles Commission (“MVC”) for verification of driver’s license numbers and the New Jersey Department of Health and Senior Services for decedent verification. There must also be an appropriate interface with those agencies which can provide criminal history information, as any person who is currently serving a sentence of incarceration, on parole or on probation as the result of a conviction for an indictable offense is disqualified from voting under State law. The system will also be connected to the Social Security Administration for verification of the last four digits of a registrant’s social security number.*

*The system must be in place by January 2004, unless a state seeks a waiver until January 2006.*

*New Jersey does not now have a state-wide registration system, as defined by HAVA. In accordance with NVRA, in 1996 New Jersey did establish an interconnecting computer system among the twenty-one offices of the County Commissioners of Registration and the Division of Elections, through which counties provide the State with their master voter registration lists.*

*The purpose of the system is to allow the State to fulfill its reporting requirements to the Federal Election Commission with respect to the number of voter registrations received by mail and those collated from the designated voter registration agencies (such as the MVC), public assistance agencies, social service agencies, and agencies that serve people with disabilities. The State must also report the number of active, inactive and deleted voters, as defined by the NVRA.*

*By way of the current system, New Jersey is also able to notify the counties of duplicate registrations. Duplication can occur when a currently registered voter re-registers in a new county.*



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To meet the new requirements under HAVA, however, it will be necessary for New Jersey to make a major capital investment in its registration infrastructure. It will be necessary to develop and purchase all required components to have an interconnecting system among, at a minimum, the offices of the Division of Elections, the twenty-one County Commissioners of Registration, the MVC, the Department of Health and Senior Services, the Social Security Administration and those agencies with criminal history information. The twenty-one County Clerks and the 566 Municipal Clerks, who are also election officials, will need access to the system as well. There should also be consideration of interfacing with all of the other voter registration agencies in the State, so designated under the NVRA and which are identified above.

It is anticipated that this will require significant funding, although the final outlay will likely depend upon whether it is deemed appropriate to retain an outside vendor to create the system, or to have the project developed completely in-house by State Information Technology personnel. The cost factor may also vary depending upon whether maintenance and service of the system will require a vendor or will be done in-house. In any event, it is likely that a full-time technical support unit within the Department will be needed.

It will also be necessary to dedicate funds for initial training of the offices of the County Commissioners of Registration regarding the new state-wide voter registration system.

During the course of the SPC work sessions and public hearings, there were a number of discussions on the possibility of New Jersey enacting a same-day voter registration system. While there were varying opinions expressed on this matter, it was fairly understood that any rational consideration of this procedure would be dependent upon a viable statewide voter registration system. Same-day voter registration, therefore, is a concept for a later time. The enactment of a statewide voter registration system may also lead to consideration of the viability of an Internet-based voter registration system. This, too, is a concept for future consideration.

## Provisional Balloting and Voting Information at the Polling Place

Section 302 of Title III creates the right of voters in federal elections to cast provisional ballots if they fail to provide the required identification information, or if they are voting after the polls close by way of a federal or state court order. New Jersey has provided for provisional balloting since 1996. The procedure originated by way of a federal consent decree for the 1996 Presidential Election. Since 1999, these original procedures have been codified into law in New Jersey. Provisional ballots are utilized for any voter who moves to another address within the county of registration and fails to notify the county commissioner of registration of the move. These ballots are also utilized if there is deficient information in the poll book for the voter, such as a missing signature. At the polling place, the provisional ballot voter is provided with a ballot and envelope on which there is a detachable affirmation statement. The provisional ballot voter completes the statement by providing his or her name, current address, former address and the reason why this



ballot is being used (i.e., either because of a move within the county or because the registration information in the poll book is not complete). All of the provisional ballots are secured at the polling place in a provisional ballot bag, and are returned, at the close of the polls, to the appropriate County Commissioner of Registration for verification. If it is determined that the person is not a registered voter, the ballot is not counted. It is common practice to send the unregistered individual a voter registration form so that he or she can register to vote in future elections.

It has been suggested that the provisional ballot law be further amended so that the provisional ballot affirmation statement could constitute a voter registration form in cases where it is determined that the person is not currently registered to vote. In other words, instead of sending the person a voter registration form to complete, the County Commissioner of Registration could use the information contained on the affirmation statement for registration purposes. This idea on its face appears to be valid, but will require further study. At a minimum, the information required on the affirmation statement would have to be expanded to include all of information required on the voter registration form.

To comply with HAVA, New Jersey will need to expand its use of provisional ballots in several ways. First, HAVA provides that any voter who casts a ballot after the close of the polls under state law pursuant to a federal or state court order, in effect ten days before a federal election, shall be voting by provisional ballot. In New Jersey, there has been a longstanding practice for the State courts to issue orders permitting a voter to cast an absentee ballot in a cases where the person is deemed eligible to vote by the court but, because of the hour of the court's ruling, is unable to timely return to the polling place. State legislation should be enacted to provide for the use of provisional ballots in all cases where a court rules on election day that a person is qualified to vote but is not able to vote in the polling place because of time constraints (e.g., the polling place is closed). Second, provisional ballots are to be used for voters who do not provide the requisite identification information as detailed below.

It is not expected at this time that the expanded use of provisional ballots will cause a significant increase in expense for the County Clerks, who are responsible for the printing of all the ballots, or for the County Superintendents of Elections or County Boards of Election who process those ballots.

## Requirements for First-Time Voters who Register by Mail

Section 303(b)(1) of HAVA provides that any person who, on or after January 1, 2003, registers to vote for the first time by mail shall have to provide identification. HAVA further requires all states to be prepared to accept this identification information as of January 2003, with enforcement authority to commence as of January 2004. [Note: These HAVA identification requirements will have no force or effect for any election held in New Jersey in 2003, but will be in force for such mail-in registrants beginning with the June 2004 primary election.]

If a state does not have statewide voter registration, the identification requirement also applies to a new registration in a county. At present, New Jersey does not have a statewide voter registration system. Therefore, the identification



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requirement will apply to any voter registering in a county for the first time, even if that person had previously voted for any length of time in another county of the State.

Except as provided below, under HAVA, such voters will have to provide a form of identification at the polling place the first time they appear to vote in the county. The federal law specifies the types of acceptable identification as follows: "a current and valid photo identification," or "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." If the first-time voter votes by absentee ballot, a copy of one of the above identifying documents must be provided with the ballot.

The requirement to provide identification at the polling place does not apply if: 1) the state requires the registrant to provide a copy of one of the above-noted identifying documents with the voter registration form; 2) the registrant provides, along with the registration form, the driver's license number or the last four digits of the social security number, and the state is able to verify such information. If the registrant does not have a driver's license or a social security number, he or she would be able to provide a copy of one of the above-specified identifying documents; or 3) the voter is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.A. 1973ff-1, et seq.; the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C.A. 1973ee-1(b)(2)(B)(ii); or is entitled to vote otherwise than in person under any other federal law.

Beginning with the June 2004 Primary Election, if a first-time voter who has registered by mail for the first time in the applicable jurisdiction (which, in New Jersey, is the county, as stated above) and has not previously submitted the identification information required by HAVA, the person will be asked to present a copy of an identifying document at the polling place. If such voters do not present an identifying document, they will not be permitted to vote in the voting machine, but instead will be provided a provisional ballot. If an absentee ballot voter who was required to provide identifying information did not do so by the time of the submission of the absentee ballot, that person's absentee ballot will be processed as a provisional ballot.

Several related issues which merit consideration were raised by members of the State Plan Committee. One issue concerns the extent of the applicability of the identification requirement. Current New Jersey law imposes no identification requirement as part of the registration process or for first-time voters. Support was expressed for the position that this requirement not be extended beyond the requirements of HAVA to apply to those voters who do not use the mail for delivery of their registration application. Concern has been expressed that extending the identification requirement could have the effect of frustrating voter registration.

In addressing the State's interest in enhancing accountability in the registration process, consideration should be given to requiring an appropriate third party certification in cases where an application is delivered by a person other than the applicant.

A second issue concerns the point in the election process at which the requisite voter information should be requested, i.e., at the polling place or at the time of registration. As a matter of convenience for the affected voters who must

present identification in accordance with HAVA, as well as for the convenience for the other voters who will appear to vote at the polling place on an election day and who might otherwise be delayed, the identifying information should be requested during the registration process.

The final issue concerns the types of identifying documents that should be accepted from those registrants who are unable to provide either a driver's license number or the last four digits of their social security numbers. New Jersey should take an expansive view of this requirement, so that no qualified registrant is unduly burdened because he or she does not possess conventional identifying documents. Recognizing that not every appropriate document can be legislatively enumerated, the Attorney General should be accorded the authority to issue an expansive and comprehensive list that may be updated to include credible and reliable documents that are issued or identified in the future.

## **“Free Access” System**

There is another Title III provision regarding provisional ballots, however, which will require the establishment of a procedure new to New Jersey. Each voter who casts a provisional ballot, as of the 2004 Primary Election, will be entitled to make use of a “free access” system, to be established by the Attorney General, to ascertain whether his or her ballot was counted and, if not, the reason for rejection. This could be accomplished by way of a toll-free telephone number or by the Internet, to establish such notification process for provisional ballot voters, as well as for absentee ballot voters. Such a procedure will likely require the expenditure of federal funding. This system must also be accessible to voters with disabilities. For example, any telephone system must include a TTY phone number and any Internet-based system must be similarly accessible to voters with disabilities. It is anticipated that Title III funds will be used for this purpose.

New Jersey also will be required, under Title III, to expand the number of notices provided in a polling place on election days. There will be a cost factor for such implementation. Under New Jersey's current practice, sample ballots, which include the hours and day of the particular election, must be posted in every polling place. There is also the required notice of the challenge procedure, voting machine instructions, and the availability in the polling places of complaint forms with stamped return envelopes pre-addressed to the applicable County Commissioner of Registration.

In accordance with Title III, as of the June 2004 Primary Election, each polling place will also be required to provide a notice of the identification requirements for first-time voters, and a Notice of Rights to all voters, which identifies the office to contact with any complaints or questions and provides general information regarding federal and state laws concerning electoral fraud and misrepresentation.

The Attorney General will design these new notices to ensure uniformity and consistency. The Attorney General will incur administrative costs, including personnel, to perform this task. Therefore, some Title III money will be expended on this statutory requirement.





## Voter Registration Application and other Election Forms

Pursuant to Section 303 of HAVA, all mail voter registration forms must include check-off boxes as to minimum age and citizenship of the applicant. If the applicant answers “no” to either being 18 years of age or having United States citizenship, there is to be a statement on the form advising the applicant not to submit the document. The voter registration form should also have a provision for the registrant to provide his or her driver’s license number or last four digits of the social security number. There must also be notice requirements regarding identification requirements for first-time voters who register by mail.

Such items are not currently included on New Jersey’s form, which is used for all registration purposes whether it be a mail-in or an in-person process. Any legislation to authorize the Attorney General to redesign the form should specify that the form should be fully inclusive as to the type of identifying document that will be acceptable so that no qualified registrant is disenfranchised because he or she may not have common identifying documents. The absentee and provisional ballot materials will also need to be revised to include the information relating to identification requirements. Consideration should also be given to developing a standardized format for voting machine ballots.

## Modification of Forms for Voters with Disabilities

Consistent with one of the principal purposes of HAVA to allow for full access to the electoral process by voters with disabilities, election forms, such as the voter registration application, the sample ballot as well as the absentee and provisional ballot materials, must be provided in alternative forms, such as large print, braille and audio. It has also been suggested that the voter registration application could include provisions to permit an applicant to “check-off” if he or she requires accommodations or alternate forms of election materials, or to indicate that he or she uses a rubber signature stamp in lieu of a handwritten signature. Accordingly, it is anticipated that a portion of Title III funds will be utilized for the design and printing of these materials.

## Education and Training

As detailed in Section Three of the Plan, New Jersey intends to formalize its training for election officials, in particular, the County Boards of Election, the County Clerks and the County Superintendents of Elections, along with key personnel in those offices, to ensure consistent and informed application of law. Section Three of this Plan also details the manner in which New Jersey plans to upgrade and expand its voter outreach to increase electoral participation for all voters. It is anticipated that increased training and public outreach will require the expenditure of public funds, including Title III monies, and that such funds will also be required to employ and train sufficient support staff at the State level to monitor and oversee these activities.

<b>Voting Systems Standards</b>		
<b>HAVA Requirements</b>	<b>Current Status</b>	<b>Action Planned</b>
All voting systems shall permit a voter to verify/review choices before ballot is cast	Partially meets the requirement With lever and electronic machines, voter can review before the red mechanical is pulled or electronic "cast vote" button is pushed. See comments below regarding paper ballots	Voter Education Program for paper ballots
Allow voter to change or correct any error on the ballot before casting it	Partially meets the requirement Capable with lever and electronic machines Paper ballot procedures used in all polling places (provisional and emergency); and the Optech III-Eagle (mark-sense paper ballot system) used in Warren County permit the issuance of duplicate ballots for errors or corrections. Absentee ballot procedure does not currently meet the standard. If the voter makes an error and marks the ballot to change it, the ballot may be considered "marked" and not counted. In practice, a voter may contact the county clerk for a duplicate ballot, but there is no notice to that effect on the absentee ballot materials.	Voter Education Program for paper ballots
Prevent or alert voter if there is an overvote	Partially meets requirement Lever and electronic machines are programmed to prevent overvoting There is currently no notification for all paper ballots as to the effect of an overvote	Voter Education Program for paper ballots
All voting systems must be able to produce a paper audit trail of all votes cast	Meets the requirement	No action planned for this reason
Voting systems must be accessible for individuals with disabilities, including those with visual impairments, to permit such person to vote independently and confidentially	Partially meets the requirement Of the 21 Counties, only Salem and Sussex counties meet the requirement	Update existing voting systems or purchase new voting systems
Voting systems shall provide for alternative language accessibility pursuant to section 203 of the Voting Rights Act of 1965	Seven Counties are under this federal mandate. The ballots are to be in English and Spanish in the required districts In all election districts in the State, where 10% or more of the registered voters have Spanish as their primary language, the sample ballots must be bi-lingual	For those federally-mandated Counties where there will be machine replacement, the State will require such capability
All voting systems shall have error rates that do not exceed the Federal Election Commission standards to be established	Partially meets the requirements	Voting system replacement where required, in particular the replacement of the lever machine
A uniform definition of what constitutes a vote for each voting system used in the state	State law defines "vote" for paper ballots, lever and electronic ballot card systems	Consideration of legislative amendments and/or regulations for newer electronic voting systems

## Provisional Ballots & Polling Place Information

HAVA Requirements	Current Status	Action Planned
Provisional ballots to be available in polling place for person who claims eligibility but for whom there is no record; or for voter who does not provide required identification information; or for voter who votes by court order after the close of the polls	Provisional ballots are available for voter who moves within county but did not provide notification; or for voter for whom there is deficient information in the poll book  Voters typically vote with absentee ballot by court order after the polls close	Legislative enactments to expand use of this ballot
Free access system to provide notice of provisional ballot disposition/notice to be given in polling place to provisional ballot voter as to how to ascertain disposition of ballot	Does not meet requirement	Legislation-should include absentee and provisional ballots
Sample ballot to be posted in polling place	Required	No action to be taken
Day and time of election to be posted in polling place	In sample ballot; Separate notice not required	Could be accomplished by legislation
Notice in polling place of voting Rights under federal and state law	Not required	Could be accomplished by legislation
Notice of federal and state laws regarding fraud and misrepresentation	Not required	Could be accomplished by legislation
Posting of instructions for first-time voters	Not required	Could be accomplished by legislation
Voting Instructions for machine and provisional ballots	Required for voting machines, not for provisional ballots	Could be accomplished by legislation for provisional ballots

## Statewide Registration System

HAVA Requirements	Current Status	Action Planned
Single uniform, official, centralized, interactive, computerized statewide voter registration system	Not required	To be Implented by State

## Voter Registration Requirements

HAVA Requirements	Current Status	Action Planned
First-time registrants after January 1, 2003, must provide requisite identification	Not required	Conform to HAVA requirements

## Section Two

*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) of Section 254 (a), 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) of Section 254 (a).*

## Distribution and Eligibility for Requirements Monies:

### Voting Systems

*Any county that does not have a fully HAVA-compliant voting system, including an accessible voting system for individuals with disabilities in each polling place, will be eligible to receive a portion of Title I and Title III monies. Any county that purchased HAVA-compliant voting systems after the November 2000 election will also be eligible to apply to the State for a portion of the federal funds for reimbursement purposes. For example, as noted in Section One of the Plan, Mercer County recently entered into a contract to replace its lever voting machines with electronic machinery for use in the 2004 elections. As further noted in Section One of the Plan, the State paid for the replacement of the punch card voting machines which were used in the polling places in Salem and Sussex Counties up until the November 2001 election.*

*Six remaining counties will need to move forward on a plan to replace their lever voting machines, Atlantic County will need to obtain more up-to-date voting machines and decisions need to be made on the voting systems for Passaic and Warren Counties. As set forth in Section One of the Plan, the current law bestows upon the counties the exclusive authority to purchase voting machines for use in their respective jurisdictions. The sole legal limitation is that the voting machine must be a model that has been certified for use by the Attorney General. Accordingly, the certified list of voting equipment issued by the Attorney General must be revised to reflect that all future*



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purchases must be restricted to HAVA-compliant equipment. In addition, it may be appropriate to consider State legislation to condition the disbursement of any federal monies to the counties upon the purchase of HAVA-compliant equipment. Receipt of funds could further be conditioned upon the counties having a program for voter education, subject to the approval of the Attorney General, on the use of the new voting system.

There has been discussion of having the State, rather than the individual counties, contracting for the purchase of the voting equipment that would be used and maintained by the counties. It has been suggested that such approach could have cost-savings benefit and would further uniformity of the State's electoral process by resulting in the purchase of the same voting machines in the affected counties. Because such contract would be for goods (i.e., voting equipment) which are not used by State government, but rather are used by a local governmental unit (the county), legislation would be required to alter the current purchasing authority set forth in Title 19.

Another alternative would be for the affected counties themselves to act in concert as a single purchasing unit. This would likely not require legislative approval, as the counties would be retaining their current purchasing power. As with a State contract, this approach could further uniformity and enhance the ability to get the best contract in terms of price and other negotiable issues, such as servicing and maintenance of the machines, but would require cooperation and ultimate consensus among the counties.

In order to complete the acquisition of HAVA-compliant voting equipment for the entire State and meet the other requirements of Title III, it is estimated that it will require a combination of federal, state and county monies. The federal and State monies will be deposited in the "Election Assistance Fund" (hereinafter referred to as the "Fund") that has been established by the State Treasurer. The Attorney General will determine, in an appropriate and informed manner, the portion of the Fund that each county will receive. It is anticipated that there will be insufficient monies in the Fund to fully cover the cost of all of the required voting equipment for the polling places. As the counties have the existing statutory fiscal obligation for the purchase of voting machines, it is expected each county will provide for the remaining funds, after its allocation from the Fund, to pay for its voting equipment.

To provide for fully compliant voting systems throughout the State, there must be a comprehensive plan, with appropriate allocation of funds, to accomplish the following tasks: (1) the replacement of the oldest lever voting machines in the State which are now in use in the Counties of Camden, Hudson and Monmouth. The votes from these older machines must be manually transcribed by the district board workers at the close of the polls; (2) the replacement of the other type of lever machine, which is used in the Counties of Cape May, Cumberland and Essex. The votes on this machine are on a print-pak. There is no need for the district board workers to transcribe the votes; (3) the replacement of Atlantic County's voting machines; (4) the implementation of an effective compliance plan for Passaic and Warren Counties' voting systems; (5) the provision of all the required equipment for the affected counties to retrofit existing voting machines so that there will be at least one fully accessible voting system for individuals with disabilities in each

polling place; (6) the replacement of the punch card voting systems for absentee ballots in the two counties; and (7) a reimbursement scheme for the HAVA-compliant voting machines purchased since the 2000 November election.

## **Statewide Voter Registration System**

Federal funds will be used for the State to develop and maintain a HAVA-compliant statewide voter registration system. Development of such a system will require the State to survey the individual counties to evaluate the current county systems and the extent of the local needs to bring the State system into HAVA compliance. The State will also need to survey the needs of the other governmental offices identified above.

Because HAVA requires that the State develop and maintain the statewide voter registration system, it is not expected, at this time, that any HAVA-dedicated monies will be directly distributed to the county or local election offices for this initial purpose. The final plan for the system will determine whether it will be necessary to disburse any such monies to other State agencies, such as the MVC, Department of Health and Senior Services or criminal history information offices, for the start-up of the program.

It is further recognized that there will be ongoing maintenance and servicing requirements at the State and local levels. This would be a negotiable issue for a State contract. If the State opts to develop the system in-house, it should then consider whether any requirements monies will be distributed to the counties to defray their costs for maintenance and servicing or whether that responsibility for bearing the costs for those functions will remain with the counties, as under current law.

## **Voter Education and Election Officials' Training**

It is anticipated that the State will use HAVA funding for a statewide marketing campaign for voter education and to develop uniform training programs. Depending upon the amount of funding that may be available after the effectuation of these State initiatives and following determination of the final costs for voting machine replacements and the statewide voter registration system, and further dependent upon full three-year federal funding, some of the monies may be distributed to the counties for voter education and training.

## **Monitoring of the Disbursements**

The State will develop an effective system for monitoring of the counties, primarily to ascertain that the voting systems are HAVA-compliant and that the statewide voter registration system is being properly maintained and utilized. There should be a requirement for the counties on a biannual basis (after the June primary and November general elections) to report on the performance of the voting systems, with the emphasis on identifying any malfunctions or any other problems with the use of the voting machines at the polling place on election day. As for the statewide voter registration system, its maintenance and functionality will necessitate on-going interaction between the Division of Elections and those agencies that will be inputting information (such as MVC and the County Commissioners of Registration) and the





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agencies that will be providing identification information (MVC, Department of Health and Senior Services, criminal history information agencies and the Social Security Administration), as well as those other governmental offices that will have access to the system. The State will develop a reporting system to ensure that all voter registrations are being properly recorded and maintained and that confirms that continued access is provided to the required agencies to verify identification information.

## Section Three

***How the State will provide for programs for voter education, election official education training and poll worker training which will assist the State in meeting the requirements of Title III.***

### Voter Education

#### General Outreach

*The fundamental goal of any electoral process, at any level of government, is to have the largest number of qualified voters turn out to vote, whether it be for the filling of public elective offices or the decision-making on public referenda. The more inclusive and participatory the process is, the stronger and more secure is our democratic form of government. This is clearly one of the goals of HAVA, to engage as many qualified voters in exercising the franchise. One of the ways to achieve this goal is through education. In New Jersey, there are currently some methods in place to reach out to voters. There are required newspaper notices to inform the electorate of an upcoming election, the related deadline for voter registration, the availability of absentee ballots and the challenge procedures in the polling places. Voters are also sent sample ballots immediately before each election: school, non-partisan municipal, primary and general. It has been suggested, however, that the sample ballot be redesigned to attract the attention of the voter. In the polling places on election day, State law requires that sample ballots be posted, and there must be written instructions outside of the voting machine for the voter to review before entering the booth.*

*While the current statutory procedures serve the public interest, voter education and outreach must be expanded to better utilize current mass marketing techniques and to do so on an uniform, statewide basis. It is a common practice for some of the counties to take advantage of free access cable television to disseminate electoral information. For example, some counties have utilized cable television to recruit district board workers and have also relied upon this medium to demonstrate the use of a voting machine that is being introduced into a county. The State will use public service announcements on the radio to advise the public of registration deadlines for upcoming elections.*

*This use of mass media, however, needs to be done on a broad, uniform basis throughout the entire State. Therefore, the Attorney General will promulgate guidelines regarding the use of public service announcements in various media and produce model announcements so that every citizen will receive notice no matter where he or she lives in the State. Such guidelines should also encourage the development of innovative outreach programs by county and local election officials, who will be most familiar with communication modes that may be unique to their populace.*





The State, in conjunction with county election officials, could also provide voter information in such public forums as shopping centers, libraries and other facilities that are commonly frequented by our citizens. Eye-catching posters that are strategically placed in such areas can be an effective, yet relatively inexpensive means by which the State can advise the public of how to register to vote and the office to contact with any election-related questions or problems. Advertising on buses and trains can also be an effective media outreach to a large portion of our citizens.

There is also need for more-readily located and easier-to-read election websites at the State and local levels and for statewide use of cable television access. An “800” number should be established to provide voter information. The State should also design an official elections “logo” that can be used for “advertising” purposes. The State should also encourage and support programs, such as Freedom’s Answer, which are committed to educating and engaging our children, from grammar school through high school, in the electoral process. Several persons who spoke at the public hearings also advocated for better educating our school children, through civic courses in the schools, on the importance of active participation in the electoral process.

A comprehensive education and outreach program must also encompass the needs of those citizens with limited, or no, English language proficiency. The bottom line is that an effective voter education program must be framed within the various lifestyles and daily lives of our citizens. Also, it may be appropriate to consider if voter turn-out could be increased by providing for all mail-in voting for municipalities with a de minimis number of voters or for certain elections of narrower scope.

## **Outreach for Voters with Disabilities**

There needs to be effective and appropriate outreach to individuals with disabilities. Any such program must be developed with the input of disability advocacy groups and other interested persons, to ensure that all stages of the voting process from registration to casting ballots will be fully accessible to individuals with disabilities. This sentiment was expressed repeatedly by speakers at the public hearings. The State may consider contracting with appropriate disability organizations to achieve these goals. Effective outreach may be done in a number of ways. First, election forms and notices must be available in alternate formats, such as large print, braille and TDD. Newspaper notices as to upcoming elections or absentee ballot availability should include a telephone number where voters can get information as to alternate formats of election materials.

It has also been suggested that such notices be provided to interested organizations that have regular dealings with persons with disabilities. As detailed in Section One of this Plan, the voter registration application should be modified to accommodate the needs of voters with disabilities. Sample ballots should not only be available in alternate formats, but should include information about the availability of absentee ballots or how a voter can be assigned to an accessible polling place if the polling place for her election district is not currently accessible. Some of these recommendations may require legislative enactments.

## **Notice for Persons with Restored Voting Rights**

*There should also be a requirement that any person whose voting rights have been restored, because that person is no longer subject to a criminal disqualification to voting, should be specifically advised of the right to register to vote. Under current law, if a person is serving a sentence of imprisonment or is on probation or parole as a result of a conviction for an indictable offense under any State or federal law, that person cannot register to vote or, if registered, is automatically removed from the registry list. There is currently no requirement of notice of the restoration of the right to participate in the electoral process after such person is no longer subject to disqualification upon completion of the criminal penalty.*

*Legislation should be enacted to require the appropriate public officials to so notify these individuals as part of the State's effort to further the goal of HAVA to enable and encourage all qualified citizens to exercise their right to vote. Specific notice should be provided to these citizens who may otherwise believe themselves still excluded from the electoral process. Such notice would also serve the State interest of having such individuals fully re-enter and assimilate back into society. At one of the public hearings, this procedure was endorsed by a constitutional lawyer who has represented clients in such situations.*

## **New Voting Systems Education**

*In anticipation of new voting systems being introduced into several counties, an organized and broad-reaching plan must be developed and implemented to educate voters on the proper use of the machines before their first official use. At the local level, there will need to be public demonstrations of the new machines at such locations as schools, municipal buildings and shopping malls. In addition, there will need to be voting system demonstrations provided with the coordination of such non-profit groups as the League of Women Voters, senior citizen groups such as the AARP, and other civic groups. Such demonstrations may be particularly critical for some long-time voters who have been voting on the antiquated lever machines for all of their voting years and who may be uncomfortable with computerized technology. For voters with disabilities, alternate forms of communication must be developed which will enable them to independently use the new voting systems.*

## **Election Official Training**

*In New Jersey, primary responsibility for the conduct of elections lies in several different offices at the county level. In each county, it is the County Clerk who designs and prints the ballot and who is responsible for the review and issuance of absentee ballots applications and the issuances thereof. The County Clerk is also the filing officer for nomination petitions for county offices in the June primary election, as well as for independent petitions for local and county offices for the November general elections. The office of the County Clerk is an elected position.*

*By law, in ten of the State's counties, there is an office of County Superintendent of Elections. This official is appointed by the Governor with the*



advice and consent of the State Senate for a five-year term. The County Superintendent serves as the Commissioner of Registration and custodian of the voting machines and is vested with law enforcement powers regarding any violations of election law.

In each of the twenty-one counties, there is a County Board of Election, which is comprised of four members on an even bipartisan basis. These Boards appoint the district board workers (also commonly known as poll workers), certify the use of polling places; count the absentee and provisional ballots, and act as the County Board of Canvassers to generally certify county and municipal election results. Board of Election members are typically appointed by their respective county political party leaders, whose two-year appointments are then commissioned by the Governor.

None of these county election officials or their staff currently receives formal, certified training. This contrasts with the municipal clerks, who must be certified under State law through a series of educational classes on all subject matters for which they are responsible. This education requirement is an ongoing obligation, conducted on a yearly basis. The county election officials, however, through their respective State organizations, do regularly convene for educational conferences. The Attorney General, who, on a daily basis, represents the County Superintendents of Elections and the County Boards of Election, routinely has members of his legal staff lecture at such gatherings, which are statewide as well as regional. In addition, the Attorney General, as required, issues instructional memoranda to these county officials on a general basis and to individual offices, as necessary.

To better prepare election officials to carry out their statutory duties, however, the State must develop and implement educational programs for these officials and key administrative support staff in the election offices, similar to that which is now required for municipal clerks, county tax board members and housing authority board members and executive directors. Any training program should include both initial training and provisions for continuing education to maintain qualifications and to keep up with new developments and requirements. Training materials and programs must include information about disability issues developed with input from appropriate disability organizations.

The Attorney General intends to advocate for legislation that would establish a mandatory certification program for election official training.

## Poll Worker Training

Pursuant to current State law, all poll workers are required to receive training every two years. The respective County Boards of Election are responsible to carry out this mandate. The County Board must develop its own individual program, as there are no uniform, statewide procedures for training.

The training is typically offered in a classroom format, with the workers receiving lectures on election law and procedures. There are also voting machine demonstrations. The size of the class and the style of presentation are determined by the individual County Board. For example, some Boards use power point slides along with a lecture, while other County Board classes are strictly tutorial. Each

# three

*County Board issues its own board worker manual which the workers will usually have with them in the polling place on an election day.*

*In order to determine whether the County Board training for the district board workers is sufficient, the Attorney General intends to develop, with input from the county election officials, uniform guidelines for training. The Attorney General will also prepare a standard manual to be provided to all board workers in the State, with the one exception to uniformity being the section on voting machines, as not all the Counties presently or in the future will have the same voting system. As with proposed county election officials' training, the training for board workers must include information about voters with disabilities as provided by input from appropriate disability organizations.*

*There must also be consideration of amending the law to mandate annual training for board workers.*

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*There must also be consideration of amending the law to mandate annual training for board workers.*

# four

## Section Four

**How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301 of HAVA.**

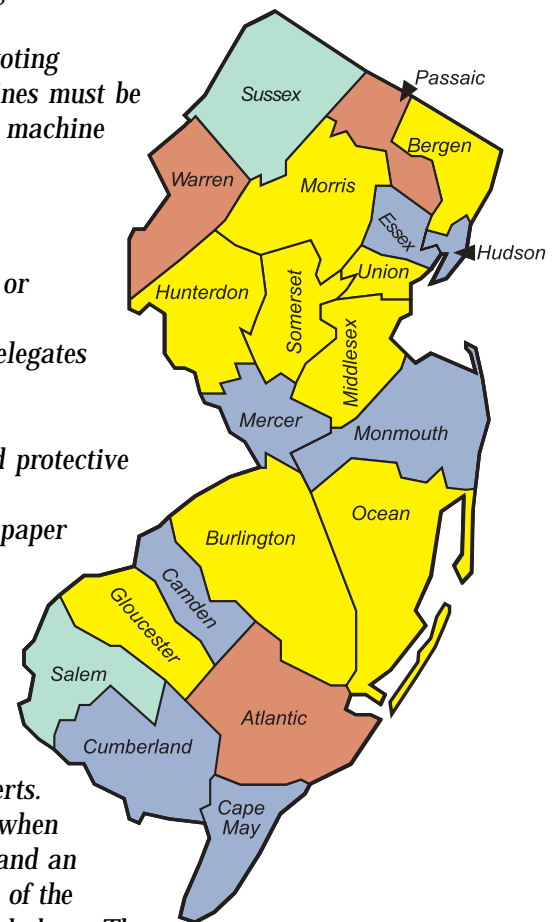
### Voting Systems

As set forth in Section One of the Plan, HAVA establishes specific standards for all voting systems in the United States, which must be in effect no later than January 1, 2006. It is fair to say that these standards are intended to ensure that the ballots cast accurately reflect each voter's true, intended choice and that those votes are cast in a private and secure manner. These standards particularly safeguard the rights of voters with disabilities, and facilitate the full participation in the electoral process of certain groups of voters with limited, or no, English language proficiency.

New Jersey has had long-standing statutory requirements for voting machines, some of which mirror the HAVA requirements. Voting machines must be certified before being used in any election in New Jersey, and no voting machine may be certified unless it meets the following standards

- 1) assuring voter privacy;
- 2) preventing overvoting;
- 3) permitting the voter to cast votes for all offices for which he or she is entitled to vote;
- 4) allowing for write-in voting, except for the party offices of delegates to national conventions;
- 5) protecting accurate vote counts;
- 6) having integrity mechanisms, such as locking capability and protective and public counters; and
- 7) affixing an emergency ballot box to each machine for use of paper ballots in cases of machine malfunctions.

These standards have applied equally to mechanical and electronic (including optical scanning systems) voting machines. As stated in Section One of the Plan, a voting machine must first be certified by the Attorney General before it may be used in an election. Title 19 requires the convening of a three-member Committee to be composed of a patent attorney and two mechanical voting machine experts. In practice, the Committee, now convened by the Division of Elections when requested, does consist of a patent attorney, one voting machine expert and an information technology expert. This Committee requires a demonstration of the machine to determine if it meets the current statutory requirements, as noted above. The Committee further requires that the machine has been approved and certified by a recognized Independent Testing Authority (ITA), which will test voting equipment for compliance with the voluntary standards developed by the Federal Election Commission. Copies of such certifications must be provided to the Committee.



- Lever
- Electronic (non adaptable)
- Electronic (currently adapted for individuals with disabilities)
- Electronic (adaptable for individuals with disabilities)



# four

Once a voting machine is certified and purchased by a county for use, the law further requires that it be subject to public inspection and testing before an election day. Pursuant to Title 19, it is the legal responsibility of the County Commissioner of Registration to have all voting machines prepared in working order for an election and thereafter to make them subject to inspection. Notice of the place and time of the inspection is required to be given to the political party county committee chairs and, typically, the candidates on the ballot.

In order to come into compliance with HAVA, which envisions the abolition of the lever voting machines, it will be necessary for the Attorney General to promulgate rules and regulations that comport with the latest technology of voting machines. The current voting machine examination committee must formally be redefined to include individuals with the expertise to properly analyze electronic machinery and to address other issues that may arise, such as security of software and access for voters with disabilities. The request for ITA certification must also be formalized.

Further, explicit power should be granted to the Attorney General, on the basis of the voting machine committee recommendation, to de-certify any voting system that is shown to not meet HAVA requirements. In short, current law has been outpaced by the growing technological advances and must be revised. Any such revision to statutes or regulations should be flexible enough to consider the capability of a voting system to adapt to changes in voting procedures, such as proportional or cumulative voting, which are concepts being considered in other jurisdictions.

## Definition of “Vote”

HAVA further requires each state to define what constitutes a vote; what will count and what will not count. There are longstanding provisions in Chapter 16 of Title 19 that define the validity and non-validity of a paper ballot vote. Again, new definitions are required to comport with the emerging voting technology. This will require legislation.

## Polling Place Accessibility in Relation to Voting Systems

As stated above, HAVA requires that there be at least one accessible voting system in each polling place for voters with disabilities. The voting system must be able to accommodate voters with a range of disabilities, such as the mobility-impaired voter, including those who use wheelchairs, to the voter with visual impairment who may require audio assistance to vote independently. Access to such systems for voters with disabilities is unattainable, however, if the voter is denied physical access to the polling place in the first place. Therefore, the issue of accessible voting systems is intrinsically tied to the issue of accessible polling places.

In New Jersey, the County Boards of Election, which certify polling places, are mandated to locate voting facilities that are physically accessible. The New Jersey Division of Elections distributes the reporting forms and checklists that are to be used to determine if a polling place is accessible.



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The polling place accessibility standards are based upon the State's Uniform Construction Code, Barrier Free Subcode, N.J.A.C. 5:23-7. In order to make an informed assessment, there must be a physical inspection of the site. The review must be from the parking lot to the entrance into the building and straight into the voting machine. Under current law, if it is determined that there is no accessible polling site for an election district, the County Board may apply to the Attorney General for a waiver. Because 100% accessible polling places are the commitment and goal of the Attorney General and the State, waivers are disfavored; any such request is now carefully scrutinized and requires photographic documentation and a review of alternate locations investigated in order to allow the Division of Elections to better assess the request.

Achieving this goal will require a multi-faceted approach. First, there must be adequate training for those individuals charged by the County Boards of Election with the duty to inspect polling sites and those county representatives charged with the duty to review the findings, as to the variables of accessibility. For example, this requires an understanding of the various types of motorized equipment and their individual access requirements. This training must be standardized and uniform throughout the State, and will necessarily require the input of disability advocacy groups and those with specialized knowledge in this field. It has been suggested that the Advisory Groups should be reconstituted in the various Counties. Creative ways of accessibility that are not cost-prohibitive, such as portable ramps, also must be explored.

Fundamental to this mission, however, is enforcement. The State must provide the oversight and monitoring of this statutory duty, by dedicating necessary resources. This must be a component of the State's management of HAVA compliance. It should also be considered as to whether criminal penalties should be imposed, by way of legislative enactment, for willful failure to ascertain accessible polling places. It has been further suggested that the statutory distance restriction of going beyond the boundaries of an election district be relaxed to allow for more location options that may be fully accessible for voters with disabilities.

It was suggested that consideration be given to closing public schools on the day of a general election, in order for the schools to be more fully available for election use. It was articulated that this proposal would also alleviate school safety concerns. Conversely, it may be argued that closing the schools on general election day could reduce voter turnout, as parents may be unable to arrange child care on election day to facilitate their ability to go to the polls.

In consideration of the importance of providing polling place access to voters with disabilities, the above recommendations and proposals should receive all due attention.







## Section Five

***How the State will establish an Elections Fund for purposes of administering the State's activities, including information on fund management.***

*The State has already created a separate fund in the State Department of Treasury for the deposit of federal monies received under HAVA. All federal monies received under HAVA, along with appropriated state monies, will be deposited into this account. The interest accrued on these monies will also be deposited into this account. The fund will be managed by the Department of Law and Public Safety.*

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# six

## Section Six

*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 specified 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 payments which will be used to meet such requirements; and*
- C. the portion of the requirements payment which will be used to carry out other activities.*

## Title III Requirements: Estimated Costs for each Item; Portion of requirements money to be allocated.

*At the outset, it must be stated that the following projections and estimates of the use of requirements money are based on the information the State currently possesses regarding the amount of Title III funds New Jersey will receive. For the federal fiscal year of 2003, it is estimated that New Jersey will receive approximately \$23 million. Following the commentary is a chart of the projected or estimated costs for the Title III requirements and the other activities under HAVA. We add the caveat, as other states have provided in their State Plans, that the ability of New Jersey to succeed in the goals envisioned by HAVA will require federal funding for the two succeeding fiscal years of 2004 and 2005. If New Jersey does not receive federal monies for those years, it would cause an undue burden not only on the State but on the counties.*

## Voting Systems

*In order to meet the voting system standards of Title III of HAVA, and as set forth in Section One of the Plan, lever voting machines must be replaced and otherwise accessible voting machines in other counties must be retrofitted to accommodate voters with visual impairments. It has also been determined that the electronic voting machines of Atlantic County must be replaced, along with the punch card absentee ballot counters in two counties. Further, there needs to be a determination on whether the voting machines in Passaic and Warren Counties are to be replaced or augmented with an additional accessible voting system. If there*



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were to be full replacement of those two counties' machines along with all the other replacement and adaptation needs, the estimated cost is approximately \$39 million.

As noted in Section One of the Plan, the State received close to \$17 million of Title I monies. Even if all of these funds were used for voting equipment, it clearly would not be a sufficient amount. The voting system needs of New Jersey, therefore, will require a substantial portion of Title III monies. Dependent upon full three-year federal funding, it is anticipated that the affected counties could receive at least 50% of the cost of their voting machine replacement and adaptation expenses.

## **Statewide Voter Registration**

As stated in Section One of the Plan, New Jersey does not have a statewide voter registration system, as defined by HAVA. The registration system will have to include a central computer mainframe at the State level. It will be necessary to establish connectivity with the governmental offices identified in Section Two of the Plan. The State will need to contract for this system, which, at a minimum, will entail the purchase of software and hardware. It is estimated that the cost could be approximately \$20 million.

## **Provisional Balloting**

New Jersey has had provisional balloting since 1996. This provisional balloting is currently funded and managed at the county level. While HAVA will likely result in the some increase in the use of provisional balloting, it is estimated that the cost will be minimal and will likely may not require the expenditure of any Title III monies. As for the free access system that the Attorney General must establish, it is estimated that this system can be initiated with the minimal investment in a toll-free telephone access number, with the State studying the feasibility of eventual Internet access. The sum of \$1 million is estimated to be needed to fully develop an Internet-based system.

## **Election Forms and Documents**

To meet the requirements of HAVA, New Jersey will need to revise its voter registration forms and its absentee and provisional ballot materials. It is estimated that the initial costs for reprinting will be approximately \$500,000.

## **“Other Activities” for Which the Use of Requirements Payments is Anticipated.**

### **Voter Education**

Currently, in accordance with New Jersey election law, the public receives electoral information by way of legal notices in the newspapers and sample ballots which are sent to the registered addresses of voters in anticipation of upcoming elections. In addition to these legally mandated notices, election officials at the State and county levels will, at individual discretion, communicate with the

electorate through additional resources such as cable television access, the Internet, and public service announcements on the television and radio. Counties will also expand voter education efforts when a new voting system is being introduced into a county, by way of public demonstrations at a number of locations, and will likewise utilize cable television and the Internet.

It is intended that the State will expand voter education and outreach with the use of modern marketing techniques to reach all qualified citizens. There needs to be special emphasis on reaching voters with disabilities to encourage their full participation in elections. It is estimated that \$3 million will be needed for this purpose.

## **Disability Access**

In addition to the installation of accessible voting systems, voter education and outreach for voters with disabilities, it is expected that there will be costs involved in assuring polling place accessibility and providing election materials in alternate forms. It is estimated that, in addition to the Section 261 funds, \$750,000 will be needed for this purpose.

## **Election Officials' Training**

The Attorney General will develop formal training curricula and will provide classroom instruction for the county election officials and chief administrative support staff in those offices. The Attorney General also will develop a uniform training program, including a statewide board worker manual and classroom instruction, for district board workers. It is estimated that such programs could cost \$1 million, depending upon the selected method of financing. It would be appropriate to consider cost-sharing at all levels of government to enable the provision of continued training programs for future election officials and personnel

## **Administrative Complaint Procedure**

In accordance with Section 402 of HAVA, the State must establish an administrative complaint procedure for any alleged violations of HAVA. This will require New Jersey to expand the administrative procedure it developed under NVRA. This can be accomplished either by legislation or through administrative rulemaking. It is estimated that the expansion of this procedure will cost \$250,000 to implement this procedure.

## **State Management Costs**

It is estimated that it will cost an estimated \$3 million for the State to undertake the management of a statewide voter registration system, to monitor the implementation of HAVA and to initiate standard educational criteria for election officials.

## Allocation of Title III Funds

*The estimated costs set forth in the above Chart amount to roughly \$68 million. For federal fiscal year 2003, it is anticipated that the State will receive approximately \$23 million, based upon the Congressional appropriation. We do not know with any certainty at this point if there will in fact be any future appropriations, although HAVA authorizes an appropriation of \$1 billion for fiscal year 2004 and an appropriation of \$600 million for fiscal year 2005.*

*The State will allocate a significant portion of the Title III funds to comply with the mandated requirements of Title III: compliant voting systems; a statewide voter registration system; a “free access” system for provisional ballot voters; and the revised voter registration form. Because of the significant portion of funds that will be required for the voting systems and the statewide voter registration system, the estimates for the “Other Activities” are conservative because of the present uncertainty of future federal funding. Funding for the “Other Activities” will increase if there is future funding.*



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## Estimated Costs

The following is subject to full federal funding:

HAVA Requirements	Estimated Costs*	Deadline
<b>I. Title III Requirements</b>		
<b>A. Voting Systems (Sec. 301)</b>		
1. Replacement of lever machines	\$25.8M	2006
2. Replacement of Atlantic County machines	\$2.3M	
3. Replacement of punch card absentee ballot counters	\$75,000	
4. Adaptations for Accessibility	\$3M	
5. Replacement of voting machines in Passaic County	\$6M	
6. Replacement of voting machines in Warren County	\$1.5M	
<b>B. Statewide Voter Registration (Sec. 303)</b>	\$20M	2006
<b>C. Provisional Balloting (Free-access System (Sec. 302))</b>	\$1M	2004 (Mandatory)
<b>D. Revised Forms and Notices (Sec. 302/303)</b>	\$500,000	2004 (Mandatory)
<b>II. "Other" Activities</b>		
<b>A. Disability Access (excluding voting systems)</b>	\$750,000	
<b>B. Administrative Grievance Procedure</b>	\$250,000	2004 (Mandatory)
<b>C. Voter Education</b>	\$3M	
<b>D. Election Officials' Training</b>	\$1M	
<b>E. State Management</b>	\$3M	

### \*Funding Sources - Sections under HAVA

<u>101</u>	<u>102</u>	<u>258 + 5% **</u>	<u>261**</u>
\$8,141,208	\$8,695,609	\$24.2M (fy 2003)	\$352,485

\*\*Pursuant to Section 258 (requirements payments) and Section 261 (access for voters with disabilities payments) there should be an appropriations under these Sections for fiscal years 2004 and 2005. We do not know at this time the amounts New Jersey will receive in those years.





# seven

## Section Seven

***How the State, consistent with HAVA, will maintain expenditures of the State for activities funded by the payments at a level equal to or greater than the level of such expenditure in State FY 2000.***

*In New Jersey, the bulk of fiscal responsibility for the conduct of general and primary elections falls upon the counties. Each county pays for its voting equipment, ballot printing, administrative election offices, and a portion of the district board workers' salary. Election expenses at the State level are primarily related to the State Division of Elections, which is housed in the Department of Law and Public Safety. In light of this State/county allocation of fiscal responsibilities relating to elections, in order to satisfy the mandate of HAVA that no state appropriation for elections be less than the amount expended for fiscal year 2000, all counties and the State must maintain at a minimum the level of operating expenses for elections that was incurred in fiscal year 2000, in addition to any federal funding received.*



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# eight

## Section Eight

*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 processes used to develop such criteria and a description of which official is to be held responsible for ensuring that each performance goal is met.*

*The Attorney General will be the State official responsible for the monitoring of the implementation of the State Plan and assuring all required implementation by State officials, including those NVRA designated voter registration agencies, and county election officials. In order to provide for accountability, the Attorney General will develop a performance management program. It will include regular reporting requirements from election officials and staff members working at the county and state level, evaluations from field studies and analysis of data collected from individuals involved in elections.*

*In order to assess the performance of voting systems and the statewide voter registration system, the Attorney General will develop reporting requirements from the counties and develop a format for State evaluations on a case-study basis. The contemplated performance assessments will be conducted after the June and November elections, and should include review of any voting machine malfunctions, any difficulties in using the machines and any problems related to the voter registration system. It is the Attorney General's intention to seek legislation that would mandate this type of reporting system.*

*Because of the number of voting systems that need to be replaced or modified and because the State has to create a statewide voter registration system, it is anticipated that New Jersey may need to seek waivers for the specified deadlines related to voting systems and implementation of the statewide voter registration system. However, this is not to suggest that New Jersey will not expend its best efforts to meet the initial 2004 deadlines.*

*The overall goals of the State Plan and the criteria to determine compliance are as follows:*



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# eight

## Performance Goals and Measures

	Goal	Timetable	Criteria to Measure Goal	Responsible Official	
<b>A. Voting Systems</b>	<b>1. Lever Machines</b>	Replacement of all lever machines in polling places	January 2004, unless a waiver is required until January 2006	There are seven counties in the State that currently use lever machines. Success will be based upon how many counties are no longer using lever machines as of January 1, 2006.	The Attorney General will provide the oversight for statewide replacement.
	<b>2. Absentee Ballot Counters</b>	Replacement of punch card absentee ballot counters	January 2004, unless a waiver is required until January 2006	There are two counties in the State that use counters. Success will be measured by the number of counties that do not have this type of counter by January 1, 2006.	The Attorney General will provide the oversight for statewide replacement.
	<b>3. Accessible Voting Systems for Voters with Disabilities</b>	Accessible voting systems for voters with disabilities	January 1, 2006	The number of accessible systems purchased and in use, relative to the number required.	The Attorney General will provide the oversight for statewide replacement.
<b>B. Statewide Voter Registration System</b>	A fully integrated, functional single and centralized statewide voter registration system that is administered at the state level and connected with all req-uisite governmental offices.	January 2004, unless a waiver is required until January 2006	The number of required governmental offices that will be connected to the statewide system and the operation of the system, as intended under HAVA.	The Attorney General will be responsible to oversee the development and start-up of the system, and will be responsible for monitoring its operation, and all connected governmental offices with related duties, will be subjected to oversight.	
<b>C. Provisional Balloting</b>	New Jersey has had provisional balloting in the polling places since 1996. The goal is to expand the process to include voters who lack the requisite identification requirements or who vote by court order after polling hours; and to provide a free access system to ascertain the disposition of such ballots.	June 2004 Presidential Primary Election	Implementation of free-access system at each county board of election office and the number of provisional ballots issued to voters at the polling place who did not have the requisite identification.	Attorney General will be responsible for the set-up of the free access system and the county boards for the implementation of the system and training and supervision of the board workers regarding the identification requirements and the expanded use of the provisional ballots.	
<b>D. Posting of Notices in Polling Places</b>	Post notices in every polling place in the State, the required notices set forth in Title III.	June 2004 Presidential Primary Election	Number of polling places in State with required notices as of the June 2004 Primary Election.	The Attorney General will design and provide to the county boards of election the requisite signs. The county boards will be responsible to ensure that the district board workers post the signs.	

Continued on next page

Continued from previous page

## Performance Goals and Measures

	Goal	Timetable	Criteria to Measure Goal	Responsible Official
<b>E. Voter Registration Form</b>	A revised voter registration form in conformance with HAVA requirements.	January 1, 2004	A revised form that is printed, distributed and in use as of the above date. Further, the number of revised forms submitted in comparison to old forms.	The Attorney General will be responsible for the printing and distribution of the voter registration forms. The registration agencies will be responsible for use.
<b>II. "Other Activities" under HAVA</b>				
<b>A. Voter Education and Outreach</b>	Expand the number of outlets to inform the public of voter registration requirements and other election matters.	January 1, 2004	The number of outlets used for the 2004 Primary Election in comparison to the number used for the 2003 General Election; voter turnout.	The Attorney General and the designated voter registration agencies will be responsible.
<b>B. Election Official Training</b>				
<b>1. County Election Officials</b>	Formalize a training program for county election officials and critical support staff.	January 2005	The development and implementation of a training program. A certified program will require legislation.	Attorney General and County Election Officials.
<b>2. District Board Workers</b>	A uniform statewide training program.	January 2005	The implementation of a program, including a standard manual and classroom instruction. Success will be reduction of election day problems.	The Attorney General in conjunction with the County Boards of Election and County Superintendents of Elections will be responsible.
<b>C. Administrative Complaint Procedures</b>	An administrative grievance procedure in conformance with Section 402 of HAVA.	January 1, 2004	Success of the procedure will be measured by the number of complaints received; their disposition and the time it took for resolution.	The Attorney General will be responsible for the intake of the complaint and to assure proper resolution, which may require the involvement of another election office.



# nine

## Section Nine

### **A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.**

Under the current rules and regulations of the Attorney General, consistent with the NVRA, there is a citizen complaint procedure relating to voter registration. Pursuant to the New Jersey Administrative Code, N.J.A.C. 13:17-1.9, any person who believes that he or she has been denied the opportunity to register, or to decline to register, to vote, or to choose a political party preference, may file a complaint with the Attorney General. The complaint must be in writing, signed and dated by the complainant. The Attorney General is obligated to review the complaint and refer it to the appropriate office for action as deemed necessary.

There is a 90-day deadline for administrative handling of the matter. If the violation is not corrected by this deadline, or within 20 days if the violation occurred within 120 days of a federal election, the complainant can file suit in federal district court. A complainant has the right to file suit in federal district court, without first providing any notice to the Attorney General, if the alleged violation occurs within 30 days of a federal election. There is no provision for attorneys fees, costs or damages with the regulatory process.

HAVA requires that there be an administrative complaint procedure to address any alleged violations of Title III as follows. First, the subject matters of the complaint process will include the requirements and rights provided for in HAVA, and therefore, not be limited to the registration process for voting as the above State procedure now encompasses. Second, the complaint will need to be notarized and sworn to by the complainant. Third, the Attorney General, as the chief election official, will have the authority to consolidate complaints. Fourth, the complainant will have the right to request a hearing. Fifth, the Attorney General must establish an “alternate dispute resolution procedure” for those complaints which are not resolved within 90 days. This alternate procedure must be concluded within 60 days.

The HAVA-mandated administrative complaint procedures could be incorporated into New Jersey’s electoral process by way of legislation or through supplementation of the existing regulations noted above.

Either way, the institution of the HAVA administrative complaint procedure, as with the current citizen complaint procedure, should not affect the current statutory procedures relating to election recounts or contests, as set forth in Title 19. It has also been suggested that consideration be given to providing information on the availability of legal resources when a person submits a complaint.



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# ten

## Section Ten

***A description of how the State’s receipt of Title I funds will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.***

*Pursuant to Title I of HAVA, the State of New Jersey timely applied for and received from the General Services Administration a total of \$16,836,817 in Title I funds.*

*It is anticipated that the majority of these funds will need to be dedicated to voting machine replacement, as nearly half of the State’s counties currently have voting systems in the polling places that do not meet all of HAVA’s voting standards and, as stated in Section Six of the Plan, the replacement costs are substantial.*

*A portion of the Title I monies may also be dedicated to assist in the start-up costs for the state-wide voter registration system.*



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# eleven

## Section Eleven

***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).***

*The Attorney General, in his capacity as the State's chief election official, will determine if there needs to be a material change to the State Plan. Any individual will have the right to request a material change. This request will need to be submitted in writing to the Attorney General. Furthermore, the Attorney General will solicit, in a manner he deems appropriate, the input of the county and local election officials and members of the Legislature regarding the implementation of the Plan. If the Attorney General determines that a material change to the Plan is necessary, he will proceed to change the Plan in accordance with the procedures set forth in Section 255 of HAVA. Thereafter, the Attorney General will provide for public comment and publication in the Federal Register. Only after these steps are taken, would any material change to the Plan be effected.*



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# twelve

## Section 12

***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 for the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such fiscal year.***

*New Jersey had no State plan, as such term is described in HAVA, for the previous fiscal year.*



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# thirteen

## Section Thirteen

***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 and section 256 of HAVA.***

As New Jersey's Chief Election Official, Attorney General Peter C. Harvey undertook to form a diverse committee of individuals with a demonstrated commitment to the State's election process and who are notably interested in improving elections for the benefit of all of our citizens. Selection decisions were made in conformance with the criteria set forth in HAVA. First, the chief election officials for the two largest jurisdictions in the State were appointed. In New Jersey, these officials are Carmine Casciano, the Essex County Superintendent of Elections, and Patricia DiConstanza, the Bergen County Superintendent of Elections. Superintendent Casciano has been in office for the past 13 years and is a former Essex County Freeholder. Superintendent DiConstanza has been an election official for the past 17 years, having previously served as a member of the Bergen County Board of Election.

HAVA further required that representatives of disability groups be on the SPC. Attorney General Harvey appointed Sheri-Rose Rubin, Esq., of the New Jersey Protection and Advocacy, Inc., a private, non-profit, consumer-directed corporation dedicated to protecting the civil, human, and legal rights of individuals with disabilities, which is the designated protection and advocacy system for individuals with disabilities in New Jersey. On election days, this office places attorneys in the counties to assist any voter with disabilities. Ethan Ellis, of the Monday Morning Project, was also appointed. This group promotes registration, education and accessibility for voters with disabilities.

Section 254 of the Act further required that local election officials be on the SPC. The following individuals come within this category. Joanne Armbruster, the Atlantic County Superintendent of Elections, is also the newly-elected President of the New Jersey State Association of Election Officials and was chosen by her county election official colleagues to be one of the two New Jersey representatives for the yet-to-be established federal Standards Board. She brings over 30 years of experience as a County Board of Election member and Superintendent of Elections. James Parent, the Chief Clerk of the Cumberland County Board of Election, has been in the election field for close to 30 years. Mr. Parent is also a former President of the New Jersey League of Municipalities. Jane Williams-Warren is the Municipal Clerk of the City of Paterson, Passaic County, which has non-partisan municipal elections in May and for which the Clerk has substantial electoral duties. Ms. Warren-Williams is chiefly responsible for the development and teaching of an innovative master board worker program in Passaic County, which has been most effective in assisting voters and board workers on election days. Union County Clerk Joanne Rajoppi heads an election division in her office that is responsible for the printing of election ballots and absentee ballot applications. Union County has used electronic voting equipment for elections for the past seven years, so her expertise in this area assisted one of the core missions of HAVA.



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# thirteen

*The Act also mandated the chief election official to appoint a variety of citizens to the SPC. Attorney General Harvey chose Juan Cartagena, Esq., a New Jersey resident and a public interest lawyer who works for the Community Service Society of New York. Mr. Cartagena has been involved with some of the most significant lawsuits relating to the conduct of elections in New Jersey, one of which was the catalyst for statutory reform protecting the right of any voter not to be challenged on his or her right to vote on racial, ethnic or political preference grounds. Mr. Cartagena was also instrumental in developing the voter registration and voting procedures for qualified voters residing in state psychiatric hospitals. Mr. Cartagena is also a member of the Hispanic Bar Association of New Jersey.*

*Two other members of the SPC are associated with Rutgers University, the State University of New Jersey. Ernest Reock, a retired Professor, is affiliated with the Rutgers Center for Government Services, whose mission is to conduct educational courses for such governmental officials as county tax board members, housing authority board members and municipal clerks. Part of the curriculum for the clerks encompasses their election duties. Professor Reock is also noted for his expertise in redistricting. Ingrid Reed is with the Eagleton Institute of Politics, which studies a variety of public issues and conducts public opinion polls. Ms. Reed, whose specific interests relate to campaigns and elections from the point of view of the voter, recently completed a study of the 2001 New Jersey election.*

*The following members of the SPC are members of public interest organizations that promote voter participation. Sandra Matsen is a past President of the New Jersey League of Women Voters, a non-partisan group, nationally-renowned for voter education, in part, by the sponsorship of pre-election candidate forums. Marilyn Askin is the President of the New Jersey AARP, which represents senior citizens, a segment of society with a strong record of voter participation. Lionel Leach, a New Jersey resident, is the East Coast Regional Director for the NAACP National Voter Fund. Throughout the country, the NAACP has long stood for protecting the right of all citizens to have a voice in the democratic process. Mr. Leach has also been directly involved in educational programs for young voters. That is the core mission of the national organization known as Freedom's Answer and for which SPC member Cole Kleitsch spearheads the New Jersey Chapter. Mr. Kleitsch has recently been involved in the implementation of a recent state law that permits 16 and 17 year old students to act as board workers. Charles Wowkanech is the President of the New Jersey AFL-CIO, which has long been involved in voter registration. Denise Velazquez-Marrero worked as the South Jersey representative for the office of Puerto Rico Federal Affairs, which conducts voter registration drives within the Hispanic communities in the State. She is now with the New Jersey Division of Motor Vehicles, which is a voter registration agency.*

*The SPC held its organizational work session on May 12, 2003 and met thereafter on a regular basis. Commencing with the third session, the sessions were open to the public to observe the discussion. Eight public hearings were held in various locations around the State. During the course of its work sessions, the SPC posted information regarding its work on the Department of Law and Public Safety website, in which it invited written public comment. The Preliminary Plan was made available for public comment on June 20, 2003. The comment period ended on August 4, 2003.*

# remarks

## Concluding Remarks

*This State Plan was developed to provide the citizens of New Jersey with notice as to how the State will comply with the requirements of HAVA and how it intends to use all of the federal funds that will be provided to the State. We have attempted to provide this information in a straightforward manner and to provide as much detail as we reasonably could. It has also been our intent to provide reasonable expectations as to what the State will be able to do to improve its election process.*

*As was stated in the Introduction, change will not occur overnight. We are confident that what has been proposed in the Plan, however, can be accomplished with the continued, selfless commitment of our State's election officials at all levels and the willingness of all interested constituencies, from public interest groups to elected officials and the public at large, to work together to achieve these goals. No Plan can be realized without such joint effort.*

*The SPC's deliberations have been a learning process for all directly involved. Each member offered their unique insight and perspective into the election process and how it can be improved. For example, the county election officials were an invaluable resource regarding the intricacies of election administration and the members of public interest groups offered insight regarding individual voter concerns and the dynamics of voter registration drives. Such discussions imparted a deeper appreciation for the need to balance the fundamental interest of expanding the voting process while safeguarding its integrity. I wish to extend, on behalf of the Department, my deepest appreciation to each member of the SPC for his or her time, commitment and expertise.*

*I am also appreciative of the members of the public who attended the public hearings, whether they publicly commented or simply came to listen. Because of the varied perspectives of the members of the SPC and their attention to detail during their deliberations, a number of issues raised by members of the public, particularly those pertaining to voters with disabilities, were already addressed in the Preliminary Plan. The comments from members of the public also were a reaffirmation of the SPC's stance that the electoral process in New Jersey can be improved by way of a strong uniform commitment to voter education to all segments of the public. HAVA has presented us with the unprecedented opportunity to entertain creative and unique ways to encourage our citizenry's fuller and better informed participation in our democratic form of government.*

*Public input also underscored the value of providing a forum for our citizens to address matters of concern to us all. While the formal HAVA public comment period may be over, the opportunity for public comment to this Department is not. I invite anyone to reach out through the Department's website or by letter if they wish to offer further thoughts and comments as it relates to elections in New Jersey. Although we cannot promise that all of your ideas can be realized, they will be given due consideration and they may lead to further study. For example, while the SPC was specifically charged under HAVA to address the thirteen points that are in the Plan, we also had the opportunity to raise additional concepts for future consideration such as Internet-based voter registration systems, voter-verified paper trails for voting systems and same-day voter registration.*



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Experience*



# remarks

*It is fair to say that the implementation of HAVA will be a work in progress. We need to remain committed to the goals of this new federal law in terms of upgrading the infrastructure of elections and safeguarding the votes of all qualified citizens. We will need to be responsive to making necessary adjustments and modifications as we strive toward achieving these goals. The continued interest of the citizens of New Jersey will be an invaluable component in this effort.*



*Peter C. Harvey  
Attorney General  
State of New Jersey*



