

19:53A-3.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 137

NJSA: 19:53A-3.1 (Requires that voting machines produce voter-verified paper record)

BILL NO: A33 (Substituted for S29/2463)

SPONSOR(S): Gusciora and others

DATE INTRODUCED: March 7, 2005

COMMITTEE: **ASSEMBLY:** State Government; Appropriations
SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 30, 2005

SENATE: June 23, 2005

DATE OF APPROVAL: July 7, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)

A33

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [3-7-2005 \(State Gov't\)](#)
[6-9-2005 \(Approp\)](#)

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: Yes [5-19-2005](#)
[7-19-2005](#)

S29/2463

[SPONSOR'S STATEMENT \(S29\):](#) (Begins on page 4 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S2463\):](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [5-26-2005 \(State Gov't\)](#)
[6-20-2005 \(Bud & App\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

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HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 7/20/07

P.L. 2005, CHAPTER 137, *approved July 7, 2005*
Assembly, No. 33 (*Second Reprint*)

1 **AN ACT** requiring that all voting machines produce a voter-verified
2 paper record ²[and] ² amending R.S.19:48-1 and P.L.1973, c.82
3 ², and supplementing Title 19 of the Revised Statutes² .
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. R.S.19:48-1 is amended to read as follows:

9 19:48-1. Any thoroughly tested and reliable voting machines may
10 be adopted, rented, purchased or used, which shall be so constructed
11 as to fulfill the following requirements:

12 (a) It shall secure to the voter secrecy in the act of voting;

13 (b) It shall provide facilities for such number of office columns, not
14 less than 40 and not exceeding 60, as the purchasing authorities may
15 specify and of as many political parties or organizations, not exceeding
16 nine, as may make nominations, and for or against as many questions,
17 not exceeding 30, as submitted;

18 (c) It shall, except at primary elections, permit the voter to vote for
19 all the candidates of one party or in part for the candidates of one
20 party or one or more parties;

21 (d) It shall permit the voter to vote for as many persons for an
22 office as he is lawfully entitled to vote for, but no more;

23 (e) It shall prevent the voter from voting for the same person more
24 than once for the same office;

25 (f) It shall permit the voter to vote for or against any question he
26 may have the right to vote on, but no other;

27 (g) It shall for use in primary elections be so equipped that the
28 election officials can stop a voter from voting for all candidates except
29 those of the voter's party;

30 (h) It shall correctly register or record and accurately count all
31 votes cast for any and all persons, and for or against any and all
32 questions;

33 (i) It shall be provided with a "protective counter" or "protective
34 device" whereby any operation of the machine before or after the
35 election will be detected;

36 (j) It shall be so equipped with such protective devices as shall
37 prevent the operation of the machine after the polls are closed;

38 (k) It shall be provided with a counter which shall show at all times
39 during an election how many persons have voted;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted June 9, 2005.

² Senate floor amendments adopted June 23, 2005.

1 (l) It shall be provided with a model, illustrating the manner of
2 voting on the machine, suitable for the instruction of voters;

3 (m) It must permit a voter to vote for any person for any office,
4 except delegates and alternates to national party conventions, whether
5 or not nominated as a candidate by any party or organization by
6 providing an opportunity to indicate such names or name;

7 (n) It shall be equipped with a permanently affixed box or container
8 of sufficient strength, size and security to hold all emergency ballots
9 and pre-punched single-hole envelopes and with a clipboard and a
10 table-top privacy screen;

11 (o) It shall not use mechanical lever machines or punch cards to
12 record votes.

13 All voting machines used in any election shall be provided with a
14 screen, hood or curtain, which shall be so made and adjusted as to
15 conceal the voter and his action while voting.

16 It shall also be provided with one device for each party for voting
17 for all the presidential electors of that party by one operation, and a
18 ballot therefor containing only the words "presidential electors for,"
19 preceded by the name of that party and followed by the names of the
20 candidates thereof for the offices of President and Vice-President and
21 a registering device therefor which shall register the vote cast for such
22 electors when thus voted collectively.

23 By January 1, 2008, each voting machine shall produce an
24 individual permanent paper record for each vote cast, which shall be
25 made available for inspection and verification by the voter at the time
26 the vote is cast, and preserved for later use in any manual audit ¹ [,
27 unless a]. In the event of a recount of the results of an election, the
28 voter-verified paper ² [ballot] record ² shall be the official tally in that
29 election. A ¹ waiver of the provisions of this paragraph ¹ [is] shall be ¹
30 granted by the Attorney General ² [for good cause] if the technology
31 to produce a permanent voter-verified paper record for each vote cast
32 is not commercially available ² .

33 (cf: P.L.2004, c.88, s.14)

34

35 2. Section 3 of P.L.1973, c.82 (C.19:53A-3) is amended to read as
36 follows

37 3. Every electronic voting system, consisting of a voting device in
38 combination with automatic tabulating equipment, acquired or used
39 in accordance with this act, shall:

40 a. Provide for voting in secrecy, except in the case of voters who
41 have received assistance as provided by law;

42 b. Permit each voter to vote at any election for all persons and
43 offices for whom and for which he is lawfully entitled to vote; to vote
44 for or against any question upon which he is entitled to vote; and the
45 automatic tabulating equipment shall reject choices recorded on his

1 ballot if the number of choices exceeds the number which he is
2 entitled to vote for the office or on the measure;

3 c. Permit each voter, at presidential elections, by one mark to vote
4 for the candidates of that party for president, vice president, and their
5 presidential electors;

6 d. Permit each voter, at other than primary elections, to vote for
7 the nominees of one or more parties and for independent candidates;
8 and personal choice or write-in candidates;

9 e. Permit each voter in primary elections to vote for candidates in
10 the party primary in which he is qualified to vote, and the automatic
11 tabulating equipment shall reject any votes cast for candidates of
12 another party;

13 f. Prevent the voter from voting for the same person more than
14 once for the same office;

15 g. Be suitably designed for the purpose used, of durable
16 construction, and may be used safely, efficiently, and accurately in the
17 conduct of elections and counting ballots;

18 h. When properly operated, record correctly and count accurately
19 every vote cast, including all overvotes or undervotes and all
20 affirmative votes or negative votes on all public questions or
21 referenda.

22 i. By January 1, 2008, ¹each voting machine shall¹ produce an
23 individual permanent paper record for each vote cast, which shall be
24 made available for inspection and verification by the voter at the time
25 the vote is cast, and preserved for later use in any manual audit¹ [,
26 unless a]. In the event of a recount of the results of an election, the
27 voter-verified paper ²[ballot] record² shall be the official tally in that
28 election. A ¹waiver of the provisions of this ²[subsection] paragraph²
29 ¹[is] shall be¹ granted by the Attorney General ²[for good cause] if
30 the technology to produce a permanent voter-verified paper record for
31 each vote cast is not commercially available² .

32 (cf: P.L.2004, c.88, s.18)

33
34 ²3. (New section) Unless federal funding is made available to pay
35 for the purchase or retrofit of a voting machine to produce a
36 voter-verified paper record as required by P.L. , (C.) (now
37 pending before the Legislature as this bill), a county shall be
38 reimbursed by the State for such costs upon application for
39 reimbursement to the Attorney General and approval of the application
40 by the Director of the Division of Budget and Accounting in the
41 Department of the Treasury, in accordance with the provisions of
42 Article VIII, Section II, paragraph 5 of the New Jersey Constitution.²

43
44 ²[3.] ^{4.}² This act shall take effect immediately.

1

2

3 Requires that voting machines produce voter-verified paper record;
4 provides that results of audit become official tally; provides for waiver
5 if paper record not commercially available; provides for State funding
6 for paper record.

ASSEMBLY, No. 33

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MARCH 7, 2005

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman PETER C. EAGLER

District 34 (Essex and Passaic)

Assemblyman ROBERT GORDON

District 38 (Bergen)

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Co-Sponsored by:

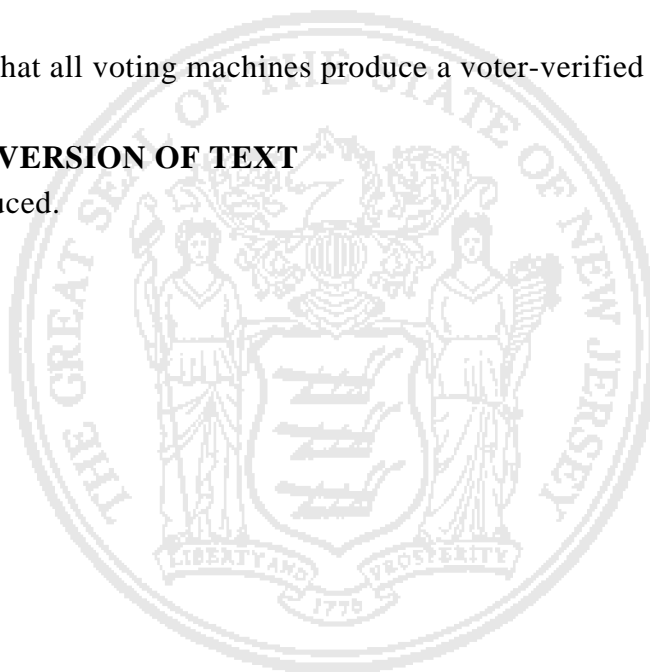
Assemblymen Azzolina, Panter, Morgan, McKeon and Manzo

SYNOPSIS

Requires that all voting machines produce a voter-verified paper record.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2005)

1 AN ACT requiring that all voting machines produce a voter-verified
2 paper record and amending R.S.19:48-1 and P.L.1973, c.82.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.19:48-1 is amended to read as follows:

8 19:48-1. Any thoroughly tested and reliable voting machines may
9 be adopted, rented, purchased or used, which shall be so constructed
10 as to fulfill the following requirements:

11 (a) It shall secure to the voter secrecy in the act of voting;

12 (b) It shall provide facilities for such number of office columns, not
13 less than 40 and not exceeding 60, as the purchasing authorities may
14 specify and of as many political parties or organizations, not exceeding
15 nine, as may make nominations, and for or against as many questions,
16 not exceeding 30, as submitted;

17 (c) It shall, except at primary elections, permit the voter to vote for
18 all the candidates of one party or in part for the candidates of one
19 party or one or more parties;

20 (d) It shall permit the voter to vote for as many persons for an
21 office as he is lawfully entitled to vote for, but no more;

22 (e) It shall prevent the voter from voting for the same person more
23 than once for the same office;

24 (f) It shall permit the voter to vote for or against any question he
25 may have the right to vote on, but no other;

26 (g) It shall for use in primary elections be so equipped that the
27 election officials can stop a voter from voting for all candidates except
28 those of the voter's party;

29 (h) It shall correctly register or record and accurately count all
30 votes cast for any and all persons, and for or against any and all
31 questions;

32 (i) It shall be provided with a "protective counter" or "protective
33 device" whereby any operation of the machine before or after the
34 election will be detected;

35 (j) It shall be so equipped with such protective devices as shall
36 prevent the operation of the machine after the polls are closed;

37 (k) It shall be provided with a counter which shall show at all times
38 during an election how many persons have voted;

39 (l) It shall be provided with a model, illustrating the manner of
40 voting on the machine, suitable for the instruction of voters;

41 (m) It must permit a voter to vote for any person for any office,
42 except delegates and alternates to national party conventions, whether
43 or not nominated as a candidate by any party or organization by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 providing an opportunity to indicate such names or name;

2 (n) It shall be equipped with a permanently affixed box or container
3 of sufficient strength, size and security to hold all emergency ballots
4 and pre-punched single-hole envelopes and with a clipboard and a
5 table-top privacy screen;

6 (o) It shall not use mechanical lever machines or punch cards to
7 record votes.

8 All voting machines used in any election shall be provided with a
9 screen, hood or curtain, which shall be so made and adjusted as to
10 conceal the voter and his action while voting.

11 It shall also be provided with one device for each party for voting
12 for all the presidential electors of that party by one operation, and a
13 ballot therefor containing only the words "presidential electors for,"
14 preceded by the name of that party and followed by the names of the
15 candidates thereof for the offices of President and Vice-President and
16 a registering device therefor which shall register the vote cast for such
17 electors when thus voted collectively.

18 By January 1, 2008, each voting machine shall produce an
19 individual permanent paper record for each vote cast, which shall be
20 made available for inspection and verification by the voter at the time
21 the vote is cast, and preserved for later use in any manual audit, unless
22 a waiver of the provisions of this paragraph is granted by the Attorney
23 General for good cause.

24 (cf: P.L.2004, c.88, s.14)

25

26 2. Section 3 of P.L.1973, c.82 (C.19:53A-3) is amended to read as
27 follows:

28 3. Every electronic voting system, consisting of a voting device in
29 combination with automatic tabulating equipment, acquired or used
30 in accordance with this act, shall:

31 a. Provide for voting in secrecy, except in the case of voters who
32 have received assistance as provided by law;

33 b. Permit each voter to vote at any election for all persons and
34 offices for whom and for which he is lawfully entitled to vote; to vote
35 for or against any question upon which he is entitled to vote; and the
36 automatic tabulating equipment shall reject choices recorded on his
37 ballot if the number of choices exceeds the number which he is
38 entitled to vote for the office or on the measure;

39 c. Permit each voter, at presidential elections, by one mark to vote
40 for the candidates of that party for president, vice president, and their
41 presidential electors;

42 d. Permit each voter, at other than primary elections, to vote for
43 the nominees of one or more parties and for independent candidates;
44 and personal choice or write-in candidates;

45 e. Permit each voter in primary elections to vote for candidates in
46 the party primary in which he is qualified to vote, and the automatic

1 tabulating equipment shall reject any votes cast for candidates of
2 another party;

3 f. Prevent the voter from voting for the same person more than
4 once for the same office;

5 g. Be suitably designed for the purpose used, of durable
6 construction, and may be used safely, efficiently, and accurately in the
7 conduct of elections and counting ballots;

8 h. When properly operated, record correctly and count accurately
9 every vote cast, including all overvotes or undervotes and all
10 affirmative votes or negative votes on all public questions or
11 referenda.

12 i. By January 1, 2008, produce an individual permanent paper
13 record for each vote cast, which shall be made available for inspection
14 and verification by the voter at the time the vote is cast, and preserved
15 for later use in any manual audit, unless a waiver of the provisions of
16 this subsection is granted by the Attorney General for good cause.

17 (cf: P.L.2004, c.88, s.18)

18

19 3. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill would require that each voting machine in use in the State
25 produce an individual permanent paper record for each vote cast.

26 The record would be made available for inspection and verification
27 by the voter at the time the vote is cast, and preserved for later use in
28 any manual audit. Such a voter-verified paper record would give
29 voters increased confidence that their votes were counted accurately.

30 Counties would be required to comply with the provisions of this
31 bill by January 1, 2008, unless a waiver is granted by the Attorney
32 General for good cause.

33 The bill is modeled on provisions in a bill sponsored by
34 Congressman Rush Holt (H.R.2239), introduced in May 2003.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 33

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Assembly State Government Committee reports favorably
Assembly, No. 33.

This bill requires, by January 1, 2008, each voting machine in use
in the State to produce an individual permanent paper record for each
vote cast. The paper record would be made available for inspection
and verification by the voter at the time the vote is cast and preserved
for later use in any manual audit.

Counties would be required to comply with the provisions of this
bill by January 1, 2008, unless a waiver is granted by the Attorney
General for good cause.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 33

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Assembly Appropriations Committee reports favorably Assembly Bill No. 33, with committee amendments.

Assembly Bill No. 33, as amended, requires that each voting machine in use in the State produce an individual permanent paper record for each vote cast. The record would be made available for inspection and verification by the voter at the time the vote is cast and preserved for later use in any manual audit. This voter-verified paper record would increase voter confidence that votes were counted accurately.

Counties would be required to comply with the provisions of this bill by January 1, 2008, unless a waiver is granted by the Attorney General for good cause.

COMMITTEE AMENDMENTS:

Amendments for this bill:

- 1) establish that in the event of a recount of an election, the voter-verified paper ballot will be the official tally in that election; and
- 2) provide that the Attorney General will grant waivers to those counties unable to provide voting machines with individual permanent paper voter-verified ballots for good cause.

FISCAL IMPACT:

In the fiscal estimate, the cost to the State is in the range of \$26.4 million to \$39 million to replace, purchase and upgrade more than 10,000 voting machines.

A new machine could cost between \$4,000 and \$8,000 each, while retrofitting or upgrading some may cost up to \$2,000 each.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 33

with Senate Floor Amendments
(Proposed By Senator GILL)

ADOPTED: JUNE 23, 2005

This Senate amendment provides that:

the Attorney General will grant a waiver of the requirement that by January 1, 2008 each voting machine will produce a paper record, if the technology to produce a permanent voter-verified paper record for each vote cast is not commercially available; and

unless federal funding is made available to pay for the purchase or retrofit of a voting machine to produce a voter-verified paper record as required by this bill, a county will be reimbursed by the State for such costs upon application for reimbursement to the Attorney General and approval of the application by the Director of the Division of Budget and Accounting in the Department of the Treasury.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 33
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: MAY 19, 2005

SUMMARY

Synopsis: Requires that all voting machines produce a voter-verified paper record.

Type of Impact: Increased expenditure. General Fund and County Funds.

Agencies Affected: Department of Law and Public Safety, Division of Elections and Counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
State Cost	\$26,406,250 - \$39,006,750		
Local Cost	Unknown Possible Expenditure.		

- ! This bill establishes the Voter Verifiable Paper Audit Trail in New Jersey.
- ! This bill requires each voting machine in use in the State to produce an individual permanent paper record for each vote cast.
- ! There are an estimated 10,239 voting machines in the State; 3,190 of those machines would need to be replaced and 7,049 machines would need to be retrofitted to meet the requirements of this bill.
- ! The bill has an effective date of January 1, 2006, which is the same date on which the State must be in compliance with the Help America Vote Act requirements.

BILL DESCRIPTION

Assembly Bill No. 33 of 2005 would establish the Voter Verifiable Paper Audit Trail . This bill requires each voting machine in use in the State to produce an individual permanent paper receipt for each vote cast.

This bill would provide the voters with increased confidence that their vote was accurately recorded through viewing the voter-verified paper record. The paper record would be preserved for later use in a possible manual audit.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to the inventory of voting equipment that was produced by the Division of Elections in the Department of Law and Public Safety as of October 4, 2004, there are 10,239 machines in the State.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) estimates that this bill could cost the State an estimated \$26,406,250 to \$39,006,750 depending on the type of machines each county uses. This estimate is based on the number of machines that would need to be retrofitted or purchased to comply with the bill. It is unknown what, if any, costs would be incurred by the counties.

Of the estimated 10,239 machines, OLS estimates that 3,190, or 31.2 percent, of the machines would need to be replaced. These machines would not or could not be upgraded by the manufacturers. Those machines include the Shoup Shouptronic 1242 (230 machines), Shoup Model 2.5 (1,640 machines), AVM Printomatic (805 machines), the ES&S V-2000 (420 machines), and the ES&S Optech III-P Eagle (95 machines). Based on the cost of machines purchased in the State, the cost for a new machine would range between \$4,050 and \$8,000.

The Sequoia Pacific AVC Advantage model makes up 63.8 percent, or 6,528 of the State's voting machines. These machines may be retrofitted. A spokesman for Sequoia indicated, however, that the company is in the process of creating the technology and thus the cost to retrofit the machines is unknown at this time. A spokesman with the Office of the Attorney General estimates the cost to retrofit at \$2,000 per machine.

The Sequoia Pacific Edge (160 machines) and the ES&S iVotronic (361 machines) are currently technologically capable of being upgraded to meet the requirements of this bill and may be upgraded for \$1,000 and \$750, respectively.

VOTING SYSTEMS	Number of Machines to be Replaced (\$4,050 - \$8,000)	Number of Upgradable Machines (\$750 - \$2,000)	Total Number of Machines
AVC Advantage (Sequoia Pacific)		6,528	6,528
AVM Printomatic (Automatic)	805		805
EDGE (Sequoia Pacific)		160	160
iVotronic (ES&S)		361	361
Model 2.5 (Shoup)	1,640		1,640
Optech III-P Eagle (ES&S)	95		95
Shouptronic 1242 (Shoup)	230		230
V-2000 (ES&S)	420		420
Grand Total	3,190	7,049	10,239

The OLS notes that according to a spokesman with the Office of the Attorney General, there are 3,245 machines in eight counties that still need to be replaced entirely to comply with the Help America Vote Act requirements by January 1, 2006. These machines may be purchased

through the vendor with the voter-verified paper record already installed. This would decrease the OLS estimate for this bill accordingly.

Section: *Law and Public Safety*

Analyst: *Kristin Brunner*
Associated Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

LEGISLATIVE FISCAL ESTIMATE
 [Second Reprint]
ASSEMBLY, No. 33
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: JULY 19, 2005

SUMMARY

Synopsis: Requires that voting machines produce voter-verified paper record; provides that results of audit become official tally; provides for waiver if paper record not commercially available; provides for State funding for paper record.

Type of Impact: Increased expenditure. General Fund and County Funds.

Agencies Affected: Department of Law and Public Safety, Division of Elections and Counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
State Cost	No Impact-See Comments Below	Approximately \$21,412,500	
Local Cost	Unknown Possible Expenditure.		

- ! The Office of Legislative Services (OLS) estimates that this bill could cost the State approximately \$21,412,500 by January 1, 2008.
- ! This bill requires each voting machine in use in the State to produce an individual permanent paper record for each vote cast unless the county is granted a waiver by the Attorney General.
- ! There are an estimated 10,030 voting machines in the State that would need to be retrofitted and 209 machines that would need to be replaced to meet the requirements of this bill.
- ! Another 2,981 of those machines will need to be replaced to comply with the Help America Vote Act requirements by January 1, 2006. These machines may be purchased through the vendor with the voter-verified paper record already installed. This may decrease the OLS estimate for this bill accordingly.
- ! The bill has an effective date of January 1, 2008, which is two years past the State's requirement to be in compliance with the Help America Vote Act requirements.

BILL DESCRIPTION

Assembly Bill No. 33 (2R) of 2005 requires that voting machines produce a voter-verified paper record, provides that results of audit become official tally and provides for waiver if paper record not commercially available; provides for State funding for paper record.

The bill permits the Attorney General to grant a waiver of the requirement that by January 1, 2008 each voting machine will produce a paper record, if the technology to produce a permanent voter-verified paper record for each vote cast is not commercially available.

The bill specifies that unless federal funding is made available to pay for the purchase or retrofit of a voting machine to produce a voter-verified paper record as required by this bill, a county will be reimbursed by the State for such costs upon application for reimbursement to the Attorney General and approval of the application by the Director of the Division of Budget and Accounting in the Department of the Treasury.

This bill would provide the voters with increased confidence that their vote was accurately recorded through viewing the voter-verified paper record. The paper record would be preserved for later use in a possible manual audit.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to the Division of Elections in the Department of Law and Public Safety, as of October 4, 2004, an inventory of voting equipment showed there were 10,239 voting machines in the State.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill could cost the State an estimated \$21,412,500. The OLS is assuming that all voting machines purchased by the counties to meet the January 2006 Help America Vote Act deadline will have the ability to be retrofitted to meet the requirements of this bill.

This estimate is based on 10,030 voting machines multiplied by the manufacturers estimated retrofitting cost, plus the purchase of 209 voting machines not required to be replaced by the Help America Vote Act. It is unknown what, if any, costs would be incurred by the counties.

Of the total 10,239 estimated machines in the State, OLS estimates that the Sequoia Pacific AVC Advantage model makes up 63.8 percent, or 6,528 of the State's current voting machines. These machines may be retrofitted. A spokesman for Sequoia indicated that the company is in the process of creating the technology. Although the cost to retrofit the machines is unknown at this time, the spokesman presented an estimate of \$2,000 per machine.

The Sequoia Pacific Edge (160 machines) and the ES&S iVotronic (361 machines) are currently technologically capable of being upgraded to meet the requirements of this bill and may be upgraded for \$1,000 and \$750, respectively.

The OLS notes that there are 209 machines in Atlantic (72 machines), Passaic (132 machines) and Warren (5 machines) that do not need to be replaced under the Help America Vote Act;

however, these machines will need to be replaced under the requirements of this bill. The funding for the replacement of these machines is not provided under current Help America Vote Act requirements.

County	Quantity of Voting Machines*	Cost to Retrofit One Machine with Paper Verifiable Trail	Total Retrofit Cost
Atlantic	158	Cost Unknown (estimated at \$2,000)**	\$ 316,000
Bergen	1,200	Cost Unknown (estimated at \$2,000)**	\$ 2,400,000
Burlington	520	Cost Unknown (estimated at \$2,000)**	\$ 1,040,000
Camden	715	Cost Unknown (estimated at \$2,000)**	\$ 1,430,000
Cape May	168	Cost Unknown (estimated at \$2,000)**	\$ 336,000
Cumberland	110	Cost Unknown (estimated at \$2,000)**	\$ 220,000
Essex	695	Cost Unknown (estimated at \$2,000)**	\$ 1,390,000
Gloucester	520	Cost Unknown (estimated at \$2,000)**	\$ 1,040,000
Hudson	600	Cost Unknown (estimated at \$2,000)**	\$ 1,200,000
Hunterdon	127	Cost Unknown (estimated at \$2,000)**	\$ 254,000
Mercer	600	Cost Unknown (estimated at \$2,000)**	\$ 1,200,000
Middlesex	662	Cost Unknown (estimated at \$2,000)**	\$ 1,324,000
Monmouth	757	Cost Unknown (estimated at \$2,000)**	\$ 1,514,000
Morris	805	Cost Unknown (estimated at \$2,000)**	\$ 1,610,000
Ocean	704	Cost Unknown (estimated at \$2,000)**	\$ 1,408,000
Passaic	288	Cost Unknown (estimated at \$2,000)**	\$ 576,000
Salem	160	\$ 1,000	\$ 160,000
Somerset	290	Cost Unknown (estimated at \$2,000)**	\$ 580,000
Sussex	361	\$ 750	\$ 562,500
Union	500	Cost Unknown (estimated at \$2,000)**	\$ 1,000,000
Warren	90	Cost Unknown (estimated at \$2,000)**	\$ 180,000
Total	10,030		\$19,740,500

County	Voting System	Number of Machines to be Replaced	Total Replacement Cost Low (\$4,050)	Replacement Cost High (\$8,000)
Atlantic	Shouptronic 1242 Shoup	72	\$ 291,600	\$ 576,000
Passaic	V-2000 (ES&S)	132	\$ 534,600	\$1,056,000
Warren	Optech III-P Eagle(ES&S)	5	\$ 20,250	\$ 40,000
Total		209	\$ 846,450	\$1,672,000

The OLS also notes that there are a total of 2,981 machines in Atlantic (158 machines), Camden (715 machines), Cape May (168 machines), Cumberland (110 machines), Essex (695 machines), Monmouth (757 machines), Passaic (288 machines), and Warren (90 machines) counties that still need to be replaced entirely to comply with the Help America Vote Act requirements by January 1, 2006. These machines may be purchased through the vendor with the voter-verified paper record already installed. This may decrease the OLS estimate for this bill accordingly.

The OLS further notes that if a federal mandate occurs requiring voting machines to produce a voter-verified paper record, the State would not be responsible for the cost associated with this bill.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 29

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 19, 2005

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Requires that all voting machines produce a voter-verified paper record.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring that all voting machines produce a voter-verified
2 paper record and amending R.S.19:48-1 and P.L.1973, c.82.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.19:48-1 is amended to read as follows:

8 19:48-1. Any thoroughly tested and reliable voting machines may
9 be adopted, rented, purchased or used, which shall be so constructed
10 as to fulfill the following requirements:

11 (a) It shall secure to the voter secrecy in the act of voting;

12 (b) It shall provide facilities for such number of office columns, not
13 less than 40 and not exceeding 60, as the purchasing authorities may
14 specify and of as many political parties or organizations, not exceeding
15 nine, as may make nominations, and for or against as many questions,
16 not exceeding 30, as submitted;

17 (c) It shall, except at primary elections, permit the voter to vote for
18 all the candidates of one party or in part for the candidates of one
19 party or one or more parties;

20 (d) It shall permit the voter to vote for as many persons for an
21 office as he is lawfully entitled to vote for, but no more;

22 (e) It shall prevent the voter from voting for the same person more
23 than once for the same office;

24 (f) It shall permit the voter to vote for or against any question he
25 may have the right to vote on, but no other;

26 (g) It shall for use in primary elections be so equipped that the
27 election officials can stop a voter from voting for all candidates except
28 those of the voter's party;

29 (h) It shall correctly register or record and accurately count all
30 votes cast for any and all persons, and for or against any and all
31 questions;

32 (i) It shall be provided with a "protective counter" or "protective
33 device" whereby any operation of the machine before or after the
34 election will be detected;

35 (j) It shall be so equipped with such protective devices as shall
36 prevent the operation of the machine after the polls are closed;

37 (k) It shall be provided with a counter which shall show at all times
38 during an election how many persons have voted;

39 (l) It shall be provided with a model, illustrating the manner of
40 voting on the machine, suitable for the instruction of voters;

41 (m) It must permit a voter to vote for any person for any office,
42 except delegates and alternates to national party conventions, whether
43 or not nominated as a candidate by any party or organization by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 providing an opportunity to indicate such names or name;

2 (n) It shall be equipped with a permanently affixed box or container
3 of sufficient strength, size and security to hold all emergency ballots
4 and pre-punched single-hole envelopes and with a clipboard and a
5 table-top privacy screen;

6 (o) It shall not use mechanical lever machines or punch cards to
7 record votes.

8 All voting machines used in any election shall be provided with a
9 screen, hood or curtain, which shall be so made and adjusted as to
10 conceal the voter and his action while voting.

11 It shall also be provided with one device for each party for voting
12 for all the presidential electors of that party by one operation, and a
13 ballot therefor containing only the words "presidential electors for,"
14 preceded by the name of that party and followed by the names of the
15 candidates thereof for the offices of President and Vice-President and
16 a registering device therefor which shall register the vote cast for such
17 electors when thus voted collectively.

18 By January 1, 2008, each voting machine shall produce an
19 individual permanent paper record for each vote cast, which shall be
20 made available for inspection and verification by the voter at the time
21 the vote is cast, and preserved for later use in any manual audit, unless
22 a waiver of the provisions of this paragraph is granted by the Attorney
23 General for good cause.

24 (cf: P.L.2004, c.88, s.14)

25

26 2. Section 3 of P.L.1973, c.82 (C.19:53A-3) is amended to read as
27 follows:

28 3. Every electronic voting system, consisting of a voting device
29 in combination with automatic tabulating equipment, acquired or used
30 in accordance with this act, shall:

31 a. Provide for voting in secrecy, except in the case of voters who
32 have received assistance as provided by law;

33 b. Permit each voter to vote at any election for all persons and
34 offices for whom and for which he is lawfully entitled to vote; to vote
35 for or against any question upon which he is entitled to vote; and the
36 automatic tabulating equipment shall reject choices recorded on his
37 ballot if the number of choices exceeds the number which he is
38 entitled to vote for the office or on the measure;

39 c. Permit each voter, at presidential elections, by one mark to
40 vote for the candidates of that party for president, vice president, and
41 their presidential electors;

42 d. Permit each voter, at other than primary elections, to vote for
43 the nominees of one or more parties and for independent candidates;
44 and personal choice or write-in candidates;

45 e. Permit each voter in primary elections to vote for candidates in
46 the party primary in which he is qualified to vote, and the automatic

1 tabulating equipment shall reject any votes cast for candidates of
2 another party;

3 f. Prevent the voter from voting for the same person more than
4 once for the same office;

5 g. Be suitably designed for the purpose used, of durable
6 construction, and may be used safely, efficiently, and accurately in the
7 conduct of elections and counting ballots;

8 h. When properly operated, record correctly and count accurately
9 every vote cast, including all overvotes or undervotes and all
10 affirmative votes or negative votes on all public questions or
11 referenda.

12 i. By January 1, 2008, produce an individual permanent paper
13 record for each vote cast, which shall be made available for inspection
14 and verification by the voter at the time the vote is cast, and preserved
15 for later use in any manual audit, unless a waiver of the provisions of
16 this subsection is granted by the Attorney General for good cause.

17 (cf: P.L.2004, c.88, s.18)

18

19 3. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill would require that each voting machine in use in the State
25 produce an individual permanent paper record for each vote cast.

26 The record would be made available for inspection and verification
27 by the voter at the time the vote is cast, and preserved for later use in
28 any manual audit. Such a voter-verified paper record would give
29 voters increased confidence that their votes were counted accurately.

30 Counties would be required to comply with the provisions of this
31 bill by January 1, 2008, unless a waiver is granted by the Attorney
32 General for good cause.

33 The bill is modeled on provisions in a bill sponsored by
34 Congressman Rush Holt (H.R.2239), introduced in May 2003.

SENATE, No. 2463

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MAY 5, 2005

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Middlesex and Monmouth)

SYNOPSIS

Requires that all voting systems include paper-based voter verification of ballots cast.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring that all voting systems include paper-based voter
2 verification and amending R.S.19:48-1 and P.L.1973, c.82.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.19:48-1 is amended to read as follows:

8 19:48-1. Any thoroughly tested and reliable voting machines may
9 be adopted, rented, purchased or used, which shall be so constructed
10 as to fulfill the following requirements:

11 (a) It shall secure to the voter secrecy in the act of voting;

12 (b) It shall provide facilities for such number of office columns, not
13 less than 40 and not exceeding 60, as the purchasing authorities may
14 specify and of as many political parties or organizations, not exceeding
15 nine, as may make nominations, and for or against as many questions,
16 not exceeding 30, as submitted;

17 (c) It shall, except at primary elections, permit the voter to vote for
18 all the candidates of one party or in part for the candidates of one
19 party or one or more parties;

20 (d) It shall permit the voter to vote for as many persons for an
21 office as he is lawfully entitled to vote for, but no more;

22 (e) It shall prevent the voter from voting for the same person more
23 than once for the same office;

24 (f) It shall permit the voter to vote for or against any question he
25 may have the right to vote on, but no other;

26 (g) It shall for use in primary elections be so equipped that the
27 election officials can stop a voter from voting for all candidates except
28 those of the voter's party;

29 (h) It shall correctly register or record and accurately count all
30 votes cast for any and all persons, and for or against any and all
31 questions;

32 (i) It shall be provided with a "protective counter" or "protective
33 device" whereby any operation of the machine before or after the
34 election will be detected;

35 (j) It shall be so equipped with such protective devices as shall
36 prevent the operation of the machine after the polls are closed;

37 (k) It shall be provided with a counter which shall show at all times
38 during an election how many persons have voted;

39 (l) It shall be provided with a model, illustrating the manner of
40 voting on the machine, suitable for the instruction of voters;

41 (m) It must permit a voter to vote for any person for any office,
42 except delegates and alternates to national party conventions, whether
43 or not nominated as a candidate by any party or organization by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 providing an opportunity to indicate such names or name;

2 (n) It shall be equipped with a permanently affixed box or container
3 of sufficient strength, size and security to hold all emergency ballots
4 and pre-punched single-hole envelopes and with a clipboard and a
5 table-top privacy screen;

6 (o) It shall not use mechanical lever machines or punch cards to
7 record votes[.] ;

8 (p) It shall produce an individual permanent paper record made
9 available for inspection and verification by each voter at the time the
10 voter's ballot is cast, and preserved for later use in any manual audit.

11 All voting machines used in any election shall be provided with a
12 screen, hood or curtain, which shall be so made and adjusted as to
13 conceal the voter and his action while voting.

14 It shall also be provided with one device for each party for voting
15 for all the presidential electors of that party by one operation, and a
16 ballot therefor containing only the words "presidential electors for,"
17 preceded by the name of that party and followed by the names of the
18 candidates thereof for the offices of President and Vice-President and
19 a registering device therefor which shall register the vote cast for such
20 electors when thus voted collectively.

21 (cf: P.L.2004, c.88, s.14)

22

23 2. Section 3 of P.L.1973, c.82 (C.19:53A-3) is amended to read as
24 follows:

25 3. Every electronic voting system, consisting of a voting device
26 in combination with automatic tabulating equipment, acquired or used
27 in accordance with this act, shall:

28 a. Provide for voting in secrecy, except in the case of voters who
29 have received assistance as provided by law;

30 b. Permit each voter to vote at any election for all persons and
31 offices for whom and for which he is lawfully entitled to vote; to vote
32 for or against any question upon which he is entitled to vote; and the
33 automatic tabulating equipment shall reject choices recorded on his
34 ballot if the number of choices exceeds the number which he is
35 entitled to vote for the office or on the measure;

36 c. Permit each voter, at presidential elections, by one mark to
37 vote for the candidates of that party for president, vice president, and
38 their presidential electors;

39 d. Permit each voter, at other than primary elections, to vote for
40 the nominees of one or more parties and for independent candidates;
41 and personal choice or write-in candidates;

42 e. Permit each voter in primary elections to vote for candidates in
43 the party primary in which he is qualified to vote, and the automatic
44 tabulating equipment shall reject any votes cast for candidates of
45 another party;

46 f. Prevent the voter from voting for the same person more than

1 once for the same office;

2 g. Be suitably designed for the purpose used, of durable
3 construction, and may be used safely, efficiently, and accurately in the
4 conduct of elections and counting ballots;

5 h. When properly operated, record correctly and count accurately
6 every vote cast, including all overvotes or undervotes and all
7 affirmative votes or negative votes on all public questions or
8 referenda.

9 i. Produce an individual permanent paper record made available for
10 inspection and verification by each voter at the time the voter's ballot
11 is cast, and preserved for later use in any manual audit.

12 (cf: P.L.2004, c.88, s.18)

13

14 3. This act shall take effect immediately, but shall remain
15 inoperative until January 1, 2006.

16

17

18

STATEMENT

19

20 This bill would require each voting system in use in the State to
21 include paper-based voter verification of all ballots cast.

22 Each voting system would produce an individual permanent paper
23 record, made available for inspection and verification by each voter at
24 the time the voter's ballot is cast and preserved for later use in any
25 manual audit. Such a voter-verified paper record would give voters
26 increased confidence that their vote was counted accurately.

27 This bill would take effect immediately, but remain inoperative to
28 allow time for voting machines to be updated to produce the paper
29 record.

30 The bill is modeled on provisions in a bill sponsored by
31 Congressman Rush Holt (H.R.2239), introduced in May 2003.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 29 and 2463

STATE OF NEW JERSEY

DATED: MAY 26, 2005

The Senate State Government Committee reports favorably a Senate Committee Substitute for Senate, Nos. 29 and 2463.

This substitute requires, by January 1, 2008, each voting machine in use in the State to produce an individual permanent paper record for each vote cast. The paper record would be made available for inspection and verification by the voter at the time the vote is cast and preserved for later use in any manual audit. In the event of a recount of the results of an election, the verified paper record would be the official tally in that election.

Counties would be required to comply with the provisions of this substitute by January 1, 2008. A waiver would be granted by the Attorney General if the technology to produce a permanent paper record for each vote cast is not commercially available.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 29 and 2463**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 2005

The Senate Budget and Appropriations Committee reports favorably Senate Bill Nos. 29 and 2463 (SCS).

This substitute requires, by January 1, 2008, each voting machine in use in the State to produce an individual permanent paper record for each vote cast. The paper record would be made available for inspection and verification by the voter at the time the vote is cast and preserved for later use in any manual audit. In the event of a recount of the results of an election, the verified paper record would be the official tally in that election.

Counties would be required to comply with the provisions of this substitute by January 1, 2008. A waiver would be granted by the Attorney General if the technology to produce a permanent paper record for each vote cast is not commercially available.

Finally, the bill provides that unless federal funding is made available to pay for the purchase or retrofit of a voting machine to produce a voter-verified paper record as required by the bill, a county will be reimbursed by the State for such costs upon application for reimbursement to the Attorney General and approval of the application by the Director of the Division of Budget and Accounting.

COMMITTEE AMENDMENTS:

Committee amendments have been proposed to: 1) clarify that the paper record will be one that is voter-verified; and 2) provide that unless federal funding is made available to pay for the purchase or retrofit of a voting machine to produce a voter-verified paper record as required by the bill, a county will be reimbursed by the State for such costs upon application for reimbursement to the Attorney General and approval of the application by the Director of the Division of Budget and Accounting.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill will cost the State an estimated \$26 million to \$39 million depending

on the type of machine each county uses. This estimate is based on the number of machines that would need to be retrofitted or purchased to comply with the bill. It is unknown what, if any, costs would be incurred by the counties.

Of an estimated 10,239 machines, OLS projects that 3,190 (31.2 percent) would need to be replaced. These machines would not or could not be upgraded by the manufacturers. The cost for a new machine is projected to range between \$4,050 and \$8,000.

Additionally, some 6,528 (63.8 percent) of the State's voting machines may be retrofitted. However, as the necessary retrofit technology is currently under development by the manufacturer, a final cost is unknown at this time, but is expected to be approximately \$2,000 per machine based on information provided by the Office of the Attorney General. In addition, there are 361 machines currently technologically capable of being upgraded to meet the requirements of this bill and may be upgraded for \$750 to \$1,000.

The OLS notes that according to the Office of the Attorney General, there are 3,245 machines in eight counties that still need to be replaced entirely to comply with the Help America Vote Act requirements by January 1, 2006. These machines may be purchased through the vendor with the voter-verified paper record already installed. This would decrease the OLS estimate for this bill accordingly.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 29 and 2463
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: JUNE 28, 2005

SUMMARY

Synopsis: Requires that all voting machines produce a voter-verified paper record.

Type of Impact: Increased expenditure. General Fund and County Funds.

Agencies Affected: Department of Law and Public Safety, Division of Elections and Counties.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
State Cost	N/A	Approximately \$21,412,500	
Local Cost	Unknown Possible Expenditure.		

- ! The Office of Legislative Services (OLS) estimates that this bill could cost the State approximately \$21,412,500 by January 1, 2008.
- ! This bill establishes the Voter Verifiable Paper Audit Trail in New Jersey.
- ! This bill requires each voting machine in use in the State to produce an individual permanent paper record for each vote cast.
- ! There are an estimated 10,030 voting machines in the State that would need to be retrofitted and 209 machines that would need to be purchased to meet the requirements of this bill.
- ! There are 2,981 machines in eight counties that still need to be replaced entirely to comply with the Help America Vote Act requirements by January 1, 2006. These machines may be purchased through the vendor with the voter-verified paper record already installed. This may decrease the OLS estimate for this bill accordingly.
- ! The bill has an effective date of January 1, 2008, which is two years past the State's requirement to be in compliance with the Help America Vote Act requirements.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill No. 29 and 2463 of 2005 would establish the

Voter Verifiable Paper Audit Trail. This bill requires each voting machine in use in the State to produce an individual permanent paper receipt for each vote cast.

This bill would provide the voters with increased confidence that their vote was accurately recorded through viewing the voter-verified paper record. The paper record would be preserved for later use in a possible manual audit.

FISCAL ANALYSIS

EXECUTIVE BRANCH

According to the Division of Elections in the Department of Law and Public Safety, as of October 4, 2004, an inventory of voting equipment showed there were 10,239 voting machines in the State.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill could cost the State an estimated \$21,412,500. The OLS is assuming that all voting machines purchased by the counties to meet the January 2006 Help America Vote Act deadline will have the ability to be retrofitted to meet the requirements of this bill. This estimate is based on 10,030 voting machines multiplied by the manufacturers estimated retrofitting cost, plus the purchase of 209 voting machines not required to be replaced by the Help America Vote Act. It is unknown what, if any, costs would be incurred by the counties.

County	Quantity of Voting Machines*	Cost to Retrofit One Machine with Paper Verifiable Trail	Total Retrofit Cost
Atlantic	158	Cost Unknown (estimated at \$2,000)**	\$ 316,000
Bergen	1,200	Cost Unknown (estimated at \$2,000)**	\$ 2,400,000
Burlington	520	Cost Unknown (estimated at \$2,000)**	\$ 1,040,000
Camden	715	Cost Unknown (estimated at \$2,000)**	\$ 1,430,000
Cape May	168	Cost Unknown (estimated at \$2,000)**	\$ 336,000
Cumberland	110	Cost Unknown (estimated at \$2,000)**	\$ 220,000
Essex	695	Cost Unknown (estimated at \$2,000)**	\$ 1,390,000
Gloucester	520	Cost Unknown (estimated at \$2,000)**	\$ 1,040,000
Hudson	600	Cost Unknown (estimated at \$2,000)**	\$ 1,200,000
Hunterdon	127	Cost Unknown (estimated at \$2,000)**	\$ 254,000
Mercer	600	Cost Unknown (estimated at \$2,000)**	\$ 1,200,000
Middlesex	662	Cost Unknown (estimated at \$2,000)**	\$ 1,324,000
Monmouth	757	Cost Unknown (estimated at \$2,000)**	\$ 1,514,000
Morris	805	Cost Unknown (estimated at \$2,000)**	\$ 1,610,000
Ocean	704	Cost Unknown (estimated at \$2,000)**	\$ 1,408,000
Passaic	288	Cost Unknown (estimated at \$2,000)**	\$ 576,000
Salem	160	\$ 1,000	\$ 160,000
Somerset	290	Cost Unknown (estimated at \$2,000)**	\$ 580,000
Sussex	361	\$ 750	\$ 562,500
Union	500	Cost Unknown (estimated at \$2,000)**	\$ 1,000,000
Warren	90	Cost Unknown (estimated at \$2,000)**	\$ 180,000
Total	10,030		\$19,740,500

* Quantity based on information provided to the Division of Elections by counties through survey responses.

**Estimated audio component cost provided by representatives from Sequoia.

Of the total 10,239 estimated machines in the State, OLS estimates that the Sequoia Pacific AVC Advantage model makes up 63.8 percent, or 6,528 of the State's current voting machines. These machines may be retrofitted. A spokesman for Sequoia indicated that the company is in the process of creating the technology. Although the cost to retrofit the machines is unknown at this time, the spokesman presented an estimate of \$2,000 per machine.

The Sequoia Pacific Edge (160 machines) and the ES&S iVotronic (361 machines) are currently technologically capable of being upgraded to meet the requirements of this bill and may be upgraded for \$1,000 and \$750, respectively.

The OLS notes that there are 209 machines in Atlantic (72 machines), Passaic (132 machines) and Warren (5 machines) that do not need to be replaced under the Help America Vote Act; however, these machines will need to be replaced under the requirements of this bill. The funding for the replacement of these machines is not provided under current Help America Vote Act requirements.

County	Voting System	Number of Machines to be Replaced	Total Replacement Cost Low (\$4,050)	Replacement Cost High (\$8,000)
Atlantic	Shouptronic 1242 Shoup	72	\$ 291,600	\$ 576,000
Passaic	V-2000 (ES&S)	132	\$ 534,600	\$1,056,000
Warren	Optech III-P Eagle(ES&S)	5	\$ 20,250	\$ 40,000
Total		209	\$ 846,450	\$1,672,000

The OLS also notes that there are a total of 2,981 machines in Atlantic (158 machines), Camden (715 machines), Cape May (168 machines), Cumberland (110 machines), Essex (695 machines), Monmouth (757 machines), Passaic (288 machines), and Warren (90 machines) counties that still need to be replaced entirely to comply with the Help America Vote Act requirements by January 1, 2006. These machines may be purchased through the vendor with the voter-verified paper record already installed. This may decrease the OLS estimate for this bill accordingly.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner,*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

PO BOX 004
TRENTON, NJ 08625

Contact: Kelley Heck
609-777-2600

RELEASE: July 07, 2005

Codey Signs Bills to Expand Voter Access, Improve Electoral Process

Bills will Move up the Date of New Jersey's Presidential Primary; Allow More Time to Register; Allow Anyone to Vote by Absentee Ballot; Require a Paper Ballot with all Votes Cast Electronically

(TRENTON) –Acting Governor Richard J. Codey today signed into law a package of bills that will improve the electoral process in New Jersey by expanding voter access and moving the state's presidential primary to the last Tuesday in February.

“Over the past eight months we have made reforms to restore accountability to state government, driven by the belief that government cannot function without the public's trust,” Codey said. “But improving the integrity of government also requires that we strengthen the electoral process itself.”

“Today we are achieving the goals I set out in the State of the State address: to improve every New Jerseyan's access, to make sure people have confidence in the voting system, and to make sure New Jersey's votes actually mean something in the presidential primaries,” Codey said.

Codey signed the four bills during a public ceremony at the Governor's Outer Office, in the State House. He was joined by bill sponsors including Senator Nia H. Gill (D-Essex, Passaic) and Assembly Majority Leader Joseph J. Roberts (D-Camden, Gloucester).

The four bills are:

A30/S550, which moves the presidential primary to the last Tuesday in February. The bill's sponsors include Senate President Codey as well as Senators Joseph F. Vitale (D-Middlesex), John H. Adler (D-Camden) and Wayne R. Bryant (D-Camden, Gloucester), and Assembly members Linda R. Greenstein (D-Mercer, Middlesex), Richard A. Merkt (R-Morris), Robert M. Gordon (D-Bergen), John F. McKeon (D-Essex) and Mims Hackett (D-Essex).

A 42 / S2387, which permits voter registration up to 21 days, instead of the previous 29 days, before an election. The bill's sponsors include Senator Wayne R. Bryant (D-Camden, Gloucester) as well as Assembly members Bonnie Watson Coleman (D-Mercer), Gerald B. Green (D-Middlesex, Somerset, Union), Jack Conners (D-Burlington, Camden) and Herb Conaway (D-Burlington, Camden).

A35 / S1133, which permits any registered voter to vote by absentee ballot if they so choose, without having to provide a reason for not being able to vote in person on the day of an election. The bill's sponsors include Senators Robert G. Smith (D-Middlesex, Somerset) and Stephen M. Sweeney (D-Cumberland, Gloucester, Salem), and Assembly members David R. Mayer (D-Camden, Gloucester), Joseph J. Roberts (D-Camden, Gloucester), John J. Burzichelli (D-Cumberland, Gloucester, Salem) and Loretta Weinberg (D-Bergen).

A33 / S29, which requires that voting machines produce a voter-verified paper record for each vote cast. The bill's sponsors include Senators Nia H. Gill (D-Essex, Passaic), Shirley K. Turner (D-Mercer), Wayne R. Bryant (D-Camden, Gloucester), and Assembly members Reed Gusciora (D-Mercer), Peter C. Eagler (D-Essex, Passaic), Robert M. Gordon (D-Bergen) and Herb Conaway (D-Burlington, Camden).

Roberts said, "New Jersey's election laws are as out of date as the eight-track tape. These laws are the most ambitious changes to our election system since it was overhauled under Governor Woodrow Wilson nearly a century ago. These laws will promote access, accuracy and accountability in elections. They will strengthen the voting process and lend further credibility to future election results."

Turner said, "The American people have fought hard during our history to secure the right to vote for all adult citizens. When our constituents take the time to exercise this right, they deserve the assurance that their vote will be counted each and every time, without fail. It has become clear with the voting problems we have seen in other states, that we need to ensure that every vote is recorded on a piece of paper that can be verified by the voter before leaving the polling booth and can be manually counted by election officials if needed."

Vitale said, "The variety of issues that are debated during a Presidential campaign more closely mirror the interests that affect New Jersey's every day. New Jersey is in so many ways a microcosm reflecting the needs of the nation as a whole. In the next race to the presidency, candidates will need the support of the Garden State to cement their standing as either party's pick for the presidential nomination, if they are to truly represent the needs and wishes of the people."

Gill said, "As we move forward with more sophisticated methods of voting, we need to assure voters that their ballots are tamper-proof, and their votes will indeed be counted. A voter-verified paper trail, used in the event of a machine recount, will preserve the integrity of the voting process, and ensure that democracy does not become an unintended victim of the advance of technology."

Greenstein said, "The sad truth is that New Jersey has not been viewed by presidential candidates as fertile ground for growing support, but rather as a money tree to be shaken. New Jersey voters deserve the clout befitting a bellwether state. They deserve to have their voices heard when it comes to national politics."

Mayer said, “Voters should never have to lie about why they wish to vote by absentee ballot. Working parents whose hectic schedules may keep them from visiting the voting booth on Election Day and senior citizens who prefer filling out their ballots at the kitchen table should be given every ability to receive an absentee ballot with no questions asked.”

Congressman Rush Holt also praised the reforms, saying, “Anything of value should be auditable, especially something as precious as a vote. I applaud your commitment to ensuring that the vote of each New Jerseyan is counted in a verifiable way. I look forward to continuing to work with you to ensure that the results of every election in the State of New Jersey are verifiable and auditable.”