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LAW

P.L. 2008, CHAPTER 18, *approved May 4, 2008*
Assembly, No. 2229

1 AN ACT concerning voting machines and amending R.S.19:48-1
2 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
9 may be adopted, rented, purchased or used, which shall be so
10 constructed 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,
13 not less than 40 and not exceeding 60, as the purchasing authorities
14 may specify and of as many political parties or organizations, not
15 exceeding nine, as may make nominations, and for or against as
16 many questions, not exceeding 30, as submitted;

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

24 (f) It shall permit the voter to vote for or against any question
25 he 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
28 except 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
33 "protective device" whereby any operation of the machine before or
34 after the 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
38 times 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,

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

Matter underlined thus is new matter.

1 whether or not nominated as a candidate by any party or
2 organization by providing an opportunity to indicate such names or
3 name;

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

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

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

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

21 By ~~June 3, 2008~~ January 1, 2009, each voting machine shall
22 produce an individual permanent paper record for each vote cast,
23 which shall be made available for inspection and verification by the
24 voter at the time the vote is cast, and preserved for later use in any
25 manual audit. In the event of a recount of the results of an election,
26 the voter-verified paper record shall be the official tally in that
27 election. A waiver of the provisions of this paragraph shall be
28 granted by the ~~Attorney General~~ Secretary of State if the
29 technology to produce a permanent voter-verified paper record for
30 each vote cast is not commercially available.

31 (cf: P.L.2007, c.301, s.1)

32

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

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

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

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

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

- 1 d. Permit each voter, at other than primary elections, to vote for
2 the nominees of one or more parties and for independent candidates;
3 and personal choice or write-in candidates;
- 4 e. Permit each voter in primary elections to vote for candidates
5 in the party primary in which he is qualified to vote, and the
6 automatic tabulating equipment shall reject any votes cast for
7 candidates of another party;
- 8 f. Prevent the voter from voting for the same person more than
9 once for the same office;
- 10 g. Be suitably designed for the purpose used, of durable
11 construction, and may be used safely, efficiently, and accurately in
12 the conduct of elections and counting ballots;
- 13 h. When properly operated, record correctly and count
14 accurately every vote cast, including all overvotes or undervotes
15 and all affirmative votes or negative votes on all public questions or
16 referenda;
- 17 i. By ~~June 3, 2008~~ January 1, 2009, each voting machine
18 shall produce an individual permanent paper record for each vote
19 cast, which shall be made available for inspection and verification
20 by the voter at the time the vote is cast, and preserved for later use
21 in any manual audit. In the event of a recount of the results of an
22 election, the voter-verified paper record shall be the official tally in
23 that election. A waiver of the provisions of this subsection shall be
24 granted by the ~~Attorney General~~ Secretary of State if the
25 technology to produce a permanent voter-verified paper record for
26 each vote cast is not commercially available.
27 (cf: P.L.2007, c.301, s.2)

28
29 3. This act shall take effect immediately.
30
31

32 STATEMENT

33
34 This bill changes the date for voter-verified paper records of
35 votes cast on voting machines to be in place from June 3, 2008 to
36 January 1, 2009.

37 The bill also amends current law to shift responsibility for the
38 administration of certain elections procedures from the Attorney
39 General to the Secretary of State in conformity with P.L.2007,
40 c.254 (C.52:16A-98), which effectuated that change.
41
42
43

44
45 _____
46 Changes deadline for voter-verified paper record of votes cast on
voting machines to January 1, 2009.

ASSEMBLY, No. 2229

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblyman ALEX DECROCE

District 26 (Morris and Passaic)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senators Sweeney and T.Kean

SYNOPSIS

Changes deadline for voter-verified paper record of votes cast on voting machines to January 1, 2009.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/18/2008)

1 AN ACT concerning voting machines and amending R.S.19:48-1
2 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
9 may be adopted, rented, purchased or used, which shall be so
10 constructed 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,
13 not less than 40 and not exceeding 60, as the purchasing authorities
14 may specify and of as many political parties or organizations, not
15 exceeding nine, as may make nominations, and for or against as
16 many questions, not exceeding 30, as submitted;

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

24 (f) It shall permit the voter to vote for or against any question
25 he 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
28 except 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
33 "protective device" whereby any operation of the machine before or
34 after the 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
38 times 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,
43 whether or not nominated as a candidate by any party or
44 organization by providing an opportunity to indicate such names or
45 name;

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

Matter underlined thus is new matter.

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

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

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

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

18 By **【June 3, 2008】** January 1, 2009, each voting machine shall
19 produce an individual permanent paper record for each vote cast,
20 which shall be made available for inspection and verification by the
21 voter at the time the vote is cast, and preserved for later use in any
22 manual audit. In the event of a recount of the results of an election,
23 the voter-verified paper record shall be the official tally in that
24 election. A waiver of the provisions of this paragraph shall be
25 granted by the **【Attorney General】** Secretary of State if the
26 technology to produce a permanent voter-verified paper record for
27 each vote cast is not commercially available.

28 (cf: P.L.2007, c.301, s.1)

29

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

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

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

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

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

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47 the nominees of one or more parties and for independent candidates;
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2 in the party primary in which he is qualified to vote, and the
3 automatic tabulating equipment shall reject any votes cast for
4 candidates of another party;
- 5 f. Prevent the voter from voting for the same person more than
6 once for the same office;
- 7 g. Be suitably designed for the purpose used, of durable
8 construction, and may be used safely, efficiently, and accurately in
9 the conduct of elections and counting ballots;
- 10 h. When properly operated, record correctly and count
11 accurately every vote cast, including all overvotes or undervotes
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13 referenda;
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21 granted by the ~~Attorney General~~ Secretary of State if the
22 technology to produce a permanent voter-verified paper record for
23 each vote cast is not commercially available.
- 24 (cf: P.L.2007, c.301, s.2)

25

26 3. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill changes the date for voter-verified paper records of
32 votes cast on voting machines to be in place from June 3, 2008 to
33 January 1, 2009.

34 The bill also amends current law to shift responsibility for the
35 administration of certain elections procedures from the Attorney
36 General to the Secretary of State in conformity with P.L.2007,
37 c.254 (C.52:16A-98), which effectuated that change.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2229

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2008

The Assembly State Government Committee reports favorably Assembly Bill No. 2229.

This bill changes the date for voter-verified paper records of votes cast on voting machines to be in place from June 3, 2008 to January 1, 2009.

The bill also amends current law to shift responsibility for the administration of certain elections procedures from the Attorney General to the Secretary of State in conformity with P.L.2007, c.254 (C.52:16A-98), which effectuated that change.

Assembly Bill No. 2229 is identical to Senate Bill No. 1381 of 2008.

SENATE, No. 1381

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED FEBRUARY 26, 2008

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Changes deadline for voter-verified paper record of votes cast on voting machines to January 1, 2009.

CURRENT VERSION OF TEXT

As introduced.



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2 and P.L.1973, c.82.

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28 (cf: P.L.2007, c.301, s.1)

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- 5 f. Prevent the voter from voting for the same person more than
6 once for the same office;
- 7 g. Be suitably designed for the purpose used, of durable
8 construction, and may be used safely, efficiently, and accurately in
9 the conduct of elections and counting ballots;
- 10 h. When properly operated, record correctly and count
11 accurately every vote cast, including all overvotes or undervotes
12 and all affirmative votes or negative votes on all public questions or
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16 cast, which shall be made available for inspection and verification
17 by the voter at the time the vote is cast, and preserved for later use
18 in any manual audit. In the event of a recount of the results of an
19 election, the voter-verified paper record shall be the official tally in
20 that election. A waiver of the provisions of this subsection shall be
21 granted by the **Attorney General** Secretary of State if the
22 technology to produce a permanent voter-verified paper record for
23 each vote cast is not commercially available.
- 24 (cf: P.L.2007, c.301, s.2)

25

26 3. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill changes the date for voter-verified paper records of
32 votes cast on voting machines to be in place from June 3, 2008 to
33 January 1, 2009.

34 The bill also amends current law to shift responsibility for the
35 administration of certain elections procedures from the Attorney
36 General to the Secretary of State in conformity with P.L.2007,
37 c.254 (C.52:16A-98), which effectuated that change.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1381

STATE OF NEW JERSEY

DATED: MARCH 10, 2008

The Senate State Government Committee reports favorably Senate Bill No. 1381.

This bill amends existing law to change the date, from June 3, 2008 to January 1, 2009, for voter-verified paper records of votes cast on voting machines to be in place.

The bill also amends these sections of existing law to conform them to the provisions of P.L.2007, c.254 (C.52:16A-98), which transferred the Division of Elections from the office of the Attorney General to the office of the Secretary of State.

Senate Bill No. 1381 of 2008 is identical to Assembly Bill No. 2229 of 2008.

May-05-08 Governor Corzine Signs Legislation

NEWS RELEASE

Governor Jon S. Corzine
May 5, 2008

FOR MORE INFORMATION:

Lilo Stainton
Jim Gardner
609-777-2600

GOVERNOR CORZINE SIGNS LEGISLATION

TRENTON– Governor Jon S. Corzine signed the following bill into law Sunday, May 4:

A-2229/S-1381 (Roberts, DeCroce, Evans/Sweeney, T.Kean) – Changes deadline for voter-verified paper record of votes case on voting machines to January 1, 2009.