

STATE OF NEW JERSEY
"HELP AMERICA VOTE ACT OF 2002"
ADDENDUM TO STATE PLAN:
SECTIONS ONE AND SIX

I. Introduction

On August 15, 2003, the State of New Jersey ("State") filed its initial State Plan ("Plan"), pursuant to the "Help America Vote Act of 2002" ("HAVA") with the Federal Election Commission (the authorized depository for the HAVA State Plans prior to the establishment of the United States Election Assistance Commission ("EAC")). The Plan detailed the manner in which New Jersey intended to meet the requirements of HAVA and the projected corresponding costs for implementation.

Section One of the Plan detailed the State's proposal to satisfy the following requirements of Title III of HAVA: providing for compliant voting systems; developing a statewide voter registration system ("SVRS"); implementing provisional balloting; distributing voter information in the polling place; and establishing a state administrative grievance procedure. Title III further allows a state to undertake other activities to improve the overall administration of federal elections. Section One of the Plan listed voter education and election officials' training as activities that would further this goal.

Section Six of the Plan set forth the proposed budget for these activities. The budget was based upon the receipt of 68 million dollars in federal funding. Since filing the Plan, federal and state matching monies available for HAVA purposes have increased by an additional 28.5 million dollars.

The increase in funding allows the State to dedicate additional monies to HAVA activities already identified in the Plan, as well as to provide an opportunity to consider new endeavors to improve the overall administration of federal elections. Allocation of this increased funding would materially change the State Plan. Accordingly, this Addendum reflects updates and changes to Section One and Section Six.

The Addendum has been prepared in accordance with the procedural requirements of section 253 of HAVA. The HAVA State Plan Committee convened on April 4, 2007, to provide input on the use of the additional funds. In particular, the Committee discussed dedicating a portion of the funds to implement a voter-verified paper audit trail (commonly referred to as "VVPAT") for the voting systems. The Addendum reflects the Committee's input. Although HAVA does not mandate the use of a VVPAT, HAVA funds may be used for such "other activities" upon the State satisfying the mandated requirements of Title III. (See EAC Letter to State of Florida, dated May 2, 2007).

Prior to the issuance of the Addendum, the State certified to the EAC, by letter dated June 25, 2007, that it is in compliance with the mandated Title III requirements, and advised the EAC that it intends to dedicate some of the HAVA monies for a VVPAT component to its electronic voting systems.

As fully set forth below, in furtherance of the State's interest to improve the overall administration of federal elections, New Jersey will use up to approximately 15 million dollars in the Election Fund to retrofit the voting machines in 20 counties with VVPATs, and to increase funding for the SVRS, voter education, as well as State management.

II. Section One of the Plan

A. HAVA-Compliant Voting Systems

1. Status at the Time of the Submission of the Plan

At the time of the submission of the State Plan, only two of the State's 21 counties had HAVA-compliant voting systems for use in their polling places. The voting systems in the other counties were as follows:

- Seven counties had lever machines, although two of those counties, Hudson and Mercer, had already contracted for electronic voting systems, which were to be in place by 2004.
- Three counties had electronic voting systems that could not be retrofitted with audio kits to allow independent voting by voters with visual impairments.
- Nine counties had electronic voting systems that could be retrofitted with audio kits.
- Cape May and Somerset Counties were using a punch card system to count absentee ballots.

The State anticipated that HAVA funds would be used to absorb at least half of the cost of the voting machine replacements or upgrades.

Section One of the Plan also noted the ongoing, national discussion among computer scientists and advocacy groups regarding the security and reliability of electronic voting machinery. This concern was the apparent genesis for the proposal that a voter-verified paper record system be used in conjunction with the machines. Although not technically required by HAVA, the Plan indicated that the Attorney General was committed to studying this proposal to determine if it would be beneficial for voters [recognizing the need to maintain public confidence in the electoral process].

2. Current Status of Voting Systems

For the first federal election held in New Jersey in 2006, the June 6th Primary Election, all of the State's voting machines were HAVA-compliant as follows:

- The lever machines that were used in five counties were replaced with the Sequoia Advantage AVC full-face machine. These are the same machines that Hudson and Mercer Counties began using in 2004.
- Of the three counties with non-accessible electronic voting systems, Atlantic and Passaic Counties purchased the Sequoia Advantage AVC machine. Warren County purchased the Avante VoteTrakker full-face machine.
- The machines in the remaining nine counties were brought into full HAVA compliance by retrofitting at least one machine per election district with an audio kit
- The punch card system in Cape May and Somerset Counties were replaced with electronic counters..

B. Compliance with Other Mandated HAVA Activities

In addition to the voting machines, the State satisfied the other mandated activities under Title II of HAVA as follows:

1. Administrative Grievance Procedure

By way of State statute, N.J.S.A. 19:61-6, the State implemented an administrative grievance procedure for any individual who believes that there has been, or will be, a violation of Title III of HAVA. This procedure comports with the corresponding HAVA provisions.

2. Forms and Notices

HAVA mandates that a state provide certain forms and notices to further voter participation in federal elections. To meet this mandate, the State revised its voter registration forms to incorporate the required provisions relating to citizenship and age, as specified in section 302 of HAVA (42 U.S.C. § 15483). The form further requires the registrant to provide his or her driver's license number or MVC non-driver ID number, and only if the registrant does not have either number, the last four digits of the social security number. For those registrants with no such form of identification, a check-off box to that effect is provided.

In addition, pursuant to Section 302 of HAVA (42 U.S.C. § 15482), the Office of the Attorney General prepares and distributes the Voter's Bill of Rights, comprised of two easy-to-read posters, to each county board of election for display in the polling places on election days.

3. Provisional Ballots and The Free-Access System

As noted in the initial State Plan, New Jersey has offered provisional ballots to certain voters at the polls on election day since 1996. These ballots originally were used for voters whose voter registration information in the poll book was deficient (e.g., signature missing); or for voters who had moved and did not notify the county commissioner of registration before the election. In response to HAVA, State law was amended in 2004 to allow for the use of provisional ballots for first-time registrants by mail who had not satisfied the identification requirements of section 303 of HAVA (42 U.S.C. § 15483). The amendments are set forth in N.J.S.A. 19:53C-3 (i).

The related HAVA requirement that provisional ballot voters be provided with a free-access system to ascertain the disposition of their ballots was also instituted by the State and provided for in all elections, not just federal, pursuant to N.J.S.A. 19:61-4. The current system is a toll-free telephone system. The voter is connected to the appropriate county board of election, which sends the information by U.S. mail to the voter's registered address. It was determined that this procedure ensured the confidentiality of the process, which is required under HAVA.

Although not required by HAVA, the toll-free system also is available for absentee ballot voters. Written notice of the availability of this system is included in the absentee ballot materials that are sent to the voters by the county clerks.

4. Statewide Voter Registration System

The State of New Jersey embarked on a comprehensive plan to overhaul its county-based voter registration system into a statewide voter registration system ("SVRS"), as required by section 303 of HAVA (42 U.S.C. § 15483). New Jersey's SVRS is an interactive, computerized system which links the 21 county commissioner of registration offices with the following State agencies:

- Motor Vehicle Commission
- Department of Corrections
- Administrative Office of the Courts
- Parole Board
- Bureau of Vital Statistics.

The SVRS contains the official list of all the qualified registered voters in the State. The county commissioners of registration are responsible for the daily maintenance of the voter registration records of registered voters within their respective jurisdictions.

With the implementation of the SVRS, the registrant's driver's license number, MVC non-driver ID number, or the last four digits of the social security number of a registrant can be verified electronically. The system can also identify those registrants who are potentially duplicative, deceased, or criminally disqualified. In addition, the State now has the ability to maintain the complete voting history of voters who move between counties. Prior to the SVRS, such records did not move with the voter as there was no mechanism for the transferring of records for inter-county moves. The SVRS also has an enhanced reporting capability which allows the State to generate reports which either are required by the EAC or can be used for voting studies.

The SVRS further includes a comprehensive Election Management System ("EMS"), with various modules to allow for uniform and upgraded election administration in the county election offices. The EMS includes components for absentee ballot processing, poll worker assignments, redistricting capabilities, poll book generation, and nomination petition management.

**C. The Implementation of a Voter-Verified Paper Audit Trail for Voting Systems:
An Activity Intended to Improve the Overall Administration of Federal Elections**

As stated in Section One of the original State Plan, New Jersey indicated that it intended to study the issue of a voter-verified paper record component for each of its voting systems. This issue was brought into the national forefront by New Jersey Congressman Rush Holt (D-NJ), who introduced legislation in 2004 which would require a corresponding paper record for all votes cast on an electronic voting system. This legislation was intended to dispel concerns of the possibility of computer software flaws or errors which could alter election results.

Although this proposal remains under Congressional consideration, on July 9, 2005, the State enacted a statutory requirement that, no later than January 1, 2008, a voter-verified paper record be provided for each vote cast in an election. These paper records will be the official records for any recount or audit. The State has determined that providing a paper record for individual voter verification for all elections, including federal elections, will further voter confidence in the electoral process and underscore one of the primary objectives of HAVA – to increase voter participation in federal elections. Participation is partly dependent on voters having the assurance and belief that their votes will be properly counted and that sufficient safeguards exist to ensure the accuracy and integrity of the election results. New Jersey has concluded the VVPAT is a meaningful enhancement to protecting the integrity of the State's elections.

Accordingly, the use of HAVA funds for this activity is appropriate and commensurate with the spirit and intent of the federal law. The allocation of funding for this activity is reflected in the revised Section Six of the State Plan as set forth in this Addendum.

III. Section Six of the Plan

Section Six of New Jersey's initial State Plan set forth an estimated budget for the dedication of HAVA funding to implement the Title III requirements, voter education and election officials training, disability access, and the administrative grievance procedure. In addition, the State allocated funding for state administrative costs to oversee the HAVA programs. The Plan did not dedicate any funding for VVPATs, as no determination had been made at that time to implement this voting system option.

As noted in the Introduction, the budget was based upon a fund of approximately \$68 million. The State Election Fund has received a total of \$91 million. The following chart reflects the amount of monies dedicated to the requirements and activities originally listed in the Plan, the changes to several of those categories, and the inclusion of the proposed VVPAT expenditure. The State intends to dedicate up to approximately \$15 million toward the purchase of the VVPAT.

Of the activities originally listed in the Plan, the State intends to increase the SVRS line item from \$20 million to \$25 million; the voter education and outreach expenditure by an additional \$500,000 and the State management budget from \$3 million to \$5.5 million.