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JON S. CORZINE  
*Governor*

ZULIMA V. FARBER  
*Attorney General*

May 18, 2006

The Honorable Jon S. Corzine  
Governor of the State of New Jersey  
P.O. Box 001  
125 West State Street  
Trenton, New Jersey 08625

**Re: Report on the Progress of HAVA Implementation**

Dear Governor Corzine,

Pursuant to P.L. 2004, c.88., attached please find the report on the progress of the implementation of the federal "Help America Vote Act of 2002" (HAVA) in New Jersey.

Sincerely yours,

  
ZULIMA V. FARBER  
ATTORNEY GENERAL OF NEW JERSEY

Encl.

c: Senator Richard J. Codey  
Senator Leonard Lance  
Assemblyman Joseph J. Roberts, Jr.  
Assemblyman Alex DeCroce  
Office of Legislative Services

## **Report of the Attorney General on the Progress of HAVA Implementation**

### **Voting Systems**

In 2003, when the State was preparing the HAVA State Plan to be filed with the federal Election Assistance Commission as required by federal law, it was determined that almost all of the voting equipment in use in the State at that time would need to be replaced or upgraded. A funding scheme was initiated which reimbursed each affected county 75% of the cost of voting machine replacement and 100% of the cost of audio kit, and any required firmware and software adaptations.

Specifically, it was determined that Atlantic, Essex, Camden, Cape May, Cumberland, Monmouth, Passaic, and Warren Counties would need to purchase new HAVA-compliant voting machines, as their machines were either antiquated lever machines or were simply not able to be retrofitted to meet the HAVA requirements. It was also determined that Bergen, Burlington, Hunterdon, Gloucester, Middlesex, Morris, Ocean, Somerset, and Union Counties, which already had Sequoia AVC Advantage machines, would have to have these machines retrofitted with audio kits, and, if required, have firmware and software upgrades. In 2001, pursuant to legislative authorization, the State paid for Sussex County's acquisition of a new voting system to replace its punch card system. The new system is fully HAVA-compliant. Similarly, the State paid for the replacement of Salem County's punch card voting machines with HAVA-compliant voting machines. In 2004, Hudson and Mercer Counties purchased HAVA-compliant voting machines. These two counties were reimbursed with HAVA funds, pursuant to the above-noted formula.

As of November 2005, Atlantic, Camden, Cape May, Cumberland, Essex, Monmouth, and Passaic Counties signed contracts for the new Sequoia AVC Advantage voting equipment with an audio kit component. To date, Cumberland and Essex have received their full complement of voting machines. Atlantic, Cape May and Monmouth each have received a sufficient number of machines for county-wide use. Camden and Passaic expect to have complete delivery of their machines by the end of May. All the counties listed above have been reimbursed with HAVA funds, pursuant to the formula described above. Warren County has signed a contract for the Avante Vote Trakker full-face machine, which has just been certified by the Attorney General for use in the State.

## **Audio Kits**

HAVA requires that voting machines permit a voter with a disability to vote independently and in private, particularly a voter with visual impairments. On July 8, 2005, the State signed a Purchase Order with Sequoia Voting Systems to retrofit the existing voting machines in Bergen, Burlington, Hunterdon, Gloucester, Middlesex, Morris, Ocean, Somerset, and Union Counties. This retrofit began in January 2006 and has been delayed due to a manufacturing problem with the kits. Installation of the audio kits and firmware is expected to resume by mid-2006.

## **Statewide Voter Registration System**

The State is working diligently towards full implementation of the HAVA statewide voter registration system requirements (SVRS). Under federal law, the SVRS is to provide an electronic process for data verification of all new registrants and list maintenance procedures to assure an accurate statewide voter registration list. The New Jersey Statewide Voter Registration System (SVRS) application is nearly fully developed with the final base development having been delivered on schedule on February 28, 2006.

In addition to the specific SVRS requirements under HAVA, the State, in conjunction with the assistance of the county election officials, chose to implement a comprehensive Election Management System that provides the ability to process voter registration, election management, pre-election preparation, petition management, absentee ballots, and ongoing administration tasks, along with a robust reporting mechanism in a unique architecture whereby data is entered directly into the State database and immediately replicated onto local servers for disaster recovery, back-up management and localized report generation purposes. The New Jersey SVRS solution is a complex system architecture that was further complicated by the necessity to customize existing code to meet New Jersey's specific election management needs.

Whereas New Jersey had originally targeted full deployment of the SVRS prior to the January 1, 2006 deadline, technical issues with the program development and the inability of the contractor to deliver the completed application with sufficient time for the State to perform appropriate testing prior to scheduled deployment forced the State to delay the implementation. The State demanded that the contractor take immediate corrective action. In response, the contractor did take extreme steps to put the development back on track (acquiring the source code from the sub-contractor and removing the sub-contractor from the project).

Upon delivery of the final build on February 28, 2006, the State immediately began another round of User Acceptance Testing and performed a complete regression test of all application modules to ensure that none of the previously working modules

were affected by the recent code changes. With the development team now fixing issues discovered during those tests, the revised deployment schedule remains intact. Beginning at the end of March, SVRS deployment began and continued over the following several weeks, taking into consideration the upcoming April and May elections. The deployment effort will be completed by May 19, 2006.

Although full deployment will be completed by May 19, 2006, the counties and State still have to address various data conversion issues that will be identified after the deployment has occurred. In some instances, correcting conversion issues is done via an automated process. However, in some instances, the conversion issues must be corrected manually. In those manual correction instances, county staff time and effort is required and so the use of the application is dependent on how quickly a county can resolve the data issues. Further, to ensure that the application is working to our full expectation and to ensure that the system can handle the stress of all counties using the system simultaneously, a mock election is planned for late July to thoroughly test the application from a usability perspective providing plenty of time to address any discovered deficiencies prior to the November election, when the SVRS will be the official system of record. Although not mandated, the conduct of a mock election will further assure the application's accuracy and ability to provide for a trouble free election process, which is a paramount State interest.

Following is a link/web address to the NJ SVRS Project Website wherein extensive detailed information about the design of the system, the project plan, various communication pieces, and the project schedule can be found. Information on this website is updated weekly and provides up-to-date status information on our project time line. This material provides great insight into the SVRS project and serves as an invaluable informational resource. [www.state.nj.us/lps/elections/svrs/index.html](http://www.state.nj.us/lps/elections/svrs/index.html)

### **Provisional Balloting**

Section 302 of Title III in HAVA creates the right of voters in federal elections to cast provisional ballots if they fail to provide the required identification information, or if they are voting after the polls close by way of a federal or state court order. New Jersey initiated the use of provisional ballots in 1996, pursuant to a federal court order. Provisional ballots were initially used by voters who moved within the county without informing the county election officials before the election, and for voters whose complete registration information was not in the poll book. This procedure was codified into Title 19 as of 1999. P.L. 2004, ch. 88 was enacted, in part, to conform New Jersey's provisional balloting to the HAVA requirements.

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

HAVA requires that any person who, on or after January 1, 2003, registers to

vote for the first time by mail shall have to provide identification. This requirement has been fulfilled to date, by working collaboratively with the New Jersey Motor Vehicle Commission to manually verify that each first time registrant has submitted valid identification. Once the Statewide Voter Registration System is fully in place, this function will be done electronically through a link to MVC's database.

### **"Free Access" System**

HAVA requires that each voter who casts a provisional ballot, as of the 2004 Primary Election, be entitled to make use of a "free access" system, to ascertain whether his or her ballot was counted and, if not, the reason for rejection. This has been accomplished by establishing a voter registration hotline in New Jersey (877-NJ-VOTER), which not only provides voters with the ability to find out whether their provisional ballot has been counted, but it also allows them to request a voter registration or absentee ballot application and will also connect the voter to either the Board of Election, County Clerk, and in some counties the Superintendent of Elections. The free access system is also available for an absentee voter to ascertain whether his or her ballot was counted, and if rejected, the reason for the rejection.

### **Polling Place Posters**

HAVA also required a state to provide voting-related information in each polling place. In response, New Jersey expanded the type of information it provided to the voters, including the challenge procedures, voting machine instructions, the availability of complaint forms, the new identification requirements, as well as general information regarding federal and state laws concerning electoral fraud and misrepresentation. This information was formatted into posters by the State, which have been in use since 2004. Commencing with the 2005 November election, the voter rights polling place posters were available in English, Spanish, Chinese, Mandarin and Cantonese, as well as Gujarati.

### **Voter Registration Application and other Election Forms**

HAVA required that certain changes be made to the voter registration form, as of 2003, for purposes of the first-time registrant by mail; the form was changed accordingly. This form must be further modified in accordance with HAVA identification requirements relating to the SVRS. To assure that one form is applicable for any election held in the State (as HAVA only applies to federal elections), state conforming legislation is necessary. The provisional ballot affirmation statement will also be changed to be consistent with the voter registration form.

HAVA also required the county clerks to provide notice to affected absentee ballot voters that they may have to provide a copy of an identifying document with the

returned ballot. This notice was provided by the State on a separate sheet with the absentee ballot materials.

### **Voter Education and Training**

One of the main goals of HAVA is to encourage voter participation. The New Jersey "Be Powerful, Be Heard" Voter Outreach and Education Initiative was created to inform New Jersey citizens of HAVA-related electoral procedures and to emphasize the importance of registering and voting. Beginning in 2004 and continuing through 2005, the Office of the Attorney General produced a number of public service announcements that were broadcast on television and radio as well as the Internet. These announcements informed the public of upcoming elections and related electoral deadlines and at all times were non-partisan.

For further detailed information, all 2005 NJ HAVA Voter Outreach Events and Activities are posted in the NJ HAVA "Be Powerful, Be Heard" website. The address is [www.njelections.org](http://www.njelections.org).

### **Election Official Training**

In furtherance of the goals of HAVA, New Jersey has instituted a formal educational program for county elections officials as they have the primary responsibility for conducting elections in the State. The program is offered at the Center for Government Services of the Edward Bloustein Graduate School of Planning and Public Policy at Rutgers University, the State University of New Jersey. In 2005, the first course, entitled Basic Election Administration, was attended by approximately 100 election officials and administrators. It was offered in three locations: Hammonton, New Brunswick and Newark.

In 2006, the Basic Election Course was attended by 30 county election officials and administrators. It was held at the Middlesex County Fire Academy in Sayreville. In addition, the Attorney General, in collaboration with the Center and several county election officials, is developing a separate course on voting devices and an advanced Election Administration course.

### **Poll Worker Training**

HAVA requires that the State provide guidelines to the county boards of election regarding training for the district board workers. The guidelines are expected to be issued shortly. In addition, the Attorney General's office is working with several county election officials to develop a standard district board worker manual for use in each county. It is anticipated that the manual will be in distribution for the upcoming November election.

Any questions or inquiries regarding this report can be directed to Michael J. Gallagher, HAVA Administrator at 609-588-4535.