
Public Hearing

before

SENATE STATE GOVERNMENT COMMITTEE

Senate Bill No. 2123

(Creates new Title 19A, Elections; establishes elections offenses in Title 2C)

LOCATION: Rutherford Borough Hall
Rutherford, New Jersey

DATE: March 5, 2003
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Garry J. Furnari, Chairman
Senator Thomas H. Kean Jr.
Senator Robert J. Martin



ALSO PRESENT:

Joseph P. Capalbo
Office of Legislative Services
Committee Aide

Wendy Chill
Senate Democratic
Committee Aide

John Hutchison
Senate Republican
Committee Aide

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SENATOR GARRY J. FURNARI (Chairman): Good morning, everyone. My name is Garry Furnari. I'm the Senator from the 36th Legislative District, and the Co-Chairman of the State Government Committee of the New Jersey Senate.

This morning we are going to begin the first of a series of three hearings on election laws in the State of New Jersey. Last February, I introduced a resolution, Senate Resolution No. 46, which required the State Government Committee to do a complete evaluation of election law and to address all of the issues that may be associated with it.

To be sure, this is not the first time that the New Jersey Legislature has embarked upon a process of evaluating their election laws. And they have been conducted by some of the finest Senators and Assemblymen at the time, during their respective terms. In fact, one of the Senators sitting with us today, Senator Martin, chaired a committee that began this investigation probably 12 or 13 years ago, maybe even more than that.

SENATOR MARTIN: It's about right.

SENATOR FURNARI: And it is a critical time for us, however, and it's important that the work that we do, as this Committee, addresses all of the variety of different concerns that are out there, and that we pass some legislation. In fact, the Federal government has recently required that we, certainly, make some changes to the law in order to comply with the Federal requirements.

There are extremely important issues. It's a topic that is enormous from a variety of different standpoints -- simply addressing the issue of parties and how New Jersey addresses them is probably a topic that could go on for

hours unto itself. Simply addressing the many issues that are in our law that have nothing to do with the complexion or with the configuration of the structure of the legislative districts-- We have laws that say, amongst other things, if you move from the county with which you were elected, that there's an automatic vacancy -- when you are currently sitting in the 36th Legislative District, which encompasses three counties. So we need to, certainly, tighten up those simple issues.

And we are going to address and, hopefully, come to some resolution to the extremely thorny issue of vacancies. Over the past few years, these issues have been addressed and have been of significant concern to those of us in the State of New Jersey. Last year, there was much issue raised in the United States Senate race when, after the time limit had passed, the candidate decided to step down from office, and there needed to be an alternative candidate that was presented. And there was much political hoopla and discussion about the simple enforcement of a 1950 -- they were in the '50s -- a decision of the Supreme Court that said that this process would be appropriate, even though New Jersey law seems to be completely at odds with it.

Not going very much forward, the year before we had an interesting situation with the Governor's Office, as well as local candidates. At that time, a gubernatorial candidate decided to step down from his running for office and needed to do it. The New Jersey Legislature reacted in time to allow him to do so, to extend the dates on which there could be filing so a different candidate could run for office.

And, quite frankly, here in my legislative district, we've addressed some interesting concerns when an Assemblyman who was running for office attempted to file petitions to run for both the Senate and the Assembly. And when you look at our law, it does not clearly designate, at least from the position of that candidate, that you couldn't run for two offices simultaneously, although I think it's conceded that you couldn't serve in both the Assembly and the Senate at the same time. And once again, when you fail to file that petition in a timely manner, the New Jersey Legislature, at the time, reacted and extended the period of time so that that candidate could decide to run for office.

These are issues which -- at least at the very heart -- sometimes tend to undercut the confidence that the public has in a fair election process, and these are issues that we need to address and to have some uniformity. And, hopefully, we will be able to develop a uniform law that, one, ensures that every voter who ever wants to cast a vote -- legitimate voter -- has that opportunity and a voice to be heard, while, at the same time, ensuring that we have a fair and reasonable election process.

Today's meeting will focus upon a bill that was recommended by the Law Revision Commission, which has been working on election reform for some time. That bill is recommended, has been introduced, and sponsored by me. It was introduced and sponsored for the purposes of bringing it to this Committee and for us to be able to conduct discussions about that bill. I, quite frankly, don't know any legislator or, for that matter, anyone that I've talked to who is married to any or all of the proposals there, but it certainly has taken

us a long way through the process of evaluating, discussing, and considering, in an intelligent manner, the issues that we are facing.

So with that as the threshold, I am going to invite the Chairman of--

Is Mr. Cannel's title the Chairman of the--

MS. CHILL (Committee Aide): Executive Director.

SENATOR FURNARI: --the Executive Director of the Law Revision Commission to come up and explain to us -- or at least highlights of the bill -- and to explain to us the reasoning that may have gone into many of the positions. And, hopefully, we will hear from a number of people here today that we're going to hear from, with regard to their positions relating to that.

Before we begin, Mr. Cannel, do any other members of our Committee like to say anything before we begin?

SENATOR MARTIN: Thank you, Mr. Chairman.

I'm Senator Martin.

As was noted, I think many of us have recognized for many years that the election laws in the State of New Jersey need substantial reform, and it's not for a lack of trying. And as was mentioned, when I was chairman of the Assembly State Government Committee in the early 1990s, we looked at this. We made some progress, in terms of what we thought needed to be done, but we didn't quite have the wherewithal to get it accomplished.

I am reasonably optimistic that under the leadership of the Co-Chairs, Furnari and Kavanaugh, that we will be able to go forward, especially in view of the incidents from the year 2000 and others at the Federal level and, also, with the problems in the State of New Jersey.

And I'm anxious to hear the testimony. And, hopefully, we'll be able to put together a bill that will be bi-partisan, because, certainly, I think fair elections are good for the State of New Jersey, and I don't know that fair elections, necessarily, encumber any party, but it is important to know what the rules are. Otherwise, you do have these recurrent issues about what's fair and what's not fair and what, exactly, the game -- it's more than a game -- it's a game of serious consequences, how one should be able to perform as a public servant and to seek that position.

So with that, I look forward to the testimony and will work with you, Garry, to try to make this happen.

SENATOR FURNARI: Thank you, Senator Martin.

Senator Kean.

SENATOR KEAN: Thank you, Mr. Chairman. My name is Tom Kean. I represent four counties in my district. And I think my clerk, Joanne Rajoppi, will be happy to know that I'm not moving from Union County. I learned something this morning. But we'll be in Union County for a while.

This is an important issue. I look forward to working on looking at this issue very, very closely. It's great to be on this Committee. I've only been on this Committee now a month. But I was on the Assembly State Government Committee and have looked at election and election reform issues in a variety of fashions.

I'm not sure if I should say this publicly here today, but it was my bill that expanded the voting hours and doubled the pay of the poll workers, as well as allowed for the 16- and 17-year-olds to work during the election time, for that same pay.

I have some bills on this that will be the subject of future hearings, as well as efforts to make sure that we have the money we need to ensure that the counties have the most up-to-date equipment. If they're investing all this money, they should be reimbursed to make sure that they have the -- that they are doing the hard work to ensure the integrity in the process.

And, Mr. Chairman, I look forward to working with you and the members of the audience in the future.

Thank you.

SENATOR FURNARI: Thank you.

Mr. Cannel.

JOHN M. CANNEL: Thank you.

The Law Revision Commission began working in this area, roughly, in January of last year, obviously spurred by the events involved in the 2000 election and realizing that no state is immune from those problems. Elections go rather well in New Jersey, but that doesn't mean that every aspect of the law really contributes to that. And if we were to have a close election, we would have problems, just as every other state would have problems.

We were, of course, spurred then, later, by other things that have happened. The most critical one is change in the Federal law, which now has put deadlines on doing particular things, some of which we already do, but some of which we don't.

The Help America Vote Act requires a statewide registration and a statewide office running it by January 1 of 2004. Waivers are available, perhaps, but I don't know that we want to go and ask for a waiver having done nothing. And that's really the state we're in right now.

So certain things in the bill are there because the Federal law mandates them. In some cases, there are things that we felt were extremely good ideas, like the statewide database, and we had recommended it even before it was required. But the requirement puts it in a whole new category.

We made a number of administrative decisions based on that, one of which was to set up a bipartisan, multipartisan, nonpartisan commission to supervise this, because the alternative is to say, "Give it all to the Secretary of State," or, "Give it all to the Attorney General, somebody in that office." And there was a reluctance in the Commission, formed as we are, to do something that wasn't as balanced as a county board of elections is balanced. And so that's why the Commission is there.

Let me drop back a second. We made a whole lot of decisions, some of them trivial, some of them important. They're involved-- They resulted in a recommendation which is statutes, and notes on it, of 87 pages. Ninety-eight percent of them, probably, have been received very well and have received either no comment or only positive comment. There's about 2 percent that people disagree with. We're going to hear a lot about those today, I'm sure. And that's as it should be.

The fact that the Commission recommends something is the beginning of the process, not the end of the process. As you, of course, well know, it is the Legislature that must make all these hard calls. I hope that the 98 percent will become easy calls, and then you can devote your attention to the other 2 percent, which is fine.

In any event, let me outline what I consider the most significant things. Even though a few of them are controversial, many of them are not.

Statewide database -- required by Federal law -- shouldn't be controversial, because we're part of the United States of America, whether we like it or not. By and large, I think I like it.

We played with the dates of elections a little bit in response to recommendations from the League of Municipalities that called for a -- they wanted a total consolidation of all elections on the same day. We considered it impractical to have both nonpartisan and partisan together, but we merged the school elections and the nonpartisan municipal elections onto the same day. You want to take a look at that. It will save money. I see no problems with it. We had to choose the school election dates, because of the problems of -- because that's very tied up in budgeting.

We put in an emergency provision. Right now, there's nothing in the statutes calling for what you do in case of emergency. Remember in New York, there was an election scheduled for September 11, 2001. There was no provision in New Jersey law that would deal with what happens if you have that, or a flood that affects one county, or something like that. And we thought it was necessary to put one in.

SENATOR MARTIN: Mr. Chairman, just a point of order.

Do you want him to complete his testimony before we would be able to ask him about these specific areas?

SENATOR FURNARI: Well, that is what we contemplated, Senator Martin. But I would be happy to -- if you have a different suggestion -- to proceed that way.

SENATOR MARTIN: That's fine.

MR. CANNEL: I'm going to go through this very quickly, and there will be many things that I don't touch on. And all of our stuff, and all of our documents, is available at our Web site, including staged drafts and memoranda and everything. That is, it's all open for anyone to look at.

Absentee ballots: The overwhelming advice to the Commission was to get rid of specific reasons for them, because they really weren't enforceable or wise. We, therefore, did that.

We dealt with the problem of vacancies on the ballot, which was the subject of incredible conflicting statutes, including some that weren't mentioned in the opinion. After 45 days, the party that wants to replace someone pays the cost, following what the Supreme Court did. And after 25 days, no change at all -- that is, it's a frozen ballot after 25 days. Partly, that's done for absentee purposes, but partly because all-- The states that do it otherwise-- For instance, in Minnesota, you remember, there was a change in senate, I think, seven or 10 days before, and they changed. But that meant they had to run the whole race on paper. And we felt that balancing those two things, it was better to have a frozen ballot, have somebody vote for a dead man, and then run a new election rather than run an election on paper. You could easily decide that one the other way.

We incorporated certain constitutional law changes -- that is, the rights of parties other than the, what we refer to as, the certified parties, the parties for whom we run primaries. And we reflect what we consider the current constitutional law.

On administrative stuff, in addition to the Commission that I've already talked about, we dealt with a time line. That is, if you go through the

current statutes, there are a number of anomalies. A thing is required to happen on a particular date, but it can't happen on that day, because it would require something else to have happened first, and the deadline for that is later. We went through the thing, we established deadlines, and then we went through and made sure they were consistent. It should be a little bit clearer.

Where there were administrative unclaritys, there are some issues where it isn't clear who does what -- the law's accreted over a long period of time, and some of them call for a body to do a particular thing, and then another law calls for a different body to do the same thing. Counting the votes is done in, certainly, the older laws -- it calls for the county clerks to do it. In more of the modern ones, it calls for the board of elections to do it. We decided it was important, whatever we do, to make that consistent.

The thing that I think is the most controversial -- and as I say, we're not quite at final report on it -- is, we move two functions from the county clerks to the board of elections. Issuing absentee ballots, which we did for purely administrative things -- that's a purely ministerial act, and it's done with access to the database -- made more sense, in our mind, to have the election department do it, under the supervisor of administrative elections.

And ballot design, which is, I think, highly controversial-- That is, we felt that designing the ballot and putting people on the ballot should not be done by somebody who is running for office on a party, and who is apt to be on that ballot him or herself, and that's why we moved it over there. Reasonable minds can differ on this.

That, I think, hits the high points. There's a lot of other stuff in it, and I'm perfectly happy to take questions on either what I talked about or what I didn't talk about.

SENATOR FURNARI: Senator.

SENATOR MARTIN: I guess I was-- As you went down the list-- I mean, all-- I'm anxious to hear what some of the players have to say with the clerks' office and the superintendents of elections on some of those issues. I was just-- We've struggled on one point, which is, sort of, outside of that, which is whether we merge elections. We've talked about various approaches as to school board elections, nonpartisan elections, general elections, and so forth.

And your recommendation, which would take the nonpartisans and the school elections-- Is it primarily cost? Is that inconvenience? Is there some good government reason to merge the two, because there are some--

MR. CANNEL: Oh, there are good government reasons in both directions, as always, but we felt the good government reason for doing-- First of all, there's cost. We're pretty cheap people. We don't like spending money when we don't have to.

SENATOR MARTIN: I understand that. So it's cheaper to have one election rather than two.

MR. CANNEL: The second thing, and perhaps more important, is the good government reason, which is, if you ask people to come out and vote 18 times a year, you're not going to get them out for all of those 18 elections. If you limit it to fewer elections, we would create a situation where, in the ordinary time, the most there would be is three.

You may get a slightly better turnout than you would for four. You'll get a few more people out for the school board election if it's coupled with the mayoralty, if it's a nonpartisan mayor. And increased participation is something that we felt was a good thing.

Now, there are countervailing things. There are those who believe that the mayoral politics shouldn't be mixed in with school board. But take a look at the number of people who vote in school board elections. It's really amazingly low, and anything we can do to get it up, I think, outweighs that, at least that was the Commission's decision.

SENATOR MARTIN: Maybe this should be directed to a professor, but you haven't really-- I mean, there is a government issue about people voting in areas that they have very little knowledge of. There is some question about whether it's wise to have somebody cast a vote who is uninformed, just for the sake of having a higher vote. And there is some question, it seems to me, that, at least at this stage of the nonpartisan elections and the school board elections-- Along those lines, have you contemplated -- and this is, perhaps, more political than anything else, but you well know that New Jersey is out of the loop when it comes to presidential primaries. And there has been some interest in having us be able to cast votes early enough to play some role. Was that considered at all?

MR. CANNEL: There are a fair number of issues. For all the fact that we have some real opposition to some things we did, we try to avoid hot substance. You can't avoid substance, but there are certain things that we thought of as, inherently, so political that it was wrong for the Commission, really, to weigh in on them -- like moving the dates of the primaries, or that

were so recently done by the Legislature that -- as the hours of elections. We heard a lot of people who thought that the hours are unworkable. We've heard people who think they're the best thing in the world. But we did feel that if the Legislature makes a decision last year, it's not for a Commission to tell them that we have a descent a year later. You don't revise it until the paint is dry.

SENATOR MARTIN: So what you're saying is, you didn't look at that -- about whether we should have an election every four years for presidential primaries.

MR. CANNEL: No, the presidential primary time, which is a separate issue, we never touched on at all.

SENATOR MARTIN: Was there any thought given to combining the school board elections with the general elections in November--

MR. CANNEL: Yes.

SENATOR MARTIN: --which is -- at least the current bills have been -- have suggested that?

MR. CANNEL: The League of Municipalities wanted all elections at the same time. Our basic view was, there were two problems with it. The first is, merging nonpartisan and partisan elections is administratively difficult. The second one, and I think even more critical is, school board elections have to be run at a particular time in the budget cycle. And you would need to re-examine your school budget cycle if you were going to move school board elections, and school budget elections, and things like that to the fall.

SENATOR MARTIN: Thank you.

I'll stop here.

SENATOR FURNARI: Senator Kean.

SENATOR KEAN: No questions.

SENATOR FURNARI: Mr. Cannel, I just have a couple questions, following up. You said it would be administratively difficult to merge nonpartisan and partisan elections. Can you expand upon that? Why is it administratively difficult?

MR. CANNEL: Well, if you're on partisan elections, people are grouped--

UNIDENTIFIED SPEAKERS FROM AUDIENCE: We can't hear you.

SENATOR FURNARI: I'm sorry.

We have no amplification?

MR. CANNEL: Do you want me to state the question?

SENATOR FURNARI: No, no, I can speak loud enough.

You indicated that there was an administrative difficulty in having partisan and nonpartisan elections on the same day. And I'm asking Mr. Cannel to expand on that statement.

MR. CANNEL: Well, first of all, let me make it very clear, it's not impossible. None of this is, like-- There's certain things you can't do, but this is not one of them. There are several kinds of difficulties. The first one is the fact that on partisan elections, people run in columns by party, and that's, kind of, important. And the nonpartisans wouldn't be part of that same column structure.

When you have a lot of extraneous people on the ballot who are part of that column structure, it may be difficult to find them. In my home

county, for instance, one can't find the third-party candidates running for high office. They're always buried in odd corners. But in this case, it would actually be necessary to do strange things.

The second thing is, a long ballot is hard for people to handle. There's a limit to the number of elective offices you want. And it's a problem. It's a balancing thing. All of the problems with doing it can be overcome. They all have one level or another of difficulty, and I wouldn't worry about-- I mean, if you want to do it enough, if you can't do a single ballot, you can have two ballots in two machines, and go first from one and then to the other. I mean, there are lots of things you can do. None of this stuff is impossible. The only question is, how much do you want it, and are you willing to deal with the problems for it?

SENATOR FURNARI: My question was geared towards-- As I understand it, we have different laws for different nonpartisan elections. I believe that they all permit candidates to bracket themselves together. I think that that's permitted in any election. I'm not sure if it's permitted in a school board election. But it's certainly permitted in the commission form of government, where I have run for office in a nonpartisan election. So it would seem to me that those -- the bracketing of candidates would be very similar, in a partisan election, to a line. So I'm not sure--

MR. CANNEL: Then you need a lot of lines, because there are going to be different kinds of brackets. And the lines for bracket-- It can be done.

SENATOR FURNARI: But I'm saying, if your suggestion is that we put nonpartisan elections and school board elections on the same day, we

don't necessarily eliminate the administrative problems that we have with parties being on line.

MR. CANNEL: Oh, absolutely. We just make them a little bit less severe.

The other thing, is the issue of bracketing and how it works came up in discussions before here. And we basically repeated the current statutes. But even today, you never stop learning. There's some of the oral tradition, which-- New Jersey is a very large state. It's thousands of miles from one end to the other, and great, immense cultural differences from one end of the state, apparently, to another. And the result is there are differences. But there is some oral tradition, in terms of it, that we think we need to reflect or to descent from, which has to do with how you become bracketed and when you can be bracketed. And we've got to deal with that, I think, before our final report, in more detail than we have now done it.

SENATOR FURNARI: Now, the issue on vacancies in ballots-- Your proposal has been: 45 days the parties can do it, and after 25 days, no change at all -- 25 days prior to the election.

MR. CANNEL: That's correct, totally frozen ballot -- 25 days. Just this totally frozen list of registration at 30 days.

SENATOR FURNARI: Now, the question that comes up for me-- The example that you used was in a case where a candidate dies, right? That was the one you noted in Minnesota, wasn't it?

MR. CANNEL: There are two ways to handle it. There's the Minnesota way and there's the Missouri way. The Minnesota way is, you have a very late change with the problems that that causes, and paper. The other

way is the Missouri way, where you keep the dead man on the ballot, and then you need to run a new election. There are problems with both.

SENATOR FURNARI: Wouldn't -- and I'm just throwing this out. I'm hoping that maybe you've thought it through. The proposal of what you do when there's a disaster on election day is you put the election off, right? That's the way it makes sense. So if there is the kind of emergency where a candidate dies, wouldn't--

MR. CANNEL: You could freeze it.

SENATOR FURNARI: Wouldn't we stop it right -- stop the process?

MR. CANNEL: But is that fair? Let's assume we have two candidates running, two primary candidates running -- we have to be very clear that there are many candidates running -- and one of them is a shoo-in, and the other one is -- and the other one dies in a plane crash, which is what appears to happen with increasing frequency. If the one who is the shoo-in is then elected against the dead man overwhelmingly, as he would have been if the dead man had lived, it may be simpler to let him be elected than to say, "Okay, we could lock that column, and we'll hold that election a month later or two weeks later." That is a third option. We did not think of it. We did not work on it. It can be done. It has, again, a different set of pluses and minuses.

This one-- We made a proposal that is relatively close to New Jersey law with, to our minds, minimum substance. But there are other routes you can take, and they're not irrational at all.

SENATOR FURNARI: Thank you.

Senator Kean.

SENATOR KEAN: Just to follow up on that. You can take a step back. We've had the Missouri case, the Minnesota case, and we also had the Hawaii case, where Patsy Mink remained on it. And she passed on before Senator Torricelli decided to step out of the race and the whole decision. But she remained on the ballot through the entire process. And then they had, essentially, a run-off.

MR. CANNEL: She was elected, I believe.

SENATOR KEAN: She was elected, and then they, essentially, had a run-off.

MR. CANNEL: That's very much the Missouri approach. And the dates you use as fixing can vary. You could say the ballots are fixed 60 days in advance, and if there are any changes of deaths or dishonor, it doesn't change the fact that that name is on the ballot, and you would know you'd be voting for -- by voting for a dead person, or a person who had decided to drop out, that you would be voting for a new election.

I mean, it can be done that way, and it's merely a matter of, first, which course do you want to take. And it affects, therefore, how far back you wanted to do. We tried to do something based, sort of, on the court decision in Torricelli, largely because it was there. It's not the only approach.

SENATOR MARTIN: And if I understand what you're saying, if we're not careful, we can have a party that, perhaps, doesn't think they could win an election -- have somebody drop out just to create more mischief or something. We've always assumed, in many of these cases, that the person who-- These are highly competitive, and it's teetering on who is going to win,

and it's critical if somebody dies or removes themselves. But we have to be somewhat careful of the strategies that develop. I mean, creative minds never cease to amaze me about how to deal with what's good or bad or take a shot at-- (laughter)

MR. CANNEL: This is a problem that is-- When a person dies, it's, sort of, straight forward, and that's been most of the occurrences we've had. (laughter)

SENATOR FURNARI: We hope it's straightforward.

MR. CANNEL: I don't think that we've reached the point where somebody's going to be killed to make the vacancy.

SENATOR MARTIN: Unless we're talking about a suicide candidate. (laughter)

MR. CANNEL: What happened in the Torricelli case raised a lot-- An old friend of mine, writing in a national news magazine, went on and on about how this opens the opportunities. So you take -- you poll straight through, you pull the guy out. You change your horse if the horse looks as if his early times aren't going well.

You're writing a rule that will be used in what is a very high-stakes game. And with increasing use of polling and stuff like this, what you do will have effects. And notice I say you and not we -- because we made a first proposal that is a very conservative one. You may take a look at these things and say, "Wait a minute. We want a more open rule, a more closed rule, for very important political reasons."

We chose a middle -- what we thought of as a middle ground here, because we're putting forward this elephant here, right? I don't want one toe

nail of the elephant to be the only thing that people deal with. It's bad enough we're dealing with it in one administrative issue. But if it becomes the only thing that people notice, it's a problem.

SENATOR FURNARI: I think the points are well-taken here, Senators. There could always be a strategy that someone attempts to utilize to gain an advantage to win the election. It happens on the national level, it happens locally, and sometimes there are complaints that every method of the process is utilized, whether they're trying to--

One argument, at times, is we're trying to ensure that only the appropriate voters vote, because it's fraud if someone who is not appropriate is voting. By the same time, that method is often used to suppress or to try to stop voters who are trying to cast their votes and get on with their busy life, because if you can deter it, it keeps you away.

So we recognize, I think, that there's always going to be an alternative. When it comes to this vacancy thing, we recognize that a court decided that issue long ago, that the statute itself -- they found that the statute itself, in its language, wasn't sufficient to deal with the problem. Of course, if you control both houses of the Legislature and the Governor's Office at a time, you can just simply change the law to meet your election purpose, but I think that's a unique set of circumstances unlikely to occur, once we pass a law that, I think, everyone can feel comfortable with as the fair rules. And as long as you play to the rules, that's going to be acceptable. So we have to come up with something.

MR. CANNEL: Our primary motivation was clarity. Whatever the rule is, it shouldn't be the way it was in the old statutes. But that's true

across a-- I cannot tell you that every issue that will come up in the next 10 years we have a clear rule on, because I don't know what they're going to be. I can tell you that every issue that we've thought of, we have a clear rule on. You may not love them, but at least they're rules.

SENATOR FURNARI: Thank you. Are you going to be able to stay around for a while for more questions?

MR. CANNEL: Oh, I'll be here as long as you want me, and longer.

SENATOR FURNARI: Thank you very much, because I imagine we will probably look for your expertise and your contribution as the meeting goes forward.

No other questions from the Committee members? (no response)

Thank you, Mr. Cannel.

Ingrid Reed, from the Eagleton Institute.

I want to thank the Eagleton Institute for being with us today, and for meeting with us early on in the formulation of the Committee, and for participating with us as we move forward through this process.

INGRID W. REED: Thank you. We look forward to being of public service. And thank you to the Committee for holding this hearing today. I'm pleased to appear before you.

My name is Ingrid W. Reed. I currently direct the Eagleton New Jersey Project at Rutgers Eagleton Institute of Politics.

The mission of the Eagleton Institute is to explore State and national politics through research, education, and public service, linking the study of politics with the day-to-day practice. The New Jersey Project has

focused a good part of its efforts on studying New Jersey campaigns and elections to understand the experience of voters as they participate in selecting our representatives, the basis of our democracy.

I appreciate this invitation to comment on the importance of S-2123 and provide some perspective on this bill, based on the work of the Law Revision Commission, as you have before you, and hope that it can be helpful to New Jersey in providing better elections for its citizens.

My observations come largely from the work I did in connection with preparing a report for the Century Foundation on the 2001 gubernatorial election in New Jersey. It was one of four reports commissioned by the Foundation. The others looked at the gubernatorial election in Virginia and the mayoralty races in Los Angeles and New York City. And the purpose was to assess the extent to which problems evident in Florida and elsewhere in 2000 campaigns persisted throughout most of the country. Since I prepared the report, I also have participated in a national meeting organized by the McCormick Foundation in Chicago and the National League of Women Voters to explore the initiatives now underway to reform elections and to take advantage of the new Federal law, the Help America Vote Act, the subject of one of your future hearings.

The Century Foundation report was based on gathering information by watching, listening, interviewing, and looking at election practices from the perspective of the voter. It was a bottom-up approach to studying elections and understanding the process, what it is and how it appears to be.

Coincidentally, this work was done during the same time that the New Jersey Law Revision Commission was drafting its proposals, yet the two sets of conclusions, though arrived at independently, dovetail. I think they can be summarized this way: New Jersey has an opportunity to serve the voters better by providing for clear administrative responsibilities at the State level to coordinate and streamline the voting process. This would include registration, voter information and education, and the management of casting and counting ballots.

New Jersey is, indeed, fortunate to have this opportunity to have the Law Revision Commission report and the new Federal election reform law at the same time, to address New Jersey elections. The Commission's recommendations, as you have them in your bill, give useful and relevant direction for administration of elections as called for in the new Federal law, and redress deficiencies in New Jersey practice. We see it revising current statutes, that have long needed addressing, covering elections, and providing guidance for the use of technology, an important issue that is not covered in current statute. In addition, it offers New Jersey the opportunity to improve its systems by learning from past experience and incorporating the best of what other states have done in revising their election administration.

Let me make some comments about what I learned from my study that relate to these observations. Very early on, it was clear that New Jersey's decentralized, county-based system is very similar to Florida's, now well-known to all of us since 2000. However, in the intervening period, Florida has moved to address its shortcomings, and began to build a system that emphasizes

training and measurement of performance, and has their counties employing more consistent practices and technology.

In New Jersey, while the State, technically, is responsible for elections, there is no clearly defined role for it as counties and municipalities are charged with administering elections. This means there is no feedback loop in which the State provides direction, receives a report on what problems remain, and then acts to improve administration. In effect, the system lacks accountability.

Let me add a comment here about the usefulness of reports that comes from my study, and I know there are some risks in mentioning this. Specifically, I am referring to the seventh report required of the Federal monitor in the Passaic County election. It presents an in-depth and inspiring view of what it takes to run an election. This kind of information is useful in conveying the complexity of administering elections and the possibilities of taking creative approaches to running them. Reports of this kind, prepared by the county election administrators on a systematic basis, would add enormously to our knowledge of elections and our ability to improve them. In addition, new reporting relationships may be in order, as the State has provided funding for elections, seen in the purchase of new machines in Sussex and Salem, and in providing for the increases in pay for poll workers -- something that's very desirable, but something that the State has played a role in without really asking for accountability.

A second issue in which the absence of a State-led approach is a problem relates to providing consistent, accessible, and timely communications about registration and voting. Twenty-one counties acting separately is more

confusing to voters and potential voters than it needs to be. In effect, there is no transparency to the process. It's very difficult to figure out how it works. The citizens of New Jersey deserve to be served in a fair and open manner, using modern communication techniques that do not depend on the county in which they reside, a fact that may or may not be known to them, as you all know, and doesn't really assure effective participation.

The lack of an accountable and transparent system, obviously, does not mean that New Jersey has a totally flawed system. Without coordinated management, however, it is impossible to identify and recognize performances that are exemplary, or performances that could be improved with assistance, or performances that simply are not meeting needs of the voters. It is, also, impossible to be sure that responsibilities for the various components of the admirable election system we all desire are placed at the appropriate levels of government.

In the informal survey we did for the Century Foundation study, we learned that key areas such as training poll workers, services for bilingual voters, and assistance for voters with disabilities varied across counties, or information was simply lacking about them. Similarly, programs to promote voting and help voters learn about voting machines occurs in some counties, but are clearly difficult to communicate, in a practical sense, when six different types of machines are in use across the state. Also, I think it is fair to say that our decentralized system has inhibited us from using Web sites for voting information to their full potential.

Finally, there is another opportunity for improvement at the county level. In our survey, we heard a number of times that the split

responsibilities between county clerk, the superintendent, and the board of elections is confusing for voters and for the staff. And, further, we learned that the political role of the clerk, as an elected official, inevitably raises some questions about fairness.

I say this as a staff person at the Eagleton Institute, the one place where politics is not a dirty word, I venture to say, and where we encourage full participation in partisan politics. At the same time, we also recognize that there are times when partisan politics should be left out of our system of governance or replaced by a bipartisan approach.

Again, let me refer to my study. In looking at four case studies of difficult problems addressed in the 2001 election, it was apparent that the tension of partisan roles and the perception of bias impeded the wise and efficient outcome of disputes and probably hindered constructive follow-up to the issues raised. There is no doubt that counties and municipalities will remain essential in the administration of elections, but this is the time to find ways to make their involvement as effective as possible, by measures that eliminate the partisan pressures and places them within a modern management system.

I want to make one final reference to my report, which includes a set of recommendations, nearly all of which are addressed in the Law Revision Commission work, except I emphasize a need to recognize outstanding achievements in election administration at the county and local level, and adopting those achievements on a statewide basis.

Finally, I'd like to tell you how I concluded my report. The challenge is to find a way to address the systemic issues about election

administration in order to assure that the more specific issues are implemented fairly and efficiently, and not simply added on to an already complex, overburdened structure. Leadership from the Governor and the Legislature will be required to define the expectations for reform and to engage, not ignore, the many individuals and entities already involved in the election process to craft a new system.

I believe we are at this rare moment when this should be done and can be done. With the Help America Vote Act providing funds for new voting systems, and the impetus for a statewide voter registration list -- at the same time that a direction for New Jersey's own reform efforts are well identified in the Law Revision Commission report -- we will be able to ensure the citizens of our state that we have an election system that is accountable and transparent, one that encourages their participation, and is efficient and effective in guaranteeing access and fairness.

I thank you for the opportunity of speaking with you today. I will repeat, again, that I hope you will call on me and my colleagues at the Eagleton Institute of Politics to assist you in any way, as you address the challenges of election reform.

Thank you very much.

SENATOR FURNARI: Thank you very much.

Senator Martin.

SENATOR MARTIN: You suggested, or at least I inferred, that you thought that this current system -- in which the county clerks, the superintendents of elections, and the county board of elections -- is not a good system for several reasons. I assume one of these is overlap, as well as, it may

be the fact that, they're all just taking part in this process. And you, also, seem to suggest that the clerk, who is a constitutional officer -- we all know that clerks--

MS. REED: Right.

SENATOR MARTIN: --but also the fact that the clerk is an elected official and is supervising elections, that could create some problems. Do you see that-- In the best of all possible worlds, do you see that reassigned? I mean, what should we be looking to do with that?

MS. REED: I think that the--

SENATOR MARTIN: Recognizing the doable.

MS. REED: I think that the best way to understand this is that the system we have now is one that, sort of, was built up on top of existing systems, and things were, sort of, moved around, and so on. And elections are really an incredible management function. There's a lot that needs to be done. There are many pieces to making elections work well.

And so we have an opportunity to say, "Well, what are the things that need to be done, and how do we get them to be done." Because, right now, as I think the Law Revision Commission's proposals -- really try to reorder and streamline the functions. And so I think what we're saying is that, currently, it's a system that's really not understandable. There isn't a reason for doing things the way we're doing them. And so you really need to line up what the tasks are and then assign them in an administrative way and have a, kind of, supervisory function that simply looks at how the system is working. But assign the administrative functions in a way that are understandable.

There is no need for an elected official to do the task that, I think, the Law Revision Commission mentioned, too, today.

But there, also, are issues of, when you get into disputes, who represents the various entities. For example, as I understand it, the Attorney General gives counsel to the board of elections and the supervisor of elections, but not to the county clerk. The county clerk gets legal advice from the county structure, the freeholders. That, inevitably, sets up tensions that does not really lead to a good solution.

We need to clarify those roles. Let's remember that elections are incredibly detailed, important administrative entities in our society. And so we need to have the State, which is responsible for the elections, have a clear function, require reporting and accountability from the counties; and the counties and the municipalities need to have very clear functions assigned to them.

SENATOR MARTIN: You haven't gone so far as to come up with a specific plan of separating out these tasks that you recognize need to be done.

MS. REED: No, I have a lot of respect for people who are involved in this process now -- that they could do that very well, given a consensus that we need a better management system.

SENATOR MARTIN: I can just, in hindsight, recall that one of the main stumbling blocks we had, in trying to deal with this issue last -- a decade or so ago -- was trying to sort out the roles of these three county entities, and we weren't able to resolve that problem successfully.

Switching to the State level, as I understand it, the Secretary of State has, sort of, general supervision over the elections. How do you understand it?

MS. REED: No, in fact, that's one of the areas where-- Let me just give you an example. If you go on the State Web site, and you want to find out where you can get information about elections, there is, now -- there wasn't six months ago -- there now is a little tab that comes down. It says if you want important information, you can go and check on voter registration.

But if you wanted to find out who's responsible for elections, you would have to know that it is currently the Department of Law and Public Safety, click on that, and then look around to find the Division of Elections. But our statutes -- and I think this is something that the Law Revision Commission has been addressing -- do not give the Division of Elections responsibility for managing the elections in New Jersey. In other words, the statute just has the Division of Elections taking care of the petitions for -- I could quote it-- But the point is, there is no one at the State level that is responsible for managing elections in their entirety.

SENATOR MARTIN: If, in order to have the feedback loop that you suggested, who do you envision being the party or entity at the State level that would receive this feedback loop, feedback information?

MS. REED: Well, I think that the Law Revision Commission has made the recommendation of a commission, somewhat like ELEC. That's very appealing if you look at the independence of ELEC, of the nonpartisan or bipartisan nature, the respect that it has, the hands-off nature of that entity. But we have to remember that ELEC is not a management agency, so once you

get passed the characteristics of how the agency is made up, we have to remember that we would be giving an agency very different tasks than the ones that ELEC has for, basically, collecting information and then providing information.

Many states, of course, have a management office of elections in the secretary of state's office. We are one of very few states that doesn't take that approach. So you could even rewrite the statute and give the Division of Elections, with the Department of Law and Public Safety, that responsibility. The point is, there isn't anybody that has that responsibility in New Jersey today, and there are alternative ways of doing that.

In my report, I didn't know what the Law Revision Commission was going to be recommending. I just simply said the State needs to take, in effect, a responsibility for elections.

SENATOR MARTIN: Thank you.

SENATOR FURNARI: Senator Kean.

SENATOR KEAN: Thank you, Mr. Chairman.

If my memory is correct, the responsibility for election oversight was expressly taken away from the Secretary of State, most recently, because, exactly, of partisan concerns. That's one point. It was specifically put into Law and Public Safety because of that particular issue.

In my rather short experience in elective office, I've seen some significant changes. Number one, the extension of a primary deadline, or a voting date; an extension of voting hours in the ensuing fall; and then a candidate switch very close to the election time. And in each of those cases, the clerks have done a tremendous job in very last minute-- The extension

was-- They found out about it in September in one case, and very close to the elections.

Have you seen-- One of your things that I seem to infer, if you do not assert, was that there was partisan gamesmanship done at the clerk level. I have not seen that. Can you cite anything that's done in any of the 21 counties?

MS. REED: No. I just wanted to, first, reinforce your observation about the tremendous effort and the successful effort in dealing with unusual situations.

But I think, in the most recent experience that we had in the 2000 election-- I think one of the experiences that is worth looking at, and considering the importance of it, was the fact that the court did put a judge in charge of making sure that the election worked well, statewide, and working with all the county clerks and other election officials. They were all in the same room. They were all told what was expected of them. That was quite an unusual situation, but it's probably closer to what we need to do on a number of different levels.

My observation about partisan politics is not that anybody does anything deliberately. It's in the inherent nature of being partisan in an election situation. My report describes, in a little bit of detail, several situations in the 2001 election where there were real tensions on a partisan basis in dealing with election problems. And I'm not saying that anyone did anything wrong. It's in the inherent nature of two-party systems having to work together on elections and not really being able to find common ground.

SENATOR KEAN: Can you cite one of the -- on a county level base, for the clerks?

MS. REED: Yes, where you see this partisan nature coming out, and where you know that it has the potential of creating difficulties that don't need to exist. I think one of them was in Cumberland County, where there were ballot problems, and there was translation problems, and steps needed to be taken to redress an issue. When that particular issue was addressed, and then you say, "Well, now, what comes next? How do you solve this problem," there were real tensions between a Republican county clerk and a Democratic freeholder board in dealing with: How do you have good translation of ballots that were required to be in the Spanish language?

Now, this may seem like a small example, and I'm sure the county clerks that are here today would say, "Oh, we can get over that," but I think we here, who care about fair elections and voters having fair elections, should not be putting election administration into that kind of bind.

SENATOR KEAN: How quickly was that resolved, that issue?

MS. REED: Well, I would say that it wasn't really resolved, because the case itself was resolved, but the real point with elections is to say, what have we learned, and how do we make sure this kind of problem doesn't happen again, or we deal with it in a constructive way.

The clerk had to ask the freeholders, the way I understand it, to say, "Now, you should allocate money to make sure that the ballots get translated accurately. That's not in my hands." It's the kind of situation where, if it's left in a partisan basis, you're going to have these tensions. That's the point. How can you eliminate the tensions? How can you make the

management of elections as management-oriented as possible and not set up those kinds of tensions?

SENATOR KEAN: And you think that the State can do that, effectively, when you've got all these various ward elections, county committee overlapping legislative -- well, not overlapping, because -- but cross-county districts with freeholders, on no level. Can you just talk about bad administrative aspect coming from the State level versus a more local level?

MS. REED: I think the State can play a role in assuring more consistency, playing more of a leadership role that it just, simply, doesn't have the authority to do.

For example, it's very difficult to find out what the curriculum is for training poll workers, which is something that, of course, is very important. The increase in salary for poll workers that I think you were a part of that, as well, has meant that we have new people coming into the system. Many other states now use modern technology of having a Web site where you can practice taking a test if you're a poll worker, you can get a video, you can go to many different types of training sessions. We don't take that approach. Many states do much more imaginative advertising -- than the kind of legal notice advertising that we do -- for alerting people to registration or even the kinds of decentralized Web site registration that we have in New Jersey.

New Jersey is a small state, as you all know by running for election in many different counties. Citizens don't know what district they're in. We don't, as a state, in our education related to voting, do a very good job of thinking about how we help a citizen, as opposed to relating to county-level boundaries, which really don't serve us well for an awful lot of elections. It

really takes a new approach to how we think about running elections which, I think, is more appropriate in the 21st century.

I think we can simply say, the way we did it in the past probably did work to a large extent, and that we can be proud of how good our elections have been run, but it's not good enough now in the 21st century. And given what the Federal government has said -- and what we've learned about elections and having them be more open and fairer for everyone -- I think, to some extent, we can say in New Jersey, your election experience is somewhat related to what county you live in. And that's simply not good enough for our state.

SENATOR KEAN: Thank you.

Thank you, Mr. Chairman.

SENATOR FURNARI: Thank you, Senator.

Following along those lines, it's my understanding that the supervision of elections is somewhat more bifurcated than just to the county clerk. In a municipal election or, rather than that, in a county -- even if it's a, for example, an election of the county committee -- isn't the supervision the municipal clerk if the office that is being sought is limited to the municipality, even though you may be a part of a bigger issue? You run for-- And the only one I can think of off the top of my head is a county committee. You're elected in your town. It's a townwide office, but you serve in a county organization.

Is our legislation -- or the bill that's currently here -- has that tried to address -- because you can see a difference in an interpretation from a municipal clerk to a county clerk with regard to the same election process. Of

course, I guess you would have different municipal clerks that could make different decisions about the elections, in that same vein, if they're orchestrated in this.

So, in dealing with this overall suggestion of a statewide supervision, are we making municipal elections subject to that State supervision?

MS. REED: Well, certainly municipal officers are an important part of managing elections. I think the issue of streamlining election administration at the county level and addressing the partisan role of the county clerk is strictly a county issue. There is a difference, and I don't want to stray too far into the administration of elections that I'm not really qualified to speak about.

SENATOR FURNARI: There are, certainly, quite a number of legislative districts that have no regard to county lines. Senator Kean has indicated he has four counties. I have three counties. As I start to rattle off the districts around me, everybody has part of another county in some way, shape or form. Senator Martin has two counties. And needless to say, when you -- there are practical difficulties of running, the least of which is trying to remember which line you're on and which direction -- are you in a line or a column?

To your knowledge, have there been any difficulties in the administration of those -- these multi-county district elections, or does that process seem to be working, generally, in the same line as the statewide elections and the county elections?

In fact, the majority-- I just got the information now. Twenty-three of our 40 legislative districts are multi-county districts.

MS. REED: I think that the actual administration of elections is something that is well addressed. You might say, how easy is it for the voter to know what district they're in and get help in understanding that, or get familiar with the candidates so that the system isn't as daunting.

A voter goes to a polling place -- and I think one can say that the ballot that's prepared is -- that's well done. We have a lot of confidence in our election system. But you really-- I respect the people who have been running elections, and I would ask them if there were ways to improve that difficulty of getting ballots straight when there are many different counties involved.

From a citizen's point of view, you cannot find information, basically, from the State of New Jersey that helps you understand what district you're in or that helps you know who's running for office. And many states do a much better job of serving the voter in that way.

I think that that would be helpful to counties if they were able to tell people. We are so Web-oriented that if you can get it on a Web site -- you have to have this information available someplace first before you put it up. I would think that, that kind of information would make any county administration more effective, if there were a State initiative to make sure that voters can get information easily. They can't.

SENATOR FURNARI: Thank you.

Any other follow-up questions? (no response)

Seeing none, thank you very much for your testimony.

MS. REED: Thank you.

SENATOR FURNARI: Next witness will be Sandra Matsen, the President of the League of Women Voters.

I want to thank you for coming here today on this issue that, I'm sure, is very--

S A N D R A L. M A T S E N: Well, I did pretty good in the fog, after I whipped into the gas place instead of the exit and a few other little trips.

The League of Women Voters of New Jersey, essentially, supports the New Jersey Law Revision Commission's report and the two bills that were introduced to implement those recommendations, and really urge the Legislature to move forward with a new Title 19A. We supported a Title 19A in the late '70s, which never went any place -- I guess was dead-on-arrival in the Legislature -- and certainly hope that, with the impetus of the Help America Vote Act, that we will see a new Title 19A.

In my testimony, which you have, I said in 2003. Now, I've been informed by a number of people I'm being very naive, but please prove me wrong -- prove them wrong, prove me right.

We, certainly, applaud the Commission's use of simplified language and the provision that specific directions, rules regarding voting are appropriately established by regulation rather than statute. As a citizen, I am often flipping through Title 19 just to verify, since we provide a fair amount of general information on an 800-vote-line number that the League of Women Voters has. And every so often, I'm just sure I know this answer, but I better make sure. And it is a daunting task. Someone told me it's also a daunting task for a lawyer. It's certainly daunting for a citizen.

We certainly accept the reality that requirements will need to be phased in, but really believe it is critical to get the mechanisms in place to meet the Help America Vote Act requirements.

The remainder of my comments, basically, are on the chapters that relate to voting and how citizens vote, not how citizens get a place on the ballot or how vacancies are filled.

We support an independent Commission on Elections as a proven vehicle for administering elections. The Election Law Enforcement Commission serves this function well for the part of the law that deals with campaign contributions, and believe it is a good model to follow -- believe having an independent agency is important in ensuring fairness and uniformity in our administration of New Jersey elections.

A change later on in one of the later additions, where there is an inclusion on the Commission of citizens who are not affiliated with a certified political party, is one that we will also support if it remains in the bill. With 55 percent of our registered voters unaffiliated with our two certified political parties, broadening the membership of that Commission, I think, reflects the reality of registered voters in New Jersey.

A real concern is that nothing will be in place to meet the mandates of the Federal election law unless regulations are developed for voter registration, and provisional ballots, and voter identification requirements, voter registration list maintenance, poll worker training. And without an entity such as the Commission on Elections, our alternative is to continue to add these procedures to law, just compounding the current mess in Title 19. And that is my personal opinion, I suppose, not the League's opinion.

For the League, we basically feel that moving forward and having the Commission on Elections established is critical, because the other pieces, at least as it is envisioned at this point, are mainly regulations set up by that Commission. So how we do the provisional ballot, the statewide voter list, the recruitment of poll workers, or the training, or the voter education will be recommendations or rules that come out of that Commission. And so, although in my written testimony I speak about two of those issues and where we're really concerned about how those rules will be written, I think it's probably early to be testifying to those details at this point, since we haven't decided -- are we going to move forward with a new Title 19A, or which pieces are we going to do first. I would argue that the Commission needs to be up and running and we can start looking at the other pieces.

The other thing that is addressed in here that we support is the pre-election day voting provisions that are in Chapter 6. It makes voting more convenient and available to citizens and is something we would support.

SENATOR FURNARI: Just for the purpose of everyone else here, do you want to just describe what that's about?

MS. MATSEN: Essentially, they require that you no longer have to say, "I'm out of the state, I'm sick, etc.," to get what we called an absentee ballot. So you're essentially saying, "I want to have a pre-election day ballot." You continue to fill out a request for the ballot and then receive it. This report, also, provides that there be a location where you can, actually, physically go and do early voting in the 14 days before the election day. And those are--

SENATOR MARTIN: Do you support a recurring absentee ballot?

MS. MATSEN: And I believe that is part of this, where as now, if you are-- Now you can only get a recurring -- am I correct -- that if you are disabled you can go on a recurring -- well, you can go on the list to get the application for an absentee ballot. So you're asking me do I support one for any reason -- once I requested one, I would always be on the list without a reason.

SENATOR MARTIN: If you so chose. Maybe that's too micromanaging.

MS. MATSEN: Well, we probably will. I mean, I can't speak-- We haven't looked at that specific issue. It's certainly not going to be a make-or-break for us. And I believe the law, now, only allows it for disabled voters. But I -- there's somebody who does this all the time here who can correct me, I'm sure.

Since both-- This report, and even HAVA, the Help America Vote Act, really leaves a lot of implementation -- HAVA up to the states, this up to the Commission, we really are interested that access to voting becomes less restrictive rather than more, and we'd, therefore, support changes that would move in that direction.

I spoke a little bit about the two issues really important to the League, which is the statewide voter registration list and the provisional ballots, and some of our concerns about how those are going to be interpreted. But I'm willing to take time on that, but it's something that, I think, is further down the road.

We are concerned about the voter identification requirements for first-time voters who register by mail. According to the Help America Vote Act, it actually becomes effective January of 2003, but since we don't have any Federal elections in 2003, Federal level elections, essentially, it doesn't become effective until January of 2004.

But if our experience is any guide, registration by mail must be the primary method of how citizens register.

UNIDENTIFIED SPEAKERS FROM AUDIENCE: We can't hear her.

SENATOR FURNARI: The microphone is not working. You have to speak loudly. I'm sorry.

MS. MATSEN: If our experience is a guide, then I believe, and I'm certainly willing to be corrected, that the major way that citizens register to vote is by mail, by filling out the application and dropping it in the mail or by-- When the League does registration at colleges or high schools we're, essentially, using the mail-in ballot. It's being filled out there, but we are, then, either delivering it or mailing it. So there is no verification by a government body that the person lives at the address that they indicate.

Both HAVA and the Commission -- I mean, this is required by law, so I'm not questioning that we have to do it. I'm just questioning that there are going to be individuals who are not going to have identification that contains their name and address. And in both HAVA and what was just pulled and put into here is that you can use a driver's license, you can use a utility bill, you can use a government check. What are 18-year-olds who don't have

a driver's license going to use? What are college students who choose to register and vote at their college location going to use?

I mean, they're solvable problems. I just believe this is something that's coming fast that needs to be addressed, because their other option, when they get to the polls for the first time to vote, if they do not have that identification with their name and address, they can request a provisional ballot. And I just don't think we want the system to be overwhelmed with provisional ballots because we didn't think through: how do we satisfy this requirement. What else will satisfy this requirement? It's not a requirement we have a choice about.

So I'm excited. I hope we're going to see a new Title 19 and a number of changes.

Thank you for allowing me to testify.

SENATOR FURNARI: Thank you.

Questions, Senator Martin?

SENATOR MARTIN: No.

SENATOR FURNARI: Thank you very much for your testimony.

We have someone here from the Constitutional Officers Association of New Jersey.

JOHN M. CARBONE, ESQ.: Yes, I'm the Attorney.

SENATOR FURNARI: I'm sorry, you have to come up, Mr. Carbone.

MR. CARBONE: Good morning, Senator.

I'm the Attorney for the Association. I'm going to speak to one issue. And there's, also, at least one, perhaps two, clerks who are going to speak.

Good morning, Senator Martin and Senator Furnari. I know Senator Kean was sitting there.

SENATOR FURNARI: He will be here in a second. He's, of course, just putting some money in the meter.

MR. CARBONE: I'm sure the citizens of Rutherford appreciate that. (laughter)

Let me begin by saying that I have, for almost 30 years, practiced election law. I have done hundreds of recounts, hundreds of election contests. I've represented another Assemblyman by the name of Kean, in his recount in 1981. I represented him in his re-election in 1984. I represented Governor Whitman in her two elections, Senator DiFrancesco in his unsuccessful election. I've represented numerous Democrats, Thomas Giblin. I now represent the county clerks.

I have seen the process from the inside. I've seen the process from the outside. And I need, I think, to address just a few issues before you.

In the 1780s, an election was held in -- and I saw Assemblywoman Quigley, and I wanted to tell her right out that this was not a Hudson County election. (laughter) But in the 1780s, an election was held in New Brunswick for Middlesex County for a location of a courthouse. The matter was reported in the decision of *State v. Justices of Middlesex County* in "1 New Jersey Law" 1783 case.

SENATOR MARTIN: "1 New Jersey Law."

MR. CARBONE: “1 New Jersey Law,” the very first law book, the very first reported case, actually, in the colonies at that time, the new nation, of an election matter.

SENATOR FURNARI: It was before you were admitted, right, Senator? (laughter)

MR. CARBONE: Before he was admitted, but he’s taught it in law school.

But in *State v. Justices of Middlesex*--

SENATOR MARTIN: You didn’t represent anybody in this case, Mr. Carbone. (laughter)

MR. CARBONE: No, but I have it on appeal at the present time.

In that case, there was no county clerk to supervise the election. The election was supervised by the freeholders, freeholders being not only elected officials, but owners of real property. Eventually, the State Supreme Court, which was not a co-equal branch of government, at that time, with the Legislature and the Governor’s Office-- But the State Supreme Court heard the matter and found that voting had gone on for six weeks; that persons who were not resident and freeholders in Middlesex County voted; that an unmanumitted slave, a black man, had voted in the election; and that the voting box itself had chisel and hammer marks on the lock. (laughter) And when the votes were counted, there were more votes than there were freeholders eligible to vote in Middlesex County. Hudson has nothing over Middlesex. (laughter)

But, and this is the important but, despite the fact that the Supreme Court declared that election null and void, an appeal was then

permissible to the Governor's Privy Council, a political entity. And the Governor's Privy Council overturned the New Jersey Supreme Court's decision.

Shortly thereafter, our first Constitution was adopted, and the position of county clerk, sheriff, and surrogate as constitutional officers, as Senator Martin pointed out, was created. And those constitutional officer, and particularly the clerk, was charged with certain responsibilities with elections. Since then, we haven't had that, that I know of.

But the fact that I am drawing to, and I think, Senator Furnari, you referred to it, that the clerks are in the process-- As I said to the Supreme Court, during the Torricelli-Lautenberg matter, the clerks are players in the game. No. The clerks are umpires. They're in the game, but they're umpires. They may be elected, politically, but when they take the oath of office, they are umpires. And they were charged in three constitutions in this State, by the people, to be responsible for that election duty. They were chosen to be the people's representative, not the Democratic member of the board of elections or the Republican member of the board of elections, not the Governor's appointee or the Governor's council. They are selected and answerable to the people by the Constitution. And that is their role and function in the process.

My concern with the legislation as proposed -- and I've had discussions with Mr. Cannel this morning -- Senator Martin, I think you'll appreciate this -- what he referred to as oral traditions about ballot design, in fact, is case law. I think we know that as secondary law, and his reference again -- we have spoken about it -- that there is no bracketing in the school board elections. That's just not permitted.

But in general, the Law Revision Commission--

SENATOR FURNARI: Excuse me, but it is permitted in nonpartisan municipal elections, right?

MR. CARBONE: No, it's a straight draw for a position.

UNIDENTIFIED SPEAKER FROM AUDIENCE: It's done, but it's not permitted.

SENATOR FURNARI: See, that-- And I think-- Mr. Carbone, I'm glad that you're here as a scholar and expert, because I can tell you that there certainly is a section in the statute that says that you can bracket in any election. It doesn't seem to say it only is in nonpartisan.

MR. CARBONE: Nonpartisan elections, whether it be the Walsh Act, (phonetic spelling) Faulkner Act, or something else, have different applicable statutes. The generally bracketing statute is non-applicable that -- because in a nonpartisan election, you are just that. You are not a party, you are not a team, you are not a ticket, you are independent. Does it occur? Senator, it may have. Should it? The statute doesn't permit it, and that is clear.

SENATOR FURNARI: Sure does, sure does.

MR. CARBONE: I note that the Chairman of the New Jersey Law Revision Commission was former Assemblyman Burstein, who had previously produced what was referred to as Title 19A, and if this goes anywhere, it's not 19A, it's 19B. But 19A was proposed in 1978, and to take just from the statement of what the law was to provide -- and I think it's indicative of -- I guess I have to say it's Yogi Berra -- it's déjà vu all over again.

The statement in the 1978 law said that they are looking to do the following: It is largely the result of the Election Law Revision Commission, it creates a new Commission on Elections, and there is a structural change, removing the roles of the Secretary of State, county clerk, and the superintendent of elections. We've seen the structural changes before. What is being proposed, now, has substantive changes, which are, in the main, beneficial. The concern I have is the structural change, the removal of the people's representative, the county clerk, from the process.

Ingrid Reed, from Eagleton, talks about -- she doesn't understand how the system was built. It seems to be not a good bureaucratic structure. It doesn't have accountability. It's not a governmental structure. It is, to some degree, a political structure for many reasons. In order to ensure confidence in the election process, in order to ensure the parties are representative, the election boards contain Democratic members and Republican members. We're back to the Federalist, who watches the watchman, who ensures that my side is being taken care of, every side is being taken care of. And for the unrepresented side, the people who may not be of the party, there is the clerk, the clerk empowered by the Constitution, an office created by the Constitution, the Constitution created for your offices and the clerk as constitutional officers, to empower them to deal with these issues. And that's the function and role that the clerk has in this process.

I hear, also, that there is concern about whether or not the clerk may have a political role. There is a political tension in every election. There is a political tension in every governmental activity. That's what this country is about. But that political tension is controlled by who watches the

watchman, representatives of both sides, transparency, Open Public Meetings Act, Sunshine Law, open public records, and criminal laws. And there has been, despite the fact that there seems to be a suggestion, perhaps, in Virginia or Florida or Las Vegas or New York, where Ms. Reed also has done studies, similar problems in New Jersey. This is New Jersey. And, proudly, I say to you: New Jersey is not Florida.

Governor Kean, in 1981, when I did his recount, and Governor Florio both saw that the process was not perfect, but was fair. It was a transparent and open process. And New Jersey has had that. New Jersey has led in the election law.

Part of the requirements of the Help America Vote Act is for provisional ballots, a fail-safe system that if anybody shows up in a polling place, they not be turned away. If their name isn't in the book, if they can't be identified, they'd be given the opportunity to vote. New Jersey has had that since 1995. We were a leader in that. That was pushed by our election officials, and it was supervised by the chief officer of the State who is responsible for elections, the Attorney General. By executive order, the function -- the minimal functions -- that the Secretary of State had, which was merely receive the petitions for filing-- That minimal function -- by the Governor's executive order, continued by Governor -- brought by Governor Whitman, continued by Governor McGreevey, transferred that to a constitutional officer, the Attorney General of the State of New Jersey, as the chief election enforcement officer.

When we stood before the Supreme Court last October, the Attorney General, not a Superior Court judge in Trenton, took charge of the

process to make sure that no voter was disenfranchised, that that extraordinary time, for that extraordinary effort, for the extraordinary work by the clerks to accomplish an extraordinary result, was carried out. He personally took that responsibility. He has, on a day-to-day basis, a director of that Division of Elections, who does -- and Ramon De la Cruz is here -- who does outreach to voters, who works with the election officials, coordinates meetings between the county clerks, the municipal clerks, the boards of elections, the superintendents of elections, provides a Web site. There is much more going on than is even suggested.

And I want to dispel something else. There was a suggestion that, statutorily, there is no provision for an emergency situation and a declaration that would, somehow, because of the current national security crisis, affect voting. I will not tell you what it is, and I do not know it in great detail, but I assure you -- and there's one superintendent who can testify here today -- there are provisions for maintaining and continuing the election process in the event of a major disaster, be it man-made or natural. There's all-site storage of records, there are systems in place to allow voting to continue if there's disruption of the polling places, disruption to the cities, loss of certain equipment. For security reasons, I don't think that should be public. But I will say, despite the fact that there is no provision in the statute, the superintendents of elections, the boards of elections, the county clerks, and Mr. De la Cruz have a system in place. So I can assure you there would be continuity in the government and continuity in that system.

Dealing now with the constitutional officer -- being the representative of the people-- As you saw during the Lautenberg-Torricelli

matter last year, when the Court put an extraordinary remedy -- of a mailing of absentee ballots, reprinting and mailing and getting those back -- the clerks had a depth of staff not found in the board of elections. It would not be found in an election office. They were able to move other county clerks and employees from other functions and put them on overnights, get the ballots out in less than two days after order by the Supreme Court, and get them moving. You would not have that depth of staff, you would not have that reserve if the bureaucracy were created.

And most importantly, to show you where the county clerks have gone, where the county clerks have looked at, there was a bill, which is now codified at 22A:4-17.1, which provides that every county officer, for every deed and mortgage recorded with them -- every document, actually -- receives a \$2 fee, which goes towards a modernization trust fund. That trust fund has, in many instances, purchased equipment for the recording divisions, has purchased equipment for the county clerks, and, in many instances, in cooperation with the superintendent of elections and boards of elections, we've gone over to a digitized signature system. Most of you will remember the old big, heavy signature copy register books, the buff colored sheet you'd have to look at and sign the back. Now every county has digitized signatures. That interconnection of the registration database -- the interconnection of visually being able to see the signature in the clerks' office and the superintendents' office and in the county board of elections' office -- was paid for with county funds, some from this modernization fund.

There exists, already, 21 databases of voter registration with digitized signature and the voter information and voter history. It just has not

yet been interconnected. Rather than most states, which are still off-line, we are online in the 21 counties. When that statute was adopted, we spoke to Senator Cafiero and spoke to Senator Codey, and we asked Senators Cafiero and Codey to add a few words to the modernization bill, which allows us not only to use the modernization fund that each county clerk has for improving recording, but also election-related records, when applicable. We saw what was coming. We were ready to move.

In the difficult times that, I believe, Governor McGreevey has laid out to this State, we do not have the money in the budget to do this from Trenton. In expectation for money from Washington -- I hope so. I would love to believe so. But we are in perilous times. I'm not sure what that may do. But I will tell you now, that county clerks, in cooperation with the boards of elections and superintendents, have a fund available to comply with the Federal requirements, which are mandated of an interconnected, statewide voter registration database, that people can transfer from county to county electronically, that there doesn't have to be paper records moved, that they don't have to go from one county and have a record moved to another. It can be done electronically. The registrations can be done electronically. They can be checked. And we have the funds available to interconnect that. And I suggest to you, to take the county clerks out of the process is not only violative of what the people speak of in the Constitution, but what's going to deprive you of a fund that we have planned to use for just this purpose.

I think the thrust of the bill is good. I think that, perhaps, Chairman Burstein, Assemblyman Burstein, has torn a page from past history. Mr. Cannel had told me that Mr. Burstein said never again in his lifetime

would he propose a revision to the election law because of what he suffered. And I should say, also, just so that it is clear, that bill was co-sponsored by Assemblywoman Jane Burgio, soon to become Secretary of State in your father's administration.

It was a bipartisan bill, and it had a good thrust with the exception that there is some belief, governmentally, that what we need is bureaucracy. What we need are checks and balances, and the checks and balances are assured by party representation, a people's representative, and a transparency of system.

I'm available for any questions.

SENATOR FURNARI: Mr. Carbone, before you go further, I think that you, also, should note that we have some former Assembly representatives here who, certainly, worked on these matters before. Gretta, I believe, was a co-sponsor of that bill that you referred to with Jane Burgio. And I know that our current Bergen County clerk was a former Assemblywoman, who, I'm sure, had to grapple with these issues, as well. And it's a really interesting history to see, as we go back over time, that we're -- at least back for 30 years now -- we've all been grappling with these same issues. And, unfortunately, our statute remains the same as it was written many, many years before that.

Thank you for your testimony.

Assembly -- I'm sorry -- Senator Martin first.

MR. CARBONE: Senator, I also believe Assemblyman Rooney is also here. I saw him earlier.

SENATOR FURNARI: Is Assemblyman Rooney-- Is that Assemblyman Rooney--

MR. CARBONE: He was here earlier.

SENATOR FURNARI: Okay.

MR. CARBONE: Yes, Senator.

SENATOR MARTIN: Leaving aside the administration at the county level, which I think your testimony is pretty strongly -- to the point that it is pretty good in the functions at-- As it stands now, there is this major proposal about this Commission at the State level that would be different than the Division of Elections in the way it administers. Do you have any thoughts about that new bureaucratic structure?

MR. CARBONE: I have problems with it, and I'll look at it first by analogy, and truthfully, it's whose ox is gored. Let's go back to the Redistricting Commission, five Democrats, five Republicans. And all of a sudden, when there was a deadlock on the most critical issue, the Supreme Court appointed Professor Bartels. That issue should have been resolved politically, not by that tie-breaker vote. And that is, again, what you're going to get, because it's the party in power who will control.

In 1997, I did an election for the governor of Maryland. Maryland has a unique situation. One wonders why Democrats are always elected in Maryland. Very simply, there are local district election boards at the polling place, there are county district election boards, and there are state election boards -- are an odd number -- not an even number, an odd number. And the odd number goes to the party in power. So if it's always a two-one vote, Democrat to Republican, you're going to have problems advancing.

I, for one, prefer the bipartisan nature, the major parties, whatever they are, one watching the other, to assure some degree of fairness for the two major parties, some degree of assurance that there is not going to be political influence. Obviously, if it--

You said it before, Senator, if you have the governor's office and the Senate Office and you have the Assembly, you control the appointments. That's not what the people expect. And I have problems with that Commission. This is not like the Election Law Enforcement Commission. They're judicial, quasi-judicial. They hear complaints, they enact regulations to control financing, they distribute financing for the gubernatorial races. That's quasi-judicial. This is much different. It would be a major change and, I believe, would be disruptive to the process.

SENATOR MARTIN: As I understand the proposal here with eight members -- three Ds, three Rs, and two independents -- would probably create the kind of unbalance, or is it just--

MR. CARBONE: The concern would be if I was of the party that didn't hold the Senate and the governor's office, I would wonder who those two were. I have a very easy solution to the problem: Three Democrats, three Republicans, and those six people agree on the other two.

SENATOR MARTIN: Much like the county board of elections is composed now.

MR. CARBONE: Yes, sir. And the two additional public members would not be chosen by the Governor with advice and consent of the Senate, but would be selected by the six members, three Democrats and three

Republicans, again, fulfilling the qualifications of being non-members of the party.

SENATOR MARTIN: Thank you.

SENATOR FURNARI: Mr. Carbone--

Oh, I'm sorry. Senator Kean.

SENATOR KEAN: Not at this time.

SENATOR FURNARI: We're never going to get, in my view-- There will always be circumstances that arise at a given time that we can't foresee, whenever we have a commission that's making important decisions, whenever we do anything. And I think the case in point is, people have -- and people often suggest that when they're partisan-elected officials, that they'll always act in a partisan manner, or appointed officials.

That, truly, has not been the case in our redistricting. I mean, the conventional wisdom was, when you sat down with an even number of Democrats and Republicans, that you had to have somebody appointed -- and it's appointed by the Supreme Court. And when there has been a Democrat Chief Justice, the person that they appointed has, more often than not, voted with the Republican members of the Commission. And when a Republican has appointed that neutral person, they more often have voted with the Democrat person. So I'm not sure that, when we get to those independent people, that they necessarily fall in the line. Senator Martin would tell us--

MR. CARBONE: As I said before, it depends on whose ox is gored. I'm sure that I can think of 20 Republicans in the Senate who would disagree with you.

SENATOR FURNARI: That the Republican nominee voted -- that the person that was appointed by the Republican Chief Justice--

MR. CARBONE: No, and I just dealt with the last Redistricting Commission. And understand, there is no answer to that. There has to be a tie-breaker, sure. And is it always going to go that way? Not necessarily, but that's the risk you run.

You know, I want to say -- I should be careful how I say this. If I had a bureaucracy in Trenton -- I was the municipal clerk in Rutherford, and I made a little error on my ballot, or I had a little error on an election-- If you think I'm going to pick up the phone, lay prostrate before Trenton and say, "Mea culpa, mea culpa, maximum mea culpa. I goofed. What are you going to do to me?"

But I will tell you in reverse, because it routinely happens, the municipal clerks call up a county clerk and say, "Perfume the pig. Bail me out." And it happens, because the clerk does not have a law enforcement rule, the clerk doesn't have a role to punish, as this Commission might. And I think you're going to be-- And I'm not suggesting that there are errors made often, but there are some that need to be corrected, and I have a reluctance to think that many municipal officials will reach to Trenton to let 560-some other municipalities know that they didn't do it the right way. And that's a concern I have with the Commission, also, having it on a much more local level.

SENATOR FURNARI: Any other questions from members of the Committee? (no response)

Mr. Carbone, thank you very much for your expertise. And your experience in this area of law, of course, is well recognized by all of those of us who have watched this process go on.

I would like to recognize that we have Assemblyman Matt Ahearn here with us today. You know, there's a lot of discussions about partisan and nonpartisan and independent, and I think it's quite fitting that you are here with us. If, at any time, Assemblyman, there's something that you'd like to add, please just give me a signal, and we'll make sure that we hear from you with regard to these matters.

A S S E M B L Y M A N M A T T A H E A R N: Thank you, Senator. I will at the end.

SENATOR FURNARI: Mr. John Donnadio, from the New Jersey Association of Counties.

MR. CARBONE: Senator, we do have one clerk who is going to follow me.

SENATOR FURNARI: Okay, thank you. And that is--

J O A N N E R A J O P P I: Joanne Rajoppi.

SENATOR FURNARI: Thank you.

MS. RAJOPPI: Thank you, Senator.

MR. CARBONE: I'm sorry, Senator, we have the Bergen County Clerk, also, who has some comments.

SENATOR FURNARI: And the Bergen County Clerk. Would you like to come up at the same time? This is Bergen County, and I want to give Bergen County all of its dues.

MR. CARBONE: She's an umpire, not a player, sir.

SENATOR KEAN: Don't shirk Union County, though. Don't shirk Union County.

SENATOR FURNARI: No, we're not going to shirk Union County. (laughter)

MS. RAJOPPI: I'd like to thank the Committee, and you, Senator, for this opportunity today. My name is Joanne Rajoppi. I'm the County Clerk of Union County. I also am an instructor at Rutgers University, teaching American bureaucracy and public policy making, and I'm a former member of the League of Women Voters. I wanted to get that in. It's a great institution.

What I wanted to do today was wed my academic experience with the practical experience of being county clerk, and also represent many of the county clerks here today. Our section head, unfortunately, could not be here. We have written a report based on the Law Revision Commission's report, which I'll be happy to distribute to you at a later date.

SENATOR FURNARI: I would just, if you might-- I recognize that the Essex County clerk is here, as well. Can you just outline that we have a number of county clerks with us.

MS. RAJOPPI: Yes, we do. The Middlesex County Clerk is here, Sussex County, Hudson, Passaic representative.

KATHLEEN A. DONOVAN: Burlington County is over here.

MS. RAJOPPI: Essex County.

MS. DONOVAN: Burlington County.

SENATOR FURNARI: On behalf of the State Government Committee and the New Jersey Senate, I'd like to welcome all of you. Some of you have traveled a long way today, in the fog and the rain, to come to this

beautiful community in Bergen County, and we very much appreciate your attendance. And I want you to know that the things that you say to us will weigh very heavily, and we're happy to have you here.

MS. RAJOPPI: Thank you very much.

I'd like to add that I'm speaking for the clerks, in terms of all 21 clerks have agreed on our support and/or opposition to some of the items in these revisions.

Firstly, I'd like to say, county clerks do not supervise elections. We administer certain functions in elections. Additionally, my understanding of the 1947 Constitution is not that this bifurcation between county clerks and boards of elections was something that accrued through, you know, disjointed incrementalism, but was a thoughtful process to establish a checks and balance between a bipartisan board of elections and an elected county clerk, both of whom are political. The difference is, you've removed the accountability from the board of elections, because the county clerks are directly elected from the people, boards of elections are appointed. So I wanted to straighten that concept out.

Generally speaking, we find many good things in the provision that has been offered. Unfortunately, we believe the study is underpinned by a faulty assumption, and that is that there must be something seriously wrong with the state of elections in New Jersey. We believe that there are changes that are needed, revisions, consolidations, but we believe, fundamentally, that this bifurcation of functions between county clerks and boards of elections is helpful and balanced and efficient.

Additionally, let me say that I'm fond of saying that there's no Democratic or Republican way to record a deed or a mortgage. Likewise, there's no Democratic or Republican way to administer an election.

When I testified before the Law Revision Commission, one of the commissioners raised the fact that, "Well, you're a partisan," which is true, I'm a Democrat -- elected Democrat -- "therefore, there must be a partisan part that you perform." I said, "No, I adhere to the law." For example, the question came up, why do some counties in the past have Row A always a certain party and Row B another party? Well, if they follow the law, the law which says you have to do a selection of that ballot conforming to the law of blind draw, then it's serendipity that one comes out, perhaps, more than another. But the probability is always there, 50-50, when you do that draw. So it follows--

I can't tell you that mistakes don't happen, that laws are not always followed. We know they aren't. But there is a law that calls for a clear way to do the ballot.

Let me get back to this State superagency that has been suggested. Firstly, the clerks are in concurrence that the Martin Luther King voting rights law, which calls for statewide registration, would be of benefit to everyone. As Mr. Carbone mentioned, we have the data. It's a question of interconnecting that data and having someone in the State oversee it. We do not believe that a superagency is needed. Most definitely, I don't want to see another new bureaucracy in State government.

The universal law of large bureaucracies will take place, which is, there is always an inadequacy of resources: people, knowledge, experience,

funding. We don't need that. That system is not broken, so I don't think we need-- And even if it were, I wouldn't suggest that you establish a superagency.

Secondly, additionally, let's talk about the expansion, in terms of absentee voting. We have unanimously pursued that there should be no reason for people to check off on an absentee vote. Anyone who desires one should get one, period. I might add, by the way, that all 21 clerks, to my knowledge, have Web sites. And people that are desirous of registering for an absentee, a disabled ballot, or registering to vote can go to any of those county Web sites and download the form, which is on the Web site, to vote. All that voting information is up there at the county level. And actually, that's why the State created counties, so people didn't have to go to Trenton to get this information, but to go to their regional government.

We think that a boon to this whole process -- Senator Kean's bill to increase poll workers' monetary remuneration has been a big help in getting us the poll workers we need. The boards of elections, certainly, would concur with that.

We think there needs to be a consolidation, certainly, in terms of voting offenses, which is recommended in the Law Revision Commission, in terms of the criminal code. Right now, elections law is -- Title 40, 19A -- all over the place. We think we need -- that consolidation should take place.

That's the highlights of our report, and as I said, I'd be happy to provide you with the full report. I'd be happy, also, to answer your questions.

SENATOR FURNARI: Senator Kean.

SENATOR KEAN: Could you -- as I walk through this process, and looking not only in this specific revision -- things that you feel could, maybe more appropriately, handle either the State or the municipal level. Is there anything that, as you're looking at some of those responsibilities, in terms of voter outreach, in terms of to ensure they can get access to the absentee ballots, or anything else-- What were some of the suggestions that we could look to that--

MS. RAJOPPI: Well, I know that Mr. De la Cruz, in his bureaucracy, has made a great effort, an outreach, and I think there's never enough outreach that you can do. There's always more you can do.

Off-hand, we haven't thought of any agency. I think it has to be a cooperative plan at every level of government, starting with the municipal clerks and the county clerks and the State.

It was mentioned before that at one time -- actually, when I was the Deputy Secretary of State in New Jersey, the Division of Elections resided in the Secretary of State's Office, and, of course, it's now in the Division of -- Department of Law and Public Safety.

Certainly, more outreach needs to be done. I'm not sure how to accomplish that, but I think we're in agreement that it's needed through education.

SENATOR KEAN: Where can you -- excuse my notes -- where can you pick up an absentee ballot application -- all the locations, either municipal or county level?

MS. RAJOPPI: Municipal libraries, municipal clerks offices. You can go to my Web site or any other county clerk's Web site and download it.

If you don't have a computer, you can write a short letter to anyone in county government. It will get to our office or the boards of elections, and they will be registered or get the ballot they need.

SENATOR KEAN: Okay, thank you.

MS. RAJOPPI: Simple.

I just want to say one other thing. Ingrid Reed, who I know very well, gave an example when you were -- asked about some problems, partisan problems, and I'd like to respond to that.

Mr. Carbone mentioned that there's always tension when you have different -- sometimes same party -- people in same-party positions. In Cumberland County's case, very clearly, there was a law that wasn't, maybe -- maybe the board of freeholders there had to be reminded of the law, which is very clear. Statutorily, in Title 40, it says, if a county clerk needs resources, money, equipment to perform their functions, they get it, no matter what. So the board of freeholders can deny you the money, but you'll still get it because you'll go to court for it. It's very simple. They cannot deny you money. They'd be ordered to give you money.

SENATOR FURNARI: Senator Martin.

SENATOR MARTIN: No, I would like to hear from Kathy Donovan, to just complete this circuit here.

MS. DONOVAN: I have a few things to say.

SENATOR FURNARI: I do want to just point out -- and not that I disagree with you that we should always be concerned about growing State bureaucracy -- but 71 percent of the State budget goes back to school boards, locals, and grants. So only -- when we're talking about State government,

we're talking about 29 percent of the State budget. So, certainly, we can look to cut down on it. But in the scheme of what costs us a lot of money, I'm not so sure that that, necessarily, is the greatest factor on these decisions. But thank you.

Again, welcome, to our Bergen County Clerk, and Former Assemblywoman, and certainly a good friend to the people of the legislative district where you reside.

MS. DONOVAN: I appreciate it, thank you.

Good afternoon, everybody.

I was going to welcome you, Senator, to Bergen County. You are my Senator, but welcome to District 36 section of Bergen County. Welcome, also, to Rutherford, since I live here now. And I appreciate you coming up to Rutherford.

I'm here to speak in opposition to part of the legislative Law Revision Commission's plan. The first part-- And some of it has been said already, but I'm going to speak my peace, because I feel very strongly about it.

I am astounded that anybody thinks elected officials should not be part of the election process. I think it is precisely because county clerks are elected that they should run part of the election process. This is a government of, for, and by the people. If they don't like what we're doing, we're out of there. They choose not to elect us. A government agency continues in existence, election after election, without anyone being out of office, if you will, if something goes wrong. So my name is on the line every single time there is an election. All the county clerks, as you know, have to sign the ballot. Our name appears on the ballot. I assure you-- We went to bilingual ballots for the

whole county, because of the new census that said, in the Federal law, that we now have to have Spanish and English ballots in Bergen County, for the whole county.

There were a number of people who felt very strongly about getting a Spanish-English ballot, and they called my office by the hundreds, probably even into the thousands of people, this last November. They knew who to call. There was no problem with citizens knowing with whom they should get in contact to express their opinion. And I think, when you have an elected official running an election, that's exactly what you're supposed to be doing. To have it other than that, I think, takes it away from the actual voters themselves.

We know our jobs, and we know our responsibilities. In some ways, it's almost like a cause in search of a problem, because there isn't a problem with the county clerks. They do their jobs. The cost factor, I think, will be enormous to transfer it. And in these times, when nobody has any money to spare, that is a significant factor.

One issue that was not addressed, at least that I saw in the Commission -- and I testified before the Commission in the fall of 2001. It was a very good experience, because I very much respect the members of the Commission. I just don't agree with them on all of it. But one of the things that I think does need to be done is the school board elections process-- Some of that needs to be addressed.

The filing requirements that we have now in the law is that people who want to run for the school board file with the board secretaries' offices. I think that is inappropriate and unfair for school board secretaries to handle

that. They do it once a year, and maybe they're brand new and they've never faced it, they have no idea what they're doing. I believe that the filing requirements in school board elections should be handled, for the local municipalities -- file with the local municipal clerk, because he or she does this elections' process all year long. By the same token, the regional school boards could file with the county clerk if you chose to do it that way. But, clearly, there needs to be a better process for that. I don't think you'd find any board secretary unhappy to be out of that process, because he or she, sometimes, has a lot of pressure brought to bear on them by their bosses, the school board, on whether or not to accept a ballot, or an application to run, or how to do a drawing.

Today, my office, before I came here-- One of our local towns, and I will not name that town, brought in their ballot position. They did their drawing. Well, they did their drawing Tuesday -- they did it Monday, and it's due to be done today. So we have to send it back. They just didn't read the law. I suggest to you that that's not going to happen if you have municipal clerks in charge of it. And I feel very strongly -- not a hard thing to do and would be very helpful to everyone else.

I think we ought to change the closing times for school boards elections to 8:00. I think a uniformity in closing times would be very, very helpful to everybody in the State. Because they're smaller elections, if you want to keep the opening times different -- and you know there's a number of different opening times for the smaller towns -- that could do, but to have school boards run until 9:00 makes absolutely no sense to me. And I would suggest that that be a part of the law.

The Federal requirements, which are very important, could be done without all of the other changes that seem to want to be taken place. I would suggest to you, also, that the 45-day, 25-day window that Mr. Cannel talked about before-- The 25-day window on no changes is too late. The Federal requirements require that our absentee ballots be in the mail 30 days prior. So 25 would clearly be out of time. We could not-- That would be an unenforceable State statute the day you passed it, if you will. And that needs to be addressed.

And I will be about two more minutes. I must say -- because I see my superintendent, deputy superintendent here -- we've had a number of discussions on this. The superintendents -- many of them are against taking away the reasons for absentee ballot applications. They feel that it's a check that needs to be in there to prevent voter fraud. The county clerks are unanimous in saying we don't need a reason. We just want people to vote. But there is some objection by the superintendents and the deputy superintendents -- that they feel that there is not an adequate check and balance, and to prevent voter fraud, in this.

I guess, in a conclusion -- it's that the system works as it is. We are directly responsible to the people, and they know where to find us. It's very easy to get on the ballot in New Jersey. And if we start to change that and create agencies that, then, have a life of their own, we are running the risk of taking elections away from the voters rather than allowing them the access that they have now.

I thank you very much for listening to me, and I appreciate your time.

Mr. Chairman.

SENATOR FURNARI: Thank you very much.

Senator Martin.

SENATOR MARTIN: No, I think it was pretty clear. (laughter)

MS. DONOVAN: I'm not shy, Bob.

SENATOR FURNARI: Thank you very much for your testimony.

SENATOR MARTIN: Mr. Chairman, I'm going to have to-- I'm supposed to teach a class at East Hanover Central School at 1:30, and I'm sure the students are looking so fondly toward me. (laughter) I am going to have to depart.

SENATOR FURNARI: Thank you very much, Senator. We will not necessarily be here all that much longer.

Assemblyman Ahearn is our next witness.

SENATOR MARTIN: Matt, you can call me directly if-- (laughter)

ASSEMBLYMAN AHEARN: Certainly. I'm sure you read the transcript, too, Senator.

Mr. Chairman, thank you very much for the opportunity to speak today and, certainly, for simply having this hearing and getting this process moving.

The revision to Title 19 is a rather large task and a large chunk. And I do just want to point out, I know there are some additional hearings that you're planning and would respectfully ask that they move as quickly and expeditiously as possible, because as all of us who serve in the State House are aware, the calendar is moving quickly on this, the 210th legislative session.

We will be getting into the budget season, and then the summer recess, and then elections in the fall. And if this legislation does not clear both houses and get signed into law by the end of this session, we have to start all over again in the following session from scratch. So I certainly appreciate that we are moving this forward now.

Now, to the extent that there may be some subsections that can be moved as separate pieces of legislation, so that the more detailed scrutiny that is needed in some of the other areas can take the time they need, I would certainly request that you consider this. For example, on the absentee ballot provision, Assembly Bill 543, which deals with exactly that issue -- and I believe the corollary to that in the Senate is Senate Bill 1473. The Assembly passed A-543 on March 6, 2002. And that is a piece of legislation that, with some tuning and amendments before your Committee, based on the Law Revision Report, could move out and be dealt with in terms of absentee ballots, even if the entirety of 19A or 19 is not adopted. So I would ask that you look into that, investigate whether or not that is appropriate at this time for your Committee.

The second area that I would like to speak about is this concept of a centralized database. First, I'd like to say that having looked at this closely now for the last few months, I do not expect and anticipate that it is going to be technically as complex or expensive as some may make it out to be. And I do not say that lightly.

Prior to my joining the Assembly -- getting into the Assembly, and prior to becoming an attorney 10 years ago, I was a professional data analyst for the Department of Defense, and I was responsible for the quality assurance

of what was, at the time in 1987 and '88, the largest integrated centralized database in the world. And that, even with the technology available then, was not all that complicated and all that difficult to do. And given the advances in computer technology and the Internet since that time, I think it's even easier.

I also was a computer security consultant for the Department of Defense at that time, and during the 1999 presidential primaries, the state of Arizona, both Republicans and Democrats, by consent, did an experimental Internet voting system, and I was a computer security consultant on that project, as well. And I am a founding member of the New Jersey State Bar Association Computer Law Committee. So when I testify here that I don't think it's going to be as difficult or as expensive as you may hear, I would ask that you not get bogged down into those details, and allow the technical experts, once given the direction and the authority and the minimal funding that would be required to come up with a workable solution, do so.

I was also admitted as an expert witness by the Superior Court in Morris County on an E-mail fraud case two years ago. So, again, it's not just as an Assemblyman that I say I don't think it's as hard as you hear. I think I've got the expertise to back that statement up.

Now, it was mentioned earlier, on a different subject, having to do with alternative political parties -- as the Senator acknowledged, I am a member of what is an alternative political party, or deemed a minor party under the existing State law. I think it's important to point out to this Committee and to the members of the public that, until 2001, I could not have registered as a member of my current party. The only choices at law were

Democrat, Republican, and an independent category, which is by no means a party or a major party as defined in State law or as is proposed.

Now, there's no way for a Democrat or Republican administration to differentiate in how the garbage is picked up. I do put it to you that there is definitely, and has been, a history in this State of a bipartisan method that has created a significant burden to the development of alternative political parties. And had that burden existed prior to the late 1800s, early 1900s, that picture on the wall behind you of President Lincoln might not be there today.

That barrier I speak about is that the designation -- in now, what would be, I guess, 19A:10-1, defining a certified political party at 10 percent of the votes cast in the State for members of the general Assembly at the proceeding general election -- that's how you become a certified political party or a major party in the State. And I would respectfully request, in this process, that this Committee take a look around the country, and take a look at the case decided under the 1st and 14th amendment -- which we've all taken an oath to uphold -- that the New Jersey Appellate Courts determined counties must allow people to register, not just as independents, because it is a very liberal ballot-access process for anyone to become on a ballot-- But the burden to become a major political party, and all of the powers of fund-raising and organization and everything that goes with that status, is significantly skewed in this state to maintaining not just a two-party system, but the existing two parties that we have.

And I think that, if you look at that and consider the decline in voter turn out, that one way to encourage people to getting involved in the political process is to be a little bit less restrictive as to how a party can become

a political party. There are only six that, by court, can now register, other than Democrats or Republicans. It was only the parties to the 2001 lawsuit brought by the Council for Alternative Political Parties -- those are the only other parties that can register with the county clerk.

And I think somewhere in this process-- I don't see anything in the Law Revision Commission report where that is addressed -- as to how, other than future litigation, a true political party, as we know and understand them to be in this country, could have a chance of ever, ever competing fairly in the system.

So I would just, respectfully, request that, although that may not be explicit in the report, that you investigate that and consider that to avoid future lawsuits in this State involving the Attorney General, the Republican Committee at the State level, and the Democratic Committee at the State level over issues that we as legislators, who've taken an oath to uphold that Federal Constitution, should be able to resolve.

Thank you.

SENATOR FURNARI: Thank you, Assemblyman.

Do you have any questions, Senator?

SENATOR KEAN: No.

SENATOR FURNARI: Thank you very much, and thank you for being here today.

I think I called before, Mr. John Donnadio, from the New Jersey Association of Counties.

JOHN G. DONNADIO, ESQ.: Thank you, Mr. Chairman. Thank you for excusing Senator Martin. As a law professor, he always asks me difficult questions, so I'm glad he's not here anymore. (laughter)

SENATOR KEAN: I'll see if I can ramp mine up.

MR. DONNADIO: My name is John Donnadio. I'm the Legislative Director for the New Jersey Association of Counties, which, as this Committee is well-aware, represents New Jersey's 21 counties, and also the constitutional officers.

It is our purpose here today, simply, Mr. Chairman, to support the positions of the Constitutional Officers Association and of the county clerks, specifically with regard to the creation of a State commission which will, effectively, eliminate the election responsibilities of the county clerks. It is our contention that, as opposed to creating this additional and, potentially, costly level of bureaucracy, that the Legislature and the administration look to what currently exists, what currently works, and pretty much go from there.

I'd also like to point out that the Association does support many of the provisions in this bill, particularly with regard to expansions of absentee voting rights. And we have testified in the Assembly State Government Committee for it to that effect, and also a consolidation of voting offenses into one chapter of the criminal code.

At this point, I'd just like to, again, reiterate the Association's support of the county clerks in this matter. And I'd be happy at this time to answer any questions, if I can.

SENATOR FURNARI: Thank you.

Senator. (no response)

Thank you very much.

MR. DONNADIO: Thank you.

SENATOR FURNARI: The Superintendent of Elections of Bergen County, Patricia DiCostanzo.

PATRICIA DiCOSTANZO: It was good morning, but now it's good afternoon.

It's a pleasure for us to be here.

I'd just like to thank all of my colleagues that I see throughout the state here -- as far as Hudson, Passaic, Hunterdon County -- that made the trip to come up for this today. It's really nice to have them here.

My name is Patricia DiCostanzo, and I have served as the Superintendent of Elections in Bergen County for seven years. I am an officer of the Association of Election Officials of New Jersey. I have also served as a member and the chair of the Board of Elections in Bergen County for nine years.

Appearing with me today is the Deputy Superintendent of Elections, Theresa O'Connor. She also serves on the New Jersey Association of Election Officials, as a member of the Legislative Committee.

We are pleased to be here to participate in this public hearing. We hope that our efforts today provide you with more information and insight into the mechanics of the election process.

For the record, we have been tracking the comments of the New Jersey Law Review Commission on the subject of the revision of Title 19. Early on, we met with Mr. Cannel in order to express to him some of our concerns regarding the recommendations in the report. We submitted

comments regarding the same, and have been successful in having some of our recommendations included in the final report submitted to you as members of the Legislature.

We also hosted a meeting in Bergen County that was attended by the majority of the New Jersey election officials. This meeting was also attended by Mr. Ramon De la Cruz and members of his staff. We deeply appreciate his commitment and cooperation. It has been a while since we have had this level of response from Trenton, and it is truly appreciated.

Our collective efforts as the professionals in the field have not been to resist the change, but to make those involved in this exercise fully aware of, firstly, what we do in our capacity. Secondly, we have tried using our collective efforts as the professionals in the field -- have not been to resist the change -- I'm repeating myself -- sorry -- but to make those involved in this exercise fully aware of what we do. Secondly, we have tried to communicate how the election process would be altered if all these changes do occur. We believe that it is our mutual goal to protect the electoral process and promote even greater opportunity for all citizens to exercise their most basic right as Americans.

The following comments reflect issues and concerns regarding the revisions and their impact on certain aspects of the New Jersey law relating to S-2123. Please accept our comments in the spirit in which we are presenting them.

In many cases, sections of Title 19 are outdated. Specifically, sections that speak to voting machines and poll books have to be updated to keep pace with our new technologies that are in place.

In the aftermath of the general election of 2000, the Federal government and the State began a review of how elections are conducted. The Help America Vote Act of 2002 and this pending legislation before us today will impact on how elections are conducted in the future.

Let me begin by saying that many changes to the election process in the Federal law are presently in practice in New Jersey. We are well ahead of the curve and are positioned to enact these changes to the process, because of the combined efforts and communications throughout the years of the Governor's Office, the Legislature, and county and municipal clerks.

This bill creates the establishment of the Commission of Elections. This Commission will be empowered with the regulation and oversight of the elections in this state. It is my understanding that the Commission, as proposed, will operate under the direction of the Department of Law and Public Safety, but be autonomous. Does this Commission replace the Division of Elections? Will the legal counsel assigned to the Commission represent the office of the superintendent and county boards? Currently, the office of the Attorney General provides our legal representation.

Elections in New Jersey have been conducted in a bipartisan manner, because both major political parties have been equally represented. The checks and balances are both real and perceived. The very knowledge that this balance exists goes a long way to prevent obstacles to the election process. The perception of a level playing field is critical to the maintenance of a good electoral environment. This was not the case in Florida where the boards were not politically diverse.

We are concerned about the efforts to establish a Commission on Elections and to appoint members who are both politically affiliated and members who are unaffiliated. This would be a deterrent to the operation of the Commission and would have a very negative effect on the well-established reputation of the integrity of the New Jersey election officials.

We feel that it is important that we make you aware that, as the structure exists today, there is a seamless transition when there is a change in administration. There are not interruptions in the interaction of our mutual offices in the performance of our duties.

With reference to other revisions outlined in this bill, it would appear that most, if not all, of the election responsibilities assigned to the office of the county clerk have been eliminated. We're not for that. The election responsibilities have been divided and redistributed and divided between the office of the superintendent of elections, the commissioner of registration, and the county boards.

Currently, the county of Bergen has three distinct and separate election divisions which conduct all elections in compliance with the law. The duties and responsibilities of these offices are separate and unique. There exists no duplication in effort. As a matter of fact, although the divisions function in concert with each other, as a result of our different responsibilities under the current law, many checks and balances exist which prevent errors.

If S-2123 is adopted, the operations of the office of the county clerk, elections, and the superintendent, and the county boards will need to be physically realigned and budgetary allocations reappropriated. In many cases,

the actual physical location of the buildings that house these departments are miles apart.

Logistically, this will be a significant undertaking on many levels. The diversity and differing size of the counties place different constraints on the office operations within. Administratively, employees will need to be reassigned and office space reconfigured. Counties will need to address the financial implications. Under 9A:1-10, Section D, a salary recommendation regarding salary range will surely meet with resistance from freeholder boards, as well as bargaining units in the respective counties. It certainly raises the issue of State mandate State pay. We love that one. (laughter)

As administrators, there will be many new deadlines and statutory responsibilities that will need to be fit into the daily operations. The public, elected officials, and the political parties will need to be re-educated regarding how this jurisdiction over the different functions are to be assigned. Unless a good public relations campaign takes place, public confusion could border on chaos. If this restructure does proceed, it is imperative that a realistic time line be constructed in order to, literally, get all the ducks in order. As I'm sure you will agree, headlines about election errors are not in any of our best interests.

As a superintendent of elections, I must make you aware that it is my firm belief that the responsibility to maintain the integrity and to supervise the electoral process firmly lies in the purview of the superintendent of elections and commissioner of registration in the counties of the first class. The investigation of voting discrepancies, the maintenance of voter registrations and voter records, and the custody of voting machines, and the inspection of polling places should remain under the control of the

superintendent. The superintendent has intimate knowledge of the population, the communities, and the political landscape under their jurisdiction.

These relationships foster good communications, and community outreach efforts are improved by the ability to know the players and build on trust established over time. The ability to maintain one-on-one relationships with the municipal clerks clearly helps establish policy and procedure that centralizes efforts to produce a smooth election day process, and enable quick response to any physical problems, because of the close proximity of the polls. This would not be possible if there were not on-site professionals in the office of the superintendent that are familiar with their own county.

We strenuously oppose the 14-day registration deadline. If the goal of our efforts is to execute elections in the most simplified form in order to prevent disenfranchisement of the voters at the polls, then it should be recognized that our mutual goal should be to make every effort to have our poll books be as accurate and up-to-date as humanly possible. By reducing the registration deadline to 14 days, it could be conceivable that thousands of registered voters' names would not appear in the poll books, because it would be a physically impossible time frame to have poll books printed and returned to the superintendent in enough time to complete the process accurately and deliver the books to the polling locations. This office does not believe that it would be feasible to have the State print the poll books for the county. How would the books be delivered? How would we trace missing books? How would we send-- What would we send to the polls if they're lost?

In Bergen County, since we still maintain -- I can't say the rest of the counties do -- but we still maintain our old books with voter records on it. We could anticipate and send them out. What provision would exist if the responsibility was taken out of our hands and the responsibility of the poll books rested entirely in the hands of the Commission on Elections?

The superintendents are prepared to work in conjunction with the Commission on Elections in all matters. With reference to 19A:2-2, it is our contention that only the superintendent have the ability to update, delete, and modify this database. This protects the integrity of the system, and tight control over the database and the back-up records helps prevent errors, duplication of records, and voter fraud. The public has the right to have immediate access to information regarding their records. If a question should arise, they should not have to call, or worse, have to travel to Trenton for their information. By maintaining control of the voter information in-house, we have the ability to either solve the issue for the voter or direct them to the proper election authority within the county in which they reside. The public has grown accustomed to a hands-on approach, as well as quick response to their needs.

Furthermore, it would be a serious error to let other government agencies and social services input voter registration into the database. Past practice has shown that the DMV has not been capable of even transmitting registration information to the State in an accurate, timely, and complete manner. Imagine if they had the capability to access our database.

The superintendent should continue to transmit all voter information to the State in a timely and efficient manner. We welcome

modifications to the State registration database so that our systems are compatible. The county should continue to drive the engine in order to safeguard voter files.

By statute, the superintendents are the only body empowered to maintain voter registration records. If we are required to certify that the voter information is accurate, then the superintendents should be the only authority that should be able to input or change the voter information. The superintendents have been called upon to testify in election matters before the Superior Court of New Jersey. It is not rational to expect a public official to testify on matters that are not in their direct statutory responsibility or control, given the nature and political sensitivity of the issue that may occur in court. The will of the people is at stake.

Under 19A:2-3 Section A-3, we recommend that on the statewide registration form regarding citizenship, language should include such things as, "Are you a citizen," with an appropriate box to mark yes or no, "Are you naturalized," with an appropriate space to respond, "When and where" -- would go a long way to help the superintendents protect the integrity and accuracy of the voter files.

With reference to 19A:1-17, we believe that it is a bad idea to allow the municipal governing body to assign police officers to the polling place on a routine basis. Placement of police in the polling place can create an environment of voter intimidation. It can also be politically motivated since the police chiefs and officers report to the governing bodies whose names often appear on the ballot. This is counter-productive to a free and impartial polling environment.

If there is a disturbance at a polling location, then police may be dispatched to resolve any disturbances. The county board of elections must be contacted if any disturbance or electioneering occurs at the polls. However, the superintendent has the responsibility of the enforcement of election laws and the responsibility to maintain order in all polling places. The superintendents must be contacted when any problem occurs in the polling locations. With the support of the sheriff's department, the superintendent has successfully maintained order on election day.

I would like to also address some comments with reference to revision in the composition and functions regarding the county board of elections.

We have four Commissioners in Bergen County. We have Peter Incardone, who is our Chairman; we have Jamie Sheehan, who is a Commissioner; we have Eileen DeBari; and we're waiting on our new and fourth Commissioner. But I spoke with them, and I said I would put a couple of comments forward.

First, the addition of a fifth member to the board would dramatically change the makeup of the board. I envision that some would think that the appointment of an unaffiliated person would bring balance to the board. In the real world, where would this person come from? How would he or she know that this appointment was available? Obviously, someone who was politically connected would have to recommend this person to the appointing authority. Currently, a true bipartisan makeup of the board exists with two Republicans and two Democrats. On a rare occasion that a tie on an

election matter does occur, it is decided in the impartial environment of the court. It is our opinion, this fifth member could create imbalance.

I'm almost done.

With reference to 19A:1-13-B, the requirement to add an additional two board workers in election districts with a registration population of more than 900 voters has a large impact -- and I'm speaking for Bergen County only, right now -- in Bergen County. Whenever possible, the board does assign extra board workers in the large districts. In Bergen, this provision would require the recruitment, hiring, and training of an additional 386 board workers. The additional financial outlay for the county would be an additional \$77,200. As a result of the 2000 census, Bergen County is now a bilingual county. The board is actively recruiting board workers that are Spanish speaking. Unless the pool of eligible poll workers expands dramatically, this additional requirement is burdensome and unrealistic.

I'm almost done.

We hope the above comments will provide you with greater insight as you continue the public hearings on this legislation. We have touched on some areas of concern. We believe there are other areas that need to be addressed. This is not the end. We look forward to working with you and the members of your Committee on this matter.

And I would just like to thank you for having us here today, but I would just like to respond to four little things. And Mr. Carbone already said it, Bergen County does have an emergency -- in place, and we don't tell.

The other reason -- I know our clerk, Kathy Donovan, who we're very close with -- but we differ on this one. The reasons on an absentee ballot--

If we see a pattern, we say, “Maybe we should investigate those names. Maybe their hours of employment, or they’re going to be out of the state.” I have used those reasons in investigations already, to be able to start an investigation up. I -- as myself and my deputy-- We want everybody to vote, but we’d just like them to follow the rules.

There was a question by Mr. Cannel-- In Bergen County -- and I’m almost positive the other counties do this, too -- I know Hudson -- we send a card out. After you’re registered to vote, we send you a card telling you where you vote, the district where you live. If the card comes back, that’s part of our investigative things. Obviously, the person doesn’t live there.

And finally, and most-- We take an oath -- all of us take an oath, and we take this job very seriously. And we have a lot of people in our ears on election day and before election day. But when it comes to doing it right for the people of Bergen County, and the State of New Jersey, I personally, as Superintendent of Bergen County, don’t care what party you are, because on that day of that election, it’s my job to make everybody in this county feel like they had a fair day at the polls. And that’s what we continue to do in Bergen County.

I thank you for listening. I know it was a little windy, but when you get an opportunity like this, you want to go for it. (laughter)

Thank you.

SENATOR FURNARI: Thank you very much.

MS. DiCOSTANZO: Oh, you want to ask questions.

SENATOR FURNARI: Senator Kean, do you have any questions?

SENATOR KEAN: Just a few. (laughter)

First of all, I admire your passion. And I am, certainly, one who opposes creating bureaucracies, certainly, where none need to exist. So I am looking at this bill.

On your follow-up points -- about one specific angle, since I share your concern about taking out the reasons why. I'm fine with taking out the date of departure -- but you're saying you'd be out of state. Just a little bit more detail -- talk to me about what the difference in the tracking component would be versus the specific line items, versus just a -- I want an absentee ballot-- How would that realistically track your--

MS. DiCOSTANZO: Okay, well, like normally, if there's a pattern, it's someone going around handing out applications with the top already pre-filled out. So they could fill out, "I'm going to be out of state." When we start to investigate-- If I see a pattern in that, we start to investigate it. We find out the person didn't even mark the box. He's not going to be out of state.

I don't mind-- If they want to extend the reasons and give one more reason that -- personal reasons: I'll be out of state, or personal reasons: I can't -- I have to vote absentee-- I don't have a problem with that. I just don't want to take the rest of them off, because in some cases, the political people get smart, and they start a pattern when they go out to do this, or they try to throw us off, and they do a couple of *out of state*, a couple of *hours of employment*. But in some really big cases, they have helped me, and that's my reason for keeping it on. But I don't have a problem-- If the clerks are against the five or six reasons that are on there, and they want to expand it and say, "For personal reasons I have to vote absentee--" because I know our clerk has

a problem with us asking what are you doing that day. It's really not our right to know. I don't think we should take them out. I think if you want to add one-- But I think they should be left in for our purposes.

SENATOR KEAN: I guess a definite pattern-- By having it subdivided, it's more easy to recognize that pattern and say, this is really a disproportionate number of people who are out of state or a disproportionate amount of people who happen to be ill, that come forward.

MS. DiCOSTANZO: Exactly.

THERESA O'CONNOR: If I might just expand on that. When we talk about a pattern, what happens is that -- and there are people who are unscrupulous-- What we're attempting to do is protect the voting environments to make sure that those people that have asked for and requested absentee ballots truly, first of all, intend to vote absentee, because we've had cases where people -- they don't know what they're signing, in particular in immigrant -- new American citizens.

So what will happen is some sophisticated people will go out, they'll have them sign a registration form, and they'll have them sign a request for an absentee ballot. On occasion, those people go to the polls and say, "Wait a minute. I didn't ask for an absentee ballot." And they're not permitted to vote at the polls, because their book is marked. Who got that ballot?

I mean, we just had a huge case in Bergen County where these very reasons helped us -- unfortunately had to impound over 280 ballots, and those people's votes didn't count, because there were people going out, soliciting votes, then following -- mailing of the absentee ballots--

MS. DiCOSTANZO: It gives us something to work with. That's how I feel. I don't know how the other superintendents feel, but it gives us something to work with.

And I don't know-- With all due respect to the clerks, I don't even know that they knew we did that -- that could have been, also -- that we've used that as a tool. They may have not even realized that we used it as a tool, because we don't talk over investigations with them.

SENATOR KEAN: Okay. I voted against the bill once, I'll vote against it again. (laughter)

Thank you, Mr. Chairman.

MS. DiCOSTANZO: Also, we will be sending you copies of all our notes.

Thank you.

MS. O'CONNOR: Thank you.

SENATOR FURNARI: Thank you.

I have just a brief question for you. If we just put on *personal reasons* -- if we put on just one additional category of personal reasons, wouldn't everyone just check off personal reasons?

MS. DiCOSTANZO: Well, you could have other -- they'd mark other, and let them put a reason.

SENATOR FURNARI: Right, and if you got a bunch of them that all said other, you wouldn't be able to test the pattern.

MS. DiCOSTANZO: Well, the reason-- Let me just say this to you, the reason I'm so intent about absentee ballots is the fact -- and I said this, like, four years ago, and I'll just take Bergen County as the example. We

have the new electronic voting machines. When a recount comes along, the machines never change. So the elections are now being involved with absentee ballots, provisional ballots, and voter registrations. So I think that everything that we need as tools -- because if that's going to be the area that's hit -- should be tweaked to help us, also.

So I don't even know what -- the verbiage I'm using is correct. That's really the clerk's thing. But I think if you took it all off, if I wanted to see a pattern going on -- because the same people who pass out these absentee ballots to each election continue to hand it out.

SENATOR FURNARI: Could we keep it quiet? We have one more witness after this, and we're going to try to move it along.

MS. DiCOSTANZO: I just want to say, politically -- and we all know it. And, look, in a perfect world, I'd sit here and say everything is beautiful, but I have to tell the truth. There are towns that do do this. And if you watch them, you can pick them out. Every election you can check them out by the numbers, you can check them out by the reasons. And that's why I just think that it should be left on. It just gives me something else-- Because it's like you said, you take everything off, I won't know a thing. But at least this tweaks my interest. I say, "What is this, 1,400 absentee ballots from one town, and they're all out of town?" I mean, maybe 600 are. So that's the only reason I like it.

SENATOR FURNARI: Thank you very much for your testimony.

MS. DONOVAN: Senator, if you put too many reasons, we're going to run out of space. There's a real problem with how much can you put

on a card that goes through the mail. It is a real practical problem with any more categories of choice. I offer that as advice.

MS. DiCOSTANZO: This is where we-- That's the one thing we disagree on.

MS. DONOVAN: Oh, yes, we disagree on.

SENATOR FURNARI: Thank you.

SENATOR KEAN: Thank you.

SENATOR FURNARI: Thank you very much for your testimony.

MS. DiCOSTANZO: Thank you.

SENATOR FURNARI: It's been helpful.

We have one last witness. Last, but not least, is Renée Steinhagen, with the New Jersey Appleseed Public Interest.

RENÉE STEINHAGEN: I want to thank you very much for giving us the opportunity to speak here.

SENATOR FURNARI: Could we keep it quiet please? Thank you very much.

MS. STEINHAGEN: I feel like I should identify myself not as the Executive Director of a nonpartisan public interest law center, but once a labor lawyer representing plaintiffs.

There was a sense here that I got that people were fighting for their jobs, or the importance of their job, when, in fact, I don't think the Law Revision Commission questions that.

My center is a nonpartisan, as I say, public interest advocacy organization. We came to election reform prior to HAVA, prior to Florida, and prior to the Law Revision. And we sat back, and we did some survey work

nationally, and there were two issues that came to the forefront to us. And we're talking about four years ago.

One is, despite the smallness of our state -- and I say that having a counterpart in Texas, where she always talks about the 246 counties that she has to deal with -- we have the most decentralized election administrative system in the state. That was just one thing we noticed. The other thing is, we do have the most bipartisan -- I mean, the two-party system in the State, in the sense that we have the most restrictive definition of a political party in the State -- of all 51 states -- making a hurdle to support what Mr. Ahearn has said.

The two are not completely separate in the sense that we -- the whole -- the machinery of our elections has been really regulated by the Democratic and the Republican party. I'm not saying it's positive or negative, because there was a lot of philosophical debate here about whether that's the way we're going to be truly accountable.

Now, I came to make comments about the Law Revision Commission's report, which is, in essence, the legislation that is on the table here. We had very narrow views. We came to it from a project called Making Votes Count. So I feel, here, that I'm trying to represent citizens in the sense that -- to facilitate their voting.

I'm not, in any way, making statements about the way the system has worked previously, but how voting is occurring is changing rapidly. Even this whole discussion now on absentee voting -- moving to that you can vote absentee now, is really more in line of looking that, at some point, we might

be voting from our home. We might be voting through the Internet. Some states are already experimenting with that.

The question becomes-- There are also philosophical debates there whether we want people to go to the polls, actually, and participate civically, or do we just want people to vote. And when you're talking about people just voting Internet -- you're going to get into complicated issues of how they can be manipulated through marketing and media and all sorts of other things. And that's a little bit of what I see behind -- the fraud here-- I thought the fraud concern about the absentee voting might be, people vote absentee and then they show up at the polls and try to vote again, but that doesn't seem to be the concern.

My comments that I will submit to you are very, maybe, too legalistic, but they were very focused at what the Law Revision Commission recommended, with some concerns. We do applaud some sort of authority, State authority, not to supplant the clerks in administering, but to set up uniformity. I keep hearing, "We do our jobs." But who defines what your job is?

UNIDENTIFIED SPEAKER FROM AUDIENCE: State law.

MS. STEINHAGEN: Well, State law-- Okay, so State law-- The administration -- not everything in State law sets forth how you actually administer it. There's got to be some commission, whether it has input from the people actually implementing, that sets up uniformity of standards, uniformity of standards about training, uniformity of standards about education of voters, uniformity of standards of what a valid provisional ballot looks like, and how are we going to determine that.

I don't see the Law Revision Commission coming in here and setting up a big bureaucracy to supplant the clerks' implementation of the system. I see them, clearly, just trying to set up uniformity of standards to make sure that elections in counties are administered the same. People do not identify themselves as a voter just in the county. People see themselves as New Jersey citizens, and their opportunity to vote, and how they vote, and whether their vote counts, and how they have to go about it, or how they're educated, or how the poll workers, if we're still going to be voting at polls, actually know what the law is -- there's got to be some uniformity.

So we actually commend the Law Revision's decision to try to create some authority. We also do feel that the ELEC model is the appropriate way to go, though there are differences in the sense that ELEC doesn't administer the law. It does enforce the law; it does issue regulations that set up standards and interpretations of what the law is, under which people have to work; it has subpoena power; it has investigative power; it has its own attorney. And I do think that from the public's -- again, it's very hard to say public -- but from an average citizen, the perception, if there is this commission that sets uniformity of standards, and is there to go to if you feel that a particular county is not meeting those standards, that does start to meet the policy goals of fairness and transparency and accountability.

So we actually looked at the Law Revision Commission, and we actually sought to expand it. We wanted, clearly, that Commission to also have jurisdiction at setting standards about training of poll watchers and election volunteers, in addition to election officials. And we also wanted them to make sure that they ensure that the Commission provide training in both

voter technology and election procedures, or make sure that the counties provide that, because once you start entering into the computer technology--

My counterpart in Texas, who has a very large -- now it's almost -- I think it's almost 50 percent Hispanic population -- is talking about the digital divide. We can't assume that people are going to know how to use that technology. And we have to ensure ourselves that the people at the polls, that are election officers and the volunteers there, will be able to help people to ensure that they will vote.

We have supported a statewide data registration base. We go one step further than the Commission. It is not something that is required by Federal law. I look at my task as looking at what do we have to do in New Jersey to meet the Federal law -- but maybe what we can do, to do it right, is that we do believe that, given current computer technology, there should be every attempt to link the district polling places to the statewide database on election day. That doesn't mean that they have the opportunity to change anything. They need access to it. But we also think that the signature, which we heard today is already electronically done-- Signatures should be in that statewide data registration base. That is one way that we're going to really-- That means--

You guys -- I've heard here that it's already there in your databases, but there's nothing in the law, there's nothing in the Commission's law or legislatively that's requiring that the database also include the person's signature electronically.

I think the other issue coming out of the statewide data registration base -- I've heard stories about DMV's inability to get information to the counties. That's one reason why people may show up at the counties, and they're not on the registration rolls. But there has to be some -- given now the Federal government's requirement about identification for first-time voters who did it mailing -- there's got to be something in the law, I believe, that actually says that if a person registers in what we call these Motor Voter agencies, not the department of Motor Vehicles, but these agencies that came under the Motor Voter Registration Act -- that if they actually hand it to the person, they sign it in front of the person, they fill it out appropriately, that should be deemed to be an in-person registration, because that is how registration is occurring. And I think, unless we're going to have everybody be voting at our next Federal election provisionally, we're going to have a very big problem.

There's also the issue that no one is touching, which might point to why we need a commission -- is, the Federal law now requires that if you don't show up and you're not on the rolls for any reason, including -- or if you don't show up with identification, and you're deemed to be a first-time voter, you vote provisionally. Well, how do you determine whether that provisional ballot is valid? I mean, it defeats the purpose if you're going to tell me that they merely look to see if you're on the registration rolls. You were on the registration rolls, but the Federal law is requiring you to bring identification. Does that mean that the next day, they're going to have to come with identification in order to make the provisional ballot valid? I mean, these things are open-ended.

We, on the other hand, have focused a lot of our efforts on provisional voting itself. I heard Mr. Carbone say that New Jersey was the lead on provisional voting, and I have to beg to differ with him. We implemented a very limited form of provisional voting in response to a lawsuit brought by the Democratic party, the State Democratic party, which is, as the law is written currently, it is only available for people if they're not on the registration rolls due to their moving interdistrict within the 30 days. That is not something that exists elsewhere. There are other states. And we, in fact, have proposed to the Law Revision Commission -- and some might think it's quite utopian -- but we do believe that a New Jerseyan should be able to vote, if we're going to still require people to show up at polling places, any place in the state, for the elections or the candidates that they would otherwise be eligible to. That means, ideally, if you have a statewide registration base that everybody is accessible to, you're really only looking to determine, when someone shows up at your polling place, whether they are properly registered. If they show up in Hunterdon County, and they're Bergen residents, they should be able to vote for only those races for which they would have been able to vote in Bergen County.

Look into the future-- Again, maybe Travis County in Texas is not the future, but you can go to any polling -- you could go to a polling place in Travis County, and you can pull up the ballot for different districts. I'm not saying that that's something we have now. That's not something that's -- maybe it's too costly now -- but the technology is there. That, ultimately, at some time in the very near future, you could go down to Atlantic County and press a button, and you'll get the Bergen ballot there.

But in the meantime, we're talking about -- and other states have it-- The Federal law merely says you need to have provisional voting. It also says, if you're not on the rolls you have to give a provisional ballot. That is a more broad view of provisional voting than we have in New Jersey today, and it is one that leaves a lot of questions unanswered -- when you're really talking about fraud and how you're going to implement this system, and how you're going to determine whether it's valid, how are you going to make sure that people don't vote in different districts, etc. But it's possible. And we have, actually, proposed specific legislation that would allow that and would put us in line with other states like California and other states that have moved there.

Those are the major areas that we have focused on, and that was prior to HAVA and prior to the Law Revision. We think training of poll watchers is very important, the education of voters is very important, and then the -- any -- the mechanism allowing them to facilitate their voting. And that means that if they do get themselves out of their house to go vote, they shouldn't be turned away because they've shown up at the wrong poll, or somebody administratively didn't -- they're not on the proper rolls. But the statewide registration base will actually change that. The whole environment will change.

And I think that all of these things are going to require some entity that can ensure that they're uniformly -- that there are uniformed standards to which the county clerks and the local administrative bodies can look to, and, currently, we don't have that authority. State law is not the authority. Well, State law is the authority, and State law is the progenitor of the regulations,

but this is an administrative system, and it needs regulations on how to do it, and when to do it.

So we do applaud the Law Revision Commission's efforts towards that way, and we do have some deadlines. So if, in fact, we do recommend that you look at some of these things piecemeal, you do have a January, I think it's 2004, deadline to change your provisional voting system, getting the statewide data registration base in -- a January 2004 deadline to get the provisional voting -- a more broadened provisional voting than we currently have in New Jersey. And, again, the Federal law doesn't answer a lot of the questions that I think the legislators here have an obligation to look at. Those questions really emerge from the actual administration of the system that the clerks have clearly laid before you.

So I thank you very much, and if you have any questions--

SENATOR FURNARI: Thank you.

Senator Kean? (no response)

I just have one question, and probably you've inspired the question, although I think it's probably the topic of our later discussion on technology at our third Committee hearing.

But it's intriguing that I can go to any polling place and vote. And it raises the same potential question when we talk about Internet voting. Certainly, we can make it secure enough if we can do these kinds of transactions -- billions of dollars -- transactions -- it's secure enough to do that, it ought to be secure enough to ensure that the right person is voting.

But it brings up the secondary question that, fundamentally, our country is based on a system of justice that things happen in the public. In our

courtrooms, people are allowed to be able to see what goes on before people are convicted of crimes or civil cases are settled.

And in this voting process, we seem to rely heavily upon the right of an interested party to watch the voting going down and watch it to make sure that either the person isn't being coerced, the person is who they say they are, only to ensure the fairness of the process. And I've struggled with how -- to make it more convenient -- voters can vote anywhere and maybe vote on the Internet. How is it that the public can perceive that this is something that's happening in open and public, and they can have a right to question the way this voting is taking place.

MS. STEINHAGEN: I think they're two different components, because one is the security. The central question, I think, that should be the issue is, how do you ensure that the person voting is the person who they are. And I think that-- Isn't that what everybody in the public is-- When you have it at a polling place, people are trying to look to see that this person is the person who they say they are, because they still go into a voting booth where they vote in secrecy. Do you understand? And whether they were intimidated or coerced before they stepped into the polling booth -- these things you don't know.

I think the real -- the central important question is just determining how do you ensure that the person who is voting is the person, is alive, is the actual person, and that they don't vote twice. I think that is something that technology can ensure as best as with signatures that are done electronically and other forms of identification.

SENATOR FURNARI: But wouldn't you agree that-- Certainly, in some of the parts of the district that I represent, whether motivated-- Well, certainly in some instances, people attempted to intimidate voters, particularly in the city of Passaic, where we've had monitors watching the polling election. There's been certain allegations of intimidation. And without the people, who were going to -- whose names were on the ballot having some ability, or some interest in the election process, to watch-- Say this is where this polling place, this is where it's going to happen, and we can see that either they're not being coerced in some way, or brought in and being paid, or in some manner that someone might devise-- The same way you'd have 1,400 votes -- I think that the Superintendent told us -- 1,400 absentee ballots in a small community-- You know, could everybody really not be there on that day? And I'm not saying that it's pervasive, but the potential of it is. When we have elections that go by--

MS. STEINHAGEN: Well, but that only occurs-- That might--

SENATOR FURNARI: When we have elections that less than one vote-- There was a famous election in New Jersey once where less than one vote in every polling place made the difference. I always hoped one day that I would be elected that way, because I'd be assured to have a landslide the time I ran. (laughter)

MS. STEINHAGEN: I just find it very complicated.

SENATOR FURNARI: That's the question that--

MS. STEINHAGEN: No, that's it. But it still assumes that-- I guess your real question is -- because you're looking at -- when you're doing it, you're looking at only one point in time, whether the voter's intimidated,

actually, when they're casting the ballot. I mean, what goes on a couple-- What is the legal thing, six feet beyond the polling places, you really don't know what's going on.

So the question is, whether having someone vote without physically appearing, which is the question of the absentee ballots, whether that person -- whether it was coerced or not -- is going to be there. I mean, the question really becomes -- I guess it's going to be competing values of how much intimidation, really-- I mean, it's going to become a balance between the attempt to facilitate voting, meaning making it as easy as possible for people. And when you're doing that, are you opening yourself up to all these avenues by -- when that person can be intimidated, coerced, their vote bought off, or they don't actually vote -- where someone else is voting for them. So I think that's something that one has to weigh.

I don't have an answer for you now. I think there are states that are working with Internet voting. I think one has to look at, probably -- through responses of the voters themselves -- whether they find this system facilitates their voting, or if they feel that this system makes them more vulnerable to some political operatives.

Really, the current system relies on people. They might not be coerced, but they're coaxed. They're people that are called and told to go, and then they're taken by the hand, and they're brought over. And the fact is, the challengers don't -- you don't challenge it on the basis that they walked in with someone who then has 10 people behind them. And even if they would, there's no basis to challenge it.

SENATOR FURNARI: Well, if they all walked in with--

MS. STEINHAGEN: But if they all had valid registrations--

SENATOR FURNARI: --a certain piece of jewelry or-- I mean, if everybody was wearing something, that would indicate that they were being brought to the poll and not just brought to the poll, I think you'd have an ability.

MS. STEINHAGEN: But if they're a registered voter, validly registered, they should be entitled to vote.

SENATOR FURNARI: Right. I only raise that as just the check, as a question about that, because it seems to me that we are quite -- technology has brought us to that certain point in time where people ought to be able to cast votes, not necessarily at the polling place, but through the computers.

MS. STEINHAGEN: And then there's also an in between. When I say Internet voting or, let's say, even what I was talking about, you could still require people to come to a polling place where they're watched and there's some, sort of, oversight on them -- but still doing it computer -- meaning, I come into Atlantic County, and I say, "Well, I live in Bergen, and I'm working down here today. I want to come in here, and I want a Bergen ballot here." We'll no longer have these machines. You understand? At some point, you're going to be able to click a picture, and the Bergen ballot can appear. You still would have the accouterments of whether this person showed up, whether they're properly registered, they signed who they are. That's at a polling place, to address your concerns, where there's some public viewing of who's voting when they're voting, which is different than voting from your home in some sort of secrecy.

And there are other civic concerns. Some people are against this, because they think it is important for people to engage in the act of voting and going out and going to a public place, and engaging with other people in a civic activity and not to privatize this, too -- this aspect.

My center has not taken a position on whether we're going to -- whether we would support voting at home. We are taking a position that technology exists that you should be able to vote, as a New Jersey citizen, on election day in any district that you show up in if you have been properly registered and you are who you are. And until we have the capability of getting different ballots on a computer system, we do believe, at least, you should be able to vote for, in a Federal election, certain candidates if you show up in the wrong county.

SENATOR FURNARI: Thank you very much.

Senator, any follow-up?

SENATOR KEAN: Good questions.

SENATOR FURNARI: Thank you very much for your testimony.

MS. STEINHAGEN: Thank you very much for having this hearing.

SENATOR FURNARI: In conclusion of today's hearing, I'd like to say that this has been very helpful. We have certainly heard many different views. To be sure, these are controversial issues in the process. Everyone is working towards trying to make the system work as best as possible and to bring our laws up to date, so that we can facilitate fair elections, that everyone who is entitled to vote can vote.

We have tentatively scheduled our next meeting for March 26. Hopefully, that will be in one of the fine four counties that Senator Kean represents. We're not quite sure of the location yet, but we will, hopefully, be able to get that out to you very shortly.

The next major topic of discussion at that meeting will be the Federal Help America Vote Act of 2002. It will include the implementation of a statewide voter registration system. And, hopefully, there will be Federal funds, and we'll be talking about some of the funding that is associated with that at the next meeting.

Our final meeting will be on April 16, at a place to be announced. And the subject of that hearing will be voter access for disabled individuals, the emerging voter technologies, Internet voting. It is hopeful that we will also be able to have a somewhat more in-depth discussion about some of the issues that have been raised here today and may be raised at the other meetings, particularly those about the voter vacancy laws and how we might attempt to address those.

So thank you all very much for being here, and we'll see you again at the next meeting.

This meeting is adjourned.

(HEARING CONCLUDED)