

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3458

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2008

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3458, with committee amendments.

The bill, as amended, removes the current requirement that voting machines produce a voter-verified paper record by January 1, 2009, and instead creates a pilot program in the Department of State to study the feasibility of retrofitting voting machines in use in this State to produce such a paper record.

The pilot program will be implemented and monitored by the Secretary of State, and will consist of retrofitted voting machines in one municipality, which has no more than ten election districts, in each county for the June 2, 2009 primary election.

Upon the completion of the pilot program, the Secretary of State will issue a report containing information on the implementation of the pilot program, an evaluation of the pilot program, and the Secretary's recommendations to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly, and the Minority Leader of the General Assembly. The requires that the report include information from surveys of members of the district boards of elections who worked, and voters who voted, at polling places where the pilot program was implemented.

If, following the issuance of the report, the Secretary of State determines that the State should retrofit all voting machines in this State with a voter-verified paper record, the bill requires the Secretary to produce an implementation schedule for the retrofit of voting machines, with full implementation to be finalized no later than the general election to be held on November 2, 2010.

The bill also deletes sections of law requiring that all voting machines produce a voter-verified paper record by January 1, 2009.

FISCAL IMPACT:

The Division of Elections within the Department of State indicates that they are planning to retrofit up to two voting machines in ten districts within one municipality in each of 18 counties for a total of 360 machines. The preliminary expectation, before receiving firm estimates from vendors, is that the retrofit may cost between \$500,000

and \$1,000,000 or between \$1,388 and \$2,777 per machine. At this time, additional costs directly related to the use of the retrofitted voting machines in the pilot program are not known. Usage costs include training, election day support, and supplies.

The Office of Legislative Services notes that there are \$20 million in State funds and \$15 million in federal Help America Vote Act (HAVA) funds, that are earmarked for the retrofit of voting machines to voter verified paper audit trail (VVPAT) technology, in existing FY 2009 appropriations that could be used to pay for the pilot program.

COMMITTEE AMENDMENTS:

The amendments: 1) make it optional for a county board of elections to participate in an additional component of the pilot project by using optical scan voting machines that have been certified to conform to federal voting machine standards or to the voting machine standards of this State or of a state other than New Jersey; 2) provide that if the optical scan machines are used by a county as a component of the program, they are to be used in one municipality that has no more than ten election districts; 3) provide that no later than the 30th day after the bill's enactment, the county board is to decide and notify the Secretary of State whether it will be participating in the pilot program using optical scan voting machines; 4) provide that the report to be prepared by the Secretary of State following the program is to compare the retrofitted voter-verified paper record voting system with the optical scan voting system, in those counties that chose to include such machines, for the purpose of issuing recommendations as to which system should be adopted by this State; and 5) provide that if voting machines must be purchased to effectuate the pilot program, the purchases will be considered a public exigency and made pursuant to current law.