

# ASSEMBLY, No. 5206

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 4, 2021

**Sponsored by:**

**Assemblyman ROBERT AUTH  
District 39 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblymen Space, Wirths and Catalano**

**SYNOPSIS**

Prohibits approval of voting machine or voting system if vendor is foreign company, if domestic vendor exports technology overseas, or due to major non-citizen ownership.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/22/2021)**

A5206 AUTH

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1 AN ACT concerning the eligibility of voting machine or voting  
2 system for approval in this State and amending R.S.19:48-2 and  
3 P.L.1973, c. 82.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. R.S.19:48-2 is amended to read as follows:

9 19:48-2. Any person or corporation owning or being interested  
10 in any voting machine may apply to the Secretary of State to  
11 examine such machine. Before the examination the applicant shall  
12 pay to the Secretary of State an examination fee of four hundred  
13 fifty dollars (\$450.00). The Secretary of State within a period of  
14 thirty days shall examine the machine and shall make and file in the  
15 office of the Secretary of State his report of the examination, which  
16 report shall state whether in his opinion the kind of machine so  
17 examined can be safely used by the voters at elections under the  
18 conditions prescribed in this subtitle. If the report states the  
19 machine can be so used, it shall be deemed approved, and machines  
20 of its kind may be adopted for use at elections as herein provided.

21 Before making such report the Secretary of State shall require  
22 the voting machine to be examined by three examiners to be  
23 appointed for such purpose by him, one of whom shall be an expert  
24 in patent law and the other two mechanical experts, and shall  
25 require of them a written report on such machine, which the  
26 Secretary of State shall attach to his own report on the machine.  
27 Each examiner shall receive one hundred fifty dollars (\$150.00) for  
28 his compensation and expenses in making an examination and  
29 report as to each voting machine examined by him from and out of  
30 the examination fee of four hundred fifty dollars (\$450.00).  
31 Neither the Secretary of State nor any examiner shall have any  
32 pecuniary interest in any voting machine. When the machine has  
33 been so approved, any improvement or change that does not impair  
34 its accuracy, efficiency, or capacity, shall not render necessary a  
35 re-examination or reapproval thereof. Any form of voting machine  
36 not so approved cannot be used at any election.

37 The certificate of approval, or a certified copy thereof, shall be  
38 conclusive evidence that the kind of machine so examined complies  
39 with the provisions of this subtitle, except that the action of the  
40 Secretary of State in approving such machine may be reviewed by  
41 the Superior Court in a proceeding in lieu of prerogative writ.

42 Notwithstanding any provision of Title 19 of the Revised  
43 Statutes or any other law, rule, or regulation to the contrary, the  
44 Secretary of State shall not approve any voting machine or voting  
45 system for use in this State if the voting machine or voting system

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

**Matter underlined thus is new matter.**

1 vendor is a foreign company, or if the vendor is a domestic  
2 company that exports the voting machine or voting system  
3 technology to a foreign country, or if any of the company's major  
4 shareholders are foreign nationals who are not United States  
5 citizens, or if any member of the company's board also serves on  
6 the board of a competing company. A qualifying voting machine or  
7 voting system vendor shall be located in the United States. Any  
8 request for proposal or bid for the purchase, lease, servicing, or use  
9 of a voting machine or voting system shall include a thorough  
10 vetting of the vendor for compliance with the provisions of this act,  
11 P.L. , c. (pending before the Legislature as this bill), and each  
12 vendor awarded a contract or agreement shall be subject to a  
13 compliance review each year prior to the conduct of the primary  
14 election. Nothing in this act, shall be interpreted to prevent any  
15 purchase, lease, servicing, or use of any voting machine or voting  
16 system approved by the Secretary of State before the effective date  
17 of this act for the duration of an existing contract or agreement with  
18 a vendor, and the provisions of this act shall apply prospectively  
19 upon the expiration of an existing contract or agreement.

20 (cf: P.L.1953, c.19, s.58)

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22 2. Section 4 of P.L.1973, c.82 (C.19:53A-4) is amended to read  
23 as follows:

24 4. No voting device shall be used in an election in this State  
25 unless in combination with automatic tabulating equipment used to  
26 count and tabulate ballots it meets the requirements in section 3 of  
27 this act, and has been approved by the Secretary of State, or other  
28 person, agency or board charged with the examination and approval  
29 of voting machines. When such device has been approved, any  
30 improvement or change which does not impair its accuracy,  
31 efficiency, or ability to meet such requirements shall not require a  
32 reexamination or reapproval thereof.

33 Notwithstanding any provision of Title 19 of the Revised  
34 Statutes or any other law, rule, or regulation to the contrary, the  
35 Secretary of State shall not approve any voting machine or voting  
36 system for use in this State if the voting machine or voting system  
37 vendor is a foreign company, or if the vendor is a domestic  
38 company that exports the voting machine or voting system  
39 technology to a foreign country, or if any of the company's major  
40 shareholders are foreign nationals who are not United States  
41 citizens, or if any member of the company's board also serves on  
42 the board of a competing company. A qualifying voting machine or  
43 voting system vendor shall be located in the United States. Any  
44 request for proposal or bid for the purchase, lease, servicing, or use  
45 of a voting machine or voting system shall include a thorough  
46 vetting of the vendor for compliance with the provisions of this act,  
47 P.L. , c. (pending before the Legislature as this bill), and each  
48 vendor awarded a contract or agreement shall be subject to a

1 compliance review each year prior to the conduct of the primary  
2 election. Nothing in this act, shall be interpreted to prevent any  
3 purchase, lease, servicing, or use of any voting machine or voting  
4 system approved by the Secretary of State before the effective date  
5 of this act for the duration of an existing contract or agreement with  
6 a vendor, and the provisions of this act shall apply prospectively  
7 upon the expiration of an existing contract or agreement.

8 (cf: P.L.1973, c.82, s.4)

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10 3. This act shall take effect immediately.

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STATEMENT

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15 Under current law, the Secretary of State is responsible for  
16 approving any voting machine or voting system prior to their use in  
17 elections in this State to ensure such equipment meets established  
18 security, accuracy, functionality, and other performance standards.  
19 This bill would prohibit the Secretary of State from approving any  
20 voting machine or voting system if the voting machine or voting  
21 system vendor is a foreign company, or if the vendor is a domestic  
22 company that exports the voting machine or voting system  
23 technology to a foreign country, or if any of the company's major  
24 shareholders are foreign nationals who are not United States  
25 citizens, or if any member of the company's board also serves on  
26 the board of a competing company. The bill requires a qualifying  
27 voting machine or voting system vendor to be located in the United  
28 States. Under the bill, any request for proposal or bid for the  
29 purchase, lease, servicing, or use of a voting machine or voting  
30 system would be required to include a thorough vetting of the  
31 vendor for compliance with the provisions of the bill, and each  
32 vendor awarded a contract or agreement would be subject to a  
33 compliance review each year prior to the conduct of the primary  
34 election. However, the bill would not prevent any purchase, lease,  
35 servicing, or use of any voting machine or voting system approved  
36 by the Secretary of State before its effective date for the duration of  
37 an existing contract or agreement with a vendor, and its provisions  
38 would apply prospectively upon the expiration of an existing  
39 contract or agreement.