



THE DATABASE DILEMMA: Has New Jersey met best practices for implementing the Statewide Voter Registration System required by HAVA?

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Executive Summary

In 2002, the Help America Vote Act (“HAVA”)¹ was passed by Congress and signed into law by President Bush in reaction to the controversy surrounding the 2000 U.S. presidential election. The ostensible goal of HAVA is to ensure that all Americans eligible to vote are given the opportunity to have their voices heard through the electoral process. Toward that end, among other reform measures, HAVA mandates that each state establish a single statewide database for storing and maintaining all voter information. The Statewide Voter Registration System (the “SVRS”) must be “defined, maintained, and administered at the state level.” The objective of the SVRS is to minimize the disenfranchisement of eligible voters and to preclude duplicate, deceased or ineligible voters from voting. Prior to the creation of a statewide database, each county around the country was typically responsible for management of its own voter registration rolls.

The specifics of how to implement the various HAVA mandates have been left up to each state, which has led to varying interpretations of the law. For this reason, after HAVA was enacted, the New Jersey Appleseed Public Interest Law Center (“NJ Appleseed”) (in conjunction with national Appleseed, Nebraska Appleseed, Texas Appleseed, Washington Appleseed, and Latham & Watkins LLP, and with the assistance of the Brennan Center for Justice at NYU Law School) published a manual to offer guidance to the states in the development of their respective HAVA mandated databases. The manual identified six critical steps in building a proper database, and proposed a list

¹ Pub. L. 107-252 (2002).

of “Best Practices” to bring a state into compliance with HAVA and promote voter enfranchisement.

This report is designed to analyze the progress New Jersey has made in the creation of its SVRS and to determine whether there is still more work to be done. To accomplish this task, NJ Appleseed, with the assistance of Latham & Watkins LLP, has gathered materials documenting the process New Jersey has gone through in creating the SVRS. The materials used in this report include documents on the Office of the Attorney General’s web site², documents obtained via an Open Public Records Act (“OPRA”) request, and interviews with various election officials at the state and local level. The information derived from these various sources has been matched against HAVA mandates, and the “Best Practices” previously outlined to see how congruous New Jersey’s actual implementation is with our published “Best Practices” manual.

It should be noted that simply because the “Best Practices” outlined by the Appleseed network were not precisely followed does not mean that the state of New Jersey has not attained the HAVA mandates. It is the goal of NJ Appleseed, as advocates for the New Jersey voting public, to ensure that any possible problems with the SVRS are brought to light prior to the presidential election. As we saw in Florida in 2000, once an election is completed, any problems during the voting process harm not only the accuracy of the final count, but also the public’s confidence in a fair and impartial democratic election system. What we advocate is simply that any issues, no matter how small, are better off being dealt with now, rather than after a general election when their resolution can be complicated by partisan politics. If there are any potential weaknesses in the

SVRS, it is preferable to have the appropriate state and local officials aware of them on election day so that all the proper steps may be taken to minimize such weaknesses. This publication is intended to be a comprehensive review of the strengths *and* weaknesses of the system in order to educate the public, voting officials, poll workers and volunteers.

Procuring External Services

The first critical decision New Jersey faced when creating the SVRS was how to procure the necessary materials and services. Many issues related to structure, design, staffing, maintenance, and cost had to be analyzed when choosing a vendor capable of creating a HAVA compliant system. The cost associated with the creation of the SVRS had to be balanced against quality control, while the desire for transparency had to be balanced against both privacy and security concerns. In addition, because of the technical issues involved, once New Jersey created the SVRS it would be difficult, if not impossible, to go back and make certain changes. For this reason, the selection of a design and vendor to implement such design was vitally important.

Relevant Statutory Requirements:

**“The specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the State.”
42 U.S.C. §15485.**

“The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.” 42 U.S.C. §15483(a)(3).

Best Practices:

Require public disclosure of the owners of the service provider as well as other principals involved in providing the services, which may

² The NJ Division of Elections has been transferred from the office of the Attorney General to the New Jersey Department of State.

require disclosure of multiple layers of ownership. Require prompt notification of changes. Negotiate broad audit rights.

Utilize volume-based pricing with fixed unit prices that are agreed to before the contract is executed. If the contract is for multiple years, include a benchmarking clause to ensure contract prices stay in line with the market.

Include objective service measures and negotiate credit for failure to meet critical goals. Include consequences for failing to meet critical milestones.

Have the service provider commit to deliver a defined output. State that the scope includes any services that are implied. Clearly delineate responsibility so that the owner can be held accountable.

Implementation:

New Jersey first attempted to procure the necessary goods and services for the SVRS through a publicly advertised procurement process. When the State was unable to obtain qualified applicants in this manner, it issued a Request for Quotations (“RFQ”) to identify and retain a contractor to provide the hardware, software, implementation and maintenance services required for the SVRS. The contract was initially awarded to Covansys Corporation (“Covansys”). The purchase price for Covansys’ services was \$14,879,332 and purported to include all goods and services necessary for the proper implementation of a HAVA compliant SVRS.³ Covansys espoused that their product was 100% HAVA compliant and had been successfully and fully implemented in Connecticut and West Virginia.⁴ Covansys’ system was also currently being tested in Rhode Island and in the process of implementation in Idaho.⁵ The primary software

³ See Contract between Covansys Corp. and the N.J. Dep’t of Treas., Div. of Purchase and Prop., *Integrated Agreement, New Jersey State Waiver No. X237* (2005).

⁴ Quotation submitted by Covansys Corp., *Covansys Request for Quotation Response, 2* (2005).

⁵ *Id.*

(“ElectioNet”) to be used in the Covansys designed system was licensed from PCC Technology Group.⁶

Covansys’ contract with New Jersey included a provision for liquidated damages.⁷ If Covansys failed to meet agreed on deadlines or otherwise failed to comply with performance standards or requirements in a manner that would impact its ability to deliver a HAVA compliant final system on time, then the parties could negotiate reasonable liquidated damages to compensate the State.⁸

The hardware and software prices that Covansys included in their RFQ response were considered a packaged deal.⁹ In order for New Jersey to receive the advertised price, the entire hardware and software order listed in the RFQ response had to be purchased from Covansys. Covansys proposed a fixed-price bid based on the completion milestones outlined by New Jersey within the RFQ.¹⁰ The only caveat to this fixed price schedule was that it assumed that the number of software modifications would be precisely defined as set forth in Covansys’ proposal. This meant that if New Jersey altered their requirements, and those alterations required reprogramming of the ElectioNet software, the state would incur additional charges. If the number of modifications or their degree of complexity changed, the additional work was subject to price increases, unless it was mutually agreed that the modifications be added to the requirements documents.¹¹ Covansys’ proposed project schedule complied with New Jersey’s RFQ.

⁶ *Id.* at 4.

⁷ Contract between Covansys Corp. and N.J. Dep’t of Treas., Div. of Purchase and Prop., *supra* note 3, at 4.

⁸ *Id.*

⁹ *Id.* at 5.

¹⁰ *Id.* at 7.

¹¹ *Id.*

Covansys' bid included a public disclosure of all subcontractors for the SVRS project.¹² As Covansys disclosed, PCC would provide its ElectioNet software, Aradyme would assist in data conversion and street address verification, RDE System Support Group would provide training to New Jersey's voting officials, and Stellar Services would install all workstations and hardware. As Covansys began implementing the SVRS, it became apparent that PCC, the software provider, did not have the capacity to complete the project.¹³ PCC was unable to modify their ElectioNet software to comply with New Jersey's requirements. It should be noted that HAVA did not require the enhancements demanded by New Jersey; however, New Jersey opted for such enhancements to further the overall uniformity and consistency of the election process.

As a result of PCC's failure to perform up to the required standards, Covansys acquired from PCC the source code and licensing rights to ElectioNet and removed PCC from the project effective January 1, 2006.¹⁴ This delay prevented Covansys from deploying the SVRS in all twenty-one counties until May 19, 2006. Even then, significant problems persisted. To compensate New Jersey for the delay Covansys agreed to provide the state with \$750,000 of additional, necessary services not previously contemplated by the original contract.¹⁵

On March 8, 2006, Covansys announced that it would sell its state and local government practice to Saber Consulting Inc. ("Saber") for roughly \$40 million in cash.¹⁶

¹² Quotation submitted by Covansys Corp., *supra* note 4, at 81.

¹³ Plaintiff's Brief in Support of an Order to Show Cause why the court should not issue a declaratory judgment regarding the statewide voter registration system, *United States of America v. State of New Jersey*, Superior Ct. of N.J., Law Division, Mercer County, at 6 (Oct. 11, 2006).

¹⁴ *Id.*

¹⁵ See Settlement Agreement between Covansys Corp. and the N.J. Dep't of Treas., Div. of Purchase and Prop., *Settlement Agreement and Release of Claims Under Integrated Agreement Waiver X237* (2006).

¹⁶ Press Release, Covansys Corp., *Covansys Announces Agreement to Sell its State and Local Government Practice to SABER* (Mar. 8, 2006).

Saber received financial backing for this purchase from Accel-KKR LLC, a private equity firm that owns approximately 60% of Saber's equity (the other 40% is held by the company's CEO and COO equally).¹⁷ Following the sale, on May 31, 2006, Covansys assigned all rights and responsibilities granted under their contract with New Jersey to Saber. Prior to purchasing Covansys' governmental practice group, Saber had already been awarded contracts from multiple states to develop HAVA compliant databases, including Mississippi, Iowa, Montana, and Maryland.¹⁸ In December of 2007 Saber was acquired by EDS, which was subsequently acquired by HP in 2008. However, while ownership of Saber has changed, its election group still operates under the Saber name, and the team assigned to New Jersey has not changed. A new contract between New Jersey and Saber was entered into on May 1, 2008. The contract runs until March 31, 2011 and ensures that Saber will continue to administer the SVRS and provide system maintenance and upgrades.¹⁹

Conclusion

It appears that New Jersey's procurement process has conformed to substantially all of NJ Appleseed's proposed "Best Practices." The RFQ required those bidding on the project to agree to a specific timeline, as well as to liquidated damages for failure to adhere to such a timeline. In their response, Covansys disclosed all sub-contractors that were to be used, as well as parties with an ownership interest in Covansys. Saber disclosed the same information prior to the contract being assigned to them. The RFQ outlined the remedies required for non-compliance, including the right of the State to

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State (July 24, 2008).

withhold payment and the requirement that a schedule be created which established liquidated damages based on the nature of the task, subtask, or other requirement.²⁰ The State also retained the right to terminate the contract in accordance with the New Jersey State Administrative Code.²¹ The form of compensation was specifically outlined in the RFQ, requiring the contractor to submit official state invoice forms with supporting documentation evidencing that work for which payment was sought had been satisfactorily completed.²² Finally, in Covansys' RFQ response and in the signed contract, a firm price was determined and provisions for increases were set out clearly.

All these measures were taken to ensure cost effective implementation without sacrificing quality. As such, they align with NJ Appleseed's recommended "Best Practices." Despite the fact that there have been many delays in the implementation of the SVRS, New Jersey has been compensated for those delays in an amount that seems fair when compared to the overall contract cost.

Collecting Data and Inter-Agency Interconnectivity

The advantages to electronic data collection and interconnection between the SVRS and various state agencies are clear: (i) a more accurate and responsive database; (ii) less possibility of misconduct because of increased recordkeeping capability and less opportunity for the manipulation of records; and (iii) increased confidentiality resulting from segmented access to records. While there are clearly advantages to electronic data collection and interconnectivity, there are also certain dangers inherent with greater dependence on electronic transmission of records and less manual oversight. The

²⁰ Quotation submitted by Covansys Corp., *supra* note 4 at 71.

²¹ *Id.* at 72.

²² *Id.* at 74.

proposed “Best Practices” seek to maximize the upside potential of electronic transmission and interconnectivity while minimizing the downside risks.

Statutory Requirements:

The database “shall be coordinated with other agency databases within the State.” 42 U.S.C. §15483(a)(1)(A)(iv).

All voter registration information given to any local election official “shall be electronically entered into the computerized list on an expedited basis at the time the information is provided.” 42 U.S.C. §15483(a)(1)(B)(vi).

The chief State election official shall “enter into an agreement [with the DMV] to match information in the database...with [DMV information] to the extent required to enable each such official to verify the accuracy of the information...” 42 U.S.C. §15483(a)(5)(B)(i).

The SSA shall develop methods to verify voter information of applicants “for whom the last 4 digits of a social security number are provided instead of a driver’s license number.” 42 U.S.C. §15483(a)(5)(C).

Each state “shall determine whether the information provided by an individual [on a voter registration application] is sufficient” to meet the federal requirement. 42 U.S.C. §15483(a)(5)(A)(iii).

Best Practices:

Coordinate database with all relevant state agencies to ensure that missing voter information can be supplemented and existing information can be verified to allow for maximum voter enfranchisement.

Voter registration applications, supplemental information, and official verifications are electronically transferred from coordinating state agencies to the administrators of the database in real time via a secure encryption protocol.

Implementation:

Covansys partnered with AT&T as its primary provider of network services.²³ As the network service provider, AT&T is responsible for the network connections to both hosting sites and all counties. AT&T represents that their network maintains a high level of reliability with redundant, diverse paths to avoid single points of failure and provides optimal routing and traffic flow, as well as an uninterruptible power supply at every switching node. AT&T will be responsible for managing the network it provides. The contract assigned to Saber presupposed that resources from the State would be available to establish the required connectivity and provide technical support for the network connectivity and operations between the Saber facility and the State facility.²⁴

In 1996, New Jersey established an interconnecting computer system among the twenty-one offices of the County Commissioners of Registration and the Division of Elections, through which each county provided the State with its master voter registration list.²⁵ However, to meet the new requirements under HAVA it was necessary for New Jersey to make a major capital investment in its registration infrastructure. It was necessary to have an interconnecting system among, at a minimum, the offices of the Division of Elections, the twenty-one County Commissioners of Registration, the Motor Vehicle Commission, the Department of Health and Senior Services, the Social Security Administration, and any agencies with criminal history information (collectively referred to as Direct Impact Agencies (“DIAs”)).²⁶

²³ *Id.* at 131.

²⁴ *Id.*

²⁵ State Plan, N.J. Office of the Att’y Gen., *Improving the Shape of New Jersey’s Voting Experience*, 7 (2003).

²⁶ Request for Quotation, N.J. Dep’t of Treas., Div. of Purchase and Prop., *State of New Jersey Request for Quotation: Statewide Voter Registration System*, 2 (2004).

During the development phase, regular meetings were held with the DIAs to monitor system connections as well as run unit and integration test reports that were then turned over to each respective agency so that it could resolve any issues. User acceptance testing was conducted in collaboration with each agency to ensure that the agency side data feeds and integration of data within the SVRS was successfully tested and all the interfaces met the State requirements.

Agencies Connected²⁷

Motor Vehicle Commission (“MVC”) – The database’s external MVC interface supports daily MVC extracts that contain the driver’s name, license number, address, and date of birth. The extracts also include previous voter information that has since been changed, such as maiden name and former address.²⁸ The server also supports real time queries to the MVC. Supporting error, data clean-up and mapping reports are provided to assist system administrators in committing this data to the database.

Department of Health and Senior Services (“DHSS”) – This interface allows for the elimination of any voters who are identified as deceased. A match program is run between exported records and the SVRS, and exact matches are flagged for a status change. Once a county voting official confirms the matches, the records will be deleted from the SVRS in accordance with the National Voter Registration Act (“NVRA”).²⁹ The electronic audit trail will be maintained and any relevant correspondence provided in paper will be saved. A separate “no match” and “partial match” list will also be available for the officials to confirm and process manually.

²⁷ See report presented by Covansys Corp. to Michael Gallagher, former SVRS Project Manager, *DIA Integration Plan for the Statewide Voter Registration System, Deliverable SVRS 030* (June 2005).

²⁸ Telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep’t of State, *supra* note 19.

The DHSS staff will export their list of deceased voters on a weekly basis. The data will then be extracted and the file will be fed into the SVRS via an external interface server. The ElectioNet software will be used to run a match between a vital records extract and the then current SVRS.

Department of Corrections (“DOC”), Administrative Office of Courts (“AOC”) and the State Parole Board - The purpose of this interface is to suspend a citizen’s voting rights if he or she is identified as a felon and is either incarcerated, on probation, or paroled, and to restore voting privileges when appropriate. Data feeds from the DOC, AOC and the State Parole Board are sent to the SVRS every Sunday night.³⁰ These files are loaded into the SVRS and compared to existing voter registration records.³¹ If there is a match, a reminder shows up on the reminder screen in that county Monday morning which will prompt that county to investigate and possibly place the voter in inactive status should they confirm the voter’s convicted or paroled status.³² The history and audit trail are maintained electronically and relevant correspondence submitted in paper is saved.

Conclusion:

It appears that New Jersey has substantially complied with all of NJ Appleseed’s recommended “Best Practices.” The most important agency connection, with the MVC, allows for verification of registered voter information, in particular, drivers license number, date of birth, and address. Information pulled from other agencies is used to ensure that those who are ineligible to vote in the State cannot; at the same time, New

²⁹ See 42 U.S.C. §1973gg-6(a)(3)(C).

³⁰ Telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep’t of State, *supra* note 19.

³¹ *Id.*

Jersey will not render eligible voters ineligible simply because information from different databases does not exactly match. The match program can be run at the state level with the query results being sent to the county officials for confirmation. County officials can then personally determine whether a partial match is in fact a match, or whether failure to secure a perfect match is simply an administrative error. In this way, duplicate voters can be suspended or merged efficiently without error and eligible voters are not wrongfully deleted from the database.

Moreover, by maintaining an electronic audit trail of all changes to the SVRS, the State will ensure that no individual with access to the database can unilaterally corrupt the system. Not only is every action saved, but each action taken is linked to a user's ID. Consequently, audits can be run which show what changes have been made, and who has made them. In addition to electronic audit trails of all changes to the SVRS, each of the 21 county Commissioners of Registration maintain on file paper copies of each voter registration form, which contain the voter's signature.³³

Unique Identifying Numbers

To put it simply, identifying voters by a unique number makes it easier for states to spot and remove duplicate registrations. Because election officials can more clearly identify duplicate registrations, this requirement makes the SVRS more efficient, saving New Jersey both time and money.

³² *Id.* See also N.J. Stat. Ann. §19:4-1 (2008).

³³ See telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, *supra* note 19.

Statutory Requirements

HAVA requires that each state assign a “unique identifier” to each registered voter. 42 U.S.C. §15483(a)(1)(A)(iii).

To the extent that a state assigns an identifying number to each individual without a driver’s license or social security number, that assigned number shall also be the “unique identifier.” 42 U.S.C. §15483(a)(5)(A)(iii).

Best Practices:

The state should affirmatively issue a unique identifying number to each voter, developed specifically for Database purposes.

A voter’s unique identifying number remains the same as long as the voter lives in the state.

Implementation:

New Jersey has implemented a system whereby the following information will be included in the SVRS for identification purposes – applicant’s driver’s license number, the last 4-digits of the applicant’s social security number, and/or a unique state-wide voter ID number. If a potential voter does not have a license or non-license I.D. card, or does not have a social security number, they will be asked to provide a copy of a valid identification card (library card, shopping club card, etc.) as well verification of their name and address, such as a utility bill. All registered voters will be assigned random, unique identifying numbers. Driver’s license numbers and social security numbers though included in the database do not appear on voter registration lists that are available to the public.

Conclusion

New Jersey’s SVRS utilizes unique statewide ID numbers as mandated by HAVA. The number is specifically used for database purposes (as opposed to a social

security number or driver's license number which are used for verification purposes only) and makes it much easier for counties to spot and remove duplicate registrations. While other identifying characteristics, such as name, address, and driver's license numbers may change, the unique identification number will remain the same and enables duplicate entries in the database to be easily detected and remedied. Another benefit to assigning unique identification numbers is that it helps protect voter's privacy. If social security numbers or license numbers appeared on public registration lists they would become a potential source of personal information that could facilitate identity theft.

Accessing Database Information

Access to the information stored on the SVRS is a facet of the project that, if not handled properly, raises serious security and privacy concerns. The system should provide easy access to voter registration information to those who require access, as well as to the registrants themselves. At the same time, the ability to alter such information must be strictly controlled. The "Best Practices" strike a balance between ease of access for voters and administrators, and security protections that safeguard the integrity of the database.

Statutory Requirements:

HAVA neither requires states to permit voters to gain access to their registration information, nor prevents states from permitting them to do so.

HAVA requires that states "provide adequate technological security measures to prevent unauthorized access" to database lists. 42 U.S.C. §15483(a)(3).

Any election official, including local election officials, "may obtain immediate electronic access to the information" in the database. 42 U.S.C. §15483(a)(1)(A)(v).

Best Practices:

States should provide both online and telephonic access to information contained in the database (including a voter's polling place) for purposes of verifying the accuracy and completeness of their registration information. This information should only be available once information unique to any given voter is entered. States should permit voters to obtain directions from their home address to the proper polling place and, where appropriate, to view a map of those two locations without requiring any log-in information.

Access to the database is governed by a login code; multiple levels of login code establish different tiers of access to database information.

Implementation:

New Jersey has created a website where voters can view their voter registration information online by means of the internet.³⁴ In order to sign up for online access a voter is required to enter their last name, first name, date of birth, county, and at least one of the following: (i) Voter ID (required if a voter registered to vote prior to January 1, 2006 - if a voter does not know this number they are directed to contact their Superintendent of Elections or Commissioner of Registration and a link is provided), (ii) Driver's License/State ID Number, or (iii) the last four digits of their Social Security Number. New Jersey has also created a webpage from which voters can find out their nearest polling place, voting area district and county election official information by entering their address.³⁵

Each county in New Jersey utilizes a main and backup server to safeguard against the possibility that one server should fail.³⁶ The voter information available for viewing by voters via the state run web site (as discussed above) is exported from the primary ElectionNet production database on a nightly basis and then imported into the external

³⁴ See <https://voter.njsvrs.com/PublicAccess/jsp/UserLogin/Login.jsp>.

³⁵ See <https://voter.njsvrs.com/PublicAccess/jsp/PollPlace/PollPlaceSearch.jsp>.

database so voters can view their registration information.³⁷ In addition, pre-authorized state and county officials can access voter data electronically in real-time mode. Election officials in each county have access to view the entire statewide list, but only for a specified number of fields that are necessary to identify voter identity.³⁸ County election officials can update and report on voter information for voters registered in their county only.³⁹ Municipal clerks have read-only access to the statewide list and information pertinent to their function such as voter registration status, petitions, and information dealing with local questions.⁴⁰

The system as designed also facilitates the generation of various reports, data exports, and poll books.⁴¹ The reports can be requested on-demand or can be scheduled to run off-line automatically.⁴² The system enables reports to be run at the county, town, city, or state level.⁴³ Images such as signatures and bar codes are integrated into the reports wherever applicable.⁴⁴ Reports can be viewed online, or as PDF files that can be printed.⁴⁵ Comparative listings between counties can easily be produced as standard or customized reports.

Conclusion:

As implemented, New Jersey's SVRS incorporates the "Best Practices" recommended by NJ Appleseed and also complies with all applicable HAVA mandates.

³⁶ Quotation submitted by Covansys Corp., *supra* note 4, at 97.

³⁷ *Id.* at 98.

³⁸ See <http://www.njelections.org/svrs/faqs.html>; confirmed by telephone interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, *supra* note 19.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at 86.

⁴² *Id.* at 90.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

Voters can view their registration information online (after logging into a secure site), and be directed to their nearest polling place (no login required). The database appears to be adequately secured, with access restricted to state and county officials who require access, and paper records of voter registration forms, with signatures, maintained by each of the 21 Commissioners of Registration.⁴⁶ Local officials have access to registration information on the database, but are unable to modify such information. This allows local election officials to check the most up-to-date registration records in real-time, but still limits the number of people able to modify data, thereby reducing the likelihood of fraudulent or illegal modifications to the SVRS. In addition, modifications to voter information are still done at the county level by officials with a vested interest in, and more unique knowledge of, their voter rolls.

Purging and Restoring Voters

Often, the process of entering and removing information is the most vulnerable point in a database, and the SVRS is no different. Therefore, it is imperative that only those voters who are ineligible to vote are removed from the database. To that end, strict standards are required to eliminate any guesswork when it comes to purging voters from the database. In addition to standards for *when* to remove a voter, it also must be determined *who* has the power to remove voters. While HAVA mandates some degree of centralization by requiring that the chief statewide election official have ultimate control over the database, permitting a central office to add and remove voters leaves the database vulnerable to manipulation, due to the fact that so much power is placed in a

⁴⁶ See telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, *supra* note 19.

single, partisan office. On the flip side, leaving purging solely in the hands of local election officials could create disparate treatment of voters from county to county. For this reason, standards for the removal of voters must be clear and uniform across the state, and the database itself should allow for some degree of state level oversight to ensure such standards are being practiced.

Statutory Requirements:

HAVA requires states to provide “[s]afeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.” 42 U.S.C. §15483(a)(4)(B).

HAVA requires states to ensure that “only voters who are not registered or who are not eligible to vote are removed from the computerized list.” 42 U.S.C. § 15483(a)(2)(B)(ii).

HAVA requires that all voters be removed from the Database in accordance with – at a minimum – the procedures established by the NVRA. 42 U.S.C. §15483(a)(2)(A)(i).

Best Practices:

States should have uniform, non-discriminatory and transparent standards for determining when a “match” exists and a voter can be removed from the list. No voter should be removed without a complete match of all available (and relevant) information.

There should be dispersed control over purging, with the authorization of at least two election officials required before action is allowed. All potential purges should then be double-checked before completion and archived on the Database to allow audit, oversight, and easy restoration.

States should require that notice of a potential purge be sent to each affected voter by both first-class mail, as required by the NVRA, and by telephone, before any purge occurs. Notice of purge should also include an opportunity for the voter to correct erroneous or omitted information and states should implement safeguards to permit an improperly purged individual to who actually arrives at the polls to vote.

Implementation:

A duplicate voter situation arises when a registered voter moves out of a voting area, such as a county, and re-registers in a different voting area within the State without canceling the first registration. Using a match system to eliminate duplicate voters, however, creates problems due to inherent limitations in databases. These limitations include data entry errors like typos, transposed names, and omitted information. Errors occur frequently in large databases and are a problem that must be addressed by the State to ensure maximum enfranchisement. To illustrate the scope of the problem, an audit conducted in New York City attempting to match 15,000 records in the voter registration database against those in the state motor vehicle database revealed that almost 20% of those records did not match due to typos made by election officials.⁴⁷ What that means is if the right to vote was conditioned on a proper match, up to 20% of new voter registrations in New York City would have been rejected solely because of data entry errors.⁴⁸ In 2000, thousands of voters were mistakenly purged from Florida voter rolls simply because their names shared 80% of the characters of the names on a list of people with felony convictions. In 2004, Florida created a list of 47,000 suspected felons, which despite Florida's sizable Hispanic population, contained only 61 Hispanic surnames, over-represented African Americans, and identified thousands of felons who had had their voting rights restored.⁴⁹ Other similar errors have occurred across the nation with little publicity. While obviously human error can never be completely eliminated, there are certainly safeguards that are able to help minimize the rate of errors.

⁴⁷ Justin Levitt, Wendy Weiser, and Ana Munoz, *Making the List: Database Matching and Verification Processes for Voter Registration*, Brennan Center for Justice – Voting Rights & Elections Series, 5 (Mar. 24, 2006).

⁴⁸ *Id.*

In New Jersey, when a voter registers, the information contained on his/her registration form is transmitted to the appropriate county voting official who then enters the information into the database and attempts to match such information with records acquired from the Motor Vehicles Commission and/or the Social Security Agency.⁵⁰ As previously noted, each of the 21 County Commissioners of Registration keeps paper copies of the voter registration forms that contain a registrant's signature.⁵¹ The Secretary of State and the Chief Administrator of the New Jersey Motor Vehicle Commission in the Department of Transportation have entered into an agreement to match information on the SVRS with information in the database of the commission, including social security numbers, to the extent required to enable verification of the accuracy of the information provided on applications for voter registration.⁵²

The New Jersey SVRS utilizes a "hybrid" match system. When a driver's license number is available, the system requires an "exact match" of the license number, but permits "substantial matches" for name, DOB and address.⁵³ Discretion is left to the county official to determine whether name, DOB and address are in fact a "match."⁵⁴ This type of system is more flexible than an "exact match" standard (the more exacting the match criteria, the greater the likelihood of a "false negative" in which a match between two records will not be found when the records in fact belong to the same person). When a record includes a social security number, the database will use a common "exact match" procedure developed by the Social Security Administration and

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ See telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, *supra* note 19.

⁵² See Levitt, Weiser, and Munoz, *supra* note 47, at NJ-1

⁵³ *Id.*

⁵⁴ *Id.*

the American Association of Motor Vehicle Administrators.⁵⁵ Under this procedure, an automated system will seek an exact match of the last four digits of an applicant's social security number, and also an exact match of first name, last name, month of birth, and year of birth. A code will then be returned indicating only whether or not an exact match was found.⁵⁶

Pursuant to HAVA, if a person registered to vote by mail after January 1, 2003 has not voted in a federal election, and is not matched in the SVRS, that person is required to provide the appropriate County Commissioner of Registration with identification.⁵⁷ If identification is not provided, or if the driver's license number or last four digits of a social security number could not be verified within the SVRS, the person must show identification at the polling place.⁵⁸ Identification may include, but is not limited to any current and valid photo ID (driver's license, student or job ID, military or other government ID, store membership ID, passport) or a bank statement, car registration, government check or document, non-photo driver's license, rent receipt, sample ballot, utility bill, or any other official document. Under New Jersey law, if no identification is provided at the poll, a person will be allowed to vote by provisional ballot and has until the close of business on the second day after the election to provide identification to the applicable county election office.⁵⁹

If at the time of registration, voting officials fail to match the information on the registration form with information derived from the Motor Vehicle or Social Security Databases the voter is still placed on the poll books, with a notation indicating that

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.* at NJ-3.

⁵⁸ *Id.*

identification is required to complete the registration process or vote a regular ballot. The state will then ask such voters to show ID before voting a regular ballot only if they registered for the first time in that jurisdiction by mail. County voting officials will attempt to notify a first-time applicant registering by mail whose identifying number is missing, incomplete, illegible, or unverified.⁶⁰ Applicants may attempt to resolve errors any time before the poll books are printed, usually 2-3 weeks before an election.⁶¹

If a submitted registration form is incomplete, illegible, or missing an “identifying number” New Jersey will treat the application as if the applicant had no driver’s license number, state identification card, or Social Security number, and proceed to place the applicant on the poll books. However, such voter will be asked to show identification prior to voting or at the polls.⁶² It should be noted that under New Jersey law, a registration form that is submitted by a third-party is not considered a registration by mail.⁶³

With regards to eliminating duplicate voter records, the SVRS will provide a potential duplicate voter list that contains partial and exact matches. Each county commissioner of registration is responsible for adding to, deleting from, amending and otherwise conducting on a regular basis maintenance for the files of every legally registered voter in that commissioner’s county pursuant to the provisions of Section 303 of Pub.L.107-252 (42 U.S.C.S. 15301 et seq.) and Title 19 of the Revised Statutes.⁶⁴

⁵⁹ See http://www.njelections.org/vote_id_req.html; see also N.J. Stat. Ann. §19:53C-1 (2008).

⁶⁰ Levitt, Weiser, and Munoz, *supra* note 47, at NJ-3.

⁶¹ *Id.*

⁶² The practice of treating applications with missing or incomplete identifying numbers as if the applicant has no such number was the result of a constructive dialogue between state and local election officials and organizational members of the New Jersey Citizens’ Coalition on the Implementation of HAVA, however, it has yet to be codified into law.

⁶³ See N.J. Stat. Ann. §19:15-17(b) (2008).

⁶⁴ See N.J. Stat. Ann. §19:15-17(c) (2008).

Each commissioner is also responsible for verifying the accuracy of the name, address and other data of registered voters in the commissioner's respective county as contained in the SVRS.⁶⁵ Each commissioner will be able to resolve duplicate records or cancel them by comparing the signatures and other aspects of the online record. When a duplicate is detected, a commissioner will either deactivate one of the entries, or merge the two entries into one (the removed entry is maintained in the electronic audit trail). If after analyzing the duplicate entries it is determined that they are in fact two different people, the authorized user will remove the entries from the duplicate list, and will send out a request for clarification if one or both of the entries contain inaccurate information.⁶⁶ The Secretary of State, in consultation with each County Commissioner of Registration, has developed standards to safeguard the accuracy of the files contained in the SVRS. These standards include procedures to ensure that reasonable effort is made to remove registrants who are ineligible to vote pursuant to federal or state law and to ensure that eligible voters are not removed in error from the system.⁶⁷

The new software provides a data edit check module that by default checks key voter data prior to voter registration, such as voter age, US citizenship affirmation, ID produced, and other data required by HAVA or the state of New Jersey.⁶⁸ Prior to any data submission, these data items are validated and verified, and appropriate error messages are displayed to prompt the user to take a corrective action.⁶⁹

⁶⁵ Telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, *supra* note 19.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Quotation submitted by Covansys Corp., *supra* note 4, at 103.

⁶⁹ *Id.*

The software also includes edit checks to minimize errors related to process changes including: the ability to maintain voter records within the ElectioNet database even after the voter record has been deleted, the ability for the user to correct errors made to a voter record, and a comprehensive electronic audit library tied to each voter record that displays all changes ever made on a voter record. All electronic history and audit trails are tracked by user name, date, time-stamp, and action type.⁷⁰ The reasons for any changes to the database are stored in dedicated database tables that are easily accessible to privileged users.

Currently, a voter's status remains "active" regardless of whether or not they vote. If, however, correspondence sent to a registrant's home is returned to an election office the voter is moved to "inactive confirmation status" (but will still be able to vote upon showing identification and will then be returned to "active" status).⁷¹ If a voter remains in "inactive confirmation status" through two federal general elections (4 years) the voter is moved to "deleted status."⁷² After ten years in "deleted status" a record is electronically archived but still can be viewed.⁷³ According to election officials, the majority of inactive voters are people who have moved out of the area.⁷⁴ Under current New Jersey law, no registrant shall lose the right to vote, and no registrant shall be removed from the SVRS, solely on grounds of the persons' failure to vote in one or more elections.⁷⁵ Any voter who shows up at the polls and finds their status mistakenly changed may still submit a provisional ballot. Under New Jersey law, a provisional ballot

⁷⁰ *Id.*; confirmed by telephone interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, *supra* note 19.

⁷¹ Telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, *supra* note 19.

⁷² *Id.*

⁷³ *Id.*

requests all information included on a registration form thus enabling the provisional ballots of persons whose status has been erroneously changed to be counted. If the identifying numbers thus provided are not able to be verified, however, such persons still have until the close of business on the second day after the election to provide other forms of identification to the applicable county commissioner of registration.⁷⁶ If proper identification is not provided, the ballot will be rejected.

Conclusion:

New Jersey has come very close to meeting NJ Appleseed's designated "Best Practices" for purging and restoring voters. Legislation sponsored by Senator Kevin O'Toole and introduced February 26, 2008⁷⁷ would bring New Jersey closer in law, and not just practice, to conformance with NJ Appleseed's "Best Practices." The text of the proposed legislation explicitly states that standards and procedures shall be enacted to ensure that registrants who are ineligible to vote are removed from the rolls and to ensure that eligible voters are not removed in error from the rolls; however, the language could be clearer. For example, no actual policy is delineated in the proposed legislation. A better standard would clearly state that no voter record shall be removed from the system unless all requirements of the NVRA are met and unless the individual has been sent notice by mail that can be forwarded to the person's last known address. In addition to mailed notice, a telephone call should be required (when a number is available) before a

⁷⁴ Matt Dunn, *County Purges Voters*, Bridgetown News (Nov. 8, 2007).

⁷⁵ See N.J. Stat. Ann. §19:31-5 (2008).

⁷⁶ http://www.njelections.org/vote_id_req.html. Under New Jersey law, if it is determined that a person who votes provisionally is not properly registered, the provisional ballot becomes a registration form. See N.J. Stat. Ann. §19:53C-1 (2008).

⁷⁷ Senate, No. 1330, 213th Legislature, (Feb. 26, 2008)(a proposed Act, sponsored by Senator Kevin J. O'Toole).

status change or removal takes place.⁷⁸ Similarly, the State's current policy regarding the practice of treating applications with missing or incomplete identifying numbers as if the applicant has no such number should be codified.

While the SVRS as designed maintains an electronic log of all modifications, the maintenance of such a log file and the capacity to create reports available for public scrutiny that describe all transactions to add, remove, or otherwise modify any records within the SVRS should also be codified. In addition, legislation should be enacted that states that at least two election officials must authorize the purge of any voter.

Failure and Recovery of Data

Whenever data is stored on a centralized database the worst case scenario is that the system crashes and all stored data are put at risk. It is important that New Jersey alleviate this concern by creating an electronic database that is capable of both preventing system failure and recovering data if the system does crash. Even when the database is functioning properly, data can still be lost by either mistake or fraud. A well designed SVRS will account for this and include functionality that makes it easy to track any revisions made to the database.

Statutory Requirements:

The State election board shall include “provisions to ensure that voter registration records in the State are accurate and are updated regularly.” 42 U.S.C. §15483(a)(4).

“The appropriate State and local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.” 42 U.S.C. §15483(a)(4).

⁷⁸ Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, confirmed that they do not possess telephone contact information for most voters.

HAVA requires that each Database be “defined, maintained, and administered” by the state. 42 U.S.C. §15483(a)(1).

Best Practices:

The database should be implemented as two replicated, fully mirrored systems, with each system’s copy of the data synchronized continuously and in real-time.

All the data stored on the database must be encrypted. All transmissions of that data, and any backup or archival tapes of the software or data relating to the database must also be encrypted.

States require that specific employees be trained and certified to manage and address technological problems with the database. For small-scale problems, these employees should be dispatched throughout the state. States also require that any large problem be immediately addressed and that the employee fixing the database be monitored.

Establish a schedule of software/hardware updates and general maintenance and require that these are performed only when authorized and overseen by an election official.

The state should maintain ownership of license rights in all customized software, and should own all data in the database.

Implementation:

The real-time mirroring and replication of data from the State server to county servers is provided using an external interface server.⁷⁹ This server utilizes a “push and pull” technology to route county specific data increments to each county’s servers. The SVRS central database utilizes two database servers (as does each county), providing full system redundancy and maximum performance. This system ensures that if one database server should fail, the second will provide processing redundancy to allow the system to remain fully operable.⁸⁰

⁷⁹ Quotation submitted by Covansys Corp., *supra* note 4, at 99.

⁸⁰ *Id.*

The local county IT staff is responsible for loading the media (backup tapes) to back up the local county servers, but it is a fully automated process, and hands-on training has been provided. The hosting IT staff (Saber) performs back-ups of the statewide servers. This system creates backups at both the county and state level.⁸¹

New Jersey has formalized its training curriculum for election officials to ensure consistent application of the law.⁸² The Attorney General has developed formal training curricula and has provided classroom instruction for the county election officials and chief administrative support staff in those offices. A detailed training strategy and schedule has been developed to address the various needs of database users. The base strategy consists of four types of training:⁸³

- Computer Skills Training – This training is geared towards users not familiar with Windows-based and/or web-based applications. It took place in advance of each county’s implementation dates.
- Level 2 Training – This training taught users how to use the specific functionality of the SVRS system. The training was conducted during the week prior to each county’s “go live” date.
- Administrator Training – This training focused on the administrative functions of the SVRS, such as setting up new users. The class was targeted to those individuals identified for administrative responsibilities.

The training was conducted in the week prior to implementation.

⁸¹ Telephone Interview with Carl Block, Ocean County Clerk, (Nov. 1, 2007).

⁸² *Id.*

⁸³ <http://www.nj.gov/oag/elections/svrs/faqs.html#a12>.

- IT Staff Training – Where needed, both State and county IT staff received hands-on training for anything from handling the local server, to equipment set-up and maintenance.

A pilot implementation program was initiated in 2006 that involved Ocean, Mercer, and Essex counties.⁸⁴ Through this program, numerous functional issues in the application were identified and corrected.⁸⁵ In addition, numerous areas where training was deficient were discovered, underscoring the need for on-site hands-on training in addition to functional training and go-live support.⁸⁶ The primary issues that were encountered related to the quantity of material to be covered during training, as well as recent software functional revisions that were added to the training courses.

In addition to training issues raised during the pilot program, numerous issues were discovered when mapping data elements from the county's legacy databases to the SVRS production database.⁸⁷ To remedy the situation, a dedicated database analyst was deployed by Saber to work with county database administrators to coordinate and communicate clarifications needed by the conversion vendor, Aradyme, to correctly map data elements.⁸⁸ Saber will be available for at least the remainder of their contract (through 2011) and possibly beyond to address both small-scale and large-scale problems related to the SVRS.⁸⁹

⁸⁴ <http://www.njelections.org/svrs/about.html>.

⁸⁵ Report presented by Saber Solutions to Michael Gallagher, former SVRS Project Manager, *Piloting Results Lessons Learned, Deliverable SVRS085* (August 2006).

⁸⁶ *Id.* at 3.

⁸⁷ Telephone Interview with Carl Block, Ocean County Clerk, *supra* note 81.

⁸⁸ Report presented by Saber Solutions to Michael Gallagher, former SVRS Project Manager, *supra* note 85.

⁸⁹ Telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep't of State, *supra* note 19.

For county authorized users who were not present during the implementation of the database, training will be handled internally by each county.⁹⁰ If any problems are encountered, a Saber representative will be available to conduct one-on-one training.⁹¹ For users already acquainted with the SVRS, Saber hosts “webinars” approximately every six weeks to inform users of any updates and/or modifications to the database.⁹²

To maintain the integrity of the SVRS, only authorized personnel with administrative privileges have access to the network and tape backup system.⁹³ The system itself utilizes advanced security measures. A Kerberos authentication system is used to ensure secure communication between servers within the data center network. This mitigates the risk of compromise due to hacker programs.⁹⁴ Kerberos encrypts traffic sent between servers on the data center local area network to minimize the risk of infiltration and corruption. In addition a secure back-end administration network has been created.⁹⁵ The system segments the network to minimize disruption should security be breached, and firewalls prevent outside access to the systems.⁹⁶

In addition to encryption technology, the integrity of the SVRS is protected by limiting the number of IP addresses that may access the system (in addition to paper records of all voter registration forms). Only designated IP addresses, such as those belonging to the county commissioners and other authorized personnel may log into the SVRS.⁹⁷ The host site itself is extremely secure, and access is protected by electronic

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ <http://www.nj.gov/oag/elections/svrs/faqs.html#a12>.

⁹⁴ Quotation submitted by Covansys Corp., *supra* note 4, at 135.

⁹⁵ *Id.*

⁹⁶ *Id.* at 136.

⁹⁷ Telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep’t of State, *supra* note 19.

key card. As an added precaution, the SVRS utilizes a web-service based architecture. The benefit of this type of format is that the state may easily scale down the statewide system to become county-based in the event that the state server or the connectivity to the state server is down.

New Jersey has purchased Symantec (Norton) AntiVirus, corporate edition.⁹⁸ The program is preloaded on all new PCs and servers. Once the equipment is installed in a county, the county is responsible for applying the updated virus definition files which will be available from Symantec via their automatic update feature.⁹⁹

The state has a set schedule for software upgrades, which took place every two weeks until October 4th, 2008 and will resume after the November election. The upgrades are planned to work around the various elections that utilize the SVRS. All transactions involving the SVRS are real-time, and the data is available to all the authorized users statewide immediately after it is updated. There are no delays or data latency when registering new voters or changing voter status.

The source code of the ElectionNet program was not included in the software purchase price.¹⁰⁰ However, Saber agreed to keep a copy of the source code in escrow indefinitely, with an agent approved by New Jersey.¹⁰¹ Originally all title and interest in the licensed software was to remain the property of the licensor, PCC. However, due to implementation problems that previously have been mentioned, Covansys (and later

⁹⁸ <http://www.nj.gov/oag/elections/svrs/faqs.html#a7>.

⁹⁹ *Id.*

¹⁰⁰ Quotation submitted by Covansys Corp., *supra* note 4, at 95.

¹⁰¹ *Id.*

Saber) acquired from PCC the source code and licensing rights to ElectionNet, and removed PCC from the project.¹⁰²

Conclusion:

The SVRS is substantially in accordance with NJ Appleseed’s outlined “Best Practices.” The database utilizes fully mirrored systems, and each system’s copy of the data is synchronized continuously in real-time. In addition, all data and archival tapes are encrypted.

The State of New Jersey, while not in possession of the source code for the ElectionNet software, is party to an escrow agreement with Saber whereby the code has been placed in escrow with an agent approved by the State. This escrow agreement provides the State with access to the code, so that if a problem with the SVRS arises the State will be able to isolate and remedy any errors in the source code.¹⁰³ In addition, in the event of litigation brought by persons challenging the integrity of the database, access to the software could be provided to the litigants’ experts, and any report be made part of the public record.¹⁰⁴ It is also to the State’s advantage that the ElectionNet software, as revised for New Jersey, is owned directly by Saber (as opposed to them licensing it from PCC). By removing the middleman the State is now better positioned to deal directly with the owner of the software.

Training for the SVRS is ongoing and appears sufficient to ensure that state employees are well versed in the nuances of the system. In addition, continuing oversight

¹⁰² Pl.’s Br., *supra* note 13 at 7.

¹⁰³ Telephone Interview with Mike DiSimoni, Deputy Dir., Div. of Elections, N.J. Dep’t of State, *supra* note 19.

¹⁰⁴ *Id.* However, it should be noted that while the State has confirmed that they have relatively unfettered access to the code held in escrow, the actual escrow agreement was not analyzed for this publication.

by and communication with Saber provides a safety net in the event that any problem arises.

Overall, it appears that New Jersey has enacted several safeguards to ensure the integrity of the data on the SVRS. These safety precautions enable the State to be confident that it is unlikely that any data on the SVRS will be lost or corrupted, and in the event that a problem does arise, sufficient resources and access to the software exist to remedy such problems with minimum disruption to system functionality.

Conclusion

As the November 2008 general election approaches, newspapers across the country have reported several instances where local election officials have removed eligible voters from the registration rolls simply because identifying information required to be provided pursuant to HAVA, such as drivers' license numbers and social security numbers, have not exactly matched with those existing in current government databases. In other instances, single officials have improperly removed voters simply because sample ballots have been returned or voters did not participate in the previous election.

We are glad to conclude that such improper removal of eligible voters from the state registration rolls has not and is not likely to occur in New Jersey due to the design and implementation of New Jersey's Statewide Database. Transparency, multiple back-up servers, electronic audit trails, paper records of voter registration forms, limited and monitored access to the database, and a balance between state and county control make it less likely that eligible voters will be erroneously removed from the rolls and make it

much harder for partisan election officials within the administrative structure to “game the system.”

Notwithstanding our conclusion that New Jersey is on its way to establishing a model electronic voter registration data base, New Jersey Appleseed urges the State to codify its current policies and practices regarding the maintenance of paper copies of all voter registration forms at the county level, the purging of voters from the data base, the State’s treatment of applications with missing or incomplete identifying numbers, and the system’s capacity to create reports for public scrutiny that describe all transactions to add, remove, or otherwise modify any records within the SVRS. The State’s current practices with respect to these issues, as set forth in this report, are all necessary for our positive evaluation of the database in the context of Appleseed’s “Best Practices.” Such best practices, however, must be codified as statutory requirements in order to ensure New Jersey voters that their statewide voter registration database is not just HAVA compliant, but relatively secure from deliberate fraud or inadvertent error.

Note: We would like to give a special thanks to Robert Giles, Director of the Division of Elections, who provided us with access to various election officials. Without the cooperation of these officials, notably Mike DiSimoni, Deputy Director of the Division of Elections, we would not have been able to complete this publication. Additional acknowledgment goes to the Carnegie Foundation that provided the financial resources to New Jersey Appleseed necessary to bring this project to fruition.