

Report: New Jersey election system still has flaws

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In their latest report on New Jersey election practices, the state chapters of the American Civil Liberties Union and the League of Women Voters found persistent problems with provisional ballots, poll worker training and malfunctioning voting machines.

As part of their ongoing voter protection project, the two groups deployed more than 200 observers to polling places, elections offices and courthouses around the state during the 2008 general election.

They conclude the state has made some significant improvements in election procedures, such as once again putting the Secretary of State in charge of the division of elections and increasing compliance with the federal Motor Voter Law.

But they also documented avoidable problems at many locations, such as poll workers providing erroneous information, judges issuing different ruling on voters in the same situation, and interference by election officials with public observers.

"New Jersey still has a long way to go before our elections benefit from the best systems and practices," the report concluded. The groups pointed out that their key recommendations "have not changed significantly since our earlier reports."

Despite collaborative work by some officials, "there's much room for improvement," said Deborah Jacobs, executive director of the ALCU-NJ, who issued the report along with her LWV counterpart Anne Ruach Nicolas.

They recommended that New Jersey follow the lead of Ohio, where the secretary of state convened a "summit" among elections officials, researchers and other organizations to improve procedures.

North Carolina and Wisconsin have "user friendly" on-line systems allowing voters to check their status, reducing confusion on Election Day. In contrast, New Jersey requires people to obtain a "voter number" from their county elections board before being able to use the on-line system.



Confusion continues to be a major element of Election Day, and the two organizations called on the state and counties to do more advance preparation to eliminate it. Although they had only enough volunteers to monitor a smattering of election sites, hundreds of votes turned to them for assistance, the two groups reported.

"We received reports of poll workers in Bergen, Middlesex and Union counties repeatedly sending voters to wrong polling places," the report said.

While the law only requires first-time voters who mailed in their registrations, or people whose names are flagged in election books, to show identification, in some places poll workers or campaign representatives improperly demanded ID from others.

"The problem was exacerbated by aggressive challengers in Jersey City and Flemington who overstepped their authority by demanding ID and harassing voters," the report found.

The most common problem involved provisional ballots, which allow voters whose names do not show on rolls at their precinct to cast votes for further review.

A surge in registrations in many areas last year, coupled with delays in entering motor voter registrations forwarded from the Motor Vehicle Commission, dramatically increased the need for provisional ballots. The observers more than 300 people who were improperly denied provisional ballots by poll workers, the report said.

Students are frequently victimized by elections officials who do not recognize or accept dorm addresses, according to the report. Energetic would-be voters are able to take these issues to court on Election Day, but even then results may vary, according to the report.

"In Morris County, a judge in one courtroom denied the vote to a petitioner who had become a citizen after the registration deadline, while next door another judge issued an order allowing a newly naturalized citizen to vote."

Under the state constitution, persons awaiting trial, jailed for civil offenses or misdemeanors and those who have completed criminal sentences are allowed to vote. But the report found eight counties - Atlantic, Bergen, Hudson, Middlesex, Morris, Passaic, Somerset and Union - continued to create administrative roadblocks despite previous corrective memos from the state.

The report recommended mandatory training for elections judges in the relevant state and federal laws. But it did praise five counties - Camden, Gloucester, Middlesex, Ocean and Somerset - for establishing video feeds between elections courts and other locations to reduce the need for voters to travel to the county seats to contest cases.

The report also praised corrections officials in Essex and Hudson counties for making it easier for incarcerated but eligible voters to cast ballots.

The League and the ACLU also singled out the state Department of the Public Advocate for leading the effort to make it easier for New Jerseyans to register through MVC offices.

Even as cooperative technology improved life for some voters, the continued use of electronic voting machines continued to raise concerns. Many start-up problems with Sequoia electronic machines were written off to mistakes by poll workers.

But voters at the Conklin Hall polling place in Newark "point to frequent machine failures since the introduction of the new machines in 2006," the report found. At some polling places, including Conklin Hall, workers compounded the error by not providing would-be voters with emergency ballots when the machines failed, the report found.

Although counts of results from the machines are open to the public, officials in Mercer and Somerset counties improperly tried to block citizens from watching.

Observers from the League and ACLU contend the secrecy of the counting mechanism in the paperless machines used in these counties violates the legal requirement for an "open and public examination" of the count.



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