

December 12, 2025

New Jersey Assembly State and Local Government Committee
Committee Room 16, 4th Floor, State House Annex
Trenton, NJ 08625
Via email

RE: Verified Voting Recommendations for Assembly Bill No. 5037

Dear Chair Karabinchak and Committee Members,

On behalf of Verified Voting, I submit these comments on Assembly Bill No. 5037. Verified Voting is a nonpartisan nonprofit organization with a mission to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since its founding by computer scientists in 2004, Verified Voting has advocated for voter-verified paper ballots and routine, rigorous post-election audits to check the accuracy of computerized voting systems.

Nearly all U.S. votes today are counted by computerized voting systems. Such voting systems have produced outcome-changing errors through hardware, software, and procedural problems. Well-designed and properly performed post-election tabulation audits provide solid public evidence for the initial tabulation outcome when it is correct — and an opportunity to correct the outcome when it is not. The public must also have confidence in the outcomes and how the election was conducted. The National Academies of Sciences, Engineering, and Medicine recognized in their 2018 consensus report that, “Election audits are critical to ensuring the integrity of election outcomes and for raising voter confidence.”¹

As written, this bill would weaken the post-election tabulation audits in New Jersey by allowing an electronic audit to fully substitute for the current manual audit. Current audits in the state are conducted entirely by hand, but this bill would allow the rescanning of ballots by “independent third-party machines” to substitute for a manual review of ballots.

In addition to detecting errors (whether accidental or intentional) and documenting accurate counts, good tabulation audits can deter hacking, malware, and fraud. Electronic audits that rely exclusively on technology, with no manual examination of ballots, partly confer some of these benefits, but also open avoidable and dangerous security holes.

Researchers from the University of Michigan tested the use of independent equipment to rescan ballots, as proposed in New Jersey. They found “that image audits can be reliably defeated by an attacker who can run malicious code on the voting machines or election

¹ National Academies of Sciences, Engineering, and Medicine. 2018. Securing the Vote: Protecting American Democracy. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25120>.

management system.... These results demonstrate that post-election audits must inspect physical ballots, not merely ballot images, if they are to strongly defend against computer-based attacks on widely used voting systems.”²

Even if election administrators believe that electronic audit systems are adequately secure, audits should address the concerns of voters who are even more skeptical of “machines checking machines” than security experts are. Manually examining some ballots can bolster public confidence by providing direct evidence that the electronic audit system performed as it should. For this reason, we recommend that any post-election audit examine the physical paper ballots in addition to using machines for the audit. We strongly suggest revising the bill so that it would require some of the physical paper ballots audited by use of electronic machines to receive an additional manual review.

While we recommend that no post-election audit should be conducted using machines unless also paired with some manual examination of ballots, we would also note that this bill would simplify audit procedures by eliminating overly prescriptive language in paragraph 1.c.(1) of the current audit statute. We would support this change, especially since the bill continues to require audit procedures to be published and open for public comment prior to an election.

We stand ready to discuss this proposed legislation further, so that New Jersey’s audit practices continue to support justified public confidence in election outcomes.

Respectfully submitted,

C.Jay Coles
Deputy Director of Legislative Affairs

² Bernhard, Matthew, Kartikeya Kandula, Jeremy Wink and J. Alex Halderman. “UnclearBallot: Automated Ballot Image Manipulation.” *International Joint Conference on Electronic Voting* (2019). <https://mbernhard.com/papers/unclearballot.pdf>.