

SENATE BILL NO. 1016

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1016 with my recommendations for reconsideration.

This bill would mandate that the Web Content Accessibility Guidelines ("WCAG") 2.0 Level AA, or the most up-to-date version of the guidelines, serve as the accessibility standard for all State agency webpages, "sites," and "services." The bill would require the Chief Technology Officer ("CTO") of the Office of Information Technology ("OIT") to establish a protocol for State agencies to determine whether their webpages, sites, and services comply with the WCAG requirements and, within two years of the bill's effective date, to certify that each agency webpage, site, and service in operation is in compliance. The bill would further require the CTO to certify each State agency webpage, site, and service that is created after the bill complies with the WCAG requirements before the webpage, site, or service may launch, and to recertify each State agency webpage, site, and service every two years after initial certification.

I commend the sponsors' commitment to improving digital accessibility and ensuring that State agency websites and online services are usable by all residents. By codifying the WCAG as the State's accessibility standard for web access, the bill aligns with the federal government's recognition that the WCAG provides the most suitable technical requirements to achieve these important goals. But I am concerned that the bill's mandate that the CTO certify that each State agency's webpages, sites, and services meet the WCAG within two years of the bill's passage, recertify their compliance every two years thereafter, and certify

that those created after the bill's effective date comply before they may launch or become operational, is burdensome and inconsistent with how modern digital services are built and maintained.

Modern government websites are no longer static items that "launch" once and remain unchanged. Contemporary digital platforms and systems operate on continuous, iterative deployment and release models in which content, layout, code, and functionality are continuously updated, often daily and multiple times per day. The onerous certification requirement imposed by this bill would risk slowing down accessibility improvements, critical updates, and overtaxing the CTO's office in ways that would ultimately undermine the bill's objective of expanding access to State digital services for our residents. For example, requiring certification before any new content may launch would likely create an approval backlog, delaying the deployment of important content and services such as resident unemployment, food, and utility assistance, and necessary emergency notices. In addition, the bill provides no funding or rulemaking authority to OIT to mitigate these risks.

For these reasons, I am recommending amendments to Senate Bill No. 1016 that would leave in place the requirement that State agencies follow the most up-to-date version of the WCAG and omit the certification requirement. In addition, because technology changes swiftly, to avoid confusion for our agencies, I am also recommending that the bill adopt a definition for the term "mobile device" that may include technology such as "smart phone" and "tablet computer" and capture other applicable technology devices that may exist after the bill's effective date.

Therefore, I herewith return Senate Bill No. 1016 and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 18:</u>	Delete "2.0" and insert "2.1"
<u>Page 2, Section 1, Line 19:</u>	After "Level AA, or" insert ", if deemed practicable by the applicable State agency,"
<u>Page 2, Section 1, Line 19:</u>	Delete "guidelines" and insert "WCAG published by the World Wide Web Consortium"
<u>Page 2, Section 1, Line 20:</u>	After "pages," insert "web"
<u>Page 2, Section 1, Line 20:</u>	Delete "services" and insert "web content"
<u>Page 2, Section 1, Line 21:</u>	Delete "service" insert "content"
<u>Page 2, Section 1, Line 23:</u>	Delete "smartphone, tablet computer, or similar"
<u>Page 2, Section 1, Lines 24-37:</u>	Delete in their entirety
<u>Page 2, Section 1, Line 42:</u>	After "corporation." insert "'Mobile device' means a portable computing electronic device, including a smartphone or tablet computer, that is capable of connecting to the Internet and runs a mobile operating system."

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor