

# LEGISLATIVE FISCAL ESTIMATE

[Fifth Reprint]

## ASSEMBLY, No. 2451

### STATE OF NEW JERSEY 213th LEGISLATURE

DATED: MAY 26, 2009

#### SUMMARY

- Synopsis:** The Vote By Mail Law.
- Type of Impact:** Indeterminate impact on election administration costs.
- Agencies Affected:** County Clerks, County Boards of Elections, Department of State.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate - See comments below		
<b>Local Cost</b>	Indeterminate - See comments below		

- Establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots; repeals all existing absentee ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.
- The Office of Legislative Services (OLS) estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections, and the Department of State. Because the bill replaces an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot, costs incurred by the clerks and boards to administer the mail-in ballot should be about the same as the costs incurred currently by those entities to administer absentee voting. There may be modest additional costs incurred by counties, depending on choices made to foster the use of the mail-in option by voters, and by the State, depending upon the design of the voter information program required by the bill.

#### BILL DESCRIPTION

Assembly Bill No. 2451 (5R) of 2008 establishes the procedures to be used by qualified voters who want to vote by mail and the procedures to be used to prepare, transmit, count and canvass mail-in ballots. Entitled "The Vote By Mail Law" this bill repeals all existing absentee

ballot statutes to simplify the steps voters are to follow to vote using this method and the process elections administrators use to execute the law.

Specifically, the bill:

(1) removes references to civilian and military absentee ballots, which were essentially similar versions of the same type of ballot, and provides instead for a voter to vote using a mail-in ballot if the voter wishes to vote by mail and not at his or her assigned polling place on the day of any election;

(2) permits any qualified voter who wishes to vote only by mail-in ballot in all future general elections in which the voter is eligible to vote to notify the county board of elections that he or she wishes to receive such a mail-in ballot automatically and permits the voter to receive the ballot without the need for further requests;

(3) permits any qualified voter who wishes to be able to vote only by mail-in ballot for each election that occurs during the remainder of the calendar year in which the request is made to so notify the county board of elections and to receive the ballot without the need for further requests;

(4) requires the Secretary of State to undertake a program to inform voters about their eligibility to vote by mail pursuant to this bill;

(5) requires each county clerk to forward to voters mail-in ballots that have been approved before the 40th day before an election no later than the third business day following that 40th day, and requires that when the mail-in ballot is forwarded between the 40th and 13th days before an election, the ballot must be transmitted within three business days of the receipt of the application for the ballot;

(6) provides that a voter who has applied for and not received an application for a mail-in ballot, or an explanation why that application was rejected, and a voter who has received a mail-in ballot but has not submitted it to the county board of elections before the day of an election, would be permitted to vote on the day of an election by using a provisional ballot; and

(7) provides that the Statewide voter registration system in use in this State must have the ability to record and monitor all requests for mail-in ballots; to enable county boards of election to verify the identity and signature of each person requesting a mail-in ballot; to record the name and address of each voter determined to be eligible to receive a mail-in ballot for a particular election and to note when a mail-in ballot has been transmitted to that voter by mail or hand delivery; and to make such information available to the Secretary of State so that a voter can be notified whether the application for such a ballot was accepted or rejected, and the reason for the rejection, using the free-access system established by current law.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that if this bill is enacted it will have an indeterminate fiscal impact on the County Clerks and County Boards of Elections and the Department of State. The bill is replacing an existent voting method, the absentee ballot, with a nearly identical voting method, called in the bill the mail-in ballot. The bill does not change the current procedure for the preparation, transmission, counting and canvassing of such ballots. It is likely, therefore, that the cost incurred by the clerks and county boards to administer the mail-in ballot will be about the

same as the costs incurred currently by those entities to administer absentee voting. However, there may be some additional, indeterminate mail-in ballot costs, to the counties, if the County Clerks choose to include postage paid return envelopes, as provided for in the bill.

The OLS notes that the bill may make voting easier and therefore more qualified voters may opt for this voting method in place of voting in person on the day of an election. If this occurs, there will be a corresponding increase in the cost of acquiring and transmitting the ballots and of processing them by the county boards of election. The extent of the fiscal impact will depend entirely on how great the increase will be, which is not possible to quantify at this time. Also, the extent of the increase will probably depend on the type of election being held, as some elections, such as those held on the school budget and school board members, usually result in low voter turn out, while other elections, such as those electing Statewide or federal officeholders, usually result in greater voter turn out. It is also not possible to quantify the cost of the program to inform voters about the vote by mail option that the Secretary of State is required to undertake, as it is completely dependent on the method that is chosen to communicate with voters.

A review of the costs of issuing and receiving absentee ballots in eight counties (specifically, Burlington, Camden, Essex, Hunterdon, Ocean, Passaic, Union and Warren) may provide some frame of reference for the costs to the counties of the vote by mail procedure if this bill is enacted. The OLS estimates that there were approximately 553,788 absentee ballots issued and received for school board, nonpartisan, primary, and general elections in 2007 and the presidential primary election in 2008 in all 21 counties of the State. The estimated cost to the counties was approximately \$219,220. Of the counties surveyed, the smallest number of ballots issued and received was 7,460 in Warren County, with an attendant cost of \$3,058. The largest number of ballots issued and received was 39,080 in Ocean County, with an attendant cost of \$16,022.

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).