SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 647

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 15, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 647 (SCS), with committee amendments.

As amended, this bill changes current law to enable a qualified voter to vote by mail-in ballot in all future elections. The bill also provides that a voter who requested a mail-in ballot for all future elections, including future general elections, will continue to receive a mail-in ballot for such elections until the voter notifies the appropriate county clerk in writing that he or she no longer wishes to receive such a ballot, or is no longer eligible to vote.

Current law provides that if a voter who has requested a mail-in ballot for future general elections only does not vote in the fourth general election following the general election at which the voter last voted, the county clerk will send a notice to that voter to ascertain whether he or she continues to reside at the address from which that voter is registered to vote.

The bill also:

1) provides that a sample ballot for an election would not be mailed to any voter who has been sent a mail-in ballot for that election and whose voted ballot has been received by the county board of elections prior to the transmission of sample ballots to voters required by current law;

2) permits a county board to send an acknowledgement to a voter when his or her mail-in ballot has been received;

3) requires the Secretary of State to update the Statewide Voter Registration System to allow the postal tracking of mail-in ballots using Intelligent Mail barcodes, or a similar successor tracking system, upon the finding by the Secretary of State that such technology is viable;

4) reformats the text of the required public notice concerning the use of mail-in ballots that appears in newspapers before an election;

5) permits the clerk of each county to use an alternative mail-in ballot certification that permits the voter to certify the correctness of the identifying information contained on the label of the ballot instead

of requiring the voter to provide the voter's name and address on the certification;

6) provides that every mail-in ballot that bears a postmark date of the day of an election and that is received within 48 hours after the time of the closing of the polls for that election is to be considered valid and canvassed;

7) adds two days to the deadline by which county and State canvassers boards must meet after an election, a recount may be requested, and a petition challenging any nomination or election to elective office may be filed; and

8) provides that the clerk of each county must add to the list of registered voters receiving a mail-in ballot for all future elections without further request each voter in the county who requested and received a mail-in ballot for the 2016 general election. Each voter so added would have the option to inform the clerk in writing that the voter does not wish to receive a mail-in ballot automatically for all future elections. The county clerks are to transmit to each such voter a notice that he or she will automatically receive a mail-in ballot for all future elections unless the voter informs the clerk in writing that he or she does not wish to receive such a ballot.

COMMITTEE AMENDMENTS:

Amendments have been adopted for the bill to:

1) reformat existing law so that at the top of a vote by mail ballot application, the first option a qualified voter will have is to vote in all future elections, including general elections, and the second option a qualified voter will have is to vote in any single election held in this State;

2) continue to provide that the county clerk cannot transmit a mail-in ballot for any election to any person who is deemed by a county commissioner of registration to be an inactive voter;

3) fix an error in the bill that presents as current law the option for a person registering to vote to be able to request a mail-in ballot for all future elections, and make that option an amendment to current law;

4) delete proposed language for the voter registration form that prohibits its use by applicants requiring the assistance of another person to complete a mail-in ballot or to return a completed mail-in ballot to a county board of elections;

5) provide that any registration form received by a commissioner of registration is to be forwarded to the clerk of the county of the registrant if the vote by mail option is selected;

6) include on the certificate of a mail-in ballot used in a primary election a space to allow the voter to fill-in the name of the political party;

7) permit the clerk of each county to print on the margin of the flap of the inner envelope of the mail-in ballot an alternative certificate that

permits the voter to certify the correctness of the voter's name and address;

8) clarify that a county clerk is not required to send a sample ballot to a voter who has been sent a mail-in ballot and whose voted ballot has been received; and

9) provide that the bill would take effect immediately if an election is to occur more than 60 days prior to the day the bill would take effect, except that: 1) if the bill would become effective less than 60 days before the day of an election, it would take effect immediately but remain inoperative until the day following that election; and 2) the provisions of the bill that are the responsibility of the Secretary of State are to take effect immediately and are to be completed within seven business days following the effective date. The bill also provides that a county clerk may implement any or all provisions of the bill that are the responsibility of the clerk immediately following its effect date, notwithstanding the operative date, if the clerk determines that such implementation is practical, and requires the clerk to inform the county board of elections of his or her determination as soon as possible after the determination is made.

FISCAL IMPACT:

The Office of Legislative Services (OLS) believes that the fiscal impact of this bill is indeterminate, and notes that if the bill is enacted, it is likely that there will be an increase in the number of mail-in ballots sent to voters for future elections, but there will also be a reduction in the number of sample ballots produced, mailed, and returned as undeliverable, so that the cost or saving associated with the bill will most likely depend on the number of ballots needed or not needed, and the cost for each ballot in each county. The OLS also notes that because the bill requires the Secretary of State to update the Statewide Voter Registration System to allow the postal tracking of mail-in ballots using Intelligent Mail barcodes, or a similar successor tracking system, there may be an increase in expenditures by the Secretary of State to cover this cost.