

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4276
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: AUGUST 26, 2020

SUMMARY

- Synopsis:** Establishes “The Ballot Cure Act” to modify and establish various voting procedures.
- Type of Impact:** State and local expenditure increases; potential local revenue increases.
- Agencies Affected:** Division of Elections, Department of State; county boards of elections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase:			
Cure Letters	\$150,000	\$50,000	\$50,000
Free Access System	\$100,000		
Voter Bill of Rights		Indeterminate	
Local Cost Increase		Indeterminate	
Local Revenue Increase		Indeterminate	

- The Division of Elections informed the Office of Legislative Services (OLS) that a survey of the number of cure letters sent out after the most recent primary election in New Jersey found that 18,000 cure letters had to be sent to voters whose ballots had discrepancies. This represented approximately 1.2 percent of the total number of people who voted in the primary and the total cost was approximately \$50,000.
- Using these same metrics to estimate the number of cure letters that may have to be sent for the November 3, 2020 General Election, the division estimates that approximately 55,000 cure letters may have to be sent to voters for curing, assuming a 70 percent turnout rate. The division estimates that this could cost approximately \$150,000 for the county boards of elections to produce, process, and mail cure letters to voters whose ballots contained discrepancies, and re-process returned cure letters. This estimate includes additional workload and overtime costs.

- The OLS notes that this fiscal estimate assumes the State will reimburse county boards of elections for the costs of administering cure letters.
- The division indicates that the provisions in the bill expanding the function of the free-access system that allows voters to check on the status of their ballot and other information about provisional and mail-in ballots would cost the State approximately \$100,000. These costs would be to reprogram and add logic to the system's software.
- The division indicated that it is currently working on, but has not yet completed, a fiscal estimate of the cost to the State of the provisions in the bill that expand the contents of the voter information notice, also known as a voter's bill of rights, to include mail-in voting and ballot curing opportunities and procedures. The State will be required to pay for these costs.
- The division indicates that the provisions directing the Secretary of State to prepare educational materials regarding the ballot curing provision that all county boards of elections persons handling ballots would be required to read or view prior to the election, providing clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe holding of all materials in the case of rejection, would not increase the costs to the division because this additional educational information would be included among other educational materials that the division issues on a regular basis.
- County boards of elections may experience an indeterminate, but most likely negligible, increase in costs to provide voters with a replacement mail-in ballot and return envelope under certain circumstances, as required by the bill.

BILL DESCRIPTION

This bill allows voters the ability to provide a cure for certain mail-in ballots that have been rejected, and mirrors legislation in primarily vote-by-mail states such as Washington and Colorado that allow for the same. The bill provides that mail-in ballots would not be rejected when the defect is attributable to a physical defect in the inner envelope, outer envelope, certificate, or ballot outside the control of the voter.

The bill also requires the county board of elections to, promptly after receiving each mail-in ballot, undertake the following procedures and requirements concerning the acceptance or rejection of each mail-in ballot:

- (1) Record in the Statewide voter registration system and the free-access system the acceptance or rejection of the voter's ballot. Where the voter's ballot is rejected, a code would be input and displayed showing the reason for rejection; and
- (2) Within 24 hours after the decision has been made to tentatively reject or to reject a voter's mail-in or provisional ballot, issue a "cure letter" to the voter whose ballot was tentatively rejected or rejected, which shall inform the voter of that fact and provide the reasoning for rejection, including signature defects.

In circumstances when it would be appropriate to do so, and not later than the day of the election, the county board of elections may provide the voter with a replacement mail-in ballot and return envelope.

The bill directs the Secretary of State to prepare educational materials regarding the ballot curing provision that all county boards of elections persons handling ballots would be required to

read or view prior to the election. The materials would provide clear information regarding the standards for acceptance and rejection of mail-in ballots and the safe holding of all materials in the case of rejection.

In addition, the bill expands the function of the free-access system that allows voters to check on the status of their ballot, to include information not only about provisional ballots, but also for all other mail-in ballots.

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FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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The division indicates that the provisions in the bill expanding the function of the free-access system that allows voters to check on the status of their ballot and other information about provisional and mail-in ballots would cost the State approximately \$100,000. These costs would be to reprogram and add logic to the system's software.

The division indicated that it is currently working on, but has not yet completed, a fiscal estimate of the cost to the State of the provisions in the bill that expand the contents of the voter information notice, also known as a voter's bill of rights, to include mail-in voting and ballot curing opportunities and procedures. The State will be required to pay for these costs.

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County boards of elections may experience an indeterminate, but most likely negligible, increase in costs to provide voters with a replacement mail-in ballot and return envelope under certain circumstances, as required by the bill.

Section: State Government

*Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).