

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2496

STATE OF NEW JERSEY  
219th LEGISLATURE

DATED: JUNE 18, 2020

SUMMARY

- Synopsis:** Allows municipal clerks to receive hand delivered voted mail-in ballots and applications; extends ballot receipt and election certification deadlines; increases certain messenger and bearer ballot limits.
- Type of Impact:** Potential expenditure increase to the State General Fund and local government funds.
- Agencies Affected:** Attorney General’s Office in the Department of Law and Public Safety, Offices of the County Clerk, and Offices of the Municipal Clerk.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- This bill may result in additional, indeterminate costs to the State concerning the requirement that the Attorney General represent a municipal clerk in any civil action brought by any party arising from the clerk’s actions to effectuate the purposes of the “Vote By Mail Law.”
- The bill may result in additional costs to counties for the requirement that the county clerk prepare and furnish ballots for municipal elections.

BILL DESCRIPTION

This bill allows the office of the municipal clerk to receive voted mail-in ballots by hand delivery and requires that the municipal clerk hand deliver them to the county board of elections. Under the bill, a voter, or a bearer designated by the voter, may personally deliver a voted mail-in ballot to the office of the municipal clerk of the municipality in which the voter resides. To be counted, the ballot must be received by the office of the municipal clerk before the closing of the

polls on the date of the election. Under the bill, whenever a person delivers a voted ballot to the municipal clerk, the person would have to provide proof of identity and sign a record required by the county board of all mail-in ballots received by the office of the municipal clerk.

The bill also allows the office of the municipal clerk to receive applications for mail-in ballots by hand delivery and requires that the municipal clerk hand deliver them to the county clerk.

This legislation also extends the deadline by which mail-in ballots bearing a post mark of the day of the election must be received by the county board of elections in order to be canvassed from 48 hours after the closing of the polls to 144 hours after the closing of the polls. The bill also eliminates the requirement that a mail-in ballot bear a post mark if it is received by the county board of elections by the United States Postal Service within 48 hours after the closing of the polls.

Under current law, an authorized messenger or bearer is prohibited from delivering ballots for more than three qualified voters in an election. This bill permits a person to serve as a messenger or bearer for more than three qualified voters in an election if those voters permanently reside in the same household as the messenger or bearer. This bill also permits a candidate in an election to serve as an authorized messenger or bearer for any immediate family members residing in the same household as the candidate.

The bill also establishes an alternative way to cure signature defects on applications for a mail-in ballot by requiring notification to the applicant within 24 hours of the determination of disapproval. Under the bill, the notice must state the specific reasons for the disapproval and inform the applicant of the opportunity to respond to the disapproval by contacting the county clerk's office.

The bill provides that the county clerk would be responsible for preparing and furnishing ballots for municipal elections. The bill also extends certain deadlines for the certification of election results by the municipal clerk, the meeting of the board of county canvassers, and the transmission of the statement of the canvass or other statements to the Secretary of State.

The bill would require the Attorney General to represent a municipal clerk in any civil action brought by any party arising from the clerk's actions to effectuate the purposes of the "Vote By Mail Law."

The bill would not apply to the 2020 primary election but would apply to any election thereafter.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

This bill may result in additional, indeterminate costs to the State concerning the requirement that the Attorney General represent a municipal clerk in any civil action brought by any party arising from the clerk's actions to effectuate the purposes of the "Vote By Mail Law." Also, the bill may result in additional costs to counties for the requirement that the county clerk prepare and furnish ballots for municipal elections.

*Section: State Government*

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