

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2496

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 2020

The Senate Budget and Appropriations Committee reports favorably and with amendments Senate Bill No. 2496.

The purpose of this bill is to provide voters with a location within their own municipality to hand deliver applications for mail-in ballots and voted mail-in ballots so that they do not have to travel to their county seat, or rely on the United States Postal Service which may be unreliable in the timely delivery of mail-in ballots. The intent of this bill is to reduce the number of voted mail-in ballots that are rejected, but otherwise valid, due to delays in their delivery to the county board of elections by the United States Postal Service.

Under current law, municipal clerks serve as the chief administrative officer of all elections and chief registrar of voters in their respective municipality. Municipal clerks currently have numerous responsibilities related to conducting elections including registering voters, accepting candidate petitions and certifying or rejecting them, and receiving election results and voted provisional ballots from district voting polls and transporting them to the county board of elections.

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.

This bill 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 bill 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 messengers or bearer is prohibited from delivering ballots for more than three qualified voters in an election. This bill, as amended, 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, as amended, 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, as amended, 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 challenge the disapproval by contacting the county clerk's office.

As amended, this 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. This bill would also protect any State, county, or municipal government employee acting in good faith from being held liable in any civil action brought by any party arising from the employee's actions to effectuate the purposes of "The Vote By Mail Law."

As amended, the bill would not interfere with the 2020 primary election but would impact the fall general elections and any election thereafter.

COMMITTEE AMENDMENTS:

There committee amendments:

(1) require 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";

(2) permit 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;

(3) permit 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;

(4) require a notification to a vote-by-mail applicant within 24 hours of a determination of disapproval, which must state the

specific reasons for the disapproval and inform the applicant of the opportunity to submit certain information to receive approval;

(5) provide that the county clerk would be responsible for preparing and furnishing ballots for municipal elections;

(6) extend 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; and

(7) change the effective date to August 10, 2020, which is the fifth Monday following July 7, 2020, the date of the 2020 primary election.

FISCAL IMPACT:

This bill may result in additional costs to the State from 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", and that the State fund any costs of settlements or other civil penalties that might arise from those civil actions. The bill will result in additional costs to certain counties for the requirement that the county clerk prepare and furnish ballots for municipal elections. Certain municipalities will realize reduced costs as a result of that requirement. No estimate of additional costs or savings that would result from the bill is feasible due to lack of information on current costs of municipal election ballot costs, or concerning the likelihood of litigation involving municipal clerks' discharge of duties under "The Vote By Mail Law".