

**LEGISLATIVE FISCAL ESTIMATE**  
 [First Reprint]  
 SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 2598 and 2699**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: SEPTEMBER 1, 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>
<b>State Cost Increase:</b>			
<b>Cure Letters</b>	\$150,000	\$50,000	\$50,000
<b>Free Access System</b>	\$100,000		
<b>Voter Info. Notice</b>	\$5,000		
<b>Educational Materials</b>	\$0		
<b>Local Cost Increase</b>		Indeterminate	
<b>Local Revenue Increase</b>		Indeterminate	

- The Division of Elections informed the 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 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, the safe holding of all materials in the case of rejection, and creating a report 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.
- 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 the cost to the State of the provisions in the bill that expand the contents of the voter information notice and campaign to include mail-in voting and ballot curing opportunities and procedures will be approximately \$5,000. The State will be required to reimburse local government entities for any costs incurred for complying with the requirements voter information notice campaign.

## **BILL DESCRIPTION**

This bill allows voters to cure certain mail-in ballots that have been rejected. Under the ballot curing provisions, the bill provides that mail-in ballots would not be rejected due to any defect arising out of or relating to the preparation or mailing of the ballot or envelope that was not reasonably caused by the voters, such as a torn envelope and missing or insufficient glue to allow the ballot to be sealed. The bill also requires the county board of elections to, promptly after receiving each mail-in ballot, undertake procedures concerning the acceptance or rejection of each mail-in ballot due to signature discrepancies. These procedures include issuing "cure letters," within 24 hours, to voters whose ballots were rejected. The cure letter informs the voter of the reason for the rejection of their ballot and includes a cure form which enables the voter to fix their ballot by verifying their identity as instructed on the cure form.

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. Beginning on February 1, 2021, the free-access system would provide a publicly viewable macro-report of the total number of rejected ballots by county and by code along with the totals for votes cast by mail-in ballot, overseas ballots, and total ballots cast. This report would be kept and made available on the Secretary of State's website for a period of 10 years.

The bill also expands 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 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. The bill also requires the Secretary of State to, at least 30 days prior to the election, conduct a voter education campaign to inform voters about the signature matching and ballot curing provisions established by this bill, which campaign would also exhort voters to update their contact information with their respective county board of elections, including their email address and telephone number, to enable the county board to contact the voter in case the need arises for the voter to cure their ballot.

The sections in the bill related to the creation of a voter information notice and campaign, the expansion of the free access system, the issuance of cure letters, and the preparation of education materials by the Secretary of State for county boards of elections would take effect immediately and shall apply to all future elections occurring after the effective date of the bill. The sections related to future elections that would collect voter contact information on a confidential basis to facilitate the ballot curing process would take effect on February 1, 2021.

## **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 the cost to the State of the provisions in the bill that expand the contents of the voter information notice and campaign to include mail-in voting and ballot curing opportunities and procedures will cost approximately \$5,000. The State will be required to reimburse local government entities for any costs incurred for complying with the requirements voter information notice campaign

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*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.).