

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 3817

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: JUNE 22, 2022

SUMMARY

- Synopsis:** Requires ballot privacy sleeves at polling place; makes various changes to early and mail-in voting procedures; creates online form to update name and residence on existing voter registration record.
- Type of Impact:** State and local expenditure increases.
- Agencies Affected:** 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		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.
- The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections.
- The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application, a change of political party affiliation form, and a name and residency update to an existing record.

BILL DESCRIPTION

This bill makes various changes to certain in-person, early voting, and vote by mail practices and procedures. Specifically, the bill requires ballot privacy sleeves and privacy equipment at each polling place consistent with current law voting privacy requirements; requires that early voting votes be reported in the election district where the voter resides; ends the mail-in ballot cure

deadline nine days after election day; and allows voters to request a mail-in ballot, and to declare or change their political party affiliation, using the existing online voter registration system. This bill also provides that, if a person submits more than one online voter registration form with identical information, the commissioner of registration of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system. The bill also requires the creation of an online form for a voter to update the voter's name and residence on an existing voter registration record and to update the voter's existing record when the voter moves to another county.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill would result in an indeterminate expenditure increase for the Department of State and county boards of elections.

The bill's provisions that require the availability and use of ballot privacy equipment at each polling place would result in expenditure increases for the county boards of elections, to the extent such equipment is not already in place pursuant to the current law requirements for the protection of the voter's privacy in the act of voting.

The OLS further estimates the bill would result in an expenditure increase for the Department of State associated with the creation of additional functionality for the existing online voter registration system to enable the voter to electronically submit a mail-in ballot application (beginning on January 1, 2026), a change of political party affiliation form, and a name and residency update to an existing record (at least 12 months following the bill's enactment).

Privacy Sleeves

This bill requires privacy sleeves to be provided to voters when hand-marked paper ballots are used to cast the voter's vote at the polling place. In counties using ballot scanning machines, the bill requires the county to ensure privacy is maintained as the voter inserts the voted ballot into the ballot scanning machine. The bill also requires each voting booth to contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be. The bill also requires the use of privacy screens and shields for voting equipment at polling places.

Under the bill, the use of privacy equipment would be in a manner consistent with the requirement, already established under current law, for voting machines to secure the voter's secrecy in the act of voting, and for electronic voting systems to provide for the secrecy of a voter's vote.

The costs to each county board of elections of acquiring the necessary privacy equipment for each polling place are indeterminate, to the extent such equipment is not already in place pursuant to the current law requirements for the protection of the voter's privacy in the act of voting.

Online Voter Registration System - Application for Mail-in Ballot

Beginning on January 1, 2026, this bill allows registered voters to submit an application to vote by mail electronically, using the online voter registration website maintained by the Secretary of State, up to seven days before an election.

Under current law, registered voters may apply to vote by mail using a paper application form up to seven days before an election, and may apply for a mail-in ballot in person up to 3:00 PM the day before election day.

The bill requires the electronic application to be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System. The bill directs the Secretary of State to prepare a mail-in ballot electronic application form. Applications to vote by mail submitted online would be forwarded to the appropriate county clerk.

The bill requires updates to the notices required to be published ahead of each election concerning the manner of applying to vote by mail, to include the online application form authorized by the bill.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System – Political Party Affiliation Form

This bill allows a person registering to vote, and registered voters, to submit or update their political party affiliation, including the option to not be affiliated with any political party, using the online voter registration system maintained by the Secretary of State.

Under current law, a person registering to vote may declare a political party affiliation on the voter registration form, and thereafter may update such affiliation using a paper form.

The costs to the Department of State of adding the required functionality to the online voter registration system are indeterminate.

Online Voter Registration System or Online Form - Name and Residency Updates

At least 12 months following the date of enactment, this bill requires the Secretary of State to create an electronic form on the Department of State's website for a voter to use to complete and submit changes to the voter's name, address, or both.

This bill also allows a registered voter who moves from one county to another to use the change of address form to notify the county commissioners of registration of the voter's old and new counties of residence of this change. The commissioner of the county of new residence would notify the voter by mail that the voter is now registered to vote in that county. If the notice submitted by the voter is incomplete, the commissioner is required to request any additional information or documentation necessary to finalize the change of residence request.

Under current law, a registered voter who changes name or address may file a form to notify the county commissioner of registration of these changes. When a registered voter moves from one county to another, the voter is required to file a new voter registration form in the new county.

The costs to the Department of State of adding the required functionality to the online voter registration system, or creating a separate website, are indeterminate.

Section: State Government

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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