

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3915
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: MAY 26, 2022

SUMMARY

- Synopsis:** Requires State to pay for costs to conduct new election if the State is at fault for errors during initial election that requires new election to be held.
- Type of Impact:** Periodic expenditure increase for the State; periodic local government revenue increase.
- Agencies Affected:** Department of State; local governments.

Office of Legislative Services Estimate

Periodic Fiscal Impact	
State Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill would result in a State expenditure increase of tens of thousands of dollars in the short-term to reimburse the costs of a special election held in Old Bridge Township in March 2022. The reimbursement of its funds expended to conduct the special election will represent a revenue increase to Middlesex County.
- Beyond that, it is not known how frequently the State is at fault for an error during an election that requires a new election to be held. Therefore, an estimate of the magnitude and timing of other State expenditures and local revenue increases cannot be made. However, such an event appears to be rare. Going forward, if the State is not at fault for an error during any election that requires a new election to be held, the State would not incur additional costs resulting from the bill.

BILL DESCRIPTION

This bill requires the State to pay for the costs incurred to conduct a new election if the State is at fault for an error during the initial election that requires a new election to be held.

If an election is invalidated by a judge of the Superior Court and the judge determines that the State is at fault for an error or errors having occurred in that election, the State must reimburse the county or municipality, as appropriate, in which the election was held for the costs incurred to conduct a new election. The bill provides that a county or municipality must be reimbursed upon the application for reimbursement by the governing body of the county or municipality to the Secretary of State and approval by the Department of the Treasury.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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This bill is retroactive to November 1, 2021. Following the November 2021 election, a judge of the Superior Court invalidated the election for a seat on the township council in Old Bridge, NJ after determining that some voters received the wrong ballot and voted. The Superior Court judge found that, due to an error in the Statewide Voter Registration System that placed certain voters in the wrong ward, the New Jersey Division of Elections was at fault for the election mishap. A special election was held on March 22, 2022 and, under the bill, the costs to conduct the new election for a seat on the township council in Old Bridge, NJ are to be reimbursed by the State.

There is no information currently available to the OLS on the costs to conduct the new election in Old Bridge, NJ; however, such special elections can cost tens of thousands of dollars. The OLS also lacks sufficient information to quantify the future fiscal impact of the bill. It is not possible to predict the number of elections in the future that will contain an error or errors caused by the State that result in new elections being held.

<i>Section:</i>	<i>State Government</i>
<i>Analyst:</i>	<i>Roshard Williams</i> <i>Associate Research Analyst</i>
<i>Approved:</i>	<i>Thomas Koenig</i> <i>Legislative Budget and Finance Officer</i>

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.).