

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

JOHN CIMINO
NJAC President
Mercer County Commissioner

JOHN G. DONNADIO
Executive Director

STATE HOUSE NEWS

June 4, 2021

IN-PERSON EARLY VOTING

The New Jersey Early Voting Working Group recently completed a comprehensive analysis of the projected expenses each county is expected to incur as a direct result of implementing P.L. 2021, Chapter 40, which would require in-person early voting. The Working Group is comprised of county election officials from across the State and representatives from the New Jersey Division of Elections with the goal of making sure early voting runs smoothly during the upcoming General Election. In summary, the analysis concludes that county governments will spend an estimated \$83.0 million to implement the new law on the following mandated expenditures:

- Purchasing at least 2039 new voting machines with compatible hardware and software, licensure fees, training, and consumables such as USB sticks, printers, toner, paper and more.
- Purchasing at least 2354 new electronic poll books with compatible hardware and software, licensure fees, training, and similar consumables.
- Renting, purchasing, and retrofitting approximately 168 new early voting sites.
- Paying overtime to county election staff and hiring over 5349 new poll workers.
- Providing security, maintenance, technological, and other operational support at 168 new early voting sites.
- Storing, maintaining, and providing security for the new voting equipment along with equipment accessories, attachments, and fixtures.
- Incurring several additional expenses that were not contemplated by the law.

Moreover, the new law will require county governments to spend approximately \$21.0 million every year thereafter on renting or making required payments on properties purchased to host early voting sites; renewing compatible hardware, software, licensure fees, training, and consumables; providing security, maintenance technological, and other operational support at early voting sites; paying overtime to county election employees and hiring poll workers; storing, maintaining, and providing security for election equipment; and more. NJAC has had several productive meetings with legislative leadership, the budget chairs in both houses, and the Administration and is cautiously optimistic that the Fiscal Year 2022 State Budget will ultimately include sufficient funding for in-person early voting.

In general, the new law will establish an in-person early voting procedure to allow voters to cast their votes at specially designated polling places before the day of certain primary and general elections. Under the law, the early voting period will: start on the 4th calendar day before a non-presidential primary election for a non-presidential general election and end on the second calendar day before that non-presidential primary election; start on the 6th calendar day before a presidential primary election for a presidential general election and end on the second calendar day before that presidential primary election; and, start on the 10th calendar day before a general election and end on the second calendar day before that general election.

The measure will further require that a municipality holding municipal elections on the second Tuesday in May, by an ordinance adopted by its governing body, may also conduct in-person early voting for those municipal elections, starting on the 4th calendar day before the regular municipal election and ending on the second calendar day before that regular municipal election. Under the bill, in-person early voting would enable a registered voter to vote at a designated polling place before the day of an election using optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Designated polling places must be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM to 6 PM. In real time using the electronic poll books each day during the early voting period, and prior to the start of the regularly scheduled election, each county board must make such changes as may be necessary to the voter's record in the Statewide voter registration system to indicate that a voter has voted in that election using the early voting procedure. A voter who participates in early voting will not be permitted to vote by mail-in ballot or in person on election day.

The law also provides that each county board of elections is to designate at least three but not more than five early voting locations in each county, except that the county board must designate at least five but not more than seven public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven but not more than 10 public locations for early voting if the number of registered voters in the county is 300,000 or more. A municipality that conducts May elections and that chooses to participate in early voting is to designate at least one but not more than three early voting locations. However, this provision will not be interpreted to prevent county boards of elections, at their discretion, from establishing additional locations in excess of the upper limits respectively set forth, provided, however, that the State will be required to provide reimbursement for the costs of locations up to and including the upper limits established, and will not be required to provide reimbursement for additional locations beyond those limits.

Special thanks to Hunterdon County Board of Election Supervisor/Administrator Beth Thompson and Union County Administrator of Elections Nicole DiRado for doing an outstanding job in summarizing the data contained in the Work Groups analysis in clear and concise manner. And, an additional special thanks to Hunterdon County Clerk Mary Melfi, Somerset County Clerk Steve Peter, Atlantic County Superintendent of Elections Maureen Budgon, Passaic County Superintendent of Elections Shona Mack-Pollock, Passaic County Administrator Tony DeNova, and NJAC President/Mercer County Commissioner John Cimino for their hard work and patience throughout the legislative and budget process.

ORDINANCE NOTIFICATIONS

On May 20th, both houses unanimously passed and sent to the Governor **A-2248/S-818** (*Mazzeo D-2/Armato D-2*)(*Lagana D-38/Pou D-35*), which would permit the transmittal of certain county ordinances by email.

Along the lines of similar NJAC legislative initiatives that were signed into law such as authorizing local governing bodies to pay employees by direct deposit and to pay their bills by electronic fund transfer technologies, NJAC supports this important and timely legislation as it would modernize the antiquated bond notification process. Under current law, a board of county commissioners in a charter county (*Atlantic, Bergen, Essex, Hudson, Mercer, and Union*) must provide, by regular mail within one week prior to the date of a hearing on a proposed bond ordinance, a copy of the proposed ordinance to the clerk of each municipality within the county. As ordinances typically range between 10 to 25 pages long with anywhere from 15 to 70 municipalities located within these counties, authorizing a board of county commissioners to notify municipalities by email of a proposed bond ordinance would save valuable time, resources, and taxpayer dollars. Additionally, the measure would provide much-needed clarification on the bond notification process to non-charter counties. Governor Murphy is expected to sign the measure into law; and, special thanks to Sonya Harris, Atlantic County Clerk of the Board of County Commissioners, for coming up with the terrific idea.

PERS PROSECUTORS PART

Also, on May 20th, the Senate Budget and Appropriations Committee was set to consider but ultimately held **SENATE, No. 3114** (*Greenstein D-14*), which would allow members of the Public Employees Retirement System (PERS) Prosecutors Part to purchase PERS credit in the Part under certain circumstances.

Although the Association appreciates the difficulty county prosecutors face in retaining experienced attorneys and the fact that this legislation would require members to purchase service credit at their own expense, NJAC is concerned that the measure

would increase employer contributions upon a member's retirement; and as a result, would place an additional and untimely burden on the worst publicly funded pension system in the nation. As has been well documented, counties and municipalities face double digit increases in their pension bills for 2021, in large part, due to the State's well-documented mismanagement of the pension systems while counties and municipalities have met their obligations as employers for more than a decade. Moreover, as a defined benefits plan, property taxpayers bear the risk of loss for poor investments, a decline in the stock market, a decrease in the assumed rate of return for long-term investments as was the case in 2020, and benefit enhancements as is the case with a recent new law that enhanced the benefits of members of Police and Firemen Retirement System (PFRS).

Although S-3114 would appear to impact only a limited number of county prosecutor employees across the State at a number to be determined, the measure would still provide a benefit enhancement to those members at the expense of property taxpayers. In general, the measure would appear to allow a member of the Part, prior to the Part closing in 2002, to purchase service credit in the Part if the member left employment with the Prosecutor after 2002 and returned to employment with the Prosecutor as an employee enrolled in the regular part of PERS as required after 2002. Current law provides benefits to members of the Prosecutors Part superior to the benefits for regular PERS service credit. The Senate Budget and Appropriations Committee requested the Office of Legislative Services (OLS) to conduct a fiscal analysis of the bill to determine its economic impact on the pension system and county governments as employers. Additionally, the Assembly State and Local Government Committee favorably reported and second referenced companion version **ASSEMBLY, NO. 5346** (*DeAngelo D-14/Mukherji D-33*) to the Assembly Appropriations Committee for consideration on May 12th.

TRANSPORTATION FUNDING FOR BOARDWALKS

On May 12th, the Assembly Transportation and Independent Authorities Committee favorably reported and second referenced to the Assembly Appropriations Committee for consideration **ASSEMBLY, No. 4894** (*Mazzeo D-2/Murkerji D-33*), which would incorporate boardwalks into the Transportation Trust Fund (TTF) Local Aid Program to provide Local Aid Infrastructure grants to boardwalk projects.

In general, the bill would amend the definition of a public highway to include boardwalks. The bill would further amend the State transportation Local Aid program formula for the distribution of county and municipal aid to include boardwalk mileage in addition to county and municipal road mileage respectively. The measure would provide counties and municipalities with the same amount of annual local aid funding for each mile of boardwalk that they must maintain as they receive for each mile of road that they must maintain. The bill would also require

the Commissioner of the State Department of Transportation (DOT) to provide no less than \$4,000,000.00 million per year in grants from the Local Aid Infrastructure Fund for boardwalk projects in State Fiscal Years 2022 through 2031. The Local Aid Infrastructure Fund is a discretionary grant pool that the Commissioner may award to projects not covered by the other Local Aid program categories.

As you may recall in 2016, then Governor Christie signed into law legislation that reauthorized the Transportation Trust Fund (TTF) with an 8 year \$2.0 billion per year capital program. In summary, the measure generally: increased the State’s motor fuels tax by .23 cents per gallon; reduces the State’s sales tax to 6.875% in 2017 and then 6.625% in 2018; increased the earned income tax credit from 30% to 35% of the federal benefit amount; increased the New Jersey gross income tax exclusion on pension and retirement income for seniors; provided a personal exemption on State income taxes for all New Jersey veterans honorably discharged from active military service; and, phases out the estate tax by 2018. Importantly, the law also increased Local Aid allocations for counties and municipalities from \$190.0 million to \$400.0 million per year as a means to mitigate the reliance on the collection of local property taxes, promote economic growth and job development, and ensure a safe and reliable network of roads and bridges pursuant to the table below.

ALLOCATION	%	AMOUNT	COMMENT
County Local Aid Program	37.5%	\$150,000,00.000	Available as traditional County Aid
Municipal Local Aid Program	37.5%	\$150,000,000.00	Available as traditional Municipal Aid
Local Bridges Fund	11.0%	\$44,000,000.00	Available as Local Bridges Future Needs program monies
Local Freight Impact Fund	7.0%	\$28,000,000.00	Available as DOT Commissioner discretionary funding for freight travel
Local Aid Infrastructure Fund	7.0%	\$28,000,000.00	Available as traditional DOT Commissioner discretionary funding

NJAC will continue working with the New Jersey Society of County Engineers (NJSCE) on addressing their concerns with a proposed amendment to the bill that would provide the Commissioner with the discretion to simply make \$4,000,000.00 in grants available under the Local Freight Impact fund to counties and municipalities without affecting, impacting, or altering the current formula for calculation "centerline miles" to determine Local Aid allocations. The companion version **SENATE, No. 3397** (*Sweeney D-3*) is currently in the Senate Transportation Committee awaiting consideration.

HIRING COUNTY CORRECTIONAL POLICE OFFICERS

On June 3rd, the Senate State Government, Wagering, Tourism & Historic Preservation Committee favorably reported **SENATE, No. 3672** (*Singleton D-7*).

In general, this legislation would require the Civil Service Commission (CSC) to exempt from the civil service examination, any person for an entry-level county correctional police officer position provided the person successfully completes a full basic police officer training course approved by the New Jersey Police Training Commission. The measure would further permit a county correctional facility to hire such a person if the county governing body adopts a resolution authorizing the hiring and enacts both conflict of interest and nepotism policies accordingly.

NJAC and NJCJWA support this important and timely legislation as it would streamline an antiquated hiring process that has created double digit job vacancy rates at county correctional facilities across the State. In addition to placing county correctional police officers in harm's way as they must work longer hours or face being short staffed, the CSC's outdated hiring process forces county jails into paying substantial overtime costs at an estimated \$23.5 million in 2019 alone. S-3672 is on Second Reading in the Senate and we expect to secure a sponsor for a companion version of the bill in the General Assembly shortly. Special thanks to Senator Troy Singleton for his leadership and support in introducing this legislation on behalf of the Association, and to Camden County Commissioner Jon Young, Gloucester County Jail Warden Eugene Caldwell, Camden County Jail Warden Karen Taylor, and Hudson County Deputy County Administrator Oscar Aviles for their advocacy, advice and counsel.

PROOF OF PREVAILING WAGE

On June 3rd, the General Assembly passed **ASSEMBLY BILL, NO. 4869** (*Wirths R-24/Verrelli D-1*), which would require certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid.

In general, this legislation would provide that if a person makes the lowest bid for a contract with a public body for public work subject to the provisions of the "New Jersey Prevailing Wage Act" and that bid is 10 percent or more lower than the next lowest bid for the contract, the person making the lowest bid would be required to provide proof to the satisfaction of the public body that the prevailing wage rates required by that act will be paid. Proof may include contracts or agreements with workers stating the rate of wages that the person contracts or agrees to pay the employees or workers for the contract, documentation of the costs of supplies required to complete the contract, documentation as to the number of employees or workers whose services will be engaged for the contract, the estimated number of hours or days to complete the project, and any additional documentation as may be permitted by the Commissioner of Labor and Workforce Development. The bill would further require the bid to be rejected if the bidder does not provide that proof. The companion version **SENATE NO. 2414** (*Singleton D-7/Madden D-4*) is currently on Second Reading in the Senate.

NJ INFRASTRUCTURE BANK PROJECTS

On May 11th, Governor Murphy signed into law **SENATE, No. 3188** (*Gopal D-11/Greenstein D-14*)(*Houghtaling D-11/Benson D-14*) as P.L. 2021 c.80 and of which would eliminate the 5% down payment requirement for local bond ordinances involving the New Jersey Infrastructure Bank (I-Bank). More specifically, the new law amends the Local Bond Law to exempt local governments from being required to appropriate at least 5% of the amount due in obligations authorized for transportation projects financed through the I-Bank. The measure also exempts local governments for being required to seek Local Finance Board approval for the maturity and amount of annual installment payments related to financing environmental infrastructure and transportation projects through the I-Bank. NJAC supports the initiative as it frees up limited resources that local governing bodies may utilize to manage their affairs in a more flexible and efficient manner.

UPCOMING NJAC EVENTS: Make sure to visit our website at www.njac.org for registration and other important details about our outstanding celebration of county government set for October 12th through October 14th at Caesars in Atlantic City.

TOP TEN THINGS TO APPRECIATE IN THE GREAT GARDEN STATE THIS SUMMER

- 10) Enjoying a free concert in the park on a Sunday night.
- 9) Surf fishing early in the morning at any beach even if you don't catch anything so long as you miss the traffic on the Parkway getting there.
- 8) Sampling everything at a food truck festival.
- 7) Spending \$20.00 to win a \$2.00 stuffed animal at a country fair.
- 6) Drinking lots of beer at a minor league baseball game and not feeling guilty about leaving early because the tickets are so cheap.
- 5) Floating down the Delaware River in an inner tube on the Jersey side on a Saturday afternoon.
- 4) Walking down the street at a classic car show on a Friday night with doo-wops blasting in the background.
- 3) Smothering your hands and face and shirt with powdered sugar from a bag of zeppole at an Italian festival.
- 2) Devouring a sausage and peppers sandwich and then some waffles and ice cream on the boardwalk.
- 1) Watching fireworks anywhere.

"To be yourself in a world that is constantly trying to make you something else is the greatest accomplishment." Ralph Waldo Emerson