

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

TERI O'CONNOR
NJAC President
Monmouth County Administrator

JOHN G. DONNADIO, ESQ.
Executive Director

STATE HOUSE NEWS

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ELECTION BILLS

On July 28th, Governor Murphy signed into law a series of election reform measures of which NJAC is in the process of reviewing with our county election officials.

VOTE-BY-MAIL STATUS

A-3819/S-2868 (Mukherji D-33/Dunn R-25)(Cryan D-20/Gopal D-11) as P.L. 2022, c.68, which specifies the circumstances when voters will be removed from permanent vote-by-mail status and when ballots will be sent to primary addresses.

In summary, this new law removes a voter from a permanent vote-by-mail status after a voter opted-in to voting by mail if the voter does not vote-by-mail for four consecutive years beginning with the 2020 election cycle. The measure specifies that the voter will no longer automatically receive a mail-in ballot and that a voter will be notified in writing of their change in status after the fourth consecutive year in which they have not voted-by-mail. The new law also specifies that for a voter who chooses to have their mail-in ballot sent to an address other than the address for which they are registered to vote, the ballot will be sent to the address for which they are registered to vote if the ballot is returned or undeliverable after two consecutive general elections. The law requires a voter to be notified in writing after the second consecutive general election when the ballot was returned or undeliverable. The new law also appropriates \$5.0 million to provide grants for counties to undertake a public education campaign to notify voters of the changes made to the mail-in ballot procedures.

EARLY AND IN-PERSON VOTING CHANGES

A-3817/S-2863 (Verrelli D-15/Benson D-14)(Zwicker D-16/Gopal D-11), as P.L. 2022, c.67, which requires ballot privacy sleeves at polling locations and makes various changes to the early and mail-in voting procedures.

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.

VOTE-BY-MAIL BALLOT DEADLINES & COUNTING

A-3822/S-2865 (*Coughlin D-19/DiMaio R-23*)(*Zwicker D-16/Cryan D-20*) as P.L. 2022, c.70, which changes certain deadlines for the mailing of mail-in ballots to voters before an election; requires the number of ballots that have been received, have been counted, and are remaining to be counted to be posted on the websites of the county boards of elections and Division of Elections; permits a county board of elections to establish a pickup schedule for mail-in ballots that are deposited in ballot drop boxes; and, requires the Secretary of State to send a confirmation notice to a voter that changes their party affiliation when updating an existing voter requisition at the Motor Vehicle Commission (MVC).

In general, the new law changes the deadline for the preparation of the official primary election ballot for printing from the 50th day to the 45th day before the election. The deadline for the preparation of the official ballot for a federal primary election or any general election in this State would continue to be on the 50th day before the election, but the measure also changes the commencement of the mailing of mail-in ballots for a primary election from the 38th to the 45th before an election, consistent with existing law. Mail-in ballots for uniformed and overseas mail-in voters or general election voters in this State would continue to commence on the 45th day before the election.

Additionally, the new law requires that petitions addressed to the Secretary of State, the county clerks, or the municipal clerks be filed before 4:00 p.m. of the 71st day next preceding the day of the holding of a primary election; and, further requires that no later than noon of the 61st day preceding the primary election for the general election, the municipal clerk must certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political party of which such persons are candidates together with their slogan and designation. The measure also provides that a county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes and requires that such schedule be consistent with the ballot drop box guidelines established by the Secretary of State; and, that if an applicant at the MVC chooses to update an existing voter registration, the

applicant would receive a confirmation notice from the county commissioner of registration noting that change.

This new law further allows county boards of elections to begin opening the inner envelopes for each mail-in ballot and canvassing the ballot no earlier than five days prior to the day of the election. If a county board of elections opts to begin opening the inner envelopes for mail-in ballots and canvassing the mail-in ballots from the inner envelopes prior to the day of an election, the county clerk would have to report the unofficial ballot tabulations of those mail-in ballots on the county clerk's Internet site as soon as practicable after the closing of the polls on election day. The measure further requires that the Secretary of State promulgate regulations to prevent persons, including those involved in the canvassing of ballots, from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day and prohibit the tally or tabulation of results prior to the opening of the polls on election day.

DEATH RECORDS & POLL WORKER COMPENSATION

A-3823/S-2867 (*Sumter D-35/Rooney R-40*)(*Lagana D-38/Cryan D-20*) as P.L. 2022, c. 71, which requires an enhanced review of death records two months prior to an election, permits remote training for certain election workers, and exempts election worker compensation from taxation and remuneration.

In general, the new law requires that for the two months immediately preceding every primary or general election, the health officer or other officer in charge of records of death in each municipality must report on a biweekly basis with the commissioner of registration for the county in which the municipality is located, the names and addresses of all persons 18 years of age or older who died within previous two weeks. The commissioner of registration then has 10 days to investigate the list and remove the deceased voters from the voter rolls accordingly. The new law also requires that election workers receive in-person instruction except that instructional sessions may be offered remotely to workers that have completed the instructional session within the last four years and provided that the county board of elections implements procedures to conduct remote sessions all of which the Secretary of State must review and approve once every two years. Finally, the new law exempts election worker compensation from taxation and remuneration.

EMPLOYMENT FOR YOUR KIDS ON ELECTION DAY

A-1969/S-138 (*Mukherji D-33/Sumter D-35*)(*Diegnan D-18/Greenstein D-14*) as P.L., c. 1966, which allows minors between the ages of 16 and 18 to be employed as election workers between the hours of 5:30 a.m. and 9:00 p.m. on a date that an election is held.

In other news:

TEMPORARY WORKER PROTECTIONS

On August 8th, both houses passed along partisan lines **A-1474** (*Lopez D-19/Danielsen D-17*)(*Cryan D-20*), which would provide certain protections and rights to temporary laborers and would impose various requirements on temporary help service firms and third-party clients.

In general, this legislation would require a temporary help service firm to provide a statement to temporary laborers with the following information: the name of the temporary laborer; the name, address and telephone number of the temporary help service firm and its workers' compensation carrier; the name and nature of the work to be performed; the wages offered; the name and address of the assigned worksite of each temporary laborer; the terms of transportation offered to the temporary laborer; a description of the position and whether it shall require any special clothing, protective equipment and training and what will be provided by the temporary help service firm or the third party client, and any costs charged to the employee for supplies or training; whether a meal or equipment is provided by the temporary help service firm or the third party client, and the cost of the meal and equipment; the schedule for multi-day assignments; and, the length of the assignment.

Additionally, the measure would require a temporary help service to firm to keep certain records relating to its transactions with temporary laborers, and to maintain the records for six years from their creation of which the Commissioner of the of Labor and Workforce Development may inspect. Moreover, the bill would provide that a temporary help service firm or a third party client is prohibited from charging a fee to transport a temporary laborer to or from the designated work site, and that a temporary help service firm is responsible for the performance of any person who transports a temporary laborer from the temporary help service firm to a work site, unless the transporter is: a public mass transportation system; a common carrier; the temporary laborer providing his or her own transportation; or, is selected exclusively by the temporary laborer for transportation in a vehicle not owned or operated by the temporary help service firm.

The bill also requires that, at the time of payment of wages, a temporary help service firm is required to provide each temporary laborer with a detailed itemized statement on the temporary laborer's paycheck stub. Further, under the bill, a temporary help service firm is prohibited from restricting the right of a temporary laborer to accept a permanent position with a third-party client to whom the temporary laborer has been referred for work, restricting the right of a temporary laborer to accept a permanent position with another employer, or restricting the right of that third party client to offer employment to a temporary laborer. In addition, the bill provides that a temporary help service firm operating in the State is required to register with the Commissioner and is required to provide proof of an employer account

number for the payment of unemployment insurance contributions and valid workers' compensation insurance. Under the bill, the commissioner has the authority to deny, revoke, or refuse to renew any registration for certain specified reasons.

Moreover, under the bill, a third-party client is prohibited from entering into a contract for the employment of temporary laborers with any temporary help service firm that is not registered. The bill would also impose a duty on the third-party client to verify a temporary help service firm's status with the Commissioner. The bill also makes it a violation for a temporary help service firm or third-party client to retaliate through discharge or in any other manner against any temporary laborer for exercising any rights granted under the bill. Under the bill, the termination or disciplinary action by a temporary help service firm against a temporary laborer within 90 days of the person's exercise of rights under the bill raises a rebuttable presumption of having done so in retaliation for the exercise of those rights. In addition, a person aggrieved by a violation under the bill by a temporary help service firm or a third-party client may institute a civil action in the Superior Court, and a temporary help service firm aggrieved by a violation under the bill by a third-party client may institute a civil action in the Superior Court. It's unclear whether Governor Murphy will sign the bill into law.

UPCOMING NJAC EVENTS: Make sure to join us at 10:00 a.m. on Wednesday 9/14 for NJAC's virtual workshop on the "988 Suicide Crisis and Lifeline Toolkit, which will provide an overview of the State's system where you may call or text 988, or chat 988.lifeline.org if you or someone you know is having thoughts of suicide or experiencing a mental health or substance use crisis. This event is free, but you must register by visiting our website at www.njac.org and completing the registration form.

TOP 5 BEACH BARS TO VISIT BEFORE LABOR DAY RUINS IT ONCE AGAIN

5. The Anchors Bend in Asbury Park
4. Donovan's Reef in Sea Bright
3. Martell's Tiki Bar in Point Pleasant
2. Harry's Ocean Bar & Grill in Cape May
1. Laguna Grill & Rum Bar in Brigantine

"It has been my observation that people are just about as happy as they make up their minds to be." Abraham Lincoln