



**TESTIMONY OF NEW JERSEY APPLESEED PILC
WITH RESPECT TO S.549 (EARLY VOTING) BEFORE THE SENATE STATE
GOVERNMENT, WAGERING, TOURISM AND
HISTORIC PRESERVATION COMMITTEE
(March 26, 2018)**

Senator Beach, Senator Turner and Members of the Committee:

New Jersey Appleseed Public Interest Law Center, a nonprofit, nonpartisan legal advocacy center has been active in electoral reform since its inception in 1998. Specifically, our mission in this area is to **empower voters** to protect fair access to the election system, to support groups seeking such access, and to pursue systemic and specific changes to enhance public participation and ensure the integrity of the voting process. Toward that end, we support early voting, and support S.549 with the following substantive and technical changes.

First, we do not favor extending the choice to the municipalities on whether or not to adopt early voting. All municipalities should provide early voting, especially since their costs would be absorbed by the State. Uniformity of practice across the State is recommended for purposes of equal

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protection, and in practice, it helps with voter education, knowledge and transparency. New Jersey is already burdened, in this media market, with three different states' conflicting election rules circulating. Obviously, if the law remains optional, some municipalities with May elections will opt-in to early voting, while others will not. It becomes burdensome to determine and communicate to the voting public which municipalities have early voting and which do not. It will just add to voter confusion and, in some cases, generate feelings of unfairness and disadvantage.

Secondly, this bill does not authorize early voting in a municipality with runoff elections, but should. Specifically, "Regular municipal elections" clearly means the initial election for nonpartisan offices, sometimes held in May, sometimes in November. See N.J.S.A. 40:45-6,-7,-7.1(a),-17. The run-off election is a discrete election called, unsurprisingly, a "run-off election." N.J.S.A. 40: 45-18, -19. S.549 speaks only to "regular municipal elections" and does not mention run-off elections. So, if the bill passes as-is, there will be no early voting in runoff elections, which ultimately is the dispositive vote.

Third, Section 1(d) cross-references the compensation for district board of election members serving at a school election pursuant to N.J.S.A. 19:45-6. Incorporating this provision,

Section 1(d) states that poll workers would be paid for early voting at a rate of \$5.77 per hour. This does not even reach minimum wage and should be adjusted higher to get qualified poll workers.

Finally, Section 8 currently violates the constitutional principle of separation of powers as written. Broad rulemaking authority vested in the Secretary of State is a good thing; letting a cabinet officer "make adjustments" to statutory law is unconstitutional.

We urge that you consider our comments and make the changes necessary to ensure that early voting in our State is a success.

Respectfully submitted,

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