



UNION COUNTY BOARD OF ELECTIONS

REGULAR MEETING MINUTES AUGUST 9, 2022

The meeting of the Union County Board of Elections was called to order by Chair Mary Ellen Harris at 10:12am. The following were in attendance: Chair Mary Ellen Harris; Secretary / Commissioner of Registration Clara Harelik, Esq.; Commissioner Dennis Kobitz; Commissioner Tony Teixeira; Commissioner Debra Varnerin; Administrator Nicole DiRado and Deputy Administrator Linda Wise were present. Commissioner James Foerst, Esq. was absent.

The Pledge of Allegiance was recited.

The Statement of Compliance with the Open Public Meetings Act was read by Chair Harris.

APPROVAL OF MINUTES

A motion was made by Commissioner Harelik to adopt the following sets of minutes. Commissioner Kobitz seconded the motion. All Commissioners present voted in the affirmative.

- May 31, 2022 – Regular Meeting Minutes
- June 3, 2022 – Regular Meeting Minutes
- June 7, 2022 – Regular Meeting Minutes
- June 10, 2022 – Regular Meeting Minutes
- June 13, 2022 – Regular Meeting Minutes
- July 12, 2022 – Regular Meeting Minutes

RESOLUTIONS FOR ADOPTION

- Approving the use of the following Secure Ballot Drop Boxes for the October 6, 2022 Kenilworth Special School Election: Kenilworth Recreation Building, 575 Boulevard, Kenilworth; Union County Board of Elections, 271 No. Broad Street, Elizabeth; and the Fraser Building, 300 North Avenue East, Westfield.

Ms. DiRado explained that recently legislation permits the UCBOE to open ballot drop boxes within closest proximity to the municipal clerk of the town in which a special election is being held as well as the County Clerk's office. The Board also suggested opening the drop box at the Union County Administration Complex, corner of Elizabethtown Plaza and Rahway Avenue, Elizabeth.

A motion was made by Commissioner Harelik to open the following drop boxes for the October 6, 2022 Kenilworth Special School Election: Kenilworth Recreation Building, 575 Boulevard, Kenilworth; Union County Board of Elections, 271 No. Broad Street,



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Elizabeth, Union County Administration Complex, corner of Elizabethtown Plaza, Elizabeth; and Rahway Avenue, Elizabeth and the Fraser Building, 300 North Avenue East, Westfield. Commissioner Varnerin seconded the motion. All Commissioners present voted in the affirmative.

- Setting a flat rate for Master Poll Workers in Union County.

Ms. DiRado advised the Board of some changes being made by the Finance Department relative to the payment of Master Poll Workers. Based on the changes, Ms. DiRado believes a flat rate will address the Finance Department's directions.

A motion was made by Commissioner Harelik to set a flat rate for Master Poll Workers in Union County at a rate of \$455 and \$425 for Master Poll Workers who do not attend training. Commissioner Kobitz seconded the motion. All Commissioners present voted in the affirmative.

- Approving a new map for the City of Linden to create Ward 7 District 4 and assign the 8th Ward Recreation Center as its polling location. This change will affect 108 voters.

Ms. DiRado explained that the new ward map approved in March 2022 created a pocket of voters in Ward 7 who were inconvenienced by the location of their new polling place. Creating Ward 7 District 4 will more effectively serve these voters and provide a more convenient polling place. This change was requested by the Municipal Clerk.

A motion was made by Commissioner Kobitz to adopt the new ward map for the City of Linden, which creates Ward 7 District 4. Commissioner Harelik seconded the motion. All Commissioners present voted in the affirmative.

- Approving the following meeting dates for the Kenilworth Special School Board Election to be held on October 6, 2022:
 - September 14, 2022 – (Change meeting from September 13, 2022 – NJAEO Fall Conference – Ballot Signature Review as needed)
 - September 20, 2022 – Ballot Signature Review as needed
 - September 27, 2022 – Ballot Signature Review as needed
 - October 3, 2022 – Ballot Signature Review as needed
 - October 6, 2022 – Kenilworth Special School Election Day
 - October 11, 2022 through October 18, 2022 as needed starting at 10:00am – Counting Provisional Ballots and Mail in Ballots as needed (Quorum via Zoom)
 - October 19, 2022 – 12:00pm – Board of County Canvassers to certify Election



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A motion was made by Commissioner Varnerin to amend the 2022 meeting schedule for the Kenilworth Special School Election. Commissioner Teixeira seconded the motion. All Commissioners present voted in the affirmative.

II. DISCUSSION MATTERS

- New Legislation signed July 28, 2022: While the Board is still waiting on guidance from the New Jersey Division of Elections and the Attorney General's Office relative to the recently signed legislation, a discussion ensued relative to the provisions of the legislation, which is outlined below.

- A3733 / S4488

1. Allows institutions of higher education to award credits to students who serve as poll workers.
2. The guidelines are being promulgated by the Secretary of Education.
3. I have reached out to both UCC and Kean and I am awaiting a response.
4. Effective January 1, 2023

- A1969

1. Allows minors to work as poll workers from 5:30am – 9:00pm.
2. Effective immediately

The Board supports hiring minors aged 16 and 17 to work as poll workers.

- A3817 / S2863

1. Requires privacy sleeves at polling locations.
2. Changes ballot cure deadline to 5pm on the 9th day after Election Day.
3. Requires results reporting by district so long as it does not jeopardize the privacy of the voter.
4. Party declaration changes can be made via a paper form or via online voter registration (which already happens).
5. Effective January 1, 2026, voters may apply for VBMs online through the voter registration system.
6. BOE can begin opening VBMs 5 days prior to Election Day and can begin canvassing 5 days prior to Election Day.



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7. Changes to SVRS / OVR required.
 8. Change of residence notice take effect on the 12th month after it is enacted. Change of residence between 2 counties would be reported to both counties. Need clarification on final language.
- A3819 / S2868
 1. If a voter does not vote by mail in 4 consecutive elections starting with 2020, they will be removed from the list to automatically receive a VBM. Voter will be notified in writing of the change.
 2. If a voter's ballot is returned in 2 consecutive general election because the secondary address is no longer accurate, the ballot will be sent to the voter's registration address. Voter will be notified in writing of the change.
 3. Effective immediately.
 4. SVRS changes required.
 - A3820 / S2869
 1. BOE to mail notifications to UNA voters advising them that they will not automatically receive a VBM in a Primary Election. Notice will include a party declaration form and info on how to declare at a polling place. Effective Immediately.
 2. A voter's party affiliation shall not be visible to the public on the envelope's exterior. Shall be effective January 1, 2023.
 - A3822 / S2865
 1. County Clerk to have ballot to printer 45 days prior to non-federal Primary Election (which is also same date to mail ballots) and 50 days prior to a federal Primary Election and any general election.
 2. At the close of the polls on Election Day and until all ballots are counted, BOE must advise County Clerk of the number of ballots received, counted and left to be counted.
 3. Reports must be sent to Secretary of State by 11:59pm on Election Day night and 8pm every night thereafter
 4. Candidate Petitions are due 71st day prior to Primary Election. Effective next Primary Election.



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5. BOE may establish a pick up schedule to retrieve VBMs deposited in drop boxes consistent with guidelines established by Secretary of State. BOE must open drop boxes geographically closest to municipality for special municipal elections.
 6. BOE to notify voters when they change their party, (which we do already). Takes affect the first day of the 4th month after the bill is enacted.
 7. BOE can begin opening inner envelopes and canvassing VBMs no earlier than 5 days prior to Election Day. Secretary of State to establish guidelines which will be similar to the guidelines from 2020.
 8. Reporting requirements down to district level, unless it jeopardizes their anonymity. This will affect ballot styles, printing. No state money allocated.
- A3823 / S2867
 1. Requires enhanced review of death records two months prior to Election Day. Death records must be forwarded to BOE every two weeks. Within 10 days, voter profile shall be updated in SVRS. We will be required to pull ballots if someone dies after we receive their ballot and before the certification is stripped.
 2. Permits remote training of poll workers who have been trained in person within the last 4 years. BOE to implement procedures to be approved by Secretary of State. Initial instruction must be in person. Board's procedures must be reviewed and approved by Secretary of State every 2 years.
 3. Exempts election worker compensation from taxation and remuneration. No date specified in the bill though the bill is effective immediately.
 4. SOS joined ERIC and allows sharing of voter information to prevent registration in more than one state.
 - A3929
 1. Allows voters overseas to vote in certain state elections depending on residency and intent to return. Federal and state in some years. If voters have never lived in the US, they will only receive the Federal ballot.



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2. A new ballot type will be created in order to accommodate this provision.
3. Affects SVRS.
4. Takes affect Primary Election next year for Union County.

PERSONNEL MATTERS

At the request of Commissioner Kobitz, Mr. Daniel Jacobs was provided a Rice Notice on August 2, 2022 in advance of this meeting. Mr. Jacobs notified Ms. DiRado of his preference to have the meeting held in public session so that he may observe and comment on the meeting.

Commissioner Kobitz advised the Board that independent voters received sample ballots during the 2022 Primary Election. It is Mr. Jacobs' responsibility to transfer the eligible voter file to the printer prior to each election. In a Primary Election, the only voters contained in the file should have been Democrats, Republicans and Unaffiliated voters. Commissioner Kobitz witnessed the confusion caused by this error at the polling locations during early voting as many ineligible voters attempted to vote because they received a sample ballot. While the County Clerk is not aware of the error, Commissioner Kobitz wanted the Board to know because of the confusion it caused and the added expense to print and mail the sample ballots.

Commissioner Harelik suggested there should be a check and balance before the file is transferred to the printer. Additionally, more than one person shall review the file.

The meeting was open for public comment and Daniel Jacobs addressed the Board. Mr. Jacobs advised that he takes complete ownership of the mistake. This was the first time in 15 years this happened. He agreed that working with another person to review the file before it is transferred is a good practice which will happen going forward.

ADJOURNMENT

A motion was made by Commissioner Teixeira to adjourn the meeting. The motion was seconded by Commissioner Harelik. All Commissioners present voted in the affirmative. The meeting was adjourned at 12:00pm.



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