



UNION COUNTY BOARD OF ELECTIONS

REGULAR MEETING MINUTES TUESDAY, FEBRUARY 28, 2023

The meeting of the Union County Board of Elections was called to order by Chair Mary Ellen Harris at 10:39am. The following were in attendance via zoom: Chair Mary Ellen Harris; Secretary / Commissioner of Registration Clara Harelík, Esq.; Commissioner James Foerst, Esq.; Commissioner Dennis Kobitz; Commissioner Raymond Szpond; Commissioner Debra Varnerin; and Administrator Nicole DiRado.

The Statement of Compliance with the Open Public Meetings Act was read by Secretary Harelík.

The Pledge of Allegiance was recited.

PUBLIC COMMENT PERIOD

Mr. Richard Fortunato, Scotch Plains, was introduced as the incoming Commissioner to the Board.

EXECUTIVE SESSION

- Potential Litigation: USDOJ v. Union County Board of Elections

A motion was made by Commissioner Varnerin to enter Executive Session. The motion was seconded by Commissioner Kobitz. All members present voted in the affirmative.

A motion was made by Commissioner Harelík to return to the Public Session. The motion was seconded by Commissioner Foerst. All members present voted in the affirmative.

RESOLUTIONS FOR ADOPTION

- Approving the previously adopted district map for Berkeley Heights.

Ms. DiRado explained that there was a statutory deficiency, wherein the district line was inadvertently drawn through the woods, on the map approved on January 9, 2023 and it is recommended that the Board revert back to the previously approved map. Commissioner Varnerin stated that there is no immediate inconvenience to the voters since the Board has taken steps to alleviate crowding by relocating the polling place, though she would like to revisit the issue after the Primary Election.

A motion was made by Commissioner Foerst to approve district map for Berkeley Heights. The motion was seconded by Commissioner Harelík. All members present voted in the affirmative.

DISCUSSION ITEMS

- NJSA 19:23-45: Notice to Unaffiliated Voters

Ms. DiRado updated the Board on a new law which was signed in July 2022 and goes into effect for the 2023 Primary Election. The new law requires Boards of Elections and County Clerks to advise Unaffiliated (UNA) voters on the All Future Elections list (AFE) that if they do not declare their party by the party affiliation deadline (55 days prior to Election Day - April 12, 2023), they will not be eligible



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for a vote by mail ballot (VBM) for the Primary Election; the voter's only option is to vote during early voting or on election day.

While the intention of the bill was to prevent having to mail 2 ballots to UNA voters on the AFE, the unintended consequence is that all UNAs will be precluded from voting by mail in a primary election if they do not declare by party change deadline. I have advised Senator Scutari, Senator Cryan and the Assembly Majority Office and Senator Cryan is working on legislation to address the potential of disenfranchising thousands of voters.

- Provisional Ballot Voting

Ms. DiRado explained to the Board that legislation is pending which would require reporting of Provisional Ballots on Election Night. The only way for the Board to be in compliance would be to issue Provisional Ballots on the Electronic Poll Book and have the ballot marked on the Voting Machine, instead of issuing a paper provisional ballot. Every time a voter is issued a Provisional Ballot in the Electronic Poll Book it would be captured in Connect, the online website for tracking turnout, which would generate the report required at the close of the polls. The Election Day Provisional Ballot process is the same process used in Early Voting. Ms. DiRado would like to start the new process during the April School Board Election, and roll it out in the Primary Election. Since the Speaker of the Assembly is sponsoring the legislation, it is likely going to pass in some form and the Board needs to be ready. The Board agrees with Ms. DiRado in transitioning the Provisional Ballot marking process to the Electronic Poll Book and ExpressVote XL.

ADJOURNMENT

A motion was made by Commissioner Foerst to adjourn the meeting. The motion was seconded by Commissioner Hareluk. All Commissioners present voted in the affirmative. The meeting was adjourned at 12:31pm.