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VIA E-MAIL

October 5, 2020

E. Junior Maldonado
Hudson County Clerk
257 Cornelison Avenue, 4th Floor
Jersey City, NJ 07302
countyclerk@hcnj.us

RE: Ballot Rejection Concerns

Dear Mr. Maldonado:

On behalf of Disability Rights New Jersey, the League of Women Voters of New Jersey, and the American Civil Liberties Union of New Jersey, I write to express concern about Hudson County's ballot rejection practices during the July 2020 primary and to request that staff be sufficiently trained on ballot counting practices.

Our organizations have been part of a coalition that has worked for years to ensure that New Jersey's election practices protect and expand the fundamental right to vote. When eligible voters submit their ballots by the deadline, it is incumbent upon county elections officials to ensure that their votes are counted.

In service of these democratic principles, we reviewed county-level data on the rejection of mail-in ballots from the July 2020 primary, as well as news reports regarding the data. The numbers in Hudson County were troubling.

According to the analysis by NJ Spotlight News, Hudson County rejected 7.2 percent of ballots submitted, a rate that is nearly double the next highest county's rejection rate (Burlington, 3.8%) and far surpasses the state average of 2.7 percent.¹ As such, Hudson County is a stark outlier in its rejection of ballots. This is of particular concern because Hudson County is home to the highest percentage of minority residents across the state.

One notable area of concern is the County's high number of ballots rejected due to signatures not matching. Because stringent signature-matching can disproportionately affect voters with certain

¹ See Colleen O'Dea, *Why So Many Mail-In Ballots Were Rejected in NJ's July Primary Election. Hint: Many Arrived Late*, NJ Spotlight News, Sept. 10, 2020, <https://www.njspotlight.com/2020/09/nj-primary-election-2020-ballot-rejections-late-arrival-postal-problems/>.

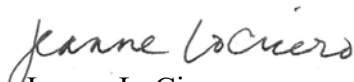
disabilities, and because of the risk of errors or subjectivity in signature-matching, election protection organizations filed suit in League of Women Voters of New Jersey v Way. The lawsuit noted the disproportionately high proportion of signature rejections in Hudson County in the 2016 election. In settling the lawsuit, the State of New Jersey enacted the Ballot Cure Act, which provides voters the opportunity to cure defects including rejected signatures.

To ensure that the ballots of Hudson County voters are not erroneously rejected, we request you take the following actions:

- Ensure elections workers are adequately trained in processing ballots, including training regarding signature matches and the county's obligations under the Ballot Cure Act;
- Provide public information on the Ballot Cure Act on the County's elections website (<https://www.hudsoncountyclerk.org/elections/>); and
- Collect robust data: in addition to existing data obligations, please track information about accounting for ballot rejections marked "other," how many voters attempted to cure ballot rejections, how many ballots were cured, and what reasons were given for ballots that were not cured.

The integrity of elections is fundamental to democracy and the ACLU of New Jersey and our coalition partners will continue to pursue all avenues to ensure that every valid vote is counted. We would welcome an opportunity to discuss these requests with you.

Sincerely,



Jeanne LoCicero

Legal Director

cc: Robert Giles, New Jersey Division of Elections
Hudson County Board of Elections (eballot@hcnj.us; vote@hcnj.us)