June 30, 2020

Honorable Tahesha Way  
Secretary of State  
New Jersey Department of State  
PO Box 300  
Trenton, NJ 08625

Dear Secretary Way,

We are reaching out to ensure that the State has plans to reimburse local governments for the increased costs associated with the all vote-by-mail election ordered by Governor Murphy through Executive Order No. 144 on May 15, 2020.

While nine New Jersey counties with populations over 500,000 received CARES Act funding directly from the federal government to assist with the costs associated with COVID-19, the other twelve counties are dependent on the State to allocate a portion of the $2.4 billion it received under the Act to assist in their response to the coronavirus. In acknowledgement of the State's responsibility, the governor has proposed setting aside $250 million of the State's share to support the needs of local governments. We believe that must include the expense of modifying elections for counties that did not receive federal aid directly.

We represent ten of the twelve counties that did not receive direct federal funding: Atlantic, Burlington, Cape May, Cumberland, Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren.

Our county clerks have advised us that they have incurred significant costs to comply with the governor’s executive order to modify the upcoming primary elections to be held safely during the current public health emergency. It is our understanding that your office has confirmed to the clerks that the State has earmarked some of the CARES Act funding it received to reimburse local governments for these increased costs.

The clerks have expressed concern, however, that no timeline for reimbursement has been communicated by the administration, and that it is unclear if local governments will be reimbursed for the full cost of complying with the governor's executive order beyond the regular expense of holding a standard primary election. We have heard that reimbursements may be limited and available on a first come, first served basis. That would be wrong.
The State's failure to meet its obligation to local governments would shift the burden of funding compliance with Governor Murphy's executive order to property taxpayers. That would only increase the harm inflicted on the people of New Jersey who have suffered so much already during this crisis.

Please provide to us the details of any plans that you have produced, are developing, or are aware of to reimburse local governments for the increased election costs they have incurred under orders from the administration. If no such plans are in the works, please explain why. We look forward to your timely response.

Sincerely,

[Signatures and names]

cc: Governor Philip D. Murphy