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N.J. is arbitrarily throwing out thousands of mail-in ballots, lawsuit says

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Ahead of a surge in mail-in ballots because of the coronavirus, New Jersey voting rights and social justice groups are suing to change how the state counts votes.

In order to verify a ballot, election officials currently compare the signature on a ballot with the corresponding signature on the initial application, according to state law.

That has led “untrained” staff to arbitrarily throw out thousands of votes without due process, according to a lawsuit filed Monday by a resident with Parkinson’s disease, who said his shaking hand has fundamentally altered how he signs his name.

“When you think about how much a signature can change over the years, or how a disability can impact one’s handwriting, it is clear that this is unacceptable,” Ryan Haygood, president of the New Jersey Institute for Social Justice, said in a statement.

The institute co-filed the complaint in U.S. District Court of New Jersey on behalf of the resident with Parkinson’s and the state chapters of the League of Women Voters and the NAACP.

New Jersey Secretary of State Tahesha Way should notify voters about possible rejections, the groups argued, provide a way for those voters to appeal and better train officials who review signatures.

A spokeswoman for Way did not immediately respond to a request for comment.

Even before a pandemic threatened in-person voting, Gov. Phil Murphy signed a bill into law earlier this year making it easier vote by mail, and Murphy has directed that most votes be mailed in for the state’s July primary.

More than 355,700 mail-in ballots were cast during the last presidential election, about 9% of all votes, according to state data.

About 4,000 of those votes were thrown out because of “a signature-related problem,” according to the complaint.

That especially affects residents who speak English as a second language, those with less education and anyone with a disability, the lawsuit said, and the likelihood of having a ballot thrown out because of a signature varied by county. For example, problems with matching signatures led to a larger share of rejected ballots in Hudson County than in Union in 2016, according to the complaint.

The state doesn't train election officials in "signature or handwriting analysis," the lawsuit said, "nor does it provide them with written standards or guidelines to aid in this assessment." Voters can only find out if their vote wasn't counted after the election, the lawsuit said, when it's too late to challenge the decision.