

# The Star-Ledger

## Lawsuits target mail-in voting in N.J., but ballots are already going out

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Monmouth County Republicans recently joined President Donald Trump's campaign team in suing to alter New Jersey's plan for a mostly vote-by-mail election.

But ballots have already begun arriving in mailboxes, and Election Day is less than a month away.

"Unless they make a decision on these lawsuits before Nov. 3, I don't see it making a difference," said Morris County Clerk Ann Grossi. "In my experience, when there have been election issues that come up, with ballots or voting or the way something is printed, by the time they get to it they can't really make a change."

Her office had sent 225,576 ballots to the post office as of Wednesday and her staff was working overtime to reach all 39 towns by Monday, she said. That didn't mean she supported or opposed the complaints, Grossi said, nor did it mean the lawsuits couldn't shape future elections.

Monmouth's complaint was filed in Superior Court Sept. 24, a month after Trump's team and the New Jersey Republican State Committee sued with the help of state Sen. Mike Testa, R-Cumberland.

Testa said their goal wasn't to block people from mailing ballots, and he believes there is still time for a judge to force the state to allow more in-person voting.

"There are thousands of people that have interacted with my office that want to vote in person," he said Thursday. "They don't feel comfortable voting by mail."

Two hearings are scheduled for Testa's lawsuit before the election, according to online court records. On Oct. 19, the court will hear arguments challenging New Jersey's plan to start counting ballots 10 days before Election Day and to allow some ballots without a postmark to be received up to 48 hours after Election Day.

Another hearing is scheduled for Nov. 2, to consider whether a legal nonprofit should be allowed to formally support New Jersey's plan.

In the meantime, recent filings have raised new arguments both for and against laws restricting in-person voting.

When defending the state's plan late September, the attorney general's office noted that 6,935 ballots "properly cast in time for the July 7 primary" were "mis-marked as July 8."

Republicans seized on that detail.

“The recent unveiling of yet another vote-by-mail issue gives me pause,” state Sen. Kristin Corrado, R-Passaic, said in a statement, and she called for more information about how that could have happened.

On Wednesday, a group of computer scientists and security experts said mailing paper ballots potentially offered more security than machines that could be hacked.

“Voter-verified paper ballots are the only practical means of guaranteeing trustworthy and valid post-election audits,” according a document filed by the Rutgers Law School International Human Rights Clinic.

It was not immediately clear when a hearing might be set for Monmouth’s lawsuit.

Jason Sena, a lawyer with Cutolo Barros who filed the complaint on behalf of the county GOP, declined to comment on their best-case scenario during the final weeks of the campaign. A spokeswoman for Monmouth Republicans did not respond to requests for comment.

On Tuesday, Monmouth’s clerk said more than 450,000 ballots will be mailed this week.

As it stands, residents can drop completed ballots in mail boxes, specialized drop boxes or at a few polling places around the state. Voters may also vote provisionally in person, and disabled residents may use a machine.