

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 856

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 3, 2022

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 856.

As amended by the committee, this bill allows county clerks to begin canvassing early votes cast during the early voting period, and county boards of elections to begin canvassing mail-in ballots, before election day under certain conditions.

Under current law, early votes cast during the early voting period may not be canvassed or counted until the polls close on election day. Similarly, mail-in ballots may begin to be canvassed or counted on election day.

Under this bill, as amended, county clerks are permitted to begin canvassing each early vote no earlier than 24 hours after the conclusion of the early voting period. The bill also allows county boards of elections to begin opening the inner envelopes and canvassing each mail-in ballot from the inner envelopes no earlier than ten days prior to the day of the election. The bill directs the Secretary of State to establish guidelines concerning the canvassing process to ensure the security and secrecy of the votes cast. The canvassing results would remain confidential and be disclosed only in accordance current law, regulations, and guidelines concerning the disclosure of election results. The bill prohibits the disclosure of the canvassing results prior to the close of polls on the day of the election. Under current law for mail-in ballots, any person who is authorized to receive and canvass completed mail-in-ballots who knowingly discloses to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls for each election is guilty of a crime of the third degree. This bill extends the same penalties to the disclosure of early voting results.

The bill, as amended, further requires the county clerk to transmit the results of the pre-election day early voting canvass to the county board of elections for canvass no later than the opening of the polls on the day of the election. The bill also requires early voting results to be reported on the date of the election following the closing of the polls

on election day. After the canvass is completed, the bill requires early voting results to be reported as a separate column alongside the columns for election day voting results and mail-in voting results.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) allow the county clerk, rather than the county board of elections, to conduct the pre-election day canvass of the early voting votes;

(2) require the county clerk to transmit the results of the pre-election day early voting canvass to the county board of elections for canvass no later than the opening of the polls on the day of the election;

(3) require early voting results to be reported on the date of the election following the closing of the polls on election day; and

(4) require that, after the canvass is completed, early voting results would be reported as a separate column alongside the columns for election day voting results and mail-in voting results.