

CHAPTER 92

AN ACT concerning electioneering and amending various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.2021, c.40 (C.19:15A-1) is amended to read as follows:

C.19:15A-1 Early voting.

1. a. In addition to all other forms of voting provided for by this Title, a registered voter shall be permitted to vote at a specially designated polling place before the day of certain primary and general elections in this State. This procedure shall be known as early voting. The early voting period shall:

(1) start on the 7th calendar day before a non-presidential primary election for a non-presidential general election and end on the second calendar day before that non-presidential primary election;

(2) start on the 7th calendar day before a presidential primary election for a presidential general election and end on the second calendar day before that presidential primary election; or

(3) start on the 10th calendar day before a general election and end on the second calendar day before that general election.

The voting process during the early voting period shall be conducted using electronic poll books and optical-scan voting machines that read hand-marked paper ballots or other voting machines that produce a voter-verifiable paper ballot. Any municipality conducting regular municipal elections in May pursuant to the provisions of the "Uniform Nonpartisan Elections Law," P.L.1981, c.379 (C.40:45-5 et seq.), may, by an ordinance adopted by its governing body, also conduct early voting for the regular municipal election, in accordance with the provisions of this act, P.L.2021, c.40 (C.19:15A-1 et al.). If adopted by a municipal governing body, the early voting period for a regular municipal election in May shall start on the 4th calendar day before the regular municipal election and end on the second calendar day before that regular municipal election. An early voting period shall only be permitted for a non-presidential or presidential primary election and a general election in this State and, if adopted by a municipal governing body, a regular municipal election conducted in May. Pursuant to the provisions of this act and Title 19 of the Revised Statutes and in accordance with procedures that may be established by the Secretary of State for verifying eligible voters, each county board of elections shall verify that a registered voter is qualified to vote in the election and shall prescribe the manner by which a registered voter may vote during such period.

b. (1) For the primary and the general election, each county board of elections shall designate at least three, but not more than five, public locations within each county as the sites for early voting to occur, except that the county board shall designate at least five, but not more than seven, public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and shall designate at least seven, but not more than 10, public locations for early voting if the number of registered voters in the county is 300,000 or more. This provision shall not be interpreted to prevent county boards of elections, at their discretion, from establishing additional locations in excess of the five, seven, or 10 location limits respectively set forth herein; provided, however, that the State shall be required to provide reimbursement for the costs of locations up to and including the five, seven, or 10 respective limits established herein, and shall not be required to provide reimbursement for additional locations beyond those limits under section 6 of this act, P.L.2021, c.40 (C.19:15A-6). The number of registered voters in each county shall be determined ahead of the selection of early voting sites pursuant to a uniform standard which shall be developed by

the Secretary of State through the rulemaking process pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Whenever possible, early voting locations shall be geographically located so as to ensure both access in the part of the county that features the greatest concentration of population, according to the most recent federal decennial census of the United States, and access in various geographic areas of the county. All early voting locations shall be public facilities, such as county courthouses, public libraries and the offices of the municipal clerk, county clerk, and county board of elections, or places of public accommodation as provided under Title 10 of the Revised Statutes. No public school building and no building used as a public school, as that term is defined under N.J.S.18A:1-1, shall, however, be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the county clerk shall cast the deciding vote. Once early voting locations are designated in each county, county boards of election shall evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each county, reflect the population distribution and density within each county, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

A voter shall be permitted to vote at any early voting site in the voter's county.

(2) Whenever a municipality that conducts regular municipal elections in May chooses to participate in early voting for the regular municipal election, the county board of elections shall designate at least one public location, but not more than three public locations, within the municipality as the site or sites for early voting to occur. This provision shall not be interpreted to prevent a county board of elections, at its discretion, from establishing additional locations in excess of the three location limit set forth herein; provided, however, that the State shall be required to provide reimbursement for the costs of locations up to and including the three location limit established herein, and shall not be required to provide reimbursement for additional locations beyond that limit under section 6 of this act, P.L.2021, c.40 (C.19:15A-6). Whenever possible, each such location shall be geographically located in the part of the municipality that features the greatest concentration of population, according to the most recent federal decennial census of the United States. All early voting locations shall be public facilities, such as municipal courthouses and the offices of the municipal clerk, or places of public accommodation as provided under Title 10 of the Revised Statutes. No public school building and no building used as a public school, as that term is defined under N.J.S.18A:1-1, shall be designated as an early voting location. The locations shall be designated at the same time as all other polling places are designated by the board of elections. In the event of a tie vote among members of the county board with respect to the selection of sites for early voting, the municipal clerk shall cast the deciding vote. Once early voting locations are designated in each municipality, county boards of election shall evaluate and, if deemed necessary, revise these locations in order to accommodate significant changes in the number of registered voters within each municipality, reflect the population distribution and density within each municipality, or because of similar circumstances. The Secretary of State may develop the criteria to be used by county boards of election to revise the location of early voting sites and shall prescribe how often such revision shall take place.

A voter shall be permitted to vote at any early voting site in the voter's municipality.

c. Each early voting site in a county or municipality shall be open for early voting on Monday through Saturday from at least 10 AM to 8 PM, and on Sunday from at least 10 AM

to 6 PM. Any voter who is on line at the time scheduled for the closing of an early voting site shall be permitted to vote.

d. The election officers responsible for conducting early voting shall be the same as those responsible for conducting a primary and a general election, as appropriate, pursuant to this Title. The number of such officers and their hours of service shall be as determined by each county board of elections. The compensation for such officers shall be the same as provided to district board of election members serving at a school election pursuant to R.S.19:45-6, or that required pursuant to Article I, paragraph 23 of the New Jersey Constitution, whichever is greater.

e. The restrictions governing the conduct of voters at a polling place on the days that early voting occurs, the procedures governing who is permitted in a polling place on such occasions and the prohibition on electioneering within 100 feet of a polling place during an election, or within 200 feet of a polling place during an election if the electioneering prohibition is extended at the discretion of a county board of elections, shall be as provided in chapters 15, 34, 50 and 52 of Title 19 of the Revised Statutes and every other applicable section of this Title.

f. In real time using the electronic poll books each day during the early voting period, and prior to the start of each regularly scheduled primary and general election, and regular municipal election in each non-partisan municipality choosing to participate in early voting, each county board shall make such changes as may be necessary to the voter's record in the Statewide voter registration system to indicate that a voter has voted in that election using the early voting procedure.

g. (1) Each county board shall be responsible for forming and executing a written plan to ensure, to the greatest extent possible, the integrity of the voting process and the security of ballots used during the early voting period, including the security of voting machines, voted ballots, and election records. The plan shall be based on guidelines established by the Secretary of State and shall be submitted thereto no later than December 15 of each year. The Secretary of State shall review and, if deemed necessary thereby, require changes to a plan no later than February 1 of each year. Each plan shall specify a chain of custody and security plan for the voting machines, and a chain of custody for the voted ballots and election records and materials, and shall require, among other specifications deemed necessary by the Secretary of State and county boards of election, that all voted ballots shall be transferred at the end of each early voting day to county boards of election for safekeeping. After the voted ballots are transferred to the county board of elections at the end of each early voting day, a county board may elect to impound those voted ballots on a secure server, or by any other means deemed appropriate by the Secretary of State. The voted ballots shall not be canvassed until the closing of the polls on election day as required pursuant to section 4 of this act, P.L.2021, c.40 (C.19:15A-4). The results of the voted ballots cast during early voting shall remain confidential and shall be disclosed only in accordance with the provisions of Title 19 of the Revised Statutes, regulations, and guidelines concerning the disclosure of election results, and a violation shall be subject to the penalties established by law.

(2) Notwithstanding the provisions of this subsection, in the year in which P.L.2021, c.40 (C.19:15A-1 et al.) becomes law, each county board shall submit its plan to the Secretary of State within 30 days following the effective date of this act and the Secretary of State shall review it and, if deemed necessary thereby, require changes in the plan within 45 days following the effective date of this act.

h. Each county board shall make certain that each polling place used for early voting shall be accessible to individuals with disabilities and the elderly, in compliance with the "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.), and that each polling place provides such voters, including the blind and visually impaired, the same opportunity for

access and participation, including privacy and independence, as other voters in compliance with the "Help America Vote Act of 2002" (42 U.S.C. s.15481).

i. The Secretary of State shall establish a printing on demand ballot and elections system. At a minimum, the system shall be compatible with the Statewide voter registration system established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31) and any electronic poll books provided by section 1 of P.L.2019, c.80 (C.19:31-35). Each polling place used for early voting shall have a computer, tablet, or other electronic device to print provisional ballots for voters required to vote by provisional ballot in accordance with the provisions of Title 19 of the Revised Statutes or due to an equipment malfunction as further provided under section 3 of P.L.2019, c.80 (C.19:31-37), or any other election related material, if needed. A computer, tablet, or other electronic device and the printer used to print election materials at a polling place shall not be used unless it has been certified by the Secretary of State. The Secretary of State shall adopt and publish standards and regulations governing the certification and use of computer, tablets, or other electronic devices and printers to print election materials at each polling place used for early voting. The Secretary of State shall not certify a computer, tablet, or other electronic device or printer unless it is in compliance with the secretary's standards.

j. Each polling place used for early voting shall also have such appropriate supplies, ballots and other materials deemed necessary by the Secretary of State or as is required currently for a polling place on the day of any election by Title 19 of the Revised Statutes.

2. R.S.19:34-6 is amended to read as follows:

Prohibited actions in polling place on election day; exception for simulated voting.

19:34-6. a. If a person shall on election day tamper, deface or interfere with any polling booth or obstruct the entrance to any polling place, or obstruct or interfere with any voter, or loiter in or near the polling place, or, with the purpose to obstruct or interfere with any voter or to unduly delay other voters from voting, spend an inordinate amount of time in the polling booth, or do any electioneering within any polling place or within one hundred feet thereof, or within 200 feet thereof if the electioneering prohibition is extended at the discretion of a county board of elections, he shall be guilty of a crime of the third degree.

b. This section shall not be construed to prohibit a minor from entering a polling place on the day of an election to vote in a simulated election at that polling place, or persons from supervising or working at a polling place in a simulated election in which minors vote, provided that the county board of elections has determined that the polling place can accommodate simulated election activities without interfering with the orderly conduct of the official voting process.

3. R.S.19:34-7 is amended to read as follows:

Violation of ballot regulations.

19:34-7. No person shall within the polling room mark his ballot in a place other than in the polling booth or show his ballot, nor shall anyone request such person to show his ballot during the preparation thereof, nor shall any other person inspect such ballot during the preparation thereof or after it is prepared for voting in such a way as to reveal the contents, nor shall any person within the polling place or within a hundred feet thereof, loiter, electioneer, or solicit any voter, or electioneer within 200 feet of the polling place if the electioneering prohibition is extended at the discretion of a county board of elections.

No voter, at any election where official ballots are used, shall knowingly vote or offer to vote any ballot except an official ballot as by this Title required.

No person shall on any pretext carry any official ballot from the polling room on any election day except such persons as may by this Title be authorized to do so.

Any person violating any of the provisions of this section shall be guilty of a crime of the fourth degree.

4. R.S.19:34-15 is amended to read as follows:

Electioneering within or about polling place; disorderly persons offense.

19:34-15. a. If a person shall distribute or display any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question within the polling place or room or within a distance of 100 feet of the outside entrance to such polling place or room, or within 100 feet of a ballot drop box in use during the conduct of an election, the person shall be guilty of a disorderly persons offense.

b. Each county board of elections shall have the discretion to extend the prohibition against electioneering provided under subsection a. of this section to be within a distance of 200 feet of the outside entrance to a polling place or room, or of a ballot drop box in use during the conduct of an election within the county. Each county board of elections shall provide a clear and conspicuous notice of the electioneering prohibition outside the polling place, room, or ballot drop box prior to placing the prohibition into effect, including the penalties for any violation of that prohibition. A person who violates an electioneering prohibition established by a county board of elections pursuant to this subsection shall be guilty of a disorderly persons offense.

5. This act shall take effect immediately.

Approved July 8, 2025.