

ASSEMBLY, No. 119

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywoman B.DeCroce, Assemblymen Wirths and Space

SYNOPSIS

Removes 48-hour provision for acceptance of ballots postmarked by election day; increases penalties for violation of ballot messenger and bearer limits and candidate prohibition.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/25/2021)

1 AN ACT concerning the mail-in ballot acceptance deadline and the
2 penalties for certain violations of the ballot messenger and bearer
3 provisions and amending P.L.2009, c.79.
4

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

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8 1. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to
9 read as follows:

10 22. On the day of each election each county board of elections
11 shall open in the presence of the commissioner of registration, or
12 the designee thereof, the inner envelopes that contain the mail-in
13 ballots with the votes cast for the election. The inner envelopes
14 containing the ballots that the board or the Superior Court has
15 rejected shall not be so opened, but shall be retained as provided for
16 by this act. The board shall then proceed to canvass the votes cast
17 on the mail-in ballots, but no such ballot shall be counted in any
18 primary election for the general election if the ballot of the political
19 party marked for voting thereon differs from the designation of the
20 political party in the primary election of which such ballot is
21 intended to be voted as marked on the envelope by the county board
22 of elections.

23 **【Every mail-in ballot that bears a postmark date of the day of the**
24 **election and that is received by the county board within 48 hours**
25 **after the time of the closing of the polls for the election that the**
26 **ballot was prepared shall be considered valid and shall be**
27 **canvassed.】**

28 Immediately after the canvass is completed, the respective
29 county boards of election shall certify the result of the canvass to
30 the county clerk or the municipal or district clerk or other
31 appropriate officer, as the case may be, showing the result of the
32 canvass by municipality and ward. The votes thus canvassed shall
33 be counted in determining the result of the election.

34 The county board of elections shall, immediately after the
35 canvass is completed for any primary election, certify the results of
36 the votes cast for members of the county committees to the
37 respective municipal clerks, and those votes shall be counted in
38 determining the result of the election.

39 (cf: P.L.2018, c.72, s.8)
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41 2. Section 28 of P.L.2009, c.79 (C.19:63-28) is amended to
42 read as follows:

43 28. a. Any person who knowingly violates any of the provisions
44 of P.L.2009, c.79 (C.19:63-1 et al.), or who, not being entitled to
45 vote thereunder, fraudulently votes or attempts to vote thereunder,

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 or enables or attempts to enable another person not entitled to vote
2 thereunder to vote fraudulently thereunder, or who prevents or
3 attempts to prevent by fraud the voting of any person legally
4 entitled to vote under this act, or who shall knowingly certify
5 falsely in any paper required under this act, or who, at any time,
6 tampers with any ballot or document used in an election or
7 interferes with the secrecy of the voting of any person, is guilty of a
8 crime of the third degree, and upon conviction thereof shall be
9 subject, in addition to such other penalties as are authorized by law,
10 to disenfranchisement, unless and until pardoned or restored by law
11 to the right of suffrage.

12 b. Any person who knowingly aids and abets another in
13 violating any of the provisions of this section is guilty of a crime of
14 the third degree and upon conviction thereof shall be subject, in
15 addition to such other penalties as are authorized by law, to
16 disenfranchisement, unless and until pardoned or restored by law to
17 the right of suffrage.

18 c. Notwithstanding the provisions of this section to the
19 contrary, any person who knowingly violates the provisions of
20 P.L.2009, c.79 (C.19:63-1 et al.) that prohibit a person from serving
21 as an authorized messenger or as a bearer for more than three
22 qualified voters in an election, and that prohibit a person who is a
23 candidate in the election for which the voter requests a mail-in
24 ballot from serving as an authorized messenger or bearer, is guilty
25 of a crime of the second degree, and upon conviction thereof shall
26 be subject, in addition to such other penalties as are authorized by
27 law, to disenfranchisement, unless and until pardoned or restored by
28 law to the right of suffrage.

29 (cf: P.L.2015, c.84, s.6)

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31 3. This act shall take effect immediately.

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STATEMENT

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36 This bill removes the provision of current law that allows for
37 mail-in ballots to be counted if received within 48-hours after the
38 polls close and are postmarked by election day. This bill also
39 increases the penalties for the violation of the ballot messenger and
40 bearer limits and the prohibition against candidates acting as
41 messengers or bearers.

42 Under current law, every mail-in ballot that is postmarked by
43 election day and that is received by the county board of elections
44 within 48 hours after the time of the closing of the polls is
45 considered valid and is required to be canvassed. This bill deletes
46 this timeframe. Therefore, mail-in ballots received after the polls
47 close would not be counted.

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1 Current law also provides that a person may act as a ballot
2 messenger or a bearer for up to three voters in an election.
3 Messengers deliver blank ballots to eligible voters, and bearers
4 return completed ballots to election officials on behalf of eligible
5 voters. The law prohibits candidates from serving as messengers or
6 bearers. Under current law, a person who violates these provisions
7 is guilty of a crime of the third degree and, upon conviction, is
8 subject, in addition to such other penalties as are authorized by law,
9 to disenfranchisement, unless and until pardoned or restored by law
10 to the right of suffrage.

11 This bill provides that any person who knowingly violates the
12 law by serving as an authorized messenger or as a bearer for more
13 than three qualified voters in an election, and any candidate serving
14 as a messenger or bearer in the election for which the voter requests
15 a mail-in ballot, is guilty of a crime of the second degree and, upon
16 conviction, is subject, in addition to such other penalties as are
17 authorized by law, to disenfranchisement, unless and until pardoned
18 or restored by law to the right of suffrage.