

ASSEMBLY, No. 4259

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblywoman Reynolds-Jackson

SYNOPSIS

Allows office of municipal clerk to receive voted mail-in ballots and applications for those ballots by hand delivery; extends deadline for mail-in ballots to be received and canvassed.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/22/2020)

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1 AN ACT concerning the applications for mail-in ballots and delivery
2 of voted mail-in ballots in an election and amending P.L.2009,
3 c.79.

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

7
8 1. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read as
9 follows:

10 5. a. In the case of any election, the application for a mail-in
11 ballot shall be made to the county clerk. The county clerk shall stamp
12 thereon the date on which the application was received in the clerk's
13 office.

14 b. Notwithstanding the provision of subsection a. of this section,
15 applications for mail-in ballot may be hand delivered to the office of
16 the municipal clerk of the municipality in which the voter resides not
17 less than 10 days before an election in which a voter wants to vote by
18 mail. The municipal clerk shall ensure that all applications received
19 are date and time stamped, securely stored and hand delivered to the
20 county clerk pursuant to a schedule established by the county clerk.

21 c. In the case of applications for overseas federal election voter
22 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no
23 application shall be refused on the grounds that it was submitted too
24 early.

25 d. In the case of voter registration forms that include a selected
26 vote by mail option, a copy of each such form shall be transmitted to
27 and received by the appropriate county clerk, who shall be
28 responsible for providing mail-in ballots to each qualified voter
29 requesting such ballots for future elections, until the voter requests
30 otherwise in writing.

31 (cf: P.L.2018, c.72, s.5)

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33 2. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to read
34 as follows:

35 16. a. A mail-in voter shall be entitled to mark any mail-in ballot
36 forwarded to the voter for voting at any election by indicating the
37 voter's choice of candidates for the offices named, and as to public
38 questions, if any, stated thereon, in accordance with current law. In
39 the case of ballots to be voted for any primary election for the general
40 election, as the case may be, the voter's choice shall be limited to the
41 candidates of the voter's political party or to any person or persons
42 whose names are written thereon by the voter. When so marked, such
43 ballot shall be placed in the inner envelope, which shall then be
44 sealed, and the voter shall then fill in the form of certificate attached
45 to the inner envelope, at the end of which the voter shall sign and

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 print the voter's name. The inner envelope with the certificate shall
2 then be placed in the outer envelope, which shall then be sealed.

3 b. No mail-in voter shall permit any person in any way, except
4 as provided by this act, to unseal, mark or inspect the voter's ballot,
5 interfere with the secrecy of the voter's vote, complete or sign the
6 certificate, or seal the inner or outer envelope, nor shall any person
7 do so.

8 c. A mail-in voter shall be entitled to assistance from a family
9 member in performing any of the actions provided for in this section.
10 The family member or other person providing such assistance shall
11 certify that he or she assisted the voter and will maintain the secrecy
12 of the vote by both printing and signing his or her name in the space
13 provided on the certificate. In no event may a candidate for election
14 provide such assistance, nor may any person, at the time of providing
15 such assistance, campaign or electioneer on behalf of any candidate.

16 d. (1) The sealed outer envelope with the inner envelope and the
17 ballot enclosed therein shall then either be mailed to the county board
18 of elections to which it is addressed or delivered personally by the
19 voter or a bearer designated by the voter to the board or to the office
20 of the municipal clerk of the municipality in which the voter resides.
21 To be counted, the ballot must be received by the board or its
22 designee or the office of the municipal clerk before the time
23 designated by R.S.19:15-2 or R.S.19:23-40 for the closing of the
24 polls, as may be appropriate, on the day of an election.

25 (2) Whenever a person delivers a ballot to the county board or the
26 office of the municipal clerk, that person shall provide proof of the
27 person's identity in the form of a New Jersey driver's license, or
28 another form of identification issued or recognized as official by the
29 federal government, the State, or any of its subdivisions, providing
30 the identification carries the full address and signature of the person.
31 The person shall sign a record maintained by the county of all mail-
32 in ballots personally delivered to it.

33 (3) No person shall serve as an authorized messenger or as a
34 bearer for more than three qualified voters in an election. No person
35 who is a candidate in the election for which the voter requests a mail-
36 in ballot shall be permitted to serve as an authorized messenger or
37 bearer. The bearer, by signing the certification provided for in
38 section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she
39 received a mail-in ballot directly from the voter, and no other person,
40 and is authorized to deliver the ballot to the appropriate board of
41 election or designee or the office of the municipal clerk on behalf of
42 the voter.

43 (4) Whenever a person delivers a voted ballot to the office of the
44 municipal clerk, which shall consist of the sealed outer envelope with
45 the inner envelope and the ballot enclosed therein, the person shall
46 sign a record required by the county board of all mail-in ballots
47 received by the office of the municipal clerk. In addition to the

1 person's signature, the record shall contain the following
2 information:

- 3 the name and address of the voter;
- 4 the name and address of the person delivering the ballot;
- 5 the driver's license number or type of and number of the
6 alternative form of identification provided of the person delivering
7 the ballot;
- 8 the date and time that the ballot was delivered; and
- 9 the signature of the municipal clerk or designee who accepted the
10 ballot and reviewed the identification of the person delivering the
11 ballot.

12 (5) The municipal clerk shall ensure that all ballots received are
13 date and time stamped, securely stored and hand delivered, along
14 with the record of mail-in ballots received, to the county board
15 pursuant to a schedule established by the county board. Upon receipt
16 of the ballots and record of mail-in ballots received, the county board
17 shall mark as received and date and time stamp the record and furnish
18 copy of the record to the municipal clerk or designee to be filed in
19 the office of the municipal clerk. The record shall also be maintained
20 on file by the county board. The period of retention for the record
21 for both the county board and the municipal clerk shall be two years
22 following the date of the election to which the record pertains.

23 (cf: P.L.2015, c.84, s.5)

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25 3. Section 22 of P.L.2009, c.79 (C.19:63-22) is amended to read
26 as follows:

27 22. On the day of each election each county board of elections
28 shall open in the presence of the commissioner of registration, or the
29 designee thereof, the inner envelopes that contain the mail-in ballots
30 with the votes cast for the election. The inner envelopes containing
31 the ballots that the board or the Superior Court has rejected shall not
32 be so opened, but shall be retained as provided for by this act. The
33 board shall then proceed to canvass the votes cast on the mail-in
34 ballots, but no such ballot shall be counted in any primary election
35 for the general election if the ballot of the political party marked for
36 voting thereon differs from the designation of the political party in
37 the primary election of which such ballot is intended to be voted as
38 marked on the envelope by the county board of elections.

39 Every mail-in ballot that bears a postmark date of the day of the
40 election and that is received by the county board within ~~[48]~~ 144
41 hours after the time of the closing of the polls for the election that the
42 ballot was prepared shall be considered valid and shall be canvassed.
43 Every mail-in ballot that does not bear a postmark date but that is
44 received by the county board by delivery of the United States Postal
45 Service within 48 hours after the time of the closing of the polls for
46 the election for which the ballot was prepared shall be considered
47 valid and shall be canvassed.

1 Immediately after the canvass is completed, the respective county
2 boards of election shall certify the result of the canvass to the county
3 clerk or the municipal or district clerk or other appropriate officer, as
4 the case may be, showing the result of the canvass by municipality
5 and ward. The votes thus canvassed shall be counted in determining
6 the result of the election.

7 The county board of elections shall, immediately after the canvass
8 is completed for any primary election, certify the results of the votes
9 cast for members of the county committees to the respective
10 municipal clerks, and those votes shall be counted in determining the
11 result of the election.

12 (cf: P.L.2018, c.72, s.8)

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14 4. This act shall take effect immediately.

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STATEMENT

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19 The purpose of this bill is to provide voters with a location within
20 their own municipality to hand deliver applications for mail-in ballots
21 and voted mail-in ballots so that they do not have to travel to their
22 county seat, or rely on the United States Postal Service which may
23 be unreliable in the timely delivery of mail-in ballots. The intent of
24 this bill is to reduce the number of voted mail-in ballots that are
25 rejected, but otherwise valid, due to delays in their delivery to the
26 county board of elections by the United States Postal Service.

27 Under current law, municipal clerks serve as the chief
28 administrative officer of all elections and chief registrar of voters in
29 their respective municipality. Municipal clerks currently have
30 numerous responsibilities related to conducting elections including
31 registering voters, accepting candidate petitions and certifying or
32 rejecting them, and receiving election results and voted provisional
33 ballots from district voting polls and transporting them to the county
34 board of elections.

35 This bill allows the office of the municipal clerk to receive voted
36 mail-in ballots by hand delivery and requires that the municipal clerk
37 hand deliver them to the county board of elections. Under the bill, a
38 voter, or a bearer designated by the voter, may personally deliver a
39 voted mail-in ballot to the office of the municipal clerk of the
40 municipality in which the voter resides. To be counted, the ballot
41 must be received by the office of the municipal clerk before the
42 closing of the polls on the date of the election. Under the bill,
43 whenever a person delivers a voted ballot to the municipal clerk, the
44 person would have to provide proof of identity and sign a record
45 required by the county board of all mail-in ballots received by the
46 office of the municipal clerk.

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1 This bill allows the office of the municipal clerk to receive
2 applications for mail-in ballots by hand delivery and requires that the
3 municipal clerk hand deliver them to the county clerk.

4 This bill also extends the deadline by which mail-in ballots
5 bearing a post mark of the day of the election must be received by
6 the county board of elections in order to be canvassed from 48 hours
7 after the closing of the polls to 144 hours after the closing of the polls.
8 The bill also eliminates the requirement that a mail-in ballot bear a
9 post mark if it is received by the county board of elections by the
10 United States Postal Service within 48 hours after the closing of the
11 polls.