

ASSEMBLY, No. 4570

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 25, 2020

Sponsored by:

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

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SYNOPSIS

Requires early voting period for in-person voting for 2020 general election; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/21/2020)

1 AN ACT requiring an early voting period for in-person voting for
2 the 2020 general election and making an appropriation.

3
4 BE IT ENACTED *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. In addition to all other forms of voting provided for by
8 Title 19 of the Revised Statutes, a registered voter shall be
9 permitted to vote at a specially designated polling place before the
10 day of the 2020 general election, starting on the 14th calendar day
11 before the general election and ending on the calendar day before
12 the general election. This procedure shall be known as early voting.

13 The voting shall be conducted using voting machines. Pursuant
14 to the provisions of this act and Title 19 of the Revised Statutes,
15 each county board of elections shall determine the method of
16 verifying that a registered voter is qualified to vote in the election
17 and shall prescribe the manner by which a registered voter may vote
18 during such period.

19 b. For the 2020 general election, each county board of elections
20 shall designate the building in each municipality in which the office
21 of the municipal clerk is located as the site for early voting to occur.
22 The county board shall designate an additional five public locations
23 as early voting sites if the number of registered voters in the county
24 is at least 150,000 but less than 300,000, and shall designate an
25 additional seven public locations as early voting sites if the number
26 of registered voters in the county is 300,000 or more. The number
27 of registered voters in each county shall be determined ahead of the
28 selection of the additional early voting sites pursuant to a uniform
29 standard which shall be developed by the Secretary of State and
30 shall be effective immediately, notwithstanding the provisions of
31 the "Administrative Procedure Act," P.L.1968, c.140 (C.52:14B-1
32 et seq.).

33 Whenever possible, the additional early voting sites shall be
34 geographically located so as to ensure both access in the part of the
35 county that features the greatest concentration of population,
36 according to the most recent federal decennial census of the United
37 States, and access in various geographic areas of the county. All
38 additional early voting sites shall be public facilities, such as county
39 courthouses or public libraries. No public school building and no
40 building used as a public school shall be designated as an early
41 voting site.

42 The additional early voting sites shall be designated within 10
43 days of the issuance of the uniform standard by the Secretary of
44 State. In the event of a tie vote among members of the county
45 board with respect to the selection of the additional sites for early
46 voting, the county clerk shall cast the deciding vote.

1 c. Each early voting site shall be open for voting on each day
2 of the early voting period, including Saturday and Sunday, from 9
3 AM to 6 PM. Any voter who is in line at the time scheduled for the
4 closing of an early voting site shall be permitted to vote.

5 The county board of elections shall have posted a voter
6 information notice, referred to as a voter's bill of rights, in a
7 conspicuous location in each polling place used for early voting for
8 the 2020 general election.

9 d. The election officers responsible for conducting early voting
10 shall be the same as those responsible for conducting a general
11 election pursuant to Title 19 of the Revised Statutes. The number
12 of such officers and their hours of service shall be as determined by
13 each county board of elections. The compensation for such officers
14 shall be the same as provided to district board of election members
15 serving at a school election pursuant to R.S.19:45-6, except that no
16 such compensation shall be paid to an officer who performs early
17 voting functions during regular assigned hours of work as a public
18 employee for which the person is paid a salary, hourly wages, or
19 any overtime pay.

20 e. The restrictions governing the conduct of voters at a polling
21 place on the days that early voting occurs, the procedures governing
22 who is permitted in a polling place on such occasions, and the
23 prohibition on electioneering within 100 feet of a polling place
24 during an election, shall be as provided in Title 19 of the Revised
25 Statutes.

26 f. At least once each day during the early voting period, and
27 prior to the start of the 2020 general election, each county board
28 shall make such changes as may be necessary to the voter's record
29 in the Statewide voter registration system and the signature copy
30 register used at each polling place to indicate that a voter has voted
31 in the 2020 general election using the early voting procedure.

32 g. Each county board shall be responsible for developing and
33 executing a written plan to ensure, to the greatest extent possible,
34 the integrity of the voting process and the security of voting
35 machines, ballots, and election records used during the early voting
36 period for the 2020 general election. The plan shall be based on
37 guidelines established by the Secretary of State and shall be
38 submitted to the secretary. Each plan shall specify a chain of
39 custody for the voting machines, voted ballots, and election records
40 and materials, and shall require, among other specifications deemed
41 necessary by the Secretary of State and county boards of election,
42 that all voted ballots shall be transferred at the end of each early
43 voting day to county boards of election for safekeeping until
44 canvassing on election day as required by law.

45 Each county board shall submit its plan to the Secretary of State
46 within 10 days following the effective date of this act, and the
47 Secretary of State shall review it and, if deemed necessary thereby,
48 require changes in the plan no later than 10 days before the start of

1 early voting for the 2020 general election.
 2 h. Each county board shall make certain that each polling place
 3 used for early voting for the 2020 general election shall be
 4 accessible to individuals with disabilities and the elderly, in
 5 compliance with the "Americans with Disabilities Act of 1990" (42
 6 U.S.C. 12101 et seq.), and that each polling place provides such
 7 voters, including those who are blind or visually impaired, the same
 8 opportunity for access and participation, including privacy and
 9 independence, as other voters in compliance with the "Help
 10 America Vote Act of 2002" (42 U.S.C. 15481).
 11 i. Each polling place used for early voting for the 2020 general
 12 election shall have such appropriate supplies, ballots, and other
 13 materials deemed necessary by the Secretary of State or as is
 14 required currently for a polling place on the day of any election by
 15 Title 19 of the Revised Statutes.

16
 17 2. In addition to any publications required under Title 19 of the
 18 Revised Statutes, the Secretary of State and each county board of
 19 elections shall cause to be published information concerning the
 20 early voting procedure for the 2020 general election on the
 21 Department of State's website and on each county's website. The
 22 early voting information shall include, at a minimum, a notice to the
 23 public concerning their eligibility to participate in early voting for
 24 the 2020 general election, the duration of the early voting period,
 25 and the locations and hours of operation of specially designated
 26 polling places for early voting in each county.

27
 28 3. a. A duly-registered voter shall be permitted to participate
 29 in early voting for the 2020 general election after submitting a
 30 completed Early Voting Voter Certificate in substantially the
 31 following form:

32
 33 EARLY VOTING VOTER CERTIFICATE FOR 2020 GENERAL
 34 ELECTION

35
 36 I, _____(your name), am a registered voter, residing
 37 at _____ (your street address), _____ County,
 38 New Jersey. I do solemnly swear or affirm that I am the person so
 39 listed on the voter registration rolls of _____ County and that
 40 I reside at the above address. I understand that if I commit or
 41 attempt to commit fraud in connection with voting, vote
 42 fraudulently or vote more than once in an election I could be
 43 convicted of a crime of the third degree and fined up to \$15,000 and
 44 imprisoned for up to five years. I understand that my failure to sign
 45 this certificate invalidates my vote.

46
 47 _____
 48 (Voter Signature)

1 _____
2 (Date)

3
4 Using the completed early voting certificate, and prior to permitting
5 the voter to vote, an election official shall ascertain, in substantially
6 the same manner as required on the day of an election pursuant to
7 Title 19 of the Revised Statutes, that the voter is a duly-registered
8 voter of the county and is entitled to vote in the 2020 general
9 election. Each early voting voter certificate shall be collected and
10 forwarded to the county board at the end of each day of the early
11 voting period and shall be kept by the board for two years following
12 the date of the 2020 general election.

13 b. A voter who has voted in the 2020 general election using the
14 early voting procedure established by this act shall not be permitted
15 to vote by mail-in ballot or in person at the polling place in the
16 voter's election district on the day of the 2020 general election.

17
18 4. a. The challengers for early voting for the 2020 general
19 election shall be appointed in the same manner as provided in Title
20 19 of the Revised Statutes for all elections. The name and address
21 of each challenger, including a candidate acting as a challenger or a
22 challenger representing a grouping of two or more candidates,
23 together with the number or name and location of the polling place
24 at which the challenger is to serve, shall be filed with the county
25 board of elections not later than the fifth day preceding the start of
26 the early voting period for the 2020 general election.

27 b. Each challenger, including a candidate acting as a challenger
28 or a challenger representing a grouping of two or more candidates,
29 shall have all of the powers of challengers serving at other
30 elections, as provided for in Title 19 of the Revised Statutes.

31 c. Any voter whose name does not appear on a challenge list
32 but who is challenged as not qualified or entitled to vote by a
33 challenger duly appointed pursuant to this section shall be entitled
34 to the rights and protections provided by Title 19 of the Revised
35 Statutes.

36
37 5. During the early voting period for the 2020 general election,
38 the county board shall make available to the public a tally of the
39 total number of voters who have cast a ballot at each early voting
40 site during the previous day. The county boards shall prepare an
41 electronic data file listing the names of the individual voters who
42 cast a ballot during the early voting period.

43 This information shall be made available to the public in an
44 electronic format pursuant to rules adopted by the county board and
45 subject to review by the Secretary of State. The information shall
46 be updated and made available to the public no later than noon of
47 each day during the early voting period and shall, at the same time,

1 be provided to the clerk of the county in which early voting is
2 occurring and to the Secretary of State.

3
4 6. An early vote cast in the 2020 general election, as provided
5 for in this act, shall not be canvassed prior to the closing of the
6 polls on the day of the 2020 general election.

7 Every provisional ballot voted during the early voting period for
8 the 2020 general election and determined by a county board to be
9 valid shall be counted and shall be part of the official tally of the
10 results of the 2020 general election.

11
12 7. The Secretary of State is hereby authorized to make such
13 adjustments to the requirements in Title 19 of the Revised Statutes
14 as may be necessary to effectuate the purposes of this act requiring
15 an early voting period for the 2020 general election.

16
17 8. Upon application for reimbursement by a county or
18 municipal governing body to the Secretary of State, and approval of
19 the application by the Director of the Division of Budget and
20 Accounting in the Department of the Treasury, a county or
21 municipality shall be reimbursed by the State for any additional
22 direct expenditures incurred by a county or municipality as a result
23 of the provisions of this act requiring an early voting period for the
24 2020 general election.

25
26 9. There is appropriated from the General Fund, and from any
27 federal funds that may be available, to the Department of State as
28 State aid to each county and each municipality, for the conduct of
29 the early voting period for the 2020 general election, such sums as
30 the State Treasurer and the Director of the Division of Budget and
31 Accounting in the Department of the Treasury deem necessary to
32 effectuate the purpose of section 8 of this act.

33
34 10. This act shall take effect immediately.

35
36
37 STATEMENT

38
39 This bill establishes an in-person early voting procedure to allow
40 voters to cast their votes at specially designated polling places,
41 starting on the 14th calendar day before the 2020 general election
42 and ending on November 2, 2020 (a Monday).

43 Under the bill, in-person early voting will enable a registered
44 voter to vote at a designated polling place before the day of a 2020
45 general election using a voting machine. Designated polling places
46 must be open for early voting on each day, including Saturday and
47 Sunday, from 9 AM to 6 PM. A duly-registered voter will be
48 permitted to vote after signing an early voting voter certificate, and

1 after the voter's eligibility to vote is ascertained in substantially the
2 same manner as on the general election day. At least once each day
3 during the early voting period, and prior to the start of the regularly
4 scheduled 2020 general election, each county board must make such
5 changes as may be necessary to the voter's record in the Statewide
6 voter registration system and the signature copy register used at
7 each polling place to indicate that a voter has voted in that election
8 using the early voting procedure. A voter who participates in early
9 voting would not be permitted to vote by mail-in ballot or in person
10 on the day of the 2020 general election.

11 The bill provides that each county board of elections is to
12 designate an early voting polling site in the building of each
13 municipality in which the office of the municipal clerk is located.
14 The county board must designate an additional five public locations
15 as early voting sites if the number of registered voters in the county
16 is at least 150,000 but less than 300,000, and must designate an
17 additional seven public locations as early voting sites if the number
18 of registered voters in the county is 300,000 or more.

19 When possible, the additional early voting sites must be
20 geographically located so as to ensure both access in the part of the
21 county that features the greatest concentration of population,
22 according to the most recent federal decennial census of the United
23 States, and access in various geographic areas of the county. No
24 public school building may serve as an early voting site.

25 The election officers responsible for conducting early voting for
26 the 2020 general election would be the same as those responsible
27 for conducting the general election. The number of such officers
28 and their hours of service would be as determined by each county
29 board of elections. The compensation for such officers would be as
30 provided for by current law for poll workers serving at a school
31 election.

32 The bill provides that each county board will be responsible for
33 developing and executing a written plan for the security of the
34 voting machines, ballots, and election records used during the early
35 voting period for the 2020 general election, based on guidelines
36 established by the Secretary of State. The written security plan is to
37 ensure, to the greatest extent possible, the integrity of the voting
38 process and the security of the voting machines, voted ballots, and
39 election records and materials used during the early voting period.
40 The security plan must specify a chain of custody for voting
41 machines and voted ballots, which must include the transfer of
42 voted ballots to each county board of elections at the end of each
43 early voting day for safekeeping until canvassing on election day.
44 For the 2020 general election, the procedures concerning the
45 conduct of voters at the polling place and the appointment of
46 challengers, as well as the prohibition on electioneering within 100
47 feet of a polling place, will be as provided for in current law.

1 The bill also provides that, in addition to any publications
2 required under Title 19 of the Revised Statutes, the Secretary of
3 State and county boards of elections must publish on the
4 Department of State's website and the respective county's website
5 information concerning the early voting procedure for the 2020
6 general election. The early voting information must include, but
7 may not be limited to, a notice to the public concerning their
8 eligibility to participate in early voting, the duration of the early
9 voting period, and the locations and hours of operation of specially
10 designated polling places for early voting in each county.

11 Funds to pay for early voting for the 2020 general election would
12 be provided to each county and municipality in such amounts as the
13 State Treasurer and the Director of the Division of Budget and
14 Accounting in the Department of the Treasury deem necessary to
15 cover any additional costs incurred as a result of this bill.

16 On August 14, 2020, Governor Murphy announced that the 2020
17 general election would be conducted primarily by a vote-by-mail
18 system. All active registered voters would automatically receive a
19 prepaid, return postage vote-by-mail ballot. A limited number of
20 polling places would be open on the day of the general election for
21 voter to cast in-person provisional ballots.

22 No voter should be precluded from voting in-person if they want
23 to do so. The State should and can maintain in-person voting in
24 ways that ensure the health of the State's voters by reducing the
25 congregating of voters at polling places. There is evidence that the
26 absence of in-person voting options could negatively impact voters.
27 The purpose of this bill is to ensure that voters are not crowded in
28 polling places on the day of the 2020 general election or forced to
29 wait in lines to exercise their voting rights.

30 Those voters that wish to vote by other means due to concerns
31 related to the public health emergency may take advantage of the
32 State's vote-by-mail procedures.

33 In addition, shifting to a primarily vote-by-mail procedure for the
34 2020 general election would result in significant additional costs to
35 the taxpayers of this State. The surge in mail-in ballots will require
36 the State to spend more money than limited in-person voting would
37 require. Counties will be required to obtain additional space and
38 retain additional staff for processing the mail-in ballots for the 2020
39 general election.

40 Election officials have little time remaining before the 2020
41 general election to prepare for the change in the election process to
42 primarily mail-in voting. States with all or primarily mail-in voting
43 have spent years developing and perfecting the process, while New
44 Jersey is rushing this process without ensuring the State and voters
45 have the tools necessary to handle these changes. These changes
46 will lead to delays in results for the 2020 general election and cause
47 greater voter confusion.