

ASSEMBLY, No. 5453

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 15, 2021

Sponsored by:

Assemblyman GERARD SCHARFENBERGER

District 13 (Monmouth)

SYNOPSIS

Directs Secretary of State to establish election incident reporting and complaint database; requires certain telephone numbers be provided with voter instructions.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning an election incident reporting and complaint
 2 database, and amending P.L.2005, c.149 and P.L.2009, c.79 and
 3 supplementing Title 19 of the Revised Statues.

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

7
 8 1. (New section) a. The Secretary of State shall establish an
 9 election incident reporting and complaint database to document civil
 10 rights violations, voter fraud, or other incidents or complaints related
 11 to the conduct of an election in this State. In real time during the
 12 conduct of an election, the Secretary of State shall compile any
 13 incidents or complaints submitted to the Department of State or to
 14 county election officials in a manner and form the secretary deems
 15 appropriate.

16 b. At a minimum, the reported incidents or complaints shall be
 17 categorized by the following:

- 18 (1) the location, if any, and date of the incident or complaint;
 19 (2) the type of incident or complaint; and
 20 (3) the action, if any, taken in response to the incident or
 21 complaint.

22 The Secretary of State shall provide the complied information to
 23 the appropriate officials, including, but not limited to, the New Jersey
 24 Attorney General and the United States Attorney for the District of
 25 New Jersey, in a manner and form consistent with the provisions of
 26 Title 19 of the Revised Statues and applicable federal law.

27 c. Not later than 30 days following the date of the closing of the
 28 polls, the Secretary of State shall prepare and submit to the Governor
 29 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
 30 Legislature, a report detailing the total number of incidents and
 31 complaints during the conduct of that election, including the action,
 32 if any, taken in response to an incident or complaint. The Secretary
 33 of State shall also make this report available to the public on the
 34 department's Internet site in an easily accessible location.

35
 36 2. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to read
 37 as follows:

38 1. a. A county board of elections shall have posted a voter
 39 information notice, which shall be referred to as a voter's bill of
 40 rights, in a conspicuous location in each polling place before the
 41 opening of the polls on the day of any election.

42 The notice shall contain:

43 the date of the election and the hours during which polling places
 44 will be open;

45 a statement that sample ballots are available at the polling place
 46 for review by the voter;

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 instruction for the use of the voting machine in that polling place
2 and an explanation of what instructions for voting are available at the
3 polling place for the voter;
4 instruction for a voter who is voting for the first time;
5 instruction for a voter who is required to provide identification
6 pursuant to the federal "Help America Vote Act of 2002" and
7 R.S.19:15-17 prior to casting a vote;
8 instruction on how to cast a vote if the voter cannot be present at
9 a polling place on the day of the election;
10 an explanation of the right of the voter to vote in privacy,
11 regardless of the voter's physical abilities;
12 an explanation of the right of the voter to a provisional ballot,
13 including in the event that a mail-in ballot has been applied for and
14 not received or not transmitted to the county board of elections before
15 the day of any election, and the other circumstances under which a
16 voter has a right to a provisional ballot;
17 an explanation of the right of the voter to receive a replacement
18 ballot for a ballot that has been spoiled, destroyed, lost or never
19 received;
20 an explanation of the right of the voter to ask for and receive
21 assistance in voting;
22 an explanation of the right of the voter to take a reasonable amount
23 of time in casting a vote on a voting machine;
24 an explanation of the right of the voter to bring written material
25 into the polling place for the voter's personal use in casting a vote;
26 instruction on how to contact the appropriate officials if a voter's
27 right to vote or right to otherwise participate in the electoral process
28 has been challenged or violated;
29 instruction on how to contact the appropriate officials if a voter
30 suspects voter fraud and general information on federal and State
31 laws that prohibit acts of fraud or misrepresentation and the penalties
32 for those acts;
33 the telephone number of the United States Attorney's Office
34 Election Hotline, the New Jersey Election Hotline, and county
35 election officials of the county;
36 an explanation of the right of the voter to confidentially discover
37 the status of their ballot using the "Track My Ballot" user portal;
38 an explanation that "All ballots are counted and your vote remains
39 anonymous;"
40 an explanation of the right of the voter that if their ballot was
41 rejected, a notice will be issued to the voter within 24 hours after a
42 decision is made to reject the ballot. The voter will have up to 48
43 hours prior to the date for the final certification of the results of the
44 election to provide a cure for their ballot;
45 an explanation giving the options for the voter to provide the cure
46 to their rejected ballot;

1 an explanation that no voters shall be intimidated or otherwise
2 unduly influenced by political insignia while voting. No person shall
3 wear, display, sell, give or provide any political or campaign slogan,
4 badge, button or other insignia associated with any political party or
5 candidate to be worn at or within one hundred feet of the polls or
6 within the polling place or room, on any primary, general or special
7 election day or on any commission government election day, except
8 the badge furnished by the county board as provided by law. This
9 includes any political gear representing the campaign slogans, logos,
10 or depictions or representations of any political party or candidate
11 such as merchandise sold directly from a political party, campaign,
12 candidate, or by third parties and vendors representing any political
13 party or campaign or candidate. A person violating any of these
14 provisions is guilty of a disorderly persons offense and will not be
15 permitted on the premises and can only return to vote after the
16 removal of prohibited political insignia; and

17 such other statement, instruction or explanation the Secretary of
18 State may deem appropriate to ensure the full and knowledgeable
19 participation of the voter in the process.

20 The requirement to post this notice in each polling place shall not
21 replace, supersede or void any other requirement set forth in law for
22 the posting of information in each polling place apart from the voter
23 information notice. The poster promoting the use of voting by mail
24 prepared and distributed by the Secretary of State pursuant to
25 R.S.19:8-6 shall be displayed next to or as close as may be possible
26 to the voter information notice.

27 b. The Secretary of State shall prescribe the form and specific
28 content of the voter information notice, which may be comprised of
29 more than one page. If the notice is comprised of more than one
30 page, each page shall be posted separately. For an election district in
31 which the primary language of 10 percent or more of the registered
32 voters is a language other than English, the Secretary of State shall
33 prescribe an official version of the voter information notice in that
34 other language or languages for use in that election district. The
35 notice shall be posted in English and in the other language or
36 languages in the polling places in each such district. The alternate
37 language shall be determined based on information from the latest
38 federal decennial census.

39 c. A county board of elections may modify or supplement the
40 voter information notice used in a county or municipality to provide
41 additional information specific to that county or a municipality in that
42 county, provided, however, that any such modification or
43 supplementation shall be submitted to the Secretary of State for prior
44 approval.

45 d. The voter information notice shall be printed on each sample
46 ballot, to the extent practicable, or if not practicable, information on

1 how to view or obtain a copy of the voter information notice shall be
2 printed on each sample ballot.

3 e. The voter information notice, including one modified or
4 supplemented pursuant to subsection c. of this section, shall be made
5 accessible on the official Internet site of the State by the Secretary of
6 State and each county board of elections shall ensure that the official
7 Internet site of the county contains a link to that notice.

8 f. (Deleted by amendment, P.L.2020, c.70)

9 g. The State shall be liable for the costs incurred by local
10 government entities for compliance with this section, and they shall
11 be reimbursed for those costs, upon application, by the State
12 Treasurer.

13 (cf: P.L.2020, c.71, s.2)

14

15 3. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to read
16 as follows:

17 12. Each county clerk shall send, with each mail-in ballot, printed
18 directions for the preparation and transmitting of the ballots as
19 required by this act. The directions shall be printed in such manner
20 and form as the Secretary of State shall require, together with two
21 envelopes of such sizes that one will contain the other. The directions
22 prepared by the **【Secretary of State】** county clerk shall inform the
23 voter that the status of the voter's mail-in ballot may be checked using
24 the free-access system provided in section 5 of P.L.2004, c.88
25 (C.19:61-5). The directions prepared by the county clerk shall also
26 include instructions on how to contact the appropriate election
27 officials to report civil rights violations, voter fraud, and other
28 election related matters. The county clerk, at a minimum, shall
29 include the telephone numbers of the United States Attorney's Office
30 Election Hotline, the New Jersey Election Hotline, and the county
31 election officials of that county.

32 The outer envelope shall be addressed to the county board of
33 elections of the county in which is located the home address of the
34 person to whom the mail-in ballot is sent, as certified by the county
35 clerk. At the discretion of the county clerk, the outer envelope may
36 be a postage paid return envelope. On the outside and front of each
37 outer envelope, there shall be printed or stamped the following:

38 To protect your vote:

39 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE
40 VOTER TO MAIL OR TRANSPORT THIS BALLOT UNLESS
41 THE ENVELOPE IS SEALED AND THE FOLLOWING IS
42 COMPLETED:

43 Ballot mailed or transported by
44 (signature of bearer)
45 (print name of bearer)
46 (address of bearer)

1 The reserve side of the outer envelope shall contain the following:

2 REMINDER

3 For your vote to count, you must:

4 1) Vote your ballot and place it in the inner envelope with the
5 attached certificate.

6 2) Seal the envelope.

7 3) Place the envelope into the larger envelope addressed to the
8 board of elections and seal that envelope.

9 4) If another person will be mailing your ballot or bringing it to
10 the board of elections, MAKE CERTAIN THAT PERSON
11 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
12 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
13 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
14 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
15 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A
16 BEARER. NO PERSON IS PERMITTED TO SERVE AS A
17 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN
18 AN ELECTION, BUT A PERSON MAY SERVE AS SUCH FOR
19 UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF THOSE
20 VOTERS ARE IMMEDIATE FAMILY MEMBERS RESIDING IN
21 THE SAME HOUSEHOLD AS THE BEARER.

22 The Secretary of State is authorized to make such changes to the
23 instructions for mail-in ballot materials as the Secretary of State
24 deems necessary or as is mandated by federal or State law.

25 The inner envelope shall be so designed that it can be sealed after
26 the mail-in ballot has been placed therein and the flap thereof shall
27 be of such length and size as to leave sufficient margin, after sealing,
28 for the printing thereon of the certificate hereinafter described. The
29 flap shall be so arranged that, after the inner envelope has been
30 sealed, the certificate can be contained, with the inner envelope, in
31 the outer envelope, and that the margin containing the certificate can
32 be detached without unsealing the inner envelope.

33 On the outside of each envelope in which a mail-in ballot is sent
34 to a mail-in voter by the clerk, there shall be printed or stamped the
35 words "Official Mail-In Ballot." In addition, there shall be printed
36 or stamped the following:

37 To protect your vote:

38 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU THE
39 VOTER TO OPEN, MARK, INSPECT OR SEAL THIS BALLOT.

40 However, a family member may assist you in doing so.

41 The reverse side of each inner envelope shall contain the following
42 statement:

43 A PERSON MAY BE FINED AND IMPRISONED AND MAY
44 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY LAW
45 if that person attempts to vote fraudulently by mail-in ballot, prevents
46 the voting of a legal voter, certifies falsely any information, interferes

1 with a person's secrecy of voting, tampers with ballots or election
2 documents or helps another person to do so.

3 (cf: P.L.2020, c.71, s.10)

4
5 4. This act shall take effect immediately.

6
7
8 STATEMENT

9
10 This bill directs the Secretary of State to establish an election
11 incident reporting and complaint database and requires certain
12 telephone numbers be provided with voter instructions.

13 Under the bill, the Secretary of State is required to establish an
14 election incident reporting and complaint database to document civil
15 rights violations, voter fraud, or other incidents or complaints related
16 to the conduct of an election in this State. The Secretary of State, in
17 real time during the conduct of an election, must compile any
18 incidents or complaints submitted to the Department of State or to
19 county election officials.

20 At a minimum, the reported incidents or complaints must be
21 categorized by the following:

22 (1) the location, if any, and date of the incident or complaint;

23 (2) the type of incident or complaint; and

24 (3) the action, if any, taken in response to the incident or
25 complaint.

26 The Secretary of State is directed to also provide the complied
27 information to the appropriate officials, including, but not limited to,
28 the NJ Attorney General and the U.S. Attorney for the District of
29 New Jersey, in a form and manner consistent with State and federal
30 law. Following the election, the Secretary of State is also required to
31 prepare and submit a report to the Governor and the Legislature
32 detailing the total number of incidents or complaints.

33 The bill also requires the telephone numbers of the U.S.
34 Attorney's Office Election Hotline, the NJ Election Hotline, and
35 county election officials to be posted at polling places in the voter
36 information notice required by current law and in the printed
37 directions transmitted with mail-in ballots that is also required by
38 current law.