

P.L. 2020, CHAPTER 71, *approved August 28, 2020*
Assembly Committee Substitute for
Assembly, No. 4320

1 **AN ACT** concerning voting by mail and certain procedures in an
2 election and amending various parts of the statutory law.

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

6
7 1. R.S.19:8-6 is amended to read as follows:
8 19:8-6. The county boards in counties of the first class and the
9 municipal clerks in counties other than counties of the first class
10 shall purchase or lease and furnish the proper equipment of polling
11 places, to enable the district boards to carry out the duties imposed
12 upon them by this title. The equipment shall consist of tables,
13 chairs, lights, booths and all other things necessary for the
14 performance of such duties, and shall be ready for use by the
15 district boards in ample time to enable them to perform their duties.
16 Also to be included, for conspicuous display at each polling place
17 on the days of any election during each year, shall be the voting and
18 registration instructions provided by the county board of elections,
19 the voting by mail information posters provided by the Secretary of
20 State, and mail-in ballot application forms.

21 The Secretary of State shall prepare a voting by mail
22 informational poster for use at all polling places in the State that
23 illustrates and promotes the use of voting by mail, including the
24 description of the vote-by-mail process, and shall distribute the
25 required number of copies, or replacement copies as needed, to the
26 county boards.

27 The clerks of the several municipalities shall keep in repair, store
28 and deliver the polling booths, ballot boxes and other equipment in
29 time for use by the district boards at the cost and expense of the
30 municipality.

31 In case of any election to be held in and for a municipality only,
32 the duties imposed upon the county boards in counties of the first
33 class regarding the equipment of polling places shall devolve upon
34 the clerk of the municipality wherein the election is to be held. Any
35 equipment in possession of the county board may be used in a
36 municipal election upon requisition.

37 (cf: P.L.1991, c.429, s.7)

38
39 2. Section 1 of P.L.2005, c.149 (C.19:12-7.1) is amended to
40 read as follows:

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

5 The notice shall contain:

6 the date of the election and the hours during which polling places
7 will be open;

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

10 instruction for the use of the voting machine in that polling place
11 and an explanation of what instructions for voting are available at
12 the polling place for the voter;

13 instruction for a voter who is voting for the first time;

14 instruction for a voter who is required to provide identification
15 pursuant to the federal "Help America Vote Act of 2002" and
16 R.S.19:15-17 prior to casting a vote;

17 instruction on how to cast a vote if the voter cannot be present at
18 a polling place on the day of the election;

19 an explanation of the right of the voter to vote in privacy,
20 regardless of the voter's physical abilities;

21 an explanation of the right of the voter to a provisional ballot,
22 including in the event that a mail-in ballot has been applied for and
23 not received or not transmitted to the county board of elections
24 before the day of any election, and the other circumstances under
25 which a voter has a right to a provisional ballot;

26 an explanation of the right of the voter to receive a replacement
27 ballot for a ballot that has been spoiled, destroyed, lost or never
28 received;

29 an explanation of the right of the voter to ask for and receive
30 assistance in voting;

31 an explanation of the right of the voter to take a reasonable
32 amount of time in casting a vote on a voting machine;

33 an explanation of the right of the voter to bring written material
34 into the polling place for the voter's personal use in casting a vote;

35 instruction on how to contact the appropriate officials if a voter's
36 right to vote or right to otherwise participate in the electoral process
37 has been challenged or violated;

38 general information on federal and State laws that prohibit acts
39 of fraud or misrepresentation and the penalties for those acts; and

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

43 The requirement to post this notice in each polling place shall
44 not replace, supersede or void any other requirement set forth in law
45 for the posting of information in each polling place apart from the
46 voter information notice. The poster promoting the use of voting by
47 mail prepared and distributed by the Secretary of State pursuant to

1 R.S.19:8-6 shall be displayed next to or as close as may be possible
2 to the voter information notice.

3 b. The Secretary of State shall prescribe the form and specific
4 content of the voter information notice, which may be comprised of
5 more than one page. If the notice is comprised of more than one
6 page, each page shall be posted separately. For an election district
7 in which the primary language of 10 percent or more of the
8 registered voters is a language other than English, the Secretary of
9 State shall prescribe an official version of the voter information
10 notice in that other language or languages for use in that election
11 district. The notice shall be posted in English and in the other
12 language or languages in the polling places in each such
13 district. The alternate language shall be determined based on
14 information from the latest federal decennial census.

15 c. A county board of elections may modify or supplement the
16 voter information notice used in a county or municipality to provide
17 additional information specific to that county or a municipality in
18 that county, provided, however, that any such modification or
19 supplementation shall be submitted to the Secretary of State for
20 prior approval.

21 d. The voter information notice shall be printed on each sample
22 ballot, to the extent practicable, or if not practicable, information on
23 how to view or obtain a copy of the voter information notice shall
24 be printed on each sample ballot.

25 e. The voter information notice, including one modified or
26 supplemented pursuant to subsection c. of this section, shall be
27 made accessible on the official Internet site of the State by the
28 Secretary of State and each county board of elections shall ensure
29 that the official Internet site of the county contains a link to that
30 notice.

31 f. The provisions of this section shall not give rise to a legal
32 cause of action.

33 g. The State shall be liable for the costs incurred by local
34 government entities for compliance with this section, and they shall
35 be reimbursed for those costs, upon application, by the State
36 Treasurer.

37 (cf: P.L.2009, c.79, s.30)

38

39 3. R.S.19:19-1 is amended to read as follows:

40 19:19-1. The board of county canvassers of each county shall
41 meet on the **【Wednesday next】** thirteenth day, after any such
42 election, at 12 o'clock noon, at the courthouse of the county, for the
43 purpose of checking the canvass which shall have been made by the
44 county clerk from the statements of the district boards filed in his
45 office as hereinbefore provided. For such purpose the county clerk
46 shall have prepared a compilation in tabulated form of such

1 statements and the combined results shown thereby for the use of
2 the board of canvassers.

3 (cf: P.L.2018, c.72, s.10)

4
5 4. R.S.19:23-54 is amended to read as follows:

6 19:23-54. The municipal clerk shall forthwith canvass the
7 statements of the district board as far as they relate to the election
8 of members of the county committee of any political party, and
9 shall issue a certificate of election to each person shown by the
10 returns filed in the office of such municipal clerk to have been so
11 elected.

12 No person whose name was printed on a primary ballot as a
13 candidate for the county committee shall receive a certificate of
14 election as a member of any other county committee.

15 When a person whose name was not printed on a primary ballot
16 as a candidate for member of the county committee has been elected
17 as a member of the county committee of more than one political
18 party, he shall file with the municipal clerk within three days a
19 statement certifying to which political party he belongs, and a
20 certificate of election shall be issued to such person as a member of
21 the county committee of the political party so certified.

22 Any person elected as a member of the county committee of any
23 political party whose name was not printed upon the primary ballot
24 and to whom a certificate of election has been issued, shall before
25 the organization of the county committee file with the secretary
26 thereof a written statement certifying that he is a member of such
27 political party.

28 The municipal clerk shall within **[eight]** thirteen days after the
29 primary election certify to the county clerk and also to the county
30 board two copies of the names and post-office addresses of the
31 persons elected as members of the county committee of the several
32 political parties, together with the ward, district or unit which they
33 respectively represent.

34 (cf: R.S.19:23-54)

35
36 5. Section 6 of P.L.1945, c.59 (C.19:48-3.20) is amended to
37 read as follows:

38 6. Upon receipt of such certification, **[such municipal clerk]**
39 the county clerk of the municipality in which such election is to be
40 held shall proceed to prepare and furnish to such superintendent of
41 elections or such county board of elections, as the case may be, at
42 least seven days before any such election, official ballots of the type
43 and in the number required by law for use in voting machines, and
44 shall make such other arrangements as are necessary to hold such
45 municipal election by the use of voting machines in all election
46 districts of such municipality, in accordance with the provisions of

1 law relating to elections where voting machines are used, and such
2 election shall in all respects be so held and conducted.

3 (cf: P.L.1945, c.59, s.6)

4
5 6. Section 4 of P.L.2009, c.79 (C.19:63-4) is amended to read
6 as follows:

7 4. a. A qualified voter is entitled to apply for and obtain a
8 mail-in ballot by authorized messenger, who shall be so designated
9 over the signature of the voter and whose printed name and address
10 shall appear on the application in the space provided. The
11 authorized messenger shall be a family member or a registered voter
12 of the county in which the application is made and shall place his or
13 her signature on the application in the space so provided in the
14 presence of the county clerk or the designee thereof. No person
15 shall serve as an authorized messenger or as a bearer for more than
16 three qualified voters in an election, except that an authorized
17 messenger or bearer may serve as such for up to five qualified
18 voters in an election if those voters are immediate family members
19 residing in the same household as the messenger or bearer. No
20 person who is a candidate in the election for which the voter
21 requests a mail-in ballot shall be permitted to serve as an authorized
22 messenger or bearer. The authorized messenger shall show a photo
23 identification card to the county clerk, or the designee thereof, at
24 the time the messenger submits the application form. The county
25 clerk or the designee thereof shall authenticate the signature of the
26 authorized messenger in the event such a person is other than a
27 family member, by comparing it with the signature of the person
28 appearing on a State of New Jersey driver's license, or other
29 identification issued or recognized as official by the federal
30 government, the State, or any of its political subdivisions, providing
31 the identification carries the full address and signature of the
32 person. After the authentication of the signature on the application,
33 the county clerk or the designee thereof is authorized to deliver to
34 the authorized messenger a ballot to be delivered to the qualified
35 voter.

36 b. The Secretary of State shall cause to be prepared a standard
37 authorized messenger application form, which may be included with
38 the mail-in ballot application forms. The authorized messenger
39 section of the application shall contain the following language
40 above the signature of the authorized messenger: "I do hereby
41 certify that I will deliver the mail-in ballot directly to the voter and
42 no other person, under penalty of law."

43 (cf: P.L.2015, c.84, s.1)

44
45 7. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
46 as follows:

1 6. a. The county clerk, in the case of any Statewide election,
2 countywide election, or school election in a regional or other school
3 district comprising more than one municipality; the municipal clerk,
4 in the case of any municipal election or school election in a school
5 district comprising a single municipality; and the commissioners or
6 other governing or administrative body of the district, in the case of
7 any election to be held in any fire district or other special district,
8 other than a municipality, created for specified public purposes
9 within one or more municipalities, shall publish the following
10 notice in substantially the following form:

11 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

12 If you are a qualified and registered voter of the State who
13 wants to vote by mail in the..... (school, municipal,
14 primary, general, or other) election to be held on..... (date of
15 election), the following applies:

16 You must complete the application form below and send it to
17 the county clerk where you reside or write or apply in person to the
18 county clerk where you reside to request a mail-in ballot.

19 The name, address, and signature of any person who has assisted
20 you to complete the mail-in ballot application must be provided on
21 the application, and you must sign and date the application.

22 No person may serve as an authorized messenger or bearer for
23 more than three qualified voters in an election, but a person may
24 serve as such for up to five qualified voters in an election if those
25 voters are immediate family members residing in the same
26 household as the messenger or bearer.

27 No person who is a candidate in the election for which the voter
28 requests a mail-in ballot may provide any assistance in the
29 completion of the ballot or serve as an authorized messenger or
30 bearer.

31 A person who applies for a mail-in ballot must submit his or her
32 application at least seven days before the election, but such person
33 may request an application in person from the county clerk up to 3
34 p.m. of the day before the election.

35 Voters who want to vote by mail in all future elections will,
36 after their initial request and without further action on their part, be
37 provided with a mail-in ballot until the voter requests otherwise in
38 writing.

39 Application forms may be obtained by applying to the
40 undersigned either in writing or by telephone, or the application
41 form provided below may be completed and forwarded to the
42 undersigned.

43 Dated.....
44
45 (signature and title of county clerk)
46
47 (address of county clerk)

1

2 (telephone no. of county clerk)

3 b. (1) The Secretary of State shall be responsible for providing
4 all information regarding overseas ballots to each overseas voter
5 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
6 seq.). The secretary shall also make available valid overseas voter
7 registration and ballot applications to any voter who is a member of
8 the armed forces of the United States and who is a permanent
9 resident of this State, or who is an overseas voter who wishes to
10 register to vote or to vote in any jurisdiction in this State. The
11 secretary shall provide such public notice as may be deemed
12 necessary to inform members of the armed forces of the United
13 States and overseas voters how to obtain valid overseas voter
14 registration and ballot applications.

15 (2) The Secretary of State shall undertake a program to inform
16 voters in this State about their eligibility to vote by mail pursuant to
17 this act. Dissemination of this information shall be included in the
18 standard notices required by this section and other provisions of
19 current law, including but not limited to the notice requirements of
20 R.S.19:12-7, and shall be effectuated by such means as the secretary
21 deems appropriate and to the extent that funds for such
22 dissemination are appropriated including, but not limited to, by
23 means of Statewide or local electronic media, public service
24 announcements broadcast by such media, notices on the Internet site
25 of the Department of State or any other department or agency of the
26 Executive Branch of State government or its political subdivisions
27 deemed appropriate by the secretary, and special mailings or notices
28 in newspapers or other publications circulating in the counties or
29 municipalities of this State.

30 c. The mail-in ballot materials shall contain a notice that any
31 person voting by mail-in ballot who has registered by mail after
32 January 1, 2003, who did not provide personal identification
33 information when registering and is voting for the first time in his
34 or her current county of residence following registration shall
35 include copies of the required identification information with the
36 mail-in ballot, and that failure to include such information shall
37 result in the rejection of the ballot.

38 d. The notice provided for in subsection a. of this section shall
39 be published before the 55th day immediately preceding the holding
40 of any election.

41 Notices relating to any Statewide or countywide election shall
42 be published in at least two newspapers published in each county.
43 All officials charged with the duty of publishing such notices shall
44 publish the same in at least one newspaper published in each
45 municipality or district in which the election is to be held, or if no
46 newspaper is published in the municipality or district, then in a
47 newspaper published in the county and circulating in the

1 municipality or district. All such notices shall be display
2 advertisements.
3 (cf: P.L.2018, c.72, s.2)

4

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

7 8. Upon receipt of a request for a mail-in ballot, the county
8 clerk shall, with the cooperation of the commissioner of
9 registration, cause the signature of the applicant to be compared
10 with the signature of the person appearing on the permanent
11 registration form, or the digitalized image of the voter's signature
12 stored in the Statewide voter registration system, to determine from
13 such examination, and any other available information, if the
14 applicant is a voter qualified to cast a ballot in the election in which
15 the voter wants to vote, and determine in case of a primary election
16 the political party primary in which the voter is entitled to vote.
17 The commissioner of registration, or the superintendent of elections
18 in counties having a superintendent of elections may, at the request
19 of the county clerk, investigate any application or request for a
20 mail-in ballot.

21 If, after such examination, the county clerk is satisfied that the
22 applicant is entitled to a ballot, the clerk shall mark on the
23 application "Approved." If, after such examination the county clerk
24 determines that the applicant is not entitled to a ballot, the clerk
25 shall mark on the application "Disapproved" and shall so notify the
26 applicant, stating the reason therefor, as required by section 5 of
27 P.L.2004, c.88 (C.19:61-5). Notification to the applicant shall be
28 made in writing within 24 hours of the determination of disapproval
29 and shall state the specific reason, or reasons, for the disapproval
30 and inform the applicant of the opportunity to challenge the
31 disapproval by contacting the county clerk's office. The county
32 clerk shall provide every disapproved applicant with the
33 opportunity to (1) submit evidence either in person or via fax, postal
34 mail or electronic mail, (2) submit a voter registration application to
35 update signature or change name, address, or party affiliation, (3)
36 submit a new application to vote by mail, or (4) in the case of an
37 application disapproved for a reason related to signature
38 verification, sign an affidavit in the presence of the county clerk, or
39 designee, after presenting current and valid photo identification.
40 (cf: P.L.2009, c.79, s.8)

41

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

44 9. a. Starting on or before the 45th day before the day an
45 election is held, each county clerk shall forward mail-in ballots by
46 first-class postage or hand delivery to each mail-in voter whose
47 request therefor has been approved. Mail-in ballots that have been

1 approved before the 45th day before an election shall be forwarded
2 or delivered at least 45 days before the day of the election. Hand
3 delivery of a mail-in ballot shall be made by the county clerk or the
4 clerk's designee only to the voter, or the voter's authorized
5 messenger, who must appear in person. No person shall serve as an
6 authorized messenger for more than three qualified voters in an
7 election, but a person may serve as such for up to five qualified
8 voters in an election if those voters are immediate family members
9 residing in the same household as the messenger. Ballots that have
10 not been hand delivered shall be addressed to the voter at the
11 forwarding address given in the application.

12 b. (1) Whenever the clerk forwards a mail-in ballot by mail to
13 a mail-in voter between the 45th day and the 13th day before the
14 day of an election, the ballot shall be transmitted within three
15 business days of the receipt of the application.

16 (2) Whenever the clerk forwards a mail-in ballot by mail to a
17 mail-in voter between the 12th day and the seventh day before the
18 day of an election, the ballot shall be transmitted within two
19 business days of the receipt of the application.

20 The provisions of this subsection shall not apply to: (a) annual
21 school elections and special school elections in those school
22 districts holding such elections, pursuant to P.L.1995, c.278
23 (C.19:60-1 et seq.); (b) any municipality in which elections are
24 conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.);
25 (c) annual elections for members of the boards of fire district
26 commissions, pursuant to N.J.S.40A:14-72, when such elections are
27 held at a time other than the time of the general election; and (d) the
28 vote on any public question submitted to the voters of a local unit to
29 increase the amount to be raised by taxation by more than the
30 allowable adjusted tax levy, pursuant to section 11 of
31 P.L.2007, c.62 (C.40A:4-45.46).

32 c. (Deleted by amendment, P.L.2011, c.37).
33 (cf: P.L.2017, c.206, s.8)
34

35 10. Section 12 of P.L.2009, c.79 (C.19:63-12) is amended to
36 read as follows:

37 12. Each county clerk shall send, with each mail-in ballot,
38 printed directions for the preparation and transmitting of the ballots
39 as required by this act. The directions shall be printed in such
40 manner and form as the Secretary of State shall require, together
41 with two envelopes of such sizes that one will contain the other.
42 The directions prepared by the Secretary of State shall inform the
43 voter that the status of the voter's mail-in ballot may be checked
44 using the free-access system provided in section 5 of P.L.2004, c.88
45 (C.19:61-5).

46 The outer envelope shall be addressed to the county board of
47 elections of the county in which is located the home address of the

1 person to whom the mail-in ballot is sent, as certified by the county
2 clerk. At the discretion of the county clerk, the outer envelope may
3 be a postage paid return envelope. On the outside and front of each
4 outer envelope, there shall be printed or stamped the following:
5 To protect your vote:
6 IT IS AGAINST THE LAW FOR ANYONE EXCEPT YOU
7 THE VOTER TO MAIL OR TRANSPORT THIS BALLOT
8 UNLESS THE ENVELOPE IS SEALED AND THE FOLLOWING
9 IS COMPLETED:
10 Ballot mailed or transported by
11 (signature of bearer)
12 (print name of bearer)
13 (address of bearer)
14 The reserve side of the outer envelope shall contain the
15 following:
16 REMINDER
17 For your vote to count, you must:
18 1) Vote your ballot and place it in the inner envelope with the
19 attached certificate.
20 2) Seal the envelope.
21 3) Place the envelope into the larger envelope addressed to the
22 board of elections and seal that envelope.
23 4) If another person will be mailing your ballot or bringing it to
24 the board of elections, MAKE CERTAIN THAT PERSON
25 COMPLETES THE "BEARER PORTION" ON THE ENVELOPE
26 ADDRESSED TO THE BOARD OF ELECTIONS BEFORE THE
27 BALLOT IS TAKEN FROM YOU. NO PERSON WHO IS A
28 CANDIDATE IN THE ELECTION FOR WHICH THE VOTER
29 REQUESTS THIS BALLOT IS PERMITTED TO SERVE AS A
30 BEARER. NO PERSON IS PERMITTED TO SERVE AS A
31 BEARER FOR MORE THAN THREE QUALIFIED VOTERS IN
32 AN ELECTION, BUT A PERSON MAY SERVE AS SUCH FOR
33 UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF
34 THOSE VOTERS ARE IMMEDIATE FAMILY MEMBERS
35 RESIDING IN THE SAME HOUSEHOLD AS THE BEARER.
36 The Secretary of State is authorized to make such changes to the
37 instructions for mail-in ballot materials as the Secretary of State
38 deems necessary or as is mandated by federal or State law.
39 The inner envelope shall be so designed that it can be sealed
40 after the mail-in ballot has been placed therein and the flap thereof
41 shall be of such length and size as to leave sufficient margin, after
42 sealing, for the printing thereon of the certificate hereinafter
43 described. The flap shall be so arranged that, after the inner
44 envelope has been sealed, the certificate can be contained, with the
45 inner envelope, in the outer envelope, and that the margin
46 containing the certificate can be detached without unsealing the
47 inner envelope.

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

5 To protect your vote:

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

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

10 The reverse side of each inner envelope shall contain the
11 following statement:

12 A PERSON MAY BE FINED AND IMPRISONED AND MAY
13 ALSO LOSE THE RIGHT TO VOTE UNTIL RESTORED BY
14 LAW if that person attempts to vote fraudulently by mail-in ballot,
15 prevents the voting of a legal voter, certifies falsely any
16 information, interferes with a person's secrecy of voting, tampers
17 with ballots or election documents or helps another person to do so.
18 (cf: P.L.2015, c.84, s.4)

19

20 11. Section 16 of P.L.2009, c.79 (C.19:63-16) is amended to
21 read as follows:

22 16. a. A mail-in voter shall be entitled to mark any mail-in
23 ballot forwarded to the voter for voting at any election by indicating
24 the voter's choice of candidates for the offices named, and as to
25 public questions, if any, stated thereon, in accordance with current
26 law. In the case of ballots to be voted for any primary election for
27 the general election, as the case may be, the voter's choice shall be
28 limited to the candidates of the voter's political party or to any
29 person or persons whose names are written thereon by the voter.
30 When so marked, such ballot shall be placed in the inner envelope,
31 which shall then be sealed, and the voter shall then fill in the form
32 of certificate attached to the inner envelope, at the end of which the
33 voter shall sign and print the voter's name. The inner envelope with
34 the certificate shall then be placed in the outer envelope, which
35 shall then be sealed.

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

41 c. A mail-in voter shall be entitled to assistance from a family
42 member in performing any of the actions provided for in this
43 section. The family member or other person providing such
44 assistance shall certify that he or she assisted the voter and will
45 maintain the secrecy of the vote by both printing and signing his or
46 her name in the space provided on the certificate. In no event may a
47 candidate for election provide such assistance, nor may any person,

1 at the time of providing such assistance, campaign or electioneer on
2 behalf of any candidate.

3 d. (1) The sealed outer envelope with the inner envelope and
4 the ballot enclosed therein shall then either be mailed to the county
5 board of elections to which it is addressed or delivered personally
6 by the voter or a bearer designated by the voter to the board. To be
7 counted, the ballot must be received by the board or its designee
8 before the time designated by R.S.19:15-2 or R.S.19:23-40 for the
9 closing of the polls, as may be appropriate, on the day of an
10 election.

11 (2) Whenever a person delivers a ballot to the county board, that
12 person shall provide proof of the person's identity in the form of a
13 New Jersey driver's license, or another form of identification issued
14 or recognized as official by the federal government, the State, or
15 any of its subdivisions, providing the identification carries the full
16 address and signature of the person. The person shall sign a record
17 maintained by the county of all mail-in ballots personally delivered
18 to it.

19 (3) No person shall serve as an authorized messenger or as a
20 bearer for more than three qualified voters in an election, but a
21 person may serve as such for up to five qualified voters in an
22 election if those voters are immediate family members residing in
23 the same household as the messenger or bearer. No person who is a
24 candidate in the election for which the voter requests a mail-in
25 ballot shall be permitted to serve as an authorized messenger or
26 bearer. The bearer, by signing the certification provided for in
27 section 12 of P.L.2009, c.79 (C.19:63-12), certifies that he or she
28 received a mail-in ballot directly from the voter, and no other
29 person, and is authorized to deliver the ballot to the appropriate
30 board of election or designee on behalf of the voter.
31 (cf: P.L.2015, c.84, s.5)

32

33 12. Section 17 of P.L.2009, c.79 (C.19:63-17) is amended to
34 read as follows:

35 17. The county board of elections shall, promptly after receiving
36 each mail-in ballot, remove the inner envelope containing the ballot
37 from the outer envelope and shall compare the signature and the
38 information contained on the flap of the inner envelope with the
39 signature and information contained in the respective requests for
40 mail-in ballots. In addition, as to mail-in ballots issued less than
41 seven days prior to an election, the county board of elections shall
42 also check to establish that the mail-in voter did not vote in person.
43 The county board shall reject such a ballot if it is not satisfied,
44 pursuant to a comparison with the Statewide voter registration
45 system, that the voter is legally entitled to vote and that the ballot
46 conforms with the requirements of this act.

1 In the case of a mail-in ballot to be voted at a primary election
2 for the general election, the ballot shall be rejected if the mail-in
3 voter has indicated in the certificate the voter's intention to vote in a
4 primary election of any political party in which the voter is not
5 entitled to vote according to the Statewide voter registration system,
6 and if it shall appear from the record that the voter is not entitled to
7 vote in a primary election of the political party which has been so
8 indicated.

9 Any mail-in ballot which is received by a county board of
10 elections shall be rejected if **[both]** the inner **[and outer envelopes**
11 **are]** envelope is unsealed or if either the inner or outer envelope has
12 a seal that has been tampered with. Mail-in ballots shall not be
13 rejected due to any defect arising out of or relating to the
14 preparation or mailing of the ballot or envelope that was not
15 reasonably caused by the voters, such as a torn envelope and
16 missing or insufficient glue to allow the ballot to be sealed.

17 Disputes about the qualifications of a mail-in voter to vote or
18 about whether or not or how any mail-in ballot shall be counted in
19 such election shall be referred to the Superior Court for
20 determination.

21 After such investigation, the county board of elections shall
22 detach or separate the certificate from the inner envelope containing
23 the mail-in ballot, unless it has been rejected by it or by the
24 Superior Court, marking the envelope so as to identify the election
25 district in which the ballot contained therein is to be voted as
26 indicated by the voter's home address appearing on the certificate
27 attached to or accompanying the inner envelope and, in the case of
28 ballots to be voted at a primary election for a general election, so as
29 to identify the political party in the primary election of which it is
30 to be voted.

31 The location at which a county board of elections determines
32 whether a mail-in ballot shall be accepted or rejected shall be
33 considered an election district for the purposes of appointment of
34 challengers.

35 The Secretary of State shall prepare educational materials
36 regarding this section that all employed county boards of elections
37 employees handling ballots shall read and have available for
38 review. The materials shall provide clear information regarding the
39 standards for acceptance and rejection of mail-in ballots and the
40 safe-keeping of all materials in the case of rejection. The materials
41 shall serve an educational purpose for the county board of elections
42 and shall not replace, supersede, or void the authority of the county
43 board or a judge of the Superior Court to accept or reject a mail-in
44 ballot.

45 (cf: P.L.2011, c.134, s.55)

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

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

16 Every mail-in ballot that bears a postmark date before or of the
17 day of the election and that is received by the county board within
18 ~~[48]~~ 144 hours after the time of the closing of the polls for the
19 election that the ballot was prepared shall be considered valid and
20 shall be canvassed. Every mail-in ballot that does not bear a
21 postmark date but that is received by the county board by delivery
22 of the United States Postal Service before, or within 48 hours after,
23 the time of the closing of the polls for the election for which the
24 ballot was prepared shall be considered valid and shall be
25 canvassed.

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

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

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

38

39 14. This act shall take effect immediately, except that sections 6
40 through 11 shall take effect on February 1, 2021.

41

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43

44

45 Extends ballot receipt and election certification deadlines;
46 increases certain messenger and bearer ballot limits; requires certain
47 information to increase public awareness and use of voting by mail.