

SENATE, No. 99

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

Co-Sponsored by:

Senators Stack, Diegnan and Gopal

SYNOPSIS

Requires availability of early voting for certain elections; makes appropriation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 8/17/2020)

1 **AN ACT** requiring early voting to be available for certain elections,
2 amending various parts of the statutory law, supplementing Title
3 19 of the Revised Statutes, and making an appropriation.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) a. In addition to all other forms of voting
9 provided for by this Title, a registered voter shall be permitted to
10 vote at a specially designated polling place before the day of the
11 general election, starting on the 15th day before the election and
12 ending on the second calendar day before the election. This
13 procedure shall be known as early voting. Any municipality
14 conducting regular municipal elections in May pursuant to the
15 provisions of the "Uniform Nonpartisan Elections Law," P.L.1981,
16 c.379 (C.40:45-5 et seq.), may, by an ordinance adopted by its
17 governing body, also conduct early voting for the regular municipal
18 election, in accordance with the provisions of this act, P.L. ,
19 c. (C.) (pending before the Legislature as this bill). The
20 voting shall be conducted using paper ballots. The ballot used to
21 conduct early voting as provided in this act shall be labeled "Early
22 Voting / Vote By Mail Ballot" and shall also be used to conduct the
23 vote by mail process for the general election pursuant to the
24 provisions of "The Vote By Mail Law," P.L.2009, c.79 (C.19:63-1
25 et seq.). Pursuant to the provisions of this act and Title 19 of the
26 Revised Statutes, each county board of elections shall determine the
27 method of verifying that a registered voter is qualified to vote in the
28 election and shall prescribe the manner by which a registered voter
29 may vote during such period.

30 b. (1) For the general election, each county board of elections
31 shall designate three public locations within each county as the sites
32 for early voting to occur, except that the county board shall
33 designate a total of five public locations for early voting if the
34 number of registered voters in the county is at least 150,000 but less
35 than 300,000, and shall designate a total of seven public locations
36 for early voting if the number of registered voters in the county is
37 300,000 or more. The number of registered voters in each county
38 shall be determined ahead of the selection of early voting sites
39 pursuant to a uniform standard which shall be developed by the
40 Secretary of State through the rulemaking process pursuant to the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.). Whenever possible, early voting locations shall be
43 geographically located so as to ensure both access in the part of the
44 county that features the greatest concentration of population,
45 according to the most recent federal decennial census of the United

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 States, and access in various geographic areas of the county. All
2 early voting locations shall be public facilities, such as county
3 courthouses, public libraries and the offices of the municipal clerk,
4 county clerk, and county board of elections. No public school
5 building and no building used as a public school shall, however, be
6 designated as an early voting location. The locations shall be
7 designated at the same time as all other polling places are
8 designated by the board of elections. In the event of a tie vote
9 among members of the county board with respect to the selection of
10 sites for early voting, the county clerk shall cast the deciding vote.
11 Once early voting locations are designated in each county, county
12 boards of election shall, as provided by the Secretary of State,
13 evaluate and, if deemed necessary, revise these locations in order to
14 accommodate significant changes in the number of registered voters
15 within each county, reflect the population distribution and density
16 within each county, or enhance convenience when an early voting
17 site has proven to be inconvenient for the voters, or because of
18 similar circumstances. The Secretary of State shall develop the
19 criteria to be used by county boards of election to revise the
20 location of early voting sites and shall prescribe how often such
21 revision shall take place.

22 (2) Whenever a municipality that conducts regular municipal
23 elections in May chooses to participate in early voting for the
24 regular municipal election, the county board of elections shall
25 designate at least one public location within the municipality as the
26 site for early voting to occur. Whenever possible, each such
27 location shall be geographically located in the part of the
28 municipality that features the greatest concentration of population,
29 according to the most recent federal decennial census of the United
30 States. All early voting locations shall be public facilities, such as
31 municipal courthouses and the offices of the municipal clerk. No
32 public school building and no building used as a public school shall,
33 however, be designated as an early voting location. The locations
34 shall be designated at the same time as all other polling places are
35 designated by the board of elections. In the event of a tie vote
36 among members of the county board with respect to the selection of
37 sites for early voting, the municipal clerk shall cast the deciding
38 vote. Once early voting locations are designated in each
39 municipality, county boards of election shall, as provided by the
40 Secretary of State, evaluate and, if deemed necessary, revise these
41 locations in order to accommodate significant changes in the
42 number of registered voters within each municipality, reflect the
43 population distribution and density within each municipality, or
44 enhance convenience when an early voting site has proven to be
45 inconvenient for the voters, or because of similar circumstances.
46 The Secretary of State shall develop the criteria to be used by
47 county boards of election to revise the location of early voting sites
48 and shall prescribe how often such revision shall take place.

- 1 c. Each early voting site in a county or municipality shall be
2 open for early voting on Monday through Saturday from 10 AM to
3 8 PM, and on Sunday from 10 AM to 6 PM. Any voter who is on
4 line at the time scheduled for the closing of an early voting site
5 shall be permitted to vote.
- 6 d. The election officers responsible for conducting early voting
7 shall be the same as those responsible for conducting a general
8 election pursuant to this Title. The number of such officers and
9 their hours of service shall be as determined by each county board
10 of elections. The compensation for such officers shall be the same
11 as provided to district board of election members serving at a
12 school election pursuant to R.S.19:45-6.
- 13 e. The restrictions governing the conduct of voters at a polling
14 place on the days that early voting occurs, the procedures governing
15 who is permitted in a polling place on such occasions and the
16 prohibition on electioneering within 100 feet of a polling place
17 during an election, shall be as provided in chapters 15, 34, 50 and
18 52 of Title 19 of the Revised Statutes and every other applicable
19 section of this Title.
- 20 f. At least once each day during the early voting period, and
21 prior to the start of each regularly scheduled general election, and
22 regular municipal election in each non-partisan municipality
23 choosing to participate in early voting, each county board shall
24 make such changes as may be necessary to the voter's record in the
25 Statewide voter registration system and the signature copy register
26 used at each polling place to indicate that a voter has voted in that
27 election using the early voting procedure.
- 28 g. (1) Each county board shall be responsible for forming and
29 executing a written plan to ensure, to the greatest extent possible,
30 the integrity of the voting process and the security of ballots used
31 during the early voting period, including the security of voted
32 ballots and election records. The plan shall be based on guidelines
33 established by the Secretary of State and shall be submitted thereto
34 no later than December 15 of each year. The Secretary of State
35 shall review and, if deemed necessary thereby, require changes to a
36 plan no later than February 1 of each year. Each plan shall specify
37 a chain of custody for ballots and voted ballots and shall require,
38 among other specifications deemed necessary by the Secretary of
39 State and county boards of election, that all voted ballots shall be
40 transferred at the end of each early voting day to county boards of
41 election for safekeeping until canvassing on election day as
42 required pursuant to section 5 of this act, P.L. , c. (C.) (pending
43 before the Legislature as this bill).
- 44 (2) Notwithstanding the provisions of this subsection, in the
45 year in which P.L. , c. (C.) (pending before the Legislature
46 as this bill) becomes law, each county board shall submit its plan to
47 the Secretary of State within 15 days following the effective date of
48 this act and the Secretary of State shall review it and, if deemed

1 necessary thereby, require changes in the plan within 45 days
2 following the effective date of this act.

3 h. Each county board shall make certain that each polling place
4 used for early voting shall be accessible to individuals with
5 disabilities and the elderly, in compliance with the "Americans with
6 Disabilities Act of 1990" (42 U.S.C. 12101 et seq.), and that each
7 polling place provides such voters, including the blind and visually
8 impaired, the same opportunity for access and participation,
9 including privacy and independence, as other voters in compliance
10 with the "Help America Vote Act of 2002" (42 U.S.C. 15481).

11 i. Each polling place used for early voting shall have such
12 appropriate supplies, ballots and other materials deemed necessary
13 by the Secretary of State or as is required currently for a polling
14 place on the day of any election by Title 19 of the Revised Statutes.

15
16 2. (New section) a. A duly-registered voter shall be permitted
17 to participate in early voting after completing an Early Voting Voter
18 Certificate in substantially the following form:

19

20 EARLY VOTING VOTER CERTIFICATE

21

22 I, _____(your name), am a registered voter, residing
23 at _____ (your street address), _____ County,
24 New Jersey. I do solemnly swear or affirm that I am the person so
25 listed on the voter registration rolls of _____ County and that
26 I reside at the above address. I understand that if I commit or
27 attempt to commit fraud in connection with voting, vote
28 fraudulently or vote more than once in an election I could be
29 convicted of a crime of the third degree and fined up to \$15,000 and
30 imprisoned for up to five years. I understand that my failure to sign
31 this certificate invalidates my vote.

32

33 _____
34 (Voter Signature)

35

36 _____
37 (Date)

38

39 Using the completed early voting certificate, and prior to permitting
40 the voter to vote, an election official shall ascertain, in substantially
41 the same manner as required on the day of an election pursuant to
42 Title 19 of the Revised Statutes, that the voter is a duly-registered
43 voter of the county and is entitled to vote in that election. Each
44 early voting voter certificate shall be collected and forwarded to the
45 county board at the end of each day of the early voting period and
46 shall be kept by the board for two years following the date of the
47 election.

48 b. A voter who has voted in an election using the early voting

1 procedure established by this act, P.L. , c. (C.)(pending
2 before the Legislature as this bill), shall not be permitted to vote by
3 mail-in ballot or in person at the polling place in the voter's election
4 district on the day of the election.

5
6 3. (New section) a. The appointment of challengers for early
7 voting shall be in the same manner as provided in chapter 7 of Title
8 19 of the Revised Statutes for all elections. The name and address
9 of each challenger, including a candidate acting as a challenger or a
10 challenger representing a grouping of two or more candidates,
11 together with the number or name and location of the polling place
12 at which the challenger is to serve, shall be filed with the county
13 board of elections not later than the fifth day preceding the start of
14 the early voting period.

15 b. Each challenger, including a candidate acting as a challenger
16 or a challenger representing a grouping of two or more candidates,
17 shall have all of the powers of challengers serving at other
18 elections, as provided for in R.S.19:7-5 and by R.S.19:15-1 et seq.

19 c. Any voter whose name does not appear on a challenge list
20 but who is challenged as not qualified or entitled to vote by a
21 challenger duly appointed pursuant to this section shall be entitled
22 to the rights and protections provided by R.S.19:15-18 et seq., and
23 every other applicable section of this Title.

24
25 4. (New section) During each early voting period, the county
26 board shall make available to the public a tally of the total number
27 of voters who have cast a ballot at each early voting location during
28 the previous day. The county boards shall prepare an electronic
29 data file listing the names of the individual voters who cast a ballot
30 during the early voting period. This information shall be made
31 available to the public in an electronic format pursuant to rules
32 adopted by the county board and subject to review each year by the
33 Secretary of State. The information shall be updated and made
34 available to the public no later than noon of each day during the
35 early voting period and shall at the same time be provided to the
36 clerk of the county in which early voting is occurring and to the
37 Secretary of State.

38
39 5. (New section) An early vote cast in an election, as provided
40 for in this act, P.L. , c. (C.) (pending before the Legislature
41 as this bill), shall not be canvassed prior to the closing of the polls
42 on the day of an election.

43 Every provisional ballot voted in each such election and
44 determined by a county board to be valid shall be counted and shall
45 be part of the official tally of the results of the election.

46
47 6. (New section) In compliance with the provisions of Article
48 VIII, Section II, paragraph 5 of the New Jersey Constitution, upon

1 application for reimbursement by a county governing body or a
2 municipal governing body, as may be appropriate, to the Secretary
3 of State and approval of the application by the Director of the
4 Division of Budget and Accounting in the Department of the
5 Treasury, a county or municipality shall be reimbursed by the State
6 for any additional costs incurred by the county or municipality as a
7 result of the provisions of this act, P.L. , c. (C.) (pending
8 before the Legislature as this bill).

9
10 7. (New section) In addition to any publications required under
11 Title 19 of the Revised Statutes, the Secretary of State and each
12 county board of elections shall cause to be published information
13 concerning the early voting procedure on the Department of State's
14 website and on each county's website. The early voting information
15 shall include, but may not be limited to, a notice to the public
16 concerning their eligibility to participate in early voting, the
17 duration of the early voting period, and the locations and hours of
18 operation of specially designated polling places for early voting in
19 each county.

20
21 8. (New section) The Secretary of State is hereby authorized to
22 make such adjustments to Title 19 of the Revised Statutes by
23 regulation as may be necessary to effectuate the purposes of this
24 act.

25
26 9. R.S.19:12-7 is amended to read as follows:

27 19:12-7. a. The county board in each county shall cause to be
28 published in a newspaper or newspapers which, singly or in
29 combination, are of general circulation throughout the county, a
30 notice containing the information specified in subsection b. hereof,
31 except for such of the contents as may be omitted pursuant to
32 subsection c. or d. hereof. Such notice shall be published once
33 during the 30 days next preceding the day fixed for the closing of
34 the registration books for the primary election, once during the
35 calendar week next preceding the week in which the primary
36 election for the general election is held, once during the 30 days
37 next preceding the day fixed for the closing of the registration
38 books for the general election, and once during the calendar week
39 **【next】** preceding the week in which the early voting period for the
40 general election **【is held】** begins.

41 b. Such notice shall set forth:

42 (1) For the primary election for the general election:

43 (a) That a primary election for making nominations for the
44 general election, for the selection of members of the county
45 committees of each political party, and in each presidential year for
46 the selection of delegates and alternates to national conventions of
47 political parties, will be held on the day and between the hours and
48 at the places provided for by or pursuant to this Title.

1 (b) The place or places at which and hours during which a
2 person may register, the procedure for the transfer of registration,
3 and the date on which the books are closed for registration or
4 transfer of registration.

5 (c) The several State, county, municipal and party offices or
6 positions to be filled, or for which nominations are to be made, at
7 such primary election.

8 (d) The existence of registration and voting aids, including: (i)
9 the availability of registration and voting instructions at places of
10 registration as provided under R.S.19:31-6; and (ii), if available, the
11 accessibility of voter information to the deaf by means of a
12 telecommunications device.

13 (e) The availability of assistance to a person unable to vote due
14 to blindness, disability or inability to read or write.

15 (f) In the case of the notice published during the calendar week
16 next preceding the week in which the primary election is held, that
17 a voter who, prior to the election, shall have moved within the same
18 county without (i) filing, on or before the 21st day preceding the
19 election, a notice of change of residence with the commissioner of
20 registration of the county or the municipal clerk of the municipality
21 in which the voter resides on the day of the election, (ii) returning
22 the confirmation notice sent to the voter by the commissioner of
23 registration of the county, if such a notice has been sent to the voter,
24 or (iii) otherwise notifying the commissioner of registration of the
25 voter's change of address within the county shall be permitted to
26 correct the voter's registration and to vote in the primary election by
27 provisional ballot at the polling place of the district in which the
28 voter resides on the day of the election. The notice shall further
29 provide that the voter may contact the county commissioner of
30 registration or municipal clerk to determine the proper polling place
31 location for the voter.

32 (2) For the general election:

33 (a) That a general election will be held on the day and between
34 the hours and at the places provided for by or pursuant to this Title,
35 and the days, hours and places at which early voting shall be
36 available in the county, and, where applicable, shall include annual
37 school elections and annual fire district elections held on that date.

38 (b) The place or places at which and hours during which a
39 person may register, the procedure for transfer of registration, and
40 the date on which the books are closed for registration or transfer of
41 registration.

42 (c) The several State, county and municipal offices, and where
43 applicable, school board offices and fire district elections to be
44 filled, notice of any school district propositions to be submitted to
45 the people and, except as provided in R.S.19:14-33 of this Title as
46 to publication of notice of any Statewide proposition directed by the
47 Legislature to be submitted to the people, the State, county,

1 municipal and fire district public questions to be voted upon at such
2 general election.

3 (d) The existence of registration and voting aids, including: (i)
4 the availability of registration and voting instructions at places of
5 registration as provided under R.S.19:31-6; and (ii) the accessibility
6 of voter information to the deaf by means of a telecommunications
7 device.

8 (e) The availability of assistance to a person unable to vote due
9 to blindness, disability or inability to read or write.

10 (f) In the case of the notice published during the calendar week
11 **【next】** preceding the week in which the early voting period for the
12 general election 【is held】 begins, that a voter who, prior to the
13 election, shall have moved within the same county without (i)
14 filing, on or before the 21st day preceding the election, a notice of
15 change of residence with the commissioner of registration of the
16 county or the municipal clerk of the municipality in which the voter
17 resides on the day of the election, (ii) returning the confirmation
18 notice sent to the voter by the commissioner of registration of the
19 county, if such a notice has been sent to the voter, or (iii) otherwise
20 notifying the commissioner of registration of the voter's change of
21 address within the county shall be permitted to correct the voter's
22 registration and to vote in the general election by provisional ballot
23 at the polling place of the district in which the voter resides on the
24 day of the election. The notice shall further provide that the voter
25 may contact the county commissioner of registration or municipal
26 clerk to determine the proper polling place location for the voter.

27 (3) For a school election:

28 (a) The day, time and place thereof,

29 (b) The offices, if any, to be filled at the election,

30 (c) The substance of any public question to be submitted to the
31 voters thereat,

32 (d) That a voter who, prior to the election, shall have moved
33 within the same county without (i) filing, on or before the 21st day
34 preceding the election, a notice of change of residence with the
35 commissioner of registration of the county or the municipal clerk of
36 the municipality in which the voter resides on the day of the
37 election, (ii) returning the confirmation notice sent to the voter by
38 the commissioner of registration of the county, if such a notice has
39 been sent to the voter, or (iii) otherwise notifying the commissioner
40 of registration of the voter's change of address within the county
41 shall be permitted to correct the voter's registration and to vote in
42 the school election by provisional ballot at the polling place of the
43 district in which the voter resides on the day of the election,

44 (e) That if the voter has any questions as to where to vote on the
45 day of the election, the voter may contact the county commissioner
46 of registration or municipal clerk to determine the proper polling
47 place location for the voter; and

48 (f) Such other information as may be required by law.

1 c. If such publication is made in more than one newspaper, it
2 shall not be necessary to duplicate in the notice published in each
3 such newspaper all the information required under this section, so
4 long as:

5 (1) The municipal officers or party positions to be filled, or
6 nominations made, or municipal public questions to be voted upon
7 by the voters of any municipality, shall be set forth in at least one
8 newspaper having general circulation in such municipality;

9 (2) All offices to be filled, or nominations made therefor, or
10 public questions to be voted upon, by the voters of the entire State
11 or of the entire county shall be set forth in a newspaper or
12 newspapers which, singly or in combination, have general
13 circulation throughout the county;

14 (3) Information relating to nominations and elections in each
15 Legislative District comprised in whole or part in the county, shall
16 be published in at least a newspaper or newspapers which singly or
17 in combination, have general circulation in every municipality of
18 the county which is comprised in such legislative district.

19 d. Such part or parts of the original notices as published which
20 pertain to day of registration or primary election which has occurred
21 shall be eliminated from such notice in succeeding insertions.

22 e. (Deleted by amendment, P.L.1999, c.232.)

23 f. The cost of publishing the notices required by this section
24 shall be paid by the respective counties, unless otherwise provided
25 for by law.

26 g. Notices required to be published or posted pursuant to this
27 section shall set forth a general description of the contents of the
28 voter information notice provided for in section 1 of P.L.2005,
29 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
30 prior to the day of an election, and that the notice will be posted in
31 each polling place on the day of an election.

32 (cf: P.L.2017, c.206, s.2)

33

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

36 1. a. A county board of elections shall have posted a voter
37 information notice, which shall be referred to as a voter's bill of
38 rights, in a conspicuous location in each polling place **【before the**
39 **opening of the polls on the day of any election】** and each specially
40 designated polling place used for early voting before voting begins.

41 The notice shall contain:

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

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

46 instruction for the use of the voting machine in that polling place
47 and an explanation of what instructions for voting are available at
48 the polling place for the voter;

- 1 instruction for a voter who is voting for the first time;
- 2 instruction for a voter who is required to provide identification
- 3 pursuant to the federal "Help America Vote Act of 2002" and
- 4 R.S.19:15-17 prior to casting a vote;
- 5 instruction on how to cast a vote if the voter cannot be present at
- 6 a polling place on the day of the election;
- 7 an explanation of the right of the voter to vote in **【privacy】**
- 8 private, regardless of the voter's physical abilities;
- 9 an explanation of the right of the voter to a provisional ballot,
- 10 including in the event that a mail-in ballot has been applied for and
- 11 not received or not transmitted to the county board of elections
- 12 before the day of any election, and the other circumstances under
- 13 which a voter has a right to a provisional ballot;
- 14 an explanation of the right of the voter to receive a replacement
- 15 ballot for a ballot that has been spoiled, destroyed, lost or never
- 16 received;
- 17 an explanation of the right of the voter to ask for and receive
- 18 assistance in voting;
- 19 an explanation of the right of the voter to take a reasonable
- 20 amount of time in casting a vote on a voting machine;
- 21 an explanation of the right of the voter to bring written material
- 22 into the polling place for the voter's personal use in casting a vote;
- 23 instruction on how to contact the appropriate officials if a voter's
- 24 right to vote or right to otherwise participate in the electoral process
- 25 has been challenged or violated;
- 26 general information on federal and State laws that prohibit acts
- 27 of fraud or misrepresentation and the penalties for those acts; and
- 28 such other statement, instruction or explanation the Secretary of
- 29 State may deem appropriate to ensure the full and knowledgeable
- 30 participation of the voter in the process.
- 31 The requirement to post this notice in each polling place shall
- 32 not replace, supersede or void any other requirement set forth in law
- 33 for the posting of information in each polling place apart from the
- 34 voter information notice.
- 35 b. The Secretary of State shall prescribe the form and specific
- 36 content of the voter information notice, which may be comprised of
- 37 more than one page. If the notice is comprised of more than one
- 38 page, each page shall be posted separately. For an election district
- 39 in which the primary language of 10 percent or more of the
- 40 registered voters is a language other than English, the Secretary of
- 41 State shall prescribe an official version of the voter information
- 42 notice in that other language or languages for use in that election
- 43 district. The notice shall be posted in English and in the other
- 44 language or languages in the polling places in each such district.
- 45 The alternate language shall be determined based on information
- 46 from the latest federal decennial census.
- 47 c. A county board of elections may modify or supplement the
- 48 voter information notice used in a county or municipality to provide

1 additional information specific to that county or a municipality in
2 that county, provided, however, that any such modification or
3 supplementation shall be submitted to the Secretary of State for
4 prior approval.

5 d. The voter information notice shall be printed on each sample
6 ballot, to the extent practicable, or if not practicable, information on
7 how to view or obtain a copy of the voter information notice shall
8 be printed on each sample ballot.

9 e. The voter information notice, including one modified or
10 supplemented pursuant to subsection c. of this section, shall be
11 made accessible on the official Internet site of the State by the
12 Secretary of State and each county board of elections shall ensure
13 that the official Internet site of the county contains a link to that
14 notice.

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

17 g. The State shall be liable for the costs incurred by local
18 government entities for compliance with this section, and they shall
19 be reimbursed for those costs, upon application, by the State
20 Treasurer.

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

22
23 11. R.S.19:14-21 is amended to read as follows:

24 19:14-21. The county clerk shall cause samples of the official
25 general election ballot to be printed in English, but for each election
26 district within the county in which the primary language of 10% or
27 more of the registered voters is Spanish, shall cause samples of the
28 official general election ballot to be printed bilingually in English
29 and Spanish.

30 a. In counties not having a superintendent of elections where
31 the county board of elections does not have the equipment or
32 facilities to address and mail sample ballot envelopes, the county
33 clerk not later than noon of the eighth day prior to the start of the
34 early voting period for the general election shall furnish to the
35 municipal clerk of each municipality in his county one and one-
36 tenth times as many such sample ballots and stamped envelopes as
37 there are voters registered, less the number of voters who have been
38 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
39 and have not responded, to enable each district board in each
40 municipality to mail one of such sample ballots to each voter who is
41 registered in the municipality, except those voters who have been
42 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
43 and have not responded, for such election and shall take a receipt
44 for the same from each of the municipal clerks, which receipt shall
45 indicate the number of such sample ballots and stamped envelopes
46 delivered by the county clerk and the date and hour of their
47 delivery.

1 b. In counties having a superintendent of elections, and in other
2 counties where the county board of elections may have the
3 equipment or facilities to prepare a properly stamped envelope
4 addressed to each registered voter in the county for mailing, the
5 county clerk, not later than the thirtieth day preceding the start of
6 the early voting period for the general election, shall furnish to the
7 commissioner of registration located in his county one and one-
8 tenth times as many stamped envelopes as there are registered
9 voters in the county, less the number of voters who have been sent a
10 confirmation notice pursuant to subsection d. of R.S.19:31-15 and
11 have not responded, and not later than noon of the twelfth day
12 preceding the start of the early voting period for the general election
13 shall furnish to the commissioner of registration located in the
14 county, one and one-tenth times as many sample ballots as there are
15 registered voters in the county to enable the commissioner of
16 registration of the county to mail one of such sample ballots to each
17 voter registered in the county, except those voters who have been
18 sent a confirmation notice pursuant to subsection d. of R.S.19:31-15
19 and have not responded, for such election and shall take a receipt
20 for the same from the commissioner of registration, which receipt
21 shall indicate the number of such sample ballots and stamped
22 envelopes delivered by the county clerk and the date and hour of
23 their delivery. County boards of elections which elect to operate
24 under the provisions of this paragraph shall notify their county clerk
25 in sufficient time to enable him to make the necessary arrangements
26 the first year.

27 c. The county clerk in counties having a superintendent of
28 elections shall also deliver to the county board not later than the
29 twelfth day preceding the start of the early voting period for the
30 general election 10 such sample ballots of each election district of
31 each municipality in the county.

32 (cf: P.L.2009, c.110, s.1)

33
34 12. R.S.19:14-22 is amended to read as follows:

35 19:14-22. The official general election sample ballots shall be as
36 nearly as possible facsimiles of the official general election ballot to
37 be voted at such election and shall have printed thereon, after the
38 words which indicate the number of the election district for which
39 such sample ballots are printed, the name of the school district,
40 when appropriate, the number or name and municipality or
41 municipalities of the fire district, when appropriate, the street
42 address or location of the polling place in the election district, and
43 the hours between which the polls shall be open. Such sample
44 ballots shall be printed on paper different in color from the official
45 general election ballot, and have the following words printed in
46 large type at the top: "This ballot cannot be voted. It is a sample
47 copy of the official general election ballot used on election day."
48 The sample ballot shall also state clearly the days, hours and places

1 at which early voting shall be available in the county.

2 (cf: P.L.2017, c.206, s.7)

3

4 13. R.S.19:14-24 is amended to read as follows:

5 19:14-24. The municipal clerk to whom the sample ballots and
6 stamped envelopes have been so delivered by the county clerk shall
7 deliver the same at his office, or in any other way he sees fit, on or
8 before noon of the Tuesday preceding the start of the early voting
9 period for the general election, to a member or members of each
10 district board, and shall take a receipt for the same from the
11 member or members of the district boards of such municipality,
12 which receipt shall indicate the number of sample ballots and
13 stamped envelopes delivered by the municipal clerk and the date
14 and hour of their delivery.

15 (cf: R.S.19:14-24)

16

17 14. R.S.19:14-25 is amended to read as follows:

18 19:14-25. In counties not having a superintendent of elections
19 where the county board of elections does not have the equipment or
20 facilities to address and mail sample ballot envelopes, all the
21 members of each of the district boards shall prepare and deposit in
22 the post office, on or before 12 noon on Wednesday preceding the
23 start of the early voting period for the general election **【day】**, a
24 properly stamped envelope containing a copy of the sample ballot
25 printed in English, addressed to each registered voter in the district
26 of such board at the address shown on the register, except that for
27 districts in which the primary language of 10% or more of the
28 registered voters is Spanish, a properly stamped envelope
29 containing a copy of the bilingual sample ballot, addressed to each
30 registered voter in the district of such board at the address shown on
31 the register shall be prepared and deposited. The board shall also
32 post the appropriate sample ballots in the polling place in its
33 district.

34 The board shall return to the municipal clerk all ballots and
35 envelopes not mailed or posted by it, with a sworn statement in
36 writing signed by a majority of the board that all the remainder of
37 such ballots and envelopes had been mailed.

38 In counties having a superintendent of elections, and in other
39 counties where the county board of elections shall elect to operate
40 under the provisions of subsection b. of section 19:14-21 of this
41 Title, the commissioner of registration shall prepare and deposit in
42 the post office on or before 12:00 o'clock noon, on the Wednesday
43 preceding the start of the early voting period for the general election
44 **【day】**, a properly stamped envelope containing a copy of the
45 sample ballot printed in English addressed to each registered voter
46 in the county at the address shown on the registry, except that for
47 districts in which the primary language of 10% or more of the
48 registered voters is Spanish, a properly stamped envelope

1 containing a copy of the bilingual sample ballot, addressed to each
2 registered voter in the district of such board at the address shown on
3 the register shall be prepared and deposited. The commissioner of
4 registration shall return to the county clerk all ballots and envelopes
5 not mailed or posted by him, with a sworn statement in writing
6 signed by him that all the remainder of such ballots and envelopes
7 have been mailed.

8 The county board of elections, in all counties having a
9 superintendent of elections, and in other counties where the county
10 board of elections shall elect to operate under the provisions of
11 subsection b. of section 19:14-21 of this Title, shall, not later than
12 noon of the second Monday preceding the start of the early voting
13 period for the election, deliver or mail to the members of the district
14 board three appropriate sample ballots for their respective election
15 district. The board shall post the appropriate sample ballots in the
16 polling place in its district.

17 (cf: P.L.1974, c.30, s.3)

18
19 15. Section 3 of P.L.1981, c.379 (C.40:45-7) is amended to read
20 as follows:

21 3. Except as may otherwise be provided by law for initial
22 elections conducted in a municipality following its adoption of a
23 plan or form of government, or a charter or an amendment thereto,
24 regular municipal elections shall be held in each municipality
25 governed by this act on the second Tuesday in May, or the day of
26 the general election in November if chosen by the municipality
27 pursuant to subsection a. of section 1 of P.L.2009, c.196 (C.40:45-
28 7.1), in the years in which municipal officers are to be elected. The
29 municipal election shall be held at the same place or places and
30 conducted in the same manner, so far as possible, as the general
31 election. The election officers shall be those provided for
32 conducting the general election.

33 A municipality holding municipal elections on the second
34 Tuesday in May, in addition to those elections and by an ordinance
35 adopted by its governing body, may also conduct early voting for
36 those municipal elections, in accordance with the provisions of
37 P.L. , c. (C.) (pending before the Legislature as this bill). A
38 municipality holding municipal elections on the day of the general
39 election in November shall conduct early voting in accordance with
40 the provisions of P.L. , c. (C.) (pending before the
41 Legislature as this bill).

42 Notwithstanding the provisions of this section, the Secretary of
43 State may change in any year the date provided for a regular
44 municipal election if the date coincides with a period of religious
45 observance that limits significantly the usual activities of the
46 followers of a particular religion or that would result in significant
47 religious consequences for such followers. The secretary shall
48 inform the municipal clerks, county clerks and boards of election of

1 the adjustment no later than the first working day in January of the
2 year in which the adjustments are to occur.

3 As used in this section "a period of religious observance" means
4 any day or portion thereof on which a religious observance imposes
5 a substantial burden on an individual's ability to vote.
6 (cf: P.L.2009, c.196, s.4)
7

8 16. There is appropriated from the General Fund as State aid to
9 each county governing body and to each municipal governing body
10 that approves conducting early voting such sums as the State
11 Treasurer and the Director of the Division of Budget and
12 Accounting in the Department of the Treasury deem necessary to
13 effectuate the purpose of section 6 of this act.
14

15 17. This act shall take effect immediately, or on the first day
16 following the general election in November if the date of enactment
17 occurs within 90 days preceding that election.
18
19

20 STATEMENT

21

22 This bill establishes an in-person early voting procedure to allow
23 voters to cast their votes at specially designated polling places,
24 starting on the 15th day before the general election, and ending on
25 the second calendar day before the election (a Sunday). A
26 municipality holding municipal elections on the second Tuesday in
27 May, by an ordinance adopted by its governing body, may also
28 conduct in-person early voting for those municipal elections.

29 Under the bill, in-person early voting will enable a registered
30 voter to vote at a designated polling place before the day of a
31 general election using a paper ballot. The ballot used to conduct in-
32 person early voting will be labeled "Early Voting / Vote By Mail
33 Ballot," and will also be used to conduct the vote by mail process
34 for the general election provided for in "The Vote By Mail Law."
35 Designated polling places must be open for early voting on Monday
36 through Saturday from 10 AM to 8 PM, and on Sunday from 10 AM
37 to 6 PM. A duly-registered voter will be permitted to vote after
38 signing an early voting voter certificate, and after the voter's
39 eligibility to vote is ascertained in substantially the same manner as
40 done on election day. At least once each day during the early
41 voting period, and prior to the start of the regularly scheduled
42 election, each county board must make such changes as may be
43 necessary to the voter's record in the Statewide voter registration
44 system and the signature copy register used at each polling place to
45 indicate that a voter has voted in that election using the early voting
46 procedure. A voter who participates in early voting would not be
47 permitted to vote by mail-in ballot or in person on election day.

1 The bill provides that each county board of elections is to
2 designate three early voting locations in each county, except that
3 the county board must designate a total of five public locations for
4 early voting if the number of registered voters in the county is at
5 least 150,000 but less than 300,000, and must designate a total of
6 seven public locations for early voting if the number of registered
7 voters in the county is 300,000 or more. Under the bill, the number
8 of registered voters in each county must be determined ahead of the
9 selection of early voting sites pursuant to a uniform standard to be
10 developed by the Secretary of State. Whenever possible, early
11 voting sites must be geographically located so as to ensure both
12 access in the part of the county that features the greatest
13 concentration of population, according to the most recent federal
14 decennial census of the United States, and access in various
15 geographic areas of the county. No public school building may
16 serve as an early voting location. Once early voting locations are
17 designated in each county, county boards of election must, as
18 provided by the Secretary of State, evaluate and, if deemed
19 necessary, revise these locations in order to accommodate
20 significant changes in the number of registered voters within each
21 county, reflect the population distribution and density within each
22 county, or enhance convenience when an early voting site has
23 proven to be inconvenient for the voters, or because of similar
24 circumstances. The Secretary of State must develop the criteria to
25 be used by county boards of election to revise the location of early
26 voting sites and must prescribe how often such revision must take
27 place.

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

34 The bill provides that each county board will be responsible for
35 forming and executing a written plan for the security of the ballots
36 used during the early voting period, including voted ballots and
37 election materials, based on guidelines established by the Secretary
38 of State and submitted thereto no later than December 15 of each
39 year. The written security plan is to ensure, to the greatest extent
40 possible, the integrity of the voting process and the security of
41 ballots used during the early voting period. The security plan must
42 specify a chain of custody of ballots and voted ballots, which must
43 include the transfer of voted ballots to each county board of
44 elections at the end of each early voting day for safekeeping until
45 canvassing on election day. For the elections that early voting is
46 available, the procedures concerning the conduct of voters at the
47 polling place and the appointment of challengers, as well as the

1 prohibition on electioneering within 100 feet of a polling place, will
2 be as provided for in current law.

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

13 Funds to pay for early voting would be provided to each county
14 governing body and each non-partisan municipal governing body
15 that approves early voting in such amounts as the State Treasurer
16 and the Director of the Division of Budget and Accounting in the
17 Department of the Treasury deem necessary to cover any additional
18 costs incurred as a result of this bill.

19 This bill is based on the early voting procedures used by other
20 states that permit in-person voting prior to the day of certain
21 elections.